

**TOWN OF MEXICO
BUILDING CODE ORDINANCE**

Section 1. Purpose

The purposes of this code is to promote safety, health and public welfare through establishing minimum standards for the construction, alteration, relocation, placement and replacement of structures.

Section 2. Authority

This code is adopted pursuant to the enabling provisions of Article VIII-A of the Maine Constitution, the provisions of Title 30-A M.R.S.A. Section 3001 (Home Rule) and Title 30-A M.R.S.A., Section 3007.

Section 3. Applicability

- A. The provisions of this code shall apply to new construction, additions, alterations, relocation, placement, replacement and demolition of structures. The provisions shall also apply to conversion of single-family structures to multi-family structures, the conversion of seasonal dwellings to year-round dwellings and the conversion of residential structures to commercial structures.
- B. The provisions of this code shall not apply to structures constructed prior to the date of its enactment, except that relocation, replacement, alteration, additions and conversions identified in Section 3, A, shall comply with the provisions of this code.
- C. The provisions of this code shall apply to structures which will have 150 square feet or less of ground floor area.
- D. Nonconformance
 - 1. Any lawful use of structures, premises, or parts thereof existing at the effective date of this code or amendments thereto, and not in conformance with the provisions of this code, shall be considered to be a nonconforming structure.
 - 2. Any nonconforming structure may continue and be maintained, repaired, and improved. Repairs and improvements shall comply with the applicable provisions of Section 5.

Section 4. Administration

A. Code Enforcement Officer

This code shall be administered by a code enforcement officer who shall be appointed or reappointed annually by the municipal officers. The code enforcement officer shall inspect all buildings being constructed, placed, altered, replaced, relocated, or converted for the purpose of enforcing the provisions of this code.

B. Building Permits

A building permit shall be obtained prior to the construction, alterations, relocation, placement, replacement, conversion or demolition of any structure or part thereof. The owner or the owners' authorized agent shall obtain from the Town of Mexico an application for a building permit covering such proposed work.

C. Application for Permits

The application for a building or demolition permit shall be in writing and shall be submitted on forms provided by the Town of Mexico, and shall contain a description of the proposed new structure, alteration, relocation, replacement, placement, or conversion.

D. Permit Approval or Denial

Approval, approval with conditions, or denial of the completed application shall be made by a code enforcement officer within seven (7) days of submissions of a completed application. A soil test, site evaluation, and plumbing permit are prerequisite to issuance of a building permit where plumbing or subsurface wastewater disposal is indicated. The approval or denial of application shall be signed by the code enforcement officer. Notice of denial and conditional approvals shall be in writing stating the reasons.

E. Term of Permit

All construction shall have substantial commencement within six months of date of issue of building permit and be completed within three years or a new permit must be obtained in the same manner as identified in Sections 4, C and D above. Demolitions must be completed within a six-month period from date of issue and include the removal of all debris.

F. Display of Permit

Permits shall be on display in a prominent place at the site of construction or demolition, be clearly visible and shall not be removed until all work covered by the permit is completed and approved.

G. Revisions

No changes or revisions to the approved application shall be made in the process of constructing, reconstructing, altering, replacing, placing, relocating or converting a structure without approval of the code enforcement officer if the provisions of this code shall apply.

H. Fees

1. An application for a permit required by this code shall be accompanied by an application fee of \$10.00 payable to the Town of Mexico. No application shall be considered complete until such fee is received. The application fee is non-refundable.
2. Prior to the code enforcement officer issuing a permit required by this code, a permit fee payable to the Town of Mexico based upon the following fee schedule shall be paid. The selectmen shall have the authority to revise the fee schedule after conducting a public hearing on the proposed fee schedule.

New construction, placement, relocation, replacement, addition and conversions:

500 square feet or less.....	\$40.00
501 to 999 square feet.....	\$50.00
1000 to 1999 square feet.....	\$.10/sq. ft. of bottom floor area
greater than 2000 sq. feet.....	\$30.00 plus \$.10/sq. ft. of bottom floor area

NOTE: square footage is determined by the area of the bottom floor.

Alterations: \$10.00 plus \$2.50 per \$1,000 of total construction cost.

Demolition: \$35.00; Three family or larger buildings will be \$35.00 per unit

Revision: \$10.00

Renewal Permit: An amount equal to the original application fee and permit fee.

I. Inspections

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 working day prior to the time a building is ready for inspection, and the code enforcement officer shall inspect it within one (1) working day of notification.

Section 5. Standards

Inspections shall be conducted to ensure compliance with the following standards:

A. Lot Size

1. Lot size standards set forth in the Shoreland Zoning Ordinance, Mexico, Maine shall govern those areas regulated by that ordinance.
2. Lot size standards set forth in the Land Development Ordinance for the Town of Mexico, Maine shall govern those areas regulated by that ordinance.

3. Back lots

Back lots may be developed for single-family use although they lack any frontage on a public or privately owned street if the development is in accordance with the following provisions:

- a. If a back lot is accessible only by a legally enforceable right-of-way, it may be used if the following conditions are met:
 1. The right-of-way must be conveyed by deed or other legal instrument registered in the County Registry of Deeds to the owner of the back lot and be a minimum of 50 feet in width.
 2. A legal description of the right-of-way by metes and bounds shall be attached to any building permit application for construction on the back lot.
 3. The right-of-way or other legal instrument must be recorded at the Oxford County Registry of Deeds before a building permit is issued.
 4. Creation of 50 foot right-of-way to serve the back lot shall not create a nonconforming front lot by reducing such lots required road frontage below the minimum or if the front lot is already nonconforming, reduce its road frontage at all. Where the right-of-way is conveyed by easement or irrevocable license, or some grant less than a fee interest, the land over which such servitude is placed may not be counted toward meeting road frontage requirements for the front lot.
 5. The right-of-way may serve only one single-family dwelling.

6. No more than one right-of-way for back lot development may be created out of any single lot fronting on public or privately owned street unless each subsequent right-of-way is created out of at least 150 feet of frontage on a public or privately owned road frontage, and the center lines of the rights-of-way entrances are at least 200 feet apart.
7. Back lots legally recorded on or before October 1, 1994, served by a deeded right-of-way shall be exempt from the minimum right-of-way requirements.
8. Each single-family dwelling on a back lot shall be located within an area defined by a circle with a minimum diameter equal to the required road frontage.

B. Foundations

1. Except when erected on solid rock or equivalent, all principal structures shall be set on a concrete foundation wall or concrete posts to be carried five (5) feet below the finished grade and reinforced to prevent separation, or upon a reinforced concrete slab a minimum of four (4) inches thick. Reinforcing rods are to be no less than 3/8 inch in diameter and placed no more than two (2) feet apart lengthwise or more than two (2) feet apart crossways. The slab is to be on a base of 24 inches of well-drained coarse gravel. Foundations constructed of pressure-treated plywood walls or supporting posts may be used so long as the same are placed on a concrete footing to support the building and allow proper drainage, and as long as proper back filling is observed.

a. Foundation and Framing

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 in place, and prior to the placing of concrete.

- b. Framing inspection--before plumbing, wiring, and chimney are closed in.

C. Wall Floor and Roof Construction

The floor, wall, and roof construction shall be capable of accommodating all loads imposed and transmitting the resulting loads to its supporting structural elements in accordance with accepted construction practices and recognized codes. Roof snow load shall equal or exceed forty-five (45) pounds per square foot.

D. All chimneys shall be constructed of masonry with ceramic or tile lining or an Underwriters Laboratories (UL) approved, prefabricated chimney. Smoke pipes (stove pipes) shall not pass through floor or ceiling, and shall not pass through a combustible wall or partition.

E. Electrical

All buildings that are to be wired shall have adequate and safe electrical service, and all new installations of electrical equipment shall be reasonably safe to persons and property. Conformance with National Electric Code standards shall be prima facie evidence of compliance. All electrical installation entrances shall be installed or approved by a licensed electrician, and shall be in accordance with 30-A M.R.S.A. Sections 4161-4162 and as may be amended.

F. Insulation

Insulation for new residential buildings or dwelling units contained in a multi-family structure shall comply with the standards contained in Title 10 M.R.S.A. Section 1415, and as may be amended.

G. Plumbing

All plumbing shall be inspected by the licensed plumbing inspector and receive his/her approval of conformance with the State of Maine Internal Plumbing Rules and Subsurface Disposal Rules and other applicable state laws.

H. Fire Safety

New construction, alterations, additions and conversions shall comply with the most recent addition of the Life Safety Code, National Fire Protection Association 101. This section shall be enforced by the code enforcement officer and the Town of Mexico fire chief.

I. Manufactured Home

Manufactured homes intended for year-round dwelling units sited in the Town of Mexico after the effective date of this code shall comply with the provisions of Title 30-A M.R.S.A. Section 4358 (2) (d) and (e).

Section 6. Appeals

A. Powers and Duties of the Board of Appeals

Appeals shall be to the Mexico Board of Appeals according to the procedures of the Town of Mexico Board of Appeals Ordinance to the extent that the following

provisions are inconsistent with that ordinance, the following provisions of this code shall control. The board of appeals shall have the following powers:

1. Administrative Appeals

To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by the code enforcement officer, in the administration of this code.

2. Variance Appeals

To authorize variances upon appeal within the limitations set forth in this code.

B. Variance Appeals

Variances may be permitted only under the following conditions:

1. Variances may be granted from the structural standards in Section 5.

2. The board shall not grant a variance unless it finds that:

a. The proposed structure, addition, alteration, relocation, or replacement would meet the provisions of Section 5 except for the specific provision which relief is sought; and...

b. That the appeal is based on the claim that the true intent of this code has been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent form of construction can be used.

3. The board of appeals shall limit any variances as strictly as possible in order to insure conformance with the purposes and provisions of this code to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.

C. Appeal Procedure

1. Making an Appeal

a. An administrative or variance appeal may be taken to the board of appeals by an aggrieved party from any decision of the code enforcement officer or fire chief. Such an appeal shall be filed within a thirty (30) day requirement.

- b. Such appeal shall be made by filing with the board of appeals a written notice of appeal that includes...
 - i. ...a concise written statement indicating what relief is requested and why it should be granted;
 - ii. a sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought;
 - iii. a fee of \$20.00 payable to the Town of Mexico to cover administrative costs. The applicant shall, in addition, pay the Town of Mexico for all costs of public hearing notices.
- c. Upon being notified of an appeal, the code enforcement officer or fire chief, as appropriate, shall transmit to the board of appeals all of the papers constituting the record of the decision appealed from.
- d. The board of appeals shall hold a public hearing on the appeal within thirty-five (35) days of its receipt of an appeal request.

2. Decision of Board of Appeals

- a. A majority of the board shall constitute a quorum for the purpose of deciding an appeal. A member who abstains shall not be counted in determining whether a quorum exists.
- b. The concurring vote of a majority of the members of the board of appeals present and voting shall be necessary to reverse an order, requirement, decision, or determination by the code enforcement officer or fire chief to decide in favor of the applicant on any matter on which it is required to decide under this code, or to affect any variation in the application of this code from its stated terms.

The board may reverse the decision, or failure to act, of the code enforcement officer or fire chief only upon a finding that the decision, or failure to act, was clearly contrary to specific provisions of this code.

- c. The person filing the appeal shall bear the burden of proof.
- d. The board shall decide all appeals within thirty (30) days after the close of the public hearing, and shall issue a written decision on all appeals.
- e. All decisions shall become a part of the record and shall include a statement of findings and conclusions as well as the reasons or basis therefore, and the appropriate order, relief, or denial thereof.

D. Appeal to Superior Court

Any aggrieved party who participated as a party during the proceedings before the board of appeals may take an appeal to superior court in accordance with State laws within forty-five (45) days from the date of any decision of the board of appeals.

E. Reconsideration

The board of appeals may reconsider any decision within thirty (30) days of its prior decision. The board may conduct additional hearings and receive additional evidence and testimony.

Section 7. Enforcement

A. Violations

Any structure built or placed, or work performed, or demolition site in violation of the provisions of this code shall be considered a nuisance.

B. Penalties

Any person who continues to violate this code after receiving notification of violation by the code enforcement officer shall have committed a civil violation and shall be subject to a penalty pursuant to Title 30-A M.R.S.A. Section 4452. Each day that such violation exists shall be deemed a separate offense without a written agreement or correction.

C. Notification

It shall be the duty of the code enforcement officer to enforce the provisions of this code. If the code enforcement officer shall find a violation has occurred, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, building, structures or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. The code enforcement officer shall maintain a record of such notices.

D. Legal Actions

When the above action does not result in the correction or abatement of the violation or nuisance condition, the municipal officers, upon notice from the code enforcement officer, is hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the

provisions of this code in the name of the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this code and recovering fines without court action.

E. Liability for Violations

Any person, including, but not limited to, a landowner, the landowner's agent or a contractor, who violates any of these laws or ordinances set forth in this code is liable for the penalties set forth as follows:

1. The minimum penalty for starting construction or undertaking a land use activity without a required permit is \$100, and the maximum penalty is \$2,500.
2. The minimum penalty for a specific violation is \$100, and the maximum penalty is \$2,500.
3. The violator may be ordered to correct or abate the violations unless the abatement or correction results in:
 - a. a threat or hazard to public health or safety;
 - b. substantial environmental damage; or
 - c. a substantial injustice.
4. If the municipality is the prevailing party, the municipality must be awarded reasonable attorney fees, expert witness fees and costs, unless the court finds that special circumstances make the award of these fees and costs unjust. If the defendant is the prevailing party, the defendant may be awarded reasonable attorney fees, expert witness fees and costs as provided by court rule.
5. In setting the penalty, the court shall consider, but is not limited to the following:
 - a. Prior violations by the same party;
 - b. The degree of environmental damage that cannot be abated or corrected;
 - c. The extent to which the violation continued following a municipal order to stop; and

- d. The extent the municipality contributed to the violation by providing the violator with incorrect information or by failing to take timely action.
- e. The maximum penalty may exceed \$2,500, but may not exceed \$25,000 when it is shown that there has been a previous conviction of the same party within the past two years for a violation of the same law or code.
- f. If the economic benefit resulting from the violation exceeds the applicable penalties under this section, the maximum civil penalties may be increased. The maximum civil penalty may not exceed an amount equal to twice the economic benefit resulting from the violation. Economic benefit includes, but is not limited to, the costs avoided or enhanced value accrued at the time of the violation as a result of the violator's noncompliance with the applicable legal requirements.

Section 8. Validity and Severability

Should any section or provision of this code be declared by the courts to be invalid, such decision shall not invalidate the remaining portions of this code.

Section 9. Amendments

This code may be amended by majority vote of the town at any town meeting, the warrant for which gives notice of the proposed change.

Section 10. Effective Date

The effective date of this code shall be October 1, 1994, after it is adopted by vote of the legislative body of the Town of Mexico.

This code shall in no way impair or remove the necessity of compliance with any other rule, regulation, by-law, permit or provision of law. This code shall apply to all construction commenced after the effective date of the code.

The following ordinances are hereby repealed with the adoption of this code: Building Code of the Town of Mexico adopted November 4, 1961 and January 1, 1992.

Section 11. Definitions

Accessory Structure: A structure that is incidental and subordinate to the principal structure.

Addition: An increase in the floor area or volume of a structure.

Alteration: The change or rearrangement in the structural parts or in the means of egress.

Commercial Structure: A structure, other than a "home occupation," the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.

Foundation: The supporting substructure of a building or other structure including, but not limited to basements, slabs, sills, posts or frost walls.

Height of a Structure: The vertical distance between the mean original grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances which have no floor area.

Lot: An area of land in one ownership, or one leasehold, with ascertainable boundaries established by deed or instrument of record, or a segment of land ownership defined by lot boundary lines on a land subdivision plan duly approved by the planning board and recorded at the County Registry of Deeds.

Lot Area: The total horizontal area within the lot lines.

Manufactured Housing/Mobile Home Unit: Structures, transportable in one or two sections which were constructed in a manufacturing facility and are transported to a building site and designed to be used as dwellings when connected to the required utilities, including the plumbing, heating, air conditioning, and electrical systems contained therein and as otherwise defined in 30-A M.R.S.A. Section 4358 (1).

Minimum Lot Width: The closest distance between the sidelines of a lot.

Multi-Family Dwelling: A residential structure containing three (3) or more residential dwelling units.

Non-Conforming Lot: A single lot of record which, at the effective date of adoption or amendment of this code, does not meet the area frontage or width requirements of the district in which it is located.

Principal Structure: A building other than one which is used for purposes wholly incidental or accessory to the use of another building or use on the same premises.

Seasonal Dwelling/Camps: A dwelling including camps, trailers, mobile homes and recreation vehicles which are not a principal or year-round residence and are occupied less than seven (7) months in any calendar year.

Structure: Anything built for the support, shelter, or enclosure of persons, animals, goods or property of any kind.

Substantial Commencement: Completion of thirty (30) percent of permitted structure measured as a percentage of estimated total cost.

Approved at the annual Town Meeting held on June 20, 1994

Revised on November 4, 1997

Amendment adopted on June 12, 2000

Attest: Penny S. Duguay Signature on file
Penny S. Duguay, Town Clerk

Amendments adopted on June 9, 2015

Attest: Penny S. Duguay
Penny S. Duguay, Town Clerk