

**ARTICLE 2 - AUTHORITY AND ADMINISTRATION**

**2.1 Authority.**

- A. These standards have been prepared in accordance with the provisions of Title 30-A M.R.S.A., §4403.
- B. These standards shall be known and may be cited as "Subdivision Regulations of the Town of \_\_\_\_\_, Maine."

**2.2 Administration.**

- A. The Planning Board of the Town of \_\_\_\_\_, hereinafter called the Board, shall administer these regulations.
- B. The provisions of these regulations shall pertain to all land and buildings proposed for subdivision within the boundaries of the Town of \_\_\_\_\_.

**2.3 Amendments.**

- A. These regulations may be amended by:
  - 1. The Legislative Body of the Town of \_\_\_\_\_.
  - 2. The Planning Board if the Legislative Body has not adopted or amended the standards.
- B. A public hearing shall be held prior to the adoption of any amendment. Notice of the hearing shall be provided at least seven days in advance of the hearing.

Title 30-A M.R.S.A., §4403, subpart 12, authorizes the municipal review authority to adopt these regulations. Note that Title 30-A M.R.S.A., §4403 requires the municipal review authority to hold a public hearing, with seven days notice, prior to adoption.

This section simply gives the document a name. If these standards are adopted as an ordinance by the municipal legislative body, the standards should be known as the "Subdivision Ordinance."

Title 30-A M.R.S.A., §4301 indicates that the municipal review authority is the Planning Board, agency or office, if one has been established, or the municipal officers if not. If your municipality has not established a Planning Board, Section 2.2.A should refer to the Municipal Officers. If your municipality has a town or city planner, you may choose to designate the planning department as the review authority, freeing the Planning Board to work on planning or other projects. In addition, if part of that person's responsibility is to work with the Planning Board in reviewing subdivisions Section 2.2.A should reference them in the process. If the municipality chooses to designate the planning department as the review authority, it may be best to do so under a home rule-based ordinance in addition to citing Title 30-A M.R.S.A., §4301, the statutory definition of review authority.

If the standards are adopted as an ordinance, Section 2.2.B should refer to "this ordinance."

Title 30-A M.R.S.A., §4403, sub-§2 provides that regulations adopted by the review authority are in effect until amended, repealed or replaced by regulations adopted by the legislative body. Our opinion is that if adopted as regulations by the review authority, and never acted upon by the legislative body, then the review authority may amend the regulations following a hearing. If the legislative body has either adopted the standards or amended them, our opinion is that all subsequent amendments must be adopted by the legislative body. If that is the case in your municipality, rewrite Section 2.3.A to read, "These regulations may be amended by the Legislative Body of the Town of \_\_\_\_\_."

The hearing and notice requirements are from the statute (Title 30-A M.R.S.A., §4403, sub-§2). If adopted as an ordinance other hearing requirements may apply. See particularly your municipal charter for hearing requirements.