

**TOWN OF MADAWASKA
SPECIAL TOWN MEETING WARRANT**

**AROOSTOOK, SS
STATE OF MAINE**

TO: Ross Dubois, a constable in the Town of Madawaska, County and State aforementioned.

GREETINGS:

In the name of the State of Maine, you are hereby required to notify and warn the inhabitants of the Town of Madawaska, in said County, qualified by law to vote in said town affairs to meet at the Madawaska Middle/High School Cafeteria on Tuesday February 21st, 2023 at 6:30 pm to act on articles 1, 2, & 3.

Article 1 To choose a moderator to preside at said meeting.

Article 2 Shall the Town of Madawaska vote to repeal the Town Ordinance entitled "Maine Uniform Building and Energy Code (MUBEC), as adopted on October 11, 2010 by the Maine Department of Public Safety's Building Codes and Standards Board, be adopted by reference, as authorized by 10 M.R.S.A., section 9724 (1-A) and 30-A M.R.S.A. section 3003? Upon adoption, MUBEC shall be effective retroactive to September 28, 2011. The penalty for violation of any provision of MUBEC shall be provided by 30-A M.R.S.A., section 4452. A copy of MUBEC of and shall remain on file with the municipal clerk and is available for public use, inspection, and examination.

EXPLANATION:

As authorized by State Law requires Town's over 4,000 in population to enforce all aspects of MUBEC. The Town's population declined below 4,000 as of the most recent census, and therefore the Town is not required by State law to enforce MUBEC. MUBEC is mandatory in terms of required building code in Town's over 2,000 in population, however there is no mandate for local enforcement unless adopted by local ordinance. Additionally, a legal opinion on the Town's 2012 MUBEC ordinance states:

"when a municipality voluntarily adopts MUBEC it adopts only the version in effect/stated at the time of local adoption."

Since MUBEC building codes constantly change, this means that the version of MUBEC that was adopted in 2012 is no longer current. The Board of Selectmen understands that MUBEC building codes for Towns with populations over 2,000 is required by State law, but the law does not require a Town to enforce the provisions of MUBEC, unless it is properly adopted into local ordinance by "reference". The Board of Selectmen, recommends the repeal of the 2012 MUBEC ordinance for these aforementioned reasons, and for practical reason not adopt a new MUBEC ordinance.

RECOMMENDED BY BOARD OF SELECTMEN