

## **ARTICLE 5 - ADMINISTRATION**

### **5.1 Enforcement.**

It shall be the duty of the Code Enforcement Officer or other person duly qualified and authorized by the Town of Buxton to enforce the provisions of this Ordinance and/or any applicable Ordinance of this Town. If the Code Enforcement Officer shall find that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for the violations indicating the nature of the violation and ordering the action necessary to correct it. He shall take any other action authorized by this Ordinance to insure compliance with or to prevent violation of its provisions.

### **5.2 Legal Action and Violations.**

When any violation of any provision of the Ordinance shall be found to exist, the Code Enforcement Officer is hereby authorized and directed to institute any and all actions and proceedings either legal or equitable that may be appropriate or necessary for the enforcement of the provisions of this Ordinance, the same to be brought in the name of the Town. This provision shall not prevent any person aggrieved by a violation of this Ordinance from taking appropriate legal action against the violator.

### **5.3 Fines.**

Any person, firm or corporation being the owner of or user of any building or premises or a landowner's agent or a contractor who violates any of the provisions hereof shall be fined in accordance with Title 30-A M.R.S.A., Section 4452. Each day such violation exists after notification in writing, sent by certified mail, shall constitute a separate offense. All fines collected here under shall inure to the Town of Buxton.

### **5.4 Permits**

**5.4.1 Building Permit Required.** Except as provided in Section 5.5, no building or other structure shall be erected, moved, added to or structurally altered without a building permit issued by the Code Enforcement Officer. In areas of Special Flood Hazard, as established in Article 3.3, permits shall be issued according to the provisions of Article 14 of this Ordinance, without regard to section 5.5. No building permit shall be issued except in conformity with the provisions of this Ordinance except after written order from the Board of Appeals. All building permits shall be void unless work there under is commenced within six months from the date of issuance. A renewal of the permit shall be required if work is not completed within eighteen (18) months of the date of issuance. Permit may be renewed only upon application with required fees.

**5.4.2 Issuance prohibited when an unresolved land use violation exists.** No building permit shall be issued to an applicant if there are any unresolved land use or zoning violations relating to the property for which the permit is being sought; provided, however, that this shall not prevent the issuance of permits necessary to resolve the underlying zoning or land use violation.

**5.4.3 – Issuance prohibited when a property has a matured tax lien.**

No building permit shall be issued to an application if the property has a foreclosed tax lien.

**5.4.4 Plumbing and Electric Permits Required.**

5.4.4.A All plumbing work in any structure requires a valid plumbing permit. All plumbing shall be in accordance with the current version of the adopted State of Maine Plumbing Code.

5.4.4.B. All Electrical wiring in any structure requires an electrical permit. All electrical work shall be in accordance with the current version of the State adopted version of the National Electrical Code.

1. Supervising Official. The Electric Inspector, who must be licensed by the State of Maine as a Master Electrician is herewith designated as the town official to supervise and enforce Section 5.2.4.B of this Ordinance. The Electric Inspector shall serve under the direction of the Code Enforcement Officer, who will act as his/ her immediate supervisor

5.4.4.C Hazardous conditions and authority to disconnect. If the Town’s Electric Inspector finds a dangerous installation, alteration, or repair of electrical work, the Electric Inspector shall provide written notice that shall be served on the owner and occupant of the premises and the licensee by personal service or first-class mail and may post the property as unsafe. The Electric Inspector, with the prior approval of the Code Enforcement Officer or Fire Chief, may also disconnect public utilities, including electric supply, to any structures or installations on the premises if the Electric Inspector and the Code Enforcement Officer or Fire Chief determine that a hazardous condition that is an imminent threat to public health and life safety. The Electric Inspector or designee shall notify the serving utility and the owner or occupant of the structure or installation of the decision to disconnect prior to disconnecting when possible or as soon as practical after disconnecting.

**5.5 Minimum Amount – Permit exemption.**

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 the Building Code of the Town of Buxton and this Ordinance to the extent of \$2,500 or less in total estimated project value. The burden of proof in regard to this value rests with the property owner.

A building permit shall not be required for fences or the replacement of roofing, siding, windows and interior flooring if no structural changes to the building are required as part of such work. The Code Enforcement Officer shall be consulted before starting the work.

**5.6 Application for Building Permit.**

**5.6.A.** All applications for building permits shall be accompanied by plans clearly showing the lot lines, the size and location of proposed and existing structures. Where applicable, the location of parking areas, subsurface sewage disposal systems, wells, landscaping and signs

shall also be shown. Copies of all other required permits and surveys (State of Maine, etc...) shall be included for the town records. The application shall also include other information as lawfully may be required by the Code Enforcement Officer to determine the conformance with this Ordinance.

**5.6.B.** The approval of all building permit applications shall be subject to evidence of compliance with the State Subsurface Wastewater Disposal Rules and Title 30-A, M.R.S.A., Section 4211. In addition, the approval of all building permit applications for one or more dwelling units, including accessory dwelling units and units within an affordable housing development, shall be subject to evidence of compliance with Section 10.18. The Code Enforcement Officer may condition approval of a building permit on such evidence of compliance.

**5.6.C.** The Code Enforcement Officer shall approve or deny an application for a permit within ten working days of receipt of a complete application.

### **5.7 Certificate of Occupancy.**

**5.7.A.** No new building or addition shall be occupied after its construction, alteration or relocation, nor shall a new use be established in an existing building until a Certificate of Occupancy has been issued by the Code Enforcement Officer. Upon notification by the owner or his agent, the Code Enforcement Officer shall, within 72 hours, make proper examination to verify that the work or new use is in compliance with this Ordinance and the Buxton Building Code, including but not limited to the written verification of the requirements set forth in Section 10.18. If all work is found to be in compliance, the Code Enforcement Officer shall issue a Certificate of Occupancy.

**5.7.B.** Temporary Certificate - The Code Enforcement Officer may issue a temporary Certificate of Occupancy for a period of six (6) months for part of a building or structure, provided that such temporary occupancy or use will not jeopardize health, life or property. Renewal of a temporary Certificate may be issued by the Code Enforcement Officer when the owner or his agent can show reasonable cause.

### **5.8 Permit Application and Review Fees.**

An application for a building permit shall be accompanied by a fee. The Municipal Officers shall establish the fee schedule each calendar year.

#### 5.8.A. Permit Fee Required.

Any application, license, petition, and permit, including but not limited to building permit, conditional use permit, subdivision permit, permit renewal or amendment, and administrative appeal (hereafter, "Application") submitted to the Town of Buxton under this Ordinance shall be accompanied by a fee.

#### 5.8.B. Fee Schedule.

The Municipal Officers shall establish a schedule of fees, which bear a substantial relationship to the cost of processing, reviewing, and administering Applications. The fee schedule may be amended from time to time by order of the Municipal Officers as they deem necessary, fair, and reasonable. For administrative ease, the fee schedule may also identify Town-imposed fees, costs, rents, assessments, fines, and penalties other than those associated with the processing, review, and administration of applications (including but not limited to fees, costs, rents, fines, and penalties related to cemetery plots, assessing records, parking tickets, public drains, common sewers, photocopying and printing, recreational programming, facility rentals, and statutorily mandated fees) to which this Section 5.8 shall not apply.

#### 5.8.C. Review Fees.

5.8.C.1. The Code Enforcement Officer, Planning Board, or Board of Appeals, as applicable, (hereafter, the “Reviewing Authority”) may, in its discretion, assess a review fee in addition to any applicable fees established by the fee schedule, ordinance, or law. The review fee shall not exceed the actual costs associated with processing, reviewing, and administering the Application. The review fee may include, without limitation, the actual costs of advertising, legal notices, mailings, postage, photocopies and other document reproductions, public hearings, specialized computer software, legal fees, in-house or third-party professional or technical reviews of the Application (including technical reviews of traffic impacts, roadway and parking design and construction, stormwater management, and erosion and sedimentation control), or other expert or consulting fees. The Reviewing Authority shall provide the applicant with a written estimate of the review fee. The applicant shall pay to the Town the estimated review fee within 14 days of receipt of the notification; otherwise, the Application shall be returned as incomplete. If the estimated review fee is depleted prior to the completion of processing, reviewing, and administering the Application, the Reviewing Authority may provide the applicant with a revised estimate of the review fee from time to time, and the applicant shall pay to the Town the revised estimate, less any prior estimate already paid, within 14 days of receipt of the notification. The Town shall deposit the review fee into an escrow account and may draw on the account to pay for the actual costs associated with processing the Application. After the Reviewing Authority renders its final decision on the Application, the Town shall provide the applicant with an accounting of the actual costs of processing the Application and shall return any unspent portion of the review fee to the applicant within 60 days.

#### 5.8.D. Refunds, Waivers.

The Municipal Officers, in their sole discretion, may refund, reduce, or waive any permit fee or review fee assessed under this Ordinance when the person requesting the refund, reduction, or waiver demonstrates to the satisfaction of the Municipal Officers that an extreme hardship or injustice would result from payment of the fee.

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