

**WARRANT
FOR THE
2013 SPECIAL TOWN MEETING
OF THE
TOWN OF OGUNQUIT**

TO: PATRICIA L. ARNAUDIN, Chief of Police of the Town of Ogunquit, in the County of York, State of Maine:

GREETINGS: In the name of the State of Maine, you are hereby required to notify and warn the inhabitants of the Town of Ogunquit in said county and state, qualified by law to vote in town affairs, to meet at the Dunaway Community Center in said Town on **Tuesday, the fifth (5th) Day of November 2013, A.D.** at eight o'clock in the morning (8:00 a.m.) until eight o'clock in the evening (8:00 p.m.) to vote by secret ballot on the following warrant articles; to wit:

ARTICLE 1: To elect a Moderator to preside at said Meeting. [Note: This question is not intended to be acted upon as part of the official secret ballot at the Special Town Meeting.]

ARTICLE 2: Shall the Town vote to approve the proposed Charter amendment printed below? [Note: Proposed amendment is underlined. Language proposed to be removed is indicated by a ~~strikeout~~.]

ARTICLE III - SELECTBOARD

SECTION 310 - POWERS OF THE BOARD

310.16 The Select Board shall issue a written Mid-Year Report each February ~~January~~ updating the citizens of the Town on the Articles passed at the last Annual Town Meeting and any subsequent Special Town Meetings. This report shall also summarize the ~~include any important activities and~~ issues currently before the Select Board. The Mid-Year Report ~~Annual Report~~ shall cover the first six (6) months of the current Fiscal Year.

Notice of this report shall be given seven (7) calendar days prior to its issuance. Notice shall be posted in three (3) conspicuous places and on the community public access channel (WOGT). This "Town State of Ogunquit Mid-Year Report" shall be posted on the town website (townofogunquit.org) and copies shall be available in Town Hall. The first item on the agenda at the Select Board's meeting following the "Mid-Year Report" shall be a public forum for questions and comments. ~~For the purpose of this Charter, the Annual Report shall be considered the "Year End Report"~~.

ARTICLE 3: Shall the Town vote to approve the proposed Charter amendment printed below? [Note: Proposed amendment is underlined. Language proposed to be removed is indicated by a ~~strikeout~~.]

ARTICLE III — SELECTBOARD

SECTION 310 - POWERS OF BOARD

310.19 Provide oversight, liaison and leadership to the volunteer committees and advisory groups that serve at the Board's pleasure. No Select Board member shall serve as a voting member of a committee or advisory group.

ARTICLE 4: Shall the Town vote to approve the proposed Charter amendment printed below? [Note: Proposed amendment is underlined. Language proposed to be removed is indicated by a ~~strikeout~~. All other portions of the ordinance are proposed to remain unchanged. The symbol “*****” indicates that a portion of the Charter, which is not proposed to be changed, is not shown below, in order to save space].

ARTICLE V – FINANCIAL PROCEDURES

SECTION 504 – REVENUE AND EXPENDITURES

This transfer is limited to an amount not to exceed Twenty-Five Thousand Dollars (\$25,000.00)~~Ten Thousand Dollars (\$10,000.00)~~ for any one department and not to exceed 1% (One Percent) of the total municipal operating budget ~~Fifty Thousand Dollars (\$50,000.00)~~ for the departments overall. Amounts above these limits require approval at a Special Town Meeting.

ARTICLE 5: Shall the Town vote to approve the proposed Charter amendment printed below? [Note: Proposed amendment is underlined. Language proposed to be removed is indicated by a ~~strikeout~~. All other portions of the ordinance are proposed to remain unchanged. The symbol “*****” indicates that a portion of the Charter, which is not proposed to be changed, is not shown below, in order to save space].

ARTICLE V – FINANCIAL PROCEDURES

SECTION 506 – INDEPENDENT ANNUAL AUDIT

This information shall be published in the Annual Report which shall be made available to the voters within 90 days of the close of the Town’s Fiscal Year. Extensions to this time line due to mitigating circumstances may be voted by an affirmative vote of the Select Board. In any case, the Annual Report must be available to the public ninety (90) days ~~fifteen (15) days~~ prior to the Annual Town Meeting.

ARTICLE 6: Shall an ordinance entitled, “**An Ordinance to amend Title XII of the Ogunquit Municipal Code, Article 2**”, as shown below be enacted? [Note: Proposed amendment is underlined. Language proposed to be removed is indicated by a ~~strikeout~~. A copy of Maine Uniform Building and Energy Code is and shall remain on file with the municipal clerk and is available for public use, inspection and examination.]

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:

a. ~~The 2000 International Building Code~~, as published by the International Code Council, Inc., First Printing, with the following amendments:

1) ~~Section 101.1~~, Insert “the Town of Ogunquit”

2) ~~Section 101.4.1~~, Delete “ICC Electrical Code” and replace with “applicable regulations set forth in the National Electrical Code, National Electrical Safety Code or electrical provisions of other safety codes which have been approved by the American Standards Association in accordance with Title 30 M.R.S.A. Section 4161”

- 3) — Section 101.4.2, Delete entire text
- 4) — Section 101.4.3, Delete entire text
- 5) — Section 101.4.4, Delete “International Plumbing Code” and replace with “State Plumbing Code – Internal Plumbing (144 CMR 238)”; and delete “International Private Sewage Code” and replace with “Maine Subsurface Waste Water Disposal Rules (144A CMR 241)”
- 6) — Section 101.4.5, Delete entire text
- 7) — Section 101.4.6, Delete entire text
- 8) — Section 101.4.7, Delete entire text
- 9) — Section 103, Delete entire text
- 10) — Section 105.2, Delete “Building” items 1, 2, & 12
- 11) — Section 105.2.3, Delete entire text
- 12) — Section 107.3, Delete “ICC Electrical Code” and replace with “applicable regulations set forth in the National Electrical Code, National Electrical Safety Code or electrical provisions of other safety codes which have been approved by the American Standards Association in accordance with Title 30-A M.R.S.A. Section 4161”
- 13) — Section 108.4, Delete “building official” and replace with “Board of Selectmen as set forth in Section 1.10 of this Ordinance”
- 14) — Section 108.6, Delete entire text and replace with “No refunds shall be issued following the review of the submitted plan unless”
- 15) — Section 109.3.5, Delete entire text
- 16) — Section 109.3.7, Delete entire text
- 17) — Section 110.2, Delete entire text
- 18) — Section 110.3, Amend existing text to read: “After the building official inspects the building or structure and finds no violations of the provisions of this code or other applicable laws that are enforced by the department of building safety the building official shall have ten (10) days to issue a certificate of occupancy that shall contain the following:”
- 19) — Section 112.1, Amend existing text to read: “The Zoning Board of Appeals shall act as the Building Code Board of Appeals in order to hear appeals of orders, decision or determinations made by the building official relative to the application and interpretation of this code., there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business. Appeals to the Zoning Board of Appeals shall be submitted as otherwise set forth in the Ogunquit Zoning Ordinance in accordance with the Board's rules and regulations as set forth in its By-Laws, subject to the payment of any fees as may be determined by the Board of Selectmen.”
- 20) — Section 112.3, Delete entire text
- 21) — Section 1009.2, Delete the subsection entitled “Exception”
- 22) — Chapter 11, Delete entire text

- 23) — Chapter 13, Delete entire text
- 24) — Section 1612.3, Insert "Town of Ogunquit and July 15, 1992"
- 25) — Chapter 27, Delete entire text
- 26) — Chapter 28, Delete entire text
- 27) — Chapter 29, Delete entire text
- 28) — Chapter 30, Delete entire text
- 29) — Chapter 32, Delete entire text
- b. — **The 2000 International Residential Code for One and Two Family Dwellings**, as published by the International Code Council, Inc., Fourth Printing, with the following amendments:
- 1) — Section R101.1, Insert "the Town of Ogunquit"
 - 2) — Section R102.7, Delete "the International Property Maintenance Code or the International Fire Code"
 - 3) — Section R103, Delete entire text
 - 4) — Section R105.2 Delete "Building" items 1,2, & 9
 - 5) — Section R105.2.3, Delete entire text
 - 6) — Section R105.3.1, Amend existing text to read "...the building official shall issue a permit therefore as soon as practicable within ten (10) days."
 - 7) — Section R107.3, Delete "ICC Electrical Code" and replace with "applicable regulations set forth in the National Electrical Code, National Electrical Safety Code or electrical Provisions of other safety codes which have been approved by the American Standards Association in accordance with Title 30-A M.R.S.A. Section 4161"
 - 8) — Section R108.5, Delete entire text and replace with "No refunds shall be issued following the review of the submitted plan unless exceptional circumstances so warrant as may be determined by the Building Official."
 - 9) — Section R110.2, Delete entire text
 - 10) — Section R110.3, Amend existing text to read: "After the building official inspects the building or structure and finds no violations of the provisions of this code or other applicable laws that are enforced by the department of building safety, the building official shall have ten (10) days to issue a certificate of occupancy that shall contain the following:"
 - 11) — Section R112.1, Amend existing text to read: "The Zoning Board of Appeals shall act as the Building Code Board of Appeals in order to hear appeals of orders, decision or determinations made by the building official relative to the application and interpretation of this code., there shall be and is hereby created a board of appeals. The building official shall be an ex-officio member of said board but shall have no vote on any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and finding in writing to the appellant with a duplicate copy to the building official. Appeals to the Zoning Board of Appeals shall be submitted

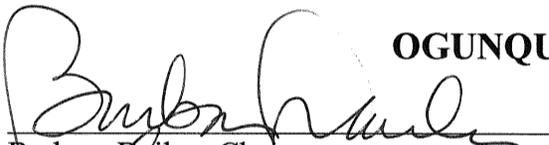
as otherwise set forth in the Ogunquit Zoning Ordinance in accordance with the Board's rules and regulations as set forth in its By-Laws, subject to the payment of any fees as may be determined by the Board of Selectmen."

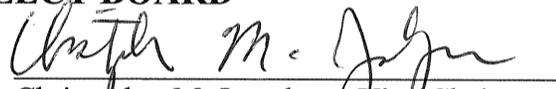
- 12) — Section R112.2.1, Delete entire text
- 13) — Section R112.2.2, Delete entire text
- 14) — Section R112.3, Delete entire text
- 15) — Section R112.4, Delete entire text
- 16) — Section R31 0.1.1, Delete the subsection entitled "Exception"
- 17) — Chapters 10 thru 42, Delete entire text
- e. — ~~The NFPA 101 Life Safety Code~~, as published by the National Fire Protection Association, 2000 Edition.
- d. — ~~The NFPA 1 Fire Prevention Code~~, as published by the National Fire Protection Association, 2000 Edition.

"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 provision of MUBEC shall be as provided by 30-A M.R.S.A., section 4452.

Given under our hands this **17th day of September 2013**, AD in Ogunquit, Maine by the Select Board acting in their capacity as the Municipal Officers.

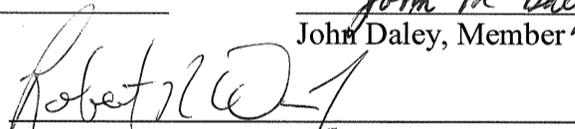
OGUNQUIT SELECT BOARD


Barbara Dailey, Chair


Christopher M. Jarochym, Vice-Chair


David F. Barton, Member


John Daley, Member


Robert N. Winn, Jr., Member


Patricia L. Arnaud, Chief of Police
Town of Ogunquit

UNDER SEAL OF THE TOWN, A True Copy: ATTEST:

Office of the Town Clerk

OGUNQUIT

Beautiful Place by the Sea

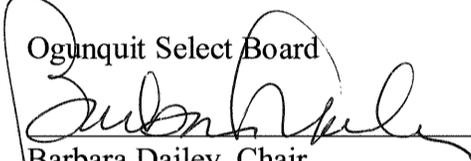
To the Town Clerk of Ogunquit:

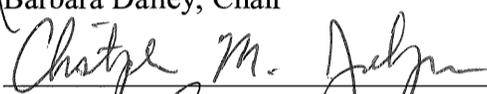
We hereby certify that the document to which we have affixed this Certificate is a true copy of the official text of an amendment to the Ogunquit Municipal Code, Title XII, Article 2-Applicable Codes, "Maine Uniform Building and Energy Code (MUBEC), as adopted on October 11, 2010 by the Maine Department 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", which will be presented to voters by referendum ballot, for their consideration at the Special Town Meeting to be held November 5, 2013.

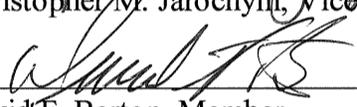
Pursuant to 30-A, MRSA§3002(2), you will retain a copy of the complete text of the ordinance amendment as a public record and make other copies available for distribution to the votes, and you will ensure that these copies are available at the polling place on the day of the vote.

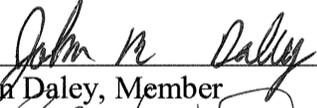
Dated: September 3, 2013

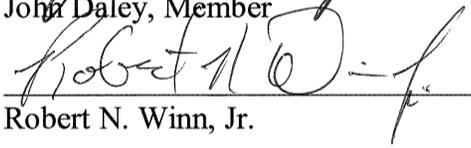
Ogunquit Select Board


Barbara Dailey, Chair


Christopher M. Jarochym, Vice Chair


David F. Barton, Member


John Daley, Member


Robert N. Winn, Jr.

TRUE COPY, ATTEST:

Christine L. Murphy, Town Clerk

Dated: _____
Ordinance Certification

**Maine Revised Statute Title 10, Chapter 1103:
MAINE UNIFORM BUILDING AND ENERGY CODE**

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10 §9721. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [2007, c. 699, §6 (NEW) .]

1. Board. "Board" means the Technical Building Codes and Standards Board established in Title 5, section 12004-G, subsection 5-A.

[2007, c. 699, §6 (NEW) .]

1-A. Building code. "Building code" means any part or portion of any edition of a code that regulates the construction of a building, including codes published by the International Code Council or Building Officials and Code Administrators International, Inc., or the Maine Model Building Code or the International Existing Building Code adopted pursuant to Title 10, section 9702, but does not include the fire and life safety codes in Title 25, section 2452.

[2009, c. 261, Pt. A, §5 (NEW) .]

2. Maine Uniform Building and Energy Code. "Maine Uniform Building and Energy Code" means the uniform statewide building and energy code adopted by the board pursuant to this chapter.

[2007, c. 699, §6 (NEW) .]

3. Maine Uniform Building Code. "Maine Uniform Building Code" means that portion of the Maine Uniform Building and Energy Code that does not contain energy code requirements as determined by the board pursuant to section 9722, subsection 6, paragraph M.

[2011, c. 1, §9 (COR) .]

4. Maine Uniform Energy Code. "Maine Uniform Energy Code" means that portion of the Maine Uniform Building and Energy Code that contains only energy code requirements as determined by the board pursuant to section 9722, subsection 6, paragraph M.

[2011, c. 1, §9 (COR) .]

SECTION HISTORY

2007, c. 699, §6 (NEW). 2009, c. 261, Pt. A, §5 (AMD). RR 2011, c. 1, §9 (COR). 2011, c. 408, §1 (AMD).

10 §9722. TECHNICAL BUILDING CODES AND STANDARDS BOARD

1. Establishment. The Technical Building Codes and Standards Board, established in Title 5, section 12004-G, subsection 5-A and located within the Department of Public Safety, Office of the State Fire Marshal, is established to adopt, amend and maintain the Maine Uniform Building and Energy Code, to resolve conflicts between the Maine Uniform Building and Energy Code and the fire and life safety codes in Title 25, sections 2452 and 2465 and to provide for training for municipal building officials, local code enforcement officers and 3rd-party inspectors.

[2011, c. 633, §5 (AMD) .]

2. Membership. The board consists of 11 voting members, appointed by the Governor:

A. The State Fire Marshal or a designee or a fire chief, recommended by the Maine Fire Chiefs' Association or its successor organization; [2007, c. 699, §6 (NEW) .]

B. A municipal code enforcement officer employed by a municipality that is not a service center community under Title 30-A, chapter 187, recommended by the Maine Municipal Association or its successor organization; [2007, c. 699, §6 (NEW).]

C. A municipal code enforcement officer employed by a service center community under Title 30-A, chapter 187, recommended by the Maine Service Centers Coalition or its successor organization; [2007, c. 699, §6 (NEW).]

D. A residential builder recommended by a statewide or regional association of home builders and remodelers; [2007, c. 699, §6 (NEW).]

E. A commercial builder recommended by a statewide association of general contractors; [2007, c. 699, §6 (NEW).]

F. An architect licensed in the State who is accredited by a nationally recognized organization that administers credentialing programs related to environmentally sound building practices and standards, recommended by a statewide chapter of a national institute of architects; [2007, c. 699, §6 (NEW).]

G. A structural engineer licensed in the State, recommended by a statewide association of structural engineers; [2007, c. 699, §6 (NEW).]

H. A historic preservation representative, recommended by the Maine Historic Preservation Commission, with experience implementing the standards for the treatment of historic properties set forth in 36 Code of Federal Regulations, Part 68 (2007), who is:

- (1) An architect licensed in the State;
- (2) A structural engineer licensed in the State; or
- (3) A builder; [2007, c. 699, §6 (NEW).]

I. An energy efficiency representative, recommended by the Director of the Governor's Energy Office within the Executive Department, who has experience or expertise in the design or implementation of energy codes or in the application of energy efficiency measures in residential or commercial construction; [2011, c. 655, Pt. MM, §10 (AMD); 2011, c. 655, Pt. MM, §26 (AFF).]

J. A mechanical engineer licensed in the State, recommended by a statewide association of mechanical engineers; and [2007, c. 699, §6 (NEW).]

K. A lumber material dealer or supplier, recommended by a statewide association of lumber dealers in the State. [2007, c. 699, §6 (NEW).]

A member appointed under this subsection must have at least 5 years' experience in the field that member is nominated to represent and must be employed in that field.

[2011, c. 655, Pt. MM, §10 (AMD); 2011, c. 655, Pt. MM, §26 (AFF) .]

3. Ex officio member; chair. The Commissioner of Public Safety, or the commissioner's designee, serves as an ex officio member and as the chair of the board. The chair is a nonvoting member, except in the case of a tie of the board. The chair is responsible for ensuring that the board maintains the purpose of its charge when executing its assigned duties, that any adoption and amendment requirements for the Maine Uniform Building and Energy Code are met and that training and technical assistance is provided to municipal building officials.

[2007, c. 699, §6 (NEW) .]

4. Terms; removal. Appointments to the board are made for a 4-year term, and members are eligible for reappointment. If there is a vacancy for any cause, the Governor shall make an appointment immediately effective for the unexpired term. A member of the board may be removed from the board for cause by the Governor.

[2007, c. 699, §6 (NEW) .]

5. Meetings; quorum. The board shall meet quarterly and at such other times as the board determines necessary. Seven voting members of the board constitute a quorum for the transaction of business under this chapter.

[2007, c. 699, §6 (NEW) .]

6. Duties and powers. In addition to other duties set forth in this chapter, the board shall:

A. Adopt rules in accordance with the Maine Administrative Procedure Act necessary to carry out its duties under this chapter. Rules adopted pursuant to this chapter are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A; [2007, c. 699, §6 (NEW) .]

B. Adopt, amend and maintain the Maine Uniform Building and Energy Code; [2007, c. 699, §6 (NEW) .]

C. Adopt rules for the review and adoption of amendments to the Maine Uniform Building and Energy Code, including:

- (1) A process for consideration of amendment proposals submitted by municipalities, county, regional or state governmental units, professional trade organizations and the public;
- (2) A requirement that amendments that are more restrictive than the national minimum standard be accompanied by an economic impact statement that includes:
 - (a) An identification of the types and an estimate of the number of the small businesses subject to the proposed amendment;
 - (b) The projected reporting, record-keeping and other administrative costs required for compliance with the proposed amendment, including the type of professional skills necessary for preparation of the report or record;
 - (c) A brief statement of the probable impact on affected small businesses; and
 - (d) A description of any less intrusive or less costly, reasonable alternative methods of achieving the purposes of the proposed amendment;
- (3) A process for reviewing and evaluating criteria to identify whether an amendment is needed to:
 - (a) Address a critical life or safety need, a specific state policy or statute or a unique character of the State;
 - (b) Ensure consistency with state rules or federal regulations; or
 - (c) Correct errors and omissions;
- (4) Timelines governing the filing of amendments and a process to establish an annual adoption cycle; and
- (5) A process for publication of adopted amendments within 30 days of adoption; [2007, c. 699, §6 (NEW) .]

D. Identify and resolve conflicts between the Maine Uniform Building and Energy Code and the fire safety codes and standards adopted pursuant to Title 25, section 2452. The board shall develop rules designed to resolve these conflicts, which must include:

(1) Notification to the authority or authorities having jurisdiction over the code or standard that is in conflict with the Maine Uniform Building and Energy Code and a request for submission of proposed solutions for such conflicts;

(2) Procedures for consideration of proposed solutions submitted by the authority or authorities having jurisdiction over the code or standard that is in conflict with the Maine Uniform Building and Energy Code and consideration of new approaches to resolving the conflict; and

(3) Publication of resolution of the conflict within 30 days of adoption; [2007, c. 699, §6 (NEW) .]

E. On January 31st of each calendar year beginning in 2011, report to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters any proposals for proposed conflict resolutions for codes and standards referenced in section 9725, subsections 2 to 7; proposals to improve the efficiency and effectiveness of those codes and standards; and alternative methods of funding for the board to create an equitable source of revenue; [2009, c. 261, Pt. A, §6 (AMD) .]

F. Develop technical advisory groups of experts and interest group representatives as necessary to provide the board with detailed information and recommendations on amendments to the Maine Uniform Building and Energy Code, national model codes revisions and conflict resolution with other building-related codes and standards adopted in the State. The board may direct the technical advisory groups to identify economic impacts on small businesses, housing affordability, construction costs, life-cycle costs or code enforcement costs of proposed changes to the code; [2007, c. 699, §6 (NEW) .]

G. In accordance with section 9723, ensure that training and certification regarding the Maine Uniform Building and Energy Code is readily available, affordable and accessible to municipal building officials; [2007, c. 699, §6 (NEW) .]

H. Make historic preservation a policy priority in the adoption and amendment of the Maine Uniform Building and Energy Code.

(1) Provisions of model codes and standards intended to facilitate the continued use or adaptive reuse of historic buildings must be maintained in the adopted versions of the Maine Uniform Building and Energy Code.

(2) The board shall proactively identify additional or alternative compliance means and methods for historic buildings in the adoption and amendment of the Maine Uniform Building and Energy Code; [2007, c. 699, §6 (NEW) .]

I. Approve methods of energy performance rating for use in generating any consumer information labels that may be required in the marketing and sale of residential and commercial buildings or units within buildings; [2007, c. 699, §6 (NEW) .]

J. In the adoption and amendment of the Maine Uniform Building and Energy Code, ensure that nontraditional or experimental construction, including but not limited to straw bale and earth berm construction, is permissible under the code; [2011, c. 365, §1 (AMD); 2011, c. 408, §2 (AMD) .]

K. In the adoption and amendment of the Maine Uniform Building and Energy Code, ensure that building materials from local sawmills, including but not limited to nongraded lumber, are permissible under the code; [2011, c. 1, §10 (COR) .]

L. In the adoption and amendment of the Maine Uniform Building and Energy Code, adopt the standards for residential basement wall insulation under the 2006 edition of the International Energy Conservation Code published by the International Code Council; and [2011, c. 1, §11 (COR) .]

(Paragraph L as enacted by PL 2011, c. 408, §3 is REALLOCATED TO TITLE 10, SECTION 9722, SUBSECTION 6, PARAGRAPH M)

M. (REALLOCATED FROM T. 10, §9722, sub-§6, ¶L) Adopt, amend and maintain the Maine Uniform Building Code and the Maine Uniform Energy Code. [2011, c. 1, §12 (RAL) .]

[2011, c. 1, §§10-12 (COR) .]

SECTION HISTORY

2007, c. 699, §6 (NEW). 2009, c. 261, Pt. A, §6 (AMD). RR 2011, c. 1, §§10-12 (COR). 2011, c. 365, §§1-3 (AMD). 2011, c. 408, §§2, 3 (AMD). 2011, c. 633, §5 (AMD). 2011, c. 655, Pt. MM, §10 (AMD). 2011, c. 655, Pt. MM, §26 (AFF).

10 §9723. TRAINING AND CERTIFICATION PROGRAM STANDARDS

(CONFLICT)

1. Appoint committee; establish requirements. The board shall appoint a 5-member training and certification committee, referred to in this section as "the committee," to establish the training and certification requirements for municipal building officials, local code enforcement officers and 3rd-party inspectors. For purposes of this section, "3rd-party inspector" has the same meaning as set forth in Title 25, section 2371, subsection 6.

[2007, c. 699, §6 (NEW) .]

2. (CONFLICT: Text as amended by PL 2011, c. 633, §6) Training program standards; implementation. The committee shall direct the training coordinator of the Division of Building Codes and Standards, established in Title 25, section 2372, to develop a training program for municipal building officials, local code enforcement officers and 3rd-party inspectors. The Executive Department, State Planning Office, pursuant to Title 30-A, section 4451, subsection 3-A, shall implement the training and certification program established under this chapter.

[2011, c. 633, §6 (AMD) .]

2. (CONFLICT: Text as amended by PL 2011, c. 655, Pt. FF, §2) Training program standards; implementation. The committee shall direct the training coordinator of the Bureau of Building Codes and Standards, established in Title 25, section 2372, to develop a training program for municipal building officials, local code enforcement officers and 3rd-party inspectors. The Department of Economic and Community Development, Office of Community Development, pursuant to Title 30-A, section 4451, subsection 3-A, shall implement the training and certification program established under this chapter.

[2011, c. 655, Pt. FF, §16 (AFF); 2011, c. 655, Pt. FF, §2 (AMD) .]

3. Annual review. The committee shall annually review the training program developed pursuant to subsection 2 to confirm that training courses are regularly offered in geographically diverse locations and that training for municipal building officials is fully funded by the State.

[2007, c. 699, §6 (NEW) .]

SECTION HISTORY

2007, c. 699, §6 (NEW). 2011, c. 633, §6 (AMD). 2011, c. 655, Pt. FF, §16 (AFF). 2011, c. 655, Pt. FF, §2 (AMD).

10 §9724. APPLICATION

1. Limitations on home rule authority. This chapter provides express limitations on municipal home rule authority. The Maine Uniform Building and Energy Code must be enforced in a municipality that has more than 4,000 residents and that has adopted any building code by August 1, 2008. Beginning July 1, 2012, the Maine Uniform Building and Energy Code must be enforced in a municipality that has more than 4,000 residents and that has not adopted any building code by August 1, 2008. The Maine Uniform Building and Energy Code must be enforced through inspections that comply with Title 25, section 2373.

[2011, c. 408, §4 (AMD) .]

1-A. Municipalities up to 4,000 residents. A municipality of up to 4,000 residents may not adopt or enforce a building code other than the Maine Uniform Building Code, the Maine Uniform Energy Code or the Maine Uniform Building and Energy Code. Notwithstanding any other provision of this chapter or Title 25, chapter 314, the provisions of the Maine Uniform Building Code, the Maine Uniform Energy Code or the Maine Uniform Building and Energy Code do not apply in a municipality that has 4,000 or fewer residents except to the extent the municipality has adopted that code pursuant to this subsection.

[2011, c. 408, §5 (NEW) .]

1-B. Residents. For the purposes of subsections 1 and 1-A, "residents" does not include persons held at a correctional facility, as defined in Title 34-A, section 1001, subsection 6, within the municipality.

[2011, c. 505, §1 (NEW) .]

2. Prior statewide codes and standards. Effective December 1, 2010, the Maine Uniform Building and Energy Code adopted pursuant to this chapter replaces, and is intended to be the successor to, the Model Energy Code established in Title 35-A, section 121 and the Maine model radon standard for new residential construction set forth in Title 25, section 2466.

[2009, c. 261, Pt. A, §8 (AMD) .]

3. Ordinances. Effective December 1, 2010, except as provided in subsection 5 and section 9725, any ordinance regarding a building code of any political subdivision of the State that is inconsistent with the Maine Uniform Building and Energy Code is void.

[2011, c. 365, §4 (AMD) .]

4. Exception.

[2011, c. 365, §5 (RP) .]

5. Exception. This section does not prohibit the adoption or enforcement of an ordinance of any political subdivision that sets forth provisions for local enforcement of building codes. If such an ordinance does not provide for a process to appeal decisions made by building officials administering and enforcing the Maine Uniform Building Code, the Maine Uniform Energy Code or the Maine Uniform Building and Energy Code, an appeal may be taken in the same manner as provided under Title 30-A, section 4103, subsection 5. This section does not prohibit the adoption or enforcement of an ordinance of any political subdivision that sets forth the swimming pool fencing standards, without amendment, contained in Appendix G of the 2nd edition of the 2009 International Residential Code.

A. The requirements of the Maine Uniform Building and Energy Code do not apply to:

- (1) Log homes or manufactured housing as defined in chapter 951;
- (2) Post and beam or timber frame construction; or

(3) Warehouses or silos used to store harvested crops. [2011, c. 365, §6 (NEW) .]

B. [2011, c. 365, §6 (NEW); T. 10, §9724, sub-5, ¶B (RP) .]

[2011, c. 365, §6 (NEW); T. 10, §9724, sub-5, ¶B (RP) .]

[2011, c. 582, §1 (AMD) .]

6. Adoption by reference. The Maine Uniform Building Code, the Maine Uniform Energy Code and the Maine Uniform Building and Energy Code may be adopted by reference by a municipality as specified in Title 30-A, section 3003.

[2011, c. 582, §2 (NEW) .]

SECTION HISTORY

2007, c. 699, §6 (NEW). 2009, c. 261, Pt. A, §§7-9 (AMD). 2011, c. 365, §§4-6 (AMD). 2011, c. 408, §§4, 5 (AMD). 2011, c. 505, §1 (AMD). 2011, c. 582, §§1, 2 (AMD). MRSA T. 10, §9724, sub-5, ¶B (AMD).

10 §9725. FIRE AND BUILDING-RELATED CODES AND STANDARDS REMAIN

The codes and standards listed in this section remain in force in their entirety unless the board adopts and publishes a conflict resolution between the fire and safety codes and standards and the Maine Uniform Building and Energy Code. Conflict resolutions adopted pursuant to this chapter must also be incorporated into the fire and safety codes and standards by the appropriate authorities: [2007, c. 699, §6 (NEW) .]

1. Fire safety codes and standards. Fire safety codes and standards adopted pursuant to Title 25, sections 2452 and 2465;

[2007, c. 699, §6 (NEW) .]

2. Electrical standards. Electrical standards adopted pursuant to Title 32, section 1153-A;

[2007, c. 699, §6 (NEW) .]

3. Plumbing code. The plumbing code adopted pursuant to Title 32, section 3403-B;

[2007, c. 699, §6 (NEW) .]

4. Oil and solid fuel burning equipment standards. Oil and solid fuel burning equipment standards adopted pursuant to Title 32, section 18123, subsection 2;

[2009, c. 344, Pt. B, §8 (AMD); 2009, c. 344, Pt. E, §2 (AFF) .]

5. Propane and natural gas equipment standards. Propane and natural gas equipment standards adopted pursuant to Title 32, section 18123, subsection 2;

[2009, c. 344, Pt. B, §9 (AMD); 2009, c. 344, Pt. E, §2 (AFF) .]

6. Boiler and pressure vessel standards. Boiler and pressure vessel standards adopted pursuant to Title 32, section 15104-A; and

[2007, c. 699, §6 (NEW) .]

7. Elevator standards. Elevator standards adopted pursuant to Title 32, section 15206.

[2007, c. 699, §6 (NEW) .]

SECTION HISTORY

2007, c. 699, §6 (NEW). 2009, c. 344, Pt. B, §§8, 9 (AMD). 2009, c. 344, Pt. E, §2 (AFF).

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