Building Permit Ordinance of the Town of Hebron

Enacted March 18, 2006

Amended March 24, 2007

Amended xxxx xx, 2011

Amended xxxx xx, 2023

Repealed and replaced March \_\_ , 2024

**DRAFT 021524**

**Article I.  Authority; Effect**

This Ordinance is enacted consistent with the Town of Hebron’s home rule authority under Article VIII, Part Second of the Maine Constitution and 30-A M.R.S. § 3001. This Ordinance is intended to repeal and replace all ordinances concerning the enforcement of the Maine Uniform Building and Energy Code previously enacted by the Town of Hebron.

**Article II. Purpose**

The purpose of this Ordinance is to establish requirements for building permit applications, building permit fees, and building permit approval to be obtained prior to construction of, improvement(s) to, or additions to real property, as further specified herein, and to provide for the health and safety of the residents of Hebron. Building permits are intended to aid the Town in tracking the construction of certain structures and improvements in Hebron. This Ordinance is not intended to, nor shall it be construed to enforce any portion of the Maine Uniform Building and Energy Code, from which the Town is exempt. The receipt of a building permit under this Ordinance does not indicate that the permitted structure or improvements comply with MUBEC, in whole or in part. Any property owner seeking an inspection of the completed improvements under MUBEC must contract with a Third-Party Inspector.

A list of certified Third-Party Inspectors is available through the State and may be viewed by setting your browser to www.maine.gov/decd/sites/maine.gov.decd/files/inline-files/TPI\_list\_0.pdf . For further information, or if you have any MUBEC questions, you may contact Paul Demurs, Maine State Fire Marshal’s Office at (207) 441-0996**.**

**Article III. Applicability**

This Ordinance shall apply to all the land area within the Town of Hebron.

**Article IV. Building Permit Requirement**

No person, firm, corporation, or other legal entity shall construct a new structure, modify or add to an existing structure, or add, erect or place a pre-built structure, including a manufactured home, on real property located in the Town, which will increase total area of all structures located on the subject property by two hundred (200) square feet or greater, without first receiving a permit issued in advance by the Code Enforcement Officer. The Code Enforcement Officer shall act on any requested permit within 45 days of receipt of a complete, written application and make a positive finding that all existing and applicable Town Ordinances, including but not limited to the Town of Hebron, Maine Land Use Ordinance, are complied with.

Building Permits are **not required** for:

1. Routine structural maintenance such as painting, replacement of existing heating systems, etc., except where required by separate town ordinance or state statute or regulation; or
2. Construction that is associated with the repair of an existing building without changing its exterior dimensions.
3. Construction of improvements totaling less than 200 square feet in area; provided, however, that such improvements remain subject to all provisions of the Land Use Ordinance.

Amendment of Building Permits:

1. Building permits can be amended. The Code Enforcement Officer is authorized to issue an amended building permit reflecting such amendments. The amended building permit shall retain the effective date of the original permit. The amendment shall be requested in writing on the same form as the original permit and said request shall include reference to the previously issued permit.

 Approved building permits shall expire and be deemed invalid if:

1. The work authorized by such building permit does not commence within 180 days of issuance.
2. The work authorized by such building permit is suspended or abandoned for a period of more than 180 days after the work has commenced.
3. The work authorized by such building permit is not completed within two (2) years after its issuance.

 The Code Enforcement Officer is authorized, in their sole discretion, to grant no more than one written extension of each of the time periods established in this section. Extension requests shall be requested in writing and justifiable cause must be demonstrated. Each request for an extension shall be accompanied with a permit fee equal to the fee charged for the original permit.

**Article V. Payment of Application Fees**

All building permit application fees are payable to the Town of Hebron. Fees must be paid in full prior to a building permit being issued. A building permit shall not be valid until the fees prescribed by law have been paid. If an extension, renewal, or amendment to a building permit is requested, it will not be valid until the additional fee has been paid.

1. The Town of Hebron Select Board is authorized to set all fees for all building permits

 required under this Ordinance.

* + 1. The Town of Hebron shall maintain a list of all fees for all building permits required under this Ordinance and make such a list available upon request.

**Article VII. Manufactured Home.**

Building permits are required prior to the placement or installation of a manufactured home on any property in Hebron. The definition of "manufactured home" in 30-A M.R.S. § 4358(l)(A), as amended, is hereby incorporated by reference as the definition of manufactured home for the purposes of this Ordinance. In addition, a manufactured home under this Ordinance must be at least 14 feet in width, have a pitched roof with a minimum slope of 2 over 12, have a ground snow load of at least 80 PSF, and have siding that is residential in appearance.

**Article VIII.  Construction Waste Disposal.**

All building permits for new structures in excess of 800 square feet of floor area shall require that the contractor/owner provide a "roll-off' dumpster or similar container to dispose of all construction-related debris. The cost of the dumpster shall be borne by said contractor or owner. Said debris shall not be deposited at or transferred to the Town of Hebron Transfer Station.

**Article IV. Amendments**

Amendments to this Ordinance shall become effective following a majority vote of Town Meeting.

**Article X.  Enforcement, violations, and penalties.**

 Violations of this Ordinance shall be enforced by the Code Enforcement Officer. Consistent with 30-A M.R.S. § 4452, violations of this Ordinance proven by the Town in Maine District Court shall result in the imposition of a civil penalty against the violator of between $100 and $2,500 per day. In the event that the Town is the prevailing party in litigation brought to enforce violations of this Ordinance, the Town shall be entitled to reimbursement of all costs incurred in prosecuting such violations, including its reasonable attorney’s fees.

**Article XI. Appeals.**

Appeals of any decision of the Code Enforcement Officer made under this Ordinance may be appealed to the Board of Appeals within thirty (30) days of said decision. Appeals shall be conducted on a *de novo* basis before the Board of Appeals consistent with Section XI of the Town of Hebron Land Use Ordinance and 30-A M.R.S. § 2691(3).

**Article XI. Severability**

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.