

Building Code Ordinance

Town of Windsor, Maine

Ordinance Adoption History

The Building Code Ordinance of the Town of Windsor, Maine was adopted and revised by voters at a regular or special town meeting as shown in the table below.

#	Action Taken and Meeting	Meeting Date
1	Adopted at a Special Town Meeting	June 2, 1977
2	Revised at a Regular Town Meeting	March 13, 1978
3	Revised at a Regular Town Meeting	March 12, 1979
4	Revised at a Regular Town Meeting	March 24, 1980
5	Revised at a Regular Town Meeting	March 11, 1985
6	Revised at a Regular Town Meeting	March 9, 1987
7	Revised at a Regular Town Meeting	March 14, 1988
8	Revised at a Special Town Meeting	June 26, 1989
9	Revised at a Special Town Meeting	June 17, 1991
10	Revised at a Special Town Meeting	June 22, 1992
11	Revised at a Special Town Meeting	June 13, 2000
12	Revised at a Special Town Meeting	September 5, 2001
13	Revised at a Regular Town Meeting	March 16, 2002
14	Revised at a Regular Town Meeting	March 13, 2004
15	Revised at a Regular Town Meeting	March 18, 2006
16	Revised at a Special Town Meeting	June 17, 2006

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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 This Ordinance is adopted pursuant to Title 30 M.R.S.A. sections 1917 and 2151 (repealed) and now replaced with Title 30-A M.R.S.A. section 3001.

Section I. Scope.

The Provisions 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The following Ordinances are hereby repealed with the adoption of this ordinance: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 11, 1973, and “Supplement to the 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 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 the principal structure or the primary use to which the premises are devoted.
- D. Camps and Campgrounds:**
 - 1. Camp:** An individual site for tenting, an RV/camper trailer, or a cabin designed and intended for seasonal or intermittent use.
 - 2. Campground:** A grouping of individual camp sites under the control of one (1) individual or organization and subject to State of Maine regulation.
- E. Dwelling Unit:** A single unit providing complete, independent living facilities for one (1) family, including dedicated provisions for living, sleeping, eating, cooking, and sanitation. Further, a Dwelling Unit shall meet the minimum generally accepted professional construction for year-round habitation.
 - 1. A residence is a Dwelling Unit.
 - 2. A mobile home, regardless of width, is a Dwelling Unit, and can be moved.

3. A modular home is a Dwelling Unit, permanently attached to a foundation, becoming part of the real estate.
4. Property with Two (2) Dwelling Units shall be considered Duplex Properties. These shall include Dwelling Units and “accessory Dwelling Units” – a freestanding Dwelling Unit dependent in whole or in part on the primary Dwelling Unit.
5. Multi-family Dwellings: Three (3) or more Dwelling Units, either attached or grouped on the same common property, regardless of the form of ownership.
6. Hotel, motel, cabin units, or lodging homes, providing daily or weekly cleaning or linen services are not Dwelling Units.
7. Tents, Recreational Vehicles, travel/camper trailers, or boats are not Dwelling Units, regardless of provision for sleeping, cooking, or sanitation.
8. Tiny Home/Tiny House means a living space permanently constructed on a frame or chassis and designated for use as permanent living quarters that:
 - a. Complies with American National Standards Institute (ANSI) Standard A 119.5 on plumbing, propane, fire and life safety and construction or National Fire Protection Association (NFPA) standard 1192 on plumbing, propane, and fire safety for recreational vehicles.
 - b. Does not exceed four hundred (400) square feet in size.
 - c. Does not exceed any dimension allowed for operation on a public way.
 - d. Is a vehicle without motive power.

Should a Tiny Home/Tiny House meet these criteria it is a Dwelling Unit.

F. Non-Residential Development/Use: Non-residential development, such as educational, healthcare, business, assembly, storage, and the like, shall have the same definitions as given in NFPA 101 – The Life Safety Code.

G. Right-of-Way. Moved to **Section IV, M.**

Section IV. Administrative Procedures.

A. Code Enforcement Officer. This Ordinance shall be administered by the Code Enforcement Officer (CEO) who shall be appointed by the Municipal Officers.

B. Building Permits. A Building Permit shall be obtained from the CEO prior to beginning construction, reconstruction, alteration, repair, placement, relocation, or replacement of any structure or part thereof when such activity involves the assessed value of ten thousand dollars (\$10,000) or more, or a structure of sixty-four (64) square feet (8' x 8') or larger.

1. Temporary structures of plastic, fabric, and the like not permanently attached to the ground or a foundation do not require a Building Permit.
2. No permits for structures in the Shoreland Zone shall be issued without Planning Board approval.
3. No permits for structures, subject to Site Plan approval shall be issued without Planning Board approval.

C. Application for Permits.

1. Application for Building Permits shall be in writing on such forms as the Town of Windsor shall provide.

2. The Application shall identify 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 Maine Department of Transportation or the Road Commissioner or designee shall be attached to the Building Permit.

D. Decisions.

1. The CEO, 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) business 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 CEO and the Town Clerk shall keep a file of all applications for and decisions concerning Building Permits.

E. Inspections.

1. The CEO may, at their discretion, inspect any activities requiring a Building Permit during construction, reconstruction, alteration, repair, placement, relocation, or replacement of structures.
2. These inspections made by the CEO may include:
 - a. One (1) inspection of the building site prior to construction.
 - b. One (1) inspection during construction.
 - c. A final inspection of the completed work.
3. The CEO shall keep accurate records of all inspections, including dates and comments, upon the original application forms.
4. The CEO may make additional inspections as may be necessary to adequately enforce the provisions of this Ordinance. When additional inspections are required, the records shall state the reason for the problem.

F. Right of Entry. The CEO, in performance of duties, may enter any building for the purpose of making inspections by this Ordinance.

G. Fees. Permits Fees, as per the separate fee schedule set by the Select Board and reviewed annually and amended as needed, shall be paid prior to the issuance of a Building Permit.

H. Certificate of Occupancy. A Certificate of Occupancy or Use (COU) shall be obtained from the CEO upon completion of all activities requiring a permit in **Section IV**, above, for which a permit is conditionally issued. All COUs shall be obtained prior to the occupancy or use of said permitted activities and shall be issued on completion of all permit requirements and/or conditions of approval. The CEO may conduct an on-site inspection prior to issuing a COU and may require additional or corrective work to be completed to the extent necessary to ensure compliance with all requirements and/or conditions associated with the permit.

- I. Life of Permits.** All Building Permits shall be void unless work is commenced within one (1) year from the date of issuance. However, for good cause, the CEO may extend the life of the permit for one (1) additional year.
- J. Display of Permits.** Every Building Permit shall be displayed in a conspicuous place on the premises, clearly visible from the principal travelled street and shall not be removed until all work covered by the permit has been approved.
- K. Revisions.** No changes or revisions of the original application shall be made in the process of constructing, altering, repairing, placing, relocating, or placing a structure without the approval of the CEO if the provisions of this Ordinance apply to said changes.
- L. Duty.**
 - 1. Construction Duties:** No owner, contractor, construction company, or other person for hire shall perform any work for which a Building Permit is required by this Ordinance unless:
 - a. The permit is displayed in a conspicuous place on the premises as required by this Ordinance prior to the start of work; or
 - b. The contractor, construction company, or other person verifies with the CEO or Town Clerk prior to starting work that a Building Permit has been issued.
 - 2.** The owner and all contractors shall be jointly responsible for the quality and workmanship of the construction, meeting all applicable codes, generally acceptable professional standards, and maintaining warranty requirements, as applicable.
 - 3. Maintenance Duty:** The owner shall have a duty to maintain the building and grounds in a safe, healthy, and usable condition.

Section V. Standards.

A. Lot Size, Setbacks, and Road Frontage

Use and (Note)	Lot Size & Depth	Minimum Road Frontage	Road Center Line Setback	Adjoining Property Line Setback
Single Family or Duplex	2.0 acres & 200 feet	200 feet	75 feet	20 feet
Multi-family	2.5 ac. & 275 feet ^①	250 feet ^②	75 feet	75 feet
Commercial ^③	2 acres	200 feet	75 feet	75 feet
Industrial	2 acres	200 feet	75 feet	75 feet
Storage ^④	2 acres	200 feet	75 feet	75 feet
Institutional ^⑤	2 acres	200 feet	75 feet	75 feet
Lodging	2 acres	200 feet	75 feet	75 feet
NOTES: ① Multi-family – 2.5 acres for the first three (3) units and 0.5 acre for each additional unit. ② Multi-family – 250 feet for the first three (3) units and 50 feet for each additional unit. ③ Commercial is Mercantile or Business. ④ Storage is Enclosed Storage. ⑤ Institutional is Education or Religious.				

B. Exceptions and Additional Requirements.

1. Any lot of record as of the date this Ordinance is enacted, is exempt from these requirements for the construction of a single Dwelling Unit. Where two (2) or more non-conforming abutting lots are in common ownership, they shall be considered as one (1) single lot. The Planning Board may permit non-conforming lots to be developed for other uses.
2. Each lot shall be accessible by a public or private road. Private roads shall have a minimum of forty (40) feet right-of-way.
3. No lot shall have more than eight (8) Dwelling Units in a single structure.
4. Each lot shall have a shape to accommodate a two hundred (200) foot by two hundred (200) foot square within the lot lines.
5. Approved mobile home parks, meeting State requirements, are exempt from the above.
6. Dwellings cannot be taller than thirty (30) feet above grade.

C. Yard Widths. (see **Section V., A.**)

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 as same are placed upon responsible footing to support building stress and proper drainage, as well a 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.

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 3/24/1980, 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 materials.

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 one of the several prefabricated metal insulated chimneys.

1. **Chimney Lining.** Chimneys 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 any portion of any structure with ten (10) feet (measured horizontally) and must extend at least three (3) feet above the highest point of its roof penetration.
4. **Chimney Cleanout.** Every chimney shall be provided with a properly installed cleanout opening with an approved metal door for each flue, where applicable.

I. Electrical Installation. All electrical work shall be in accordance with Title 30-A M.R.S.A. section 4161 and other applicable State Laws.

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

K. Mobil Homes. (see **Section V., B., 5**)

L. Certain Telecommunications and Utility Equipment.

1. A lot is exempt from the lot size and setback requirements of this section provided that:

- a. The lot does not exceed one hundred (100) by one hundred (100) feet in size and dimension.
- b. The Principal Structure on the lot is:
 - i. One (1) or more equipment racks or cabinets, or a hut enclosing such equipment racks or cabinet, 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, unlicensed wireless service, cellular phone service, specialized mobile radio (SMR) communications, common carrier wireless exchange access service, personal communications service (PCS) or pager service; or
 - ii. A wireless telecommunications facility, as defined in Section 4 or the *Wireless Telecommunications Facilities Siting Ordinance* of the Town of Windsor, less than thirty-five (35) feet in antenna height.
- c. Any enclosing hut does not exceed twenty (20) feet in height; and
- d. 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 from which the exempt lot was created.

2. Standard conditions of a Building Permit issued under this subsection are that the lot at no time:

- a. Contain or be serviced by any type of sewage disposal system.
- b. Be used for human habitation.
- c. Be used for materials or equipment storage not necessary for construction, maintenance, or operation of the facility.
- d. Be used for vehicle storage other than short-term parking incidental to construction, maintenance, or operation of the facility.

M. Right-of-Way. No right-of-way shall be placed where road construction would be prohibited.

Section VI. Nonconforming 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 nonconforming use.

B. Any nonconforming use may continue and may be maintained, repaired, and improved. No such nonconforming use may be expanded, changed to another nonconforming use, or

renewal after it has been discontinued for a period of twenty-four (24) calendar months or more.

- C. Any nonconforming 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.

Section VII. Appeals and Variance Requests.

Appeals and variance requests from the decisions of the CEO may be taken to the Board of Appeals.

A. Administrative Appeals. The Board of Appeals shall hear and decide appeals of decisions by the CEO refusing to issue Building Permits pursuant to this Ordinance, or from failure of the CEO to act in a timely manner on a permit application.

B. Variance Appeals from Dimensional Standards.

The Board of Appeals shall hear and decide request for variances from the dimensional standards contained in this Ordinance following the CEO'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 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 and 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 and adversely affect the natural environment.
6. The property is not located, in whole or in part, within shoreland areas 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 of Appeals may prescribe such additional conditions as are necessary to meet the intent of the Ordinance.

C. Appeal/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 CEO. All appeals and variance requests shall be filed within thirty (30) days after the date of the CEO'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 CEO has failed to act in a timely manner 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. Enforcement.** It shall be the duty of the CEO to enforce the provisions of this Ordinance including the specifications in the approval application. If the CEO shall find that a violation has occurred, the individual listed on the application as responsible for the construction shall be notified in writing indicating the nature of the violation and ordering action necessary to correct the violation within fifteen (15) working days of the date of the notification. The CEO shall maintain a record of such notices.
- C. Legal Actions.** When such notification of a violation is not corrected in the time specified, the CEO shall notify the Municipal Officers who are hereby authorized and directed to institute any appropriate action necessary to enforce the provisions of this Ordinance.
- D. Penalties.** Any person or entity found guilty of violating any provision of this Ordinance shall be subject to a fine of one hundred dollars (\$100) 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 remedy. 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 the Ordinance.

Section X. Conflict with Other Ordinances.

This Ordinance shall not repeal, annul, or in any way impair or remove the necessity to comply with any other rule, regulation, bylaw, permit or provision of law.

Where this Ordinance imposes a greater restriction upon the use of land, buildings, or structures, the provisions of this Ordinance shall prevail.

Section XI. Effective Date.

This Ordinance shall become effective when enacted by the voters of Windsor at a Town Meeting.