

## **Town of Otisfield Building Ordinance**

### **Section 1. Purpose**

To protect the health, safety and general welfare of the residents of Otisfield by establishing minimum construction standards and minimum dimensional requirements for lots.

### **Section II, Authority And Administration**

- A. This Ordinance is adopted and hereafter amended pursuant to and consistent w/ article viii-4 of the state of Maine constitution, title 30, M.R.S.A. section 1917, "ordinance power limited" (home rule)
- B. The Code Enforcement Officer shall be appointed by the selectmen annually and shall be the administrative officer of this Ordinance. He shall receive applications for the erection or moving of structures and electric wiring there of as provided in this ordinance, shall keep complete records of all applications and his actions on the applications; promptly survey and inspect all structures, moving or uses proposed; and may grant permits for erection or moving of all structures, if in his opinion the proposal complies with the laws of the State, this ordinance and other town ordinances. He shall act in cooperation w/ the fire warden in any matter in which their duties, as prescribed by law, coincide or conflict; and shall take such action in the enforcement of this ordinance until a permit thereof has been issued under the terms of this ordinance.
- C. No building construction, foundation construction including all concrete pads, or addition shall be started and no building shall be put to any different use, than on the day of enactment of this ordinance until a permit thereof has been issued under the terms of this ordinance.
- D. No application for a permit required by this ordinance shall receive action by the code enforcement officer unless made in writing. All applications for a permit to build construct or move any structures, shall be accompanied by a sketch or plan of the proposed structure and a statement of its intended use when built or moved. A building permit shall become void unless operations are commenced within six (6) months from date of approval, unless such time is extended by the Code Enforcement Officer. If the structure is not completed within twelve (12) months, a new permit should be issued at no fee.
- E. Upon receiving such application, the Code Enforcement Officer shall promptly take such actions as may be indicated in the way of investigation to acquaint himself w/ the merits of the application. If he finds the proposed building, moving or use of structure to conform w/ the law and this ordinance, he may grant at once the permit in writing over his signature. If he finds the proposal in any conflict w/ the law or this ordinance, he shall fix whatever restrictions or conditions on the proposed construction or use as may be in his best judgment, right and proper, or for reasonable cause refuse the permit. Any activity within the shoreland zoning area requiring a permit shall be submitted to the planning board for action.
- F. Permit fee structure:
  1. Fee per square foot; applicable to usable living space in new construction only. (cellars or attic's will be included only if they are to be finished off and used as normal rooms in a home, such as family rooms, dens, bedrooms, etc.). Workshops and the presence of a washer and dryer will not constitute usable living space.

2. Fee per square foot for accessory buildings or new construction where living space will not be utilized. This rate will also apply to used structures being moved to a new location and structures where a change of use will take place. (Commercial and industrial structures are not included.)
3. Minimum fees will be set for all permits
4. Fee for shoreland permit in addition to building permit fee.
5. Fee for site plan review permit in addition to building permit fee.
6. Fee per square foot for all commercial and industrial structures.
7. Plumbing fees will be the state suggested rate.
8. If a permit is issued after the fact, a double fee may be charged.
9. Selectmen will set these fees and review them annually.

### **Section III. Minimum Construction Standards.**

No structure shall be erected, moved or placed unless in compliance w/ the following:

- A. Roofs – no roof of any structure shall be covered or recovered in whole or in part with non-combustible or fire resistant roofing material.
- B. Chimney construction – no chimney shall be built, erected, or altered below the roof unless containing a tile, metal, brick lining, prefabricated, or insulated chimney, approved by underwriters laboratory and listed as an “all fueled chimney” and with an iron clean – out door at or near its base, and shall not be built, erected, or altered below the roof having wood or other combustible materials within two (2) inches of the chimney floor or beam of combustible material.
- C. Thimbles – no wallpaper or other combustible floor or ceiling, unless amply protected w/ non-combustible material. No smoke pipes shall be installed or erected which passes into or through partitions or walls of combustible material, except when guarded by a double collar of metal w/ air space of at least five (5) inches of brick or other non-combustible material between the pipe and the combustible material.
- D. Smoke pipes – no smoke pipes shall be installed or erected so as to be within eighteen (18) inches of any combustible floor or ceiling, unless amply protected w/ non-combustible material. No smoke pipe shall be installed or erected which passes into or through partitions or walls of combustible material, except when guarded by a double collar of metal w/ air space of at least five (5) inches of brick or other non-combustible material between the pipe and the combustible material.
- E. Electric wiring – all electrical wiring shall conform with approved methods and practices for safety to life and property as contained in the national electric code, as published by the national board of underwriters.
- F. Prior to final closing of walls, the code enforcement officer shall be notified.
- G. Foundations – all required structures shall be set upon a masonry or approved wood foundation wall or masonry piers, carried at least one (1) foot below the frost line, unless bedrock is incurred at a lesser depth, or upon a poured concrete slab at least six (6) inches thick and reinforced w/ welded wire mesh and laid over a bed of not less than twelve (12) inches of compacted gravel, the entire surface area of which must at least equal the dimensions of the structure.
  1. Foundation walls must be at least eight (8) inches thick.
  2. All structures must be secured to the foundation.

- H. Minimum building area – every dwelling unit to be used by a single family shall have a minimum ground floor area of five hundred (500) square feet.
- I. Outside walls – shall be constructed of materials commonly used for outside construction and materials customarily painted shall be painted.
- J. Sewage - All dwellings and all commercial, public or industrial structures are required to have a subsurface sewage disposal system. The type, size and construction, of all septic tanks and drainage fields shall be in accordance w/ the State of Maine Plumbing Code. Waste disposal systems will be placed at the site of the soil report or a new soils report will be required before a permit is issued.
- K. General – nothing in the pervious provisions of this ordinance shall prevent the use of methods, or materials approved by the national board of fire underwriters.
- L. All dwellings structures shall conform to State and Federal Codes included and not limited to the National Electrical Code as most recently adopted by the State of Maine, and the CABO code, most recent edition.
- M. An unoccupied mobile/manufactured home may be stored on ones’ property provided a permit for such has been issued by the Planning Board. The Planning Board has the right to prescribe reasonable conditions upon such storage.
- N. Underground utilities – Any and all utilities from the road/street (public or private) to a new structure, can be no closer than twenty-five (25) feet from said structure. This distance shall be underground. This ordinance is separate from the requirements under the subdivision ordinance, effective March 1, 2003, Article 12, Section 12.8, Page 40, utilities.”
- O. Heating oil tanks – All new residential dwellings with outside home heating oil tanks must have self-containment with a protecting roof structure against the elements. All new residential dwellings with inside home heating oil tanks must have self-containment. All replacement tanks within existing dwellings, inside our outside, must have self containment.”
- P. Soil erosion control – all new construction shall prevent soil erosion from entering water bodies, wetland and adjacent properties. The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction and clean up stages.

#### **Section IV. Minimum Dimensional Requirements**

- A. All lots upon which a residential dwelling, commercial, industrial or institutional structure is to be erected, moved or placed, shall contain 87, 120 square feet, except within the areas regulated by the Shoreland Zoning Ordinance for the Town of Otisfield.
- B. If more than one principal structure or dwelling unit is constructed on a single parcel, all dimensional requirements shall be met for each additional structure or dwelling unit. Each such principal structure or dwelling unit’s lot shall have a separate deed recorded in the oxford county registry of deeds.
- C. All lots upon which a residential dwelling or commercial, industrial, or institutional building is to be erected, moved of placed, shall have at least two hundred (200) feet of frontage on a public or private way or a private road. A lot in the shoreland zone with shore frontage will be required to have the same frontage on a road as is required on the shore.

- D. All structures shall be setback a minimum of fifty (50') from the center of the right of way.
  - 1. All new structures shall have a minimum front setback of fifty (50') from the edge of the right of way.
- E. All structures shall have a minimum side and rear setback from lot boundaries of twenty-five (25') feet, unless more than one boundary is a road.
- F. The establishment of so called back lots is authorized provided such lots are provided with legal rights of way to a public road, or not less than fifty (50) feet in width and further, that such rights of way do not reduce the road frontage or area requirement of an already existing house lot fronting on a road to below the minimum required size and road frontage. Back lots so established must be generally rectangular, having no side of less than two hundred (200) feet and contain a minimum of 87,120 square feet within their boundaries.
- G. Multi-family structure(s) shall contain no more than three (3) dwelling units.
- H. A principle structure that contains only two (2) dwelling units, herein after called a duplex, May be constructed on a single parcel of land with 200 feet of road frontage, provided that all other minimum dimensional requirements are met for each dwelling unit.

#### **Section V. Non Conforming Lots of Record.**

- A. Non conforming lots – a non-conforming lot of record as of the effective date of this ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this ordinance except lot size or frontage shall be obtained by action of the board of appeals.
- B. Contiguous built lots – if two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the state minimum lot size law and subsurface wastewater disposal rules are complied with. If two or more principal uses or structures existed on a single lot of record on the effective date of this ordinance, each may be sold on a separate lot provided that the above referenced law and rules are complied with. When such lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of this ordinance.
- C. Contiguous lots/vacant or partially built – if two or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or amendment of this ordinance, if any of these lots do not individually meet the dimensional requirements of this ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure, the lots shall be combined to the extent necessary to meet the dimensional requirements.

#### **Section VI. Appeals**

If the Code Enforcement Officer (or the Planning Board) disapprove an application or grant an approval with conditions that are objectionable to the applicant or any other abutting landowner or aggrieved party, or when it is claimed that the provisions of the ordinance have been misconstrued or wrongfully interpreted, the applicant, an abutting landowner or aggrieved party may, at their expense, appeal the decision of the code enforcement officer or the planning board, to the board of

appeals/ the board of appeals may hear appeals from determinations of the code enforcement or planning board in accordance with the provisions of the board of appeals ordinance for the Town of Otisfield.

The board of appeals may grant a variance in accordance with the relevant provisions of the board of appeals ordinance for the town of Otisfield, where such variance will not be contrary to the public interest and therefore, a literal enforcement of the ordinances would result in undue hardship. The variance shall be for the minimum necessary to afford relief. The words “undue hardship” as used herein shall mean.

- a. That the land in question can not yield a reasonable return unless a variance is granted; and
- b. That the need for a variance is due to the unique circumstances of the property and not to the general conditions of the neighborhood; and
- c. That the granting of a variance will not alter the essential character of the locality; and
- d. The hardship is not a result of action taken by the applicant or a prior landowner.

All applications for appeals and waivers shall be governed by the provisions of The Board of Appeals Ordinance for the Town Of Otisfield.

An aggrieved party may accept the decision of the Board Of Appeals or appeal to a Superior Court. Appeals fee will be established by the Selectmen annually. The fees are payable to the Town.

#### **Section VII. Amendments**

This ordinance may be amended by a majority vote at any annual town meeting when such amendment is published in the arrant calling for the meeting.

#### **Section VIII. Enforcement**

- A. Whenever the Code Enforcement Officer is satisfied that a building or structure, or any work in connection therewith, the erection, construction, or movement, of which is regulated, permitted or forbidden by this ordinance is being erected, constructed or moved, in violation of a plan submitted and approved hereunder, or of a permit issued hereunder, he shall serve a written notice or order upon the person responsible, therefore directing discontinuance of such illegal action and the remedying of the condition that is in violation of the provisions or requirements of this Ordinance.
- B. No structure hereafter erected or moved shall be occupied or used in whole or in part until the structure has been approved by the Code Enforcement Officer and issued an occupancy permit.
- C. The code enforcement officer is charged with the prosecution for all violations of the provisions, of this ordinance. In case such notices or orders referred to in section b are not promptly complied with, he shall institute such actions or proceedings at law in equity as are proper to restrain, correct, remove or punish such violations.
- D. Any person who shall violate any of the provisions of this ordinance or fail to comply with any of the requirements thereof, shall upon conviction, be punished by fine of not less than \$100 or more than \$2500 and each day on which such violation continues shall constitute a separate offense. The town may request that any structure built in violation of the provisions of

this ordinance be removed or made conforming. In addition, any person who shall violate any of the provisions of this ordinance or fail to comply with any of the requirements thereof shall upon conviction be liable for all attorney's fees, court costs and any other expenses incurred by the town for legal actions against the person convicted of the violation. Any and all fines and costs shall be payable to the town of Otisfield.

**Section IX. Conflicting Provisions and Validity.**

- A. Whenever the regulations made under the authority hereof differ from those described by any statute, ordinance or other regulations, that provision which imposes the greater restriction or the higher standard shall govern.
- B. 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 invalidate any other section, clause, provision, portion or phrase of this ordinance.

**Section X. Roads**

All roads which will be dedicated as public rights of way must have a base construction in accordance with state standards for so called town road improvement roads, having a right of way of not less than fifty (50) feet and a road surface of not less than twenty (20) feet. While no guarantee of acceptance of any road by the town can be assured, the minimum requirements for consideration are the foregoing plus the road surface must be finished with bituminous pavement to a depth of 2 ½ inches.

**Section XI Effective Date**

This Ordinance became effective July 20, 1964, amended March 5, 1983; May 2, 1975; December 30, 1987; July 2, 1976; March 2, 1985; March 7, 1987; March 3, 1990; March 2, 1991, March 1, 2003; March 4, 2006.