

Chapter 5

Building Codes and Standards

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Chapter 5

Building Codes and Standards

1 Purpose

- 1.1 The purpose of this chapter is to establish minimum construction codes and standards to protect the health, safety and welfare of the public, to protect the environment, and to provide for administration and enforcement of those codes and standards.

2 Authority

- 2.1 The Code Enforcement Officer (CEO) is hereby authorized and directed by the Municipal Officers to administer and enforce all the provisions of this chapter, and shall be recognized as the Building Official and the Authority Having Jurisdiction, where such titles are used in applicable codes, standards and rules.
- 2.2 All codes, standards and rules enforced by the Town of Bucksport, as identified in this chapter, are incorporated by reference herein.
- 2.2.1 All codes, standards and rules enforced by the Town of Bucksport may be viewed at the Bucksport Town Office. Free viewing of the copy-protected codes adopted by the state is available on the State of Maine website, except where prohibited by the publisher.

3 Applicability

- 3.1 This chapter applies to the construction, erection, installation, alteration, movement, enlargement and replacement of all buildings and structures within the boundaries of the Town of Bucksport.
- 3.2 This chapter applies to the installation, alteration, movement, enlargement and replacement of all manufactured housing.

4 Severability and Conflict

- 4.1 If a court finds any provision of this chapter to be invalid, the court's decision may not invalidate any other provision of this chapter.
- 4.2 If any provision of this chapter conflicts with another provision of this chapter or any other chapter, or any ordinance, regulation or statute, the more restrictive provision governs.

5 Administration

- 5.1 The administrative provisions of the Maine Uniform Building and Energy Code (MUBEC), with exceptions identified in this section, shall be enforced by the Town of Bucksport.
- 5.1.1 The administrative provisions for identifying required permits, permit exemptions and permit fees shall be as identified in Section 6.
- 5.1.2 The administrative provisions for appeals shall be as identified in Section 13.

- 5.1.3 The administrative provisions for enforcement shall be as identified in Section 15.
- 5.2 The administrative provisions of the MUBEC shall apply to the permitting, inspection and approval of manufactured housing and any other type of building or structure that is exempt from compliance with the MUBEC, but subject to the requirements of this chapter.

6 Permits Required

- 6.1 Except as otherwise provided for in the section, a building permit is required prior to the construction, erection, installation, alteration, movement, enlargement or replacement of any building or structure including, but not limited to, those constructed or assembled on site and those that are prefabricated and delivered to a site. For the purposes of determining permit requirements, manufactured housing shall be considered a building.
- 6.1.1 A building permit is not required for buildings or structures that are considered to have a minimal impact on the environment, municipal services and abutting properties. Exemption from the permit requirements of this chapter shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this chapter or any other laws or ordinances enforced by the Town. Any building or structure that does not require a building permit may still be subject to other municipal, state or federal permit requirements.
- 6.1.2 Buildings and structures that may be constructed, erected, installed, altered, moved, enlarged or replaced without a building permit include the following:
- 6.1.2.1 Swing sets, playhouses, playgrounds, benches, picnic tables, and other similar structures.
 - 6.1.2.2 Seasonal swimming pools.
 - 6.1.2.3 Fences, retaining walls, patios, fountains and similar structures.
 - 6.1.2.4 Pet shelters with a footprint limited to 100 square feet or less.
 - 6.1.2.5 Pens and corrals.
 - 6.1.2.6 Stairs, landings and ramps that are not for public use.
 - 6.1.2.7 Outbuildings with a footprint limited to 100 square feet or less.
 - 6.1.2.8 Free-standing decks with a footprint limited to 100 square feet or less, and which are not subject to the requirement of a guardrail.
 - 6.1.2.9 Fabric-covered shelters for residential accessory use (no concrete foundation).
 - 6.1.2.10 Portable ice fishing shelters.
 - 6.1.2.11 Temporary office and storage trailers on construction sites.
 - 6.1.2.12 Temporary vegetable stands and similar structures.
 - 6.1.2.13 Temporary stages, seating and theatrical props.

- 6.1.2.14 Structures built at or below grade including, but not limited to, roads, sidewalks, trails, driveways, parking lots, RV parking sites, play fields, courts, tracks, ponds, underground utilities, wells, septic systems, storage tanks and similar structures. Storm shelters, survival bunkers and other occupiable underground structures are not exempt.
- 6.1.2.15 Utility poles, lamp posts, sign posts, pylons and similar structures.
- 6.1.2.16 Solar energy systems, stand-by generators, outdoor wood boilers, vehicle charging stations.
- 6.1.2.17 Above-ground storage tanks.
- 6.1.2.18 Sculptures, monuments and similar structures.
- 6.1.2.19 Free-standing and attached antennas and dish antennas, cell towers, windmills, wind turbines and similar structures.
- 6.1.2.20 Bollards, Jersey barriers and similar structures.
- 6.2 A building permit is not required for ordinary repairs and property maintenance, including, but not limited to, window and door improvements, roofing and siding replacements and repairs, painting, drywall installation, and kitchen and bath improvements.
- 6.3 Manufactured housing is subject to the following permit requirements:
 - 6.3.1 A building permit to install a mobile home constructed before June 15, 1976, or a mobile home without a permanently affixed label certifying compliance with HUD construction and safety standards, may not be issued until written certification from a qualified professional has been provided to the CEO verifying that the mobile home is in compliance with the applicable requirements of Section 9.
 - 6.3.2 A building permit to install any new manufactured housing purchased from other than a dealer licensed by the State, may not be issued until a bill of sales or other proof of sales tax payment for the manufactured housing has been submitted to the CEO
 - 6.3.3 A building permit to install any used mobile home from another jurisdiction may not be issued until proof of payment of all property taxes due in that jurisdiction for the mobile home has been submitted to the CEO.
- 6.4 If a state permit is required before a building permit can be issued, the CEO shall not issue the permit until such time a copy of the state permit is provided to the CEO.
- 6.5 If an entrance permit is required for a proposed construction project, the CEO shall not issue the building permit until such time a copy of the entrance permit is provided to the CEO.
- 6.6 If a subsurface wastewater disposal permit is required for a proposed construction project, the CEO shall not issue the building permit until such time a subsurface wastewater disposal permit can be issued by the CEO.
- 6.7 If a sewer permit is required for a proposed construction project, the CEO shall not issue the building permit until such time a copy of the sewer permit is provided to the CEO.

- 6.8 A plumbing permit issued by the town is required in accordance with the State of Maine Internal Plumbing Rules and the Maine Subsurface Wastewater Disposal Rules.
- 6.9 A municipal electrical permit is not required for electrical installations.
- 6.9.1 Electrical installations are subject to inspection in accordance with Section 7.3.4.
- 6.10 A municipal mechanical permit is not required to install, replace, repair or maintain any heating, ventilation, air conditioning or other mechanical equipment.
- 6.11 No permit may be issued for a structure that would be located on an unapproved subdivision lot or that would violate any other local ordinance, or regulation or statute enforced by the municipality.
- 6.12 No permit may be issued until the town has received payment of the required fee, as identified in the town's approved Schedule of Fees.
- 6.12.1 When a permit fee is based on square footage of new construction, the outside dimensions of the structure at the floor level of each story shall be used to calculate the fee. Also included in the calculation are attic floor areas when the areas are accessed by a fixed or folding stairway, basement floor areas occupied as living space and deck and porch floor areas.
- 6.12.2 Permit fees for alterations are based on the total square footage of the altered floor area. If no floor area is affected, such as the addition of a dormer, the minimum permit fee shall be charged.
- 6.12.3 No submitted permit fee may be refunded.
- 6.12.4 An administrative fee shall be added to the required permit fee when any work subject to a building permit is started without the required permit. The administrative fee is identified in the town's adopted Schedule of Fees.
- 6.13 Upon issuance of a permit, required inspections and occupancy approvals shall be conducted by the CEO in accordance with the requirements of Section 7.
- 6.14 A permit shall expire 180 days after the date of issuance, unless work authorized by the permit is commenced, or if the permitted work is suspended or abandoned for a period of 180 days after the work commenced. The CEO may authorize extensions of up to 180 days each to the life of an issued permit upon payment of a \$25.00 fee for each extension. Justifiable cause must be shown to grant an extension.

7 Inspections and Approvals

- 7.1 The CEO shall conduct inspections in accordance with the requirements of the Maine Uniform Building and Energy Code (MUBEC) and this chapter.

- 7.1.1 In lieu of inspections performed by the CEO, a state-certified third party inspector (TPI) approved by the CEO may be hired by the permittee to conduct inspections required to verify compliance with the applicable requirements of the MUBEC. All costs associated with third-party inspections shall be the responsibility of the permittee.
- 7.1.2 The town may appoint an alternate CEO to conduct inspections in the event of an absence by the CEO.
- 7.2 All required inspections conducted by the CEO shall be identified on the permit and may include inspections for foundations, masonry, framing, floodplain construction, insulation, fire-rated construction, accessibility, occupancy approval, manufactured housing installations and any other necessary inspection as determined by the CEO.
 - 7.2.1 In the event that inspections are conducted by a TPI, the TPI shall inform the permittee of required inspections.
 - 7.2.2 No inspections of any electrical installations shall be conducted by the Town.
 - 7.2.3 Inspections of plumbing installations shall be conducted in accordance with the Maine Internal Plumbing Rules.
 - 7.2.4 Inspections of subsurface wastewater disposal system installations shall be conducted in accordance with the Maine Subsurface Wastewater Disposal Rules.
 - 7.2.4.1 A final inspection shall be required to verify completion of a permitted subsurface wastewater disposal system installation.
- 7.3 A Certificate of Occupancy shall be required as provided for in the MUBEC and this chapter.
 - 7.3.1 A Certificate of Occupancy may not be issued until the CEO has determined that the building is in compliance with all applicable requirements of the MUBEC, the Bucksport Town Code and any applicable state law, rule or regulation enforced by the Town. If inspections were performed by a TPI, a written report from the TPI verifying compliance with the MUBEC must be submitted to the CEO before a Certificate of Occupancy can be issued.
 - 7.3.2 A Certificate of Occupancy may not be issued for any new building served by a new subsurface wastewater disposal system until the CEO verifies that the system installation has been completed and that soils over the system have been seeded and stabilized with hay, straw or mulch, or adequate vegetation growth is present.
 - 7.3.3 A Certificate of Occupancy may not be issued for any new building served by a new connection to the public sewer until written approval of the connection from the Superintendent of the Sewer Department is submitted to the CEO.

- 7.3.4 A Certificate of Occupancy may not be issued for any building requiring a new electrical service or containing new electrical installations until documentation is submitted to the CEO from the State Electrical Inspector, a licensed Master Electrician or a licensed Limited Electrician in House Wiring, stating that the electrical work is in compliance with the state electrical code.

8 Building Codes and Standards

- 8.1 The Town shall enforce the Maine Uniform Building and Energy Code (MUBEC), as adopted pursuant to 10 M.R.S. §9721, et seq.
- 8.1.1 The Town has established permit requirements and exemptions in this chapter that are in lieu of those identified in the MUBEC. See Section 6.
- 8.1.2 The Town shall enforce Appendix V Tiny Houses, as adopted in the MUBEC.
- 8.2 The Town shall enforce the National Fire Protection Association (NFPA) Life Safety Code, #101, as adopted by the State Fire Marshal's Office.
- 8.3 The Town shall enforce the National Fire Protection Association (NFPA) Standard for Chimneys, Fireplaces, Vents and Solid Fuel-Burning Appliances, #211, as adopted by the State Fire Marshal Office.
- 8.4 The Town shall enforce the International Association of Plumbing and Mechanical Officials Uniform Plumbing Code, as adopted with amendments by the Department of Professional and Financial Regulations, Plumber's Examining Board.
- 8.5 The Town shall enforce the Maine Subsurface Waste Water Disposal Rules, as adopted by the Department of Health and Human Services.
- 8.5.1 The Town of Bucksport has established subsurface wastewater disposal system installation inspection requirements in addition to those identified in the Rules. See Section 7.3.2
- 8.6 The Town shall enforce the Maine Fuel Board Rules, as adopted by the Maine Fuel Board, only to the extent that the Rules apply to the installation and maintenance of fuel oil supply tanks.
- 8.7 The Town shall not enforce any electrical codes or standards adopted by the State, except for any electrical standards included in the MUBEC.
- 8.7.1 The Town of Bucksport has established third party electrical inspection requirements. See Section 7.5.4.

9 Manufactured Housing Standards

- 9.1 Manufactured housing constructed before June 15, 1976, must be certified as compliant with the Health & Safety Standards for Used Manufactured Housing, as adopted by the Maine Manufactured Housing Board.

- 9.2 Manufactured housing constructed on or after June 15, 1976 must be certified as compliant with the United States Department of Housing and Urban Development Standards.
- 9.3 All manufactured housing must comply with the following design criteria:
- 9.3.1 Roofs must be finished with a material manufactured for use as a finish roofing product, installed in accordance with the manufacturer's installation instructions.
- 9.3.2 Exterior walls must be finished with a material manufactured for use as a finish siding product, installed in accordance with the manufacturer's installation instructions.
- 9.3.3 Crawlspace areas must be enclosed with a weather-resistant rigid material including, but not limited to, vinyl or metal panels, pressure-treated wood, brick, concrete or stone. Any wood in direct contact with the ground must be pressure-treated or a decay-resistant species.
- 9.3.4 Mobile home installations must comply with the applicable requirements of the Manufactured Home Installation Standards, as adopted by the Maine Manufactured Housing Board.
- 9.3.5 Modular home foundations must comply with the applicable requirements of the MUBEC.
- 9.4 No mobile home may be structurally altered or expanded, or have any additional structural load bearing upon it unless such alteration, expansion or load has been approved by the mobile home manufacturer, or unless the owner agrees in writing that:
- 9.4.1 They understand that any structural change to a mobile home, unless it is approved by the manufacturer, voids the applicable Federal certification for the mobile home and may result in deficiencies in the structural performance of the mobile home;
- 9.4.2 They understand that a mobile home that is not compliant with the applicable Federal certification before a proposed structural change, may contain structural deficiencies that could be exacerbated by the structural change;
- 9.4.3 They understand that a mobile home that has been structurally changed without approval from the manufacturer is subject to the limitations of Appendix K Section 13.6.7.4; and
- 9.4.4 They understand that the issuance of a permit for a structural change to a mobile home does not in any way cause the town to become liable for any structural defects or property damage that may occur.

10 Miscellaneous Regulations

- 10.1 A fence meeting the requirements of this section must be erected and maintained around every swimming pool. A dwelling house or accessory building may be used as part of this enclosure.
- 10.1.1 The top of the fence must be at least 4 feet above grade.
- 10.1.2 No fence may be designed so as to allow or encourage climbing.

- 10.1.3 Access gates, when provided, must be as high as the fence, self-closing, self-latching, outward swinging and the latch mechanism must be located on the interior side of the gate.
- 10.1.4 Any ladder used for access must be capable of being secured, locked or removed to prevent access.
- 10.1.5 A fence is not required for any portable above-ground swimming pool with a wall height of at least 24 inches above the surrounding ground.

11 Appeals

- 11.1 An aggrieved party may take an administrative appeal from any decision, action or non-action of the CEO to the Bucksport Board of Appeals.
- 11.1.1 An enforcement action may not be appealed.
- 11.2 An application for appeal must be received at the Bucksport Town Office no later than 30 days after the date of the decision, action or non-action being appealed.

12 Waivers and Modifications

- 12.1 The CEO may grant a waiver of any specific requirement of this chapter, provided that:
- 12.1.1 No waiver has the effect of nullifying the intent and purpose of the Comprehensive Plan and this chapter;
- 12.1.2 Extraordinary and unnecessary hardships may result from strict compliance with the requirement or there are special circumstances of a particular plan; and
- 12.1.3 The health, safety and welfare of the public are protected.
- 12.2 The following requirements of this chapter may not be waived:
- Required applications and permits
 - Fees
 - Any requirement of a state code, regulation or rule
- 12.3 The CEO may set conditions to any granted waiver as necessary to protect the purposes of this chapter.
- 12.4 The permit must include a description of any granted waiver and its date of approval.
- 12.5 The CEO may grant modifications of code compliance requirements as provided for in the MUBEC.

13 Enforcement

- 13.1 A stop work order may be issued by the CEO in accordance with the requirements of the MUBEC and for any violation of this chapter. A stop work order must be in writing and given to the property owner, their agent or the person doing the work.

- 13.2 The CEO shall enforce violations of this chapter by providing a written Notice of Violation to the property owner and violator, if different. Such notice shall include, but not be limited to, the following information:
- Name and address of the property owner/violator
 - Location of the property, and map and lot number
 - Date that the violation was observed
 - Description of the violation
 - Corrective order and time allowed to comply
 - Penalty statement
 - Date of the notice and the CEO's signature.
- 13.2.1 Notice of Violations shall be delivered via United States Mail. When delivery is not accepted, in hand delivery shall be made by a local law enforcement officer, or by a sheriff or sheriff's deputy pursuant to Rule 4 of the Maine Rules of Civil Procedure.
- 13.2.2 When compliance with the corrective order of the Notice of Violation is not accomplished within the allotted time, the property owner or violator may submit a written request to the CEO for a one-time extension. An extension may be allowed if a reasonable hardship can be shown.
- 13.3 The Town Attorney, with the assistance of the CEO, may take an enforcement action to District Court when authorized to do so by the Town Council.
- 13.3.1 The Town shall seek penalties and fees in accordance with the provisions of Title 30-A §4452 for any enforcement action taken to District Court.

14 Definitions

Accessory Structure: A structure serving or intending to serve a use that is subordinate and incidental to the principal use of the property, and which is not attached to the principal structure.

Alteration: A physical change to a building including:

- the removal or construction of partitions to alter or rearrange floor space,
- the removal or installation of interior stairways,
- the installation or relocation of kitchens or bathrooms,
- the installation or replacement of masonry fireplaces or chimneys,
- the installation or replacement of a foundation,
- the replacement or enclosure of decks or porches, or
- the installation or alteration of dormers or roof framing.

Building: Any structure used or intended for supporting or sheltering any use or occupancy. Any one and two-family dwelling or portion thereof, including townhouses, that is used or designed or intended to be used for human habitation, for living, sleeping, cooking or eating purposes, or any combination thereof, and shall include accessory structures thereto.

CEO: The Code Enforcement Officer and Plumbing Inspector for the Town of Bucksport.

Compact Area: Any property in Bucksport that is within the public water or public sewer service area.

Enlargement: An extension or increase in floor area or height of a building or structure. An addition.

Finish Roofing: Any building product specifically designed for finish weather protection on a building roof including, but not limited to, roll roofing, asphalt shingles, fiberglass shingles, slate shingles, wood shingles, clay tiles, metal panels and any other material designed for use as finish roofing.

Finish Siding: Any building product specifically designed for finish weather protection on a building's exterior wall surface including, but not limited to, wood clapboards, wood shakes, vinyl siding, aluminum siding, stone, brick, stucco, composite materials and any other material designed for use as finish siding.

Foundation: The supporting substructure of a building or other structure including, but not limited to: basements, frostwalls, concrete slabs, gravel pads, sills, or posts.

Manufactured Housing: A structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, by use of its own chassis or an independent chassis, to its building site. Two types of manufactured housing are included. Those two types are:

1. Those units constructed after June 15, 1976, that the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures transportable in one or more sections, that in the traveling mode are 14 body feet or more in width and are 750 or more square feet, and that 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, or electrical systems contained in the unit.

Also included is any structure that meets all the requirements of this paragraph, except the size requirements, and with respect to which the manufacturer voluntarily files a certificate required by the Secretary of the United States Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 5401, et seq.

2. Those units commonly called "modular homes" that the manufacturer certifies are constructed in compliance with Title 10, chapter 951 and rules adopted under that chapter, meaning structures, transportable in one or more sections, that are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating or electrical systems contained in the unit.

Mobile Home: See "Manufactured Housing"

Modular Home: See "Manufactured Housing"

MUBEC: The Maine Uniform Building and Energy Code, as adopted by the State of Maine.

Owner: Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by the court.

Person: An individual, corporation, partnership or any other group acting as a unit.

Pet Shelter: A structure designed and used solely for the purpose of providing protection from the elements for dogs, cats or other domestic animals kept as pets.

Principal Structure: A structure that is occupied or utilized for the primary or main use of the property on which it is located.

Seasonal Swimming Pool: An above-ground swimming pool that is either disposable or designed to be deflated or disassembled for storage upon completion of its use each year.

Structure: That which is built or constructed.

The provisions of Chapter 5 Buildings were originally adopted on January 1, 1930.

The Ordinance was repealed and replaced on June 9, 1994.

The Ordinance was amended November 13, 1997.

The Ordinance was repealed and replaced on March 9, 2000.

The Ordinance was amended on the following dates:

September 28, 2000

July 12, 2001 to add Section 5-307.2

July 31, 2003 to modify Section 5-401.1, to add Sections 5-402.8 and 5-403.4, and to add a definition of "good repair"

May 11, 2006 to delete exemption in section 6-603 pertaining to occupied rental properties

Town Clerk's note: The amendment to Section 6-603, approved on 5-11-06, was belatedly incorporated in Chapter 5 on August 2, 2007.

January 8, 2015 to modify Sections 5-102.1, 5-103.2, add Section 5-103.3, add and modify definitions in Section 5-104, modify Section 5-107.1, add Sections 5-107.1.2 and 5-107.1.3, modify Section 5-107.2, add Section 5-107.4.1, modify Sections 5-107.11, 5-108.3, 5-108.4, 5-109.1, 5-201.1, add Section 5-201.2, 5-201.3, 5-201.4 and 5-201.4.1, and add new Article 3A. These changes were adopted as an emergency ordinance effective retroactively on December 30, 2014.

October 11, 2018 to repeal, rename and replace the content of Chapter 5.