

# Building Code

## Town of Hollis

### PREFACE

The purpose of this Code is to provide for safety, health and public welfare through structural strength and stability, means of egress, and adequate light and ventilation and protection to life and property from fire and hazards incident to the design, construction, alteration, removal or demolition of buildings and structures.

The Town of Hollis has adopted the following as its building codes:

2005 Edition of "The National Electrical Code"

2003 Edition of "NFPA 101 Life Safety Code"

2003 Edition of "International Residential Code"(One and Two Family Dwellings)

2003 Edition of "International Building Code"(Multi-Family and Commercial)

In addition to the codes listed above, the Town of Hollis has adopted the following to assist the Code Enforcement Officer in the administration of his duties:

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ADMINISTRATION

Section 1: Title

This Ordinance shall be know as the "Building Code of the Town of Hollis, Maine" and shall be construed to secure the safety, health and public welfare through the regulation of construction, alteration, relocation and replacement of buildings; providing for permits and prescribing penalties for violations.

Section 2: Scope

The provisions of this Code shall apply to new construction, alterations and additions, relocation or replacement of any building or part thereof, in the Town of Hollis, except as exempted in Section 6.A below. Provisions of this Code shall not apply to existing dwellings unless altered, and then only to those parts of being altered.

CODE ENFORCEMENT OFFICER

Section 3: The Board of Selectmen shall appoint the Code Enforcement Officer. The Code Enforcement Officer (commonly referred to as the Building Inspector) shall administer and enforce the provisions of this and other applicable ordinances.

An Assistant Code Enforcement Officer may be appointed by the Selectmen, if they deem it necessary, and shall act in the full capacity of Code Enforcement Officer as required. The Code Enforcement Officer and his Assistant shall be knowledgeable in the building trades.

The Code Enforcement Officer, or his Assistant, shall not have any interest, whether directly or indirectly, connected with the work to be inspected by them under this Ordinance.

A. Inspection

The Code Enforcement Officer shall inspect all buildings being constructed, altered, replaced or relocated for the purpose of enforcing the provisions of this Code and all other local and State laws governing the construction, alteration, or replacement of buildings.

It shall be the responsibility of the builder to notify the Code Enforcement Officer one (1) working day prior to the time a building is ready for inspection (and the Code Enforcement Officer shall inspect it within one working day of notification) for the following:

1. Foundations and Framing

- a. Foundation Inspection: Commonly made after poles or piers are set or trenches or basement areas are excavated and forms erected and any required reinforcing steel is

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in place and prior to the placing of concrete. This inspection may be deferred until forms have been stripped, foundation coated and drainage tiles installed.

b. Framing Inspection: Before plumbing, wiring, and chimney are closed in.

2. Final Inspection

a. Final Inspection: Commonly made after construction is completed and ready for occupancy prior to issuance of an Occupancy Permit

3. Other Inspections

In addition to the inspections required above, the Code Enforcement Officer may make or require any other inspections to ascertain compliance with this Code and other laws enforced by the Town of Hollis.

Failure to notify shall be a violation of this Ordinance and subject to the enforcement provisions of this Code.

DEFINITIONS

Section 4: Certain words and phrases shall be construed throughout this Code to have the meaning indicated in this section.

**Accessory Structure:** A building, the use of which is incidental to that of the main building and which is located on the same lot.

**Alteration:** As applied to a building or structure, means a change or rearrangement in the structural parts or in the existing facilities; or an enlargement whether by extending on a side or by increasing in height.

**Approved:** Approved refers to approval by the Building Inspector as the result of investigation and tests conducted by him, or by reason of accepted principles of tests by nationally recognized organizations.

**BOCA:** Building Officials and Code Administrators International, Inc.

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**Building:** Means a combination of materials to form a construction that is safe and stable, and adapted to permanent, continuous, or seasonal occupancy for assembly, business, educational, institutional, mercantile, residential, storage or similar purposes; the term "building" shall be construed as if followed by the words "or portions thereof."

**Building, Existing:** Existing building is a building erected prior to the adoption of this Code, or one for which a legal building permit has been issued, prior to adoption of this Code.

**Building Inspector:** Building Inspector is the town official who is charged with the administration and enforcement of this Code. The term "Building Inspector" includes the term "Building Official" and "Code Enforcement Officer."

**Ceiling Height:** Ceiling heights shall be the clear vertical distance from the finished floor to the finished ceiling.

**Code:** This term shall include Town of Hollis Ordinances and Codes.

**Court:** Court is a space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three (3) or more sides by walls or a building.

**Dwelling:** Dwelling is any building which contains one (1) or two (2) "Dwelling Units" used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or which are occupied for living purposes.

**Dwelling Unit:** Dwelling Unit is a single unit providing complete independent living facilities for one or more persons having permanent provisions for living, sleeping, eating, cooking and sanitation. A dwelling unit must contain at least five hundred 500 square feet of floor space. This term does not include camper trailers.

**Expansion:** Is defined as meaning: (1) Construction of additions to existing facilities, buildings and structures; and (2) Construction of new freestanding facilities, buildings and structures. Under definition (1) and (2) above, construction is limited to an expansion of existing facilities, buildings and structures reasonably or customarily associated with said existing facilities, buildings and structures.

**Front Lot Line** Means a lot line dividing a lot from a street.

**Habitable Room:** Habitable room shall mean any room meeting the requirements of this Code for sleeping, living, cooking or dining purposes excluding such enclosed places as closets, pantries, bath or toilet rooms, hallways, laundries, storage spaces, utility rooms and similar spaces.

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**Hot Water:** Hot water means water at a temperature of not less than 120<sup>0</sup>F.

**Listed and Listing:** Terms referring to equipment which is shown in a list published by an approved testing agency qualified and equipped for the conduct or supervision of experimental testing and maintaining an adequate periodic inspection of current products and whose listing shows that the equipment complies with the provisions set forth in this Code.

**Loads:** Live, Dead and Lateral - Dead loads are the weight of the walls, partitions, framing, floors, ceilings, roofs and all other permanent stationary construction entering into and becoming a part of the Building. Live loads are all loads (including snow loads), except dead loads. Lateral loads are those created on foundations by adjacent soil.

**Lot Line:** Means a line dividing one (1) lot from another, or from a street or other public space.

**Lot of Record:** Means a lot duly recorded at the office of the York County Registry of Deeds, as of the effective date of this Ordinance.

**Occupied Space:** The total area of all buildings or structures on any lot or parcel of ground projected on a horizontal plane excluding permitted projections as allowed by this Code.

**Owner:** Includes his duly authorized agent or attorney, a purchaser, devisee, fiduciary, and a person having a vested or contingent interest in the property in question.

**Repair:** Means the replacement of existing work with equivalent materials for the purpose of its maintenance.

**Story:** Story means the habitable part of a building comprised between any floor and the floor or roof next above.

**Street:** Any commonly traveled thoroughfare, either publicly or privately maintained, which is open to the public, which affords the principal means of access to abutting lots. The definition of "streets" does not include driveway.

**Structure:** See "Building."

**Swimming Pool:** An outdoor, man-made receptacle having a surface area of two hundred and fifty (250) sq ft or more, designed to hold water to a depth of at least twenty four (24) inches, primarily for swimming or bathing whether in the ground or above the ground.

**Window:** Window shall mean a glazed opening, including portions of glazed doors.

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**Yard:** Yard is an open, unoccupied space, other than a court, unobstructed from the ground to the sky, except where specifically provided by this Code, on the lot on which a building is situated.

### Section 5: Right of Entry

The Code Enforcement Officer in the performance of his duties, and at reasonable times, may enter any building with the consent of the owner or his agent, for the purpose of making the inspection required by this Code. If consent is not granted, the Code Enforcement Officer may seek an administrative warrant from District Court. The Code Enforcement Officer and/or his Assistant, shall be defended by the Corporation Counsel of the Town of Hollis until final determination of the proceedings.

### Section 6: Permit

Before construction, alteration, relocation, demolition, placement or replacement of any building or part thereof shall be commenced, except as specifically exempted below, the owner or lessee, or the architect, contractor or builder employed by such owner or lessee shall obtain from the Code Enforcement Officer a permit covering such proposed work. A certificate of approval by the official governmental agency shall be furnished with every prefabricated assembly, except where all elements of the assembly are readily accessible to inspection at the site. A final inspection shall be provided in accordance with this Code.

#### A. Exemptions

1. Normal Maintenance: Normal maintenance (including but not limited to re-roofing and residing) may be made without filling an application or obtaining a permit.
2. Minimum Amount: No permit shall be required for the construction, alteration, relocation, or replacement of any building or part thereof, so long as it conforms with the provisions of this Ordinance, within the Town of Hollis, to the extent of \$1,000 or less in total materials cost (or their fair market value equivalent).

#### B. Application

The application for the permit shall be in writing and shall be made on such form as the Code Enforcement Officer shall prescribe, and shall contain a scale drawing of the proposed new, altered or relocated building, or the replacement contemplated, including a plot plan (unless waived by the Code Enforcement Officer). The application shall be filed with the office of the Code Enforcement Officer.

#### C. Permit Approval

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The Code Enforcement Officer, after proper examination of the application shall either issue the requested permit or transmit a notice of refusal within ten 14 calendar days. Notice of refusal shall be in writing and shall state the reasons therefore. However, when the Code Enforcement Officer has reason to believe that the proposed construction would not be in compliance with other local regulations or state laws, he shall not issue any building permit until all questions have been resolved to his satisfaction. When a violation of subdivision standards is believed to exist, the Planning Board shall be given an opportunity to examine the proposal.

### D. Life of Permit

All building permits shall be void unless work there under is begun within six (6) months from the date of issuance, and completed within eighteen (18) months of issuance, unless the permit is renewed and an additional fee is collected. The additional fee will be based on remaining work to be completed, but not less than 50% of the original fee collected.. Permitted work will not be deemed complete until the following work is completed: Site work including, driveway, septic, well and finish grading: Exterior shell package: Safety items such as Smoke Detectors, Egress provisions and no exposed bare electrical conductors.

Existing BLDG Permits ,as of adoption of this change, will have eighteen (18) months to comply with this requirement.

### E. Display of Permit

Every building permit shall be displayed in a conspicuous place on the premises and shall not be removed until all work covered by the permit has been approved.

### F. Renovations

Renovations, with construction cost equal to or more than 50% of the current assessed value of the structure, will require that the entire structure meet current standards for Smoke Detection and Electrical Circuit Protection to the greatest extent possible, as determined by the Code Enforcement Officer.

## Section 7: Fees

Building permits shall not be issued without payment of a fee. The Hollis Board of Selectmen shall establish a Fee Schedule annually.

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### Section 8: Certificate of Occupancy

No new building or portion thereof shall be occupied after its construction until a certificate of occupancy is issued from the Code Enforcement Officer. The Inspector may issue said certificate after proper examination shows that all work was performed in compliance with the provisions of this Ordinance.

A. Water Test Written evidence of a water test performed on the well in service is required prior to issuance of Occupancy Permit. This water test will meet state standards, and include test for Arsenic and Radon.

B. 911 Address numbers will be posted, using 4" X 4" block numbers, so as to be visible from the street prior to issuance of an Occupancy Permit.

#### C. Temporary Certificate

Upon request of the holder of a building permit, or of the owner, the Building Inspector shall issue a temporary certificate of occupancy for part of a building or structure; provided that such temporary occupancy or use would not jeopardize life safety, or property.

### Section 9: Disposal of Waste during Construction

Waste material and rubbish shall not be stored nor allowed to accumulate within the building or in the immediate vicinity, but shall be removed from the premises as rapidly as practicable.

### Section 10: Swimming Pools

No person or firm shall begin construction of or erect a swimming pool without first obtaining a building permit. The Code Enforcement Officer shall issue a permit only after satisfying himself from plans or specifications presented by the applicant that the proposed swimming pool will conform to the following requirements:

- A. Pools to be Kept Enclosed: Every swimming pool shall be enclosed by a fence or wall at least four (4) feet in height, which shall have no openings larger than four (4) inches in the least dimension, constructed so as to exclude children. Any building or related structure may be included as a part of the required enclosure. Any inaccessible banking or earth or any body of water, either of which cannot be traversed readily on foot shall be considered a part of the enclosure. All gates and doors opening through the enclosure shall be self closing and equipped with a latching device for keeping the gate or door securely latched at all times when not in use. Latches shall be installed so that doors may be unlatched from the outside only by reaching over the fence to an inside latch. Any pool constructed below ground level shall have a self-closing

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gate, which is a minimum of four (4) feet in height. It is the intent of this section to provide for personal safety.

- B. Set-Back Requirements: No swimming pool or associated equipment shall be constructed closer than twenty (20) feet from the side or rear lot line, nor closer to the front line of any lot that would be permitted for buildings or other structures by other provisions of this Ordinance.
- C. All electrical service to the pool and equipment shall be wired so as to meet requirements of the National Electrical Code.

Section 11: Conflict With Other Codes and Ordinances

Where there is a conflict between this Code and the requirements of any other code or ordinance of the Town of Hollis, the more restrictive shall apply.

Section 12: Violations

Any building construction or work performed in violation of the provisions of this Code, which includes the codes adopted by reference herein, or any occupancy of any building without the required certificate of occupancy shall be considered a nuisance. Any persons found guilty of creating such nuisance shall be subject to a fine of not more than \$100 for each offense. Each day in which a violation is proved to exist shall constitute a separate offense under this section. In addition to the above, any work in violation of this Code shall be removed to allow inspection.

Section 13: Right of Appeal

- A. Any applicant who is denied a building permit under Section 6.C, or an inspection certificate under Section 3, may appeal his denial to the Hollis Board of Appeals. All appeals shall be submitted in writing, and shall include sketches or drawings to illustrate the issue for consideration.
- B. The Board of Appeals is hereby authorized to determine whether the Code Enforcement Officer made any errors of interpretation or any errors of procedure in administering this Code, after conducting a public hearing as required by State Law (Title 30, MRSA, Section 2411).
- C. All decisions of the Board of Appeals shall become part of the record and shall include a written statement of findings and conclusions, as well as the reasons or basis for such conclusions. Notice of decisions shall be mailed to the applicant and to the Code Enforcement Officer within seven (7) days of the decision being made.

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Section 14: Alternative Materials

- A. The provisions of this Code are not intended to prevent the use of any materials or method of construction not specifically prescribed by this Code, provided any such alternative meet the performance standards referred to in this code.
- B. The Code Enforcement Officer may approve any such alternative provided he finds that the proposed design is satisfactory and complies with accepted design criteria.
- C. The Code Enforcement Officer may require that evidence or proof be submitted to substantiate any claims that may be made regarding its use.

Section 15: Dilapidated/Unsafe Buildings and Structures

- A. Application: The term unsafe building or structure shall apply to buildings or structures or portions thereof, existing or hereafter erected, as follows:
  - 1. Those deemed structurally unsafe, unstable, unsanitary, inadequately provided with exit facilities, constituting a fire hazard, unsuitable or improper for the use of occupancy to which they are put, constituting a hazard of health or safety because of inadequate maintenance, dilapidated, obsolescence or abandonment; or otherwise dangerous to life or property.
  - 2. Vacant buildings or structures or portions thereof deemed to constitute a hazard.
- B. Notice of Unsafe Buildings or Structures:

Upon determining that a building or structure or portion thereof is unsafe, the Code Enforcement Officer shall serve or cause to be served on the owner, or some one of the owners, executors, administrators, agents, lessees or other persons who may have a vested or contingent interest in the same, a written notice containing a description of the building or structure or portion of which is unsafe, and an order requiring that the same to be made safe and secure or removed, as may be deemed necessary by him. If the person to whom such notice and order is addressed cannot be found after diligent search, then such notice and order shall be sent by certified or registered mail to the last known address of such person; and a copy of such notice shall be posted in a conspicuous place on the premises to which it relates. Such mailing and posting shall be deemed adequate service.
- C. Hearing: Any person having a legal interest in the unsafe building may request that the Selectmen hold a public hearing within thirty (30) days of the notice being issued. Notice of the hearing shall

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be given in ample time to allow public attendance.

- D. Restoration of Unsafe Building or Structure: A building or structure or part thereof declared unsafe by the Code Enforcement Officer may be restored to safe condition; provided that if the damage or cost of reconstruction or restoration is in excess of fifty (50%) percent of the value of the building or structure, exclusive of foundations, such building or structures, if reconstructed or restored, shall be made to conform with respect to materials and type of construction, to the requirements of this code; but no change of use or occupancy shall be compelled by reason of such reconstruction or restoration.
  
- E. Disregard of Unsafe Notice: If the person served with a notice or order to remove or repair an unsafe building or structure or portion thereof and should fail, within a reasonable time, to comply with the requirements thereof, the Code Enforcement Officer shall advise the Selectmen of all the facts in the case, and they shall institute an appropriate action in accordance with the procedures set forth in the applicable section of the Maine Revised Statutes Annotated.

Section 16:

This Code shall not nullify the more restrictive provisions of covenants, agreements, other ordinances or laws, but shall prevail notwithstanding such provisions that are less restrictive.

Section 17:

Should any section, or part thereof, of this Ordinance be held by the courts to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 18:

No amendments to this Ordinance shall apply to outstanding permits issued before the effective day of the amendment. This Code may be amended at any Town Meeting or referendum vote of the Town.