

# DIXFIELD, MAINE

## BUILDING PERMIT ORDINANCE



**CERTIFIED: MAY 1, 2013**

**Board of Selectmen Signatures:**

*Malcolm M. Gill*

Malcolm M. Gill, Chairman

*Norine H. Clarke*

Norine H. Clarke

*Robert V. Withrow*

Robert V. Withrow

*Scott W. Belskis*

Hart L. Daley

Scott W. Belskis

## **DIXFIELD, MAINE**

### **BUILDING PERMIT ORDINANCE**

**Presented at Town Meeting May 23, 2013**

#### **SECTION A. BUILDING PERMIT**

No building, other structure, or driveway shall be erected, moved, added to, demolished or structurally altered without a permit first being issued by the Code Enforcement Officer, hereinafter referred to as the CEO. No building permit shall be issued except in conformity with the provisions of this Ordinance and the NFPA Codes and Standards Ordinance adopted at Town Meeting. If the construction or part applied for is not substantially completed within 12 months of the permit issuance, the permit shall lapse. An extension of up to six months may be granted by the CEO without additional charges if the CEO determines that substantial progress has been made and completion of the work permitted will likely be achieved within said six month extension period. For long term commercial projects that require multiple year construction schedules, the CEO will extend the permit free of charge for up to two (2) one (1) year extensions.

#### **SECTION B. APPLICATION**

Unless excused or modified by the Code Enforcement Officer, all applications for building permits shall be accompanied by:

1. The name and address of the applicant
2. An address and tax map and lot number indicating the location of the construction site
3. A reasonable estimate of the cost of the project; the total investment added to the existing property based on reasonable market value
4. A Statement of intended use of the structure
5. For any project estimated to cost \$100,000 or more, scaled construction plans or drawings including cross sections, elevations, and floor plans depicting building materials, dimensional specifications, spacing/spans, and construction techniques.
6. Site plan drawn to scale, showing the dimensions and shape of the lot to be built upon, the sizes and locations on the lot, of buildings already existing, if any, and the location and dimensions of the proposed building or alteration.
7. All information deemed necessary by the Code Enforcement Officer, for the protection of the public interest.
8. Proof that the applicant has right, title and interest or legal standing in the property.
9. Signature upon the application of the Road Commissioner or his/her designee approving any work to be performed within any Town right of way.

The Code Enforcement Officer may require at his/her discretion additional tests to be performed under the CEO's observation and at the expense of the applicant. The application shall include

such other information as lawfully may be required by the CEO to determine conformance with and provide for the enforcement of this ordinance upon request.

#### **SECTION C. FEE**

All fees shall be in accordance with a schedule adopted by the Board of Selectmen. Building permits shall not be required for proposed building alterations that are primarily cosmetic in nature such as painting, or replacing roof shingles- siding- doors or windows (without enlarging the existing openings), and interior remodeling, so long as no structural walls, floors, or roof components are affected. Fees for commercial permits shall be higher due to the substantive nature of the projects environmental impacts, structural inspections, and review and analysis of the application.

#### **SECTION D. RIGHT OF ENTRY**

The Code Enforcement Officer, in the performance of his/her duties, may, in accordance with 30-A MRSA Section 4452(1)(A), enter any property at any reasonable time, and may, with the permission of the owner, occupant or agent, enter any building, land, or mobile home, for which a permit has been issued, for the purpose of inspecting the permitted construction. This provision shall include a final inspection and/or Certificate of Occupancy inspection which shall be made upon completion of the project. Representatives from State agencies, Town Departments or other trade professionals may accompany the CEO during any inspection if deemed necessary by the CEO in determining compliance with this Ordinance or other Local, State or Federal regulations. The Town's Assessor or designee may accompany the Code Enforcement Officer at the final inspection for valuation and assessment purposes.

#### **SECTION E. PERMIT REVIEW**

The Code Enforcement Officer, after the proper examination of the application, shall either issue the requested permit or transmit notice of refusal within a reasonable time, normally not exceeding ten (10) working days. Notice of refusal shall be in writing and shall state the reasons thereof.

#### **SECTION F. SEVERABILITY**

It is the intention of the municipality that each separate section of this ordinance shall be deemed independent of all other sections herein, and it is further the intentions of the municipality that if any provisions of this ordinance be declared invalid, all other sections thereof shall remain valid and enforceable.

#### **SECTION G. LEGAL ACTION AND VIOLATIONS**

When any violation of any provisions of this ordinance shall be found to exist, the Town Selectmen may institute any and all actions and proceedings either legal or equitable that may be appropriate or necessary for the enforcement of the provisions of this Ordinance. This provision shall not prevent any person aggrieved by a violation of this Ordinance from taking appropriate legal action against the violator.

## **SECTION H. FINES AND PENALTIES**

The fines and penalties contained in 30A MRSA Section 4452 shall apply to any violations of this Ordinance. Notwithstanding the discretionary language in 30-A MRSA Section 4452, a minimum fine of \$100 per day shall be assessed for each day that the violation is determined to have existed. In addition, the Town shall be awarded its reasonable attorneys fees incurred in connection with the prosecution of violations of this Ordinance.

## **SECTION I. AMENDMENTS**

This ordinance may be amended by a majority vote of town meeting when such amendment is published in the warrant calling for the meeting

## **SECTION J. REPEAL OF CONFLICTING ORDINANCES**

All existing building ordinances of the Town of Dixfield are hereby repealed insofar as they may be inconsistent with the provisions of this Ordinance.

## **SECTION K. RIGHT-OF-APPEAL**

Any decisions by the Code Enforcement Officer may be appealed by the applicant. Such appeal must be made within fourteen (14) days of the decision and done so in writing to the Board of Selectmen. A majority vote of the Board of Selectmen can overturn the decision of the Code Enforcement Officer in regards to decisions made in compliance with this Ordinance.

## **SECTION L. EFFECTIVE DATE**

This Ordinance shall be in full force and effective on May 24, 2013.

## **SECTION M. PLUMBING PERMIT**

When proposed construction for which a building permit is applied for, involves internal plumbing or requires a new or modified sub surface waste disposal system in accordance with the Maine State Plumbing Code, the building permit application must be accompanied by a plumbing permit for such work or systems, issued by the Town's appointed Plumbing Inspector.

## **SECTION N. ADDITIONAL PERMITS**

Any additional permits that the project may require including but not limited to: Flood Plain, Shoreland Zoning, Dixfield Planning Board, State Fire Marshall's Office, Maine DEP, Maine DOT, and State Electrical Inspector's Office, shall be issued or received by the CEO prior to the issuance of any local building permit. However, the CEO at their discretion may issue a conditional permit with the written condition that any permits, additionally required, be acquired from the appropriate agencies and copies given to the CEO before those aspects of the project are started.

## **SECTION O. ENFORCEMENT OFFICER**

It shall be the duty of the Code Enforcement Officer (CEO), appointed by the Town as “Building Official” or other person duly authorized by the Town of Dixfield to enforce the provisions of this Ordinance. If the CEO shall find that any of the provisions of this Ordinance are being violated, the CEO shall notify in writing the record owner and occupant, indicating the nature of the violation and ordering the action necessary to correct it. The CEO shall order discontinuance of illegal activity pertaining to use of buildings, structures or of additions, alterations, or structural changes thereto; and may take any other action allowed by law to insure compliance with or to prevent violations of its provisions

## **SECTION P. CERTIFICATE OF OCCUPANCY**

It shall be unlawful to use, occupy, or permit the use or occupancy of any building or premises requiring a permit, or part thereof hereafter created, erected, changed, converted, or wholly or partly enlarged in its use or structure until a Certificate of Occupancy shall have been issued by the CEO and endorsed to the effect that the proposed use of the building or land is in compliance with the Town’s ordinances and is safe for habitation. A temporary Certificate of Occupancy may be issued by the CEO for a period of six months during construction or alterations for partial occupancy of a building pending its completion, provided that such temporary certificate may require such conditions and safeguards as will protect the safety of the occupants and the public. The Code Enforcement Officer shall maintain a public record of all Certificates of Occupancy. Failure to obtain a Certificate of Occupancy prior to use of the premises shall be a violation of this ordinance. No Certificate of Occupancy shall be issued until the applicant has presented evidence to the CEO that any restrictions or conditions of approval imposed by the Planning Board or Board of Appeals (if any) have been recorded in the Oxford County Registry of Deeds, either by means of notation(s) on a recorded plan or by filing of such other certificate as will provide record notice of such conditions of approval. The cost of recording any such plan of certificate shall be borne by the applicant.

## **SECTION Q. DRIVEWAYS**

All Common Driveways (Any driveway serving (A) more than one dwelling unit, including seasonal, or (B) structures on more than one parcel of land.) shall be constructed to and comply with the provisions as set forth in the Town Of Dixfield Street Standards Ordinance, section VI sub sec (I).

Prior to the construction or alteration of any driveway or access road within the right-of-way of any Town, State or private road, a building permit with the driveway section completed shall be issued by the CEO. A building permit for any project involving the construction or alteration of a driveway or access road shall be issued only after the review, approval, and signature of the Road Commissioner or his/her designee upon the driveway section of the building permit.

1. The Road Commissioner or his/her designee shall inspect each proposed driveway location to determine the suitability of its location and design with particular emphasis on

traffic safety, drainage and erosion control. The Road Commissioner or his/her designee shall determine the need for a culvert or other improvements within the public or private right-of-way. The Road Commissioner or his designee may deny a driveway access from a public right of way or require additional signage, vegetation clearing, earth moving, clear sight easements, traffic engineering, etc. if such access is determined to pose a traffic hazard.

2. The Road Commissioner or his/her designee shall determine that the location, design, and material of any driveway or access road is suitable for the intended use and adequately provides for drainage along the road way and prevents damage to the road. Culverts shall be a minimum of 15" in diameter and be of the same specifications as those used by the Town for similar applications or be deemed equivalent by the Road Commissioner. Gravel and all other materials used must be approved by the Road Commissioner or his/her designee and never be of lesser quality or specifications than materials customarily used by the Town.

3. The owner of the property served by the driveway or access road/driveway shall be responsible for all costs associated with installing a culvert and signage along with driveway/roadway installation. All construction shall be performed by the applicant or a private contractor at the applicant's expense, except that the Town shall install any required signage after collecting a fee from the applicant in accordance with the Board of Selectmen fee schedule to cover the cost of any signs.

4. Any new driveway serving more than one residence including seasonal camps or other structures must have a private road name and sign approved by the Town Clerk for 911 and addressing purposes. Said road name shall not conflict with, or too closely resemble, the name of another named road in Dixfield so as to allow for confusion in an emergency situation. A fee in accordance with the Board of Selectmen fee schedule to cover the cost of the sign shall be collected at the time of the Building permit application. The sign shall be selected, supplied, and installed by the Town. The type and size of sign shall be chosen by the Road Commissioner or his/her designee and shall be similar to those used on Town roads but of a different color (typically blue with white lettering).

## **SECTION R. ADDRESSING**

All building and occupancy permits shall be issued in compliance with the Town of Dixfield Street Naming and House Numbering Ordinance.

## **SECTION S. FEES**

### **Building Permit Fees**

These permits are based upon the direct costs of construction including materials and labor as determined by the CEO.

Residential:	Permit fee:
\$1 to and including \$50,000	\$50
\$50,001 and higher	\$50 and \$1 per thousand over \$50,000
Commercial:	Permit fee:
\$1 to and including \$50,000	\$250
\$50,001 and higher	\$250 and \$2 per thousand over \$50,000

### **Sign Fee**

\$100 for each private road sign