

BUILDING ORDINANCE

TOWN OF PATTEN

1. AUTHORITY

This ordinance is created according to the powers given a municipality by Title 30-A MRSA, Section 3001.

2. TITLE

This ordinance shall be known and cited as the “Building Ordinance for the Town of Patten”, and will be referred to herein as the “Ordinance”.

3. ADMINISTRATION

3.1 Enforcement. This Ordinance shall be enforced by the Municipal Officers.

3.2 Administrator. The Ordinance shall be administered by the Code Enforcement Officer who shall be appointed by the Municipal Officers.

4. PURPOSE

The purpose of this Ordinance is to maintain safe and healthful conditions in the Town of Patten and to protect its natural resources, through the regulation of construction, relocation, replacement and alteration of buildings.

5. SCOPE

The provisions of this Ordinance shall apply to new construction, conversion, additions, relocations and replacement or significant segment thereof, including all trailers, manufactured homes and/or recreational vehicles when connected to any utility and/or used as a residence for a period of more than thirty (30) days. This code does not require that a permit be obtained for the construction or placement of a doghouse, children’s playhouse, toolshed, or similar small building having not more than 100 square feet providing such structures shall meet all other requirements of this code.

5.1 EXCEPTION. No permit shall be required for repairs or improvements not involving structural changes when the reasonable cost is less than \$5000.00.

6. RIGHT OF ENTRY

The Code Enforcement Officer and the Municipal Officers, in the performance of their duties, may enter the building(s) for which the permit was issued during the process of

construction for the purpose of inspecting as required by this Ordinance. Application for a permit shall constitute the granting of permission by the owner or the owner's agent for the Code Enforcement Officer and the Municipal Officers to enter the premises for the purpose of making inspections at reasonable hours.

7. PERMIT

Before the construction of any structure, accessory building, relocation or replacement of any building, trailer, mobile home or any part thereof shall begin, the owner or authorized agent of the owner shall obtain an application for a permit for such work. This application shall be supplied by the Patten Town Office.

7.1 Structure. Anything built for the support, shelter, or enclosure of persons, animals, goods or property of any kind.

7.2 Application. Application shall be in writing in such form as approved by the Municipal Officers and available from the Code Enforcement Officer. Additional information may be required by the Code Enforcement Officer or other Municipal Officials in accordance with local and state ordinances and laws. A copy of the application shall be filed by the Code Enforcement Office in the Municipal Office.

7.3 Approval or Refusal. The Code Enforcement Officer shall either issue the requested permit or transmit notice of refusal within ten days of receipt of the application. Notice of refusal shall be in writing and state the reasons therefore

7.4 Life of Permit. Construction shall begin within one year of the date of the permit. Thereafter, the permit is void. Before the permit expires, the applicant may apply to the Code Enforcement Officer for an extension. The Code Enforcement Officer shall set the new expiration date. Every building permit shall be displayed on the premises clearly visible to the Code Enforcement Officer.

8. APPEALS

In the event of refusal to issue a building permit by the Code Enforcement Officer, an appeal may be taken upon written application of an aggrieved party within 30 days, to the decision of the Code Enforcement Officer. The Municipal Officers may reverse the decision of the Code Enforcement Officer only upon finding that the decision of the Code Enforcement Officer is clearly contrary to this code. In specific cases where the enforcement of this ordinance would involve practical difficulty or unnecessary hardships, and where desirable relief may be granted without substantially departing from the intent and purpose of this ordinance, but not otherwise, the Municipal Officers may make exceptions to, and variations from the provisions of this ordinance.

9. FEES

Applicants for building permits shall submit a fee together with the completed application to the Code Enforcement Officer. The fee shall be payable to the Town of Patten. The fee shall be \$25.00.

- 9.1 A double permit fee may be assessed where construction is commenced without first obtaining a building permit.

10. MINIMUM CONSTRUCTION STANDARDS

- A. **SIZE OF LOT.** No buildings, including a mobile home shall be constructed upon or moved to a lot with an area of less than 20,000 square feet.

If any existing building burns, is demolished or moved, it may be replaced even though the lot may measure less than 20,000 square feet. Lots existing, of for which a plan has been recorded in accordance with the law at the effective date of this ordinance, shall be exempt from these minimum lot requirements. For lots served by public community sewer, the minimum area requirements shall be 9000 square feet.

- B. **SET BACK.** No building shall be erected on a lot unless the building shall be set back from the right-of-way at least 25 feet.

- C. **SIDE-YARD WIDTH.** No building shall be set less than 10 feet from any adjoining lot line.

- D. **DRIVEWAYS.** Each lot shall be provided with a driveway of not less than 10 feet in width.

- E. **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.

- F. **FOUNDATIONS.** Except when erected upon solid rock or equivalent, all dwellings and commercial buildings shall be set on a masonry foundation wall carried one foot below the frost line; upon a poured concrete slab at least six inches thick and properly drained; upon a pressure treated wood, concrete, or metal posts foundation, approved by the Code Enforcement Officer, with approved support over the posts. Masonry walls and concrete slabs shall rest upon solid ground or leveled rock, or on piles of ranging timbers when solid earth or rock is not found. Foundation walls shall be not less than eight (8) inches thick.

In the case of seasonal homes, foundations of less stringent standards may be allowed by the Code Enforcement Officer, but no seasonal home may be converted

to a permanent dwelling unit, or used as such unless the requirements of this section are met.

- G. EXTERIOR FINISH.** The exterior walls of all dwelling houses, accessory garages and commercial buildings shall be finished with a covering of clapboards, wood siding, wood or asbestos shingles, masonry, brick, stone, or other approved materials. Such covering shall be completed within a year after the outside studding is in place. Tarred paper or tarred felt or similar substances shall not be used on any building unless completely hidden from view by the finished exterior wall covering.
- H. ROOF COVERING.** Every new roof or roof which is hereafter recovered shall be covered with non-combustible or fire-resistant roofing substance. The use of tarred felt, or tarred paper as a permanent roof covering is prohibited. Untreated wood shingles are prohibited.
- I. CHIMNEY.** Any dwelling constructed with a chimney shall construct the chimney of brick, masonry unit or reinforced concrete or other approved materials in accordance with NFPA 211 Standards
- J. ELECTRICAL INSTALLATION.** All electrical wiring, apparatus, or appliances for furnishing light, heat, or power shall be in conformity with State of Maine law and conformity with approved methods of construction for safety to life and property. The regulations in the National Electrical Code, as approved by the National Board of Fire Underwriters, shall be prima facie evidence of such approved methods.
- K. PLUMBING INSTALLATION.** All plumbing and sewage disposal shall be in strict conformance with State of Maine legal requirements and the State of Maine Plumbing Code.
- L. WATER SUPPLY.** Each dwelling, including mobile homes, and each seasonal home shall be connected to a public water supply or a private potable water supply shall be provided.
- M. SANITARY FIXTURES.** Each dwelling unit, including mobile homes, shall be provided with not less than one water closet, one bathtub or shower, one lavatory, and one kitchen sink, all approved type with piped cold water to all fixtures and piped hot water to all fixtures but the water closet. Each home shall be provided with a water closet or approved alternative plumbing fixture.
- N. BUILDING PRACTICES.** All building materials used and practices followed in the construction of buildings shall conform to the generally accepted standards of good workmanship. The regulations of a nationally recognized building code shall be prima facie evidence of such accepted standards.

O. MOBILEHOMES. All mobile homes to be located within the Town of Patten shall meet the minimum standards set forth in the National Manufactured Home Construction and Safety Standards, Title 42, Chapter 70 as amended and Maine Revised Statutes Annotated, Title 10, Part 11, Chapter 951.

11. DISPOSAL OF CONSTRUCTION WASTE

Waste material and rubbish shall be removed from the premises as rapidly as possible. No material shall be disposed of by burning without obtaining the required permit to burn. All waste material or rubbish will be removed within 6 months of completion of construction.

12. PENALTY

Any person who violates any of the provisions of this Ordinance shall be subject to a minimum fine of \$100 .00 up to a maximum fine of \$2,500.00 for each violation in accordance with 30-A MRSA Section 4452. Each day in which a violation is proved to exist shall constitute a separate offense under this section. All fines shall be collected by the Town for use of the Town.

13. EFFECTIVE DATE, SEVERABILITY AND AMENDMENT

A. This Ordinance shall not appeal, annul or otherwise impair or remove the necessity of compliance with any federal, state or other local laws or ordinances. Where this Ordinance imposes a greater restriction upon the use of land, buildings or structures, the provisions of this Ordinance shall prevail.

B. The effective date of the Ordinance shall be the date that it is enacted by the Town Meeting.

C. Should any section or provision of this Ordinance be found by the courts to be invalid, illegal or enforceable, such decision shall not affect any other section or provision of this Ordinance either singly or collectively.

D. This Ordinance shall be amended in accordance with procedures specified in State law at any Town Meeting.

14. ENFORCEMENT

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he shall notify in writing the Town Manager, Selectmen and the person responsible for such violation, indicating the nature of the violations and ordering the action necessary to correct it within a certain time not to exceed 90 days, including immediate discontinuance of illegal buildings, structures, or work being done,

removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be maintained as a permanent record.

Legal Actions. When the above action does not result in the correction or abatement of the violation of nuisance conditions, the Code Enforcement Officer shall notify the Municipal Officers, who are hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of penalties, that are appropriate or necessary to enforce the provisions of this Ordinance in the name of the Town of Patten.

This ordinance was adopted by voters at Annual Town Meeting on March 14, 2000 and is meant to amend the original ordinance adopted at Special Town Meeting, May 19, 1975.