

BUILDING PERMIT ORDINANCE FOR THE TOWN OF STEUBEN

1. **PURPOSE**

The purpose of this Ordinance is to set forth the requirements for obtaining a building permit whereby the effect of a new building or structure will not have any unreasonably adverse affect upon the abutting land owners; the general health, safety and welfare of the Town; and the natural environment.

2. **AUTHORITY AND ADMINISTRATION**

- A. This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VII, part 2 of the Constitution of the State of Maine and Title 30-A MRSA 300.
- B. The Planning Board shall administer this Ordinance

3. **OTHER ORDINANCES AND LAWS** (Please see 7th Amendment)

Where there is a conflict between the provisions of this Ordinance and other applicable federal, state or local law, the more restrictive shall apply.

4. **PERMIT REQUIRED** (Please see 1st & 5th Amendments)

A permit approved by the Planning Board and on a form approved by the Planning Board shall be required prior to the construction or moving of any building or structure of 144 square feet or more in area, whether it is attached to an existing building or unattached.

The same permit is also required for any structure that extends more than 25 feet in height above ground level if unattached, or above the structure to which it is attached.

The same permit is required for any substantial grade change other than that required for the construction or moving of a permitted building or structure.

Within the above limits and taking into account other Ordinances and Laws as set forth in paragraph 3 above, any building may be maintained, repaired and improved without a building permit.

No permit is required for a non-residential building without wastewater, which is intended to be removed within a 9-month period of time.

5. LOT SIZE

Construction requiring a permit shall be done on a lot or site of one (1) acre or more. A single lot of record, which, at the effective date of adoption or amendment of this Ordinance is less than one (1) acre, may be built upon if it meets the requirements of paragraph 10 or 11 of this Ordinance or conforms to the minimum lot size law Title 12 MRSA 4807.

6. APPLICATION REQUIREMENTS

The application shall be written on the approved form and include all applicable information as follows:

- A. Name of owner of lot and structures
- B. Name of holder of equitable interest if different from owner
- C. Copy of deed and/or document of equitable interest, if requested by Planning Board
- D. Plan of property, approximately to scale, showing:
 - a. Property line location, length and direction, tax map and lot number
 - b. Total acreage
 - c. North arrow
 - d. Adjacent roads and ways
 - e. Names and location of abutting land owners
 - f. Location and size of existing buildings
 - g. Location of any natural water or wetlands within 250 ft of property line
 - h. Proposed or existing location of wastewater system and privy
 - i. Proposed or existing location of well
 - j. Proposed location of construction
 - k. Reasonable estimate of cost of construction
- E. Plan of proposed construction
- F. Intended use of construction
- G. Permit for wastewater system
- H. If the application involves a manufactured home as defined in Title 30-A MRSA 4553 (3), then appropriate proof of compliance with subsection 3 thereof regarding sales tax

7. CONSTRUCTION

- A. Any single-family residence shall have a State approved wastewater disposal system together with a permit for the same issued by a local plumbing inspector.
- B. Any building constructed or substantially altered with the intention of public use or visitation, rental, multiple family use or employment of people other than domestic help, shall be constructed in compliance with Title 25

MRSA 2357 for minimizing risk of fire and shall have a State approved wastewater disposal system together with a plumbing permit issued by a local plumbing inspector pursuant to Title 30-A MRSA 4201-4223 and the State plumbing code.

8. **STANDARDS** (Please see 4th Amendment)

The following standards shall apply to all construction requiring the permit:

- A. Set back of structures is to be 25' from all public roadways and property lines
- B. The proposed structure shall not be hazardous to the health, safety or welfare of the community
- C. Removal or runoff of surface waters shall not adversely affect adjoining properties, downstream water quality or public storm drainage systems
- D. All exterior lighting shall be designed to minimize adverse impact on surrounding properties
- E. The proposed use will not result in air pollution exceeding State Department of Environmental Protection standards or air quality
- F. The proposed use will not have an undue adverse effect on the scenic or natural beauty of the area or on historic sites or rare and irreplaceable natural areas and shall not create an adverse environmental impact upon the proposed site and its immediate area
- G. The total height of any structure shall not exceed 50' above the ground level of its base, excluding whip aerals

9. **APPROVAL**

Application for construction shall be accompanied with the approved building permit form completed in all applicable categories as set forth in the Ordinance. If more information is needed, the Board will have 31 days to review and request additional information unless more time is needed, in which case the Board will so notify the applicant

The Planning Board may hold a public hearing on the application within 31 days of having declared the application complete. Notice of such hearing shall be posted on the Town bulletin board and three other public places and copies thereof sent to the applicant and to all abutting owners by mailing the notice to their last known address according to the records of the Town. The notice will state the purpose of the hearing, the name of the applicant, the location of the land and the time and place of the hearing.

When all information needed is presented and upon completion of a public hearing, if any, the Planning Board will review the application within 31 days and either approve or disapprove.

10. NON-CONFORMANCE

- A. A single lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet the area or width requirements, or both, 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 this Ordinance, the lands involved shall be considered to be a single parcel for the purpose of this Ordinance.
- B. A building lawful at the time of adoption or subsequent amendment to this Ordinance may continue although it does not conform to the provisions of this Ordinance. No substantial alteration will be made which increases the nonconformance.

11. VARIANCE

The Planning Board may nullify or waive any of the standards as set forth in paragraph 8 of this Ordinance where owing to conditions peculiar to the property, a literal enforcement of the ordinance would result in undue hardship to the applicant. The crucial points of variances are undue hardship and unique circumstances applying to the property. In granting a variance, the Planning Board may prescribe such additional conditions as are necessary to meet the intent of this ordinance. A variance shall not have any unreasonably adverse affect upon the abutting landowners, the general health and welfare of the Town and the natural environment.

12. APPEAL

The applicant or any other person may make written appeal within 60 days of issuance of a building permit or any decision of the Planning Board regarding a building permit to the Board of Appeals of the Town of Steuben in accordance with Title 30-A MRSA 2691 (4).

Notice of an appeal shall be posted on the Town bulletin board and three other public places and copies thereof sent to the applicant and to all abutting owners by mailing the notice to their last known address according to the records of the Town.

The Board of Appeals shall hear and decide specific cases where it is alleged there is an error in any order, requirement, decision or determination by the Planning Board.

Any appeal from the Board of Appeals must be taken within 30 days after any decision is rendered by the Board of Appeals by any party to Superior Court in accordance with Title 30-A MRSA 2691 (3) (G).

13. DEFINITIONS

- A. CONSTRUCTION – As applied to this Ordinance, construction is the act of installing materials of any nature to create a separate structure, or to create an addition to an existing structure or to substantially change the existing grade of the land.
- B. SUBSTANTIAL GRADE CHANGE – For the purpose of this Ordinance, a substantial grade change is defined as the relocation of more than 100 cubic yards of rock, gravel or soil.
- C. STRUCUTRE – As applied to this Ordinance, a structure is anything constructed, erected or placed, except a boundary wall fence or whip aerial, the use of which requires location on the ground or attachment to something on the ground, including, but not limited to buildings, mobile homes, recreational vehicles used as a permanent residence, piers and floats.
- D. SUBSTANTIAL ALTERATION – As applied to this Ordinance, a substantial alteration is one, which increases the volume or floor area of a building by 25% or more.

14. VIOLATION (Replaced by 3rd Amendment)

In accordance with Title 30-A MRSA 4506 (3), any person who violates any provision of this Ordinance after receiving notice of such violation shall be guilty of a civil offense, subject to a minimum fine of \$100,000 or up to a maximum fine of \$2,500 for each violation. Each day's violation shall constitute a separate offense. Nothing herein contained shall be deemed to bar any legal or equitable action to restrain or enjoin any act in violation of this Ordinance.

15. ENFORCEMENT

It shall be the duty of the Selectmen or their authorized agent to enforce the provisions of this ordinance. If the Selectmen or their authorized agent finds that any provision of the Ordinance is being violated, they 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 buildings, structures or construction, removal of illegal buildings, structures and abatement of the conditions. A copy of such notices shall be maintained as a permanent record.

When the above action does not result in the correction or abatement of the violating or nuisance condition, the Selectmen or their authorized agent is hereby authorized and directed to institute any and all actions and proceedings that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Municipality.

16. **FEE** (Replaced by 6th & 11th Amendments)

The Selectmen may charge a fee of \$10.00 for a single-family residential application. For applications other than those applying to single-family residences, the fee shall be \$1.00 for 1000 cubic feet of the planned structure.

17. **SEVERABILITY**

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

17a. Please see 2nd Amendment

18. **EFFECTIVE DATE**

The effective date of this Ordinance is September 6, 1989.

AMENDMENTS TO THE BUILDING PERMIT ORDINANCE FOR THE TOWN OF STEUBEN

1ST AMENDMENT

In addition to those permits required under paragraph 4 of this Ordinance, a permit is required prior to rental to the public of one or more apartments created within an existing building. For purposes of this amendment, an apartment is defined as separate living quarters for a person or persons. The following additional permits and reports are required where applicable: State approved waste water disposal system together with a plumbing permit issued by a local plumbing inspector pursuant to Title 30-A MRSA 2396, compliance with State Adopted Fire Safety Codes.

2ND AMENDMENT

Life of a permit. Any permit issued under this ordinance or amendments thereto will expire after a period of 36 months unless at least 50% of the work has been accomplished or an application for an extension is made and approved.

3RD AMENDMENT(Replace Section 14)

Any person, including but not limited to a landowner, a landowner's agent, or a contractor, who orders or conducts any activity in violation of this ordinance shall be penalized in accordance with Title 30-A MRSA subsection 4452.

4TH AMENDMENT

Amend Section 8 to add: New driveways for single homes shall face fifteen (15) foot wide useable surface, fifteen (15) foot height of clearance, minimum forty (40) foot inside radius of turn and a turnout every five hundred (500) feet of length.

5TH AMENDMENT

Amend Section 4, first paragraph to read: A permit approved by the Planning board or the Code Enforcement Officer and on a form approved by the Planning Board shall be required prior to the construction, installation, or relocation of any building or structure of one hundred forty four (144) square feet or more in area, whether it is attached to an existing building or unattached.

6TH AMENDMENT

Amend Section 16 to read: A fee of \$10.00 shall be charged for each permit approved. Commercial buildings will in addition be charged \$1.00 for each one thousand (1000) square feet or part thereof of building are in excess of the first one thousand (1000) square feet.

Passed at May 16, 1992 Special Town Meeting.

7TH AMENDMENT

In addition to the requirements of Section 7 and the first amendment of this Ordinance, and in accordance with Title 25 MRSA 2357 and 2396 and Title 30-A MRSA 4452, the Steuben Fire Chief may enter any property at reasonable house, or enter any building under repair or construction with the consent of the owner, occupant, or agent for the purpose of making fire safety inspections. He

may also give directions in writing to the owner or contractor concerning the construction and use of such buildings and property, so as to render the same safe from spreading and catching fire.

Passed June 6, 1994 Special Town Meeting.

8TH AMENDMENT (Section 15, Paragraphs 1&2)

ENFORCEMENT – It shall be the duty of the Selectmen to authorize the Code Enforcement Officer to enforce the provisions of this Ordinance.

If the CEO finds that any provision of the Ordinance is being violated, he shall notify in writing the person responsible for such violation and ordering the action necessary to correct it, including discontinuance of buildings, structures or construction, removal of illegal buildings, structures and abatement of conditions. A copy of such notice shall be maintained as a permanent record.

When the above action does not result in the correction or abatement of the violation or nuisance condition, the CEO is hereby authorized and directed to institute any and all actions and proceedings that may be appropriate or necessary to enforce the provisions of this Ordinance and in conformance with the approved Building Permit.

9TH AMENDMENT (Section 4, Paragraph 5)

A temporary permit is required for a non-residential building without waste water, which is intended to be removed within a nine (9) month period of time.

10TH AMENDMENT

A fee of \$20.00 shall be charged for each permit approved. Commercial buildings will in addition be charged \$1.00 for each one thousand (1000) square feet or part thereof of building area in excess of the first one thousand (1000) square feet.

8th, 9th and 10th Amendments Passed April 15, 2000 Special Town Meeting.

11TH AMENDMENT

Building permit fees shall be set at the following rates:

- \$.10 cents per sq. ft. living space for finished construction
- \$.05 cents per sq. ft. unfinished construction
- \$ 60.00 for singlewide mobile homes
- \$100.00 for doublewide mobile homes
- \$150.00 per lot for subdivisions
- \$ 20.00 minimum fee

11th Amendment passed by secret ballot vote, March 5, 2007. (212 Yes, 179 No)