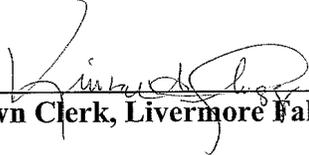


**MINIMUM LOT SIZE ORDINANCE
TOWN OF LIVERMORE FALLS**

**ATTEST: A True Copy of an ordinance entitled "Minimum
Lot Size Ordinance of the Town of Livermore Falls" as
certified to me by the Municipal Officers of the Town of
Livermore Falls on the 20th day of March, 1975.**



Town Clerk, Livermore Falls

Minimum Lot Size Ordinance

Article I. Purpose

To protect the health, safety and general welfare of the residents of Livermore Falls, Maine by establishing a minimum lot size for sewerred and non-sewerred areas.

Section II. Authority and Administration

- A. This ordinance is adopted and hereafter amended pursuant to and consistent with Article VIII-A, of the State of Maine Constitution, Title 30, M.R.S.A. Section 1917, “Ordinance Power Limited” (Home Rule).
- B. This Ordinance shall be known and cited as the Minimum Lot Size Ordinance for the Town of Livermore Falls, Maine.
- C. This ordinance is enacted in accordance with Title 30 M.R.S.A. Section 2153, “Enactment Procedure, (Enactment of Ordinance)”.

Section III. Applicability

- A. This ordinance applies to all lots in the town of Livermore Falls upon which a seasonal home, permanent home; mobile home, commercial building or institutional building is to be erected. Lots in mobile home parks shall conform with the provisions of the Livermore Falls Mobile Home Park Ordinance and as hereafter amended
- B. Enactment of this ordinance shall constitute a repeal of the Minimum Lot Size Ordinance currently in effect.
- C. This ordinance shall not be interpreted to prevent, or prohibit the erection of the following on any lots of any size.
 - 1. Special purpose, small (not over 100 square feet) buildings, such as gate houses, well houses and pump houses.

2. Shelters open to the weather for sheep, cattle, horses or other animals.
3. Outbuildings such as garages, sheds, barns, workshops, etc... on lots with existing dwellings, or buildings.

D. Non-Conforming Lots of Record : A lot of record which is shown on a deed or plan recorded in accordance with law prior to March 3, 1975, may be built upon. All other single lots of record which at the effective date of this ordinance may be built upon provided that such lot shall be in separate ownership and that Federal and State Statutes permit requirements herein, and to extent practicable, the other provisions of this ordinance shall be met.

Section IV. Minimum Lot Size Specifications

- A. For those areas served by municipal sewer , a minimum of 10,000 square feet shall be required with a minimum frontage of 100 feet on a roadway of body of water
- B. For those areas not served by municipal sewer, a minimum of 40,000 square feet shall be required with a minimum frontage of 150 feet on a roadway or body of water.

Section V. Enforcement

- A. The Code Enforcement Officer of the Town of Livermore Falls shall act in all cases of violations of this ordinance by notifying in writing the owner, or lessor of the lot, the Board of Selectmen and the Planning Board of the nature of the violations and the correction, if possible, required
- B. The Board of Selectmen is charged with the prosecution for all violations of the provisions of this ordinance. In cases where such notices referred to in section V-A are not promptly complied with after receipt of said notices, the Board of Selectmen shall take such complaint to the courts as, in their judgment, is proper, or the Board may institute such actions or proceedings at law or in equity as are proper to restrain, correct, remove or punish such violations.

C. Any persons or party who shall violate any of the provisions of this ordinance, or shall fail to comply with any of the requirements thereof, shall, upon conviction, be punished by a fine of not less than \$25.00 nor more than \$100.00, and each day on which such violations shall continue shall constitute a separate offense.

Section VI. Appeals

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

B. The Board of Appeals for the Town of Livermore Falls shall function in accordance with Title 30, M.R.S.A. Section 2411 and 4963

C. 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 the terms of this ordinance would be contrary to the public interest and intent of this ordinance or if, owing to the 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.

D. Filing process

In all cases, a person aggrieved by a decision of the Code Enforcement Officer shall commence the appeal within 30 days after

the decision is made by the Code 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 the appeal.

E. 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.

Section VII Validity and Severability and Conflict with other Ordinances

- A. Shall any section or provision of this ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of these regulations and to this end, the provisions of these regulations are hereby declared to be severable.
- B. The effective date of this ordinance shall be upon adoption by the governing body of the Town of Livermore Falls.
- C. This ordinance shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other rule, regulation, bylaw, permit or provision of law. Where this ordinance imposes a higher standard for the promotion and protection of health and safety, the provisions of this ordinance shall prevail.

Section VIII. Amendments

- A. This ordinance may be amended by a majority vote at a town meeting. Amendments may be initiated by a majority vote of the Planning Board, by request of the Board of Selectmen, or by

petition of a number of voters equal to at least 10% of the number of votes cast in the municipality at the last gubernatorial election.

B. The Planning Board shall hold public hearings on all proposed amendments.

Section IX. Definition of Terms

A. In general, words and terms used in this ordinance shall have their customary dictionary meanings. More specifically, certain words and terms used herein are defined as follows.

Code Enforcement Officer: a person appointed by the municipal officers to administer and enforce the ordinance.

Lot: a parcel of land in single ownership, described on a deed, plot or similar legal document.

Non-Conforming Lot of Record: A lot existing at the effective date of adoption or amendment of this ordinance which does not conform to all applicable provisions of this ordinance.

Roadway: The word “roadway” means and includes such ways as streets, alleys, avenues, boulevards, highways, roads and other rites of way.

Adopted

February 27, 1981