

Supplemental Building Ordinance



Town of York, Maine

Most Recently Amended: July 14, 2020

Prior Dates of Amendment:

May 18, 2019

May 21, 2011

Date of Original Enactment: November 2, 2010

ENACTMENT BY THE LEGISLATIVE BODY

Date of the vote to enact/amend this Ordinance: July 14, 2020.

Certified by the Town Clerk:

Mary-Ann Dymowski
(signature)

on

7/16/20
(date)

Supplemental Building Ordinance

1. **Purpose.** The purpose of this Ordinance is to establish a fee schedule for fees pursuant to the Maine Uniform Building and Energy Code (MUBEC) as administered by the Town of York, and to clarify certain enforcement and administrative provisions.
2. **Authority.** The Town has authority to enact building code provisions relating solely to local enforcement and administration, per MRSA Title 10 §9724.
3. **Application Fees.** Prior to issuance of a Building Permit, the applicant shall be required to pay a non-refundable application fee in accordance with the following:
 - A. **Standard Fee Calculation.** Application fees are to be assessed at a rate of \$10.00 per thousand dollars of projected construction cost, but the minimum application fee charged shall be \$50. The applicant shall be responsible for showing the projected cost of construction, with sufficient detail to ensure reasonable accuracy. The tax assessor shall establish a schedule for minimum square footage rates based on the fair market value of proposed work. The Code Enforcement Officer shall base the fee amount on the larger of these two amounts. In addition, the State requires payment of a surcharge (currently projected to be \$0.04 per square foot of building space) which shall be paid at the same time the Town fee is paid.
 - B. **Reimbursement for Out-Of-Pocket Expenses.** If the Town incurs any out-of-pocket costs for technical assistance with respect to plan review or construction inspection, the applicant shall be responsible for reimbursing the cost of this work prior to issuance of an Occupancy Permit.
 - C. **After-The-Fact Fee.** If work commences prior to issuance of a Building Permit, the cost of the permit fee shall be increased by \$100, although the Code Enforcement Officer may waive this for good cause.
 - D. **Re-Inspection Fee.** If an inspection is requested and the applicant is not ready when the Code Enforcement Officer arrives at the job site for the inspection, a re-inspection fee of \$50 may be charged. When charged, such Fee shall be paid in full prior to scheduling the repeat inspection.
 - E. **Use of Fee Revenues.** Revenues from application fees shall be placed in an account for use of the Community Development Department to maintain and upgrade the Town's Geographic Information System (GIS) and to pay for code enforcement work.
4. **Code Administration.** The MUBEC shall be administered within the Town of York by the Town's duly appointed Code Enforcement Officers. In the event the Town seeks assistance with inspections, the Board of Selectmen may act to pursue additional inspection resources consistent with MRSA Title 25 §2373.
5. **Enforcement and Penalties.** Enforcement and penalties shall be consistent with MRSA Title 30-A §4452. The Code Enforcement Officers shall be responsible for initial efforts to enforce the provisions of building codes, but enforcement cases shall be turned over to the Board of Selectmen if the matter requires prosecution in court.

Regarding occupancy prior to issuance of an Occupancy Permit, the MUBEC does not permit newly constructed or renovated building space to be occupied or used in any manner (ie: not for storage, no furniture moved in, etc.) prior to issuance of the Occupancy Permit. (Reference: IRC §110.1, IBC §111.1, IEBC §110.1, etc.) The CEO may issue prior written approval for use of a particular room or space for storage prior to issuance of the Occupancy Permit, provided that room or space has passed inspection by the CEO. Where a violation of this requirement is observed, the following shall apply:

- A. The CEO may terminate the inspection in process, and the inspection shall not be rescheduled until the problem is remedied; and/or
 - B. A fine shall be assessed. In the case of repeat offenses, the fine shall increase with each recurring instance of the violation.
6. Building permits are required as stated in Section R105 of the International Residential Code (IRC) and Section 105 of the International Building Code (IBC). Building permits shall expire for non-use as specified in Section R105.5 of the IRC and Section 105.5 of the IBC. In all cases, building permits shall expire 3 years after the date of issuance.
 7. Appeals of this Ordinance and/or MUBEC shall be heard by the Board of Appeals, as specified in Zoning Ordinance §18.8.3.1.
 8. If the State of Maine repeals MUBEC, the Town of York will adopt, administer and enforce the 2015 IRC, 2015 IBC, 2015 IEBC, and the 2009 International Energy Conservation Code (IECC), each with the same exceptions and modifications as adopted by the State of Maine on January 23, 2018.
 9. **Saving Clause.** In the event any provision of this Ordinance is found by a court of competent jurisdiction to be invalid, this finding shall not affect the remainder of this Ordinance.
 10. **Effective Date.** Repeal of the Town's Building Codes and the effective date of this Ordinance shall be December 1, 2010. Every Building Permit issued prior to this date shall continue to be controlled by the prior Building Codes as long as the Building Permit remains active.

Date of Original Adoption: November 2, 2010

Enactment of this Ordinance replaces the former Town of York Building Codes, which was originally adopted on November 2, 1999, and was amended on the following dates: 11/6/2001; 11/5/2002; 11/4/2003; 11/3/2009; and 5/18/2019