

## Re-establishment of the Sorrento Board of Appeals

### Section 1. Re-establishment

1. The Town of Sorrento hereby re-establishes a board of appeals. The board which has been acting as a board of appeals is hereby re-established as the appeals board. The actions which it has taken prior to the adoption of this ordinance are hereby declared to be the acts of the legally constituted board of appeals of the Town of Sorrento.

### Section 2. Appointment

2.1 Members of the board of appeals shall be appointed by the municipal officers, who shall determine their compensation, and be sworn by the municipal clerk or other person authorized to administer oaths.

2.2 The board shall consist of five (5) members and two (2) alternate members.

2.3 The term of each member shall be one (1) year, except the initial appointments which shall be for one, two or three years, with alternate members appointed for three years.

2.4 When there is a permanent vacancy, the municipal officers shall appoint a person to serve for the unexpired term. A vacancy shall occur upon the resignation or death of any member, or when a member fails to attend four (4) consecutive regular meetings without a reasonable excuse, or when a member ceases to be a voting resident of the town. The municipal officers may remove members of the board of appeals by majority vote, for cause, after notice and hearing.

2.5 Neither a municipal officer nor his or her spouse may serve as a member or alternate member of the board of appeals.

### Section 3. Organization, Rules and Procedures

3.1 The board shall elect a chairperson and a secretary from among its full voting members and create and fill such other offices as it may determine. The term of all offices shall be one (1) year with eligibility for re-election.

3.2 When a member is unable to act because of interest, physical incapacity, absence or any other reason satisfactory to the chairperson, the chairperson shall designate an alternate member to sit in his or her place.

3.3 Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the members, except the member who is being challenged.

3.4 An alternate member may attend all meetings of the board and participate in its proceedings, but may vote only when he or she has been designated by the chairperson to sit for a member.

3.5 The chairperson shall call one regular meeting each month, provided there is business to conduct.

3.6 No meeting of the board shall be held without a quorum consisting of three (3) members or alternate members authorized to vote. No action shall be taken by the board without at least three (3) concurring votes on the issue before the board.

### Section 4. Duties and Powers

4.1 The board of appeals shall adopt bylaws governing board functions.

4.2 The board of appeals shall adopt rules and procedures for transaction of business and the secretary shall keep a record of its resolutions, transactions correspondence, findings, and determinations.

4.3 The board of appeals shall file all bylaws, rules and procedures and subsequent revisions with the municipal clerk. Copies shall be provided to the municipal officers for their information.

4.4 The board of appeals shall perform such duties and exercise such powers as are provided by ordinance and the laws of the State of Maine.

4.5 The board of appeals may obtain goods and services necessary to its proper function within the limits of appropriations made for the purpose.

### Section 5. Severability Clause

Should any section or provision of this ordinance be declared by the courts to be invalid, such decisions shall not invalidate any other section or provision of this ordinance.

September 14, 2004