

Chapter 6

BUILDINGS AND BUILDING REGULATIONS*

- Art. I. In General, §§ 6-1 – 6-15**
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***Cross references**—Alarm systems, Ch. 2.5; fire prevention and protection, Ch. 10; land use, Ch. 14; rodent and vermin control, Ch. 22; sewers, Ch. 24; streets, sidewalks and other public places, Ch. 25; moving of structures, § 25-191 et seq.; swimming pools, Ch. 26.

ARTICLE I. IN GENERAL

Secs. 6-1 – 6-15. Reserved.

ARTICLE II. BUILDING CODE

Sec. 6-16. Adoption of BOCA National Building Code.

There is hereby adopted for the purpose of regulating the construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of all buildings and structures, the following certain code recommended by the Building Officials and Code Administrators International, Inc., the BOCA National Building Code, current edition, and the whole thereof, except for such portions as are deleted, modified or amended in this article. **(Amended May 12, 2007)**

(Code 1968, § 301.1; Ord. No. 211-79, 10-22-79; Ord. No. 354-81; Ord. No. 290-84, § 1 11-19-84; Ord. No. 540-87, § 1, 6-3-87; Ord. No. 109-90, 10-1-90)

State law reference—Authority to adopt codes by reference, 30-A M.R.S.A. § 3003.

Sec. 6-17. Definitions.

The BOCA National Building Code shall be construed as follows:

- (1) *Name of jurisdiction*: Wherever the phrase “name of jurisdiction” appears in the code, Town of Long Island shall be substituted.

- (2) *Name of state:* Wherever the phrase “name of state” appears in the code, “the State of Maine” shall be substituted.

(3)

Building official: Wherever the term “building official” appears in the code, it shall mean the building authority or his authorized representative, or CEO.

- (4) *Other regulations:* Wherever the code refers to “other regulations,” “all pertinent laws,” or “other provisions of law,” such reference shall include, at a minimum, the Maine Revised Statutes Annotated, Private and Special Laws of the State of Maine, regulations of administrative agencies of the State of Maine, other provisions of the code except those deleted, and all other ordinances of the city.

(Code 1968, § 301.2; Ord. No. 211-79, 10-22-79; Ord. No. 354-81; Ord. No. 290-84, § 2, 11-19-84; Ord. No. 540-87, § 2, 6-3-87)

Cross reference—Definitions and rules of construction generally, 1-2.

Sec. 6-18. Amendments.

The BOCA National Building Code is amended as follows:

Sec. 110.0 Demolition of structures, is amended by adding the following subsections.

110.4 *Dust prevention:* 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 from circulating in the surrounding area.

110.5 *Expiration of permit:* 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 periods of not more than fifteen (15) days.

110.6 *Removal and disposal of asbestos:* Before a permit to demolish or remove a structure is issued, the health officer shall inspect the premises for the presence of friable asbestos material. For the purposes of this subsection, ‘friable asbestos material’ means any material that contains more than one (1) percent asbestos by weight and that can be crumbled, pulverized, or reduced to powder, when dry, by hand pressure. No permit shall be issued until the applicant has removed and disposed of all such material as may be present in potentially hazardous amounts, in accordance with applicable state and federal regulations.

110.7 *Demolition of certain structures:* Except as provided in article IX of chapter 14 of this Code, no permit shall be issued for the demolition of any structure to the provisions of that article.

110.8 *Removal and disposal of demolition debris:* Before a permit either to demolish or remove a structure or a part thereof or to remove or dispose of existing demolition debris, as defined herein, is issued, the applicant will satisfy the building official that:

- “1. All such debris will be removed from the island and transported to the mainland for disposal prior to the expiration of the permit;
- “2. The debris will be removed to the Regional Waste System construction and demolition debris disposal facility, as required by section 12-103 of this Code; and
- “3. The disposal of the debris at such facility will be in accordance with all applicable federal and state rules, statutes and regulations relating to the transportation and disposition of such material.

110.8.1 *Demolition debris:* Demolition debris includes, but is not limited to materials which are created by site preparation, clearing land or erection of a structure. It also includes, but is not limited to, brush, tree limbs, stumps; and building materials and the waste products of 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.

110.8.2 No demolition debris shall either be disposed of or stored on any of the islands.”

Sec. 104.0 *Department of building inspection,* is amended by deleting it in its entirety.

“In addition, such permit or approval may be revoked by the building official if the issuance thereof was based on a mistake of law.”

Sec. 112.3.1 *Fee schedule,* is amended by inserting the following where appropriate:

**FEE SCHEDULE
(Amended May 9, 2009)**

I. Construction work:

New construction – entire area -----\$.30/per sq. ft.

Minimum permit fee -----\$30.00

Any other construction (ex. dormer, alterations, etc.): Fee will be based upon \$30.00 minimum for 1st \$1,000 - \$6.00 per \$1,000 additional – according to a total cost of materials and labor.

Belated Fee -----Double permit fee

Amendments to permit

Up to \$2,000 of cost ----- \$30.00
 Over \$2,000 of cost ----- \$30.00
 + \$6.00 per every \$1,000 of

total cost

II. Fees for specific items:

- A. Change of use permit ----- \$60.00
- B. Demolitions ----- \$30.00 – 1st \$1,000
 + \$6.00 per every \$1,000 of total cost
- C. Moving building ----- \$30.00 – 1st \$1,000
 + \$6.00 per every \$1,000 of total cost

III. Fees in lieu of cost of work:

- A. Signs ----- \$30.00
- B. Tanks: propane gas, gasoline, fuel oil (300 gallons or more) -
 -\$ 50.00
 Removal ----- \$15.00
- C. Parking lots ----- \$110.00
- D. Fire alarms and sprinkler systems - - \$ 30.00

Except as otherwise provided herein, permit fees shall be based upon estimated total cost of materials and labor at the rate of \$30.00 minimum for 1st \$1,000 - \$6.00 per \$1,000 additional, for any other structure altered, constructed or demolished.

Sec. 116.4 Violation penalties: Any person, firm or corporation who violates any of the provisions of this code or fails to comply with the standards for performance set forth herein, or who violates or fails to comply with any lawful order made pursuant hereto, or who builds inconsistently with any statement of specifications or plans submitted and approved hereunder or in violation of any certificate or permit in force hereunder, shall be punished jointly and severally for each and every violation by a penalty as provided in town of Long Island Code section 1-15. The imposition of one (1) penalty for any violation shall not excuse the violation nor permit it to continue, and all such persons, firms, or corporations shall correct or remedy such violations within a reasonable time. When not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.”

Sec. 118.0 Certificate of use and occupancy, is amended by addition of the following sub-section:

Sec. 118.5 Issuance of certificate: No certificate of occupancy or temporary certificate of occupancy shall be issued under the provisions of this code where any condition of the building or the property is not in compliance with any other section of the Town Code.”

Sec. 123.0 Building official:

Sec. 123.1 Applications to use new methods, materials ore or equipment: To afford opportunity for development and use of materials, units, systems, equipment and methods not covered in the text of this code, a written application for permission to use such materials, methods or equipment may be submitted to the building official. Such applications should be accompanied by evidence of properly authenticated tests, investigations or practical use that shows the quality and adaptability of the material, method or equipment.

Sec. 123.2 Granting of permission: When evidence is established that such a material, method or equipment is equivalent to that for which it would be substituted, the building official may allow its use, with or without such conditions as deemed necessary to protect the public interest.”

Sec. 121.0 Board of Appeals, is repealed and replaces as follows:

Sec. 121.1 Waivers: The building official may recommend a waiver of any of the provisions of this code upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of this code which create an undue hardship, provided that such waiver is not inconsistent with the purpose of this code. The recommendation and the reasons therfor shall be entered upon the records of the department and a copy signed by the building official shall be furnished the applicant and the city council. Such waiver shall become effective fifteen (15) days and after the date of the recommendations unless a majority of the city council shall file with the building official within the time written objection to the granting of such waiver.

Sec. 121.2 Rulings: The building official may issue interpretative rulings on the meaning or applicability of this code and any such ruling may be appealed as in the case of the denial of a permit.

Sec. 121.3 Application to use new methods, materials or equipment: To afford opportunity for development and use of materials, units, systems, equipment and methods not covered in the text of this code, a written application for permission to use such materials, methods or equipment may be submitted to the building official. Such applications should be accompanied by evidence of properly authenticated tests,

investigations or practical use that shows the quality and adaptability of the material, method or equipment.

Sec. 121.4 Granting of permission: When evidence is established that such a material, method or equipment is equivalent to that for which it would be substituted, the building official may allow its use, with or without such conditions as deemed necessary to protect the public interest.

Sec. 121.5 Appeals: whenever the building official shall disapprove an application or refuse to grant a permit applied for under this code or when it is claimed that the provisions of this code do not apply, or that the true intent and meaning of this code have been misconstrued or wrongly interpreted, any person aggrieved thereby may appeal from the decision of the building official to the city council within ten (10) days from the action of the building official. The city council may, by a majority vote, reverse an incorrect decision of the building official and may permit exceptions to or variances from the specific provisions of this code where it is established that strict application of the provisions of this code would result in undue hardship, and that the purpose of this code in promoting public health, safety and welfare is not adversely affected thereby.”

Sec. 6-19. Standards mandatory.

Except as otherwise expressly provided, all general provisions of this article and the code incorporated herein are mandatory. Exceptions to general prohibitions or requirements shall be narrowly construed and narrowly applied. Any person asserting that failure to comply with a general prohibition or requirement is authorized by an exception to such general prohibition or requirement shall bear the burden of proof as to such exception.

(Code 1968,§ 301.2.5; Ord. No. 211-79, 10-22-79; Ord. No. 354-81, 12-21-81)

ARTICLE III. ELECTRICAL CODE

DIVISION 1. GENERALLY

Sec. 6-32. Adoption of the National Electrical Code.

There is hereby adopted for the purpose of regulating the construction, installation, alteration, repair, maintenance and removal of electric conductors and equipment installed within or on public and private buildings or other structures including mobile homes and recreational vehicles and other premises such as yards and other lots and industrial substations; for the purpose of regulating the connection of such installations to a supply of electricity and for the purpose of regulating any other outside conductors on the premises, the National Electrical Code, latest edition (as recommended by the National Fire Protection Association), which is adopted and approved and made a part of this Code without exception as fully as if every word were printed herein.

State law references—Electrical installations, 30-A M.R.A.S. 4151 et seq;
Electricians, 2 M.R.S.A. 1101 et seq.

Sec. 6-33. - 6-56. Reserved.

Sec. 6-56. Electrical Fees (Amended May 9, 2009)

Minimum Fee	-----	-\$20.00
100 amp service	-----	\$20.00
200 amp service	-----	\$25.00
Each additional sub panel (including generator panel)	--	-\$10.00

Wiring Permits:

1-24	Light, receptacle, switch outlets	-----	\$20.00
25-50	Light, receptacle, switch outlets	-----	\$40.00
50+	Light, receptacle, switch outlets	-----	-\$60.00

Temporary Service ----- \$20.00

Belated Permit ----- Double Permit Fee

All work requires a permit. If upon inspection by the electrical inspector there is found to be work performed that was not included on the permit, an additional permit to cover this work must be obtained, and the fee for the additional permit shall be double the fee set forth above.