

CHAPTER 301

BUILDING CODE

Town of Yarmouth, Maine

Repealed and Replaced: 8/19/04

Amended: 5/24/2005

Repealed and Replaced: 11/19/2020

BUILDING CODE ORDINANCE

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BUILDING CODE ORDINANCE

ARTICLE I

A. TITLE

This ordinance shall be known and may be cited as the “Building Code Ordinance of the Town of Yarmouth, Maine.” That CHAPTER 301 entitled “Building Code Ordinance of the Town of Yarmouth, Maine” last amended May 24, 2005 and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

B. PURPOSE

The purpose of this ordinance shall be to adopt the Maine Uniform Building and Energy Code, regulating and governing the conditions of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures in the Town of Yarmouth; providing for the issuance of permits and collection of fees therefore.

ARTICLE II

A. ADOPTION OF MUBEC

The building code of the Town of Yarmouth, Maine shall adopt and enforce the provisions of the Maine Uniform Building and Energy Code (MUBEC), as required by Title 10 M.R.S. § 9724 and permitted by Title 30-A M.R.S. § 3003. A copy of the applicable building and energy codes and their amendments shall be on file with the Town Clerk and available for public inspection during regular business hours.

B. BUILDING ENVIRONMENT INFORMATION

In accordance with MUBEC and the adopted version of the International Residential Code, the following information shall be inserted into the Climatic and Geographic Design Criteria Table R301.2(1):

- **Ground Snow Load (pounds per square foot): 60**
- **Wind Design:**
 - **Wind Speed (mph): 115**
 - **Topographic Effects: No**
 - **Special wind region: No**
- **Seismic Design Category: B**
- **Subject to Damage From**

- **Weathering:** Severe
- **Frost Line Depth:** 48 inches
- **Termite Infestation:** None to slight
- **Winter Design Temperature:** -5° F
- **Ice Shield Underlayment Required:** Yes
- **Air Freezing Index:** 1500
- **Mean Annual Temperature:** 45° Fahrenheit

C. ENFORCEMENT

The Code Enforcement Officer(s) of the Town of Yarmouth shall serve as the Building Official as defined in Title 25 M.R.S. § 2371 and shall be responsible for performing the required building inspections issuing building permits and certificates of occupancy.

D. PERMITS

1. **PERMIT REQUIRED.** No building or structure shall be erected, remodeled, demolished, or re-located without first obtaining a permit and subsequent approval from the building official for compliance with all applicable building and zoning codes. Building permit fees, administrative fees, inspection fees, re-inspection fees, and a minimum fee shall be paid as required by *Chapter 401 Fees and Permits Ordinance*.

An emergency repair shall be permitted to be made prior to issuance of a permit if it meets the following conditions:

- a. The emergency repair occurs outside of Town hall operating hours
 - b. A permit application is entered as soon as practicable upon the next opening of Town hall
 - c. Without an emergency repair the safety of the public would be at risk
2. **DISPLAY OF BUILDING PERMIT.** Upon receipt of a building permit said permit is to be conspicuously posted at the work site. The permit shall be no smaller than eight and a half (8.5) inches by eleven (11) inches.
 3. **FAILURE TO OBTAIN PERMIT.** Persons, firms, or corporations found to be commencing erection, remodeling, demolishing, or re-locating a building or structure without having first obtained a permit as required shall apply for such required permit immediately upon notice. Such entity shall be subject to an after-the-fact permit fee of twice the permit fee as described in *Chapter 401 Fees and Permits Ordinance* and may be issued a stop work order until a permit is issued. Entities commencing such work without required permits on two or more occasions in any twelve (12) month period, may be subject to a fine and penalties as described in Article III.D below.

Notwithstanding these penalty and double fee provisions, the Director of Planning and Development, with the approval of the Town Manager, may waive such double fees and court actions if the Director shall find the failure to obtain

such permits was inadvertent, or arises out of emergency circumstances, or discovery of conditions not reasonably foreseeable and for which as soon as practical upon discovery and/or securing the structure and safety of the building owners or occupants, applications for all necessary permits have been submitted.

E. INSPECTION

1. **SCHEDULING.** It shall be the duty of the person doing the work authorized by a permit to notify the Building Official that such work is ready for inspection. The Building Official shall be permitted to require that a request for inspection be filed not less than one (1) working day before such inspection is desired. The Building Official shall conduct the inspection within a reasonable amount of time. At the discretion of the Building Official a re-inspection fee in an amount described in CHAPTER 401 Fees and Permits Ordinance may be assessed.
2. **INSPECTION INTERVALS.** The Building Official or the Director of Planning and Development shall be permitted to establish a schedule of inspections indicating when work related to a permit must cease for an inspection to be performed by the building official.

F. CERTIFICATES OF OCCUPANCY

No building or structure shall be occupied without a certificate of occupancy, other than by construction personnel involved in the renovation, addition, relocation, erection or construction of such building or structure.

A certificate of occupancy shall be permitted to be issued temporarily if it contains the conditions relevant for the safe temporary use of such occupancy and an expiration date. With the approval of the Building Official a temporary certificate of occupancy may be extended one (1) time up to ninety (90) days.

The Building Official shall issue a certificate of occupancy when satisfied the work performed on a project conforms to the conditions, plans and specifications of the building permit issued, meets the requirements of the Maine Uniform Energy and Building Code and all required fire suppression, detection, and alarm systems are complete and tested to the satisfaction of the Fire Chief.

ARTICLE III

A. CONFLICTS

That any ordinances or parts of ordinances in conflict herewith are hereby repealed.

B. SEVERABILITY

If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity

of the remaining portions of this ordinance. The Yarmouth Town Council hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsection, sentences, clauses and phrases be declared unconstitutional.

C. EFFECTIVE DATE

That this ordinance and the rules, regulations, orders and matters established and adopted hereby shall take effect and be in full force and effect after the date of its final passage and adoption.

D. VIOLATIONS

Any person who violates a provision of this Ordinance or fails to comply with any of the requirements thereof, or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the Building Official, or of a permit or certificate issued under the provisions of the Ordinance, may be subject to penalties in accordance with Title 30-A M.R.S. § 4452. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

E. APPEALS

Any person aggrieved by an error of a Town Official in the application, or interpretation of this Ordinance may appeal to the General Board of Appeals pursuant to the provisions in this Ordinance and the procedures outlined in Chapter 203, General Board of Appeals Ordinance. Any order, requirement, decision or determination made, or failure to act, in the enforcement of this Ordinance is not appealable to the General Board of Appeals but may be appealed directly to Superior Court.