



CHAPTER 201
TOWN OF GRAY

BUILDING CODE

ADOPTED BY TOWN OF GRAY
MARCH 2, 1963

Amended
December 6, 1968
August 14, 1984
January 20, 1989
March 5, 1996
January 1, 2001



CHAPTER 201
TOWN OF GRAY, MAINE
BUILDING CODE

SECTION 201.1 -TITLE AND SCOPE

This ordinance shall be known and may be cited as the Building Code of the Town of Gray, Maine.

The Building Code relates to the design, materials of construction, alteration, repair, and use of buildings and structures or parts thereof, all to promote the health, safety, and general welfare of the occupants and users of such buildings and structures and of the public, and for the protection against ignition and spreading of fires and prevention of accidents.

Buildings and structures, parts thereof and equipment in or on or in connection with buildings or structures, shall not be constructed, altered, installed, repaired, used, or changed as to use contrary to the provisions of this code; but the provisions of this code shall not apply to buildings or structures constructed or maintained within the limits of a public highway by public authority; to railway bridges or trestles, to buildings or structures owned or to be owned by the United States, to the State of Maine, or county of Cumberland; and shall not apply to an existing building or structure, its existing equipment or appurtenances unless and until such building or structure, its existing equipment or appurtenances are to be enlarged, altered, moved, converted to other uses or demolished, or unless otherwise provided in this code.

SECTION 201.2 - ADMINISTRATION

A. The Office of Code Enforcement is hereby created. The office will be headed by a Code Enforcement Officer who acts as Building Inspector, Plumbing Inspector, and Electrical Inspector and who is assisted by a designated member of the Fire Department and such other personnel as is deemed necessary by the Code Enforcement Officer or by the Town Council and then only after authorization and appointment by the Town Manager. The Code Enforcement Officer will be named to the three offices,

namely Electrical Inspector, Plumbing Inspector, and Building Inspector, by the Town Manager for a one-year period beginning April first. ~~During his/her term of office, these appointments may not be removed from the Code Enforcement Officer except for cause, and then only after hearing before the Town Council on specific charges.~~ (Refer to Personal Policy for more specific information).

A. The Building Inspector shall inspect all buildings or structures during construction to see that the provisions of law are complied with and that construction is performed safely.

Whenever, by reason of defective or illegal work in violation of a provision of this code, the continuation of a building is contrary to public welfare, the code Enforcement Officer may order all further work to be stopped and may require suspension of work until the condition in violation has been remedied.

SECTION 201.3 - CONSTRUCTION PERMITS

A. No building or structure shall be built, enlarged, altered, or moved without a permit from the Building Inspector, who may require a plan of the proposed work, together with a statement of the materials to be used. Prior to the issuing of the permit by the Building Inspector, the applicant must satisfy the Building Inspector that soil conditions are or will be suitable for a sanitary absorption of waste materials from proposed septic tanks if the same are to be used in conjunction with the construction work. The expense of soil surveys that may be required will be borne by the applicant. No building permit shall be issued where the proposed work would violate any provision of the Zoning Ordinance or any other ordinance or statute.

No building permit or renewal thereof granted hereunder shall be valid unless the work for which it is issued is commenced within six (6) months from the date of issue or renewal, and the work so commenced is completed within one (1) year; if requested and if renewal fee paid, an automatic renewal will be issued for 1 year.

B. Fee Collections

Building permit fees collected will be accounted for by the Building Inspector and submitted to the town as they are collected

SECTION 201.4 – UNSAFE BUILDINGS AND STRUCTURES

A. Removal or made safe.

When a building or structure or any portion thereof is found unsafe upon inspection by the Building Inspector, he/she shall order such building or structure or any portion thereof to be made safe or to be taken down and removed. The term unsafe building or structure or portion thereof shall include any building or structure or portions thereof structurally unsafe; unstable; unsanitary; inadequately provided with exit facilities; constituting a fire hazard; unsuitable or improper for the use or occupancy to which they are put; constituting a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment; or otherwise dangerous to life or property.

B. Restoration of unsafe building or structure

A building or structure or part thereof declared unsafe by the Building Inspector may be restored to safe condition; provided that if the damage or cost of reconstruction or restoration is in excess of 50 percent of the value of the building or structure, exclusive of foundations, such building or structure, if reconstructed or restored shall be made to conform, with respect to materials and type of construction, to the requirements of this code; but no change or use of occupancy shall be compelled by reason of such reconstruction or restoration.

C. Notice of unsafe building or structures

Upon determining that a building or structure or portion thereof is unsafe, the Building Inspector shall serve or cause to be served on the owner, or someone of the owners, his agents, lessees, or other persons who may have interest in the same, a written notice containing a description of the building or structure or portion thereof deemed unsafe, a statement of the particulars in which the building or structure or portion thereof is unsafe, and an order requiring the same to be made safe and secure or removed, as may be deemed necessary by the Building Inspector. If the person to whom such notice and order is addressed cannot be found after diligent search, or if the owner of such property is unknown, then such notice and order shall be sent by registered mail to the last known address of such person or of the last known owner, and

a copy of such notice shall be posted in a conspicuous place on the premises to which it relates. Such mailing and posting shall be deemed adequate service.

D. Disregard of unsafe notice

If a person or owner served with a notice or order to remove or repair an unsafe building or structure or portion thereof should fail, within a reasonable time, to comply with the requirements thereof, the Building Inspector shall advise the Town Council of all the facts in the case, and the Town Council shall thereupon cause an appropriate legal action to be instituted to compel a compliance.

E. Emergency work

In case there shall be, in the opinion of the Building Inspector, actual and immediate danger of failure or collapse of a building or structure or portion thereof so as to endanger life or property, the Building Inspector shall obtain the necessary funds from the Town Treasury, to purchase such material and employ such labor and cause the necessary work to be done to render said building or structure or portion thereof, temporarily safe, whether the procedure prescribed in this section has been instituted or not.

F. Vacating unsafe buildings or structures and closing streets

When a building or structure or portion thereof is in an unsafe condition so that life is endangered thereby, the Building Inspector shall order and require the owners or occupants thereof to vacate the same forthwith. He/She shall when necessary for the public safety, temporarily close sidewalks, streets, buildings, structures and places adjacent to such building or structure, and prohibit the same from being used.

G. Recovery of costs

The Town Council shall cause to be instituted proper actions against the owner of the premises for the recovery of all costs incurred by the Building Inspector in the performance of emergency work.

SECTION 201.8 – ELECTRICAL INSTALLATIONS

The following standards and specifications for electrical installation and all work in connection with the installation, alteration, repair, maintenance of, or additions to electrical equipment of any nature whatsoever in the town shall comply with the most recent Edition of the National Electrical Code, as published by the National Fire Protection Association. The town clerk shall keep on file three (3) copies of the most recent edition of the National Electrical Code, available for public use and examination.

Delete sections 2701.2 thru 2708.0 of BOCA

SECTION 201.9 – ELEVATORS AND CONVEYING SYSTEMS

Adopt State statues regarding elevators and tramways, installers and operators, Maine state elevator law, title 32 chapter 133 of the Maine state elevator code and all applicable amendments.

Delete sections 3001.2 thru 3013.0 of BOCA

SECTION 201.10 – PLUMBING INSTALLATIONS

The standards and specifications for plumbing installation and all work in connection with the installation, repair or maintenance of plumbing and equipment to be used in connection therewith in the town shall comply with the State of Maine Internal Plumbing code (5-83), revised (7-2-94) and the State of Maine External Plumbing code (6-1-00).

The town clerk shall keep on file three copies of the State Plumbing Code, available for public use, inspection and examination.

Delete sections 2901.0 thru 2909.0 of BOCA

SECTION 210.11 – ACCESSIBILITY

Adopt following State regulations, title 25 chapter 331; ADA; MHRA, subchapter 5; MHRA subchapter 4 Fair Housing AA; section 504, BOCA 1996 NFDA 101; ME. State plumbing; ABA; IRS Tax code(s)

Delete sections 1102.0 thru 1110.8 of BOCA

SECTION 210.12 – SOLID FUELS

Adopt the standards of specifications for the use of oil and solid fuels adopted by the State of Maine. Reference Maine state oil and solid fuel laws and rules 1998 edition and amendments.

SECTION 210.13 –GRADING OF LUMBER

The use of non-graded or rough sawn lumber in residential and commercial consruction shall be allowed in the Town of Gray.

Delete section 2304.1 of BOCA

SECTION 210.14 ENERGY CODE

Adopt the State of Maine energy efficiency building standards adopted 2/92 revised 11/95

SECTION 201.15 – APPEAL

A. In case of refusal to issue a permit or amendment thereof, appeal shall lie from the decision of the Building Inspector to the Municipal Officers. The Municipal Officers may affirm or reverse the decision of the Inspector as to the interpretation of the provision of this code. In specific cases wherein the enforcement of this code would involve practical difficulty or unnecessary hardship and wherein desirable relief may be granted without substantially departing from the intent and purposes of this code, but not otherwise, the Municipal Officers may, by three consenting votes of their membership, permit exceptions to and variations from the provisions of this Code.

B. The Town Council with the advice of Code Enforcement, the Fire Department, and the Planning Board shall have authority to regulate the cost of inspections and permits under this code; to regulate standards of design and construction materials so that the requirements of the code will conform to the statutes of the State of Maine, and may conform to the State Building Code and to the several codes relating hereto as approved and published by the National Fire Protection Association.

SECTION 201.16-PENALTIES AND LEGAL PROCEEDINGS

A. Any person or persons, firm or corporation being the owner, or having control of any building or structure or part thereof, who violates any of the provisions of this Ordinance, or fails to conform to any of the provisions thereof, or fails to obey any order of any officer charged with the enforcement of the provisions of this Ordinance in relation to the matters and things herein contained; or any architect, engineer, contractor, builder, subcontractor, foreman, plumber, carpenter, electrician, employee, or other person who shall violate or assist in the violation of this Ordinance, or of any certificate, order or permit issued there under, shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a penalty of not less than five (5) dollars nor more than one-hundred (100) dollars. Each and every day on which the person or persons, firm or corporation continues to violate the provisions of this Ordinance, after having been notified of such violation, shall constitute a separate offense. Such penalty or fines to be recovered by complaint to the use of the Inhabitants of the Town of Gray.

B. Whenever the Inspector or other employee of the Town charged with the enforcement of any part of this Code is satisfied that any provision thereof, or any law enforced by the Town applicable to the same subject matter, has been violated in any respect, or that any order or direction made pursuant to this Code has not been complied with, he/she may apply to the Town Council for the purpose of instituting civil proceedings, provided that nothing in this section and no action taken hereunder shall be held to exclude such criminal proceedings as may be authorized by this Code or by any laws or ordinances in force in the Town of Gray or to exempt anyone violating this Code or any of the said laws from any penalty which may be incurred.

SECTION 201.17- VALIDITY AND APPLICATION

Should any section, or part thereof, of this Code be declared by the courts to be invalid, the same shall not affect the validity of this Code as a whole or any part thereof, other than the part so declared to be invalid. All laws or parts of laws of this Town in conflict with this code are hereby repealed but only to the extent of such conflict.