



PROPOSED PUBLIC HEARING COPY MUBEC ORDINANCE FOR THE
06/11/2024 BALLOT

**Town of Lebanon
Maine Uniform Building and Energy Code
Administrative Ordinance**

I. Title

This ordinance shall be known and may be cited as the “Maine Uniform Building and Energy Code Administrative Ordinance” of the Town of Lebanon, Maine.

II. Purpose and Authority

The purpose of this Ordinance is to establish administrative and enforcement provisions in relation to the Maine Uniform Building and Energy Code (MUBEC). The Town has authority to enact building code provisions relating to local enforcement, per MRSA Title 10 § 9724(5).

III. Code Administration

In accordance with MRSA 25 § 2373, the MUBEC must be enforced in the Town of Lebanon beginning July 1, 2012. The Town is required to enforce the MUBEC through inspections that comply with the code. A copy of MUBEC is and shall remain on file with the Town Clerk and is available for public use, inspection and examination. Enforcement of the MUBEC will occur through inspections either by the Code Enforcement Officer or a Maine Certified Third-Party Inspector. Certified Third Party Inspectors will inspect structures not covered under the International Residential Code. The MUBEC shall be administered within the Town of Lebanon by the Code Enforcement Officer.

IV. Duties of Code Enforcement Officer

The Code Enforcement Officer’s duties shall be as outlined in the MUBEC, and shall include but are not limited to:

- A. Receive permit applications, examine construction documents and issue permits for the erection and alterations of buildings and structures.
- B. For structures covered by the International Residential Code, the Code Enforcement Officer shall inspect premises for which permits are issued; make all required inspections, or accept certified reports of inspection by approved agencies and Certified Third-Party Inspectors.
- C. For structures covered by the International Building Code, the Code Enforcement Officer shall receive certified reports from Certified Third-Party Inspectors as outlined below.
- D. Enforce compliance with the provisions of the code and issue notices or orders to ensure compliance, including suspending or revoking permits.
- E. Render interpretations of the MUBEC and policies and procedures to clarify the application of its provisions.
- F. Keep official records, applications received, permits and certificates issued, fees collected, reports of inspections by the Code Enforcement Officer and Third - Party Inspectors, as well as notices and orders issued.

- G. Impose any applicable fees and ensure proper payments have been made before or upon issuance of any permits
- H. Refer permits requiring subdivision, shoreland zoning or floodplain review to the Planning Board as required.
- I. Investigate complaints and act on violations as outlined herein.
- J. Issue Certificates of Occupancy as per 25 MRSA § 2357-A and the MUBEC.

V. **Building Permits Required**

A. The construction, alteration, repair, removal, demolition, occupancy and maintenance of all buildings and structures shall comply with the MUBEC. **Building Permits** are required as per the MUBEC and shall become void upon completion of work for which the permit was issued or one (1) year from date of issue.

B. An extension of the permit may be granted ~~by the Code Enforcement Officer~~ upon written request to the Code Enforcement Officer ~~for one half (1/2) the original permit fee made~~ prior to the expiration. ~~For permits renewed thirty (30) days or more after expiration, the full fee, tripled will be charged. The Code Enforcement Officer may choose to waive tripling the fee with cause. Renewals are valid for one (1) year. A total of two (2) extensions are allowed.~~

C. Work without a valid permit will be subject to fines and fees.

D. ~~The following are exemptions listed in the 2021 IRC, or current version adopted by the State of Maine, however they are still required to submit an application to ensure that setbacks and/or other requirements per Town Ordinances are adhered to. A non-refundable application review fee is still required.~~

1. Other than storm shelters, one-story detached accessory structures provided that the floor area does not exceed two hundred (200) square feet.
2. Retaining walls that are not over four (4) feet in height measured from the bottom of the footing to the top of the wall unless supporting a surcharge. (For retaining walls within the Shoreland Zone, refer to the Shoreland Zone Ordinance)
3. Window awnings supported by an exterior wall that do not project more than fifty-four (54) Inches from the exterior wall and do not require additional support.
4. Decks not exceeding two hundred (200) square feet in area that are not more than thirty (30) Inches above grade at any point, are not attached to a dwelling unit and do not serve the exit door required per Section R311.4.
5. Roofs without structural changes
6. Windows without structural changes

VI. **Building Permit Application**

Application for a building permit shall include the following:

- A. Identify and describe the work to be covered by the permit for which application is made.
- B. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
- C. Indicate the use and occupancy for which the proposed work is intended.
- D. Be accompanied by construction documents and other information as required by MUBEC.
- E. State the estimated value of construction as well as square feet of the proposed work.
- F. Be signed by the applicant or the applicant's authorized agent.

- G. Give such other data and information as required by the code enforcement officer.
- H. For structures where a Certified Third-Party Inspector is anticipated to be used – Include certification of a contractual arrangement between a Certified Third-Party Inspector and the building owner
- I. A copy of all required State of Maine Fire Marshal’s building permits.
- J. Be accompanied by the required fee as set forth below.

VII. Permit Approval

The Code Enforcement Officer shall examine applications and shall within thirty (30) days either issue the requested permit or provide a written notice of refusal to the applicant stating the reasons therefore. All additional permits required for the proposed projects shall be obtained prior to issuance of the building permit. Permit applications that have not been paid in full and/or picked up and posted on site within thirty (30) days may be revoked.

VIII. Fees.

~~Upon submission of an application, the applicant shall pay a non-refundable application fee of \$25. No building permit shall be issued until all fees due have been paid. All fees required by this Ordinance are outlined as follows:~~ A. The Municipal Officers may, from time to time and after consultation with the Code Enforcement Officer, establish the appropriate fees, following a posting of the proposed schedule of fees and a Public Hearing.

B. Upon submission of an application, the applicant shall pay a non-refundable application fee. No permit shall be issued until all fees have been paid. The Town of Lebanon Schedule of Fees can be found at the Town Office as well as on the Town Website.

C. Fees for starting construction without a permit shall be triple the permit fees or one hundred (\$100.00) dollars, whichever is greater.

D. The Town of Lebanon, including Lebanon School District properties, shall be exempt from paying Town permit fees; however, the Town and Lebanon School District properties, must obtain all permits required by the Town, State and/or other agency as required.

Residential (1 and 2 family dwellings)

- ~~A. Minimum Building Permit Fee \$50.00~~
- ~~B. New Construction or addition that creates habitable floor area, other than attached or unattached accessory buildings and decks (see below), excluding unfinished non-daylight basements and uninhabitable attics): \$.50 per square foot of total floor area~~
- ~~C. Renovations and repairs involving structural alterations: \$3.30 per \$1,000 value of construction~~
- ~~D. Accessory structures including decks, porches, garages, barns, and sheds: \$.20 per square foot.~~

Non-Residential & Multi-family (3 or more units)

- ~~A. New Construction or additions, including decks, platforms, ramps and accessory buildings: \$.75 per square foot~~
- ~~B. Renovations and/or repairs involving structural alterations and alterations requiring Code Office review: \$5.50 per \$1,000 value of construction~~

Other

- ~~A. Demolition of Building, flat rate: \$25~~
- ~~B. Swimming pools: flat rate: \$35 Above ground, \$50 In ground~~
- ~~C. Fees for starting construction without a permit shall be triple the permit fees or \$100.00, whichever is greater.~~
- ~~D. Re-inspection fees of \$25.00 shall be paid prior to the scheduling of an inspection appointment.~~
- ~~E. Permit Extensions: One half (1/2) the original permit fee, only good for one year. A total of two (2) extensions allowed.~~

IX. Inspections.

In accordance with the MUBEC, the Code Enforcement Officer or a Certified Third-Party Inspector, upon notification, shall make the required inspections and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the permit holder wherein the same fails to comply. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the inspecting Code Enforcement Officer or Certified Third-Party Inspector. Work shall not be done beyond the point indicated in each inspection without first obtaining the approval of the Code Enforcement Officer or Certified Third-Party Inspector.

A. Re-Inspection fees must be paid in full prior to scheduling an inspection. (Re-inspections are to be documented to include original date, what correction(s) are needed, date(s) time(s), and whether or not the correction was made.)

B. Planning Board Compliance Inspections: Compliance inspections may consist of:

1. Setbacks are met
2. The structure is within the building envelope
3. The correct placement of the driveway, with Road Commissioner in order to adhere to site distance
4. Fire suppression inspections with the Fire Chief
5. Meeting with an engineer on site for inspections, if required.

Inspections are to be documented to include the original inspection date, what correction(s) are needed, re-inspection date(s), time(s), and whether or not the correction was made.)

X. Certified Third-Party Inspectors (as defined in MRSA 25 § 2371).

For structures where a Certified Third-Party Inspector is utilized, certified reports from third-party inspectors, as outlined in 25 MRSA § 2373(4), shall be submitted to the Code Enforcement Officer prior to obtaining a certificate of occupancy as required in 25 MRSA § 2357-A. Such third-party inspections shall be obtained pursuant to independent contractual arrangements between the building owner and a third-party inspector.

XI. Permit Modifications.

After issuance, any modifications to a permit shall require a revised permit application and a revised permit prior to beginning work.

XII. Certificate of Occupancy.

No Building or structure that is the subject of a building permit or change of use of permit shall be used or occupied until the Code Enforcement Officer issues a Certificate of Occupancy per 25 MRSA § 2357-A and in accordance with the MUBEC. The Code Enforcement Officer shall also issue a Certificate of Occupancy based on receipt of a satisfactory inspection report by a certified third-party inspector.

XIII. Enforcement.

Enforcement and penalties shall be consistent with 30-A MRSA § 4452. It shall be unlawful to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by the MUBEC without a building permit, or cause the same to be done, in conflict with or in violation of any of the provisions of the MUBEC. If the Code Enforcement Officer finds that any of the provisions of this Ordinance are being violated, the Code Enforcement Officer shall serve a notice of violation on the person responsible for the violation. Such notice shall direct the discontinuance of the illegal action or condition and the abatement of the violation. The Code Enforcement Officer shall be responsible for initial efforts to enforce the provisions of this Ordinance as set forth in 30-A MRSA § 4452.

XIV. Penalties.

Any person, firm or corporation owning or having control of any building or premises or part thereof who violates any of the provisions of this Ordinance commits a civil violation and is subject to civil penalties under 30-A MRSA § 4452. Each day such violation or failure to comply is permitted to exist, after notification by the Code Enforcement Officer, shall constitute a separate violation. All fines shall be paid to the Town of Lebanon.

XV. Appeals.

In accordance with MRSA 25 § 2356 and MRSA 30-A § 4103(5) and the Board of Appeals Ordinance, an appeal may be taken in writing from any order or decision of the Code Enforcement Officer to the Board of Appeals. Fees for appeals shall be established by the Appeals Board Ordinance.

XVI. Savings Clause.

If any provision of this Ordinance is found by a court of competent jurisdiction to be invalid, this finding shall not affect the remainder of this Ordinance. All inconsistent ordinances previously adopted are hereby repealed.

The adoption of this Ordinance shall supersede all previous versions and amendments of this Ordinance.

May 10, 2016 - Referendum 2 - YES 681 NO 402

November 7, 2017 - Referendum 2 - YES 681 NO 339

June 12, 2018 - Referendum 8 - YES 627 NO 321