

Town of Windsor Building Code Ordinance Comparison Table 4094 edit

Existing Building Code Ordinance	Proposed Building Code Ordinance
<p>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 adapted pursuant to 30 M.R.S.A. sections 1917 and 2151¹.</p>	<p>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 This Ordinance is adapted pursuant to Title 30 M.R.S.A. sections 1917 and 2151, (repealed) and now replaced with Title 30-A M.R.S.A. section 3001.</p>
<p>Section I. Scope.</p> <p>The Provision of the Ordinance shall apply to all new construction, reconstruction, alteration, repair, replacement, relocation, or placement of any structure of part thereof.</p>	<p>Section I. Scope.</p> <p>The Provisions of the Ordinance shall apply to all new construction, reconstruction, alteration, repair, replacement, relocation, or placement of any structure or part thereof.</p>
<p>Section II. Repeal of Prior Ordinances.</p> <p>The following ordinances are hereby repealed with the adoption of this ordinance:</p> <p>“Building Code for the Construction of Year Round Dwellings in the Town of Windsor,” dated July 1, 1973.</p> <p>“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</p> <p>“Amendments for the Windsor Building Code,” dated March 8, 1976.</p> <p>Where the provisions of this Ordinance are inconsistent with other ordinances and regulations, the higher standard or more strict requirements shall apply.</p>	<p>Section II. Repeal of Prior Ordinances.</p> <p>The following Ordinances are hereby repealed with the adoption of this ordinance:</p> <p>“Building Code for the Construction of Year-Round Dwellings in the Town of Windsor,” dated July 11, 1973, and “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.</p> <p>Where the provisions of this Ordinance are inconsistent with other ordinances and regulations, the higher standard or more strict requirements shall apply.</p>
Existing Building Code Ordinance	Proposed Building Code Ordinance
<p>Section III. Definitions.</p> <p>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.</p> <p>B. Principal Structure: The structure in which the primary use of the lot is conducted.</p>	<p>Section III. Definitions</p> <p>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.</p> <p>B. Principal Structure: The structure in which the primary use of the lot is conducted.</p>

¹ 30 M.R.S.A. has been repealed.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

<p>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.</p> <p>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.</p> <p>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.</p> <p>F. Multi-family Dwelling: One building consisting of three (3) or more attached dwelling units.</p> <p>G. Right-of-Way: No right of way shall be placed where future road construction would be prohibited.</p>	<p>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.</p> <p>D. Camps and Campgrounds:</p> <ol style="list-style-type: none"> 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. <p>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.</p> <ol style="list-style-type: none"> 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 connected Dwelling Units and “accessory Dwelling Units” – a freestanding Dwelling Unit dependent in whole or 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.
Existing Building Code Ordinance	Proposed Building Code Ordinance
	<p>8. Tiny Home/Tiny House means a living space permanently constructed on a frame or chassis and designed for use as permanent living quarters that:</p> <ol style="list-style-type: none"> 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 and life 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. <p>Should a Tiny Home/Tiny House meet these criteria it is a Dwelling Unit.</p>

	<p>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.</p> <p>G. Right-of-Way: Moved to Section IV, M.</p>
Existing Building Code Ordinance	Proposed Building Code Ordinance

<p>Section IV. Administrative Procedures.</p> <p>A. Code Enforcement Officer. The Ordinance shall be administered by the Code Enforcement Officer who shall be appointed by the Municipal Officers.</p> <p>B. Building Permits. A Building Permit shall be obtained from the Code Enforcement Officer prior to beginning construction, reconstruction, alteration, repair, replacement, 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 sixty-four (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.</p> <p>C. Application for Permits.</p> <ol style="list-style-type: none"> 1. Application 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 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. <p>D. Decisions.</p> <ol style="list-style-type: none"> 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 	<p>Section IV. Administrative Procedures.</p> <p>A. Code Enforcement Officer. This Ordinance shall be administered by the Code Enforcement Officer (CEO) who shall be appointed by the Municipal Officers.</p> <p>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 assessment value of ten thousand dollars (\$10,000) or more, or a structure of sixty-four (64) square feet (8' x 8') or larger.</p> <ol style="list-style-type: none"> 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. <p>C. Application for Permits.</p> <ol style="list-style-type: none"> 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 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. <p>D. Decisions.</p> <ol style="list-style-type: none"> 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.
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<p>application. Notice of refusal shall be in writing and shall state the reason therefore and include an Appeals Application.</p> <p>2. Both the Code Enforcement Officer and the Town Clerk shall keep a file of all applications for and decisions concerning building permits.</p>	
<p>Existing Building Code Ordinance</p>	<p>Proposed Building Code Ordinance</p>
<p>E. Inspections.</p> <ol style="list-style-type: none"> 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. <ol style="list-style-type: none"> (1) One inspection of propose building site work prior to construction. (2) A final inspection of completed work (effective 3/13/78). 3. Three inspections shall be made by the Code Enforcement Officer of building activities involving all other residential structures and principal structures. <ol style="list-style-type: none"> (1) One inspection of the proposed building site prior to construction. (2) One inspection during the course of construction. (3) A final inspection at completion of the 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. <p>F. Right of Entry. The Code Enforcement Officer, in performance of his or her duties may enter any building for the purpose of making the inspections required by this Ordinance.</p> <p>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 (\$0.05) a square foot shall accompany all commercial building permit applications.</p>	<p>E. Inspections.</p> <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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. <p>F. Right of Entry. The CEO, in the performance of duties, may enter any building for the purpose of making inspections required by this Ordinance.</p> <p>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.</p> <p>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.</p> <p>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</p>

<p>H. Life of Permits. All Building Permits shall be void unless work there under is commenced within 180 days from the date of issuance.</p> <p>I. 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.</p> <p>J. Revisions. No changes or revisions of the original application shall be made in the process of constructing, reconstructing, altering, repairing, placing, relocation or placing a structure without the approval of the Code Enforcement Officer if the provisions of this Ordinance apply to said changes. When such changes require additional inspections, an additional five-dollar (\$5.00) fee may be charged.</p> <p>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:</p> <ol style="list-style-type: none"> 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. 	<p>may extend the life of the permit for one (1) additional year.</p> <p>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.</p> <p>K. Revisions. No changes or revisions of the original application shall be made in the process of constructing, reconstructing, altering, repairing, placing, relocating or placing a structure without the approval of the CEO if the provisions of this Ordinance apply to said changes.</p> <p>L. Duty.</p> <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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.
Existing Building Code Ordinance	Proposed Building Code Ordinance

Existing Building Code Ordinance	Proposed Building Code Ordinance																																								
<p>Section V.</p> <p>A. Lot Size. All principal structures shall be constructed or placed upon lots that have a minimum of two (2) acres, a minimum 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 the date of its passage or its subsequent amendment shall be considered one lot.</p> <p>All multi-family dwellings shall additionally have one-half (1/2) acre plus fifty 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.</p> <p>No person shall reduce the size of a lot or frontage to less than allowed by this section.</p> <p>B. Set Back. All structures shall be constructed or placed on lots with set backs of 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.)</p> <p>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.)</p> <p>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.</p> <p>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.</p>	<p>Section V. Standards</p> <p>A. Lot Size, Setbacks, and Road Frontage</p> <table border="1" data-bbox="719 342 1448 762"> <thead> <tr> <th>Use and (Note)</th> <th>Lot Size & Depth</th> <th>Minimum Road Frontage</th> <th>Road Center Line Setback</th> <th>Adjoining Property Line Setback</th> </tr> </thead> <tbody> <tr> <td>Single Family or Duplex</td> <td>2 acres & 200 feet</td> <td>200 feet</td> <td>75 feet</td> <td>20 feet</td> </tr> <tr> <td>Multi-family (1) (2)</td> <td>2.5 acres & 275 ft.</td> <td>250 feet</td> <td>75 feet</td> <td>75 feet</td> </tr> <tr> <td>Commercial (3)</td> <td>2 acres</td> <td>200 feet</td> <td>75 feet</td> <td>75 feet</td> </tr> <tr> <td>Industrial</td> <td>2 acres</td> <td>200 feet</td> <td>75 feet</td> <td>75 feet</td> </tr> <tr> <td>Storage (4)</td> <td>2 acres</td> <td>200 feet</td> <td>75 feet</td> <td>75 feet</td> </tr> <tr> <td>Institutional (5)</td> <td>2 acres</td> <td>200 feet</td> <td>75 feet</td> <td>75 feet</td> </tr> <tr> <td>Lodging</td> <td>2 acres</td> <td>200 feet</td> <td>75 feet</td> <td>75 feet</td> </tr> </tbody> </table> <p>NOTES: (1) Multi-family – 2.5 acres for 1st three units & 0.5 acre for each additional unit. (2) Multi-family – 250 feet for 1st three units & 50 feet for each additional unit. (3) Commercial is Mercantile of Business. (4) Storage is Enclosed Storage. (5) Institutional is Education or Religious</p> <p>B. Exceptions and Additional Requirements</p> <ol style="list-style-type: none"> 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. Each lot shall be accessible by a public or private road. Private roads shall have a minimum of forty (40) feet right-of-way. No lot shall have more than eight (8) Dwelling Units in a single structure. Each lot shall have a shape to accommodate a two hundred (200) foot by two hundred (200) foot square within the lot lines. Approved mobile home parks, meeting State requirements, are exempt from the above. Dwellings cannot be taller than thirty (30) feet above grade. <p>C. Yard Widths: (see Section V., A.)</p> <p>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.</p> <p>Foundations constructed of pressure treated plywood wall or supporting posts may be used to long as same are placed upon responsible footing to support building stress and proper drainage, as well as proper back filling is observed.</p>	Use and (Note)	Lot Size & Depth	Minimum Road Frontage	Road Center Line Setback	Adjoining Property Line Setback	Single Family or Duplex	2 acres & 200 feet	200 feet	75 feet	20 feet	Multi-family (1) (2)	2.5 acres & 275 ft.	250 feet	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
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Existing Building Code Ordinance	Proposed Building Code Ordinance
<p>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.</p> <p>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.</p> <p>G. Roof Covering. The roof shall be covered with noncombustible or fire resistant roofing material.</p> <p>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.</p> <ol style="list-style-type: none"> 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. <p>I. Electrical Installation. All electrical work shall be in accordance with 30 M.R.S.A. section 2553² and other applicable State Laws.</p> <p>J. Plumbing. All plumbing must be inspected by the town Plumbing Inspector and receive approval of conformance with the State Plumbing Code and other applicable State Laws.</p> <p>K. Mobil Homes. Mobile homes being places 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).</p>	<p>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.</p> <p>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.</p> <p>G. Roof Covering. The roof shall be covered with noncombustible or fire-resistant roofing material.</p> <p>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.</p> <ol style="list-style-type: none"> 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 any portion of any structure within 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. <p>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.</p> <p>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.</p> <p>K. Mobil Homes. (See Section V., B., 5)</p>

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

Existing Building Code Ordinance	Proposed Building Code Ordinance
<p>L. Certain Telecommunications and Utility Equipment.</p> <p>1. A lot is exempt from the lot size and setback requirements of this section provided that:</p> <ol style="list-style-type: none"> (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: <ol style="list-style-type: none"> (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, 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 from which the exempt lot was created. <p>2. Standard conditions of a Building Permit issued under this subsection are:</p> <ol style="list-style-type: none"> (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. 	<p>L. Certain Telecommunications and Utility Equipment.</p> <p>1. A lot is exempt from the lot size and setback requirements of this section provided that:</p> <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> i. One (1) 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, 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 ii. A wireless telecommunications facility, as defined in Section 4 of the <i>Wireless Telecommunications Facilities Siting Ordinance</i> 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. <p>2. Standard conditions of a Building Permit issued under this subsection are that the lot at no time:</p> <ol style="list-style-type: none"> 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. <p>M. Right-of-Way. No right-of-way shall be placed where road construction would be prohibited.</p>

<p>(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.</p>	
<p>Existing Building Code Ordinance</p>	<p>Proposed Building Code Ordinance</p>
<p>Section VI. Nonconforming Use.</p> <p>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.</p> <p>B. Any non-conforming 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.</p> <p>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.</p>	<p>Section VI. Nonconforming Use.</p> <p>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.</p> <p>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.</p> <p>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.</p>
<p>Existing Building Code Ordinance</p>	<p>Proposed Building Code Ordinance</p>
<p>Section VII. Appeals and Variance Requests.</p> <p>Appeals and variance requests from the decisions of the Code Enforcement Officer may be taken to the Board of Appeals.</p> <p>A. Administrative Appeals. The Board of Appeals shall hear and decide appeals of decisions by the Code Enforcement Officer refusing to issue building permits pursuant to this ordinance, or from failure of the Code Enforcement Officer to act in a timely manner on a permit application.</p> <p>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:</p> <ol style="list-style-type: none"> 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 	<p>Section VII. Appeals and Variance Requests.</p> <p>Appeals and variance requests from the decisions of the CEO may be taken to the Board of Appeals.</p> <p>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.</p> <p>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 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:</p> <ol style="list-style-type: none"> 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.

<p>will not unreasonably detrimentally affect the use or market value of abutting properties;</p> <p>3. The practical difficulty is not the result of action taken by the petitioner or prior owner;</p> <p>4. No other feasible alternative to a variance is available to the petitioner;</p> <p>5. The granting of a variance will not unreasonably adversely affect the natural environment; and</p> <p>6. The property is not located, in whole or in part, within shoreland areas as described in the Town of Windsor Shoreland Zoning Ordinance.</p> <p>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.</p> <p>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.</p> <p>In granting a variance, the Board may prescribe such additional conditions as are necessary to meet the intent of the ordinance.</p> <p>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 act in a timely manner on a permit application.</p>	<p>4. No other feasible alternative to a variance is available to the petitioner.</p> <p>5. The granting of a variance will not unreasonably and adversely affect the natural environment.</p> <p>6. The property is not located, in whole or in part, within shoreland areas as described in the <i>Town of Windsor Shoreland Zoning Ordinance</i>.</p> <p>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.</p> <p>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.</p> <p>In granting a variance, the Board may prescribe such additional conditions as are necessary to meet the intent of the Ordinance.</p> <p>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.</p>
<p>Section VIII. Enforcement.</p> <p>A. Violations. Any structure constructed or placed or work performed in violation of the provisions of this Ordinance shall be considered a nuisance.</p> <p>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, the individual listed on the application as</p>	<p>Section VIII. Enforcement.</p> <p>A. Violations. Any structure constructed or placed, or work performed in violation of the provisions of this Ordinance shall be considered a nuisance.</p> <p>B. Enforcement. It shall be the duty of the CEO to enforce the provisions of this Ordinance including the specifications in the approved 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</p>

<p>responsible for the construction shall be notified in writing 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.</p> <p>C. Legal Actions. When such notification of a violation is not corrected 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.</p> <p>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. Each day in which a violation of this ordinance continues shall constitute a separate offence under this Section.</p> <p>Section IX. Validity and Severability.</p> <p>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.</p> <p>Effective Date. This ordinance shall become effective when enacted by the voters of Windsor at a Town Meeting.</p>	<p>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.</p> <p>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.</p> <p>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.</p> <p>Section IX. Validity and Severability.</p> <p>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.</p> <p>Section X. Conflict with Other Ordinances.</p> <p>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.</p> <p>Where this Ordinance imposes a greater restriction upon the use of land, buildings, or structures, the provisions of this Ordinance shall prevail.</p> <p>Section XI. Effective Date.</p> <p>This Ordinance shall become effective when enacted by the voters of Windsor at a Town Meeting.</p>
Existing Building Code Ordinance	Proposed Building Code Ordinance

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