



CITY COUNCIL ACTION

Council Meeting Date: April 8, 2024

Item No: 24-120

Responsible Dept: Legal

Action Requested: Ordinance

Map/Lot: N/A

Title, Ordinance

Amending Chapter 23, Boards, Committees and Commissions, Section 23-3(E) of the Code of Ordinances, To Make the Appeal Process to the Board of Appeals More Efficient.

Summary

This ordinance amendment, if passed, would revise the City’s Board of Appeals ordinance to make the appeals process more efficient.

Under the current ordinance, the Board of Appeals is required to hold a public hearing within 60 days of receiving an application for appeal, and there is no provision to allow a routine continuance from that deadline in instances where the applicant requests one, except to convene the entire Board. The proposed amendment would give the Chair of the Board of Appeals the authority to grant a routine continuance to an applicant requesting one without convening the Board to do so.

The proposed amendment would also clarify that the 60 days starts running from the date the written appeal and applicable fee are received.

This ordinance amendment was reviewed and recommended for passage by the Government Operations Committee on April 1, 2024.

Committee Action

Committee: Government Operations

Meeting Date: April 1, 2024

Action:

For:

Against:

Staff Comments & Approvals

City Manager

City Solicitor

Finance Director

Introduced for: First Reading



CITY COUNCIL ORDINANCE

Date: April 8, 2024

Assigned to Councilor: Yacoubagha

ORDINANCE, Amending Chapter 23, Boards, Committees and Commissions, Section 23-3(E) of the Code of Ordinances, To Make the Appeal Process to the Board of Appeals More Efficient

WHEREAS, at present, the entire Board of Appeals must convene to grant a routine continuance requested by an applicant;

WHEREAS, the Chair of the Board of Appeals should have the authority to grant a routine continuance if requested by an applicant in order to make the appeals process more efficient;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BANGOR AS FOLLOWS, THAT

Chapter 23 of the Code of the City of Bangor is amended as follows:

§ 23-3 Appeals and Variances.

Administrative appeals from any order, requirement, decision, determination, or interpretation of the Code Enforcement Officer, or any other officer or entity specified by an ordinance, and variance appeals from the laws and ordinances of the City of Bangor, where expressly permitted by an ordinance, shall be made pursuant to the following procedures:

...

- E. The Code Enforcement Officer shall immediately refer the appeal, together with all materials relative thereto, to the Chair of the Board for consideration by the Board as provided herein. Before taking any action on the appeal, the Board of Appeals shall hold a public hearing within 60 days of the ~~date of the application~~ receipt of the application and required fee. The Chair of the Board has the discretion to grant a continuance to an applicant who requests one, permitting the public hearing to be held beyond 60 days of the date of the application. By requesting such a continuance, an applicant consents to the public hearing being held beyond 60 days from the date the application and required fee are received. The Board shall notify, by United States Mail, the applicant, the owners of all abutting property and owners of properties within 100 feet of the exterior boundaries of the property in question, at least 10 days in advance of the hearing, of the nature of the appeal and the time and place of the public hearing, in accordance with the following:

...

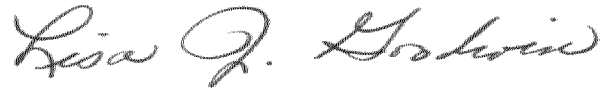
Additions are underlined, deletions ~~struck through~~.

IN CITY COUNCIL

APRIL 8, 2024

COrd 24-120

First Reading



CITY CLERK

IN CITY COUNCIL

APRIL 22, 2024

COrd 24-120

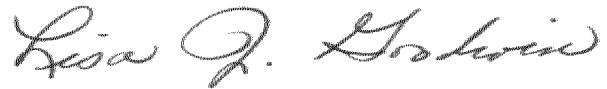
Motion made and seconded for Passage

Vote: 9 – 0

Councilors Voting Yes: Deane, Fish, Fournier, Hawes, Leonard, Schaefer, Tremble, Yacoubagha, Pelletier

Councilors Voting No: None

Passed



CITY CLERK