

APPROVED
SAT-JUNE 4, 2005
REPLACED-Sa/3/1/09

Town of Etna

Two Acre/200 Foot Lot Minimums Ordinance

- I. TITLE-Town of Etna Minimum Lot Size & Minimum Frontage Ordinance
- II. AUTHORITY-This Ordinance is adopted and hereafter may be amended pursuant to, and consistent with, Article VIII, pt. 2, Section 1 of the State of Maine Constitution and Title 30-A, M.R.S.A. § 3001 [Home Rule].
- III. PURPOSE-To provide for the preservation of the rural character of the Town of Etna, and to maintain a rate of growth that allows for a manageable increase in essential municipal services.
- IV. SCOPE (APPLICABILITY)-The minimum lot size and frontage requirements herein shall apply to any lot created after the effective date of this ordinance, and so shall not apply to individual lots in existence before the acceptance of this Ordinance. Said lots shall be considered "grandfathered".
- V. ORDINANCE REQUIREMENTS & ADMINISTRATION-No lot shall be created with; nor shall any existing lot be reduced in size; by transfer, title, lease, or otherwise to; less than 2 (two) acres in area, and any lot so created or reduced shall not have less than 200 (two hundred) feet of frontage along an accepted public way, or an approved private way. No building permit shall be issued for any newly created lot until it has been clearly established that such lot meets the acreage and frontage provisions of this Ordinance.
- VI. SEVERABILITY & CONFLICT
- A. Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.
- B. This Ordinance shall in no way impair or remove the necessity of compliance with any other rule, regulation, by-law, permit or provision of law.
- VII. AMENDMENTS-This Ordinance may be amended in part, or in whole, by a majority vote at any Etna Town Meeting, after proper procedures.
- VIII EFFECTIVE DATE-Sat., June 4, 2005
- IX. REPEAL-This Ordinance repeals and replaces any ordinance, or provisions of any ordinance currently in effect, which has established lot size and/or frontage requirements.

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- X. ENFORCEMENT/VIOLATIONS-The Assessor's agent for the Town of Etna shall determine if a newly created lot meets the requirements of this Ordinance, and if not, shall notify the Code Enforcement Officer for the Town of Etna. The Code Enforcement Officer shall, in turn, notify the person(s) responsible for such violation, in writing, indicating the nature of the violation and ordering the action necessary to correct it. A copy of such notice shall be sent to the Etna Planning Board, and shall be kept as a permanent record. If such notice does not result in the correction or termination of the violation, the Code Enforcement Officer shall notify the Selectmen of the Town of Etna, for further action. The Selectmen are herein authorized and directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance. Any person(s) in violation of any of the provisions of this Ordinance after receiving notice thereof from the Selectmen shall be guilty of a civil violation, and on conviction, shall be subject to a minimum fine of \$200.00 (two hundred dollars) up to a maximum fine of \$3,000.00 (five thousand dollars) per violation, which fine or fines shall be recovered on complaint to the use of the Town of Etna . Each day the violation exists shall be considered a separate violation. Such person(s) in violation shall also be liable for court costs and attorney fees incurred by the Town of Etna.
