

BUILDING CODE

OF THE

TOWN OF WINDSOR, MAINE

ADOPTED AT SPECIAL TOWN MEETING:	JUNE 2, 1977
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An ordinance to protect the public health, safety and welfare of the residents of the Town of Windsor through the regulation of construction, reconstruction, alteration, repair, placement, relocation, and replacement of structures by requiring permit for and inspection of such activities by setting minimum building standards, and by prescribing administrative and enforcement procedures. This Ordinance is adopted pursuant to 30 M.R.S.A., sec 1917 and 2151¹.

SECTION I. SCOPE.

The Provision of the Ordinance shall apply to all new construction, reconstruction, alteration, repair, replacement, relocation or placement of any structure or part thereof.

SECTION II. REPEAL OF PRIOR ORDINANCES.

The following ordinances are hereby repealed with the adoption of this ordinance:

“Building Code for the Construction of Year Round Dwellings in the Town of Windsor” dated July 1, 1973.

“Supplement to Town of Windsor Building Code for the Construction of Year Round Dwellings and Mobile Homes, Mobile Home Parks and Trailer Ordinance” dated March 11, 1974; and

“Amendments for the Windsor Building Code” dated March 8, 1976.

Where the provisions of this Ordinance are inconsistent with other ordinances and regulations, the higher standard or more strict requirements shall apply.

SECTION III. DEFINITIONS.

- A. **Structures:** Anything constructed or erected for the shelter or support of persons, animals, goods, or property of any kind which requires location on the ground or attachment to something on the ground.
- B. **Principal Structure:** The structure in which the primary use of the lot is conducted.
- C. **Accessory Structure:** A structure of a nature customarily incidental or subordinate to that of the principal structure or the primary use to which the premises are devoted.
- D. **Residential Structure:** A structure designed and equipped exclusively for use as a permanent, seasonal, or temporary living quarters. The term shall include mobile homes.
- E. **Dwelling Unit:** A room or group of rooms designed and equipped exclusively for use as living quarters for one family, including provisions for living, cooking and eating.
- F. **Multi-family Dwelling:** One building consisting of three (3) or more attached dwelling units.
- G. **Right of Way:** No right of way shall be placed where future road construction would be prohibited.

¹ 30 M.R.S.A. has been repealed. Equivalent provision would be 30-A M.S.R.A. §3001.

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SECTION IV. ADMINISTRATIVE PROCEDURES.

A. Code Enforcement Officer

This Ordinance shall be administrated by the Code Enforcement Officer who shall be appointed by the Municipal Officers.

B. Building Permits

A building permit shall be obtained from the Code Enforcement Officer prior to beginning construction, reconstruction, alteration, repair, placement, relocation, or replacement of any structure or part thereof when such activity involves the assessment value of two thousand (\$2,000) or more (Effective 3/13/04) or a storage building of 64 square feet or larger (8' x 8'). Temporary canvas type structures not permanently attached to the ground or a foundation are excluded. The Shoreland Zoning Map should be consulted before a Building Permit is issued.

C. Application for Permits

1. Applications for building permits shall be in writing on such forms as the Code Enforcement Officer and Road Supervisor shall provide.
2. Application shall contain the identification of the applicant, the location of the building activity and a description of the proposed construction, reconstruction, alteration, repair, placement, relocation or replacement to be undertaken in such detail as required on the application.
3. Evidence that a plumbing permit has been obtained shall accompany all applications for building permits where the State Plumbing Code applies.
4. When an entrance accesses a public road, a copy of an Entrance Permit, issued by the State Department of Transportation or the Road Supervisor shall be attached to the Building Permit.

D. Decisions

1. The Code Enforcement Officer, after proper examination of the application, shall either issue the requested permit or transmit notice of refusal to the applicant and the Town Clerk within fifteen (15) days of the initial application. Notice of refusal shall be in writing and shall state the reason therefore and include an Appeals Application.
2. Both the Code Enforcement Officer and the Town Clerk shall keep a file of all applications for and decisions concerning building permits.

E. Inspections

1. The Code Enforcement Officer shall inspect all activities requiring a building permit during the course of construction, reconstruction, alteration, repair, placement, relocation or replacement of structures.
2. Two inspections shall be made by the Code Enforcement Officer of building activities involving mobile homes, accessory structures, alterations and repairs.
 - (1) One inspection of propose building site work prior to construction.
 - (2) Final inspection of completion of work, (effective 3/13/78).

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3. Three inspections shall be made by the Code Enforcement Officer of building activities involving all other residential structures and principal structures:
 - (1) One inspection of proposed building site prior to construction.
 - (2) One inspection during the course of construction.
 - (3) Final inspection at completion of work.
4. The Code Enforcement Officer shall keep accurate records of all inspections, including dates and comment, upon the original application forms.
5. The Code Enforcement Officer may make additional inspections, as he or she deems necessary, in order to adequately enforce the provisions of this Ordinance. Where additional inspections are required, the records shall state the reason wherefore.

F. Right of Entry

The Code Enforcement Officer, in the performance of his or her duties may enter any building for the purpose of making the inspections required by this Ordinance.

G. Fees

A fee of fifty dollars (\$50.00) shall accompany all residential permit applications. A fee of seventy-five dollars (\$75.00) plus an additional fee of five cents (\$.05) a square foot shall accompany all commercial building permit applications.

H. Life of Permits

All building permits shall be void unless work there under is commenced within 180 days from the date of issuance.

I. 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.

J. Revisions

No changes or revisions of the original application shall be made in the process of constructing, reconstructing, altering, repairing, placing, relocation or replacing a structure without the approval of the Code Enforcement Officer if the provisions of this Ordinance apply to said changes. Where such changes require additional inspections, an additional five dollars (\$5.00) fee may be charged.

K. Contractor's Duty

No Contractor, construction company, or other person for hire shall perform any work for which a building permit is required by this ordinance unless:

1. The permit is displayed in a conspicuous place on the premises as required by this Ordinance prior to the start of the work; or
2. The contractor, construction company, or other person verifies with the Code Enforcement Officer or Town Clerk prior to starting work that a building permit has been issued.

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SECTION V.

A. Lot Size

All principle structures shall be constructed or placed upon lots that have a minimum of two (2) acres, a minimum of frontage of two hundred (200) feet and a minimum depth of two hundred (200) feet and be of such dimensions as to accommodate within its boundaries a two hundred (200) foot by a two hundred (200) foot square . The frontage shall be on a public or private way street, road or right of way which does not intersect the property and has a forty (40) foot right of way. Existing lot size, right of way width, and frontage shall not apply to existing lots of record which do not meet the requirements of this ordinance at the date of its passage, provided however, the adjoining lots in the same ownership at the date of its passage or its subsequent amendment shall be considered one lot.

All multi-family dwellings shall additionally have one-half (1/2) acre plus 50 feet of road frontage per dwelling unit after the initial two units. The multi-family dwelling must also have a 75 foot set back from all adjoining property lines, and have no more than eight (8) dwelling units per principal structure.

No person shall reduce the size of a lot or frontage to less than allowed by this section.

B. Set Back

All structures shall be constructed or placed on lots with set backs at least seventy-five (75) feet from the center line of any street or road. (For multi-family dwellings see SECTION V., Subheading A. Lot size.)

C. Yard Widths

All structures shall be set at least twenty (20) feet from any adjoining property lines. (For multi-family dwellings see SECTION V., Subheading A. Lot Size.)

D. Foundations

Except when erected upon solid rock or equivalent, all principal structures shall be set on a masonry foundation, a poured concrete slab, or concrete posts.

Foundations constructed of pressure treated plywood wall or supporting posts may be used so long as same are placed upon responsible footing to support building stress and proper drainage, as well as proper back filling is observed.

E. Wooden Beams and Columns

Wooden beams or joists which are not headers or tail joists shall have bearing of at least three (3) inches. Wooden columns in basements or cellars shall rest on rigid masonry or metal footings which extend at least six (6) inches above the floors.

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F. Exterior Finish

The exterior walls shall be finished with covering of clapboards, wood, metal or vinyl siding, wood or asphalt, masonry, brick or stone. (Effective 3/24/80) Tarred paper or felt or building paper or polyethylene must be of a temporary nature.

G. Roof Covering

The roof shall be covered with noncombustible or fire resistant roofing material.

H. Chimneys

All chimneys shall be constructed of solid masonry units or reinforced concrete (this includes the regular brick chimney) or commercial concrete sections, or may be one of the several pre-fabricated metal/insulated chimneys.

1. Chimney Lining

Chimney shall be lined with fire clay or tile flue liners where applicable.

2. Chimney Supports

Masonry or concrete chimneys shall be supported on foundations of masonry or reinforced concrete which, if on the exterior of the building, shall extend below the normal frost line.

3. Chimney Height

Chimneys shall extend not less than two (2) feet above the highest point of the roof.

4. Chimney Clean out

Every chimney shall be provided with a properly installed clean out opening with an approved metal door for each flue, where applicable.

I. Electrical Installation

All electrical work shall be in accordance with 30 M.R.S.A. sec 2553² and other applicable State Laws.

J. Plumbing

All plumbing must be inspected by the town Plumbing Inspector and receive his approval of conformance with the State Plumbing Code and other applicable State Laws.

K. Mobile Homes

Mobile homes being placed or relocated on lots in State regulated mobile home parks need not meet the requirements under this section for lot size, set back and yard widths. (Effective 3/24/80)

² 30 M.R.S.A. has been repealed. Equivalent provision would be 30-A M.R.S.A. §4161

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L. Certain Telecommunications and Utility Equipment

1. A lot is exempt from the lot size and set back requirements of this section provided that:
 - (1) The lot does not exceed one hundred (100) by one hundred (100) feet in size and dimension:
 - (2) The Principle structure on the lot is:
 - (a) One or more equipment racks or cabinets, or a hut enclosing such equipment racks or cabinets, used by a telephone service, electricity transmission and distribution utility, cable service, internet access service, gas utility, natural gas pipeline utility, or any radio/television transmission, commercial mobile wireless service, unlicensed wireless service, cellular phone service, specialized mobile radio communications (SMR), common carrier wireless exchange access service, personal communications service (PCS) or pager service: or
 - (b) A wireless telecommunications facility, as defined in Section 4 of the Wireless Telecommunications Facilities Siting Ordinance of the Town of Windsor, less than thirty five (35) feet in antenna height:
 - (3) Any enclosing hut does not exceed twenty (20) feet in height: and
 - (4) If not enclosed by a hut, the facility is reasonably screened by trees, plants, vegetation, other landscaping or existing site features with respect to abutting lots other than any lot from which the exempt lot was created.
2. Standard conditions of a building permit issued under this subsection are:
 - (1) That the lot at no time contain or be serviced by any type of sewage disposal system:
 - (2) That the lot at no time be used for human habitation:
 - (3) That the lot at no time be used for materials or equipment storage not necessary for construction, maintenance or operation of the facility: and
 - (4) That the lot at no time be used for vehicle storage other than short-term parking incidental to construction, maintenance or operation of the facility.

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SECTION VI. NON-CONFORMING USE.

- A. Any lawful use of structures, premises, land or parts thereof, existing at the effective date of this ordinance or amendments thereto, and not in conformance with the provisions of this ordinance, shall be considered to be non-conforming use.
- B. Any non-conforming use may continue and may be maintained, repaired, and improved. No such non-conforming use may be expanded, changed to another non-conforming use, or renewal after it has been discontinued for a period of twenty-four (24) calendar months or more.
- C. Any non-conforming lot of record existing before the effective date of this ordinance and not adjoined by other land of the same ownership may be used in accordance with State Law.

SECTIONS VII. APPEALS AND VARIANCE REQUESTS.

Appeals and variance requests from the decisions of the Code Enforcement Officer may be taken to the Board of Appeals.

A. Administrative Appeals

The Board of Appeals shall hear and decide appeals from decisions of the Code Enforcement Officer refusing to issue a building permit pursuant to this ordinance, or from the failure of the Code Enforcement Officer to timely act on a permit application.

B. Variance Appeals From Dimensional Standards

The Board of Appeals shall hear and decide requests for variances from the dimensional standards contained in this ordinance following the Code Enforcement Officer's refusal to issue a building permit when strict application of the ordinance to the petitioner and the petitioner's property would cause a practical difficulty and when the following conditions exist:

1. The need for a variance is due to the unique circumstances of the property and not to the general conditions of the neighborhood;
2. The granting of a variance will not produce an undesirable change in the character of the neighborhood and will not unreasonably detrimentally affect the use or market value of abutting properties;
3. The practical difficulty is not the result of action taken by the petitioner or prior owner;
4. No other feasible alternative to a variance is available to the petitioner;
5. The granting of a variance will not unreasonably adversely affect the natural environment; and

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6. The property is not located in whole or in part within shoreland areas as described in the Town of Windsor Shoreland Zoning Ordinance.

As used in this subsection, “dimensional standards” means and is limited to provisions of this ordinance relating to lot area, lot coverage, frontage, and setback requirements.

As used in this subsection, “practical difficulty” means that the strict application of this ordinance to the property precludes the ability of the petitioner to pursue a permissible use of this property and results in significant economic injury to the petitioner.

In granting a variance, the Board may prescribe such additional conditions as are necessary to meet the intent of this ordinance.

C. Filing of an Appeal or Variance Request; Time to File

An appeal or variance request pursuant to this Section shall be filed with the Town Clerk on forms provided by the Code Enforcement Officer. All appeals and variance requests shall be filed within thirty (30) days after the date of the Code Enforcement Officer’s written refusal to issue the building permit in question, except that the Board of Appeals may waive this thirty (30) day deadline for good cause shown, or when the Code Enforcement Officer has failed to timely act on a permit application.

SECTION VIII. ENFORCEMENT.

A. Violations

Any structure constructed or placed or work performed in violation of the provisions of this Ordinance shall be considered a nuisance.

- B. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance including the specifications in the approved application. If the Code Enforcement Officer shall find that a violation has occurred, he or she shall notify in writing the individual listed on the application as responsible for the construction of the telecommunication facility, indicating the nature of the violation and ordering the action necessary to correct the violation within 15 working days of the date of the notification. The Code Enforcement Officer shall maintain a record of such notices.

C. Legal Actions

When such notification of a violation does not result in the correction of the violation in the time specified, the Code Enforcement Officer shall notify the Municipal Officers who are hereby authorized and directed to institute any appropriate action necessary to enforce the provisions of this Ordinance.

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D. Penalties

Any person or entity found guilty of violating any provision of this Ordinance shall be subject to a fine of one hundred (\$100) dollars a day from the specified date for correction contained in the notification. This penalty shall not be deemed to be exclusive of any other appropriate legal. Each day in which a violation of this Ordinance continues shall constitute a separate offense under this section.

SECTION IX. VALIDITY AND SEVERABILITY

Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate the remaining portions of this Ordinance.

Effective Date - This Ordinance shall become effective when enacted by the voters of Windsor at a town meeting.