

6.4 FEE

No building permit shall be issued without payment of a fee ~~according to the following schedule, except construction gifts on publicly owned property made by students of M.S.A.D. #55, effective January 1, 1993.~~

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FEE SCHEDULE - (also shown in the BUILDING CODE in Section R-106):

- ~~.25 Per square foot of living space dwellings~~
- ~~.10 Per square foot of # of Floors out buildings~~
- ~~.12 Per square foot of # of Floors finished out buildings~~
- ~~.05 Per square foot of Pole Structures (Open sides)~~
- ~~.15 Per square foot of commercial/public buildings (open space finished)~~

~~100% TAX EXEMPT AND/OR NON-PROFIT ORGANIZATIONS -~~

~~Building Permits Required~~

~~Fee Schedule as follows:~~

~~Town of Hiram exempt from any permit fee~~

~~400 square feet of living space exempt from fee~~

~~EXCESS SQUARE FEET - (i.e. over 400 square feet)~~

- ~~.06 Per square foot - outbuildings & Pole Structures~~
- ~~.08 Per Square foot - finished out buildings~~
- ~~.10 Per square foot - Residential, institutional, churches, libraries, schools~~

~~\$35.00 minimum building permit fee~~

~~\$50.00 renovation~~

~~Are shown on a schedule adopted by the Planning Board and Municipal officers separate from the ordinance.~~

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~~[Fees amended 3/5/1994, 3/6/2004]~~

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DEFINITIONS

~~LIVING SPACEDWELLING - Entire space to be inhabited/used, including basement if finished to be used for living space.~~

~~OUT BUILDINGS - Structures not to be inhabited - open structure with walls, roof, and/or floor, frostwall and/or foundation not insulated and does not have sheathing. May have wiring.~~

~~FINISHED OUT BUILDINGS - Structures not to be inhabited - open structure with walls, roof, foundation, floor, insulation, sheathing, and/or plumbing, and/or heating.~~

~~POLE STRUCTURES - Structures with only poles/posts set into the ground and/or pad with permanent roof and all sides open.~~

~~COMMERCIAL BUILDING - Structures used for assembling, manufacturing and/or finishing products.~~

~~PUBLIC BUILDING - Structures in which the public will be entering and using.~~

6.5 ENFORCEMENT OFFICER

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures, removal of illegal buildings, structures, additions, or work being done, or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violation of its provisions.

6.6 LEGAL ACTION AND VIOLATIONS

When any violation of any provision of this Ordinance shall be found to exist, the Municipal Attorney, as designated by the Municipal Officers, either on his own initiative, or upon notice from the Code Enforcement Officer, is hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Municipality.

6.7 FINES

Any person, firm or corporation being the owner or having control or use of any building or premises who violates any of the provisions of the Ordinance, shall be guilty of a misdemeanor and on conviction shall be fined not less than \$5.00 nor more than \$100.00 each day such a violation is permitted to exist after notification shall constitute a separate offense.

6.8 APPEALS AND CONDITIONAL USE PERMITS

6.8.1 PROCEDURE

1. All appeals or applications for Conditional Use Permits shall be based upon a written decision of the Code Enforcement Officer.
2. Administrative appeals and variance appeals shall be heard and decided upon by the Board of Appeals in accordance with the provisions of this Ordinance.
3. Applications for Conditional Use Permits shall be heard and decided upon by the Planning Board in accordance with the provisions of this Ordinance.
4. Appeals shall lie from the decision of the Code Enforcement Officer to the Board of Appeal and from the Board of Appeals to the Superior court according to State Law.
5. Conditional Uses shall lie from the decision of the Code Enforcement Officer to the Planning Board and from the Planning Board to the Superior Court according to State Law.
6. ~~Fees-Each Appeal and/or Conditional Use Permit application shall be accompanied with a \$30.00 fee payable to the Town of Hiram. An additional fee will be required, prior to the set Public Hearing date, to cover all advertising and postal notification costs associated with said Public Hearing. (added paragraph F. 3/7/98 at annual town meeting, amended 3/6/04) Are shown in a schedule adopted by the Planning Board and Municipal Officers separate from the ordinance.~~

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6.8.2 BOARD OF APPEALS

6.8.2.1 ESTABLISHMENT

A Board of Appeals is hereby established in accordance with State Law and the provisions of this Ordinance.

6.8.2.2 APPOINTMENT AND COMPOSITION

1. The Board of Appeals shall be appointed by the Municipal Officers and shall consist of 5 members, all of whom shall be legal residents of the municipality, serving staggered terms of at least 3 and not more than 5 years. The Board shall elect annually a chairman and secretary from its membership. The secretary shall keep the minutes of the proceedings of the Board of Appeals, which shall show the vote

of each member upon each question. All minutes of the board shall be public record. A quorum shall consist of 3 members.

2. A municipal officer may not serve as a member.
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.
4. A member of the board may be dismissed for cause by the Municipal Officer upon written charges and after Public Hearing.

6.8.2.3 POWERS AND DUTIES

1. ADMINISTRATIVE APPEALS: to hear and decide where it is alleged there is an error in any order, requirement, decision, or determination by the Code Enforcement Officer in the enforcement of this Ordinance. The action of the Code Enforcement Officer may be modified or reversed by the Board of Appeals, by concurring vote of at least 4 members of the Board.
2. VARIANCE APPEALS: to hear and decide, upon appeals, in specific cases where a relaxation of the terms of this Ordinance would not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Ordinance would result in unnecessary or undue hardship. A financial hardship shall not constitute grounds for granting a variance. The crucial points of variance are undue hardship and unique circumstances applying to the property. A variance is not justified unless both elements are present in the case.

As used in this Ordinance, a variance is authorized only for height, area, and size of structures or size of yards or open spaces. Establishment or expansion otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the Zoning District or uses in adjoining Zoning Districts. The board of Appeals shall grant a variance only by concurring vote of at least 4 members and in so doing, may prescribe conditions and safeguards as are appropriate under this ordinance.

6.8.2.4 APPEAL PROCEDURE

1. In all cases, a person aggrieved by a decision of the Code Enforcement Officer shall commence his appeal with 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 the appeal.
2. ~~Fees-A application fee of \$30.00, payable to the Town of Hiram shall accompany each Appeal and/or Conditional Use Permit. An additional fee will be required, prior to the set Public Hearing date, to cover all advertising and postal notification costs associated with said Public Hearing. Are shown in a schedule adopted by the Planning Board and Municipal Officers separate from the ordinance.~~
3. 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 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.

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Administration

4. In appeals involving the use of buildings or premises, the Board of Appeals shall notify by certified mail the appellant and the owners of all property within 500 feet of the property involved at least 10 days in advance of the hearing, of the nature of the appeal and of the time and place of the Public Hearing.
5. In the case of appeals involving space and bulk regulations or interpretations, the Board of Appeals shall notify by certified mail the appellant and only the owners of property abutting the property for which an appeal is taken at least 10 days in advance of the hearing, of the nature of the appeal and of the time and place of the Public Hearing thereon. For the purpose of this section, abutting properties shall include properties directly across a street or waterbody from the property for which the appeal is made.
6. The owners of property shall be considered to be those against whom taxes are assessed. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action by the Board of Appeals.
7. At any hearing, a party may be represented by agent or attorney. Hearings shall not be continued to other times except for good cause.
8. The Code Enforcement Officer or his designated assistant shall attend all hearings and may present to the Board of Appeals all plans, photographs, or other material he deems appropriate for an understanding of the appeal.
9. The appellant's case shall be heard first. To maintain orderly procedure, each side shall proceed without interruption. Questions may be asked through the Chair. All persons at the hearing shall abide by the order of the Chairman.
10. Within 20 days of the Public Hearing, the Board of Appeals shall reach a decision on an appeal and shall inform, in writing, the appellant, the Code Enforcement Officer, the Planning Board, and Municipal Officers of its decision and its reasons therefore.
11. Upon notification of the granting of an appeal by the Board of Appeals, the Code Enforcement Officer shall immediately issue a building Permit in accordance with the conditions of the approval.
12. A variance under the provisions of this Ordinance secured by vote of the Board of Appeals shall expire if the work or change involved is not commenced within one year of the date on which the appeal is granted, and if the work or change is not substantially completed within two years.

6.8.3 CONDITIONAL USE PERMITS

6.8.3.1 AUTHORIZATION

The Planning Board is hereby authorized to hear and decide upon applications for Conditional Use Permits in accordance with State Law and the provisions of this Ordinance.

6.8.3.2 POWERS AND DUTIES

The Planning Board shall hear and approve, approve with modifications or conditions, or disapprove all applications for Conditional Use Permits. No Conditional Use Permit shall be authorized unless specific provisions for such Conditional Use is made in this Ordinance.

6.8.3.3 APPLICATION PROCEDURE

1. A person informed by the Code Enforcement Officer that he requires a Conditional Use Permit shall file an application for the permit with the Planning Board on forms provided for the purpose.
2. Fees - ~~An application fee of \$30.00, payable to the Town of Hiram, shall accompany a Conditional Use Permit Application. An additional fee will be required, prior to the set Public Hearing date, to cover all advertising and postal notification costs associated with said Public Hearing. Are shown in a schedule adopted by the Planning Board and Municipal Officers separate from the ordinance.~~
3. Following the filing of an application, and before taking action on any application a Public Hearing must be held within 30 days. The Planning Board shall notify the Code Enforcement Officer, Municipal Officers, and the Board of Appeals, 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.
4. The Board shall notify by certified mail, the applicant and the owners of all property within 500 feet of the property involved at least 10 days in advance of the hearing, of the nature of the application and of the time and place of the Public Hearing.
5. The owners of property shall be considered to be those against whom taxes are assessed. Failure of any property owner to receive a Notice of Public Hearing shall not necessitate another hearing or invalidate any action by the Planning Board.
6. At any hearing, a party may be represented by agent or attorney. Hearings shall not be continued to other times except for good cause.
7. The Code Enforcement Officer or his designated assistant shall attend all hearings and may present to the Planning Board all plans, photographs, or other material he deems appropriate for an understanding of the application.
8. The applicant's case shall be heard first. To maintain orderly procedure, each side shall proceed without interruption. Questions may be asked through the Chair. All persons at the hearing shall abide by the order of the Chairman.
9. Within 20 days of the Public Hearing, the Planning Board shall reach a decision on a Conditional Use and shall inform, in writing, the applicant, the Code Enforcement Officer and Municipal Officers of its decision and its reasons therefore.
10. Upon notification of the decision of the Planning Board the Code Enforcement Officer, as instructed, shall immediately issue, issue with conditions prescribed by the Planning Board, or deny a Building Permit.
11. A Conditional Use Permit secured under the provisions of this Ordinance by vote of the Planning Board shall expire if the work or change involved is not commenced within one year of the date on which the Conditional Use is authorized, and if the work or change is not substantially completed within two years.

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6.8.3.4 FACTORS APPLICABLE TO CONDITIONAL USES

1. In considering a Conditional Use Permit the Planning Board shall evaluate the immediate and long-range effects of the proposed use upon:
 - a. The maintenance of safe and healthful conditions.