

MANUFACTURED HOME AND TRAILER PARK ORDINANCE
Town of Machias, Maine

Enacted Date: at the Annual Town Meeting on March 27, 1972.

Amended: at the Special Town Meeting on February 12, 2020

Certified by: *Andrea N. Clifton*
Name

Town Clerk
Title Affix Seal

MANUFACTURED HOME AND TRAILER PARK ORDINANCE
CONTENTS

Section	Page
1. Definitions	1-3
2. Application and Permits	3-5
3. Manufactured Park and Trailer Park Lot Identification	5-6
4. Manufactured Home Park and Trailer Park Street Identification	6
5. Obligations of Park Owners	6-7
6. Obligations of Manufactured Home and Trailer Owners or Occupants	8-9
7. Location, Space and General Layout of Manufactured Home Parks/Trailer Parks	9-10
8. Utility and Service Requirements in Manufactured Home Parks	10-11
9. Violations and Enforcement	11
10. Appeals	11-12

MANUFACTURED HOME AND TRAILER PARK ORDINANCE

Town of Machias, Maine

Title:

This Ordinance shall be known and may be cited as "The Manufactured Home and Trailer Park Ordinance of the Town of Machias, Maine".

Purpose:

The Ordinance has been drafted with the purpose to define and regulate manufactured home and trailer parks and all geographic areas included in the permitted park area, to establish minimum standards governing the construction and maintenance of manufactured home and trailer parks; to establish minimum standards governing utilities and facilities and duties of owners and operators of manufactured homes, and trailer parks; and to authorize the inspection of manufactured homes, trailers within said parks, and to affix penalties for violations.

Applicability:

Enactment of this ordinance shall constitute a repeal of the "The Manufactured Home Park and Trailer Park Ordinance of the Town of Machias, Maine" currently in effect. The provisions of this ordinance, after adoption, shall not apply to existing manufactured home parks, but shall apply to further additions to existing manufactured home parks.

Exclusions:

Manufactured Homes and Trailers regulated under this ordinance do not include Recreation Vehicles, utility trailers, buses, or any other structure designed for temporary use, recreational camping, or transportation or individuals or products. Only structures defined in this ordinance that were manufactured for year-round use shall be allowed within an approved Manufactured Home Park or Trailer Park permitted within the Town of Machias.

Jurisdiction:

This Ordinance shall have jurisdiction over all property within the boundaries of the Town. The Ordinance will regulate the development and operations of manufactured home and trailer parks and requires everyone who, within its jurisdiction, operates or intends to develop or operate a manufactured home or trailer park to obtain approval from the Machias Planning Board or their authorized representative.

Conflict with Other Ordinances:

Whenever the requirements of this Ordinance conflict with the requirements of any other rule, regulation, ordinance, or statute, the more restrictive requirement shall prevail, unless otherwise prohibited by state law or expressly provided for in this ordinance.

Section 1 – Definitions:

Accessory Structure: A structure of a nature customarily incidental or subordinate to the principal structure.

Code Enforcement Officer: A person or persons appointed by the Town Manager to administer and enforce Town Ordinances. The term shall also include Building Inspector, Fire Inspector, Local Plumbing Inspector and the like, if applicable.

Permittee: The manufactured home park owner or the applicant for a manufactured home park permit.

Manufactured Home: Those units constructed after June 15, 1976, which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures transportable in one or more sections, that in the traveling mode are fourteen (14) body feet or more in width and are seven hundred fifty (750) or more square feet, and that are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. This term shall also include any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 United States Codes 5401, et seq.

Manufactured Home and Trailer Owner: A person having ownership and/or legal control of a manufactured home or trailer herein after referred to as homeowner.

Manufactured Home and Trailer Park: A parcel of land under unified ownership approved by the Town for the placement thereon of three or more manufactured homes or trailers. Manufactured home and trailer parks of three or more lots which qualify as a subdivision under Title 30A, Section 4401 et. Seq of the Maine State Statutes shall be subject to review under that law as well as this ordinance.

Manufactured Home and Trailer Park Lot: The area of land on which an individual Manufactured Home or Trailer is situated within a home park and which is reserved for use by the occupants of that home.

Manufactured Home and Trailer Park Owner: A person having ownership and/or legal control of a Manufactured Home and Trailer Park herein after referred to as Park Owner.

Person: An individual, partnership, corporation, limited liability company, limited liability partnership, trust or any other form of legal entity recognized under the laws of the State of Maine.

Structure: Anything constructed or erected, the use of which requires a location on the ground or attachment to something located on the ground, including, but not limited to, buildings and Manufactured Home and Trailers.

Trailer: Those units constructed prior to June 15, 1976, meaning structures, transportable in one (1) or more sections, which are eight (8) body feet or more in width and are thirty-two (32) body feet or more in length, and which are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities, including the plumbing, heating, air-conditioning or electrical systems contained therein.

Utility Structure: A structure located on a manufactured home lot which is designated and used for the storage and use of personal property of the manufactured home occupants.

Transition Provisions: All manufactured home parks and trailer parks that had a permit under the Town of Machias Manufactured Park and Trailer Park Ordinance as of February 12, 2020 may continue to operate under said permit. Provided, however, that any such park and the manufactured homes contained therein shall be governed by the provisions of this Ordinance. The owner or operator of a manufactured home park shall apply for a permit under this Ordinance by not later than June 1, 2020, and the Park shall be permitted under this Ordinance by not later than September 1, 2020. Failure to make application within the time specified shall constitute a violation of this Ordinance. In addition, the continued operation or maintenance of a manufactured home park (now a manufacture home and/or trailer park) without a permit and/or in violation of the provisions of this Ordinance after September 1, 2020 shall constitute a violation of this Ordinance. Any manufactured home and trailers located in a manufactured home or trailer home park on the date of adoption of this Ordinance shall be brought into compliance with the requirements of this ordinance by September 1, 2020.

Separability: If any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such action shall not be deemed to affect the validity of any other provision of this Ordinance.

Section 2 – Application and Permits

Permit Required – It shall be unlawful for any person to construct, maintain, operate, or alter any manufactured home park or trailer park within the limits of the Town of Machias unless he or she or any firm holds a valid permit that is first issued by Machias Planning Board and reissued annually by the Board of Selectmen in the name of such person or person or firm for the specific manufactured home park or trailer park.

Applications for an initial permit shall be subject to a fee of \$200.00 and an annual renewal fee of \$50.00 for the manufactured home and trailer parks of ten manufactured home or trailer spaces or less, authorized under this Ordinance. For each additional manufactured home or trailer space over ten there shall be a fee of \$5.00 for each such authorized manufactured home and each trailer space within a manufactured home park or trailer park. Fees shall be paid to the Town Clerk. All initial applications for permits shall be made to the Machias Planning Board. Issuance of the annual renewable permit by the Board of Selectmen shall be contingent upon; (1) compliance with all Sanitary Laws, utility requirements, Machias Subdivision Laws, and Regulations of the State of Maine. The Machias Board of Selectpeople shall be responsible for the review of annual permit renewal applications, and shall approve, approve with conditions, or deny any permit application. The applicant has the burden to demonstrate that the application complies with the provisions of this Ordinance, all applicable laws, ordinances, statutes, or regulations and may subject to revocation based upon formal complaints regarding the operation and maintenance of the manufactured home park or trailer park and that the Park Owner has complied with the requirements of this Ordinance during the term of the prior permit.

Each permit shall expire on the first day of January following the date of issuance. Applications for Permit renewal shall be submitted no later than the first day of December in order to be acted upon by the first day of January.

Inspection: The Code Enforcement Officer and Public Health Officer are hereby authorized and directed to make inspections of manufactured home parks and trailer parks and the manufactured homes and trailers located therein to determine the condition of the parks and homes in order to safeguard the health and safety of the occupants of manufactured homes and trailer parks. The Code Enforcement Officer shall inspect the park and if the Code Enforcement Officer deems it to be necessary or appropriate, the individual homes within the park prior to making a decision on a permit application. The Code Enforcement Officer, Public Health Officer, or a duly authorized representative, shall have the authority to enter upon any private or public property at reasonable times for the purpose of inspecting and investigating conditions relating to the administration or enforcement of this Ordinance.

A permit application shall be in writing, and shall contain the following:

1. Name, address, and telephone number of the applicant. If the applicant is not the manufactured or trailer Park Owner, the applicant must also provide the name and address of the Park Owner, as well as the legal relationship of the applicant to the Park Owner and documentation evidencing the applicant's legal authority to operate or maintain the manufactured home or trailer park.
2. A register containing the record of all manufactured homeowners, trailer homeowners, and occupants at the time of application (if any) located within the park. The register shall contain the following information:
 - a. The name of the owner of each manufactured home or trailer in the park.
 - b. The manufacturer's name, model number, year, and serial number of each home.
 - c. The lot location by number of each home.
 - d. If not owner-occupied, the names of the occupants of each home.

The Park Owner shall keep the register up to date, and available for inspection at all times by law enforcement officers, emergency services personnel, code enforcement officials, and other officials whose duties necessitate acquisition of the information contained in the register.

NO OWNER OF A MANUFACTURE HOME PARK OR TRAILER PARK SHALL ALLOW ANY MANUFACTURED HOME OR TRAILER WITH A MANUFACTURED DATE GREATER THAN THIRTY (30) YEARS FROM THE PERMIT APPLICATION DATE TO BE LOCATED WITHIN THE PARK. MANUFACTURED HOMES AND TRAILERS LOCATED IN THE PARK PRIOR TO THIS ORDINANCE ADOPTION IS GRANDFATHERED.

3. A manufactured home park or trailer park plan drawn at a scale of not less than one inch equals 100 feet, the area and dimensions of the tract of land, the location and width

of all streets and walkways within the park, the common areas within the park, the maximum number, location and size of all manufactured home and trailer lots within the park, the location of any existing buildings or proposed structures, and the location of all waterlines, sewer lines, sewage disposal systems, and all other buried utility locations. For emergency purposes, the lot numbers shall be shown on the plan.

4. The name of the manufactured home and trailer park.

5. The permit application shall also be accompanied by the application fee established by the Ordinance.

6. A park management plan, including a 24-hour contact person, rules of the park, schedule for park maintenance, trash removal, and road maintenance for the park.

The Code Enforcement Officer shall issue a written decision on the application for a first time manufactured home park or trailer park permit. In order to grant a permit, the Code Enforcement Officer must find the following:

1. That the manufactured home park or trailer park is in compliance with all applicable laws, ordinances, regulations, and has received all necessary approvals from the Machias Planning Board and the State of Maine.

The Code Enforcement Officer may issue a conditional permit if the Park Owner enters into a written agreement with the Town that contains a detailed schedule of compliance setting forth the specific improvements to the park, manufactured home and trailer lots, or manufactured homes and trailers that the park Owner shall make during the term of the permit. If the Park Owner fails to comply with the provisions of said agreement, said noncompliance shall be the grounds for revocation, or non-renewal, of the permit.

The Code Enforcement Officer, after notice and a hearing on the matter, may revoke any permit to establish, maintain or operate a manufactured home park and/or a trailer park upon making a finding that the park is not being operated or maintained in accordance with the provisions of this Ordinance, or any other applicable law or ordinance.

Section 3 - Manufactured Park and Trailer Park Lot Identification

Each manufactured home or trailer park lot shall have a number supplied by the Park Owner, and the lots shall be numbered in an orderly, consecutive fashion. Even numbers shall be on one side of the street and odd numbers shall be on the opposite side of the street.

Each manufactured home or trailer shall be numbered in a manner consistent with the number assigned to the lot.

The manufactured home park or trailer park home lot number shall be at least three inches high, and the Park Owner shall be responsible for the placement and maintenance of the

numbers on each manufactured home park or trailer in a prominent place so that they may be readily observable by emergency services personnel.

The Park Owner shall be responsible for the placement and maintenance of the lot numbers on the electrical service (i.e., meter junction box) for each manufactured home park or trailer.

Section 4 - Manufactured Home Park and Trailer Park Street Identification.

The Park Owner shall cooperate with the 911 Addressing Officer to establish names for streets within the manufactured home and/or trailer park. Said street names shall be substantially different than existing street names within the Town of Machias so as not to be confused in sound or spelling. Streets shall have names not numbers or letters. The Park Owner shall erect, and maintain, street name signs at all street intersections, which signs shall contain lettering that is reflectorized.

Section 5 - Obligations of Park Owners.

The Park Owner shall provide the occupants of the manufactured home or trailer park with a copy of this Ordinance and inform the occupants of their duties and responsibilities under this Ordinance.

The Park Owner shall operate the manufactured home or trailer park, or cause the same to be operated, in compliance with this Ordinance, and shall provide adequate supervision to maintain the park, its facilities, improvements, and equipment in good repair and in a clean and sanitary condition, as well as in compliance with all state and local laws, regulations, or ordinances.

The Park Owner shall maintain all streets, roadways and driveways in the manufactured home park or trailer park in good repair, and shall keep the same clear of snow, ice, standing water, and debris. The Park Owner shall maintain the in a clean, orderly, safe and sanitary condition at all times.

The Park Owner shall remove any abandoned, burned, dilapidated, or abandoned manufactured home from the manufactured home park or trailer park within ten business days of a notice from the Code Enforcement Officer.

The Park Owner shall not permit the presence or any accumulation of any (1) abandoned, unregistered or un-inspected motor vehicles, or parts thereof, or (2) discarded, worn-out or junked plumbing, heating supplies, electronic or industrial equipment; household appliances; furniture; discarded, scrap or junked lumber; old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste or scrap iron, steel or other scrap ferrous or nonferrous material, or other solid waste or debris in the manufactured home park, whether on the streets or other common areas under the control of the Park Owner or on the individual manufactured home lots.

PLEASE NOTE: Each individual owner of any manufactured homes and trailers must fill out a building permit application and submit to the Town for approval before locating the home within the park.

The Park Owner shall be responsible for the proper placement of each manufactured home or trailer, which includes securing its stability and installing all utility connections. Owner shall also be responsible for the disconnection of all utilities prior to the departure of a manufactured home or trailer from the park.

The Park Owner shall conspicuously post a copy of the permit in Park Owner's office or on the premises of the manufactured home park or trailer park at all times.

The Park Owner shall promptly notify the Code Enforcement Officer and Tax Assessor, in writing, of the arrival or impending departure of any manufactured homes or trailers or any change of ownership that occurs within the park. The Park Owner shall make adequate provision for the storage, collection, and lawful disposal of all refuse from the manufactured home and/or trailer park and shall take adequate measures to prevent the creation of health hazards, rodent harborage, insect breeding areas, accident hazards, or air, water, or ground pollution. All refuse and garbage shall be bagged in plastic garbage bags by the homeowner or occupant for storage in fully and tightly enclosed, watertight, rodent-proof containers, which shall be provided by Owner in sufficient number and capacity to prevent any refuse or garbage from overflowing. Satisfactory container racks or holders shall be provided by the Owner and shall be located not more than 150 feet from any manufactured home lot, or the Park Owner shall cooperate with the Code Enforcement Officer to establish mutually agreed upon locations.

The Park Owner shall bring all trailers into compliance with the Fire and safety standards required by Federal and State laws. The Code Enforcement Officer may, as part of a conditional permit, enter a schedule of compliance with the Owner.

The Park Owner shall provide adequate supervision to ensure that the manufactured home and/or trailer park, home lots, homes, and the owners or occupants of manufactured homes or trailers comply with the provisions of this Ordinance.

The Park Owner shall cooperate fully with the Code Enforcement Officer in the administration and enforcement of this Ordinance, including providing assistance in gaining access to manufactured homes or trailers for the required inspections.

The Park Owner shall not assign or transfer the manufacture home park and trailer park permit. All new owners will be required to apply for a new permit.

The owner(s) of the land on which the manufactured home park is located shall be ultimately responsible for compliance with this Ordinance, and shall remain responsible therefore regardless of the fact that this Ordinance may also place certain responsibilities on the permit holder, or to manufactured homes or trailers owners and/or occupants. This shall be so regardless of any agreements between the owners of the land and the permit holder or

owner/occupants of two manufactured homes or trailers as to which parties shall assume such responsibility.

Section 6 - Obligations of Manufactured Home and Trailer Owners or Occupants.

It shall be the duty of the owners or occupants of manufactured homes or trailers within the park, to give the Code Enforcement Officer access to the homes at reasonable times for the purpose of conducting an inspection thereof to determine satisfactory compliance with the requirements of this Ordinance.

The owners or occupants of manufactured homes or trailers in a permitted park shall comply with all applicable requirements of this Ordinance, and shall maintain his/her manufactured home, manufactured home lot, and any facilities, improvements, or equipment, in good repair and in a clean and sanitary condition.

No homeowner or occupant shall allow animals in his/her custody to run at large, or commit any nuisance, within the manufactured home park.

No homeowner or occupant shall permit his/her manufactured home to be occupied by a greater number of persons than that for which it was designed.

The space directly beneath each manufactured home shall be kept clean and free from refuse, or other combustible materials.

No home owner or occupant shall permit the parking of vehicles or the storage of personal property so as to interfere with access to the lots or manufactured homes in the manufactured homes park or trailer park by other owners or occupants, or especially with access by emergency vehicles or personnel.

No homeowner or occupant shall locate or use a utility structure on his/her lot unless it is located no closer than 10 feet to their manufactured home or trailer or other utility structure and is made of noncombustible materials. In addition, said structure shall not exceed 150 square feet in area and 10 feet in height.

No homeowner or occupant shall dispose of any garbage or refuse except by first bagging the garbage or refuse into a plastic garbage bag and the placing them into provided facilities in a clean and sanitary manner. All indoor furniture, broken items, demolition debris, and appliances shall be properly disposed of or stored in a closed utility building.

The individual owner of a trailer shall be responsible for bringing the trailer into compliance with the fire and safety standards required by Federal and State laws. The Code Enforcement Officer is authorized to enter a schedule of compliance with such a homeowner.

Waiver of Requirements - All manufactured home parks and trailer parks in existence at the effective date of this Ordinance shall, within 120 days thereafter, comply with the requirements of this Ordinance, except that the Planning Board, upon application of a park operator within 120 days

of the effective date of this Ordinance, may waive said requirements with respect to lot sizes and road widths as would require prohibitive construction or re-construction costs.

Permit – Method of Application and Requirements – Applications for permits shall be in writing, signed by the applicant who shall file with the application proof of ownership of the premises or of a lease or written permission from the owner thereof together with a complete set of plans drawn to scale not less than 100 feet to the inch showing the location of the proposed court, and which shall include:

- 1) The area and dimensions of the tract of land.
- 2) The maximum number, location and size of all manufactured home and trailer spaces.
- 3) The location of any existing buildings and any proposed structures.
- 4) The location and width of roadways and walkways.
- 5) The location of water and sewer lines and the sewage disposal systems.

Section 7 - Location, Space and General Layout of Manufactured Home Parks and Trailer Parks

1. **Location** – Manufactured Home and Trailer Parks may be located where permitted by the Town Ordinances, subject to the approval of the Planning Board based upon compliance with this Ordinance.
2. **Site** – The park shall be located on a site, graded to insure drainage of surface water, subsurface water, sewage and freedom from stagnant pools.
3. **Area Requirements** – The area of the Manufactured Home and/or Trailer Park shall be large enough to accommodate:
 - a) The designated number of manufactured home spaces.
 - b) Necessary streets or roadways.
 - c) Private well source and a sewage disposal system if necessary.
4. **Space Requirements** – Each home space shall be at least 50 feet wide and 90 feet deep for a single wide manufactured home or trailer, and 100 feet wide by 90 feet long for a doublewide manufactured home or trailer. Each home shall abut a driveway or other clear area with unobstructed access to a public street. Such spaces shall be clearly defined, and homes shall be so located that a minimum of 15 feet clearance exists between any part of the manufactured home or trailer and the lot lines of abutting home spaces in all directions.
5. **Manufactured Home and Trailer Space Availability Required** – It shall be illegal to allow any Manufactured Home or Trailer to remain in a Manufactured Home and Trailer park unless an approved lot home space is available.
6. **Set Back Requirement** – No manufactured home in a manufactured home park may be located within 50 feet of any public right of way.

7. **Excluded from Manufactured Home Parks and Trailer Parks**— No Recreation Vehicles, utility trailers, buses, or any other structure designed for temporary use, recreational camping, or transportation or individuals or products trailer may be located in a manufactured home park.

Section 8 - Utility and Service Requirements in Manufactured Home Parks

1. **Roadways** – For fire protection and prevention, every manufactured home park shall have access to a public street by directly abutting thereon, or by means of a private hard surface road not less than 20 feet wide. The roadways in a manufactured home park shall have a minimum of 20 feet with a right of way of 30 feet where off street parking is provided. Where there is no off-street parking facility, the roadway shall have a 40-foot right of way. Each manufactured home shall have access to such a road. Any access road shall be continuous; or terminate with a turn around of not less than 100 feet in diameter. Each roadway within a manufactured home park shall have a minimum gravel base of 12 inches. Roadways will be lighted according to the same standards as are practiced in the urban area of town.
2. **Sanitation** –
 - a.) **Water Supply Requirements** - An accessible, adequate, safe and potable supply of water shall be provided in each manufactured home park, capable of furnishing a minimum of 200 gallons per day per manufactured home space. Potable water must meet State Health and Welfare standards.
 - b.) **Plumbing** – All plumbing in the manufactured home park shall comply with State and local plumbing laws and regulations and shall be maintained in good operating condition.
 - c.) **Sewage Disposal** – Manufactured home parks shall be served by a public sewage system, or by a private disposal system which meets the requirements of the State Plumbing Code and local ordinances. Each manufactured home space shall be provided with a satisfactory sewer connection. All sewage disposal apparatus including appurtenances thereto, shall be provided, maintained and operated so as not to create a nuisance or health hazard.
 - d.) **Refuse and Garbage Disposal** – The storage, collection and disposal of refuse in the park shall not create health hazards, rodent harborage, insect breeding areas, accident hazards or air pollution. All refuse and garbage shall be stored in fly tight, watertight, rodent proof containers, which shall be provided in sufficient number and capacity to prevent any refuse from overflowing.
 - e.) **Reporting of Communicable Diseases** – Every Manufactured Home and Trailer manufactured home park operator shall notify the local Health Officer immediately of any suspected communicable or contagious disease within the Manufactured Home and Trailer park. In case of diseases diagnosed by a physician as quarantinable, such owner, operator, attendant or other person operating a Manufactured Home and Trailer park shall notify the Health Officer of the departure or proposed departure of a manufactured home or trailer its occupants or the removal therefrom of the clothing or other articles which have been exposed to infection.

3. **Electric Installation and Outlet Requirements** – An electrical outlet supplying at least 110 volts shall be provided for each Manufactured Home and Trailer space. The installation shall comply with all State and Local Electrical Codes and Ordinances. Such electrical outlets shall be weatherproof. No power lines shall be permitted to lie on the ground or to be suspended less than 14 feet above the ground.

VIOLATIONS AND ENFORCEMENT

Any condition existing in violation of this Ordinance is deemed to be a nuisance.

The Code Enforcement Officer shall provide written notice of any violation to the Park Owner and/or operator of the manufactured home park or trailer park. In addition, if the violation involves a violation by the homeowner or occupant of a manufactured home, written notice shall also be given to the homeowner or occupant. The notice shall be mailed to the last known address according to records maintained by the Town. The notice shall describe the violations and shall state the corrective action necessary. The giving of notice hereunder shall not be a prerequisite to the commencement of an enforcement action.

The Code Enforcement Officer, with the advice and consent of the Town Manager, is authorized to institute, or cause to be instituted by the Town Attorney, in the name of the Town of Machias, any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of this Ordinance.

Any person, firm or corporation, being the owner or operator of, or having control or use of any manufactured home or trailer, manufactured home park or trailer park lot or manufactured home park or trailer park, who violates any provision of this Ordinance shall be subject to the penalties set forth in 30-A M.R.S.A. § 4452. Each violation, and each day of each violation, shall constitute a separate offense.

APPEALS

Appeals. Any aggrieved person or party may appeal the provisions of this ordinance to the Board of Appeals for the Town of Livermore Falls.

A. The Board of Appeals for the Town of Machias shall function in accordance with Title 30-A, MRSA, Section 2411.

B. Powers and Duties of the Board of Appeals

1. Administrative Appeals: to consider alleged error(s) in procedures by the Selectmen or Code Enforcement Officer in the administration or enforcement of this ordinance.
2. Variance Appeals: to consider if, in specific cases, a relaxation of terms of this ordinance would be contrary to public interest and intent of this ordinance or if, owing

to unique conditions of the property and not to the result of actions of the applicant, literal enforcement would cause undue hardship.

a. The crucial points of variance are undue hardship and unique circumstances applying to the property. Both of these elements must be present to grant a variance.

b. A variance is only authorized for area and dimensional requirements of this ordinance.

C. Filing Procedures

The aggrieved person or party shall commence his appeal within 30 days after a decision is made by the Code Enforcement Officer. The appeal shall be filed with the Board of Appeals on forms approved by the Board, and the aggrieved person shall specifically set forth on the form the grounds for appeal.

D. Hearing

Following the filing of an appeal, and before taking action on any appeal, the Board of Appeals shall hold a public hearing on the appeal within 30 days. The Board of Appeals shall notify the Code Enforcement Officer, Board of Selectmen and the Planning Board at least 20 days in advance, of the time and place of the hearing, and shall publish notice of the hearing at least 10 days in advance in a newspaper of general circulation in the area.