

**An Ordinance to Amend Chapter 145 (Land Use) of the Code of the Town of Wells
to Replace the term “use permit” with a “certificate of occupancy.”**

NOTE: Proposed additions to existing Code sections are underlined.
Proposed deletions of existing Code sections are ~~crossed out~~.
Other sections of the Ordinance are unchanged.

The Town of Wells hereby ordains and enacts “An Ordinance to Amend Chapter 145 (Land Use) of the Code of the Town of Wells to Replace the term “use permit” with a “certificate of occupancy,” and to Clarify Related Provisions to read as follows:

Part 1: Article VI (Town-Wide Regulations), § 145-46, entitled “Utility distribution lines” is hereby amended as follows:

A. Review. Notwithstanding § ~~145-61~~ and ~~145-62~~, utility distribution lines are allowed in all zoning districts without a building permit or use permit certificate of occupancy.

Part 2: Article VII (Performance Standards), § 145-51, entitled “Home businesses” is hereby amended as follows:

D. A building permit and use permit certificate of occupancy shall be obtained from the Code Enforcement Officer prior to establishment of a home business.

Part 3: Article VII (Performance Standards), § 145-53, entitled “Mineral Extraction” is hereby amended as follows:

F. A performance guaranty, the form and amount of which are acceptable to the Town Manager, shall be given to the Town before the ~~issuance of a use permit~~ start of the extraction for any mineral extraction use approved by the Planning Board. The performance bond shall be of sufficient size to rehabilitate the mineral extraction site in accordance with the restoration plan approved by the Planning Board. If a mineral extraction use is discontinued (as defined in Subsection **E**) its approval shall expire, and the Town, after providing the owner and/or operator written notice of its intent, shall use the posted security to restore the site of the mineral extraction use in accordance with Subsection **D(7)** and **(9)**.

Part 4: Article VII (Performance Standards), § 145-55, entitled “Accessory dwelling units” is hereby amended as follows:

A. One accessory dwelling unit shall be permitted within an owner-occupied one-family dwelling in all districts except the Residential B, Residential D and the Beach Business Districts, ~~provided that:~~

~~(6) The owner shall annually obtain a use permit for the accessory dwelling unit and certify that he is in compliance with the standards of this section of this chapter. The~~

permit shall be obtained between November 1 and December 31 for the following calendar year:

Part 5: Article VIII (Administration), § 145-62, entitled “Use permits” is hereby amended as follows:

§ 145-62. Use permits: Certificate of Occupancy

A. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partially altered or enlarged in its use until a use permit certificate of occupancy is issued by the Code Enforcement Officer. No use permit certificate of occupancy shall be issued unless the proposed use of the building(s) or land conforms to the requirements of this chapter and/or to an approved site plan, if required for the proposed use.

B. A temporary use permit certificate of occupancy may be issued by the Code Enforcement Officer for six months during construction or alteration for partial occupancy of a building or lot pending the completion of construction or development, provided that the temporary permit certificate of occupancy may require conditions and safeguards to ensure the safety of the occupants and the public and that the applicant remains in compliance with the terms of the building permit or approved site plan.

C. The Code Enforcement Officer shall maintain a permanent public record of all use permit applications certificates of occupancy.

D. Failure to obtain a required use permit certificate of occupancy shall be a violation of this chapter.

E. Prior to the issuance of a use permit, a permit fee as established by the Board of Selectmen shall be paid to the Office of Planning and Development. [Amended 4-26-1996]

E. Upon completion of construction, the applicant or his/her authorized agent, must arrange for a final inspection to ensure that all construction is consistent with the approved building permit. Noncompliance with the approved building permit or with other local, state or federal regulations may be reason for not granting a certificate of occupancy.

Part 6: Article IX (Zoning Board of Appeals), § 145-67, entitled “Powers and duties” is hereby amended as follows:

A. The Zoning Board of Appeals shall have the following powers and duties:
(1) Administrative appeals.

(a) To hear and decide where it is alleged there is an error in any written order, requirement, decision or determination made by the Code Enforcement Officer to:

[5] Issue or fail to issue a ~~use permit~~ certificate of occupancy pursuant to § 145-62

Part 7: Article X (Site Plan Approval), § 145-74, entitled “Review and approval processes” is hereby amended as follows:

A site plan meeting the standards of this chapter shall be submitted, reviewed and approved by the appropriate reviewing authority before a ~~use permit or building permit or certificate of occupancy~~ may be issued. In cases where a proposal must also be reviewed by any other board or agency, this chapter does not prohibit concurrent or simultaneous reviews by each board or agency separately. However, if any decision affecting a site plan approval application is appealed to the Zoning Board of Appeals pursuant to § 145-67, the Planning Board shall suspend its review of the application pending the outcome of the appeal, unless the Board or its agent has already found the application complete pursuant to Subsection D(3), in which case it will proceed with the review.

E. Upon the receipt of a plan signed by the review authority, the Code Enforcement Officer may issue a building permit and/or ~~use permit~~ certificate of occupancy as long as the plan is in compliance with all local regulations, except this article.

(4) Field changes to approved site plans.

(c) As-built site plans. Prior to the issuance of a certificate of occupancy ~~or use permit~~, the Code Enforcement Officer shall require the applicant to submit a set of as-built site plan sheets that incorporate any field changes approved by the Director and Code Enforcement Officer pursuant to Subsection **G(4)(a)**. As-built plans shall be annotated clearly to show revision dates and shall contain a signature block for the reviewing authority. Only the sheet or sheets being amended need be submitted for new signatures. Site plans prepared by a licensed engineer, architect or surveyor shall only be altered in accordance with state statutes and regulations regarding stamped plans. A temporary certificate of occupancy ~~or use permit~~ may be issued by the Code Enforcement Officer pending the submittal of as-built site plans and subsequent review by the reviewing authority.

Part 8: Effective Date.

This Ordinance shall take effect upon adoption by the Town Meeting.

Given under our hands this ____ day of _____, 2017.

BOARD OF SELECTMEN OF THE TOWN OF WELLS:

Karl Ekstedt

Kathy Chase

Daniel Hobbs

John Howarth

Timothy Roche

DRAFT