

Chapter 90. Building ~~Construction~~ and Building Regulation

Article I. General Regulations.

§ 90-1. Use of fire-resisting material required in certain areas.

The outer walls and roofs of all business blocks to be built or rebuilt shall be of fire-resisting material in the following districts: both sides of Main Street from Roberts Street to Winter Street; both sides of School Street from Washington Street to Bodwell Street; both sides of Washington Street from Main Street to Church Street, all in the Town of Sanford.

§ 90-2. ~~Definitions~~ Permit required to erect, move or change building.

In general, all words, phrases, and terms used in this Chapter shall have their customary and usual meaning; as used in this Chapter, the following words, phrases, and terms shall have the meaning indicated:

Building. Anything constructed with a roof and walls, built for permanent use.

Building Official. Has the same meaning as Code Enforcement Officer and Code Official.

Demolition debris. Including but not limited to, materials that are created by site preparation, clearing land, or erection or destruction of a building or structure. It also includes, but is not limited to, brush, tree limbs, stumpage, building material, and the waste products of the building activity, such as: clay, brick, masonry, concrete, plaster, glass, wood, and wood products, asphalt, rubber, metal; and plumbing, electrical and heating fixtures, appurtenances thereto and parts thereof.

Dwelling. Any house, building or part thereof which is occupied or intended to be occupied, in whole or in part, for living and sleeping by one (1) or more occupant. A dwelling may include one (1) or more dwelling units or rooming units or a combination of both.

Dwelling premises. The Land and auxiliary buildings thereon used or intended to be used in conjunction with a dwelling.

Dwelling unit. One (1) or more rooms forming a single unit including food preparation, living, sanitary and sleeping facilities used or intended to be used by two (2) or more persons living in common or by a person living alone.

Habitable room. A room used, or intended to be used for living, sleeping, cooking, or eating purposes and excludes bathrooms, toilet rooms, laundries, pantries, halls, closets, heater rooms, utility rooms, and attics. Basements or cellar areas are not habitable rooms except as permitted in this Chapter.

Infestation. The presence within a dwelling or on premises of a dwelling of rodents, vermin, or other pests, as determined through actual observation of them or by evidence of their presence.

Multiple dwelling. Any dwelling containing more than two (2) dwelling units, rooming units, or combination of both.

Occupant. Any person, including an owner or operator, residing in or having actual possession of a dwelling unit or rooming unit.

Operator. Any person who has charge, care, management, or control of any dwelling or part thereof in which dwelling units or rooming units are let or offered for occupancy.

Owner. Any person or persons who alone, jointly, severally, or jointly and severally with others:

A. Shall have legal or record title to any dwelling, dwelling unit, or dwelling premises;

B. Shall have charge, care, or control of any dwelling, dwelling unit, or dwelling premises as an agent of the owner, executor, administrator, trustee, or guardian of the estate of the owner;

C. Shall have an equitable interest in a dwelling, dwelling unit, or dwelling premises under a contract or a bond for a deed with the person having legal or record title.

Rooming house. Any dwelling, or part thereof, containing three (3) or more rooming units in which space is rented or offered for rent by the owner or the operator to be occupied or intended to be occupied by three (3) or more persons who are not related by blood or marriage to the owner or operator.

Rooming unit. One (1) or more rooms forming a single unit used, or intended to be used, for living and sleeping purposes, but not designed for food preparation, by two (2) or more persons living in common or by a person living alone.

Significant code violation shall mean any of the following:

A. Inadequate or blocked ingress or egress;

B. Overcrowded conditions as described in codes referenced in § 90-13;

C. Unsanitary conditions as described in codes referenced in § 90-13 including but not limited to vermin infestation;

D. Inadequate or defective smoke or fire detection systems;

E. Inadequate or defective plumbing or electrical systems;

F. Substantially damaged or defective structural elements; and

G. Intentional denial of heat or electricity to the legal occupant of a dwelling unit by the owner of the dwelling unit.

Supplied. Installed, furnished, or provided by the owner at their expense.

Structure. Anything constructed or erected of more than one (1) member which requires a fixed location on the ground or attached to something having a fixed location on the ground.

~~A. No building shall be erected, moved or materially changed unless the owner or builder thereof shall make application in the form approved by the Town Manager and Building Inspector for a permit. The Town Manager and Building Inspector shall issue such permit if, in their opinion, the work to be done will comply with the building laws.~~

§ 90-3. Penalties.~~(Reserved)~~

A. Penalties. Monetary penalties shall be assessed on a per-day basis for each day on which a violation exists:

(1) The minimum penalty for a specific significant code violation is one hundred (\$100.00) per day, and the maximum penalty is two thousand five hundred dollars (\$2,500) per day. The minimum penalty for failure to correct such significant code violation after written notice by the City to do so is five hundred dollars (\$500) per day, and the maximum penalty is five thousand dollars (\$5,000) per day. The minimum penalty for failure to correct such significant code violation after a second written notice by the City is one thousand dollars (\$1,000) per day, and the maximum penalty is ten thousand dollars (\$10,000) per day.

(2) The penalty for violating the occupant load limit, as determined under MUBEC or this Chapter is \$250 for the first violation; \$500 for the second violation; \$1,000 for the third and subsequent violations. Violations shall be calculated on a rolling twelve-month basis.

(3) Pursuant to 30-A M.R.S.A. § 4452, the minimum penalty for a specific violation other than a violation described in paragraph 2 is one hundred dollars (\$100) per day, and the maximum penalty is two thousand five hundred dollars (\$2,500) per day.

(4) In addition to penalties, the violator may be ordered to correct or abate the violations. When violations occur in a shoreland area, as defined in the Code, or when the court finds that the violation was willful, the violator shall be ordered to correct or abate the violation unless the abatement or correction results in:

(a) A threat or hazard to public health or safety;

(b) Substantial environmental damage; or

(c) A substantial injustice.

(5) If the City is the prevailing party in any legal action to enforce this Chapter, the municipality must be awarded reasonable attorney fees, expert witness fees and costs, unless the court finds that special circumstances make the award of these fees and costs unjust.

(6) In setting a penalty, the following shall be considered:

(a) Prior violations by the same party;

(b) The degree of environmental damage that cannot be abated or corrected;

(c) The extent to which the violation continued following a City order to stop; and

(d) The extent to which the City contributed to the violation by providing the violator with incorrect information or by failing to taken timely action.

(7) The maximum penalty may exceed the limits described in paragraph 1, 2, and 3, but may not exceed twenty-five thousand dollars (\$25,000) per day, violation or judgement against the same party within the past two (2) years for a violation of the same law or ordinance.

(8) If the economic benefit resulting from the violation exceeds the applicable penalties under this section, the maximum penalty under this paragraph may not exceed an amount equal to twice the economic benefit includes, but is not limited to, the cost avoided or enhanced value accrued at the time of the violation as a result of the violator's noncompliance with the applicable legal requirements.

(9) In addition to the other penalties in this section, the building official may suspend a contractor's, owner's, or developer's right to obtain building permits or work on any project in the city if the building official determines that a contractor's, owner's, or developer's violation or violations of any provision in this Chapter or Code create such a threat to life or safety that a structure must be posted against occupancy or that the violation or violations render a structure uninhabitable. The suspension authority by this paragraph shall be lifted when the building official determines that the violation or violations have been fixed.

(10) Penalties assessed pursuant to this section shall be paid to the City of Sanford.

§ 90-4. Fees for reinspection.

Following the issuance of a notice of violation and an order to correct violations, the building official will reinspect once for no fee in order to determine whether the violations have been fixed in compliance with this Chapter. If the violations have not been fixed in compliance with this Chapter, the violator shall be assessed a fee as set forth in the fee schedule for each subsequent reinspection. Failure to pay the assessment for reinspection shall create a lien on the property of the violator and lien shall be collected and enforced pursuant to the General Provisions of this Code.

Article II. (Reserved) Building Code.

§ 90-45. through § 90-12. (Reserved) Permits and permit fees.

A. No person, firm, or corporation may commence work on any following without first obtaining a permit from the building official:

(1) Constructing, enlarging, altering, repairing, moving, converting, demolishing, or changing the use of any building or structure;

(2) Installing, removing, or altering plumbing or plumbing fixtures, or subsurface waste water disposal systems or components;

B. Emergency work may be undertaken without first obtaining a permit and a permit must be obtained on the next day the office is open following commencement of such work.

- C. Fees for permits and inspections under this article shall be as set forth in the permit fee schedule, adopted by the City Council.
- D. For permit fees based on the cost of work or square feet of the area of the work, whichever has a greater value, after calculation. If the proposed project cost submitted by the applicant is less than that as would be indicated by national standards, the City of Sanford reserves the right to determine the proposed project cost based on those standards and assess the permit fee accordingly.
- E. Except for emergency work, the fee for any permit obtained after work has been commenced shall be double the fee otherwise provided for in the fee schedule pursuant to this section.
- F. The Code Enforcement Director shall adopt a policy authorizing refunds of any fee under this section, where appropriate.

§ 90-6. Certificate of Occupancy.

- A. No person, firm, or corporation having ownership or interest in a building, structure, or property shall allow any building, structure, or property to be used or occupied without a certificate of occupancy.
- B. No final certificate of occupancy shall be issued where any condition of the building, structure, or property is not in compliance with any section of the Code, except where phased occupancy is specifically provided for in approved permits or plans.

§ 90-7. Violations.

- A. Any person, firm, or corporation who owns, occupies, or controls a building, structure, or premises shall be guilty of an offense and subject to the penalties and remedies provided in this Chapter and 30-A M.R.S.A. § 4452 if that person, firm, or corporation does any of the following:
 - (1) Violates a provision of this article, or any codes adopted pursuant to this article;
 - (2) Allows a violation to occur or remain at any building, structure, or premises that any person, firm or corporation owns, occupies, or controls;
 - (3) Fails to comply with any lawful order issued pursuant to this article; or
 - (4) Builds inconsistently with any approved permit or plan.
- B. The imposition of a penalty for a violation does not excuse that violation or allow it to continue.

§ 90-8. Enforcement.

In addition to the remedies otherwise provided, the following specific remedies shall also be available.

- A. The building official may issue a stop work order, prohibiting that any additional work be completed until any violations are remedied. A fee to remove any stop work order shall be set forth in the fee schedule adopted pursuant to this Article.

- B. Where any establishment exceeds the posted occupant limit, the building official, the Fire Chief, and/or their designees, may order any performance, presentation, spectacle, or entertainment to be stopped until the condition is corrected.
- C. Where any violation of any provision of the Code including failure to comply with any subdivision or site plan approved by the Planning Board, or condition imposed by the Zoning Board of Appeals shall be found to exist and after the issuance of a notice of violation by the building official, the building official shall notify the City Manager, who may then institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines that may be appropriate or necessary to enforce the provisions of this chapter in the name of the City. The City Manager shall inform the City Council before instituting action in court, but need not obtain the consent of the City Council, and the City Manager may institute any action for injunctive relief without first informing the City Council in circumstances where immediate relief is needed to prevent a serious public harm.
- D. For the purposes of eliminating violations and recovering penalties without court action, the City Manager may enter into administrative consent agreements in the name of the City.

§ 90-9. Appeals.

- A. An aggrieved party may appeal from a final decision made pursuant to this Article to the Board of Appeals within thirty (30) days from the action of the building official.
- B. The Board of Appeals shall have no authority to waive requirements of the code.
- C. The order of the building official shall not be stayed during any such appeal.

§ 90-10. Liability.

- A. Nothing in this article shall be construed to relieve any responsible party from liability, or lessen such liability, for damages to persons or property caused by a defect in work performed pursuant to this article.
- B. No officer or employee charged with the enforcement of this article any acting for the City in the discharge of their duties shall render themselves personally liable for any damages that may occur to any person or property as a result of their acts in the discharge of their duties.
- C. The City shall not be rendered liable for any damage to persons or property arising out of any permit, inspection, or other action taken pursuant to this Article.

Article III. Adoption of Codes~~Building Standards.~~

§ 90-13. Adoption of ~~codes by reference~~ standardized codes.

A. ~~Adopted codes shall be enforced by the building official, which shall be accomplished through inspections performed by building officials and code enforcement officers, pursuant to 25 M.R.S.A. § 2373.~~

A-B. ~~The City hereby adopts the following codes by reference, pursuant to In accordance with 30-A M.R.S.A. § 3003, the following codes are hereby adopted as the Building Code for the City of Sanford:~~

- ~~(1) The Maine Uniform Building and Energy Code ("MUBEC"), as required by 10 M.R.S.A. § 9724 International Building Code of the International Code Council (2003 Edition).~~
- ~~(2) State of Maine Plumbing Code, including the State of Maine Internal Plumbing Rules and the State of Maine Subsurface Wastewater Disposal Rules, as amended from time to time by the State of Maine International Residential Code for One- and Two-Family Dwellings of the International Code Council (2003 Edition).~~
- ~~(3) International Mechanical Code of the International Code Council (2003 Edition). (Reserved)~~
- ~~(4) (Reserved)~~
- (5) International Property Maintenance Code of the International Code Council (2003-2015 Edition). The following sections of the International Property Maintenance Code of the International Code Council (2015 edition) are hereby deleted, modified, or amended by the City of Sanford as follows:

Section 101.1: Insert "the City of Sanford" for "[Name of Jurisdiction]."

Section 102.3: Delete entire section and replace with the following: "Repairs, additions or alterations to a structure or building, or change of occupancy, shall be done in accordance with the procedures and provisions of the City Code and the standards adopted by reference therein."

Section 103: Delete title and replace with the following: "Department of Code Enforcement."

Section 103.1 General: Delete entire section and replace with the following: "The Building Officials, Code Enforcement Officers, and his/her designees shall be known as the 'Code Official.'"

Section 103.3 Deputies: Delete entire text.

Section 103.5: Delete entire section and replace with the following: "The fees for activities and services performed by the Department in carrying out its responsibilities under this code shall be in such amount as the municipal officers may establish from time to time in the fee schedule of the City of Sanford."

Section 106.3 Prosecution of violations: Delete entire section and replace with the following: "Any person failing to comply with a notice of violation and/or order, if the notice is not

complied with, the Code Official shall notify the City Manager, who may then institute any and all proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines that may be appropriate or necessary to enforce the provisions of this code in the name of the City. The City Manager shall inform the City Council before instituting action in court, but need not obtain the consent of the City Council, and the City Manager may institute any action for injunctive relief without first informing the City Council in circumstances where immediate relief is needed to prevent a serious public harm. For the purposes of eliminating violations and recovering penalties without court action, the City Manager may enter into administrative consent agreements in the name of the City."

Section 106.4 Violation penalties: Delete entire section and replace with the following: "Any person who shall violate a provision of this code, or who fails to comply therewith, or with any of the requirements thereof, shall be penalized not less than \$100 nor more than \$2,500 for a specific violation, and other remedies, injunctive relief, and costs as set forth in accordance with 30-A M.R.S.A. § 4452. Each day during which a violation of said code continues, 10 days after notification by the Code Official, shall constitute a separate offense."

Section 106.5 Abatement of violation: Delete "legal officer of the jurisdiction" and replace with "Code Official or Legal Department."

Section 111: Delete entire section.

Section 302.4: Insert "10 inches (254 mm)" for [jurisdiction to insert height in inches].

Section 302.8: Delete "no inoperative or unlicensed motor vehicle" and replace with "not more than one currently unregistered or uninspected motor vehicle." Add "Exception: Operational farm tractors exempted from registration."

Section 302.8: Add "Exception: Operational farm tractors exempted from registration."

Section 304.14: Insert "May 1 to October 1" for "[DATE] to [DATE]."

Section 304.18: Delete entire section.

Section 602.3: Insert "October 1 to May 1" for "[DATE] to [DATE]."

Section 602.4: Insert "October 1 to May 1" for "[DATE] to [DATE]."

Section 604.1 Facilities required: Delete entire text and replace with "Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and National Fire Protection Association 70: National Electrical Code, 2014 and Section 605."

Section 605.1 Installation. Delete entire text and replace with "Electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner in compliance with National Fire Protection Association 70: National Electrical Code, 2014."

Section 605.3 Luminaires. Delete entire text and replace with "Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain not less than one covered electrical luminaire. Bathrooms may not have pull cord luminaires. Pool and spa luminaires over 15 V shall have ground fault circuit interrupter protection."

Section 702.1 General: Delete "International Fire Code" and replace with: "National Fire Protection Association Life Safety Code as per Chapter 128, of the City Code."

Section 702.2 Aisles: Delete "International Fire Code" and replace with: "National Fire Protection Association Life Safety Code as per Chapter 128, of the City Code."

Section 704.1 General: Delete "International Fire Code" and replace with: National Fire Protection Association Life Safety Code as per Chapter 128, of the City Code."

Section 704.1.1 Insert "Automatic sprinkler systems: Inspection, testing and maintenance of automatic sprinkler systems shall be in accordance with applicable National Fire Protection Association Life Safety Code as per Chapter 128, of the City Code."

Section 704.2 Smoke alarms: Delete entire section and subsections and replace with "Single or multi-station smoke alarms shall be installed and maintained in accordance with the applicable National Fire Protection Association Life Safety Code as per Chapter 128, of the City Code."

Section 704.3: Insert "Carbon monoxide alarms: Single or multi-station carbon monoxide alarms shall be installed and maintained in accordance with applicable National Fire Protection Association Codes as per Chapter 128, of the City Code."

Section 704.4: Delete entire text.

Section 704.3: Insert "Carbon monoxide alarms: Single or multi-station carbon monoxide alarms shall be installed and maintained in accordance with applicable National Fire Protection Association Codes as per Chapter 128, Fire Protection, Article VI, Adoption of Codes, of the Ordinances of the City of Sanford."

~~(5) State of Maine Plumbing Code, as revised.~~

~~(6) National Electric Code of 1971, or as revised.~~

~~Copies of each code shall be kept on file in the office of the Building Inspector.~~

~~Article IV. (Reserved)~~

~~§ 90-14. (Reserved)~~

~~Article V. Amendment of Adopted Codes~~

§ 90-15. ~~International Building Code.~~ (Reserved)

~~The following sections of the International Building Code of the International Code Council (2003 edition) ("code") are hereby deleted, modified, or amended by the City of Sanford as follows:~~

~~A.—The City Clerk shall keep on file in the City Clerk's office one copy of said code, which copy shall be kept available for public use, inspection and examination.~~

~~B.—In the event there shall be any federal, state or local provision of law more restrictive than any provision in said code, such federal, state or local provision of law shall prevail.~~

~~C.—Penalty; enforcement.~~

~~(1) The penalty for violating the provisions of said code, in addition to injunctive relief, shall be a fine as provided for by 30-A M.R.S.A. § 4452, as may be amended from time to time. Each day during which a violation of said code continues shall constitute a separate violation.~~

~~(2) Enforcement.~~

~~(a) It shall be the duty of the Code Enforcement Officer to enforce the provisions of this chapter. If the Code Enforcement Officer shall find that any provision of this chapter is being violated, 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, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be filed in the Code Enforcement Office and be maintained as a permanent record.~~

~~(b) The Code Enforcement Officer shall conduct on-site inspections to ensure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this chapter.~~

~~(c) Legal actions. When the above action does not result in the correction or abatement of the violation or nuisance condition, the City Council, or its authorized agent, upon notice from the Code Enforcement Officer, is hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines that may be appropriate or necessary to enforce the provisions of this chapter in the name of the municipality. The City Council or its authorized agents of Code Officer or City Manager is hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this chapter and recovering fines without court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.~~

~~D.—Section 101.1: Insert "the City of Sanford" for "[Name of Jurisdiction]."~~

~~E.—Section 101.2: Add to the end of Exception 2 "if and when it is adopted."~~

~~F.—Section 101.4.1: Delete "ICC Electric Code" and replace with "applicable regulations set forth in the National Electrical Code, National Electrical Safety Code or electrical provisions of other safety codes that have been approved by the American Standards Association in accordance with 30-A M.R.S.A. § 4161, as may be amended from time to time."~~

~~G.—Section 101.4.2: Delete entire text.~~

~~H.—Section 101.4.4: Delete "International Plumbing Code" and replace with "Maine State Internal Plumbing Code, as may be amended from time to time." Delete "International Private Sewage Disposal Code" and replace with "Maine Subsurface Wastewater Disposal Rules (144A CMR 241), as may be amended from time to time."~~

~~I.—~~

~~J.—Section 101.4.7: Delete entire text.~~

~~K.—~~

~~L.—Section 105.2: Delete sentence under "Building" that reads as follows: "One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11.15 m2)."~~

~~M.—~~

~~N.—Section 107.3: Delete "ICC Electrical Code" and replace with "applicable regulations set forth in the National Electrical Code, National Electrical Safety Code or electrical provisions of other safety codes that have been approved by the American Standards Association in accordance with 30-A M.R.S.A. § 4161, as may be amended from time to time."~~

~~O.—~~

~~P.—Section 108.4: Delete "building official that" and replace with "municipal officers from time to time and such fee."~~

~~Q.—~~

~~R.—Section 108.6: Delete entire text.~~

~~S.—~~

~~T.—Section 109.3.5: Delete entire text.~~

~~U.—~~

~~V.—Section 109.3.7: Delete entire text.~~

~~W.—~~

~~X.—Section 112.1: Delete entire section and replace it with the following: "The Zoning Board of Appeals shall act as the Building Code Board of Appeals in order to hear appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of this code. Appeals to the Zoning Board of Appeals shall be submitted as otherwise set forth in the Town's Zoning Ordinance regarding administrative appeals, subject to the payment of any fees as may be determined by the municipal officers from time to time."~~

~~Y.—~~

~~Z.—Section 1009.3: Delete entire Exception 5 and replace it with the following: "In occupancies in Group R-3 in which the building is greater than 24 feet in width, as applicable in Section 101.2, within dwelling units in occupancies in Group R-2, as applicable in Section 101.2, and in occupancies in Group U, which are accessory to an occupancy in Group R-3, as applicable in Section 101.2, the maximum riser height shall be 7.75 inches (197 mm) and the minimum tread depth shall be 10 inches (254 mm), the minimum winder tread depth at the walk line shall be 10 inches (254 mm), and~~

~~the minimum winder tread depth shall be six inches (152 mm). For interior stairs in occupancies in Group R-3 in which the building is 24 feet or less in width, the maximum riser height shall be 8 1/4 inches (209 mm) and the minimum tread depth shall be nine inches (229 mm). A nosing not less than 0.75 inch (19.1 mm) but not more than 1.25 inches (32 mm) shall be provided on stairways with solid risers where the tread depth is less than 11 inches (279 mm)."~~

~~AA.~~

~~BB. Section 1025.2: Delete entire text of the exception.~~

~~CC.~~

~~DD. Section 1301: Delete Chapter 13 regarding energy efficiency.~~

~~EE.~~

~~FF. Section 1612.3: Insert "the City of Sanford" for "[Insert Name of Jurisdiction]."~~

~~GG.~~

~~HH. Section 1612.3: Insert "September 4, 1984" for "[Insert Date of Issuance]."~~

~~II.~~

~~JJ. Sections 2701 and 2702: Delete Chapter 27 regarding electrical.~~

~~KK.~~

~~LL. Sections 2901 to 2903: Delete Chapter 29 regarding plumbing systems.~~

~~MM. —~~

~~NN. Section 3410.2: Insert "December 3, 1973" for "[Date to be Inserted by Jurisdiction]."~~

~~OO.~~

~~PP. Chapter 35: Delete the following referenced standards:~~

~~QQ.~~

~~RR.~~

~~SS. Appendices: Delete Appendices A through J.~~

~~§ 90-16. International Residential Code for One and Two Family Dwellings.~~(Reserved)

~~The following sections of the International Residential Code for One and Two Family Dwellings of the International Code Council (2003 edition) ("code") are hereby deleted, modified, or amended by the Town of Sanford as follows:~~

~~A. The Town Clerk shall keep on file in the Town Clerk's office one copy of said code, which copy shall be kept available for public use, inspection and examination.~~

~~B. In the event there shall be any federal, state or local provision of law more restrictive than any provision in said code, such federal, state or local provision of law shall prevail.~~

~~C. The penalty for violating the provisions of said code, in addition to injunctive relief, shall be a fine as provided for by 30-A M.R.S.A. § 4452, as may be amended from time to time. Each day during which a violation of said code continues shall constitute a separate violation.~~

~~D. Section R101.1: Insert "the Town of Sanford" for "[Name of Jurisdiction]."~~

~~E. Section R101.2: Add to the end of the exception "if and when it is adopted."~~

~~F. Section R105.2: Delete sentence under "Building" that reads as follows: "One story detached accessory structures, provided the floor area does not exceed 200 square feet (18.58 m2)."~~

~~G.—Section R107.3: Delete "ICC Electrical Code" and replace with "applicable regulations set forth in the National Electrical Code, National Electrical Safety Code or electrical provisions of other safety codes that have been approved by the American Standards Association in accordance with 30-A.M.R.S.A. § 4161, as may be amended from time to time."~~

~~H.—Section R109.1.5.1: Delete entire text.~~

~~I.—Section R112.1: Delete entire section and replace it with the following: "The Zoning Board of Appeals shall act as the Building Code Board of Appeals in order to hear appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of this code. Appeals to the Zoning Board of Appeals shall be submitted as otherwise set forth in the Town's Zoning Ordinance regarding administrative appeals, subject to the payment of any fees as may be determined by the municipal officers from time to time."~~

~~J.—Section R112.2.1: Delete entire text.~~

~~K.—Section R112.2.2: Delete entire text.~~

~~L.—Section R112.3: Delete entire text.~~

~~M.—Section R112.4: Delete entire text.~~

~~N.—Section R301.2: Insert the following climactic and geographic design criteria into Table R301.2(1):~~

~~Under "Gound Snow Load" insert "60 pounds per square foot"~~

~~Under "Wind Speed (mph)" insert "100"~~

~~Under "Seismic Design Category" insert "B"~~

~~Under "Weathering" insert "severe"~~

~~Under "Frost line depth" insert "4 feet"~~

~~Under "Termite" insert "none to slight"~~

~~Under "Decay" insert "none to slight"~~

~~Under "Winter design temp" insert "1° F."~~

~~Under "Ice Shield Underpayment Required" insert "Yes"~~

~~Under "Flood Hazards" insert "Floodplain Management Ordinance adopted May 26, 1987, as amended"~~

~~Under "Air Freezing Index" insert "1500"~~

~~Under "Mean Annual Temp" insert "45° F."~~

~~O.—Section R309.3: Insert the following after Section R309.3 and before Section R309.4: "The sills of all door openings between private garages and adjacent interior spaces shall be raised not less than four inches (102 mm) above the garage floor."~~

~~P.—Section R310.1.1: Delete entire text of the exception.~~

~~Q.—Section R311.5.3.1: Insert the following exception after Section R311.5.3.1 and before Section R311.5.3.2: "Exception for interior stairs: Where a building is 24 feet or less in width, the maximum riser height shall be 8 1/4 inches (209 mm)."~~

~~R.—Section R311.5.3.2: Insert the following exception after Section R311.5.3.2 and before Section R311.5.3.3: "Exception for interior stairs: Where a building is 24 feet or less in width, the minimum tread depth shall be nine inches (229 mm)."~~

~~S.—Section 323.16: Delete "plumbing provisions of this code" from the first sentence and replace it with "Maine Internal Plumbing Code." Delete "plumbing provisions of this code and Chapter 3 of the International Private Sewage Disposal Code" from the second sentence and replace it with "Maine Internal Plumbing Code and the Maine Subsurface Wastewater Disposal Rules."~~

~~T.—Sections R1001 to R1006: Delete Chapter 10 regarding chimneys and fireplaces.~~

~~U.—Sections N1101 to N1104: Delete Chapter 11 regarding energy efficiency.~~

~~V.—Sections P2501 to P3201: Delete Chapters 25 to 32 regarding plumbing.~~

~~W.—Sections E3301 to 4204: Delete Chapters 33 to 42 regarding electrical.~~

~~X.—Chapter 43: Delete the following referenced standards:~~

ICC EC-03	ICC Electrical Code
IECC-03	International Energy Conservation Code
IFGC-03	International Fuel Gas Code
IPC-03	International Plumbing Code
IPSDC-03	International Private Sewage Disposal Code

~~Y.—Appendices: Delete Appendices A through E, Appendices G through I, and Appendices K through L. Adopt Appendix F regarding radon control methods and Appendix J regarding existing buildings and structures.~~

§ 90-17. International Mechanical Code.(Reserved)

The following sections of the International Mechanical Code of the International Code Council (2003 edition) ("code") are hereby deleted, modified, or amended by the Town of Sanford as follows:

~~A.—The Town Clerk shall keep on file in the Town Clerk's office one copy of said code, which copy shall be kept available for public use, inspection and examination.~~

~~B.—In the event there shall be any federal, state or local provision of law more restrictive than any provision in said code, such federal, state or local provision of law shall prevail.~~

~~C.—The penalty for violating the provisions of said code, in addition to injunctive relief, shall be a fine as provided for by 30-A M.R.S.A. § 4452, as may be amended from time to time. Each day during which a violation of said code continues shall constitute a separate violation.~~

~~D.—Section 101.1: Insert "the Town of Sanford" for "[Name of Jurisdiction]."~~

~~E.—Section 101.2: Delete last sentence regarding International Fuel Gas Code. Add to the end of Exception 2 "if and when it is adopted."~~

~~F.—Section 106.5.1: Delete entire text.~~

~~G.—Section 106.5.2: Insert the following fee schedule: "Fees shall be in such amount as the municipal officers may from time to time establish by the municipal officers' order."~~

~~H.—Section 106.5.3: Delete entire text.~~

~~I.—Section 108.4: Delete entire section and replace it with the following: "The penalty for violating the provisions of this code, in addition to injunctive relief, shall be a fine as provided for by 30-A M.R.S.A. § 4452, as may be amended from time to time. Each day during which a violation of said code continues shall constitute a separate violation."~~

~~J.—Section 108.5: Delete the phrase "of not less than [Amount] dollars or more than [Amount] dollars" and replace it with the following: "as provided for by 30-A M.R.S.A. § 4452, as may be amended from time to time."~~

~~K.—Section 109.1: Delete "20 days" as the time period to appeal a decision of the code official and replace it with "30 days."~~

~~L.—Section 109.2: Delete entire section (including subsections) and replace it with the following: "The Zoning Board of Appeals shall act as the Mechanical Code Board of Appeals in order to hear appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of this code. Appeals to the Zoning Board of Appeals shall be submitted as otherwise set forth in the Town's Zoning Ordinance regarding administrative appeals, subject to the payment of any fees as may be determined by the municipal officers from time to time."~~

~~M.—Section 109.3: Delete entire text.~~

~~N.—Section 109.5: Delete entire text.~~

~~O.—Section 109.6: Delete entire text (including subsections).~~

~~P.—Section 109.7: Delete entire text.~~

~~Q.—Chapter 15: Delete the following referenced standards:~~

~~ICC-EC-03~~

~~ICC Electrical Code~~

~~IEBC—03~~

~~International Existing Building Code~~

~~IECC — 03~~

~~International Energy Conservation Code~~

~~IFGC — 03~~

~~International Fuel Gas Code~~

~~IPC — 03~~

~~International Plumbing Code~~

~~R.—Appendices: Delete Appendix A and Appendix B.~~

§ 90-18. (Reserved)

§ 90-19. ~~International Property Maintenance Code.~~ (Reserved)

~~The adopting of said code is to regulate and govern the conditions and maintenance of all property, buildings and structures by providing the standard for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary, and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use.~~

~~The City Clerk shall keep on file in the City Clerk's office one copy of said codes, which copy shall be kept available for public use, inspection and examination.~~

~~In the event there shall be any federal, State or local provision of law more restrictive than any provision in said code, such federal, State or local provision of law shall prevail.~~

~~The penalty for violating the provisions of said code, in addition to injunctive relief, shall be a fine of not less than \$100 and not more than \$2,500 for a specific violation as provided for by 30-A M.R.S.A. § 4452, as may be amended from time to time. Each day during which a violation of said code continues shall constitute a separate violation.~~

~~If any section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.~~

~~The following sections of the International Property Maintenance Code of the International Code Council (2003 edition) ("Code") are hereby deleted, modified, or amended by the City of Sanford as follows:~~

~~Section 101.1: Insert "the City of Sanford" for "[Name of Jurisdiction]."~~

~~Section 101.3: Delete the last sentence and replace it with "Repairs, alterations, additions to and changes of occupancy in existing building shall comply with the International Existing Building Code if and when it is adopted."~~

~~Section 102.3: Delete "International Existing Building Code" and replace with "International Existing Building Code if and when it is adopted, International Building Code, Maine State Plumbing Code, National Fire Protection Association Life Safety Code, International Mechanical Code, and applicable regulations set forth in the National Electrical Code, National Electrical Safety Code or electrical provisions of other safety codes that have been approved by the American Standards Association in accordance with 30-A M.R.S.A. § 4161, as may be amended from time to time." Delete the last sentence.~~

~~Section 103: Delete title and replace with the following: "Department of Code Enforcement."~~

~~Section 103.1 General: Delete entire section and replace with the following: "The Building Officials, Code Enforcement Officers, and his/her designees shall be known as the 'Code Official.'"~~

~~Section 103.3 Deputies: Delete entire text.~~

~~Section 103.5: Delete entire section and replace with the following: "The fees for activities and services performed by the Department in carrying out its responsibilities under this code shall be in such amount as the municipal officers may from time to time establish by the municipal officers' order."~~

~~Section 106.3 Prosecution of violations: Delete entire section and replace with the following: "Any person failing to comply with a notice of violation and/or order, if the notice is not complied with, the Code Official shall institute the appropriate proceedings at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. The Code Official may initiate a land use complaint pursuant to Rule 80K of the Maine Rules of Civil Procedure, or may request the City Legal Department to institute the appropriate proceedings in law or in equity to restrain, correct or abate such violation. Any action may also be charged against the real estate upon which the structure is located and shall be a lien upon such real estate."~~

~~Section 106.4 Violation penalties: Delete entire section and replace with the following: "Any person who shall violate a provision of this code, or who fails to comply therewith, or with any of the requirements thereof, shall be penalized not less than \$100 nor more than \$2,500 for a specific violation, and other remedies, injunctive relief, and costs as set forth in accordance with 30-A M.R.S.A. § 4452. Each day during which a violation of said code continues, 10 days after notification by the Code Official, shall constitute a separate offense."~~

~~Section 106.5 Abatement of violation: Delete "legal officer of the jurisdiction" and replace with "Code Official or Legal Department."~~

~~Section 111.1: Delete "20 days" from the first sentence and replace it with "30 days." Add the following sentence to the end of the section: "The Board of Appeals shall have no authority to waive requirements of this code."~~

~~Section 111.2: Delete entire section and replace with the following: "111.2 Membership of Board. The Zoning Board of Appeals shall act as the Building Code Board of Appeals in order to hear appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of this code. Appeals to the Zoning Board of Appeals shall be submitted as otherwise set forth in the City's Zoning Ordinance regarding administrative appeals, subject to the payment of any fees as may be determined by the municipal officers from time to time."~~

~~Section 111.3: Delete entire text and replace it with "Following the filing of an appeal, the Zoning Board of Appeals shall hold a public hearing on the appeal within 30 days."~~

~~Section 111.4: Delete last sentence.~~

~~Section 111.4.1: Delete entire text.~~

~~Section 111.5: Delete entire text.~~

~~Section 111.6: Delete entire text and replace with "The Board shall modify or reverse the decision of the code official only by a concurring vote of a majority of those members present and voting."~~

~~Section 111.7: Delete entire text and replace with "Any party may take an appeal, within 45 days of the date of the vote on the original decision, to Superior Court from any order, relief or denial in accordance with the Maine Rules of Civil Procedure, Rule 80B. This time period may be extended by the court upon motion for good cause shown. The hearing before the Superior Court must be without a jury."~~

~~Section 111.8: Delete entire text.~~

~~Section 302.4: Insert "10 inches (254 mm)" for [jurisdiction to insert height in inches].~~

~~Section 302.8: Delete "no inoperative or unlicensed motor vehicle" and replace with "not more than one currently unregistered or uninspected motor vehicle." Add "Exception: Operational farm tractors exempted from registration."~~

~~Section 304.2: Delete entire text.~~

~~Section 304.14: Insert "May 1 to October 1" for "[DATE] to [DATE]."~~

~~Section 304.18.1: Delete entire text.~~

~~Section 602.3: Insert "October 1 to May 1" for "[DATE] to [DATE]."~~

~~Section 602.4: Insert "October 1 to May 1" for "[DATE] to [DATE]."~~

~~Section 604.1 Facilities required: Delete entire text and replace with "Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and National Fire Protection Association 70: National Electrical Code, 2014 and Section 605. Existing dwellings shall be provided with an electrical system in compliance with National Fire Protection Association 73: Standard for Electrical Inspection for Existing Dwellings, 2016."~~

~~Section 605.1 Installation. Delete entire text and replace with "All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner in compliance with National Fire Protection Association 70: National Electrical Code, 2014. Existing dwellings shall be in compliance with National Fire Protection Association 73: Standard for Electrical Inspection for Existing Dwellings, 2016."~~

~~Section 702.1 General: Delete "International Fire Code" and replace with: "National Fire Protection Association Codes as per Chapter 128, Fire Protection, Article VI, Adoption of Codes, of the Ordinances of the City of Sanford."~~

~~Section 702.2 Aisles: Delete "International Fire Code" and replace with: "National Fire Protection Association Codes as per Chapter 128, Fire Protection, Article VI, Adoption of Codes, of the Ordinances of the City of Sanford."~~

~~Section 704.1 General: Delete "International Fire Code" and replace with: "National Fire Protection Association Codes as per Chapter 128, Fire Protection, Article VI, Adoption of Codes, of the Ordinances of the City of Sanford."~~

~~Section 704.1.1 Insert "Automatic sprinkler systems: Inspection, testing and maintenance of automatic sprinkler systems shall be in accordance with applicable National Fire Protection Association Codes as per Chapter 128, Fire Protection, Article VI, Adoption of Codes, of the Ordinances of the City of Sanford."~~

~~Section 704.2 Smoke alarms: Delete entire text and replace with "Single or multi-station smoke alarms shall be installed and maintained in accordance with the National Fire Protection Association Codes as per Chapter 128, Fire Protection, Article VI, Adoption of Codes, of the Ordinances of the City of Sanford."~~

~~Section 704.3: Delete entire text.~~

~~Section 704.4: Delete entire text.~~

~~Section 704.5: Insert "Carbon monoxide alarms: Single or multi-station carbon monoxide alarms shall be installed and maintained in accordance with applicable National Fire Protection Association Codes as per Chapter 128, Fire Protection, Article VI, Adoption of Codes, of the Ordinances of the City of Sanford."~~

~~Chapter 8: Delete the following referenced standards:~~

~~ICC-EC-03~~

~~ICC Electrical CodeTM~~

~~IEBC-03~~

~~International Existing Building CodeTM~~

~~IPC-03~~

~~International Plumbing Code[®]~~

~~IZC-03~~

~~International Zoning Code[®]~~

§ 90-20. Burner Installation.

In addition to the permitting requirements pursuant to this Chapter, any person who installs or services oil or gas burner equipment must have a license from the Maine Fuel Board. Any alterations, installations, addition of controls, or other work on oil burners must be done by a person having such a license.

§ 90-21. Demolition Requirements.

A. No demolition permit shall be issued unless and until:

(1) The applicant provides documentation of meeting the State Asbestos Management Regulations.

(2) A permit to demolish or remove a structure shall expire thirty (30) days after the date of its issuance, provided that, for good cause, the building official may extend the permit for a period of not more than fifteen (15) days.

(3) Except in an emergency, the person to who a permit is issued shall notify all residential and business occupants within a 150 foot radius of the building being demolished, 48 hours in advance of the demolition commencing describing precautions to minimize lead exposure.

- (4) Temperature and weather permitting, the person to whom a permit is issued shall dampen or cause to be dampened all debris resulting from the demolition operation to the extent necessary to prevent dust therefrom circulating in the surrounding area.
- (5) Temporary and permanent erosion and sediment controls measures in keeping with applicable best management practices shall be in place on the premises as necessary during and after the completion of the demolition activity.
- (6) All foundations and building underpinnings shall be removed and disposed in their entirety, except when it is documented by a licensed professional that the foundation may be reused or when practical difficulty prevents the foundations removal. Practical difficulty does not include reasons of convenience.

Article IV. Housing Standards

§ 90-22. Properties unfit for human habitation; and posted against occupancy.

Any dwellings, dwelling unit, rooming house, rooming unit, or any structure or portion thereof being used for human habitation which is in violation of the provisions of this article to the extent that it is unfit for human habitation according to the standards contained herein or other applicable standards may be condemned for habitation and posted against occupancy by the building official. Properties unfit for human habitation shall include but are not limited to:

- A. Properties which are either damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested in such a manner as to create a serious hazard to the health, safety, and general welfare of the occupants or the public;
- B. Properties which lack plumbing, ventilation, lighting, or heating facilities or equipment adequate to protect the health, safety and general welfare of the occupants or the public;
- C. Properties which, because of their general condition, state of the premises, number of occupants, or location, are so unsanitary, unsafe, overcrowded or otherwise dangerous or detrimental that they create a serious menace to the occupants or the public;
- D. Properties in or on which the owner, operator, or occupant has failed to comply with notices or orders issued under the provisions of this Chapter;
- E. Properties which are disorderly houses.

§ 90-23. Notice of condemnation and posting; order to vacate.

- A. The building official shall give notice in writing to the property owner or operator of such condemnation and posting, and in the event such property is occupied, shall give like notice to the occupants, which shall also include a reasonable time limit within which such property shall be vacated.

B. The building official shall also give notice to the City Manager of the action.

§ 90-24. Property not to be occupied again for habitation.

No property which has been condemned and posted against occupancy shall again be used for the purpose of habitation until the building official, shall in writing approve of the property's use and shall likewise authorize the removal of the posted notice.

§ 90-25. Notice not to be removed; property not to be used or let; exception.

It shall be a violation of this article for any person to deface or remove any such posted notice without the prior approval of the building official, it shall also be a violation of this article for any person to occupy or let to another for occupancy any property which has been condemned and posted as provided above without receiving the prior written approval of the building official.

§ 90-26. Property to be secured if not improved.

If the owner or operator of any property which has been condemned as unfit for habitation does not proceed to make the necessary corrections to bring the property into compliance with the provisions of this Chapter, such owner or operator shall proceed to make the property safe and secure so that no danger to life or property or fire hazard shall exist.

If the owner or operator fails to do so within a reasonable amount of time, the City may take all reasonable steps to make the property safe and secure and recoup the cost from the owner or operator. If the City takes steps to make the property safe and secure, the City shall also collect an administrative fee, as set forth in the fee schedule as amended from time to time.

§ 90-27. Restriction on conveyance of property; exception.

A. It shall be a violation of this article for any person to sell, transfer, or otherwise dispose of any property against which an order has been issued by the building official under the provisions of this article unless any person shall first furnish to the grantee a true copy of any such order and shall at the same time notify the building official in writing of the intent to so transfer either by delivering the notice to the building official and receiving a receipt therefor or by registered mail, return receipt requested, giving the name and address of the person to whom the transfer is proposed. In the event of a violation of this section, such person shall be subject to penalties pursuant to the Code in addition to any penalty which may be imposed for failure to comply with any order of the building official.

B. No contract or agreement between owner and/or operator and occupant relating to compliance with the terms of this article shall be effective in relieving any person of responsibility for compliance with the provisions of this article as set forth herein.

§ 90-28. Appeals.

An appeal from any final decision of the building official, if available by statute or otherwise by law, under the provisions of this article may be taken by the aggrieved party to the superior court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

§ 90-29. Personal non-liability.

No officer or employee charged with the enforcement of this article and acting for the city in the discharge of their duties shall render themselves personally liable for any damage that may occur to any person or property as a result of their acts in the discharge of their duties. Any suit brought against any officer or employee because of any act performed by them under the provisions of this article shall be defended by the corporation counsel until the final determination of the proceedings therein.

§ 90-30. Violations.

A. Any owner, occupant, or operator of a building, structure, or premises shall be guilty of an offense and subject to the penalties and remedies provided in this Chapter and 30-A M.R.S.A. § 4452 if that person does any of the following:

- (1) Violates a provision of this Article, or any Codes adopted pursuant to this Article;
- (2) Allows a violation to occur or remain at any building, structure, or premises that they own, occupy, or control; or
- (3) Fails to comply with any lawful order issued pursuant to this Article.

B. The imposition of a penalty for a violation does not excuse that violation or allow it to continue.

§ 90-31. Enforcement.

In addition to the remedies otherwise provided, the following specific remedies shall also be available:

A. Where any building, structure, or property is required to be secured by this article, the building official may secure the building and charge the owner, occupant, and/or operator a penalty of \$500, plus reimbursement of the actual costs of securing where:

- (1) The owner, occupant, and/or operator has been given notice of the requirement to secure and has failed to do so within a reasonable time; or
- (2) The building, structure, or property poses an imminent threat to the public if not secured before notice and an opportunity to correct can be given.

B. The City Manager is authorized to institute, or cause to be instituted by the Corporation Counsel, in the name of the City any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of the provisions of this article.