

Building Ordinance

Town of Sullivan



March 14, 1983 (first implemented)

Amended June 23, 1986

Amended June 26, 1990

Amended June 26, 1995

Amended June 28, 2004

Amended June 24, 2013

Amended June 28, 2021

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Section 1. Introduction

1.1 Background

This Ordinance is designed to comply with Title 30-A M.R.S.A., Section 3001 providing for permits and Title 30-A M.R.S.A., Section 4452 providing penalties for violations. All residential buildings shall be constructed to comply with commonly accepted building practices and meet all electrical and other safety codes as specified in Section 7.

1.2 Purpose

The provisions of this Ordinance shall apply to all new residential construction or exterior alterations that would increase or change the outside dimensions of any building. This Ordinance applies to driveways, lighting, signs and to the locating or relocating mobile homes, recreational vehicles and/or other structures. This Ordinance does not apply to normal upkeep or maintenance of buildings. A Building Permit Application is included in Appendix A. This Ordinance applies to unsafe buildings; a Demo Permit is included in Appendix B.

Any structure less than 100 square feet in size shall not require a Building Permit but shall be required to meet all setback requirements in this Ordinance.

Any person or persons who, during construction or other activity on his/her property, directly or indirectly causes damage to a public or private way shall be responsible for all repairs to said way.

Section 2 Authority and Administration

2.1 Authority

This Ordinance is adopted pursuant to the Home Rule Power of Article VIII, Part 2, of the Maine Constitution and 30-A M.R.S.A., Section 3001 [1].

2.2 Administration

The Code Enforcement Officer (CEO) shall administer this Ordinance. The CEO shall be empowered to issue all Residential Building Permits and Demo Permits.

The Select Board shall appoint the CEO annually. Pending his/her appointment, the Town Manager shall perform CEO duties or name a temporary CEO.

2.3 Reference Maine Statutes

- 1) M.R.S.A. Title 30-A Section 3001 – Home Rule
- 2) M.R.S.A. Title 30-A Section 4452 - Enforcement of land use laws and ordinances
- 3) M.R.S.A. Title 30-A Section 2691 – Board of Appeals
- 4) National Fire Protection Association (NFPA) No. 101 Life Safety Codes, 2018 edition
- 5) 10-144 Chapter 241 STATE OF MAINE SUBSURFACE WASTEWATER DISPOSAL RULES, DEPARTMENT OF HEALTH & HUMAN SERVICES MAINE CENTER FOR DISEASE CONTROL & PREVENTION DIVISION OF ENVIRONMENTAL HEALTH, 11 STATE HOUSE STATION AUGUSTA, MAINE 04333 EFFECTIVE DATE: August 3, 2015.

2.4 Applicable Ordinances

- 1) Shoreland Zoning Ordinance – all development, business and residential, in shoreland zone
- 2) Sign Ordinance – all installation of signs for business or home business
- 3) Subdivision Ordinance – all subdivision development
- 4) 911 Ordinance – establish 911 address

Section 3 Permit

A Building Permit is needed for all activities delineated in Section 1.2 including site work. Site work less than 10 cubic feet is considered maintenance and no Permit shall be required. An application for a Permit shall be initiated before any activities are started. Routine maintenance shall not require a Building Permit.

Before changes as specified in the Permit Application are started, the owner or duly appointed agent shall obtain the appropriate Building Permit. Prior to issuance of any permit regarding a pre-owned mobile or modular home, proof of property tax payment from the originating community must be provided.

A building permit is required for site work whether or not a building is planned. Additional situations requiring a Building Permit are listed below:

- Change in use or occupancy of any structure
- Buildings and structures moved into or within the Town of Sullivan – larger than 100 square feet
- Fill, grade, dredge, or harvest timber in any Shoreland or Resource Protection Area
- Building or modifying piers, docks and wharves
- Driveway opening permit from DOT on a State roadway
- Demolition of a structure – see Appendix B for permit (asbestos hazard determination may be required)
- Installing a swimming pool of any kind (State law applies)

No Permit shall be issued prior to the applicant obtaining all other Local, State and Federal permits required, including an approved State HHE-200 form if plumbing is required. Any work commenced prior to the issuance of the permit shall be considered a violation of the provisions of this Ordinance and shall result in doubling any required permit fees.

Any person or entity under review for or charged with an existing land use, shoreland or similar violation with respect to the property under review in the Town of Sullivan shall be ineligible for any Building Permit relating to that property, unless and until the violation is resolved by the CEO or Court. The CEO shall have a minimum of one (1) week to render a decision after a complete application has been submitted.

Section 4 Fees

Building Permit Application fees are shown in Appendix A of this Ordinance. The permit application fee shall be paid to the Town. The CEO shall issue no Building Permit until the fee is paid. The fee shall not be refundable. Failure to obtain a permit before the start of construction shall double the cost of all fees.

Section 5 Application Permit

The application for the Building Permit shall be in writing to the Town of Sullivan using the form shown in Appendix A. The application shall be filed at the Town Office with the necessary signatures, attachments, and fees.

5.1 Display of Permit

Every land use permit shall be displayed at the worksite by the owner or duly authorized representative until all work covered by the permit is complete.

5.2 Expiration of Permit

Building Permits shall expire one (1) year from the date of issuance including Permits within the Shoreland Zone. If construction starts within one (1) year of the issuance of the permit, the applicant may renew the permit for one (1) additional year, after which time the permit shall expire.

Section 6 Size of Lot

No building shall be constructed or moved to any lot with a public road frontage of less than 200 feet, nor on a lot of less than 40,000 square feet. Each building shall have a setback of at least 75 feet from the adjacent road center line or right of way line and not less than 12 feet from adjacent property lines.

The CEO shall grant certain exemptions involving the following:

- A. Lots containing 40,000 square feet or over but not having sufficient road frontage as stated above shall be approved with a 200 foot building setback.
- B. Present owners are exempt from the property line requirement with adjacent owner approval in writing and registered at the Hancock County Registry of Deeds.
- C. Every lot created prior to the adoption of this Ordinance is legally grandfathered with respect to lot size, road frontage and building setbacks.

Section 7 Conformance with Other Laws and Regulations

The proposed development shall be in conformance with the Town of Sullivan Comprehensive Plan and all pertinent local, state and federal regulations. The Maine Uniform Building and Energy Code (referred to as MUBEC) applies to construction in the Town of Sullivan but the Town does not perform inspections for compliance with it. Owners and builders are responsible for obtaining such inspections. NFPA Life Safety Codes [4] shall also apply.

Section 8 Disability Variance

As stated in Title 30-A M.R.S.A., Section 4353-A, installation of temporary access for a disabled person at his or her residence, or one that he or she regularly uses, which needs to be constructed on an emergency basis, or which otherwise would create a hardship, may be considered and approved by the CEO upon application. As necessary, and as determined by the CEO, the strict site and setback requirements of this Ordinance may be temporarily waived and a variance granted for the purpose of accommodating structures necessary for access to or egress from the dwelling, which shall be removed when the need no longer exists. The permit fee may be waived at the discretion of the CEO.

Section 9 Road Entrances

No person shall access any public way, including Town Roads, unless the proposed access is approved by the CEO and/or Road Commissioner. Entrances shall meet state standards of Minimum of 24' wide to a Maximum of 32' wide for Residential and a Minimum of 50' to 55' wide for Municipal use, such as Fire Station, Salt/sand Building road and/or Schools. If the CEO and/or Road Commissioner requires the installation of a culvert to access a public way or town road, the culvert shall meet the state

minimums of 15 inches for intermittent flow and for big water flow an 18 inch culvert shall be required unless the depth needed for same is unobtainable. The culvert shall be new black plastic.

Section 10 Home Occupation

10.1 Purpose

The purpose of this section is to ensure that business uses in Sullivan are conducted safely compatible with the residential nature of the surrounding neighborhood. More intensive commercial uses than those described in this section require a Site Plan Review Ordinance Application.

10.2 Definition

A Home Occupation is a business, profession, occupation or trade undertaken for gain or profit which meets the following criteria: the business is clearly incidental and secondary to the use of the dwelling unit for residential purposes; the business is conducted within a dwelling unit or other structure accessory to a dwelling unit; and the business utilizes no more than fifty (50) percent of the dwelling unit or of the total combined floor area of the dwelling unit and accessory structure(s) up to a limit of 1,500 square feet.

10.3 Review Criteria

The following requirements shall apply to Home Occupations:

1. Home Occupations conducted only by family members do not require a permit.
2. Home Occupations employing one full time equivalent employee at any one time, other than residents of the home, are required to complete an application and secure a permit from the CEO.
3. All Home Occupations, whether requiring a permit or not, are subject to the review criteria (paragraph 10.4).
4. If more than one full time equivalent employee other than residents of the home are employed at any one time, a Site Review Plan Ordinance permit must be obtained.
5. All licensed Day Care Centers must apply for a permit.
6. Submit, in addition to the Building Permit in Appendix A, the Home Occupation Permit in Appendix B.

10.4.1 Exterior Effects

Any exterior display, exterior storage of equipment or materials and other exterior indication of a Home Occupation must be in keeping with the residential nature of the neighborhood. Prior to the installation of any sign, a sign permit shall be obtained. Outdoor activity areas are allowed for home child day care providers and home adult day service programs.

10.4.2 Nuisances

A home occupation must not generate external effects beyond the property lines or beyond the walls of the dwelling unit if the unit is part of a multifamily dwelling which exceed those levels common to a residential neighborhood. Examples of these effects are noise, vibration, smoke, fumes, dust, odors, heat, light, glare and electrical interference.

10.4.3 Traffic

The level of vehicular traffic generated by a home occupation shall not significantly exceed that generated by a residence, except for home child day care providers or home adult day service programs.

10.4.4 Parking

Adequate off-street parking must be provided for vehicles of any employee and other visitors of the home occupation during peak operating hours.

10.4.5 Hazardous Waste

A home occupation must not generate or store quantities of hazardous wastes that exceed the amounts set for "Small Quantity Generators" by the Maine Department of Environmental Protection (DEP) and must meet the requirements of DEP rules, Chapter 850 DEP rules, Section 3(A)(5)(d)(vii) if applicable.

Section 11 Certificate of Occupancy Required

No Building shall be occupied or used after or during construction, conversion to another use, or relocation until a Certificate of Occupancy is issued by the Code Enforcement Officer. The Code Enforcement Officer shall issue said certificate within fourteen (14) days after notification by the applicant that all of the permitted construction has been completed and the examination shows that all work was performed and completed in compliance with the provisions of this code and all other applicable local ordinances, state and federal codes.

Section 12 Temporary Occupancy

Temporary occupancy in temporary structures, recreational vehicles or campers shall require a Building Permit and shall be allowed only if all State subsurface wastewater disposal rules are followed. Those rules are found in 10-144 Chapter 241 STATE OF MAINE SUBSURFACE WASTEWATER DISPOSAL RULES [5]. In any case, temporary occupancy shall not exceed one (1) year.

Section 13 Demolition

A Demolition Permit from the Town of Sullivan shown in Appendix C shall be submitted at least five (5) working days prior to removal for all buildings regardless of method, e.g., demolition or burning. Maine DEP must be notified five (5) working days prior to demolishing any building (except single-family homes and related structures such as sheds and barns) even if the building does not contain asbestos.

Any building or structure, which due to lack of care, has become so dilapidated that it is unfit for any use due to being unsafe, unsanitary, a fire hazarded or otherwise a hazard to health or safety shall be demolished and removed by Town authorities.

Prior to demolition, a complete inspection shall be made by the Code Enforcement Officer, fire chief and two town officers. The owner shall also be allowed an opportunity to repair and restore it to a safe condition and with materials required in the Building Code.

Section 14 Appeals

The Select Board will hear appeals or may appoint a separate appeals board under Title 30 M.R.S.A. 2441. Variances may be granted to avoid undue hardships provided there is no substantial departure from the intent of this Ordinance.

Section 15 Amendments

On petition, or on recommendation of the CEO, the Select Board may present warrants for consideration of the Town to amend the regulations and provisions of this ordinance at a regular or special town meeting. A majority vote of the legal voters present is required.

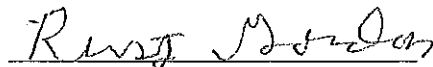
Section 16 Violations

Any violation of the provisions of the Ordinance shall be considered a nuisance and any person found guilty of violating may be fined \$25.00 to \$100.00. Each day of violation may be considered a separate offense. T 30 2151E M.R.S.A..

Section 17 Validity

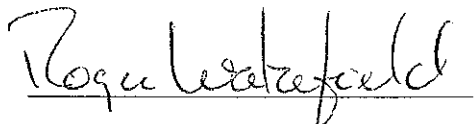
If any section, subsection, paragraph, sentence, clause, or phase of this Ordinance is declared invalid for any reason, such decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect, and to this and the provisions are declared to be severable.

Sullivan Select Board



Rusty Gordon, Chair

Raymond Daley



Roger Wakefield

Appendix A Building Permit Application

APPLICATION FOR BUILDING/LAND USE PERMIT

TOWN OF
SULLIVAN
1888 US
HIGHWAY #1
SULLIVAN, ME 04664

DATE _____ PERMIT # _____

RESIDENTIAL ONLY

Applicant Name _____ Telephone _____

Street Address _____

Town _____ State _____ Zip _____

Property Owner (if different from above)

Street Address _____

Town _____ State _____ Zip _____

TYPE OF PERMIT (DEP Permit by Rule may be required)

BUILDING

- New Construction
- Addition
- Alteration*
- Change of Use**
- Home Occupation
- Demolition*
- Relocation*
- Repair*
- Other

LAND USE

- Clearing
- Timber Harvest
- Excavation
- Back Fill
- Driveway
- Other

*Denotes DEP notification and/or inspection required for asbestos or asbestos containing equipment

**Change of use from a single family residence to a non-single family residence

DESCRIPTION OF PROPERTY

Shoreland [] Yes [] No Floodplain [] Yes [] No

Map _____ Lot _____ Zone Designation* [] N/A [] WL [] SPD [] RP [] GD [] LR [] LC [] CFMA

*Legend: As shown on official Shoreland Zoning map located at the Town Office.

- NA = not Shoreland Zone
- WL = Wetlands
- SPD = Stream Protection District
- RP = Resource Protection
- GD = General Development District
- LR = Limited Residential District
- LC = Limited Commercial District
- CFMA = Commercial Fisheries/Maritime Activity District

Present Use _____

Name of Subdivision _____

DESCRIPTION OF ACTIVITY (briefly describe the activity to be covered by this permit including number of square feet or percent of home utilized for Home Occupation)

DESCRIPTION OF STRUCTURE

Exterior Dimensions _____ Number of Floors _____ Total Square Feet _____

Serial Number (mobile or modular) _____

NON-REFUNDABLE FEE REQUIRED: Checks payable to **Town of Sullivan**

- Application fee of \$25.00 for the first \$25,000 of the estimated project cost plus \$1 per thousand for the estimated cost over \$25,000
- Renewal/Replacement of permit \$15.00 only (application fee does not apply).
- Home Occupation permit valid indefinitely \$25.00 only

Subtotal \$ _____

STRUCTURES (NEW, ADDITIONS, MOVE-ONS)

- Structures in shore land zone: \$25.00 surcharge - DEP Permit by Rule may be required

Subtotal \$ _____

Non-Structural:

- Demolition – application but no fee
- Driveways to State roads – DOT notice required
- Seawalls and docks – DMR/DEP notice required

Subtotal \$ _____

Fee Total \$ _____

PROJECTS STARTED BEFORE PERMIT IS ISSUED WILL INCUR DOUBLED FEES

ANY PERSON OR ENTITY UNDER REVIEW FOR OR CHARGED WITH AN EXISTING LAND USE VIOLATION SHALL BE INELIGIBLE FOR A BUILDING PERMIT

INCLUDE THE FOLLOWING: (as applicable, originals not required)

- Proof of ownership
- Plot Plan (to scale) showing the following:
 - Dimensions
 - Structural locations
 - Abutting waterways
 - Distances of structures to lot lines
 - Location of sewage disposal system
 - Location of well
 - Area of land to be cleared
 - Earth moving activity (3-D plan with specific values for the amount of earth removed or fill)
- E-911 request (if applicable)

ATTACH THE FOLLOWING: (if applicable)

- Copy of plumbing permit (if required)
- Copy of excavators state certification if digging in shore land (if required)
- Copy of subsurface waste water permit
- Copy of federal, state or local permits and variances regarding the use of this property
- Copy of building plans and specifications
- Any other information which will assist in the approval of this application

PROPOSED START DATE: _____ PROPOSED COMPLETION DATE: _____

ESTIMATED COST OF PROJECT: _____

Said permit to be issued based on the information contained within this application. The applicant hereby certifies that all the information and attachments to this application are accurate. All proposed uses shall be in conformance with this application and the ordinances of the Town of Sullivan. The applicant and contractor are knowledgeable of all applicable ordinances. Incomplete applications will be rejected.

To the best of my knowledge, all information on this application and its attachments is true and correct. All proposed uses and structures will be in conformance with all applicable ordinances of the Town of Sullivan, the laws and codes of the State of Maine and all applicable federal laws. I further grant permission to the Town CEO or designee to enter said property, at any agreed upon date and time for the purpose of permit associated inspection as called for in applicable ordinances.

Signature of Applicant

Date

Appendix B Home Occupation Permit

HOME OCCUPATION PERMIT APPLICATION

TOWN OF SULLIVAN

1888 US

HIGHWAY #1

SULLIVAN, ME

04664

Please enter the following information:

- 1) Size of dwelling to be used for Home Occupation _____
- 2) Size of dwelling area to be used for Home Occupation _____
- 3) Percentage of dwelling used for Home Occupation _____
- 4) Show diagram of parking area to be used for Home Occupation below

Appendix C Demolition Permit

DEMOLITION PERMIT APPLICATION

TOWN OF SULLIVAN

1888 US

HIGHWAY #1

SULLIVAN, ME

04664

DATE _____ PERMIT NO _____

Applicant Name _____ Telephone _____

Street Address _____

Town _____ State _____ Zip _____

TYPE OF STRUCTURE TO BE DEMOLISHED _____

OTHER BUILDINGS ON SITE IF ANY _____

MAP _____ LOT _____

MOBILE HOME: YEAR _____ MAKE _____ SIZE _____

COLORS _____ SERIAL NUMBER _____

Owners name, address and telephone # if different than above:

Name _____

Address _____

Telephone # _____

TO BE DEMOLISHED / REMOVED BY _____

OR BURNED BY _____

REAL ESTATE TAXES PAID THROUGH TAX YEAR _____ Date: _____

Owners of the property requesting this permit gives the Code Enforcement Officer of the Town of Sullivan Permission to enter said property for the purpose of Inspection to ensure compliance with all the Building Codes and Ordinances.

Signature of Applicant

Date

Code Enforcement Officer

Date