

ESTABLISHMENT OF THE TOWN OF CANAAN PLANNING BOARD

ADOPTED NOVEMBER 7, 1996
REFERENDUM VOTE 445 YES 325 NO

1. **TITLE**

Establishment of the Town of Canaan Planning Board

2. **ESTABLISHMENT**

Pursuant to Article VIII, Section 2, of the Maine Constitution, and 30-A MRSA Section 3001, the Town of Canaan hereby establishes the Planning Board.

3. **APPOINTMENT, TERMS, REMOVAL AND VACANCY**

- A. The Planning Board shall consist of 5 regular members and 2 associate members.
- B. The term of office for regular members shall be for 2 years and one year for associate members.
- C. Election of Regular Members.
 - 1. Regular board members shall be elected by secret ballot during the annual municipal election.
- D. Appointment of Associate Members.
 - 1. Associate members shall be appointed by the Selectmen.
- E. All board members shall be administered an oath of office by the Town Clerk.
- F. A municipal officer shall not serve as regular or associate member.
- G. All board members shall be residents of the Town of Canaan, at least 18 years of age and U.S. citizens.

H. Vacancy.

1. A vacancy shall occur upon the resignation or death of any member, upon removal for absenteeism, or when a member ceases to be a legal resident of the Town.
2. The Selectmen shall appoint a new board member to serve the remainder of the unexpired term until the next scheduled municipal election.

I. Removal

1. A regular planning board member may be removed from office when a member fails to attend 3 consecutive regular meetings or fails to attend at least 75% of the regular board meetings during the preceding 12 month period.
2. A regular planning board member may be removed from office due to absenteeism according to the following procedure:
 - A. The Planning Board Chairperson shall notify the member in writing of the board's intention to consider a recommendation that the member be removed from office.
 - B. The Planning Board by a majority vote shall recommend to the Selectmen that the planning board member be removed from office due to absenteeism.
 - C. The Selectmen shall consider the recommendation of the Planning Board and shall decide to remove the member from office or to keep the member in office.

4. **ORGANIZATION AND RULES**

- A. The Planning Board shall at the first scheduled meeting following the municipal elections, elect a chairperson and a secretary from the membership for a 1 year term.
- B. In the absence of the chairperson or the secretary the board shall choose a member to serve as the chair or the secretary for the meeting.
- C. A planning board meeting shall not be held unless a quorum of 3 regular or associate members are present.

- D. The board shall act by a majority vote calculated on the basis of the number of members present and voting.
- E. The board may adopt rules for the operation and conduct of its meetings. All rules shall be approved by a majority of the regular board members. The board shall at the first scheduled meeting following the municipal election review the board rules and make any modifications or changes as necessary. A copy of the board rules shall be presented to the Town Clerk and shall be accessible for public review.
- F. The board may adopt application forms to be used in permit application reviews.
- G. The board shall keep a record of all its proceedings including all votes, items discussed, correspondence, resolutions, and transactions. All records shall be deemed public and shall be kept at the Town Hall.
- H. When a member is unable to act because of interest, absence or any other reason satisfactory to the chairperson, the chairperson shall designate an associate member to sit in that member's stead.
- I. An associate member may attend all meetings and participate in the proceedings, but shall not vote unless designated to do so by the chairperson.
- J. Any question of conflict of interest or whether a member shall be disqualified from voting shall be decided by a majority vote of the members except the member who is being challenged.

5. **DUTIES AND POWERS**

- A. The board shall perform such duties and exercise such powers as are provided by the Canaan Ordinances, and the laws of the State of Maine.
- B. The board may obtain goods and services necessary to perform its proper function within the limits of appropriations.

6. **AMENDMENTS**

- A. Amendments to this Ordinance may be initiated by majority vote by the Board of Selectmen, the Canaan Planning Board, or by written petition by

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

- B. This Ordinance may be amended by a majority vote of the legally constituted municipal governing body at a regular or special town meeting or by referendum ballot.

7. **AVAILABILITY**

- A. A copy of this Ordinance shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of this Ordinance shall be posted.

8. **VALIDITY AND SEVERABILITY**

- A. If any provision of this ordinance is found by a court of competent jurisdiction to be unenforceable, the remaining provisions shall continue in full force and effect.

9. **EFFECTIVE DATE**

- A. This Ordinance shall become effective when adopted by a majority of the voters at regular or special town meeting or by referendum ballot.

10. **ABROGATION**

- A. This Ordinance repeals and replaces any Municipal Ordinance and/or Warrant Article previously enacted regarding the municipal planning board.