

**TITLE XII  
TOWN OF OGUNQUIT  
BUILDING CODE REGULATIONS**

The Town of Ogunquit, by vote on Article 10 at an Annual Town Meeting held on April 7, 2003, does hereby ordain these Building Code Regulations to be codified for reference as Title XII of the Ogunquit Municipal Code, to be adopted and effective immediately upon the affirmative vote of a majority of the voters present and voting at said Town Meeting.

**ARTICLE 1- ADMINISTRATION**

**1.1 TITLE**

This ordinance shall be known and cited as the Town of Ogunquit Building Code Regulations.

**1.2 PURPOSE**

The purpose of these regulations is to provide minimum standards for the preservation of life, property, environment, health and the general safety and welfare of the public, owners, inhabitants and users of all dwellings, buildings, premises and structures within the Town of Ogunquit.

**1.3 AUTHORITY**

Authority to enact this Ordinance is found generally in the Maine Revised Statutes Annotated, Title 30-A, more specifically, but not limited to, Sections 3002,3003 and 4452, which authorizes the Town to adopt nationally recognized codes by reference and grants enforcement authority to municipal officials.

**1.4 SCOPE**

These Building Code Regulations shall control all matters concerning the erection, construction, alteration, addition, repair, removal, demolition, location, occupancy, remodeling and maintenance of all buildings and structures; except as otherwise may be pre-empted under applicable federal and/or state regulations.

**1.5 VALIDITY**

a. In the event any section, sub-section, paragraph, sentence, clause or phrase of these Building Code Regulations should be declared invalid by a court of competent jurisdiction, all other parts and provisions of these Building Code Regulations not so declared invalid shall remain in full force and effect.

b. Nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or rights acquired, or liability incurred, or any causes of action acquired or existing, under any act or ordinance hereby repealed as sited in Section 1.7 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

## **1.6 CONFLICTING REGULATIONS**

In the event of conflicting provisions in these Building Code Regulations and any of the terms or provisions of the codes adopted by reference or State law, or conflicts with any other applicable regulations pertaining to land use, buildings, zoning, etc., the more restrictive standard shall apply.

## **1.7 REPEAL OF PREVIOUS BUILDING REGULATIONS AND CODES**

These Building Code Regulations shall hereby supercede and replace all applicable Town of Ogunquit Building and Code Regulations previously adopted as they may pertain to the codes and regulations set forth herein, including, but not limited to the Ogunquit Building Code adopted in March 1982, amended in April 1988 and amended in April 1997, and An Ordinance for Adoption of the 1994 NFPA Life Safety 101 Code approved by the voters at a June 10, 1997 Special Town Meeting.

## **1.8 APPOINTMENT OF A BUILDING OFFICIAL**

The positions of Code Enforcement Officer and Deputy Code Enforcement Officer are hereby established in accordance with the provisions of Title 30-A M.R.S.A. Section 2601-A, whereby the persons so appointed shall also serve as Building Official, Building Inspector and local Plumbing Inspector, with all of the statutory authority under Maine law as may be applicable thereto, and with all of the authority as specified in Section 1.9 of this Ordinance, together with such other duties as the Town may assign, subject to all applicable provisions of the Town's Personnel Rules. The term Code Enforcement Officer as used herein shall also refer to the Deputy Code Enforcement officer throughout these Building Code Regulations to the extent that a person appointed as Deputy Code Enforcement Officer is otherwise qualified by law and so authorized by the Code Enforcement Officer.

## **1.9 DUTIES OF THE BUILDING OFFICIAL**

Notwithstanding any additional duties that are set forth in other State statutes and Town Ordinances or those that may be prescribed in accordance with the Town's Personnel Rules, the Code Enforcement Officer shall serve as the Building Official and shall administer and enforce all of the provisions of these Building Code Regulations and the nationally recognized codes adopted by reference herein and the plumbing and electrical codes adopted by the State of Maine. Additionally, the Building Official shall have the authority to: (a) perform all necessary inspections; (b) issue permits as provided herein; (c) issue Certificates of Occupancy as provided herein; (c) issue Stop Work Orders in

accordance with procedures described in the nationally recognized codes adopted by reference herein; and (d) represent the Town of Ogunquit in District Court in the prosecution of alleged violations of this Ordinance pursuant to the authority set forth in Title 30-A M.R.S.A. Section 4452.1.C. Furthermore, it shall be the duty of the Building Official to keep the official records of his/her office, to include: applications, permits, certificates, reports of inspections, written correspondence and decisions, notices, orders, enforcement action, etc. All such records, except those specifically excluded by state law, shall be made available to any member of the public during normal business hours of the municipal offices. Also, the Building Official is hereby empowered to consult with any and all other federal, state and local government officials (such as the Ogunquit Fire Chief) for assistance in the administration and enforcement of these Building Code Regulations, to the extent that any such official may have specific knowledge or a high degree of expertise related to the nationally recognized codes referenced herein.

### **1.10 SCHEDULE OF FEES**

The Ogunquit Board of Selectmen is hereby authorized to establish a schedule of fees for permits and inspections covered under these Building Code Regulations, which shall thereafter be attached hereto as Appendix I, in accordance with the provisions of Title 30-A M.R.S.A. Section 4355. These fees may be amended from time-to-time as deemed necessary by the Selectmen upon a majority vote at any duly posted, public meeting.

### **1.11 VIOLATIONS**

Any person who violates any provision of these Building Code Regulations may be subject to (a) Stop Work Order and/or (b) a civil penalty in a minimum amount of one hundred dollars (\$100.00) per violation per day with a maximum fine of up to two thousand five hundred dollars (\$2,500) per violation per day as set forth in the provisions of Title 30-A, M.R.S.A. Section 4452.3. In the event of a violation as determined solely by the Building Official, said Building Official is hereby authorized to issue and post a Stop Work Order to be displayed in a prominent location on the property where the work is taking place. Any person who removes a Stop Work Order shall be guilty of a violation of these Building Code Regulations.

## **ARTICLE 2 - APPLICABLE CODES**

### **2.1 ADOPTION BY REFERENCE**

The following codes are hereby adopted by reference in accordance with the provisions of Title 30-A M.R.S.A. Section 3002.3, to include the insertions and deletions noted as amendments herein:

## **2.2 BUILDING CODE**

Maine Uniform Building and Energy Code (MUBEC), as adopted on October 11, 2010 by the Maine Department of Public Safety's Building Codes and Standards Board, be adopted by reference, as authorized by 10 M.R.S.A., section 9724(1-A) and 30-A M.R.S.A., section 3003. The penalty for violation of any provisions of MUBEC shall be as provided by 30-A M.R.S.A., section 4452. **(STM 11/05/13 ARTICLE 6)**

## **ARTICLE 3 -PERMIT REQUIREMENTS**

### **3.1 BUILDING PERMITS**

No person shall commence any work on a building or structure until such time as a valid Building Permit is obtained and prominently posted on the property where the work is taking place. A Building Permit shall be required for all work covered under these Building Code Regulations, including, but not limited to: construction, alteration, addition, renovation, demolition, removal, relocation, change in use, installation of fixed equipment, and other such activities as set forth in Article 4 of the Ogunquit Zoning Regulations. Repairs that do not involve the structural alteration of an existing building and do not include electrical, plumbing, or mechanical work for which accessory permits would be required, shall be exempt from the requirements of this section. All persons requesting a Building Permit shall be required to complete an application to the satisfaction of the Code Enforcement Officer as set forth in Section 4.5 of the Ogunquit Zoning Regulations, in addition to any other information that Code Enforcement Officer may reasonably require in order to administer and enforce these Building Code Regulations.

### **3.2 ACCESSORY PERMITS**

Accessory permits in addition to a Building Permit shall be required as deemed appropriate by the Code Enforcement Officer or other Town and State Officials based on the scope of work required and the need to inspect and enforce these Building Code Regulations, Maine Plumbing Rules, Maine Electrical Regulations, Ogunquit Highway Policies and Regulations and all other applicable building, plumbing, electrical, mechanical, or health code requirements. These accessory permits include, but are not limited to, plumbing, electrical, mechanical, sanitary, well, driveway, road entry, heating appliances, etc. An on-site review prior to the issuance of any permit may be required as deemed necessary by the Code Enforcement Officer to ensure that the proposed construction conforms to these Building Code Regulations and any other applicable State Regulations, Town Ordinances and Policies or other conditions of approval, which may have been set forth by an agency with competent jurisdiction.

### **3.3 OCCUPANCY PERMIT**

Notwithstanding the provisions of Section 3.4, no person shall occupy any building or structure when work is taking place for which a Building Permit has been or should have been issued until a Certificate of Occupancy has been issued by the Code Enforcement Officer. A Certificate of Occupancy may be issued by the Code Enforcement Officer when all construction activity is completed and the building or use is deemed to be safe and in compliance with these Building Code Regulations and all applicable State Regulations, Town Ordinances and Policies or other conditions of approval which may have been set forth by an agency with competent jurisdiction

### **3.4 TEMPORARY OCCUPANCY PERMIT**

The Code Enforcement Officer may issue a Temporary Occupancy Permit to allow for continued occupation of a pre-existing structure while work covered by a Building Permit is proceeding, when, in the opinion of the Code Enforcement Officer, such occupancy does not pose a threat to the health and safety of the occupants. In addition, the Code Enforcement Officer may issue a Temporary Occupancy Permit to allow for initial occupation of a newly constructed building while work covered by a Building Permit is proceeding, upon substantial completion but prior to the full completion of the work, when, in the opinion of the Code Enforcement Officer, such occupancy does not pose a threat to the health and safety of the occupants. A Temporary Occupancy Permit issued under these circumstances may be valid for as long as deemed necessary by the Code Enforcement Officer as otherwise provided in the applicable codes, but no longer than one hundred eighty (180) days.

### **3.5 AFTER THE FACT PERMITS**

In the event that any person is found to have begun working prior to obtaining a permit as otherwise set forth herein, notwithstanding any civil penalties that may be imposed under Section 1.11, the permit fees as otherwise set forth in the fee schedule (see Appendix I)

shall be doubled, up to a maximum of two thousand five hundred dollars (\$2,500.00) in addition to the regular fees that may be applicable.

### **3.6 CONTINUATION OF USE**

Nothing in these Building Code Regulations shall be construed to prevent continuance of any existing lawful use of land or building in a manner consistent with the use in effect at the time of the adoption of these Building Code Regulations or upon amendment thereto, except as specifically provided by State Law or applicable Town Ordinances.

### **3.7 EXPIRATION OF PERMITS**

Notwithstanding the authority of the Code Enforcement Officer to revoke a permit as set forth in Section 4.3 below, in which case such a permit shall be treated as though it expired, all Building Permits shall automatically expire and become void in accordance with the provisions of Section 4.5.F of the Ogunquit Zoning Ordinance. Accessory Permits shall also expire under the same circumstances unless otherwise noted on the permit. Upon the expiration of a permit, all work must immediately cease and anew permit will be required along with additional payment of all applicable fees prior to any construction activity taking place.

## **ARTICLE 4 -INSPECTIONS**

### **4.1 REQUIRED INSPECTIONS**

It shall be the duty and obligation of the Code Enforcement Officer to perform whatever inspections he/she deems necessary in the administration and enforcement of these Building Code Regulations.

### **4.2 FINAL INSPECTION**

Upon completion of work associated with a permit issued under these Building Code Regulations, and prior to the issuance of a Certificate of Occupancy, the Code Enforcement Officer shall conduct a final inspection to determine compliance with the provisions of all applicable codes and standards adopted herein in addition to other applicable land use regulations and conditions of approval.

### **4.3 RIGHT OF ENTRY**

The Code Enforcement Officer shall have the authority to perform inspections as may be necessary to assure compliance with these Building Code Regulations as otherwise set forth in Title 30-A M.R.S.A. Section 4452.1. Accordingly, he/she shall not be denied reasonable access to any structure or property for which a permit has been issued or applied for or required under these Building Code Regulations. Any person who refuses lawful access to the Code Enforcement Officer by threat or obstruction may be subject to (a) prosecution for a violation of these Building Code Regulations; (b) revocation of a

permit; (c) denial of a Certificate of Occupancy; (d) legal proceedings whereby an administrative search warrant is sought; and/or (e) prosecution for criminal action.

UNDER SEAL OF THE TOWN, ATTEST AS HAVING BEEN RECEIVED AND RECORDED FOR THE PURPOSES HEREIN SET FORTH, BEFORE ME ON THIS THE 6th DAY OF NOVEMBER, 2013

---

Office of the Town Clerk