

## Chapter 5 Building Standards and Property Maintenance

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## Chapter 5 Building Standards and Property Maintenance

### **Article 1 Administration**

#### **5-101 Title:**

5-101.1 These regulations shall be known as the Building Standards and Property Maintenance Ordinance of the Town of Bucksport, hereinafter referred to as “this Ordinance.”

#### **5-102: Purpose:**

5-102.1 The purpose of this Ordinance is to provide minimum building construction, property maintenance and demolition standards to protect the environment and the health, safety and welfare of the public insofar as they may be affected by the use or occupancy of any structure or property, and to provide administration, enforcement and penalties.

#### **5-103: Authority:**

5-103.1 The Building Inspector is hereby authorized and directed by the Municipal Officers to administer and enforce all the provisions of this Ordinance.

5-103.2 The standards referenced in this Ordinance shall be considered part of the requirements of this Ordinance. If differences occur between the provisions of the standards and this Ordinance, the more restrictive provisions shall apply.

5-103.3 The Municipal Officers shall have the authority to require an environmental site assessment and a performance bond for any activity subject to permitting by this Ordinance when deemed necessary to ensure adequate protection of the environment and the health, safety and welfare of the public.

#### **5-104: 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.

Barrier--A stockade or other type of solid fence, or hedge of shrubs or trees, any of which is of sufficient density and height to shield an object from ordinary view, as may be required by this Ordinance.

Building—A principal or accessory structure, either prefabricated or constructed on site.

Building Inspector--Code Enforcement Officer.

Commercial Hauler--One who is in the business of emptying or moving solid waste containers.

Compact Area--Any area in Bucksport served by public water or public sewer.

Demolition: The intentional partial, or complete destruction of a structure by manual or mechanical force, deflagration, or detonation.

Dwelling Unit-- A room or group of rooms used by a family as a habitation which is separate from other such rooms or suites of rooms, and which contains independent living, cooking, sleeping, bathing and sanitary facilities.

Exterior Property--The open space on the premises and on adjoining property under the control of owners or operators of such premises.

Floor Area: The sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls, as measured from the exterior of the structure, plus the horizontal area of any unenclosed portions of a structure such as porches and decks.

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

Garbage: The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Good Repair: In a serviceable condition; free of structural defects, decay or deterioration; functioning as intended or designed.

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, commonly called “newer mobile homes”, 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., and

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”

Multifamily Housing--A building containing more than two dwelling units.

Non-Conforming: A lot, building, structure, use of land, or portion thereof, legally existing at the effective date of adoption or amendment of this Ordinance which thereafter fails to conform to any applicable provision of this Ordinance.

Nuisance—Includes any of the following:

1. The physical condition or occupancy of any premises regarded as a public nuisance at common law;
2. Any physical condition or occupancy of any premises or its appurtenances considered an attraction, especially to children, including, but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences;
3. Any premises that has unsanitary sewer or plumbing facilities;
4. Any premises designated as unsafe for human habitation;
5. Any premises that is manifestly capable of being a fire hazard, or is manifestly unsafe or unsecured so as to endanger life, limb or property;
6. Any premises that is unsanitary, or that is littered with refuse or garbage;

7. Any structure that is in a state of dilapidation, deterioration, decay; faulty construction; overcrowded; open and vacant or abandoned; damaged by fire to the extent that it can not provide safe and suitable shelter; in danger of collapse or failure; and dangerous to anyone on or near the premises.

Occupant—Any person living or sleeping in a building; or having possession of a space within a building.

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.

Permit—An official document issued by the Code Enforcement Officer that grants approval for a property owner or authorized agent of the property owner to conduct an activity on a specific parcel of land for a specific purpose, as described therein.

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

Premises—A lot, plot or parcel of land including any structures thereon.

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

Public Accommodation—Any establishment that offers its goods, facilities or services to the public, or solicits or accepts patronage from the general public.

Recreational vehicle: a vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, and which may include a pickup camper, travel trailer, tent trailer, camp trailer, and motor home.

Refuse—Combustible and noncombustible waste materials, except garbage.

Renovation—Removal or installation of interior floor, wall or ceiling framing, exterior floor, wall or roof framing, or any load-bearing structural components inside or attached to an existing structure.

Seasonal Use- Occupancy of a structure or recreational vehicle as temporary living quarters, not to exceed 7 months in any calendar year.

Suitable Roofing Material- Any building product specifically designed for finish weather protection on a building roof including, but not limited to, asphalt shingles, fiberglass shingles, rolled roofing, slate shingles, or wood shingles.

Suitable Siding Material- 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 or composite materials.

Structure-- Anything constructed or erected, the use of which requires a fixed location on or in the ground, or an attachment to something having a fixed location on the ground, including prefabricated and built on site buildings, manufactured housing, carports, porches, and other building features, including chimneys, fireplaces, stacks for industrial purposes, and commercial antennas, but not including sidewalks, fences, driveways, parking lots, and field or garden walls or embankment retaining walls.

Substantial Start--Completion of thirty percent of the estimated cost for the permitted project.

Swimming Pool—An outdoor artificial receptacle or other container, whether in or above the ground, permanently installed, used or intended to be used to contain water for swimming or bathing.

**5-105: Violations and Penalties:**

- 5-105.1 No person, firm or corporation shall erect, construct, install, enlarge, renovate, maintain, remove or demolish any structure, or cause the same to be done, in a manner contrary to any requirement of this Ordinance.
- 5-105.2 A person, firm or corporation that violates any of the provisions of this Ordinance is liable for the penalties as set forth in 30-A, M.R.S.A. § 4452 (3)B.

**5-106: Right of Appeal**

- 5-106.1 An aggrieved party may take an appeal from any decision of the Building Inspector to Superior Court in accordance with State laws within thirty days from the date of the decision being appealed.

**5-107: Permits**

- 5-107.1 A permit shall be required prior to beginning construction, erection, installation, renovation, or demolition of any structure, except as otherwise allowed. A permit shall be required to relocate a mobile home on the same property.
- 5-107.1.1 A permit may not be issued until the requirements of Section 5-201.3 and 5-201.4 have been met, if applicable.
- 5-107.1.2 A permit may not be issued to demolish any structure until all real estate taxes due for that structure have been paid in full.
- 5-107.1.3 A permit may not be issued to demolish any structure used to house equipment assessed with a personal property tax until all personal property taxes due for the equipment have been paid in full. This requirement shall apply whether or not the equipment is located in the structure when a permit application is submitted.
- 5-107.2 Application for permit shall be made on forms provided by the town. Review of permit applications shall be made by the Building Inspector who shall, within 15 days of receipt, provide written notification to the applicant that the application has been approved, the application is incomplete and requires additional information, or the application has been denied. An incomplete application shall be denied if all additional information is not submitted within 45 days of the date of receipt of the application, except that the Building Inspector, when reasonable to do so, may grant additional time that may be needed to prepare submissions.
- 5-107.3 A permit to install a mobile home previously located in another municipality may not be issued until proof of property tax payment from the other municipality has been submitted to the Building Inspector. A permit to install any new manufactured housing purchased from other than a dealer licensed by the State with a sales tax certificate, may not be issued until a bill of sales or other proof of sales tax payment has been submitted to the Building Inspector.
- 5-107.4 A 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, kitchen and bath improvements, fences.
- 5-107.4.1 A permit is not required for the demolition of any of the following structures:
1. A residential accessory structure.
  2. A commercial or noncommercial accessory structure with less than 500 square feet of floor area.
  3. A structure subject to enforcement pursuant to Article 5 or Article 6 of this Ordinance.

4. A structure with no floor area.
  5. A structure owned by the town of Bucksport.
  6. A mobile home.
- 5-107.5 A plumbing permit shall be required for the installation or replacement of all water distribution and drainage pipes, hot water storage tanks, hot water heaters, new faucets, valves and plumbing fixtures, in accordance with the State of Maine Internal Plumbing Rules.
- 5-107.6 A municipal electrical permit is not required for electrical installations. The acquirement of any necessary State electrical permits shall be the responsibility of the property owner or authorized agent.
- 5-107.7 A permit is not required to temporarily install structures providing storage and office space at a construction site. Such structures shall be removed within 30 days from the date of final inspection or issuance of certificate of occupancy, if required.
- 5-107.8 A permit is not required to park or store a recreational vehicle on any property or in an established campground, provided that its tires remain on the ground, its use is limited to seasonal occupancy, and septic waste disposal is in accordance with the State of Maine Plumbing Rules.
- 5-107.09 A permit for a new structure shall expire one year from date of issue unless a substantial start has occurred, in which case the permit shall be valid until the project is completed.  
The Code Enforcement Officer may authorize a one-time, one year extension to the life of an issued permit provided that a \$25.00 permit extension fee is submitted to the town. Projects that have not begun within two years of the date of the initial permit, shall be subject to a new review and permit process in accordance with Section 5-107, and a fee in accordance with Section 5-108.
- 5-107.10 Permits for new construction and occupancies shall be displayed on the property in a location visible from a public way until such time the project has been completed and all required inspections and approvals have been obtained.
- 5-107.11 A stop work order may be issued by the Building Inspector when construction or demolition is found to be inconsistent with the permit description or in violation of any town ordinance or State law. A placard identifying the stop work order shall be attached to the property. Enforcement of the violation shall be made in accordance with Article 7 of this Ordinance.
- 5-108 Fees:**
- 5-108.1 A permit shall not be valid until the town has received payment of the required fee. Submitted permit fees shall be refunded when an application has been either withdrawn or denied. Permit fees shall not be refunded when a permit is revoked by the Building Inspector, or when the permittee either chooses not to exercise the rights granted by the permit or otherwise fails to begin the permitted project prior to the expiration date of the permit.
- 5-108.2 When the fee is based on square footage, all exterior and interior floor area of the new structure shall be included. Basement floor area shall be included only when proposed as living space. Permit fees for renovations shall be based on the total square footage of the affected floor area. If no floor area is affected, as for example, when the project only involves structural changes to exterior walls or roofs, the minimum permit fee shall be charged.

5-108.3 The fee schedule shall be established as follows:

Minimum permit fee: \$25.00

For any permitted use:

new structures or additions to existing structures-

\$.10/sq. ft. for first 5,000 sq. ft. of floor area

\$.03/sq. ft. for floor area in excess of 5,000 sq. ft.

interior renovations \$.05/sq. ft.

accessory structures \$.05/sq. ft.

Swimming Pools: \$25.00

Demolition: \$25.00 per structure

5-108.4 A late fee shall be added to the required permit fee when work is started without a valid permit. The late fee shall be determined as follows: for permit fees up to \$250.00, the late fee shall be \$25.00; for permit fees greater than \$250.00, the late fee shall be 10% of the permit fee. For the purposes of this section, start of work shall include the installation of foundations or foundation forms; the construction, installation or renovation of any structure, either in whole or in part; or the demolition of a structure subject to the requirements of Section 5-107.1.

### **5-109 Plans:**

5-109.1 For all projects involving new construction, renovations or demolition, plans drawn to scale shall be submitted with the permit application. The submissions shall be of sufficient clarity to indicate the nature and extent of the project proposed, and shall show in detail that it will conform to the provisions of this Ordinance and any relevant rules, regulations and laws. The Building Inspector may waive the requirement for plans drawn to scale when such plans are unnecessary to conduct a complete and sufficient application review.

### **5-110 Inspection**

5-110.1 The Building Inspector is authorized, with permission from the property owner or authorized agent, to enter at reasonable times any building, structure or premises to perform the duties required by this Ordinance.

5-110.2 The property owner or authorized agent shall notify the Building Inspector when work is ready for inspection. Such notice must be given at least 24 hours in advance. No work may be covered until such time inspection has been completed and approval is given by the Building Inspector.

5-110.3 Foundation perimeter drainage systems for buildings served by public sewer shall be inspected.

5-110.4 Wood framing installations shall be inspected.

5-110.5 Masonry installations shall be inspected.

5-110.6 All new structures and renovations shall be inspected upon completion.

### **5-111 Certificate of Occupancy**

- 5-111.1 No new building or building addition constructed on site and intended for human occupancy may be so occupied until a Certificate of Occupancy has been issued by the Building Inspector in accordance with Title 25, MRSA, §2357 and the requirements of this Ordinance.
- 5-111.2 A Certificate of Occupancy may not be issued until the Building Inspector has completed required inspections and determined that the new building or building addition is in compliance with all applicable requirements of this Ordinance.

### **5-112 Validity**

- 5-112.1 If for any reason any one or more sections or parts of this Ordinance are held invalid, such judgment shall not affect, impair or invalidate the remaining provisions.

### **5-113 Effective Date**

- 5-113.1 The effective date of this Ordinance shall be April 8, 2000

## **Article 2 Building Planning**

### **5-201 Lot**

- 5-201.1 Site improvements on any property shall comply with the requirements of this Ordinance, and any other applicable municipal, state or federal rule, law or regulation.
- 5-201.2 Demolitions on any property shall comply with the requirements of this Ordinance, and any other applicable municipal, state or federal rule, law or regulation.
- 5-201.3 To ensure the protection of the environment and the public health, safety and welfare, the Town Council may require an environmental site assessment of a property where a site improvement or demolition is proposed, if that property is occupied or was previously occupied with a commercial land use involving the use, handling or disposal of hazardous substances, petroleum products, special wastes, hazardous wastes, or similar types of materials. If environmental hazards are identified, a remediation plan approved by the Town Council shall be required.
- 5-201.4 To ensure the protection of the environment and the public health, safety and welfare, the Town Council may require an irrevocable letter of credit or a performance bond to guarantee the satisfactory completion of the removal of identified environmental hazards on a property where a site improvement or demolition has been proposed. An irrevocable letter of credit or a performance bond may also be required to guarantee the satisfactory completion of the removal of demolished structures and site restoration. Whenever the demolition or removal of material is reasonably anticipated to exceed 1,000 cubic yards, an irrevocable letter of credit or performance bond shall be required to guarantee the activities described in this paragraph 5-201.4.
- 5-201.4.1 If required, an irrevocable letter of credit or a performance bond shall be issued in an amount equivalent to 110% of the cost to complete all required remediation and permitted demolition work.

### **5-202 Structures**

- 5-202.1 Structures intended for public accommodation, manufacturing facilities, places of employment or residential occupancy are subject to regulation by State or Federal Laws as may be applicable, and by this Ordinance.

- 5-202.2 Chimney, vent and fireplace installations are subject to regulation by the State of Maine Department of Public Safety as applicable, and by this Ordinance.
- 5-202.3 Manufactured structures are subject to regulation by the United States Department of Housing and Urban Development, the State of Maine Manufactured Housing Board and by this Ordinance.
- 5-202.4 Structures intended for public accommodation, places of employment and multifamily housing are subject to regulation by the Maine Human Rights Act and the American with Disabilities Act.
- 5-202.5 Protective barriers for outdoor swimming pools, hot tubs and spas are subject to regulation by Title 22, MRSA, § 1631, et seq., and this Ordinance.

### **5-203 Utilities**

- 5-203.1 Structures with plumbing fixtures are subject to regulation by the State of Maine Plumbing Rules, Chapter 9 of the Bucksport Town Code, and this Ordinance.
- 5-203.2 Electrical installations and appliances are subject to the State of Maine Electrician's Examining Board regulation as applicable, and by this Ordinance.
- 5-203.3 Gas installations and appliances are subject to the State of Maine Propane and Natural Gas Board regulation.
- 5-203.4 Oil and solid fuel installations and appliances are subject to the State of Maine Oil and Solid Fuel Board regulation, and by this Ordinance.

## **Article 3 Construction Standards**

### **5-301 Foundations**

- 5-301.1 Basement foundations shall be provided with a perimeter drainage system installed at or below the elevation of the area to be protected and such system shall discharge ground water by gravity or mechanical means into an approved storm drain or other appropriate means of discharge.
- 5-301.1 Foundation drainage systems shall be installed in accordance with Chapter 9, Sewers and Drains, Section 9-410.

### **5-302 Framing**

- 5-302.1 All framing and sheathing material shall be structurally sound, free from rot and decay, and installed in a manner consistent with standard construction trade practices.

### **5-303 Exterior**

- 5-303.1 Roofs finished with wood shingles in the Compact Area may be repaired with like material when such repairs are minor, but may not be replaced with like material when the intent of such replacement is to provide a new roof finish.
- 5-303.2 The exterior wall surfaces of all structures in the Compact Area shall be suitable siding material. The exterior roof surfaces of all structures in the Compact Area shall be suitable roofing material.
- 5-303.3 Underlayment products including, but not limited to, building paper and roofing felt, and plastic sheeting or tarpaulin shall not be considered suitable siding or roofing material for structures in the Compact Area. Temporary use of these items in lieu of suitable siding or roofing material shall not exceed one year. The Code Enforcement Officer may grant an extension of up to one additional year provided that the material

being used is adequately fastened to the structure, free from defect or degradation, and provides adequate weather protection.

- 5-303.4 In no case shall a structure designed for human occupancy be so occupied without a suitable roofing material properly installed on all roof surfaces.

### **5-304 Chimneys, Vents, Fireplaces and Solid Fuel-Burning Appliances**

- 5-304.1 All new and existing chimney, vent, fireplace and solid fuel-burning appliance installations shall meet the requirements set forth in *NFPA 211, Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances*, current edition as adopted by the State of Maine.
- 5-304.2 Installers of chimneys or fireplaces shall complete a *State of Maine Chimney or Fireplace Construction/Installation Disclosure* form and deliver a copy of said form to the consumer in accordance with Title 32 M.R.S.A., §2313-A, and also to the Building Inspector.

### **5-305 Plumbing**

- 5-305.1 All structures utilized for year-round residential occupancy shall have at least one toilet, wash basin and bathing facility with heated water within each dwelling unit.
- 5-305.2 Structures used for year-round residential occupancy shall have pressurized water service.

### **5-306 Electrical**

- 5-306.1 When an electrical installation in a new residential principal structure is performed by other than a licensed master electrician, the Building Inspector shall require written certification from a licensed master electrician or qualified electrical inspector, verifying that the electrical installation has been inspected and is in compliance with the National Electrical Code as adopted, before a Certificate of Occupancy may be issued.

### **5-307 Egress and Fire Protection**

- 5-307.1 All egress and fire protection requirements in structures utilized for human occupancy or use shall comply with the *NFPA 101, Life Safety Code*, current edition as adopted by the State of Maine.
- 5-307.2 The dimensional requirements for stairs, landings, ramps, guards and handrails in one and two family dwellings may be modified if their application clearly would be impractical in the judgment of the Building Inspector, but only where it is clearly evident that a reasonable degree of safety is provided.

### **5-308 Mobile Homes**

- 5-308.1 A permit to install a mobile home constructed before June 15, 1976, or otherwise without a permanently affixed label certifying compliance with HUD construction and safety standards, shall not be issued until written certification from a qualified professional has been provided to the Building Inspector verifying that:
1. the electrical conductors and equipment installation within or on the home are safe and meet the National Electrical Code at the time the home was constructed. Homes wired with aluminum conductors shall meet the current Underwriter Laboratory requirements for connecting to branch circuits of 30 amps or less.

2. the heating and fuel system is in a safe condition and meets the requirements of *NFPA-31 Installation of Oil Burning Equipment*, as adopted by the State of Maine Oil and Solid Fuel Examining Board.
  3. all plumbing, fixtures, drains, appurtenances and appliances designed or used to receive or discharge liquid waste or sewage are connected to the drain system in a manner consistent with the State of Maine Plumbing Rules, and that all piping and fixtures subject to freezing temperatures are insulated or protected to prevent freezing under normal occupancy.
  4. the structure contains at least two exterior egress doors at least 28 inches wide and separated by at least 12 feet as measured in a straight line. No egress door shall be more than 35 feet from a bedroom door.
  5. every bedroom in the structure contains a second means of escape which is either an exterior door or a window providing a 5.7 sq. ft. clear opening with no less than 20 inches in width and 24 inches in height. The bottom of the opening is no more than 44 inches above the floor.
  6. a U.L. approved smoke detector permanently connected to a general electrical circuit is installed in accordance with manufacturer's recommendations in each bedroom and in the hallway adjacent to each bedroom.
  7. the bottom and sides of combustible kitchen cabinets over cooking ranges to a horizontal distance of 6 inches from the outside edge of the cooking range are protected with at least 5/16 inch thick gypsum board or equivalent limited combustible material. One inch nominal framing members and trim are exempted from this requirement. The cabinet area over the cooking range or cooktops are protected by a metal hood with not less than a 3 inch eyebrow projecting horizontally from the front cabinet face. The 5/16 inch thick gypsum board or equivalent material which is above the top of the hood is supported by the hood. A 3/8 inch enclosed air space is provided between the bottom surface of the cabinet and the gypsum board or equivalent material. The hood is at least as wide as the cooking range. The metal hood is not required if there is an oven installed between the cabinet and the range. Ranges have a vertical clearance above the cooking top of not less than 24 inches to the bottom of combustible cabinets.
  8. carpeting is not used in a space or compartment designed to contain only a furnace and/or water heater. Carpeting may be used in other areas where a furnace or water heater is installed, provided that it is not located under the furnace or water heater.
  9. all floors are of solid construction and free from rot or decay.
- 5-308.2 All mobile homes installed after the effective date of adoption of this Ordinance or amendment thereto, shall meet the following design criteria:
- 5-308.2.1 A pitched roof shall be installed in accordance with the manufacturer's installation design requirements. The roof shall be no less than a 2 inch rise to 12 inch run pitch, and shall be finished with asphalt shingles.  
Exception: Mobile homes installed in an approved mobile home park shall not be required to have a pitched roof.
- 5-308.2.2 Exterior siding shall be residential in appearance utilizing suitable siding material.
- 5-308.2.3 Perimeter skirting shall be installed.
- 5-308.2.4 Installation of the mobile home shall comply with applicable requirements of the *Manufactured Home Installation Standard*, as adopted by the Maine Manufactured Housing Board.

- 5-308.3 No mobile home or any other manufactured structure shall be used for any purpose other than that for which it was originally designed.  
Exception: A mobile home may be modified for use as a smoke exposure training facility for fire department personnel.
- 5-308.4 No mobile home shall be temporarily or permanently stored, or abandoned on any property.
- 5-308.5 After the effective date of adoption of this Ordinance or amendment thereto, any mobile home, located on any property in the town of Bucksport, that was constructed before June 15, 1976, or is without a permanently affixed label certifying compliance with HUD construction and safety standards, may not be offered for rent, lease, or occupancy until the Building Inspector has received written certification from a qualified professional stating that the mobile home meets the standards set forth in Section 5-308.1 of this Ordinance. This section shall not apply to mobile homes duly rented, leased or otherwise occupied on the above referenced date until such time the rental, lease or occupancy is terminated.

### **5-309 Oil Tanks**

- 5-309.1 All oil supply tanks shall be installed in accordance with the requirements set forth in Chapter 9 of the *State of Maine Oil and Solid Fuel Board Laws and Rules*, current edition as may be amended.

### **5-310 Swimming Pools**

- 5-310.1 Outdoor residential swimming pools and permanently installed hot tubs and spas shall be enclosed with a fence meeting the following minimum requirements:
1. the top of the fence shall be at least 4 feet above grade as measured on the side opposite to the pool, tub or spa;
  2. no opening within or below the fence shall exceed 4 inches in width;
  3. no fence shall be designed so as to allow or encourage climbing;
  4. access gates, when provided, shall be as high as the fence, self-closing, self-latching, outward swinging and the latch mechanism shall be located on the interior side of the gate.
- Exception: Seasonally installed swimming pools, spas and hot tubs with walls at least 2 feet high.
- 5-310.2 When the wall of an above-ground pool is a least 4 feet high and a ladder is used for access, the ladder shall be capable of being secured, locked or removed to prevent access.

## **Article 3A Demolition Standards**

### **5-3.1 Screening and Security**

- 5-3.1.1 Demolitions must be screened from view to the greatest practical extent from any public street, public recreational area, and navigable waters. This requirement may be waived by the Building Inspector for demolitions of short duration, or when site constraints make the installation of screening impractical or unreasonable.
- 5-3.1.2 Adequate measures must be taken to prevent unauthorized entry into any demolition site containing or suspected of containing environmental hazards, unsanitary conditions or other risks to the public health and safety.

**5.3.2 Lighting**

5.3.2.1 Exterior lighting required for any demolition activity is subject to compliance with the requirements of Appendix K Land Use Ordinance, Section 12.17.

**5.3.3 Noise**

5.3.3.1 Noise from demolition activity involving the use of crushers, blasting or similar high-decibel generating equipment is subject to compliance with the applicable Maine Department of Environmental Protection noise regulations in Chapter 375.10.

**5.3.4 Smoke and Dust**

5.3.4.1 Smoke and dust from any demolition activity is subject to compliance with the requirements of Appendix K Land Use Ordinance, Section 12.21.

**5.3.5 Vibration**

5.3.5.1 Vibration from any demolition activity is subject to compliance with the requirements of Appendix K Land Use Ordinance, Section 12.22.

**5.3.6 Wastes**

5.3.6.1 The disposal of all debris and other wastes from any demolition activity is subject to compliance with the requirements of Appendix K Land Use Ordinance, Section 12.27.

5.3.6.2 Universal wastes must be recycled in accordance with state law.

5.3.6.3 Burial of demolition debris must be conducted in accordance with state law.

5.3.6.4 Burning of demolition debris may only be conducted with permission from the Fire Department.

**5.3.7 Fire and Building Safety**

5.3.7.1 Demolitions are subject to compliance with all applicable fire, safety and building codes.

**5.3.8 Utility Protection**

5.3.8.1 Any utility connection to a public system must be appropriately terminated and disconnected prior to the commencement of any demolition affecting such connection.

5.3.8.2 Abandoned septic tanks are subject to compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules.

**5.3.9 Environmental Hazards**

5.3.9.1 Demolitions may not cause the pollution or contamination of soils, water or air with any hazardous material. Removal of hazardous materials is subject to compliance with applicable state or federal rules, laws and regulations.

**5.3.10 Site Stabilization**

5.3.10.1 All holes in the ground remaining after the removal of below-ground structures must be filled with appropriate backfill material, except when new construction is permitted for the site.

- 5.3.10.2 All disturbed soils must be graded to provide proper drainage, and stabilized in accordance with best management practices for erosion and sedimentation control.

**5.3.11 Hours of Operation**

- 5.3.11.1 Demolition and any related activity including, but not limited to, crushing, compacting, sorting, moving, loading or removing demolished material, and truck traffic to and from a demolition site, may ~~only~~ be conducted between the hours of 7:00AM and 7:00PM, Monday through Saturday in any zoning district identified in Appendix K Land Use Ordinance, except in the Downtown, Downtown Shoreland, Village and Tannery Brook Shoreland Overlay Districts the hours of operation are limited to 7:00AM to 7:00PM, Monday through Friday. This section shall not apply to activities listed in paragraph 5-107.4.1.

**5.3.12 Traffic Safety**

- 5.3.12.1 No trucks or equipment may be parked or stored on any public street, except as may be temporarily necessary to do so for loading or unloading purposes.
- 5.3.12.1 Appropriate measures must be taken to prevent the accumulation of mud or debris on a public street from trucks exiting a demolition site.

**Article 4 Property Maintenance**

**5-401 Exterior Property**

- 5-401.1 All fences and barriers shall be kept in good repair.
- 5-401.2 No automobile graveyard or junkyard shall be allowed except those meeting the requirements of Appendix J, Ordinance to Regulate Automobile Graveyards and Junkyards.
- 5-401.3 No unservicable, discarded, worn out or junked motor vehicle or parts thereof shall be allowed on any property in the Compact Area except in an approved junkyard or auto repair business.
- 5-401.4 Surface water run-off and subsurface drainage shall be contained or diverted to the extent necessary to prevent a concentrated flow of water to enter any public street or sidewalk, except as may be approved by the Public Works Director.

**5-402 Exterior of Structure**

- 5-402.1 All exterior walls, roofs, chimneys, smokestacks, stairs, decks, porches and balconies shall be structurally sound and maintained in good repair.
- 5-402.2 All projections such as awnings, signs, fire escapes and ductwork shall be properly anchored and maintained in good repair.
- 5-402.3 All exterior wall and roof surfaces of any structure used for human occupancy shall be protected so as to prevent wind, rain and snow penetration.
- 5-402.4 All doors and windows shall be kept in good repair.
- 5-402.5 All roof and foundation drainage installations shall be kept in good repair, free of obstructions, and discharge water so as to prevent erosion, sedimentation or entry on to any public street or sidewalk, except as may be approved by the Public Works Director.
- 5-402.6 Basement foundations shall be enclosed so as to prevent entry of vermin.

- 5-402.7 Existing and new structures located within 10 feet from the edge of a public right-of-way shall be provided with suitable snow and ice guards or barriers, when necessary, to prevent snow or ice from falling into the public right-of-way.
- 5-402.8 Paint applied to the exterior of any structure is not subject to the maintenance requirements of this section.

### **5-403 Interior of Structure**

- 5-403.1 All interior walls, floors and ceilings shall be kept in good repair and sanitary.
- 5-403.2 Public areas in multi-family structures shall be kept clean, safe and sanitary.
- 5-403.3 All peeling or flaking lead-bearing paint in childcare facilities, including home daycare facilities, shall be removed or covered in an approved manner.
- 5-403.4 Except as provided for in Section 5-403.3, paint applied to the interior of any structure is not subject to the maintenance requirements of this section.

### **5-404 Refuse and Garbage**

- 5-404.1 The exterior property and interior of every structure shall be free from an accumulation of refuse or garbage of any type, such accumulation being with or without containment, except as otherwise allowed in this section.
- 5-404.2 All refuse and garbage shall be stored in a sanitary manner in receptacles intended for such disposal. Storage of refuse or garbage on any property shall not, at any time, cause attraction of vermin or emit foul odor.
- 5-404.3 Refuse and garbage receptacles shall be screened from ordinary view when visible from the Waterfront Walkway, Main Street or Route 1, with the following conditions:
1. Screening shall only be required when the total capacity of the receptacle or combination of receptacles located on the property is one cubic yard or greater.
  2. Screening shall be a barrier as defined by this Ordinance, or a building. The method chosen to accomplish the screening shall be approved by the Building Inspector prior to its installation.
  3. The property owner or authorized agent shall be responsible for properly maintaining the screening.
  4. Screening shall not be required for refuse containers temporarily placed on a property to collect demolition debris or construction waste originating from that property only.

For the purposes of this section, Main Street shall include the public right-of-way between the Champion Mill main gate and the Verona Island bridge. Route One shall include the public right-of-way between the Verona Island bridge and the Orland town line. The Waterfront Walkway shall include the existing paved sidewalk adjacent to the Penobscot River and future expansions of the walkway.

- 5-404.4 Refuse and garbage receptacles in the Compact Area shall not be emptied or moved on or off site by a commercial hauler between the hours of 10:00 p.m. and 7:00 a.m. on any day.

### **5-405 Light and Ventilation**

- 5-405.1 In multifamily buildings adequate artificial lighting shall be provided and maintained in halls and stairways serving as access to building exits.
- 5-405.2 Vents serving clothes dryers shall be independent of other vents and shall terminate at the exterior of the building.

### **5-406 Plumbing**

5-406.1 All interior plumbing and septic system installations shall be maintained in a sanitary and operational condition, and in accordance with State Plumbing Rules.

### **5-407 Mechanical and Electrical**

5-407.1 All mechanical and electrical equipment in use on any property shall be maintained in good working order.

## **Article 5 Dangerous Premises**

### **5-501 Dangerous Building or Property**

5-501.1 A building or property is deemed to be dangerous if, in the judgment of the Building Inspector, it presents a serious threat to life from any of the following conditions:

1. structural failure;
2. fire, explosion or toxic gases;
3. poisonous contamination or biological infection of water, air or the physical environment;
4. any use or condition of the building or property from which death or physical injury to the occupants or public could be reasonably expected if occupancy of or entry to the building or property is allowed to continue after inspection by the Building Inspector.

5-501.2 The Building Inspector shall order occupants of any dangerous premises to immediately vacate and not reoccupy the premises until it is made safe.

5-501.3 The Building Inspector shall place a placard of condemnation on dangerous buildings or property, and issue a written order to the owner to immediately secure such building or property to prevent unauthorized entry. If the owner fails to secure their building or property within 5 days of receipt of said order, or when immediate action is required to protect public safety, the Building Inspector shall cause the building or property to be secured and shall take any other necessary protective measures including, but not limited to, installing sidewalk and street barricades, and ordering adjacent structures to be vacated. All expenses incurred by the town to secure the dangerous premises and to assure the public safety affected thereby, shall be repaid to the town by the owner or owners of the dangerous premises within 30 days after demand or a special tax may be assessed against the property and collected in the same manner as other municipal taxes are collected.

5-501.4 The Building Inspector shall order the owner or authorized agent to remove the dangerous building or make the premises safe within thirty days of the order.

5-501.5 Upon notification by the Building Inspector, the Municipal Officers may, after notice and hearing on the matter, make and record an order prescribing what disposal shall be made of a dangerous building, pursuant to Title 17 MRSA, Subchapter IV, Section 2851, et seq.

## **Article 6 Nuisances**

6-601 A building or property is deemed to be a nuisance if, in the judgment of the Building Inspector, any of the following descriptions can be applied:

1. Any physical condition of the premises or its appurtenances considered an attraction, especially to children, resulting in unauthorized, unsupervised or unsafe use, such condition to include, but not be limited to: abandoned wells, shafts, basements, unsecured structures, excavations and fences; or
  2. Any premises that has malfunctioning or substandard sewer, septic system or plumbing facilities; or
  3. Any premises designated as unsafe for human habitation; or
  4. Any premises that is manifestly capable of being a fire hazard, or is manifestly unsafe or unsecured so as to endanger life, limb or property; or
  5. Any premises that is unsanitary, or that is littered with refuse or garbage; or
  6. Any structure that is in a state of dilapidation, deterioration, or decay; faulty construction; open and vacant or abandoned; damaged to the extent so as not to provide shelter.
- 6-602 The Building Inspector shall order the owner or authorized agent of any building or property deemed to be a nuisance to remove the nuisance within thirty days from the date of the order.
- 6-603 After the effective date of adoption of this Ordinance or amendment thereto, any rental or commercial property in violation of any provision of this Ordinance may not be offered for rent, lease, or occupancy of any type until the Building Inspector has determined that all violations have been corrected.

## **Article 7 Enforcement**

### **7-701 Notice of Violation**

- 7-701.1 The Building Inspector shall provide 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:
1. Name and address of the property owner/violator,
  2. Location of the property, and map and lot number,
  3. Date that the violation was observed,
  4. Description of the violation including reference to relevant Ordinance section(s),
  5. Corrective order and time allowed to comply,
  6. Penalty statement,
  7. Appeal statement,
  8. Date of the notice and the Building Inspector's signature.
- 7-701.2 Notice of violations shall be delivered via United States Mail, certified with return receipt requested, and by regular mail. When delivery is not accepted, in hand delivery shall be made by a local law enforcement officer, or a sheriff or sheriff's deputy pursuant to Rule 4 of the Maine Rules of Civil Procedure.
- 7-701.3 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 Building Inspector for a one time extension. An extension may be allowed if a reasonable hardship can be shown.
- 7-701.4 The Building Inspector may initiate a Rule 80K enforcement action to address violations of this Ordinance when authorized to do so by the Municipal Officials, and when properly certified under Rule 80K by the State Planning Office.

*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*

*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.*

*April 28, 2016 to modify Section 5.3.11.1.*

***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.*