

TOWN OF BURLINGTON
BUILDING CODE ORDINANCE

- A. **Building Permit required.** Before beginning the construction, alteration, repair, placement or replacement of any building, or part thereof which the proposed work is “100 square feet or more” the owner or lessee, or architect, contractor or builder employed by such owner or lessee shall obtain a permit covering such proposed work unless otherwise exempted by this ordinance. **If work begins before Building permit is obtained, all fees will be double the standard fee.**

Section I Title This ordinance shall be known and may be cited as the “Building Code Ordinance” of the Town of Burlington, Maine.

Section II Authority This Ordinance is adopted pursuant to police powers as provided for in Title 30-A MRSA Section 3002, and Title 30-A MRSA Section 3001 Home Rule Provision.

Section III Purpose The purpose of this ordinance is to promote the health, safety and general welfare of the public and of the occupants and users of buildings and other structures. Additional information obtained through the permit system established by this ordinance will be used to ensure a more equitable valuation of Real Estate within the municipality.

Section IV Applicability Except as otherwise provided in this ordinance, the provisions of this ordinance shall apply to new construction, alterations and additions, relocation, placement and replacement of any buildings including shipping containers or part thereof to include, but not limited to, the plumbing drainage system and chimney. Any lawful use of a building or structure or portion thereof existing at the effective date of this ordinance or subsequent amendments and not in conformance with the provisions of this ordinance may continue in its nonconforming state but may not be altered, added to, relocated or replaced except in conformance with this ordinance.

Section V Lot Requirements

- A. Every person, before proceeding to erect any foundation, building, or wall, or make any alterations in the external wall of any structure, any part of which is to be placed within ten feet of any public street, way, square, or other lands dedicated to public use, shall first apply to the Code Enforcement Officer for the lines and grade of such public street, way,

- square, or other lands, and the Code Enforcement Officer without charge, shall furnish the same together with the location and grade of sewer if in his power to do so.
- B. Any newly constructed or newly relocated building shall be situated on a lot with an area of at least 1 acre, frontage width facing any street, town way, public easement, or private road, excluding driveways, of not less than 100 feet and a depth of not less than 200 feet. If an existing building burns or is destroyed by a natural disaster, it may be replaced even though the lot may measure less than 1 acre. The preceding minimum area, frontage, and depth requirements shall not be construed to apply to existing buildings or their renovation, replacement, or repair for the same use or different use. Lot size shall not apply to existing lots of record which do not meet the requirements of this ordinance at the date of its passage, or subsequent amendment, provided, however that adjoining lots in the same ownership at the date of its passage, or subsequent amendment, shall be considered one lot. No person shall reduce the size of the lot upon which structures with sub-surface waste disposal are located to a size or frontage less than allowed by this section.
- C. An additional dwelling unit, either attached or unattached, is permissible under this building code, providing the property can meet the minimum lot size requirement for each dwelling (i.e. 2 acres for 2 dwellings) and the plumbing requirement for a new or expanded septic system. In the case of an unattached second dwelling care should be taken siting the structure on the property. If the current or future owner wants to split this dwelling off from the original lot in the future, it must meet all setbacks and lot dimensions and requirements set forth in this ordinance.
- D. Set back. Any building newly erected or newly relocated on a lot shall be set back 50 feet from the center of the traveled way of all adjacent public or private ways. This requirement shall not be construed to apply to existing buildings or their renovations, replacement, or repair for the same use. An existing non-conforming structure may be moved or replaced within a lot in a manner which would decrease its non-conformity in terms of setback requirements, providing that the Planning Board finds that the change in location is more appropriate as regards to:
1. Location and Character;
 2. Fencing and Screening;
 3. Landscaping, topography, and natural features;
 4. Traffic and access;
 5. Signs and Lighting; and / or
 6. Potential Nuisance.
- E. Side Yard Width. No building shall be set less than 10 feet from any adjoining lot line based on the furthest extent of the building. This requirement shall not be construed to apply to existing buildings or their renovations, replacement or repair for the same use.
- F. Off Street Parking. Off street parking shall be provided in the amount of 300 square feet per dwelling unit. This may be accomplished by driveway space, garage space, or parking lot space or any combination of the three. This requirement shall not be construed to apply to existing buildings or their renovation, replacement or repair for the same use.
- G. No structure shall impede natural or artificial surface drainage.

Section VI Workmanship and Materials

- A. All building materials shall be of good quality workmanship in the fabrication, preparation and installation materials and shall conform to generally accepted good building practice.

Section VII Foundations

- A. Except when erected upon solid rock or equivalent all buildings shall be set on a masonry or concrete foundation wall carried one foot below the frost line, or upon a poured concrete slab or gravel pad. Structure to be supported upon wood or concrete posts, concrete rounds or concrete blocks.
- B. Mobile homes shall be placed on a masonry or concrete foundation wall carried one foot below the frost line, or on a poured concrete slab, or a level gravel pad. Mobile home supports shall be concrete rounds and or concrete blocks.

Section VIII Exterior Wall Finish

- A. The exterior walls shall be finished with a covering of clapboards, wood or metal or vinyl siding, wood or stone or other equivalent materials. Such covering shall be completed within a period of two years after the initial construction has been commenced. Tarred paper or tarred felt or similar substances shall not be used unless completely hidden from view by the finished exterior wall covering.

Section IX Fire Stopping

- A. Exterior walls of wood frame construction shall be properly fire stopped at each floor level, at the top story veiling level, at roof level in the top story veiling level, at rood level in the case of flat roofs, and at the foot of rafters in the case of sloping roofs.
- B. Joists shall be fire stopped at the ends and over supports for the full depth of the joists.
- C. Interior stud partitions shall be fire stopped at the floor and ceilings of each story by a 2-inch nominal dimension wood plate, the width of the stud, or equivalent.
- D. When sliding doors are pocketed in partitions such pockets shall be completely fire stopped at the top, bottom, and ends.
- E. On all new construction, interior renovations and repairs and replacements, working smoke alarms are required on all levels in residential dwellings.

Section X Roof Covering

- A. Every roof hereafter placed on a dwelling and/or structure shall be covered with a noncombustible fire-resistant roofing material of brick, concrete, tile, slate, metal, prepared asphalt saturated felt shingles which are surfaced with granulated slate, built-up roofing with asphalt and slag or gravel.
- B. The use of untreated wooden shingles is strictly prohibited.

- C. Roofing materials which are listed as Class A, B, or C roofing covering materials by Underwriters Laboratories, Inc. shall be accepted as meeting the requirements of this section.

Section XI Means of Egress and smoke detectors

Buildings and dwellings hereafter newly constructed or relocated shall be provided with exit facilities in accordance with the provisions of the National Fire Protection Association, Inc., Code #101, "Life Safety Code", 1981 Edition, or latest code as amended.

- A. Egress Doors and Windows: Any sleeping area must have a framed door separating the sleeping area from the rest of the structure, and an outward swinging framed door to the outside or a window with an opening of 5.7 sq. ft. (820 sq. in.) at minimum, with a minimum window width of 20" and minimum opening height of 24". The bottom of the window should be no higher than 30" from the floor.
- B. Smoke detectors: All living areas will have working smoke detectors, Carbon monoxide detectors are highly recommended.

Section XII Chimneys, Vents, Fireplace, and Solid Fuel Burning Equipment

- A. Chimneys, vents, fireplaces, and solid fuel burning equipment constructed or installed in a dwelling or structure connected to a dwelling shall conform to the provisions of the National Fire Protection Association, Code #211. "The Standards for Chimneys, Fireplaces, Vents, and Solid Fuel Burning Appliances", 1980 Edition, or latest code as amended.
- B. Chimneys. All chimneys shall be constructed of masonry, shall extend at least (2) feet above the highest point of the roof which they project, and shall rest on an adequate foundation extending at least (3) feet below ground level. Prefabricated chimneys, though not masonry, shall be acceptable if they are approved by the National board of Fire Underwriters. All chimneys shall include a provision for clean-out at or near the base, and all masonry chimneys shall be lined with tile approved for use with Class A chimneys.

Section XIII Used Manufactured Homes Standard

- A. All manufactured housing build prior to June 15, 1976 or not built according to the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Chapter 70 that is brought into the Town of Burlington after the effective date of this Ordinance must meet the above cited standards. This applies to home to be located on an individual lot or in a mobile home park.

- B. A “camper trailer” means a conversion bus, trailer, semi-trailer, manufactured or homemade tent trailer, which consists of a platform, shell or box, with means of permanently or temporarily attaching a tent, and primarily designed and constructed to provide temporary living quarters for recreational camping and travel. Camper definition is further defined per the page from “Recreational Vehicle Blue Book” 09/30/1997 (Appendix A). A camper or travel trailer shall in no case be used as a mobile home or as a permanent dwelling. Temporary use means no more than one hundred and eighty days.

Section XIV Plumbing Installations

- A. The water supply, plumbing, drainage and sewerage disposal systems of a building or structure shall be installed in compliance with the Maine State Plumbing Code sec. (A, and Maine subsurface Wastewater Disposal Rules, and only after a permit for the sewerage disposal system has been obtained from the Plumbing Inspector and the stipulated fee had been paid.
- B. Openings around Pipes and Ducts. All openings around conduits, pipes or ducts shall be filled with approved noncombustible material at the ceiling and floor line or on each side of the wall.

Section XV Electrical Installations

- A. All electrical wiring, apparatus, or appliances for furnishing light, heat, or power installed in any building, structure, or dwelling shall conform to the provisions of the National Fire Protection Association, Code #70. “National Electric Code”, 1984 Edition, or latest code as amended.

Section XVI Administration

- A. Code Enforcement Officer. This ordinance shall be administered by the Municipal Code Enforcement Officer. The Code Enforcement Officer shall be under the direct supervision of the Board of Selectmen. If the Code Enforcement Officer is not certified as a local Plumbing Inspector, then he shall recommend to the Board of Selectmen the name of a qualified individual for appointment as the Municipal plumbing Inspector. The Code Enforcement Officer shall work with the Municipal Plumbing Inspector to ensure that this ordinance is enforced. The Code Enforcement Officer may recommend the appointment of one or more assistants. Assistants to the Code Enforcement Officer shall be under the direct supervision of the Code Enforcement Officer.
- B. Appointment
 - 1. The Code Enforcement Officer shall be appointed annually by the Board of Selectmen in the month of June. The Board of Selectmen may, without prejudice, refuse to reappoint the Code Enforcement Officer without notice and hearing.
 - 2. Assistants to the Code Enforcement Officer shall be appointed by the Board of Selectmen after being recommended for appointment by the Code Enforcement Officer.

C. Duties and Powers

1. The Code Enforcement Officer shall see that the provisions of this code and the statutes of the State of Maine relating to buildings are strictly observed. The Code Enforcement Officer shall as a minimum visit and inspect every structure upon which work is being done, where a permit is required, at the following times: Initial site visit before issue of building permit. At the completion of work performed under permit. Other inspection times may be required at the discretion of the Code Enforcement Officer or by request of the building permit holder or their representative.
2. The Code Enforcement Officer may revoke a permit or approval issued under the provisions of the ordinance in cases where there has been any false statement or misrepresentation as to a material fact in the supplication or plans which the permit or approval was based. The procedure to be used in ordering the revocation of a permit is outlined in section XIX of this code.
3. The Code Enforcement Officer may order the suspension of work authorized by a permit, issued under the provisions of this ordinance, if there is any evidence of a violation of the provisions of the code by giving written notice of such violation and suspension to the person in charge of the work or the owner of the premises. The procedure to be used in ordering the suspension of work is outlined in section XIX of the code.
4. The Code Enforcement Officer may secure the advice of and consult with experts, with established reputations on any questionable building practice, within the limits of appropriations made for the purpose.

D. Records and Reports. The Code Enforcement Officer shall keep accurate records of the business of his office to include a record of inspections, applications, field notes, notice of violations, orders, decisions, and other pertinent information, and shall render a report at least once a year to the Board of Selectmen. If the Plumbing Inspector is not also the Code Enforcement Officer, then he shall render a separate report to the Board of Selectmen to keep separate records of the business of the Plumbing Inspector.

E. Right of Entry. The Code Enforcement Officer or his/her assistant in the performance of his/her duties, may enter any building for the purpose of making the inspections required by his ordinance. If the owner refuses permission for entry by the Inspector, the Inspector must secure an Administrative Warrant pursuant to District Court Civil Rule 80B.

Section XVII Permits

A. Building Permit. Before beginning the construction, alteration, repair, placement or replacement of any building, or part thereof which the proposed work is "100 square feet or more" the owner or lessee, or architect, contractor or builder employed by such owner or lessee shall obtain a permit covering such proposed work unless otherwise exempted by this ordinance. Should any construction, alteration, repair, placement or replacement include work on the building's subsurface sewage disposal system (septic), a plumbing permit shall be obtained prior to the issuance of a building permit.

1. Application. The application for a building permit shall be submitted in writing to the Code Enforcement Officer and shall include:
 - a. The name and address of the applicant
 - b. An address or map indicating the location of the construction site.
 - c. A site plan or sketch showing the location of existing and proposed structures, sewage disposal facilities, water supply, areas to be cut or filled and the lot dimensions as applicable.
 - d. A statement of intended use of the proposed structures
 - e. A statement as to the type of sewage disposal system proposed
 - f. The dimensions of the proposed structures (height, width, and length)
 - g. The elevation (in relation to the ground or mean sea level) of the lowest floor, including basement and if the lowest floor is below grade on one or more sides, the elevation of the floor immediately above.
 - h. A copy of the plans and specifications of the proposed construction. This requirement may be modified by the Code Enforcement Officer when in his/her opinion such information is or is not needed to determine conformance of proposed construction with this ordinance.
2. Permit Approval. The Code Enforcement Officer, after proper examination of the application for compliance with this ordinance, shall either issue the requested permit or transmit a notice of refusal within 2 weeks after receipt of the application. Notice of refusal shall be made in writing and must state the reason therefore.
3. Life of Permit. e. Building permits expire 2 years from date of issue.
4. Display of Permits. Every building permit shall be displayed in a conspicuous place on the premises, clearly visible from the principal traveled street, and shall not be removed until all work covered by the permit has been approved.
5. Inspection Required. All work authorized by a building permit shall be inspected at a minimum upon completion of work and signed off on by CEO. Permit holder or their representative are required to notify CEO on completion of work covered under building permit. Other inspection requirements will be determined at the discretion of the Code enforcement Officer on an "as needed" basis. CEO shall give reasonable notice to Permit Holder before any site visit or building inspection. The permit holder or their representative shall be present during inspection.

B. Plumbing Permits

1. Permit Requires. In accordance with the Maine State Plumbing Code a permit shall be required for the installation, alteration, and repair of subsurface sewerage disposal systems and internal Plumbing permit.
2. Application Procedure. Any person legally entitled to apply for and receive a permit shall make such application on forms provided for that purpose to the Local Plumbing Inspector. If the Local Plumbing Inspector deems it necessary, he/she may require in addition to the application form plans, specifications, and /or drawings.
3. Permit Approval. If the Local Plumbing Inspector determines that the plans, speciation's, and/or drawings are in compliance with this ordinance and the State Plumbing Code, he/she shall issue the permit applied for.

4. Inspection Required. All subsurface sewerage disposal systems and internal plumbing shall be inspected for compliance with the provisions of this ordinance and the Maine State Plumbing Code. When the installation or alteration is complete but before the work is covered or concealed, the person performing the work shall notify the Local Plumbing inspector in writing not less than 48 hours before the work is to be inspected. The Plumbing Inspector shall inspect the work within 48 hours exclusive of Saturdays, Sundays, and holidays.

Section XVIII Fees

- B. Building Permit: A minimum of \$20.00 shall be charged for a building permit.
- C. .10 cents for square foot accessory structures
- D. .20 cents for square foot for habitable dwellings.
- E. .30 cents for square foot for Commercial/Industrial buildings.
- F. Square footage shall be calculated by the foot print and additional floors.
- G. Plumbing Permit: Fees charged for the issuance of an external plumbing permit shall be as established by the State of Maine.
- H. **If work begins before Building permit is obtained, all fees will be double the standard fee.**

Section XIX Revoking Permits or Approvals and Suspension of Work Orders

- A. Notification: Before the Code Enforcement Officer orders the suspension of work, or revokes a permit or approval, he shall provide the permit holder with written notice of his intent to do so. Written notice shall be hand delivered or sent by Certified Mail, return receipt requested. The notice shall inform the permit holder of the reason for the proposed action and offer the permit holder an opportunity for a hearing before the Code Enforcement Officer.
- B. Request for Hearing: The permit holder must request a hearing before the Code Enforcement Officer within 3 working days after receiving notice of the proposed action. The request for a hearing may be verbal or written and shall be filed with the Town Clerk. If the permit holder fails to request a hearing, the Code Enforcement Officer may implement the proposed action.
- C. Hearing Procedure: The hearing before the Code Enforcement Officer shall begin the review by stating the alleged violation and reasons for taking the proposed action. The permit holder may then present his position and any proposed action to correct the violation.
- D. Decision: After reviewing the position of the permit holder and actions proposed to correct the violation, if any, the Code Enforcement Officer shall within 24 hours issue a decision to implement the proposed action or accept the corrective actions proposed by the permit holder must be signed by both parties. All decisions shall be in writing. Decisions that agree to corrective actions proposed by the permit holder must be signed by both parties.
- E. Appeals: Decisions made by the Code Enforcement Officer under this section may be appealed to the Board of Appeals.

Section XX Appeals

- A. If the Code Enforcement Officer refuses to issue a permit, or issues an order or decision objectionable to the person named therein or when it is claimed that the provisions of the ordinance do not apply, or that the true intent of this ordinance has been misconstrued or wrongfully interpreted any aggrieved party may appeal the decision of the Code Enforcement Officer to the Board of Appeals within 30 days of the Code Enforcement Officer's decision. All appeals must be made in writing and specifically state the reasons why the actions of the Code Enforcement Officer should be reviewed. Filing of an appeal with the Town Clerk shall constitute notification of the Appeals Board.
- B. The Board of appeals after holding a public hearing may approve, approve with conditions, or reverse permit or orders issued by the Code enforcement Officer. Public Hearings shall be held according to Title 30-A, MRSA, section 2691.
- C. This section shall not apply to actions taken by the Local Plumbing Inspector under section XIV, Plumbing Installations and subsection D, Plumbing Permits of section XVIII of this ordinance. Any party aggrieved by the final decision of the Local Plumbing Inspector can seek judicial review in Superior Court pursuant to Rule 80B of the Maine Civil Rules of Procedure.
- D. The Code Enforcement Officer shall provide any individual requesting an appeal, with all the information in his possession concerning the appeal upon receiving a written request from the aggrieved party for the same.

Section XXI Enforcement

- A. It shall be the responsibility of the Code Enforcement Officer and the Local Plumbing Inspector, when they are not one and the same, to enforce the provisions of this ordinance unless otherwise prohibited by State Law. If the Code Enforcement Officer finds that any provision of this ordinance is being violated, he shall notify in writing the person responsible for such violation, indication the nature of the violation and ordering the action necessary to correct it, including discontinuance of use or work being done. A copy of such notice shall be maintained as a permanent record.
- B. If after 45 days from the date of any person in violation of this ordinance receives notice of the same, fails to comply with said notice, and fails to file an appeal, the Municipal Officers are hereby authorized to institute or cause to be instituted, in the name of the Municipality, and all actions legal and equitable, appropriate and necessary, for the enforcement of the provisions of this ordinance.

Section XXII Penalty

- A. Any person found guilty of violating any provision of this ordinance shall be subject to a fine of not less than \$100.00 nor more than \$2,500.00 in addition to legal fees for each offense. Each day in which a violation is proved to exist shall constitute a separate offense under this ordinance.
- B. Any person found guilty of violating any provision of the National Fire Protection Association, Code #101 "Life Safety Code", 1981 Edition, National Fire Protection Association, Code #70 "National Electric Code", 1984 Edition, National Fire Protection Association, Code #211, "The Standards for

Chimneys, Fireplaces, Vents, and Solid Fuel Burning Appliances”, 1980 Edition, or latest codes as amended, shall be subject to a fine of not less than \$10.00 nor more than \$100.00 in addition to legal fees for each offense under this ordinance.

- C. Any person found guilty of violating any provision of the Maine State Plumbing Code shall be subject to a fine of not less than \$100.00 nor more than \$1000.00 in addition to legal fees for each offense. Each day in which a violation is proven to exist shall constitute a separate offense under this ordinance.
- D. All fines and fees paid under this section shall be recovered for use by the Town of Burlington.

Section XXIII Validity and Separability

Should any section or provision of this ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this ordinance. This ordinance shall not repeal or annul, or in any way impair or remove the necessity of compliance with any other rule, regulation, by-law, permit, or other provision of law.

Section XXIV Conflict of Ordinances

If a provision of this ordinance is found to be in conflict with any other ordinance or parts of or codes of the Town, the State of Maine, or Federal Government existing on or subsequent to the effective date of this ordinance, that provision which in the judgement of the Town establishes the higher standard of safety and protection of health shall prevail.

Section XXV Amendments

This ordinance may be amended by a majority vote at the Town Meeting. Amendments may be initiated by a majority vote of the Planning Board or by request of the Board of Selectmen to the Planning Board or on petition of 10% of the votes cast in the last gubernatorial election in the Town. The Planning Board shall conduct a hearing on any proposed amendment.

Section XXVI Effective Date

This ordinance shall become effective February 1, 2024

Enacted: At special town meeting held on January 9th, 2024

This certifies to the municipal clerk of Burlington, Maine that the within ordinance is a true copy of an ordinance entitled **“Town of Burlington Building Code Ordinance”** to be acted upon by the voters at a town meeting to be held on January 9, 2024.

Dated: December 13,
2023

Municipal Officers of Burlington, Maine.

JOHN SMITH, First Selectman

TOM LAMBERT, Second Selectman

BEVERLY HARDING, Third Selectman

True Copy
Attest:

CHERYL SMITH, Clerk of Burlington