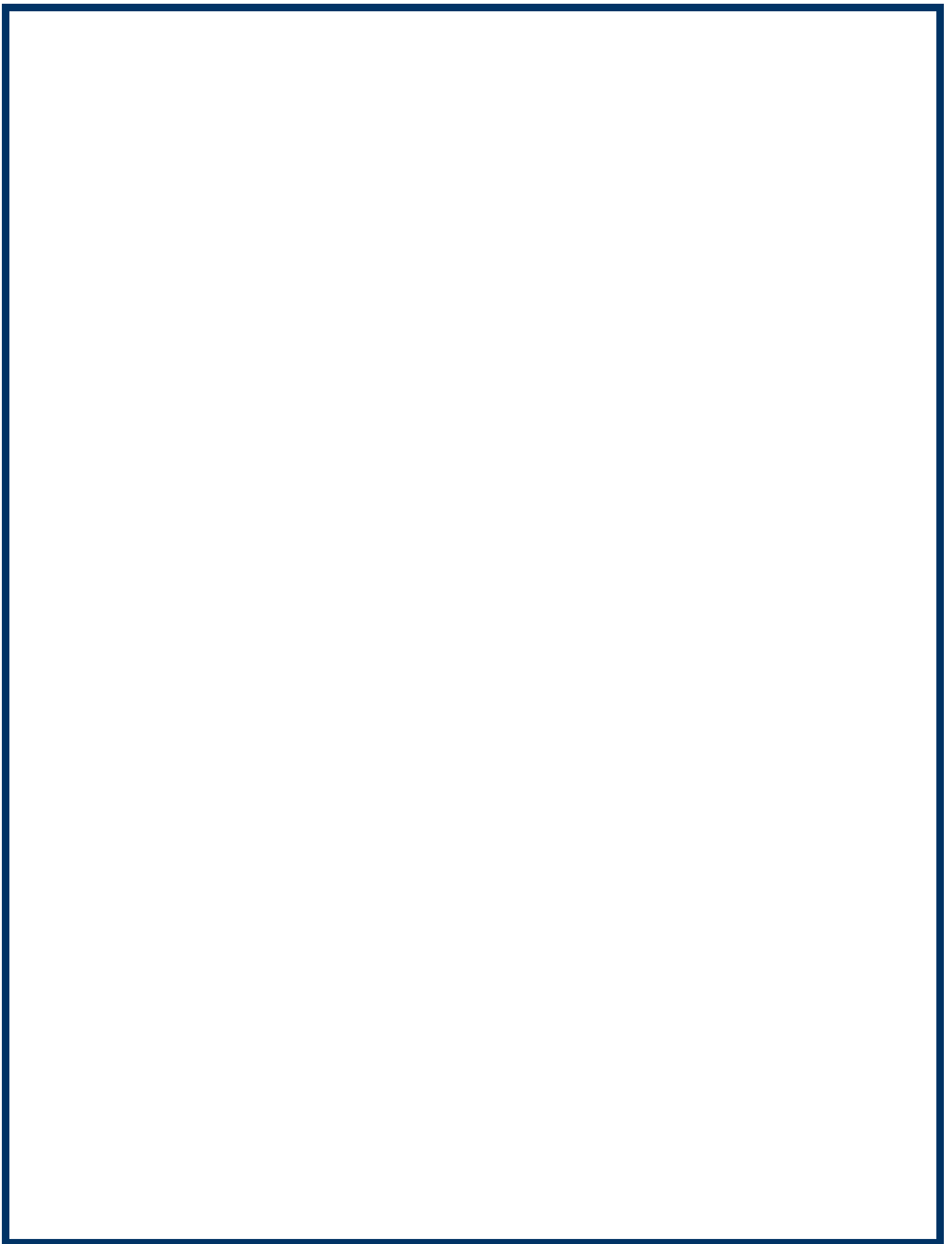


**Town Of Newry**  
**Building Code Ordinance**

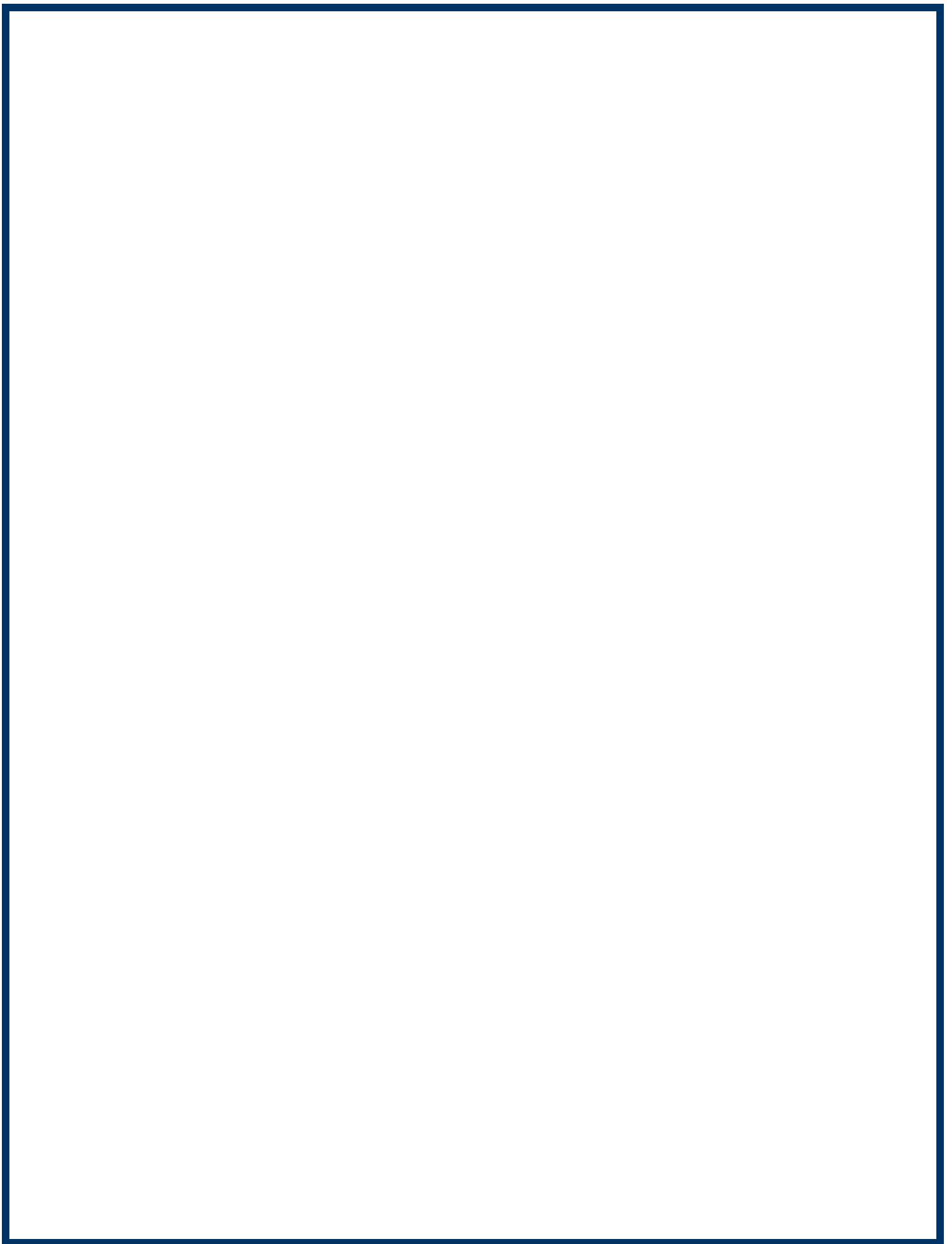
**Amended December 7, 2009**



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## Section 1: Scope

The provisions of this ordinance shall apply to the following.

- A. The construction or placement of a new structure (this shall included the replacement of an existing structure) whose value including labor and materials exceeds \$2,500.00.
- B. Relocation of an existing structure.
- C. The placement of a permanent foundation beneath and existing structure.
- D. The remodeling of a structure involving one or more of the following.
  - 1. The increase in the size of the structure (horizontally or vertically).
  - 2. Alteration of "load bearing" components.
  - 3. Any structural improvements, maintenance or repair to existing structures, except for 1.C. 1 and 2 above, that exceeds a value of \$25,000.00 in any 12 month period.

## Section 2: Building Inspector

- A. This ordinance shall be administered by the Building Inspector or his or her designate, whom shall be appointed by the Selectmen.
- B. Inspection
  - 1. The Building inspector shall inspect all structures being constructed, placed, altered, repaired, replaced or relocated for the purpose of enforcing the provisions of the ordinance, and all other local and State Laws governing the construction, alteration, replacement or repair of structures.
- C. Right of Entry
  - 1. The Building Inspector, in performance of his or her duties, may enter any structure for the purpose of making the inspection required by this ordinance. If the owner refuses permission for entry by the inspector, the inspector must secure an administrative warrant at the District Court pursuant to Rule 80E of the Maine Rules of Civil Procedure.

### Section 3: Building Permit

The purpose of a building permit is to provide the Town of Newry notice of construction or alteration of a structure in order to ensure compliance with Ordinances and Codes and equitable assessment.

- A. Before beginning any activity under the scope of this Ordinance, the owner, the owner's agent or lessee shall obtain from the Building Inspector a permit covering such purposed work.
- B. Application
  - 1. The application for Building Permit shall be submitted in writing to the Building Inspector.
  - 2. It shall include:
    - a. The name and address of the owner.
    - b. An address or map indicating the construction site location.
    - c. The Growth Management or Shoreland Zoning District in which the project is located.
    - d. A site plan showing the location of existing and proposed structure(s), sewerage disposal facilities, water supply, areas to be cut and filled' and lot dimensions including road frontage.
    - e. A statement of the intended use of the proposed structure(s).
    - f. Floor plans including the proposed number of bedrooms and bathrooms.
    - g. Copies of approved subsurface disposal system and internal plumbing permits.
    - h. Specifications of dimensions of the proposed construction.
    - i. Estimated cost to include materials and labor.
    - j. A disposal plan for construction debris for all projects exceeding \$25,000 in value.
    - k. For residential dwelling units in subdivisions approved on or after December 7, 2009 a copy of the State Sprinkler Permit application or b or c as contained in Section XIII. A. C. of the Unified Development Review Ordinance is in place and operational serving the dwelling unit applying for a building permit.

C. Permit Approval

1. The Building Inspector, after determining the application is complete and after proper examination of the application for conformance with the ordinance, shall either issue the requested permit or transmit notice of refusal within a two week period. Notice of refusal shall be in writing and shall state the reason thereof.

D. Life of Permit

1. All building permits shall be void unless work there under is commenced within six months of date of issuance.

E. Display of Permit

1. Prior to the beginning of construction every building permit shall be displayed in a conspicuous place on the premises, clearly visible from the principal traveled road, and shall not be removed until work covered by the permit has been completed.

#### Section 4: Fees

- A. A fee shall accompany the application for a building permit at rates established by the Selectmen.

#### Section 5: Deleted

DELETED: 1968 (Certificate of Compliance)

#### Section 6: Minimum Requirements

A. Dimensional Requirements

1. All dimensional requirements shall comply with Section XXIII of the Unified Development Review Ordinance. [See appendix A]

B. Driveways

1. Each lot accessed by a public road shall be provided with a driveway of at least eight (8) feet in width. Driveway culverts shall be installed by the lot' owner, subject to Road Commissioner or Maine Department of Transportation approval.

## Section 7: Chimneys, Fireplaces, Vents, and Solid Fuel Burning Appliances

The construction and installation of chimneys, fireplaces, vents and solid fuel burning appliances shall be in compliance with NFPA 211 Standard for Chimneys, Fireplaces, Vents, and Solid Fuel Burning Appliances 2003 Edition and as may be amended.

## Section 8: Reserved

## Section 9: Electrical Wiring

### A. Standards

1. All wiring installation in any structure regulation by the Ordinance under this ordinance must conform to the provisions of the latest edition of The National Electrical Code published by the National Fire Protection Association.
2. All newly constructed and/or created dwelling units must have an exterior main electrical shutoff disconnect located on the exterior of the structure in which the dwelling unit is located in a convenient location with markings approved by the Building Inspector.

## Section 10: Plumbing

### A. In General

1. All plumbing and sewage disposal shall be in conformance with the State of Maine Law and the State Plumbing Code.

## Section 11: Means of Egress

- A. Each structure or dwelling unit shall have means of egress that comply with the 2006 edition NFPA 101 sections 3.3.151 and 4.5.3.1.

## Section 12: Sprinkler Systems [When Utilized]

- A. Test documentation from the installer shall be forwarded to the Building Inspector within 10 days of the completion of the installation.
- B. No owner or occupant shall modify an approved, installed, and tested sprinkler system without prior approval from the State Fire Marshall's Office and notification of the Building Inspector.



- C. The installation, modification or alteration of a sprinkler system shall be completed by a State of Maine Licensed Fire Sprinkler Contractor, after obtaining all necessary permits.
- D. Owners of occupied and unoccupied dwelling units or portions thereof having a sprinkler system in place shall maintain all sprinklers systems as required by NFPA 13.
- E. The forgoing requirements shall not prohibit conducting tests or repairs. Such tests or repairs must be carried out in such a way as to avoid the creation of a safety hazard. The State Fire Marshals Office shall be notified before such test, or repairs are begun.

### Section 13: Smoke Detectors

All residential structures shall have a smoke detector system installed conforming to the requirements of Title 25 MRSA section 2464. 5/09]

### Section 14: Amendments to Ordinance

- A. All amendments to this ordinance shall apply to outstanding permits issued before effective date of the amendment, unless the particular work governed by the amendment has been substantially commenced.

### Section 15: Violations

- A. Any structure constructed or work performed in violation of the provisions of this ordinance, or any permit issued by the Building Inspector, shall be considered a nuisance, and the Building Inspector shall notify in writing the person responsible for the violation.
- B. Any person found liable of violating any provisions of this ordinance shall be subject to a penalty of a minimum of one hundred dollars (\$100.00) up to a maximum of two thousand five hundred dollars (\$2,500.00) for each offense, to be recovered on complaint for use of the Town. Each day after which a violation is found to exist shall constitute a separate offense.

### Section 16: Appeals

- A. An administrative appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Building Inspector, except for enforcement related matters. Such appeal shall be taken within thirty (30) days of the date of the official, written decision appealed from. The Board of Appeals shall hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by, or failure to act by the Building Inspector. The Board of Appeals shall hear and decide the appeal on a de novo basis.

## Section 17: Other Ordinances

- A. Any applicant must comply with other Town of Newry ordinances and regulations including but not limited to:
1. Unified Development Review Ordinance
  2. Shoreline Zoning
  3. Floodplain Ordinance

## Section 18: Validity and Severability

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

## Section 19: Definitions

**Beginning of Construction:** The point in time when actual work covered by the Building Permit commences including footers, foundations or other structure supports.

**Dwelling:** A room or group of rooms designated and equipped exclusively for use as living quarters for one family including provisions for living, cooking and eating; includes single family houses and the units in a duplex, apartment houses, multi-family dwelling and residential condominiums.

**Permanent Foundation:** The supporting substructure of a structure including but not limited to basements, slabs, sills, or frost walls.

**Relocation:** The moving of a structure from one location or position to another.

**Repair:** To take necessary action to fix normal damage or storm damage.

**Substantially Commenced:** Completing of least 30% of the activity covered by the Building Permit measured as a percentage of total estimated cost.

**Structure:** Any building having a roof or partial roof supported by columns or walls used for shelter or enclosure of persons, animals, goods, or property of any kind. The term shall also include a foundation.

**JAM**

## Appendix A

### Dimensional Requirements

All lots, structures and uses shall meet or exceed the following dimensional requirements:

District	Minimum Lot Size/ Density	Minimum Road Frontage	Minimum Building Front Setback <sup>1</sup>	Minimum Building Side Setback	Minimum Building Rear Setback	Maximum Impervious Surface Ratio <sup>2</sup> (percent)	Maximum Structure Height
Resort Development District	20,000 sq. ft. sewered 43,560 sq. ft. nonsewered  Multiunit housing per unit 10,000 sq. ft. sewered 20,000 nonsewered	75 ft. sewered 100 ft. nonsewered	10 ft.	10 ft.	10 ft.	70	<i>Based of Fire Department Capability</i>
General Development District	20,000 sq. ft. sewered 43,560 sq. ft. nonsewered  Multifunit housing per unit 20,000 sq. ft. sewered 43,560 nonsewered	100 ft.	25ft.	10 ft.	10 ft.	50%	<i>Based of Fire Department Capability</i>
Rural District	43,560 sq. ft. per lot or unit	150 ft.	50 ft.	25 ft.	25 ft.	25	40 ft. <sup>3</sup>
Protection District	43,560 sq. ft.	150 ft.	50 ft.	25 ft.	25 ft.	25	40 ft. <sup>3</sup>

**NOTES:**

- 1 Measured from the edge of the road right-of-way.
- 2 The total area of all structures, parking lots and other non-vegetated surfaces.
- 3 The vertical distance between the mean finish grade at the downhill side of the structure measured from the finished top floor level intended for human habitation.
- 4 Each lot must be able to completely contain within its boundaries an area as would be defined by a circle with a minimum diameter equal to the required minimum road frontage as required in the district.
- 5 Notwithstanding the space and bulk standards contained above, any allowable use located in and approved as a planned unit development in the Resort Development District shall instead comply with the terms of that approval.