

TOWN OF VASSALBORO
BUILDING PERMIT ORDINANCE

DRAFT

APPROVED JUNE 2008

AMENDED JUNE 2012

To be AMENDED JUNE 2018

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SECTION 1 PURPOSE

The purpose of this ordinance is to assure compliance with existing state and local regulations governing land use and subsurface wastewater disposal; secure the comfort, convenience, safety, health and welfare of the people of the Town of Vassalboro; and protect the environment and to promote the development of an economically sound and stable community.

SECTION 2 AUTHORITY

Limitations on home rule authority.

This chapter provides express limitations on municipal home rule authority.

The Maine Uniform Building and Energy Code (MUBEC) must be enforced in a municipality that has more than 4,000 residents and that has adopted any building code by August 1, 2008.

Beginning July 1, 2012, the Maine Uniform Building and Energy Code must be enforced in a municipality that has more than 4,000 residents and that has not adopted any building code by August 1, 2008.

The Maine Uniform Building and Energy Code must be enforced through inspections that comply with Title 25, section 2373. [Title 10, Chapter 1103 §9724].

SECTION 3 APPLICABILITY

A. The following Chapters of the 2015 International Building Code, (IBC) published by the International Code Council, Inc., in effect on May 2014, are hereby adopted and incorporated by reference:

1. Chapters 1 – 10
2. Chapters 12 – 27
3. Chapters 31 – 35

The following chapters, and all appendices, of the IBC are specifically excluded from adoption:

4. Chapter 11 Accessibility
5. Chapter 28 Mechanical Systems
6. Chapter 29 Plumbing Systems
7. Chapter 30 Elevators and Conveying Systems
8. Appendix A – M

B. Chapters 1 – 15 of the 2015 International Existing Building Code, (IEBC) published by the International Code Council, Inc., in effect on May 2014, are hereby adopted and incorporated by reference.

C. The following Chapters of the 2015 International Residential Code, (IRC) published by the International Code Council, Inc., in effect on May 2014, are hereby adopted and incorporated by reference:

1. Chapters 1 – 10
2. Chapters 12 – 19
3. Chapter 23
4. Chapter 41
5. Chapter 42
6. Chapter 44
7. Appendix G

The following Chapters, and all appendices, of the IRC are specifically excluded from adoption

8. Chapter 11
9. Chapters 20 – 22
10. Chapters 24 – 40
11. Chapter 43
12. Appendix A - F and H - Q

D. Chapters 1 – 15 of the 2015 International Energy Conservation Code, published by the International Code Council, Inc., in effect on May 2014, are hereby adopted and incorporated by reference.

1. Table R402.1.2 Basement wall insulation R/10

E. Exempt structures. The following structures are exempt from the application of the IBC, IEBC, IRC and IECC:

1. Nontraditional or experimental construction, including but not limited to straw bale and earth berm construction
2. Building materials from local sawmills, including but not limited to nongraded lumber
3. Buildings used to house livestock or harvested crops

SECTION 4 EFFECTIVE DATE

The Building Ordinance shall supersede all former building code ordinances and shall become effective immediately after approval by the voters of the Town of Vassalboro.

SECTION 5 CONFLICT WITH OTHER ORDINANCES

Where the provisions of this Ordinance conflict with this or any other ordinance, the stricter standard shall apply.

SECTION 6 VALIDITY AND SEVERABILITY

Should any section or provision of this Ordinance be declared invalid, such invalidity shall not void or make invalid any other section of this Ordinance.

SECTION 7 AMENDMENT

This Ordinance may be amended by a majority vote of any legal Town Meeting when such amendment is published in the Warrant calling for such meeting.

SECTION 8 ADMINISTRATION

A.) Authority - The Code Enforcement Officer shall administer provisions of this Ordinance.

B.) Permits

- 1.) Permit required - No person shall authorize or undertake any applicable work as defined in SECTION 3 of this Ordinance without first obtaining a permit from the Town. All applications for permits required by this ordinance shall be made in writing. The application for permits shall be on a form furnished by the Town.

The applications shall be filed with the town office prior to the start of any work. A permit is valid only for the named applicant and is non-transferable.

- 2.) Requirements for permitting - The Code Enforcement Officer shall grant a building permit provided:
- a) A driveway entrance permit has been obtained from Maine DOT for a proposed driveway entering a state road (MRSA Title 30-A, Chapter 185, §4103, 3D),
 - b) A proposed driveway entering a town or private road in subdivisions meets the sight distances indicated in the Vassalboro Road Ordinance for driveway curb cuts or 10 feet for every posted mph and the driveway entrance is a minimum of 7 feet from road intersections,
 - c) Wastewater disposal is permitted, adequately sized, and meets the state plumbing code,
 - d) A permit for internal plumbing, as required, is issued at the same time as the application for the building permit, and
 - e) The building site has been inspected as required in SECTION 10 of this Ordinance.
 - f) Setbacks for structures - A minimum setback of twenty (20) feet from property lines and twenty-five (25) feet from the edge of the right of way of any town and state road or private road within a subdivision shall be maintained for all new structures and structure additions permitted as of the effective date of this ordinance, except setback distances for reconstructions or replacements of structures that existed prior to the effective date of this ordinance shall meet these setback distances to the greatest extent practical. Where the road right of way cannot be established, a required setback of 50 feet measured from the centerline of the traveled road shall be used.
 - g) A building permit shall not be issued prior to obtaining required permitting from the Town for Shoreland Zoning, Subdivision or Site Review, and required state and federal permitting. If the proposed construction or alteration is in conflict with this ordinance a permit shall not be issued until such conflict has been removed. A building permit shall not be issued within any subdivision that is not in compliance with all local ordinances and state laws.
 - h) For proposed projects located within the Wellhead Protection Area of the East Vassalboro Water Company as mapped by the Maine Drinking Water Program, a written statement has been obtained from the East Vassalboro Water Company indicating that the proposed project will not negatively impact their essential operations, and proposed petroleum storage tanks are double-walled and installed by a professional who is certified by the Maine Fuel Board.
- 3.) Additional requirements for manufacturing housing - A permit to place a manufactured housing unit (as defined in Title 10 M.R.S.A. Chapter 951 §9002 and §9061) on individual housing lots, on undeveloped lots where single-family dwellings are allowed shall be issued only if the following conditions have been met:
- a.) The manufactured home must have a pitched roof prior to be located on-site. A pitched roof is defined as a roof with a pitch of 2 or more vertical units for every 12 horizontal units of measurement and which is covered with asphalt or fiberglass composition shingles or other materials, but specifically excludes corrugated metal roofing material,
 - b.) The manufactured home has an exterior siding that is residential in appearance but this exterior siding shall not consist of vertical metal siding, and
 - c.) The permit applicant provides proof of payment of property taxes on any mobile moved from another town in the municipality where the home was formerly located (MRSA, Title 30-A, Chapter 185, §4103, 3C),
 - d.) Manufactured homes located within the legal borders of the Town of Vassalboro as of the date of the adoption of this Ordinance do not have to meet the above requirements in (a), (b), and (c) if they are being re-located within the Town of Vassalboro,

- e.) Initial placement of Pre-HUD-code homes, which are those units constructed prior to June 15, 1976, meaning structures, transportable in one or more sections, that are 8 body feet or more in width and are 32 body feet or more in length and are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities, including the plumbing, heating, air-conditioning or electrical systems contained therein, is not permitted.
- 4.) Procedure for Administering Permits – All permits shall be approved or denied in writing as soon as practical but not more than **seven (7)** days of receiving a complete application. Permits may be subjected to reasonable conditions to insure conformity of this ordinance and other local and state laws. If a permit is denied, the reasons for denial will be stated in writing. A request for an appeal from any approval or denial shall be made within **thirty (30)** days of the approval or denial.
- 5.) Term of Permit – All building permits shall be void unless work is commenced and at least **thirty (30) percent** of the estimated total cost of the building, including exterior siding, is complete within two (2) years from the date of approval.
- 6.) Permit Modification – Any modifications to the description or scope of the project above and beyond minimal changes shall require a revised permit application, payment of an additional one-half of the application fee, and a permit prior to beginning the work.
- 7.) Permit Fees – Permit fees for building in the Town of Vassalboro will be set by the Selectmen. The Planning Board shall make recommendations to the Selectmen, The fee structure will be reviewed annually by both bodies.

Fees shall be paid to the Municipal Treasurer. If any person, including any owner, and contractor, or any authorized agent, fails to obtain any permit in accordance with the Ordinance until after the work has begun, the fees set forth above shall be three (3) times the regular permit fee, in addition to any enforcement action that may be taken.

SECTION 9 EROSION CONTROL

Under the authority of the Maine Erosion and Sediment Control Law (Title 38, Chapter 3 §420-C), the Code Enforcement Officer shall require erosion control measures, whenever filling displacing, excavation or exposing soil and earthen materials will occur at the building site. All erosion control methods will be consistent with DEP's Maine Erosion and Sediment Control Best Management Practices Manual for construction sites (DEPL W0588, March 2003) or any updated version of this document. Erosion control measures must be in place before the construction and any disturbance of soil begins and must remain in place until the site is permanently stabilized.

SECTION 10 INSPECTIONS AND OCCUPANCY

An inspection of the site will be made by the Code Enforcement Officer prior to issuing a building permit to determine the necessary erosion control measures whenever filling, displacing, excavating or exposing soil and earthen materials will occur at the building site. The Road Commissioner shall review the driveway entrance distances and assure compliance with the Town Road Ordinance.

Before any building can be occupied as a residential dwelling, it must have the inspection and approval of the Code Enforcement Officer.

The CEO shall assure the dwelling unit has:

1. An approved method for the on-site wastewater disposal installed with the minimum of one working toilet and sink,
2. The internal plumbing system and subsurface wastewater disposal system has been inspected by the Licensed Plumbing Inspector,
3. The electrical wiring in a newly constructed residence has been installed by or inspected by a Master Electrician, State Electrical Inspector, or an appropriate state certified electrical inspector,
4. That there is a permanent heat source,
5. That there are smoke and carbon monoxide detectors as required by the National Electric Code, and
6. Overall conditions of safety and sanitation are met.

An Occupancy Certificate shall be issued. Buildings occupied without the required inspection shall be subject to enforcement action as indicated in SECTION 11 of this Ordinance.

SECTION 11 ENFORCEMENT

The Code Enforcement Officer shall enforce this Ordinance and initiate all procedures and actions through the Municipal Officers. Any person found guilty of violating any provision of this Ordinance shall be subject to a fine of not less than **one-hundred (100) dollars** for each offense nor more than **two-thousand five-hundred (2,500) dollars**. All fines shall be paid to the Town of Vassalboro. Such persons shall also be liable for court costs and reasonable attorney fees incurred by the Town of Vassalboro in the event of the necessity of such actions.

SECTION 12 RIGHT OF ENTRY

The Code Enforcement Officer or his/her assistant, in the performance of his/her duties, may enter any building during construction for the purpose of making the inspections required by this code with proper notification to the owner(s).

SECTION 13 APPEAL

Appeal **from** the decision of the Code Enforcement Officer shall be made to the Board of Appeals and from the Board of Appeals to Superior Court. Such appeal shall be filed within thirty (30) **calendar** days of the date of the order being appealed.

SECTION 14 REPEAL

With the enactment of this Ordinance, the Building Permit Ordinance of June 2005 as amended is repealed.

SECTION 15 DEFINITIONS

1. Addition – A change in the existing building footprint or volume as measured from the exterior of the building.
2. Bedroom – Any room within a residential dwelling unit that has a closet and a means of outside egress, such as a window or any room that is used primarily as sleeping quarters.
3. Driveway – A vehicular access way less than five-hundred (500) feet, horizontal distance, in length serving two (2) residential dwelling units or fewer.

4. Major reconstruction – The replacement or alteration of an existing building or part thereof which results in an estimated fair market value of 1,000 or more for the replacement or alteration excluding normal building maintenance. The actual cost of materials may be substituted for fair market value when it is difficult to determine the fair market value.
5. Minor reconstruction – The replacement or alteration of an existing interior or exterior part of the building without changing the building footprint or volume which results in an estimated fair market value of less than one-thousand (1,000) for the replacement or alteration. The actual cost of materials may be substituted for fair market value when it is difficult to determine the fair market value.
6. Dwelling – Any building that contains one or two dwelling units used, intended, or designed to be built, used rented, leased, let or hired out to be occupied, or that are occupied for living purposes.
7. Dwelling unit - A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
8. Setbacks – The minimum horizontal distance from a lot property line or the edge of the right of way of any town and state road or private road within a subdivision to the nearest part of any new structure.