

Building Codes for the Town of Willimantic

An ordinance to provide for the safety, health and public welfare through regulation of construction, alteration, relocation and replacement of structures and to provide for permits and penalties for violation.

Authority: this ordinance is enacted pursuant to the authority given the town in MRSA Title 30-A Sections 3001 and 3007 (Home Rule)

Section 1, Coverage: amended 8/03

The provision of this ordinance shall apply to new construction, additions, relocation, replacement and replacement of structures. The provisions herein shall also apply to all conversions of property from single family units to multifamily units (2 or more) and to conversions from seasonal dwelling to year-round dwellings and residential structures converted to commercial buildings.

Section 2, Permit: amended 8/98

A building permit is required before construction, alterations, relocation, placement or replacement, of any structure or part thereof shall be started. Building permits are required for homes, camps, mobile homes, trailers, recreational vehicles used as camps, and new accessory structures. Non-dwelling structures less than 144 square feet, fences, flag poles, dog houses, etc. are exempt from the need to obtain a building permit, however a notification may be required (see section 8). Any new structures or any addition to old structures that fall within the Shoreland Zone (regardless of size) require a building permit. A plan for disposal of demolition debris must be included with the building permit application when a permit or notification for a replacement structure is submitted.

Section 3, Application Form:

The application for building permit shall be in writing and shall be submitted on the form provided by the Town of Willimantic and shall contain a description of the proposed new structure, alteration, relocation or replacement. The completed application and fee shall be submitted to the Planning Board.

Revisions: No changes or revisions of the original application and building permit shall be made during the process of construction, reconstructing, altering, replacing, placing, or relocating a structure without approval of the Planning Board, if the provisions of this ordinance apply to said changes.

Section 4, Permit approval or denial:

Approval or denial of the completed application must be made by a majority of the planning Board within 35 days of submission of a completed application. A soil test, site evaluation and Plumbing Permit, issued and signed by the licensed plumbing inspector for the Town of Willimantic, is a prerequisite to the granting of a building permit where plumbing or waste disposal is indicated. The approval or denial of the application will be signed by the Chairman or Secretary of the Planning Board. A notice of denial and/or conditional approvals shall be made in writing stating the reasons for such denial or conditional approval. The approved application will be returned to the Code Enforcement Officer who will issue the Building Permit to the owner, designated agent or assignee.

Adopted May 24th, 2010
Effective May 24th, 2010

Section 5, Term of Permit:

Permitted construction shall be substantially started within 6 months of date of issuance of a Building Permit and be completed within 3 years or a new permit must be applied for and granted by the Planning Board.

Section 6, Code Enforcement Officer:

The ordinance shall be administered by a Code Enforcement officer who shall be appointed by the Municipal Officers (Board of Selectmen). The Code Enforcement Officer shall inspect all buildings being constructed, altered, replaced or relocated for the purpose of enforcing the provisions of this ordinance. The Code Enforcement Officer in the performance of his duties shall have the right (with respect to privacy laws) to enter any property for the purpose of making the inspection required (30-A MRSA Section 4452)

Section 7, Display of Permit:

Permits shall be on display in a prominent place at the site of construction or demolition, be clearly visible and shall not be removed until all work covered by the Permit is completed and approved.

Section 8, Fees: (amended 4/96, 8/03)

A permit fee shall be paid to the Town of Willimantic upon issuance of a Building Permit for all new construction, additions, conversions, relocation, placement, and replacement of structures. Where such changes require additional inspection, an additional \$10.00 fee plus mileage will be charged. There to:

From 144 to 499 square feet	\$23.00 refundable	+	\$15.00 nonrefundable
500 to 990 square feet	\$34.00 refundable	+	\$15.00 nonrefundable
1000-1999 square feet	\$45.00 refundable	+	\$15.00 nonrefundable
2000 square feet and over	\$ 50 refundable/50¢+	+	\$15.00 nonrefundable

Please note that the above fee structure is based on upon the total floor area. Since the Board and the Code Enforcement Officer incur costs in receiving and reviewing an application, whether or not the permit is approved fifteen dollars of the permit fee is nonrefundable.

All new construction, additions, conversions, relocation, placement, and replacement of structures between zero and 144 square feet will need to fill out and submit a notification form to the Willimantic Planning Board. All set backs and other applicable rules within the Willimantic Building Codes apply to these structures submitted on a notification form. There is no fee associated with the notification request.

Renewal Permits: Work in progress but not completed within 3 years of issuance of a building permit will require a renewal permit. A renewal permit will require the same fee as the original permit, and must be submitted to the Planning Board for approval

Section 9, Lot size: minimum lot size is 2 (two) acres:

A principle structure shall be constructed, or placed upon lots that have a minimum frontage of 200 feet facing any road or waterfront. New lots situated greater than 300 feet back from a public road and accessed by a right of way or deeded right of way shall be exempt from frontage requirements except for water frontage. All multifamily dwellings shall have, in addition to the minimum required acreage and frontage, an additional one-half acre of land and 50 feet frontage (roadway or water) per dwelling unit after the initial two units. The multi-family dwelling must also have a 75 foot setback from all adjoining property lines and have no more than 8 dwelling units per principle structure. No structures over 35 feet in height will be allowed. No person shall reduce the size of the lot to a size or frontage less than allowed by this section.

Section 10, Setback:

Setback for principle structures on lots facing any public road shall be at least 80 feet from center line of said roadway. Accessory structures and all other non-permitted structures must have at least a 50 foot setback from centerline of said roadway and comply with all other applicable setbacks. Setback for structures on waterfront is governed by Shoreland Zoning Ordinance. Multi-family dwellings, see section 9, Lot size.

Section 11, Building restriction line:

No structure shall be located less than twenty five feet from any adjoining property line.

Section 12, Driveways:

A driveway shall be installed for each dwelling unit or structure on lots without dwelling units and shall be not less than 15 feet in width and extend at least twenty feet beyond the R/W width.

Section 13, Off Road Parking:

All structures located on State or Town Roads shall have parking space in the amount of 300 square feet beyond the road R/W for each properly registered motor vehicle. This may be accomplished by driveway space, garage space or parking lot space or any combination.

Section 14, MINIMUM FLOOR SPACE:

No dwelling shall be constructed or placed which will enclose an area of less than 300 square feet of living space on the ground floor. Living space shall mean actual enclosed space and shall not include porches, patios or similar structures whether enclosed or not.

Section 15, FOUNDATION:

Except when erected upon solid rock or the equivalent, all dwellings shall be set on masonry or pressure treated wooden foundation walls carried one foot below frost line, or upon a poured concrete slab at least six (6) inches thick. Masonry walls and concrete slabs shall rest upon solid ground or leveled rock, or on poles or ranging timbers when solid rock is not found. Foundation walls shall not be less than eight (8) inches thick. Other types of foundations are acceptable for seasonal dwellings if approved by the Planning Board. Foundation construction for additions to existing buildings is subject to approval of the Planning Board.

Section 16, CHIMNEYS

All new chimneys shall be constructed of masonry with ceramic or tile lining; or a UL approved, prefabricated chimney is acceptable. Smoke pipes (stovepipes) shall not pass through a floor or ceiling and shall not pass through a combustible wall or partition.

Section 17, ELECTRICAL INSTALLATION:

All newly erected buildings that are to be wired shall have adequate and safe electrical service, and all new installations of electrical equipment shall be reasonably safe to persons and property. Conformance with any Am. STDS Assoc.-approved standards shall be prim facie evidence of compliance. All electrical installation entrances shall be installed or approved by a licensed electrician and shall be in accordance with 30-A MRSA sections 4161-4162.

Section 18, PLUMBING:

All plumbing must be inspected by the Town Plumbing Inspector and receive his approval of conformance to the State Plumbing Code and other applicable State Laws. No building permit shall be issued by the board unless a signed Plumbing Permit is submitted with the building permit application.

Section 19, ALL RECREATIONAL VEHICLES:

When a recreational vehicle, tent or similar shelter is placed on-site on a privately owned lot for more than 14 days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the state of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities. Where a written sewage disposal plan describing the proposed method and location of sewage disposal has been submitted, it shall be approved by the local Plumbing Inspector. Where disposal is off site, the written authorization from the receiving facility or landowner is required.

Section 20, NON-CONFORMANCE 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 or amendments thereto, and not in conformance with the provisions of this ordinance shall be considered to 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 renewed after it has been discontinued for a period of 24 calendar months or more.
- C. Any nonconforming lot or on record existing before the effective date of this- the original (November 4, 1972) ordinance and not adjoined by other land of the same ownership may be used in accordance with State Law.

Section 21, APPEALS:

Anyone aggrieved by a decision of the Code Enforcement Officer or Planning Board may take his/her grievance to the Board of Appeals and may further appeal to the Superior Court within 30 days after the Board of Appeals decision as provided by statute. A fee of \$75.00 shall be paid at the time of the filing the appeal to cover administrative and advertising costs.

- A. Such appeal shall be made within 30 days after the decision of the Code Enforcement Officer or Planning Board by filing with the Board of Appeals, a written notice of appeal which includes: A concise written statement indicating what relief is requested and why it should be granted, and a sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.
- B. Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all the papers constituting the record of the decision appealed from.
- C. Parties: The Board of appeals shall reasonably notify the petitioner, the Planning Board and the Municipal Officers of any hearing. These persons shall be made parties to the action. All interested persons shall be given a reasonable opportunity to have their views expressed at any hearing.
- D. The Board of Appeals shall hold a public hearing on the appeal within 35 days of its receipt of an appeal request.

Section 23, VARIANCE:

The Board of Appeals may grant a variance only when strict application of the ordinance to the petitioner and the petitioner's property would cause undue hardship. The term "undue hardship" as used in this subsection means:

- A. The land in question cannot yield a reasonable return unless a variance is granted;
- B. The need for a variance is due to unique circumstances of the property and not to general neighborhood conditions.
- C. The granting of a variance will not alter the essential character of the locality, and
- D. The hardship is not the result of action taken by the applicant or prior owner.

Section 22, DECISION BY THE BOARD OF APPEALS

- A. A majority of the board shall constitute a quorum for the purpose of deciding an appeal. A member who abstains shall not be counted in determining whether a quorum exists.
- B. The concurring vote of a majority of the members of the Board of Appeals present and voting shall be necessary to reverse an order, requirement, decision determination of the Code Enforcement or Planning Board, or to decide in favor of the applicant on any matter on which it is required to decide under this ordinance, or to effect any variation in the application of this ordinance from its stated terms. The Board may reverse the decision, or failure to act, of the Code Enforcement Officer or Planning Board only upon a finding that the decision, or failure to act, was clearly contrary to specific provisions of this ordinance.
- C. All decisions must be made within the bounds of Maine state laws and the ordinances of the Town of Willimantic.
- D. The person filing the appeal shall have the burden of proof.
- E. The Board shall decide all appeals within 35 days after the close of the hearing, and issue a written decision.
- F. All decisions shall become part of record and shall include a statement of findings and conclusions as well as the reasons or basis therefore, and the appropriate order, relief or denial thereof.

Section 24, ENFORCEMENT:

- A. Violations: Any structure built or placed or work performed or demolition site in violation of the provisions of this ordinance shall be considered a nuisance.
- B. Notification: It shall be the duty of the Code Enforcement Officer to enforce the provisions of this ordinance. If the Code Enforcement Officer shall find a violation has occurred, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, building structures or work being done, removal of illegal buildings or structures and abatement of nuisance conditions. The Code Enforcement Officer shall maintain a record of such notices.
- C. Penalties: Any person who continues to violate this ordinance after receiving notification of violation by the Code Enforcement Officer shall have committed a civil violation subject to a fine of not less than \$100.00 and not to exceed \$2,500.00 and other penalties pursuant to 30-A MRSA Section 4452. Each day that such violation exists shall be deemed as a separate offense.
- D. Legal Actions: When the above action does not result in the correction or abatement of the violation, or nuisance condition, 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.

Section 25, 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.

Section 26, AMENDMENTS:

The effective date of this ordinance shall be October 1, 1992, as amended on May 24, 2018 after it is adopted by vote of the legislative body of the Town of Willimantic. This ordinance shall in no way impair or remove the necessity of compliance with any other rule, regulation, by-law, permit or provision of law. This ordinance shall apply to all construction commenced after the effective date of the Ordinance. The following ordinances are hereby repealed with the adoption of this ordinance: Building Code of the Town of Willimantic adopted November 4, 1972 and January 1, 1992.

DEFINITIONS:

Accessory structure: Any structure whose primary use is for other than human living quarters including, but not limited to decks, porches, garages, and storage buildings.

Addition: The area of an addition to a structure shall be calculated by ~~volume (cubic feet)~~ of area encompassed by addition.

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.

Multi-family dwelling: One or more buildings consisting of 3 or more attached dwelling units.

Principle Structure: Any structure whose primary use is for human living quarters or any structure which contains the largest floor space on the property or any structure which has a floor space of 300 square feet or greater.

Recreational Vehicle: A self-propelled or drawn vehicular attachment designed for temporary sleeping or living quarters for one or more persons, which is not a dwelling and which may include a pick-up camper, travel trailer, tent trailer or motor home.

Structure: Anything constructed as to permit its being used as a conveyance on the public roadways and constructed in such a manner as will permit occupancy thereof as a temporary dwelling, office or work area for one or more persons.

Year-round: A structure in use for a period exceeding 7 months in any calendar year.

Adopted by the Municipal legislative body on _____

Effective date of Ordinance Amendments: _____

Filed with Willimantic Town Clerk _____ Town Clerk _____
(Date) (Signature)