

TOWN OF OGUNQUIT
TITLE XI - HISTORIC PRESERVATION ORDINANCE

Chapter 7 Miscellaneous Provisions

701 Appeal to Planning Board

The applicant or any person who has participated in opposition to the application and has demonstrated a particularized harm may, within thirty (30) days of the decision of the Historic Preservation Commission to approve or disapprove a Certificate of Appropriateness or Certificate of Demolition, file an appeal with the Planning Board. If a timely appeal is received, the appeal shall be placed on the agenda of the Planning Board. Review by the Planning Board shall be appellate in nature. The Planning Board shall deny the appeal unless it finds that the action of the Commission was arbitrary or capricious or was not based on substantial evidence. Except where the Planning Board determines that injustice would result, the Planning Board shall determine the appeal without considering any facts or arguments, which were not presented to the Commission. Where the Planning Board finds it necessary to consider new evidence in order to do substantial justice, it shall remand the matter to the Commission for further consideration, unless it determines that the resulting delay would likely result in undue hardship to the applicant.

702 Enforcement

The Code Enforcement Officer shall, from time to time, inspect those historic sites, historic landmarks and historic structures for which a Certificate of Appropriateness or Certificate of Demolition has been issued to ensure compliance with the terms of the Certificate and to otherwise ensure compliance with this Ordinance.

703 Fines for Violation

Failure to perform any act required by this Ordinance, or the performance of any act prohibited by this Ordinance or of any conditions or any certificate issued hereunder, shall constitute a violation and be subject to fine as provided in Title 30-A M.R.S.A. Section 4452, as the same may be amended or replaced. Each day on which there is failure to perform a required act or on which a violation exists shall constitute a separate violation for purposes of this section.

