

# **TOWN OF FREEDOM BUILDING ORDINANCE**

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## SECTION I. AUTHORITY

This ordinance is created according to the powers given a municipality by Title 30 – MRSA, §4101-4104 (4), and Title 30-MRSA, §3001.

## SECTION II. PURPOSE

To provide for the health, safety, and welfare of the public through the regulation of construction, relocation, replacement, and alteration of buildings.

## SECTION III. SCOPE

The provisions of this ordinance shall apply to all new construction, reconstruction, alteration, addition, placement, relocation, or replacement of any structure or part thereof.

### A. Exemptions

Up to two detached buildings of one hundred (100) Square feet or less, or one building of two hundred (200) square feet or less, are allowed per lot without a building permit in the Town of Freedom, provided such buildings are not used for living space. A permit will not be required for fences, walks and driveways, earthwork, radio or other towers less than fifty (50) feet above ground. However, all structures shall conform to the setback requirements.

## SECTION IV. REPEAL OF PRIOR ORDINANCE

All prior building ordinances enacted by the Town of Freedom are hereby repealed with the adoption of this ordinance.

## SECTION V. 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. This shall include but not be limited to such structures as permanent, seasonal, or temporary living quarters, single and multi-family dwelling units, mobile homes, garages, swimming pools, barns, storage sheds, and decks or

patios larger than two hundred (200) square feet.

#### B. Principal Structures

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 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

A residential structure containing three (3) or more dwelling units.

### SECTION VI. ADMINISTRATION

#### A. Administrator

This ordinance shall be administered by the Code Enforcement Officer who shall be appointed by the Municipal Officers.

1. Term - The Code Enforcement Officer shall be appointed or re-appointed annually by July 1. The appointment may be terminated only for cause after a thirty (30) day notice by the Municipal Officers in accordance with Title I, MRSA, §307. The Municipal Officers may determine not to re-appoint the Code Enforcement Officer without prior notice and an opportunity for a hearing.
2. Compensation - Compensation shall be determined by the voters at the annual town meeting.

#### B. Administrative Procedures

1. Permits - Before the commencing of any of the activities described in Section III (SCOPE) the owner shall obtain from the Code Enforcement Officer of the Town

of Freedom a permit covering the proposed work.

2. Applications - Applications for permits shall be in writing on such forms as the Code Enforcement Officer shall provide.
  - a. Information - The application shall contain the following minimum information
    - i. Owner's name, address, phone number
    - ii. Location and size of lot
    - iii. Description of proposed activity
    - iv. Plot plan
    - v. Setbacks
    - vi. Estimated cost of construction
    - vii. Copy of the plumbing permit.
    - viii. Additional information may be required by the Code Enforcement Officer in accordance with local and state ordinances.
  - b. Approval or Denial

After a proper examination of the application, the Code Enforcement Officer shall either issue the requested permit or transmit a notice of denial to the applicant and the Planning Board of the Town of Freedom within thirty (30) days of a completed application. Notice of denial shall be in writing and shall state the reasons therefore. If the Code Enforcement Officer has a question about the applicability of the building ordinance to the proposed activity, he/she shall deny the permit. Both the Code Enforcement Officer and the Planning Board shall keep a file of all applications for permits and decisions concerning permits.

- c. Inspections
  - i. The Code Enforcement Officer shall inspect all activities requiring a building permit during the course of the construction, reconstruction, substantial alteration, placement relocation, or replacement of structures.
  - ii. 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 proposed building site prior to construction.
    2. Final inspection at completion of work.
  - iii. Three inspections shall be made by the Code Enforcement Officer of the building activities involving all other structures.
    1. One inspection of the proposed building site prior to construction.
    2. One inspection during the course of construction.

3. Final inspection at completion of work.

- iv. The Code Enforcement Officer shall keep accurate records of all inspections, including dates and comments, upon the original form.
- v. The Code Enforcement Officer may make additional inspections at no cost to the owner, as he/she deems necessary, in order to adequately enforce the provisions of this ordinance. Where additional inspections are required, the records shall state the reason therefore.

d. Right of Entry

The Code Enforcement Officer, in the performance of his/her duties, may enter any building or lot for the purpose of making the inspections required by this ordinance. The Code Enforcement Officer shall perform all inspections at a reasonable time of day and with prior notice of inspection provided to the owner or lessee.

e. Fees

- ~~\$15.00 for a shed, barn or garage~~
- ~~\$30.00 for a house trailer or manufactured home~~
- ~~\$40.00 for a house~~
- ~~\$100.00 for a commercial building~~
- ~~\$100.00 for a permit after the fact~~

The Selectboard will establish fees pursuant to this ordinance as part of the Permit Fee Schedule available from the Town Clerk or on the Town website. ~~Accepted March 25, 2006 town meeting~~

The Code Enforcement Officer shall give these fees to the Treasurer of the Town of Freedom.

f. Life of Permits.

All building permits shall be void unless the work thereunder is substantially commenced within six (6) months of the date of issuance and substantially completed within two (2) years of the date of issuance.

g. Revisions

No changes or revisions of the original application shall be made in the process of construction, reconstruction, substantial altering, placing, relocating, or replacing a

structure without the approval of the Code Enforcement Officer if the provisions of this ordinance apply to said changes.

SECTION VII. LOT STANDARDS

A. Lot Size

All principal structures shall be constructed or placed upon lots that have a minimum of two (2) acres. (Accepted in March 26, 2004 town meeting)

B. Road Frontage

All principal structures placed upon a public street or road shall be constructed or placed upon lots that have a minimum frontage of one hundred fifty (150) feet.

C. Multi-Family Dwellings

All multi-family dwellings shall additionally have one half (1/2) acre plus fifty (50) feet of road frontage per dwelling unit after the initial two units. The multi-family dwelling must have a fifty (50) foot set back from all adjoining property lines, and have no more than four (4) dwelling units per principal structure.

D. Setbacks from Roads

All structures shall be constructed or placed on lots with setbacks at least fifty (50) feet from the center of the legal right of way of any street or road.

E. Setbacks from Adjoining Property Lines

All structures shall be at least twenty (20) feet from any adjoining property lines. (For multi-family dwellings, see section VII, sub-heading C.)

SECTION VIII. MINIMUM CONSTRUCTION STANDARDS

A. Building Practices

All building materials used and practices followed in the construction of buildings shall conform to generally accepted standards of good workmanship.

B. Foundations

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

C. EXEMPTIONS

- a. Mobile Homes - Mobile homes may be placed on a minimum base of eighteen (18) inches of compacted gravel.
- b. Pressure Treated Foundations - Foundations constructed of pressure treated plywood walls or supporting posts may be used so long as same are placed upon a reasonable footing to support building stress. Drainage systems and appropriate backfill must be used.
- c. Electrical Installation - All electrical entrance work shall be installed or approved by a licensed electrician, and any other electrical work shall be in accordance with the National Electrical Code.

#### D. Plumbing Installation

All interior and exterior plumbing work shall be done in compliance with the Maine State Plumbing Code.

#### E. Chimneys

All chimneys shall be constructed of brick, reinforced concrete block, or prefabricated U.L. approved, double-walled, and insulated metal.

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 frost line.
3. Chimney Height - Chimneys shall extend not less than two (2) feet above the roof. In no case should the height be less than two (2) feet above the highest ridge within ten feet (10) of the chimney. The height above a flat roof should not be less than three (3) feet, more if called for by the manufacturer's requirements.
4. Chimney Cleanout - Every chimney shall be provided with a properly installed cleanout opening with a metal door for each flue where applicable.

#### F. Roof Covering

The roof shall be covered with fire resistant material, except that any building or structure which is at least twenty-five (25) feet from any other building may be roofed with wood shingles that have been treated with a fire retardant material.

#### G. Exterior Finish

Tarred or asphalt paper, felt or building paper used as permanent sheathing, shall not be permitted.

#### H. Disposal of Construction Waste

Waste material and rubbish shall be removed from the premises as rapidly as possible. No material shall be disposed of by burning without obtaining a required permit.

### SECTION IX. NON-CONFORMING BUILDING AND LOTS

- 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 conforming with the provisions of this ordinance, shall be considered a non-conforming use.
- B. Any non-conforming use may continue and may be maintained, repaired and improved.
- C. Any non-conforming lot of record which, at the effective date or adoption or amendment of this ordinance, does not meet the area or road frontage requirements, or both in the Town of Freedom, may be built upon provided that such lot shall be in separate ownership and not contiguous with any other lot in the same ownership and that all other provisions of this ordinance shall be met. If two or more contiguous lots or parcels are in single ownership of record at the time of adoption or amendment of this ordinance, and if all or part of the lots do not meet the dimensional requirements of the ordinance, the lands involved shall be considered to be a single parcel for the purpose of this ordinance. All other provisions of this ordinance, including but not limited to setbacks, shall be met.

### SECTION X. APPEALS AND VARIANCES

All appeals shall be made to the Board of Appeals of the Town of Freedom (in accordance with the procedures of the Board of Appeals Ordinance of the Town of Freedom).

### SECTION XI. ENFORCEMENT

#### A. Violations

Any structure constructed or placed or work performed in violation of the provisions of this ordinance shall be considered a violation. Note: MRSA Title 30A, §4452.

#### 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 that a violation has occurred, he/she shall notify in writing the person responsible for each violation, indicating the nature of the violation and ordering the action necessary to correct, including discontinuance of illegal use of land, buildings, structure, or work being done, removal of illegal buildings, structures, or work being done, and abatement of such violations. The Code Enforcement Officer shall maintain a record of such notices.

#### C. Legal Actions

When the above action does not result in the correction or abatement of the violation, the Code Enforcement Officer is hereby authorized and directed to institute any appropriate action necessary to enforce the provisions of this ordinance.

#### D. Penalties

Any person found guilty of violating any provision of this ordinance shall be found subject to a fine of no less than one hundred dollars (\$100.00) or no more than two thousand five hundred dollars (\$2500.00) pursuant to MRSA 30-A, §4452. This penalty shall be deemed to be exclusive of any other appropriate legal or equitable actions.

### SECTION XII. AMENDMENTS

All amendments to this ordinance shall not apply to uncompleted work under an outstanding permit which was issued before the effective date of the amendment.

### SECTION XIII. VALIDITY AND SEVERABILITY

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

### SECTION XIV. EFFECTIVE DATE

This ordinance shall become effective when enacted by the votes of the Town of Freedom at a town meeting.

Adopted at Special Town Meeting: May 16, 1990.

Readopted at Special Town Meeting: June 7, 2006