

Oxford Building Code Ordinance

An ordinance to provide for the health, safety, and public welfare through regulation of new construction, alteration and replacement of buildings by specifying standards for sanitation, for prevention of destruction by fire or collapse, and for satisfying the aesthetic taste. It also provides for the issuing of permits, provides for penalties and prescribes a method of appeal.

Sec. 1 Scope. All building construction in Maine, with some exceptions, is governed by the Maine

Uniform Building and Energy Codes (M.U.B.E.C.), which is adopted by the Technical Building Codes and Standards Board pursuant to MRS Title 10 Part 14 Chap 1103. The provisions of this code shall apply to new construction. It shall also apply to alteration and addition, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one-and two family dwellings and townhouses not more than three stories above grade plane in height with a separate means of egress and their accessory structures relocation and placement of dwellings and manufactured housing or part thereof.

A) The provisions for this Code shall apply to commercial or industrial buildings or their construction, and to residential conversions or apartment buildings of more than three or more units. Plans for such contemplated building or alteration shall be submitted to the Planning Board for review and authorization of permit.

B) Provisions for this Code shall apply to existing electrical and sewer installations on the basis of health and safety.

Sec. 2 Authority. This ordinance is adopted pursuant to Title 30-A § 3001 and § 4352 and Title 38 §§ 435 – 455) of the Maine Revised Statutes.

Sec. 3 Effective Date. This Ordinance shall become effective upon its passage upon a majority vote of a Town Meeting.

After March 11, 1995 no person shall engage in any activity or use of land or structure requiring a permit in the district in which such activity or use would occur; expand, change, or replace an existing use or structure; or renew a discontinued nonconforming use without first obtaining a permit. (See Zoning Ordinance for the Municipality of Oxford)

Sec. 4. Administration: This code shall be administered by a Code enforcement officer or building inspector who shall be appointed by the Select Board yearly.

Sec. 5 Inspections required:

A. The Code enforcement officer/Building Inspector shall endeavor to inspect all buildings being constructed, or manufactured housing, dwellings being altered, additions being added, replaced or relocated for the purpose of enforcing provisions of this Ordinance and all other local and state laws governing the construction, alteration, movement, repair, placement or replacement of buildings

B. The Code enforcement officer/Building Inspector shall endeavor to see that the construction of Commercial or Industrial buildings complies with the plan approved under Sec. 1, paragraph A, in so far as the public health, safety and welfare is concerned. Commercial and Industrial buildings may require a Third Party Inspector or Engineer for structural inspections at the owners or contractors cost.

C. Right of entry. The Code enforcement officer/Building Inspector in the performance of his duties, may, at any reasonable time, enter any building or manufactured housing for the purpose of making the inspection required by this code.

Sec. 6. Permit. Before the construction, alteration, relocation or replacement of any building, manufactured housing or part thereof, including foundations, shall be commenced, the owner or lessee, or architect, contractor or builder employed by such owner or lessee shall obtain a permit from the Code enforcement officer/Building Inspector to cover such work; no permit shall be required for regular maintenance of dwellings, however for commercial or industrial establishments, Planning Board approval must be secured.

- A) **Application.** The application for the permit shall be in writing and shall be made in such a form, as the Code enforcement office/Building Inspector shall prescribe. It shall contain a description, building sketches acceptable to the code enforcement officer/building inspector of the proposed new, altered, or relocated building, part thereof or the replacement contemplated.
 - i. An HHE 200 subsurface wastewater and disposal design or waste water sewer Connection application and internal plumbing permit shall accompany the building permit application and permitted by the local plumbing inspector.
- B) **Permit Approval.** The Code enforcement officer, after the proper examination of the application, or Planning Board approval, shall either issue the requested permit or transmit notice of refusal within a reasonable time, not to exceed ten (10) days.

Notice of refusal shall be in writing and shall state the reasons therefor.
- C) **Life of a Permit.** All building permits shall expire 365 days after issuance unless a different term is stated on the permit.
- D) **Provisions for Renewing.** Renewal applications will be considered upon the expiration of the permit on a no fee basis for a period of one year as long as consistent and continual work is done on the structure. After two years, resubmittal of all plans will be required. Fees will assessed again.
- E) **Display of Permit.** Every building permit shall be displayed in a conspicuous place on the street side of the premises and shall not be moved until all work covered by the permit has been approved.

Sec. 7. Building Fees.

- Accessory structure fees (non-livable spaces) – \$.05/sq ft for decks, docks, sheds, single story garages and barns, porches, stairways and constructed walking paths to water ways, attics and crawlspaces; minimum \$10.00 fee.
- Residential living space fees- Flat fee \$30.00 plus \$.10/sq ft/floor. (Crawlspaces/non-daylight basements and attics are not considered livable space) This includes renovations of basements, porches or attics into livable spaces and renovations to the interior of the building.
- Commercial fees- (Planning Board) Site Plan review fee of \$200 plus any mailings, notices or expert outside review fees with \$.35/sq ft for building permit fee. This is for new construction, additions and alterations. Amendments to approved Site Plans; fee is \$100.00 plus mailings and notices.
- Shoreland Permit (Planning Board) \$100.00, plus building permit square footage fee.
- Board of Appeals fee: \$175.00 filing fee.

[The Select Board has the ability to set or modify these fees annually]

Sec. 8 Certificate of Occupancy. No building or manufactured housing shall be occupied after its construction, or relocation until the Building Inspector and local plumbing inspector have issued a Certificate of Occupancy. The

Code enforcement officer, after notification by the owner or builder, shall within three (3) days issue said certificate after proper examination shows that all work was performed in compliance with the provisions of this Code.

A Certificate of Occupancy shall not be issued for any manufactured housing, which does not conform with Title 10 of the Maine Revised Statutes, Chap 951: Manufactured housing Act.

- A) Minimum Floor Area. 500 square feet required as long as sanitary conditions, minimum room areas of IRC 2009 Sect 304 and 305 or most recent State adopted IRC code, and meet the 2015 Uniform Plumbing Code or latest adopted plumbing code per State law
- B) Rentals. Rentals conform to the currently State adopted NFPA 101 Life Safety Codes.

Sec. 9 Size of Lot. Must meet the minimum requirements for the Zoning District the building is being built, added to, or renovated. If an existing dwelling or structure is demolished, burns or is destroyed by natural causes, it may be rebuilt or repaired on the same lot in accordance with this Code, although the lot is less than requirements detailed in the Oxford Zoning Ordinance provided that a permit for construction or placement of manufactured housing be obtained within 1 year from date of qualifying event.

Sec. 10. Foundations: Foundations will follow (MUBEC) International Residential Building code as currently adopted by the State of Maine,

- A) Manufactured housing shall meet the currently adopted standards of the State's Manufactured Housing Act (MRS Title 10 Chap 951) for new and used mobile and manufactured housing regulations and Oxford Zoning Ordinance Section 16. P.

Sec. 11. Chimneys: Chimneys will follow National Fire Protection Association No. 211, Chimneys, Fireplaces, Vents and Solid Fuel Burning Appliances, and being the version most recently adopted by the State Fire Marshal's Office.

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Sec. 13 Heating Stoves. All heating stoves, whether fired by wood, oil, coal, or gas, shall be installed in accordance with manufacturer's recommendations. Oil, kerosene and gas fired stoves shall have appropriate safety devices.

Sec. 14 Electrical Installation. Permits are required by the State of Maine Electrical Inspector. Every building with electrical service shall have a safe and adequate system throughout.

- A) All installations shall comply and conform to the most recent edition of the National Electric Code as adopted by the State of Maine.
- B) A licensed electrician (or the homeowner on his or her primary single-family residence) shall do all electrical entrance work and no electrical wiring shall be covered or concealed until it has been inspected and approved by the authority having jurisdiction.

Sec 15 Recreational Vehicles: Are not permitted to be lived in as permanent livable structures. See the Zoning Ordinance for more information.

Sec. 16 Enforcement

- A) Whenever the Code enforcement officer and/or Building Inspector is unsatisfied that a building or structure, or any other construction which is regulated, by this Ordinance, he or she shall serve a written notice upon the person responsible for the condition that is in violation of the requirements of this Ordinance.
- B) If work is started without a permit or a permit issued after the fact, a fine of up to five-time permit fee will be assessed.
- C) The Code enforcement officer/Building Inspector is charged with the prosecution of all violations of this Ordinance. In case such notices or orders referred to in Paragraph A, above, are not promptly complied with, he/she shall take such action as is proper to restrain, correct, remove, or remedy such violations. Special liens, attorney's fees and costs and filing costs at court can all be assessed to the property owner.

Sec. 17 Conflicting Provision. Whenever the regulations made under the authority thereof differ from those described by any statute, ordinance, or other regulations, that provision, which imposes the greater restriction or the higher standard, shall govern.

Sec. 18 Validity. If any section, clause, provision, portion or phrase of this Ordinance shall be held to be invalid or unconstitutional by any court of competent authority, such holding shall not affect, or validate any other section, clause, provision, portion or phrase of the Ordinance.

Sec. 19 Right of Appeal. If the Planning Board or Code Enforcement Officer disapproves any application or grants approval with conditions that are objectionable to the applicant or any abutting land owner or any aggrieved party with standing, or when it is claimed that the provisions of the Ordinance has been misconstrued or wrongfully interpreted, the applicant, an abutting landowner, or aggrieved party with standing, may appeal the decision of the Planning Board or Code Enforcement Officer in writing to the Board of Appeals, within thirty (30) days of the Planning Board or Code Enforcement Officer's decision. The Board of Appeals may refer the matter back to the Planning Board or Code Enforcement Officer's after holding an Administrative Appeal or may grant a hardship variance as defined in the Zoning Board of Appeals Ordinance. Public hearings shall be held according to Title 30, M.S.R., Section 2411.

A) Notwithstanding Sec 19 above, the Code enforcement officer/Planning Board may grant a waiver to an owner of a building for the purpose of making that building accessible to a person with a disability who resides in or regularly uses the building as long as the disability exists. The Code enforcement officer/Planning Board shall restrict any waiver granted under this subsection solely to the installation of the equipment or the construction of structures necessary for access to or egress from the residential building by the person with the disability. The Code enforcement officer/Planning Board may impose conditions on the waiver, including limiting the waiver to the duration of the disability or to the time that the person with the disability lives in the residential building. The term "structures necessary for access to or egress from the building shall include ramps and associated railings, wall or roof systems necessary for the safety or effectiveness of the ramps.

B) Appeal shall be submitted to the Code enforcement officer; thence to the Zoning Board of Appeals; thence to the Superior Court (Title 30, Section 2151, as amended).

Sec. 20 Definitions. For the purpose of this Ordinance the following words or phrases shall have the meaning ascribed to them in this section:

Accessory Structures: Sheds, lean-tos, gazebos, garages under 599 sq. ft. etc... shall be determined to be single story (walls not to exceed 9' in height) from the lowest natural grade of the ground and 15' overall height with no second story open space.

Dwelling. Shall mean any building occupied for more than six (6) months in any 12 month period.

Manufactured Housing. Mobile and modular homes shall display a HUD approval plate or a plate indicating Maine State approval, designed and constructed for permanent occupancy, having separate living and sleeping rooms and having provisions for connection to sewer, water, and electricity. Used manufactured homes will have to meet the Used Manufactured

Home Standards for current electrical and plumbing standards. (typically 1976 and newer manufactured homes meet this standard).

Recreational Vehicle: Tow behind camper, fifth-wheels and class A, B or C motor coaches. Shall mean a recreational and /or travel trailer not designed for permanent human occupancy. See Oxford Zoning Ordinance for additional restrictions.

Living Space. Shall mean actual enclosed space suitable for year-round occupancy. It shall not include porches, patios, and similar areas whether enclosed or not.

Commercial/ Industrial. Shall mean buildings, which are used, for sales, manufacturing, storage, service, warehousing, or other related purposes. It also includes apartment buildings of more than two (2) units.

Right of Way of Street or Road. Shall mean the legal width of the road or street. See Oxford Zoning Ordinance for more details. Privately owned roads/lanes/drives shall be measured from the middle of the travelled way.

Structural Change. Shall mean an alteration of a load carrying member or alteration of the exterior dimensions of the building footprint.

Building. Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or material of any kind. Building over 600sq ft such as garages or barns will meet the building code.

Lot of Record. A parcel of land, a legal description of which or the dimensions of which are recorded on a document or map on file with the Oxford County Registry of deeds on or before March 11, 1993.

Nonconforming Lot. A single lot of record which on the effective date of this Code does not meet the area, frontage or width requirements.

Principal Structure. A building other than one which is used for purposes wholly incidental or accessory to the use of another building or use on the same premises. Examples: sheds, patios, lean-tos, gazebos, small garages under 600 sq ft...etc.

Principal Use. A use other than one which is wholly incidental or accessory to another use on the same premises.

Street or Road. A vehicular public way maintained by or owned by the Town of Oxford or the State of Maine or a private vehicular way shown on a recorded plan and/or approved by the Planning Board. **Structure.** Anything built for the support, shelter, or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed or temporary location on or in the ground, exclusive of fencing or poles, wiring and other aerial equipment normally associated with service drops as well as guying anchors. The term includes structures temporarily or permanently located such as docks, patios, movable animal enclosures/sheds and satellite dishes.

Adopted June 10, 2017