



**BUILDING CODE ORDINANCE
TOWN OF SABATTUS**

ADOPTED: MARCH 9, 1991

AMENDED: XXXX, XX, 2026

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BUILDING CODE ORDINANCE TOWN OF SABATTUS

SECTION I – PURPOSE & APPLICABILITY

- A. The purpose of this Ordinance is to protect the values of the Town of Sabattus and promote the health, safety and welfare of residents of the Town by regulating minimum lot size and minimum construction standards for new construction, alterations, additions, relocation and replacement of buildings.
- B. All building construction in the Town of Sabattus is governed by the Maine Uniform Building and Energy Codes, “MUBEC”, in accordance with Title 10 M.R.S.A §9724. All new construction, alterations, additions, movement, enlargement, replacement, repair, removal or demolition of buildings or structures; installation or alteration to plumbing or wastewater disposal systems, insulation, mechanical systems, or electrical systems shall comply with the provisions of MUBEC.
- C. Exemptions.

This ordinance does not apply to:

- 1. Fencing of 7 feet in height or less.
- 2. Retaining walls of 4 feet in height or less.
- 3. Landscaping, except when located in the shoreland zone.
- 4. Repairs, replacement, or maintenance not requiring structural elements.
- 5. Lots in a mobile home park which are 50 by 100 feet or larger and served by a public or private community sewer system.

SECTION II – CODES BY REFERENCE

- A. The Town of Sabattus shall enforce the Maine Uniform Building and Energy Code (MUBEC), 10 M.R.S.A. § 9721 et seq., as follows:
 - 1. International Residential Code, as amended by 08-003 C.M.R. ch. 6, (IRC)
 - 2. International Building Code, as amended by 08-003 C.M.R. ch. 4, (IBC)
 - 3. International Existing Building Code, as amended by 08-003 C.M.R. ch. 5, (IEBC)
 - 4. International Energy Conservation Code, as amended by 08-003 C.M.R. ch. 7, (IECC)
 - 5. International Mechanical Code, as amended by 08-003 C.M.R. ch. 8, (IMC)
- B. Pursuant to Title 30-A M.R.S.A. §3003, the Town of Sabattus adopts and shall enforce the following Codes by edition:

1. The 2018 edition of the National Fire Protection Association, as amended by 16-219 C.M.R. ch. 20 (eff. January 25, 2021), (NFPA 101), Life Safety Code.
2. The Maine Subsurface Wastewater Disposal Rules, published in 10-144 C.M.R. ch. 241 (September 23, 2023).
3. The 2019 edition of the National Fire Protection Association, as amended by 16-219 C.M.R. ch. 22, (eff. August 23, 2022), (NFPA 211), Standard for Chimneys, Fireplaces, Vents and Solid Fuel-Burning Appliances, as adopted by the State Fire Marshal Office.
4. The 2021 edition of the National Fire Protection Association, amended by 16-219 C.M.R. ch. 14 (eff. August 23, 2022), (NFPA 54) National Fuel Gas Code; and
5. The following Maine Fuel Board Rules and codes and standards adopted pursuant to Title 32 M.R.S.A. Chapter 139:
 - A. 02-658 C.M.R. ch. 1 (eff. September 16, 2023);
 - B. 02-658 C.M.R. ch. 2 (eff. September 16, 2023);
 - C. 02-658 C.M.R. ch. 3 (eff. September 16, 2023);
 - D. 02-658 C.M.R. ch. 4 (eff. September 16, 2023);
 - E. 02-658 C.M.R. ch. 5 (eff. September 16, 2023);
 - F. 02-658 C.M.R. ch. 6 (eff. March 30, 2024);
 - G. 02-658 C.M.R. ch. 7 (eff. March 4, 2025);
 - H. 02-658 C.M.R. ch. 8 (eff. September 16, 2023);
 - I. 02-658 C.M.R. ch. 9 (eff. September 16, 2023);
 - J. 02-658 C.M.R. ch. 10 (eff. September 16, 2023);
 - K. 02-658 C.M.R. ch. 11 (eff. September 16, 2023);
 - L. 02-658 C.M.R. ch. 12 (eff. September 16, 2023);
 - M. 02-658 C.M.R. ch. 13 (eff. September 16, 2023);
 - N. 02-658 C.M.R. ch. 14 (eff. September 16, 2023).

SECTION III – AUTHORITY & ADMINISTRATION

- A. This Ordinance is adopted pursuant to Home Rule Authority as provided for in the Constitution of Maine, Article VIII, Part Second, and Title 30-A M.R.S.A. Section 3001, and shall take effect upon its passage.
- B. The provisions of this Ordinance shall be administered and enforced by the Code Enforcement Officer (CEO). The Code Enforcement Officer shall be appointed annually by the Select Board in accordance with Title 30-A M.R.S.A. § 2601-A.

SECTION IV – ENFORCEMENT

A. Duties and Rights of the Code Enforcement Officer

1. The Code Enforcement Officer shall issue building permits in accordance with Section VI of this Ordinance.
2. The Code Enforcement Officer shall inspect all buildings during construction as deemed necessary to ensure compliance with the ordinance.
3. At reasonable hours, the Code Enforcement Officer may enter any property or enter any building with the consent of the owner, occupant or agent to inspect the property or building for compliance with this ordinance.

B. Violations.

1. If the Code Enforcement Officer finds that any provision of this Ordinance is being violated, the Code Enforcement Officer shall provide written notification to the person responsible for the violation. A notice of violation shall
 - a. Be in writing;
 - b. Include a statement of the reasons why it is being issued;
 - c. Describe the violation, including a reference to the ordinance section violated;
 - d. Specify a reasonable period as to each violation within which corrective action must be completed;
 - e. State the potential consequences if the violation is not corrected; and
 - f. Inform the violator of the right to dispute the order and how that right is exercised by appeal and specify the consequences of the failure to appeal.
2. A Notice of the violation may be served as follows:
 - a. Delivered in hand to the violator or by leaving a copy thereof at the violator's dwelling house or usual place of abode with a person of suitable age and discretion then living therein in the same household. If service is made personally or by leaving at his or her dwelling house or usual place of abode a statement signed by the person so serving stating the date of service shall be filed in the office of Code Enforcement Officer. Or,

- b. Mailed to the violator by certified mail to his or her last known address. If the return receipt is not returned, a notice shall be conclusively presumed to have been served if it is also sent by regular mail, postage prepaid, which is not returned as undeliverable by the postal service.
3. A copy of the written notice of violation shall be provided to the Select Board.
4. Any person or corporation found guilty of violating any provisions of this ordinance shall be subject to a civil penalty in accordance with Title 30-A M.R.S.A §4452, and the Code Enforcement Office may take appropriate legal action in the name of the Town of Sabattus.
5. Each day that a violation continues after notice has been served shall be deemed a separate offense.

SECTION V – DIMENSIONAL STANDARDS

- A. All buildings shall have a minimum setback of 25 feet from any street line and ten (10) feet from an adjoining lot line.
- B. Every dwelling shall have a minimum ground floor area of 400 square feet.
 1. Accessory dwelling units are exempt from the ground floor area requirement of this Ordinance in accordance with Title 30-A M.R.S.A. §4364-B, unless the lot is located within the shoreland zone, in which case, the minimum lot size requirement defined in the Shoreland Zoning Ordinance for the Town of Sabattus must be met.
- C. The following are exempt from the minimum lot size standards:
 1. One (1) accessory dwelling unit per principal structure upon submission of evidence that sufficient water and sewer capacity exists to support the development.
 - a. One (1) accessory dwelling unit may be constructed on a non-conforming lot so long as the accessory dwelling unit does not increase the non-conformity.
 2. Any lots sold or under a valid and enforceable purchase and sale agreement prior to the effective date of this ordinance, or for which a plan has been recorded at the Registry of Deeds in Androscoggin County prior to the effective date of this ordinance.
 3. Special purpose buildings such as gatehouses, well houses, and pump houses

under 100 sq. ft in size.

4. Shelters open to the weather, for sheep, cattle, horses, or other animals.
5. Erecting outbuildings, such as garages, sheds, barns, workshops, etc., on lots containing existing dwellings or other buildings.

D. Minimum lot size shall be governed by the criteria below:

1. Lots located in the Shoreland Zone: The minimum lot size, frontage, and setback standards shall be in accordance with the standards of the Shoreland Zoning Ordinance for the Town of Sabattus.
2. Lots Serviced by the Sabattus Sanitary & Water District and not located in the Shoreland Zone:
 - a. Minimum lot size: 20,000 sq. ft.
 - b. Minimum road frontage: 100 feet.
3. Lots not Serviced by the Sabattus Sanitary & Water District, not located in the Shoreland Zone, and located over the sand and gravel aquifer (delineated on the Sand and Gravel Aquifer Map produced by the Maine Geological Survey¹):
 - a. Minimum lot size: 80,000 sq. ft.
 - b. Minimum road frontage of 200 feet
4. Lots not Serviced by the Sabattus Sanitary & Water District, not located in the Shoreland Zone, and not located over the sand and gravel aquifer (delineated on the Sand and Gravel Aquifer Map produced by the Maine Geological Survey):
 - a. Minimum lot size: 40,000 sq. ft.
 - b. Minimum road frontage: 200 feet

SECTION VI – BUILDING PERMITS

A. Permit Required.

1. A building permit shall be obtained from the Code Enforcement Officer prior to the commencement of construction, addition, alteration, movement, enlargement, replacement, repair, removal or demolition of any structure.

¹ *The Sand and Gravel Aquifer Map has been reproduced on a 1" = 1,000' scaled map and is available at the Sabattus Town Office.*

building, manufactured housing, or part thereof.

B. Application.

1. Application for a Building permit shall be in writing in a form determined by the CEO. The application shall contain at a minimum:
 - a. A description of the proposal;
 - i. Professional drawings of the proposal may be requested at the discretion of the CEO.
 - b. A copy of the deed;
 - c. Written approval from the owner, or designee if the applicant is not the owner;
 - d. A permit for an HHE 200 subsurface wastewater and disposal system;
 - e. A plumbing, electrical, and driveway entrance permit;
 - f. A plot plan showing location of work, a cross-section diagram, and insulation values.

C. Fees.

1. The fee for a building permit shall be:
 - a. Please see permit fee structure.
2. All payment shall be payable to the Town of Sabattus.

D. Permit Approval.

1. The CEO shall be the authority to review all building permit applications, except that the Planning Board shall be the authority to review all Site Plan or Subdivision Applications.
2. The reviewing authority shall either issue the requested permit, issue the requested permit with conditions, or deny the requested permit within twenty (20) working days. Any conditional approval and notice of denial shall be in writing and state the reason for the conditions or denial.

E. Permit Expiration.

1. Building permits shall expire one (1) year from the date of issuance. No more than four (4) building permits will be issued to any subdivision or development in any one calendar year.
2. There will be no charge to renew a building permit for a period of up to two (2) years from the date of issuance. The exterior portion of any construction must be completed within two (2) years of the date on which construction begins.

F. Display of Permit.

1. Every Building permit shall be displayed in a conspicuous place on the street side of the premises upon issuance and shall not be moved until all work covered by the permit has been approved.

G. Prohibited.

1. No building permit shall be issued to an applicant if there are unresolved land use or code violations relating to the property for which the permit is sought; provided, however, that a permit may be issued if it is necessary to resolve the underlying violation.

SECTION VII - MANUFACTURED HOUSING STANDARDS.

- A. Manufactured housing constructed on or before June 15, 1976, must be certified as compliant with the Health and Safety Standards for Used Manufactured Housing, as adopted by the Maine Manufactured Housing Board.
- B. Manufactured housing constructed on or after June 15, 1976, must be certified as compliant with the United States Department of Housing and Urban Development (HUD) standards.
- C. All manufactured housing must comply with the following design criteria:
 1. Roofs must be finished with material manufactured for use as a finished roofing product, installed in accordance with the manufacturer's installation instructions.
 2. Exterior walls must be finished with material manufactured for use as a finish siding product, installed in accordance with the manufacturer's installation instructions.
 3. Crawl-space areas must be enclosed with weather-resistant, rigid material,

including, but not limited to, vinyl or metal panels, pressure-treated wood, brick, concrete or stone. Any wood in direct contact with the ground must be pressure-treated or of a decay-resistant species.

4. Mobile home installations must comply with the applicable requirements of the Manufactured Home Installation Standards, as adopted by the Maine Manufactured Housing Board.
 5. Modular home foundations must comply with the applicable requirements of MUBEC.
- D. No mobile home may be structurally altered or expanded, or have any additional structural load bearing upon it, unless such alteration, expansion or load has been approved by the mobile home manufacturer or unless the owner agrees, in writing, that:
1. Any structural change to a mobile home, unless approved by the manufacturer, voids the applicable federal certification for the mobile home and may result in deficiencies in the structural performance of the mobile home;
 2. The issuance of a permit for a structural change to a mobile home does not in any way cause the Town to become liable for any structural defects or property damage that may occur.

SECTION VIII - ROAD & CULVERT INSTALLATION

- A. Road construction shall be in accordance with the Street Construction Ordinance for the Town of Sabattus.
- B. The Maine Department of Transportation (MaineDOT) shall oversee the installation or replacement of culverts within the right-of-way on state and state aid highways.
- C. The Road Commissioner for the Town of Sabattus shall determine the appropriate size of a culvert on a town way. The Road Commissioner shall oversee installation or replacement of all culverts on town ways.
- D. All new driveways shall be required to install a culvert of proper size. The expense of the culvert shall be incurred by the landowner. If a landowner refuses to install a culvert in compliance with the provisions of this Ordinance, the culvert will be installed by the Town Aid, and the cost shall be assessed to the landowner or the landowners taxes.

SECTION IX – ACCESSORY DWELLING UNITS

- A. A lot where a residential dwelling unit is the principal structure may establish one accessory dwelling unit (ADU). An ADU may be located within, attached to, or detached from the principal structure.
- B. For an ADU located within the principal structure, attached to the principal structure, or sharing a wall with the principal structure, the setback requirements must be equal to the setback requirements of the principal structure.
- C. An accessory dwelling unit is permitted in an accessory building, a secondary building, or garage in existence as of the implementation date of this Ordinance at the setback required for such structure.
- D. When an accessory dwelling unit is located in the shoreland zone, the lot area and shore frontage described in the Shoreland Zoning Ordinance for the Town of Sabattus shall apply to both the principal structure and the accessory dwelling unit.

SECTION X - APPEALS

- A. Pursuant to the provisions of 30-A M.R.S.A. §2691, the Board of Appeals shall have the following authority:
 - 1. **Administrative Appeals:**
 - a. To hear and decide administrative appeals, on an appellate basis, where it is alleged by an aggrieved party that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Planning Board in the administration of this Ordinance; and
 - b. To hear and decide administrative appeals on a de novo basis where it is alleged by an aggrieved party that there is an error in any order, requirement, decision or determination made by, or failure to act by, the Code Enforcement Officer in his or her review of and action on a permit application under this Ordinance. Any order, requirement, decision or determination made, or failure to act, in the enforcement of this Ordinance is not appealable to the Board of Appeals.
 - 2. **Variance Appeals:** To grant variances only as required by 30-A M.R.S. § 4353(4) and disability variances only as required by 30-A M.R.S. § 4353(4).

B. Administrative Appeals

1. When the Board of Appeals reviews a decision of the Code Enforcement Officer the Board of Appeals shall hold a “de novo” hearing. At this time the Board may receive and consider new evidence and testimony, be it oral or written. When acting in a “de novo” capacity the Board of Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of evidence and the law, and reaching its own decision.
2. When the Board of Appeals hears a decision of the Planning Board, it shall hold an appellate hearing and may reverse the decision of the Planning Board only upon finding that the decision was contrary to specific provisions of the Ordinance or contrary to the facts presented to the Planning Board. The Board of Appeals may only review the record of the proceedings before the Planning Board. The Board of Appeals shall not receive or consider any evidence which was not presented to the Planning Board, but the Board of Appeals may receive and consider written or oral arguments. If the Board of Appeals determines that the records of the Planning Board proceedings are inadequate, the Board of Appeals may remand the matter to the Planning Board for additional fact finding.
3. An administrative appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board. Such an appeal shall be taken within thirty (30) days of the date of the written decision being appealed, except that the Board of Appeals, upon a showing of good cause, may waive the thirty (30) day requirement.

C. Appeal Procedure

1. The Board of Appeals shall use the Appeal Procedure as set forth in subsection 6(B) of the Site Plan Review Ordinance of the Town of Sabattus.
2. As provided by Title 30-A M.R.S.A. §2691, any aggrieved may take an appeal of any decision of the Board of Appeals to Superior Court.

SECTION XI – AMENDMENTS

- A. This ordinance may be amended according to the charter of the Town of Sabattus.

SECTION XII CONFLICTS & VALIDITY

- A. Where the regulations of this Ordinance differ from those described in any statute, ordinance, or other regulations, the provision, which imposes the greater restriction or the higher standard, shall govern.
- B. If any section, clause, provision, portion or phrase of this Ordinance shall be held to be valid or unconstitutional by any court of competent authority, such holding shall not affect, or validate any other section, clause, provision, portion or phrase of the Ordinance.

SECTION XIII - DEFINITIONS

- A. **Accessory Dwelling Unit (ADU).** A self-contained dwelling unit located within, attached to or detached from a single-family dwelling unit located on the same parcel of land.
- B. **Amendment.** Any modification to the MUBEC, initiated through the Technical Building Codes and Standards Board action or by petition to the Technical Building Codes and Standards Board from any agency, municipality, county or interested individual or organization that would have the effect of changing the MUBEC.
- C. **Code Enforcement Officer.** A person employed by a municipality to enforce all enabling state laws and local ordinances in the following areas: shoreland zoning, land use regulation, internal plumbing, subsurface wastewater disposal, and building standards, as defined in Title 30-A M.R.S.A. § 4451.
- D. **Dwelling.** Any part of a structure which, through sale or lease, is designated and equipped exclusively for use as living quarters including provisions for living, cooking, and eating.
- E. **Lot.** A parcel of Land.
- F. **Manufactured Housing:** A structural unit or units designed to be used as a dwelling or dwellings and constructed in a manufacturing facility and then transported by the use of its own chassis or placement on an independent chassis to a building site. For the purpose of this ordinance, there are three types of manufactured housing:
 - 1. HUD-Code Homes: Manufactured dwelling units constructed after June 15, 1976, that the manufacturer certifies are constructed in compliance with the HUD standards.

2. State-Certified Modular Homes: Manufactured dwelling units that the manufacturer certifies are constructed in compliance with the Maine Manufactured Act, Title 10 M.R.S.A. Part 11 Chapter 951.
3. Pre-HUD Code Homes: Manufactured dwelling units constructed before June 15, 1976.

G. MUBEC. the Maine Uniform Building and Energy Code adopted pursuant to Title 10 M.R.S.A. §9271, et seq.

H. Principal Structure. The structure in which the main or primary use of the lot occurs or is intended to occur.

I. Public Sewer System. The centralized sewage collection and treatment system which is owned and operated by the Sabattus Sanitary District.

J. Seasonal Dwelling. To be considered a seasonal dwelling, a building must meet a minimum of three of the requirements listed below and not be occupied more than 180 days within any calendar year.

1. The maximum area of the structure shall be limited to 750 sq. ft. of interior space.
2. There shall be no central heating system installed in the building.
3. Any heating appliance shall not have a fuel supply attached capable of heating the structure for more than 24 hours.
4. There shall not be a year-round subsurface wastewater system installed.
5. The electrical service shall be limited to 100 amp. system.
6. The structure shall be owner occupied.
7. Any water supply shall be limited to 180 days of use per calendar year.

If the building meets the minimum requirements, then the building would meet the requirements set forth by the State of Maine to be considered a seasonal dwelling for the requirements of the Maine Uniform Building and Energy Code (MUBEC). If a building is considered a seasonal dwelling, compliance with the IECC is not required.

K. State Highway. Highways which primarily serve arterial or through traffic and are maintained by MaineDOT year-round.

L. State Aid Highway. Highways not included in the system of state highways which

primarily serve as collector and feeder routes connecting local service roads to the arterial state highway system and are maintained by MaineDOT year-round, with plowing and sanding completed by the Town of Sabattus.

M. Town Way. An area or strip of land designated and held by a municipality for the passage and use of the general public by motor vehicle.

N. Third-party inspector (“TPI”). A person certified by the Maine Department of Economic and Community Development to conduct inspections under Title 30-A M.R.S. §4451.