

BUILDING SAFETY ORDINANCE

Adopted: March 10, 1997, Annual Town Meeting

Amended March 9, 1998

Amended March 8, 1999

Amended March 8, 2004

- (1) **PURPOSE:** The purpose of this Ordinance is to protect the health and safety of the citizens of Skowhegan, and to present in a unified format those State statutes effecting building safety that the citizens are responsible for complying with. By combining varied State laws under one local ordinance, the citizens will have a single document rather than many separate and unconnected statutes.
- (2) **AUTHORITY:** This ordinance is authorized in accordance with Title 30-A MRSA section 3001. Further authority is derived from Title 25 section 2351.
- (3) **APPLICABILITY:** This ordinance is applicable to all existing and new structures, both principal and accessory, that are constructed or placed for human habitation or occupancy.
- (4) **EFFECTIVE DATE:** This ordinance is effective when approved by the voters of the Town of Skowhegan.
- (5) **AVAILABILITY:** Copies of this ordinance are available free of charge at the municipal building.
- (6) **SEVERABILITY:** Should any part of this ordinance be declared by the courts to be invalid, that decision will not invalidate any other provisions of this ordinance.
- (7) **CONFLICTS WITH OTHER ORDINANCES:** Whenever a provision of this ordinance conflicts with, or is inconsistent with, the provisions of this or any other ordinance, the more restrictive provision shall control.
- (8) **AMENDMENTS:** This ordinance may be amended by vote of the legislative body. Amendments may be proposed by the Code Enforcement Officer (CEO), the Fire Chief, the Selectmen, or by citizen petition.
- (9) **NON-CONFORMANCE:**
 - A. **Purpose:** This section allows the continued use of legal non-conforming structures that existed prior to the enactment of this ordinance and that are determined not to be a hazard.

B. General: A structure is considered non-conforming if it was erected, or placed prior to the effective date of this Ordinance, without an inspection by the Code Enforcement Officer or the Fire Chief and for which a Certificate of Occupancy has not been issued.

C. Non-conforming Structures: Any non-conforming structure can be used, and occupied, providing it meets, to the greatest extent possible, the standards of this Ordinance. Non-conforming structures may be expanded provided that the expansion does not further increase the non-conformity of the structure. If a non-conforming structure is destroyed by fire, flood, or other cause it may be rebuilt provided that the new structure meets the provision of this ordinance to the greatest extent possible; and provided that any structure in the special flood hazard area that is destroyed by 50% or greater is elevated at least one foot above the Base Flood Elevation as is required by the Floodplain Management Ordinance.

D. Non-Conforming Lots: Any non-conforming lot of record in existence prior to the effective date of this ordinance, and not located in the Shoreland Zone, may be used and built upon provided that all provisions of this ordinance except set-back can be met.

(10) STANDARDS: All structures constructed, placed, or expanded after the effective date of this ordinance, shall meet those chapters of the National Fire Protection Association adopted by the Department of Public Safety, State Fire Marshall's Office; the Maine State Plumbing Code; National Electrical Code; and the Skowhegan Flood Plain Management Ordinance. The structure shall also comply with the following:

A. Minimum Lot Size: All lots not in the Shoreland Zone (SLZ) and not served by the Town sewer system, shall be a minimum of 20,000 sq. ft.

In the Shoreland Zone the following minimum lot sizes shall apply:

- (1) Served by Town Sewer
 - (a) Residential 10,000 sq.ft.
 - (b) Recreational Facilities 40,000 sq.ft.
 - (c) All others 20,000 sq.ft.

(2) Not served by Town Sewer

(a) Residential	40,000 sq.ft.
(b) Recreational Facilities	40,000 sq.ft.
(c) All others	60,000 sq.ft.

- A. Set-backs: All new principal and accessory structures, and expansions of existing structures that do not have common walls, or firewalls and sprinklers, must be set back a minimum of five feet from side and rear property lines and from the front line a distance to be determined by the Road Commissioner, but not less than five feet.

In the Shoreland Zone all structures must be set back at least 75 feet from the normal high water mark of rivers and streams and 100 feet from lakes and ponds and, depending on the SLZ district, may be required to be set back 250 feet. (Because of the complexity of the setback requirements in the SLZ, anyone contemplating work within 250' of any water body [brook, river, pond, lake, or wetland] shall contact the Code Enforcement Office or the Planning Department for a specific setback determination.)

The physical location of the property lines is the responsibility of the property owner or their agent.

- C. Buildings with common walls – Any new principal or accessory structure that has a common wall with a structure on an adjacent lot may be constructed without a setback from the property line provided that the building is a sprinkled structure and/or is fire-resistant construction as determined by the Code Enforcement Officer, Fire Chief, or their designee. All other setbacks must be maintained except for the common wall(s).
- D. Buildings with Fire Walls – Any new principal or accessory structure, or expansion of an existing structure that has a Fire Wall as defined in the most recent edition of the National Fire Protection Association Section 5000 (NFPA 5000) and is a sprinkled structure may be constructed without a setback from the rear or side property lines provided that the construction and the building plans are approved in writing by the Code Enforcement Officer and Fire Chief prior to the start of construction.
- E. Any building, except a single family residential structure, that has early detection devices (fire alarms and/or sprinklers) shall have an emergency access box, approved by the Fire Chief and installed per manufacturer's instructions.

(11) ADMINISTRATION:

- A. Administering Agents: The following individuals shall be responsible for the

administration of this ordinance:

- (1) The Code Enforcement Officer (CEO)
- (2) The Fire Chief

- B. Notification Required: Anyone constructing, or placing, a new principal or accessory structure must notify the administering agents on forms provided by the Town.
- C. Procedure for Conducting Inspections: Within 48 hours of receiving notice that a building is ready for inspection, the administering agents shall conduct an inspection in accordance with the specifications of the ordinances identified in section 10.
- D. Issuance of Certificate of Occupancy: Upon successful completion of the inspection, the administering agents shall issue a Certificate of Occupancy for the structure inspected.

If an inspection identifies defects or problems, a Certificate of Occupancy shall not be issued until the problems or deficiencies are corrected. In addition, for those ordinances that require legal action to be taken, such action will commence if the problems or deficiencies are not corrected within the time-frame established by this ordinance or the ordinance being enforced, whichever is shorter.

E. Appeals: The Board of Appeals shall have the following powers:

- a. Administrative Appeals: To hear and decide appeals where it is alleged that there is an error in any order, requirements, decision, or determination made by, or failure to act by the Code Enforcement Officer, or Fire Chief on the enforcement or administration of this ordinance. No administrative appeal shall be considered a "de novo" action.
 - b. Variance Appeals: To authorize variances upon appeal provided that said variances will protect to the greatest extent possible the health and safety of the citizens of Skowhegan.
- Enforcement: The administering agents will enforce the provisions of this ordinance. When the CEO or Fire Chief finds that this ordinance is being violated, the following procedure will be used:

(1) An oral notification will be given to the violator, with the action necessary to correct the problem. The violator will be given a maximum of 30 days to complete the correction.

(2) If a correction of the violation does not take place within the time limit specified, or 30 days, which ever is shorter, of the oral notification, the administering agent will notify the violator in writing. This written notification will specify what action must be taken to correct the violation. The violator will be given a maximum of 30 additional days to correct the violation.

(3) If the violation is not corrected after the second notification, the administering agent shall inform the Selectmen. The Selectmen are directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violators and the imposition of fines that may be appropriate or necessary to enforce the provisions of this ordinance in the name of the municipality.

The Selectmen can authorize the CEO to prepare an administrative consent agreement for the Town to enter into, with the violator, for the purpose of eliminating violations of this ordinance, and recovering fines without court action. Such agreements shall not allow an illegal structure to continue unless there is clear and convincing evidence that the illegal structure was constructed as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the violator acted in bad faith, or unless the removal of the structure will result in a threat or hazard to public health and safety.

12. DEFINITIONS: Words and terms used in this ordinance shall have their customary dictionary meanings unless specifically defined in the individual standards identified in Section 10.