

Code Enforcement Officer Ordinance

(Enacted 3/17/90; amended 3/15/97 and 3/19/16)

1. **Definition:** The term "Code Enforcement Officer" (CEO) shall mean the local official responsible for the inspection and enforcement duties required by the ordinances of the town of Thorndike. Unless otherwise provided for in those ordinances, the CEO shall also be responsible for issuing permits required by those ordinances.
2. **Establishment:** The position of Code Enforcement Officer for the town of Thorndike is hereby created.
3. **Appointment:** The appointment of the CEO shall be the responsibility of the Selectmen. The appointment shall be annual and made by June 1st of each year. The Selectmen, at their discretion, may also appoint a Deputy Code Enforcement Officer to be available at any time the Code Enforcement Officer is not.
4. **Oath of the Code Enforcement Officer:** Once the CEO has been appointed, the CEO shall take an oath of office before assuming any duties, pursuant to Title 30-A M.R.S.A., Section 2526.
5. **Duties of the Code Enforcement Officer:** In addition to the inspection, enforcement and permitting duties proscribed by Town ordinance, the CEO shall:
 - A. Respond to citizen and agency inquiries regarding Town ordinances.
 - B. Serve as the Town's Addressing Officer as outlined in the *Thorndike Addressing Ordinance*, if so delegated by the Selectmen.
 - C. Act on behalf of the Selectmen pursuant to Title 30-A, Section 3428, correcting malfunctioning wastewater disposal systems,
 - D. Accept other duties pursuant to Title 30-A, Section 4452, or as appointed by the selectmen,
 - E. Assist State and Federal agencies where possible by informing applicants for local permits of the need to obtain state or federal permits where the CEO is aware of such state or federal requirements. The CEO shall also report violations of state and federal law to the appropriate agency where the CEO knows such a violation exists.
6. **Enforcement Procedures:** The CEO shall use the following enforcement procedures, unless the ordinance being enforced establishes a different set of procedures:
 - A. Detect the violation of the local ordinance.
 - B. Give oral notice of the violation to the violator, requesting compliance.
 - C. Post a "stop work" order where oral notice is not possible.
 - D. Send the first written notice to the violator urging voluntary compliance by acquiring a permit, removing the violation, paying a fine, or similar appropriate corrective action, unless a specific type of compliance is required by the ordinance being enforced, limiting the CEO's discretion.
 - E. Inspect the property.
 - F. Send a second written notice if there is no compliance.
 - G. Inspect the property.
 - H. Send a third written notice, if there is no compliance indicating that the case is being referred to the Selectmen for possible legal action.
 - I. With the authorization of the Selectmen, contact the District Attorney or a private attorney about prosecuting the case.

NOTE: The written notices described in sections 6D, 6F, and 6H should be sent both to the person conducting the illegal activity and to the property owner, where the two are not the same person.

7. **Compensation:** Time spent on informational, addressing and enforcement duties shall be

compensated by an annual stipend as appropriated at town meeting. For permitting duties, the CEO shall receive as payment a portion of the fees collected, as determined by the Selectmen.

Administrative costs and out-of-pocket expenses incurred by the CEO (postage, mileage, phone, legal expenses, training expenses, manuals or other costs) shall be paid and/or reimbursed from the balance of fee revenue collected. The Selectmen, at their discretion, may also pay the CEO for extensive time and/or out-of-pocket costs incurred in the prosecution of a violation from fines and/or court-ordered fees collected as a result of prosecuting that violation.

8. **Training:** The CEO will take the necessary training as mandated and offered by the State.
9. **Amendments:** At any time this ordinance is amended, the Town Clerk, upon advice from the Planning Board, is authorized to insert and/or delete amended language, insert and/or delete clearly inconsistent references caused by such amendments, renumber sections of the amended ordinance in a logical and appropriate fashion, and correct typographical errors, provided such changes do not result in any substantive alteration of the meaning of the ordinance and further the clear intent of such amendment.