

NOTICE OF PUBLIC HEARING
MUNICIPAL OFFICERS OF THE TOWN OF
OLD ORCHARD BEACH

The Municipal Officers of the Town of Old Orchard Beach, Maine hereby give Public Notice that there will be a Public Hearing held at the Town Hall, Council Chambers, on January 4, 2011, at 7:00 p.m. to consider the following:

Be it hereby ordained, by the Town Council of the Town of Old Orchard Beach, Maine, in Town Council assembled, that Chapter 66, Article II, Building Code Sections 66-26, 66-27 and 66-112, are being amended, and sections 66-28 and Article VIII and IX, are being deleted.

Chapter 66 BUILDINGS AND BUILDING REGULATIONS*

***Cross references:** Department of planning and development, § 2-471; compliance of premises and building for special amusement, § 6-63; environment, ch. 26; fire prevention and protection, ch. 30; new building construction with sprinkler systems, fire alarms and smoke detectors, fire lanes, § 30-56 et seq.; building additions and renovations with sprinkler systems, fire alarms and smoke detectors, fire lanes, § 30-63; housing, ch. 34; structural requirements for housing, § 34-126 et seq.; discharge near dwellings or occupied building or structure, § 38-26; discharge causing projectile to pass near dwelling or occupied building or structure, § 38-27; outdoor vending machines, § 38-271 et seq.; solid waste, ch. 46; streets, sidewalks and other public places, ch. 50; utilities, ch. 58; building sewers, § 58-151 et seq.; floods, ch. 70; new construction or substantial improvement of any structure, § 70-117; subdivisions, ch. 74; zoning, ch. 78; conformance and nonconformance, § 78-141 et seq.; buildings and structures, § 78-1381 et seq.

State law references: Regulation of construction and improvements, 30-A M.R.S.A. § 4101 et seq., [10 M.R.S.A. § 9724.](#), [25 M.R.S.A. § 2371.](#)

Article I. In General

Secs. 66-1--66-25. Reserved.

Article II. Building Code

~~Sec. 66-26. Adopted by reference.~~ [Sec. 66-26. Administration and enforcement of Maine Uniform Building and Energy Code.](#)

~~Sec. 66-27. Code revisions.~~ [Sec. 66-27. Additional requirements.](#)

~~Sec. 66-28. Violation penalties.~~

Secs. 66-29--66-55. Reserved.

Article III. Electrical Code

Sec. 66-56. Adopted by reference.

Sec. 66-57. Violation penalties.

Sec. 66-58. Enforcement.

Secs. 66-59--66-85. Reserved.

Article IV. Plumbing

Division 1. Generally

Sec. 66-86. Enforcement.

Secs. 66-87--66-110. Reserved.

Division 2. Plumbing and Subsurface Wastewater Disposal System Permits

Sec. 66-111. Applicability; definitions.

Sec. 66-112. Plumbing permit fees.

Sec. 66-113. Subsurface wastewater disposal system fees.
Secs. 66-114--66-140. Reserved.
Article V. Building and Property Maintenance
Division 1. Generally
Sec. 66-141. National property maintenance code.
Secs. 66-142--66-170. Reserved.
Division 2. Minimum Standards for Exterior of Buildings and Structures and Areas
Sec. 66-171. Definitions.
Sec. 66-172. Purpose; scope.
Sec. 66-173. Enforcement.
Sec. 66-174. Penalties.
Sec. 66-175. Maintenance required.
Sec. 66-176. Maintenance standards for buildings and structures.
Sec. 66-177. Maintenance standards for premises and yard area.
Sec. 66-178. Maintenance after casualty damage.
Secs. 66-179--66-205. Reserved.
Article VI. Fences
Sec. 66-206. Use of barbed wire, spikes or similar devices.
Secs. 66-207--66-215. Reserved.
Article VII. Removal of Signs from Vacant Commercial Buildings
Sec. 66-216. Definitions.
Sec. 66-217. Purpose.
Sec. 66-218. Violation.
Sec. 66-219. Order of removal.
Sec. 66-220. Appeal of order of removal.
Sec. 66-221. Removal by the town.
Sec. 66-222. Costs of removal.
Sec. 66-223. Penalties and enforcement.
Secs. 66-224--66-230 40. Reserved.
~~Article VIII. Existing Building Code~~
~~Sec. 66-231. Adoption by reference.~~
~~Sec. 66-232. Code revisions.~~
~~Sec. 66-233. Violation penalties.~~
~~Secs. 66-234--66-240. Reserved.~~
~~Article IX. Residential Code~~
~~Sec. 66-241. Adoption by reference.~~
~~Sec. 66-242. Code revisions.~~
~~Sec. 66-243. Violation penalties.~~

ARTICLE I. IN GENERAL

Secs. 66-1--66-25. Reserved.

ARTICLE II. BUILDING CODE*

***Editor's note:** An ordinance adopted September 7, 2004, repealed the former Art. II., §§ 66-26--66-28, and enacted a new Art. II as set out herein. The former Art. II pertained to adoption of BOCA National Building Code/1993 and derived from Ord. of 3-1-1994, §§ 1, 3, 5.

Note: Notwithstanding anything to the contrary in 1 M.R.S.A. § 302, this article, being a corrective ordinance for the purpose of correcting certain technical errors in the original adoption of the Code, shall be effective as of September 7, 2004, the date on which the Code was first adopted.

State law references: Authority to adopt technical codes by reference, 30-A M.R.S.A. § 3003; board of appeals, 30-A M.R.S.A. § 2091.

~~Sec. 66-26. Adopted by reference.~~

~~That a certain document, a copy of which is on file in the office of the Town Clerk of Old Orchard Beach, being marked and designated as the International Building Code, 2003 edition, as published by the International Code Council, be and is hereby adopted as the Building Code of the Town of Old Orchard Beach, in the State of Maine for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure other than detached one and two-family dwellings and multiple single family dwellings (town houses) not more than three stories in height with separate means of egress as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said building code on file in the office of the Town of Old Orchard Beach are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in section 66-27 of this article.~~

Sec. 66-26. Administration and enforcement of Maine Uniform Building and Energy Code.

Effective December 1, 2010, the Town of Old Orchard Beach applies and enforces the Maine Uniform Building and Energy Code ("M.U.B.E.C."), as required by 10 M.R.S.A. § 9724. The Code Enforcement Officer of the Town of Old Orchard Beach shall serve as the building official as defined in 25 M.R.S.A. § 2371 and shall be responsible for issuing building permits and certificates of occupancy. The Code Enforcement Officer shall be responsible for inspecting all permitted construction for compliance with all components of M.U.B.E.C., as such components may be revised from time to time by the Technical Building Codes and Standards Board. Administration and enforcement of M.U.B.E.C., including permits, fees, violations, penalties and appeals, shall be in accordance with Article II of Chapter 78, Zoning and Appendix A of the Old Orchard Beach Code.

(Ord. of 9-7-2004(1); Ord. of 8-2-2005(4), § 1)

~~Sec. 66-27. Code revisions.~~

~~Throughout this Code, all references to the "Building Official" shall mean the Code Enforcement Officer of the Town of Old Orchard Beach.~~

~~Throughout this code, all references (except in Section 3305.1) to the "International Plumbing Code" shall be deleted and replaced with the words "State of Maine Internal Plumbing Rules, Chapter 238."~~

~~Throughout this code, all references to the "ICC Electrical Code" shall be deleted and replaced with the words "Rules adopted by the Electricians' Examining Board pursuant to 32 M.R.S.A. § 1153-A."~~

~~Throughout this code, all references to the "International Fire Code" shall be deleted and replaced with the words "NFPA 1 Uniform Fire Code 2003."~~

~~Throughout this code, all references to the "International Fuel Gas Code" shall be deleted and replaced with the words "the rules adopted by the Commissioner of Public Safety under 25 M.R.S.A. § 2465, the rules adopted by the Oil and Solid Fuel Board under 32 M.R.S.A. Ch. 33 or the rules adopted by the Propane and Natural Gas Board under 32 M.R.S.A. § Ch. 130, as applicable."~~

~~Throughout this code, all references to the "International Private Sewage Disposal Code" shall be deleted and replaced with the words "Maine Subsurface Wastewater Disposal Rules, Chapter 241."~~

~~In addition, the following sections are hereby revised.~~

~~Section 101.1 Title is amended by inserting the words "the Town of Old Orchard Beach" in place of "[NAME OF JURISDICTION]."~~

~~Section 105.1 Required is amended by deleting the words "gas, mechanical" without replacement.~~

~~Section 105.1.1 Annual Permit is amended by deleting the entire section without replacement.~~

~~Section 105.1.2 Annual Permit Records is amended by deleting the entire section without replacement.~~

~~Section 105.2 Work Exempt From Permit is amended by deleting items 1, 2, 4, 5-8 and 9 under the heading "Building" without replacement. This section is further amended by deleting all items under the heading "Gas" and inserting the words "No local permit required for gas installations." This section is further amended by deleting all items under the heading "Mechanical" and inserting the words "No local permit required for Mechanical Installations."~~

~~Section 105.5 Expiration is amended by deleting the entire section and inserting the following words: "Time limitation of permits: A building permit issued under the provisions of this code shall become void if work has not commenced within six months of the date of approval and shall expire two years from the date of issue. A building permit may be renewed once for a one-year period upon submission of an application and payment of the prescribed fee prior to the expiration of the original permit. All codes, ordinances and statutes in effect at the time of the renewal application must be complied with before said permit is issued."~~

~~Section 112.1 Board of Appeals, General is amended by deleting the second sentence and substituting the words "The Old Orchard Beach Zoning Board of Appeals shall serve as the Board of Appeals."~~

~~Section 112.3 Qualifications is amended by deleting the entire section without replacement.~~

~~Section 1025.2 Minimum Size is amended by deleting the "Exception" section without replacement.~~

~~Section 1612.3 Establishment of Flood Hazard Areas is amended by inserting the words "Town of Old Orchard Beach Flood Hazard Ordinance" in place of [NAME OF JURISDICTION] and "November 20, 1990" in place of [DATE OF ISSUANCE].~~

~~Section 1612.4 Design and Construction is amended by deleting the period at the end of the section and inserting the words "Old Orchard Beach Flood Hazard Ordinance."~~

~~Section 2111 Masonry Fireplaces is amended by deleting the entire section and inserting the following words "Masonry Fireplaces shall be constructed to the standards found in NFPA 211, Standard for Chimneys, Fireplaces, Vents and Solid Fuel-Burning Appliances, 2002 Edition."~~

~~Section 2112 Masonry Heaters is amended by deleting the entire section and inserting the words "Masonry Heaters shall be constructed to the standards found the NFPA 211, Standard for Chimneys, Fireplaces, Vents and Solid Fuel-Burning Appliances, 2002 Edition."~~

~~Section 2113 Masonry Chimneys is amended by deleting the entire section and inserting the words "Masonry Chimneys shall be constructed to the standards found in NFPA 211, Standard for Chimneys, Fireplaces, Vents and Solid Fuel-Burning Appliances, 2002 Edition."~~

~~Section 2702.3 Maintenance is amended by deleting the words "International Fire Code" and inserting the words "NFPA 110, Standard for Emergency and Standby Power."~~

~~Chapter 30 Elevator and Conveying Systems is amended by deleting it in its entirety and inserting the words "All Elevator and Conveying Systems installed shall comply with the Maine State Elevator Regulations found in Title 32, Chapter 133 of the Maine Revised Statutes, Annotated."~~

~~Chapter 32 Encroachments Into the Public Way is amended by deleting the entire section without replacement.~~

~~Section 3305.1 Facilities Required is amended by deleting "the International Plumbing Code" and inserting "Federal and State OSHA requirements."~~

~~Section 3410.2 Applicability is amended by inserting the words "September 7, 2004."~~

Sec. 66-27. Additional requirements.

Notwithstanding the exceptions to permit requirements in M.U.B.E.C., permits are required for the following in the Town of Old Orchard Beach:

- (a) One-story detached commercial accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11m²);
- (b) Water tanks for commercial uses supported directly on grade if the capacity does not exceed 5,000 gallons (18 925L) and the ratio of height to diameter or width does not exceed 2:1.

(Ord. of 9-7-2004(1); Ord. of 8-2-2005(4), § 2)

~~Sec. 66-28. Violation penalties.~~

~~Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the code enforcement officer, or of a permit or certificate issued under the provisions of the code, shall be subject to penalties, upon conviction, of a fine of not less than \$100.00 and not more than \$2,500.00. Each day that a violation continues after due notice has been served shall be deemed a separate offense.~~

~~(Ord. of 9-7-2004(1); Ord. of 8-2-2005(4), § 2)~~

~~Secs. 66-29-66-55. Reserved.~~

ARTICLE III. ELECTRICAL CODE*

***Editor's note:** An ordinance adopted August 2, 2005, repealed the former Art. III., §§ 66-56--66-58, and enacted a new Art. III as set out herein. The former Art. III pertained to adoption of the National Electrical Code 1999 and derived from Ord. of 4-20-1999, §§ 1, 3, 5; Ord. of 8-17-2004, § 5.

Note: This article is effective August 2, 2005.

Cross references: Utilities, ch. 58.

State law references: Authority to adopt codes by reference, 30-A M.R.S.A. § 3003.

Sec. 66-56. Adopted by reference.

The rules adopted by the Electricians' Examining Board pursuant to 32 M.R.S.A. § 1153-A are hereby adopted as the Electrical Code of the Town of Old Orchard Beach ("this Code").

(Ord. of 8-2-2005(5), § 1)

Sec. 66-57. Violation penalties.

Any person who violates a provision of this code or fails to comply with any of the requirements thereof, or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the electrical inspector, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties, upon conviction, of a fine of not less than \$100.00 and not more than \$2,500.00. Each day that a violation continues after due notice has been served shall be deemed a separate offense. As an additional remedy, any violation of this code shall be deemed and is declared to be a nuisance and may be subject to abatement by restraining order or injunction issued by a court of competent jurisdiction.

(Ord. of 8-2-2005(5), § 2)

Sec. 66-58. Enforcement.

Enforcement of this code shall rest with the electrical inspector.

(Ord. of 8-2-2005(5), § 3)

Secs. 66-59--66-85. Reserved.

ARTICLE IV. PLUMBING*

*State law references: Maine Plumbing Code, 32 M.R.S.A. § 3403-B.

DIVISION 1. GENERALLY

Sec. 66-86. Enforcement.

This article shall be enforced by the municipal plumbing inspector or his designee.

(Ord. of 12-21-1993, § 5)

Secs. 66-87--66-110. Reserved.

DIVISION 2. PLUMBING AND SUBSURFACE WASTEWATER DISPOSAL SYSTEM PERMITS

Sec. 66-111. Applicability; definitions.

(a) This division applies to fees charged by the town for plumbing and subsurface wastewater disposal system permits issued by the town pursuant to 30-A M.R.S.A. § 4201 et seq. and pursuant to rules promulgated by the department of human services under authority of 30-A M.R.S.A. § 4201 et seq.

(b) For purposes of this division, the terms contained in this division shall have the meanings given to them in the state plumbing code.

(Ord. of 12-21-1993, § 1)

Sec. 66-112. Plumbing permit fees.

At the time of issuance by the town of a plumbing permit pursuant to 30-A M.R.S.A. § ~~4204~~ [4211](#) et seq. and the state plumbing code, the plumbing permit applicant shall pay a fee in accordance with the following schedule and at the rate provided for each classification shown:

(1) Any person who shall begin any work for which a permit is required by the state plumbing code without first having obtained a permit therefor shall, if subsequently eligible to obtain a permit, pay double the permit fee fixed by this section for such work. However, this subsection shall not apply to emergency work when it shall be proved to the satisfaction of the local plumbing inspector that such work was urgently necessary and that it was not practical to obtain a permit before the commencement of the work. In all such emergency cases, a permit must be obtained within four working days or else a double permit fee shall be charged.

(2) For the purpose of this section, a sanitary plumbing outlet on or to which a plumbing fixture or appliance may be set or attached shall be construed to be a fixture. Fees for reconnection and retest of existing plumbing systems in relocated buildings shall be based on the number of plumbing fixtures, water heaters, etc., involved.

(3) The following permit fees shall be charged:

a. The minimum fee for all permits shall be as specified in the schedule of license, permit and application fees in appendix A of this code.

b. The fixture fee shall be as specified in the schedule of license, permit and application fees in appendix A of this code per fixture.

c. The reinspection fee shall be as specified in the schedule of license, permit and application fees in appendix A of this Code. A reinspection fee shall be charged by the local plumbing inspector when work has not been completed upon an inspection or when work was not in compliance with the state plumbing code.

d. When only new water distribution and/or drainage pipes are installed or relocated in a building, but no fixtures are installed, the fee shall be as specified in the schedule of license, permit and application fees in appendix A of this code.

e. A hookup fee as specified in the schedule of license, permit and application fees in appendix A of this code shall be charged for the connection to a building sewer of a mobile home which bears the Housing and Urban Development (HUD) seal or a modular home which bears the Manufactured Housing Board seal.

f. A hookup fee of as specified in the schedule of license, permit and application fees in appendix A of this code shall be charged for connection to a public sewer when piping is installed beyond the jurisdiction of the sanitary district.

g. Relocated mobile homes, modular homes or any other similar structures shall be considered as new conventional stick built structures. A plumbing fixture fee shall be charged based on this section.

h. A permit is valid only for the named applicant and may be transferred by payment of a transfer fee as specified in the schedule of license, permit and application fees in appendix A of this code.

(Ord. of 12-21-1993, § 2; Ord. of 4-1-2003, § 2)

Sec. 66-113. Subsurface wastewater disposal system fees.

(a) Prior to the local plumbing inspector's issuance of a subsurface wastewater disposal system permit, the permit applicant must pay the local plumbing inspector a permit fee as specified in the schedule of license, permit and application fees in appendix A of this code.

(b) A person who starts construction without first obtaining a subsurface wastewater disposal permit shall pay double the permit fee indicated in subsection (a) of this section.

(Ord. of 12-21-1993, § 3; Ord. of 4-1-2003, § 2)

Secs. 66-114--66-140. Reserved.

ARTICLE V. BUILDING AND PROPERTY MAINTENANCE

DIVISION 1. GENERALLY

Sec. 66-141. International Property Maintenance Code.

(a) *Adopted.* That a certain document, a copy of which is on file in the office of the Town Clerk of Old Orchard Beach, being marked and designated as the International Property Maintenance Code, 2003 edition, as published by the International Code Council, be hereby adopted as the Property Maintenance Code of the Town of Old Orchard Beach, in the State of Maine for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structure are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Town of Old Orchard Beach are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, deletions and changes, if any, as prescribed in section 66-141(b) of this section.

(b) *Code revisions.* The following sections are hereby revised.

Throughout this code, all references to the "Code Official" shall mean the Code Enforcement Officer of the Town of Old Orchard Beach.

Throughout this code, all references to the "International Fuel Gas Code" shall be deleted and replaced with the words "the rules adopted by the Commissioner of Public Safety under 25 M.R.S.A. § 2465, the rules adopted by the Oil and Solid Fuel Board under 32 M.R.S.A. Ch. 33 or the rules adopted by the Propane and Natural Gas Board under 32 M.R.S.A. § Ch. 130, as applicable."

Throughout this code, all references to the "International Fire Code" shall be deleted and replaced with the words "NFPA 1 Uniform Fire Code 2003."

Throughout this code, all references to the "International Plumbing Code" shall be deleted and replaced with the words "State of Maine Internal Plumbing Rules Chapter 238."

Throughout this code, all references to the "ICC Electrical Code" shall be deleted and replaced with the words "Rules adopted by the Electricians' Examining Board pursuant to 32 M.R.S.A. § 1153-A."

Section 101.1 Title is amended by inserting the words "Town of Old Orchard Beach."

Section 103.5 Fees is amended by inserting the words "the Town of Old Orchard Beach Schedule of License, Permit and Application Fees."

Section 106.3 Prosecution of Violation is amended by deleting the word "misdemeanor" and inserting the words "civil violation."

Section 111 Means of Appeal is amended by deleting the section in its entirety and replaced with the words "The Old Orchard Beach Zoning Board of Appeals shall serve as the Board of Appeals."

Section 302.4 Weeds is amended by inserting the words "10 inches" in the bracket [jurisdiction to insert height in inches.]

Section 303.14 Insect Screens is amended by inserting "May 15" in the first date bracket and "October 1" in the second date bracket.

Section 602.4 Occupiable work spaces is amended by inserting "September 1" in the first date bracket and "May 15" in the second date bracket.

Chapter 8 Referenced Standards is amended by deleting the words "IPC-03 ICC International Plumbing code" and inserting the words "State of Maine Internal Plumbing Rules 144A CMR 238" In addition, this section is amended by deleting the words "IZC-03 International Zoning Code" without replacement.

(c) *Violation penalties.* Any person who violates a provision of this code or fails to comply with any of the requirements thereof shall be subject to penalties, upon conviction, of a fine of not less than \$100.00 and not more than \$2,500.00. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(Ord. of 9-7-2004(2); Ord. of 8-2-2005(6), §§ 1--3)

Editor's note: An ordinance adopted September 7, 2004 repealed the former section 66-141 and enacted a new section 66-141 as set out herein. The former section 66-141 pertained to National Property Maintenance Code and derived from Ord. of 5-21-1998, §§ 1, 2; Ord. of 11-4-1998.

Note: Notwithstanding anything to the contrary in 1 M.R.S.A. § 302, this section, being a corrective ordinance for the purpose of correcting certain technical errors in the original adoption of the Code, shall be effective as of September 7, 2004, the date of which the Code was first adopted.

Sec. 6-142. Reserved.

Editor's note: An ordinance adopted September 7, 2004, repealed § 66-142 in its entirety. Formerly, such section pertained to enforcement and derived from 5-21-1998, § 5; Ord. of 11-4-1998.

Secs. 66-143--66-170. Reserved.

DIVISION 2. MINIMUM STANDARDS FOR EXTERIOR OF BUILDINGS AND STRUCTURES AND AREAS

Sec. 66-171. Definitions.

Terms used in this division shall be as defined in chapter 78 pertaining to zoning and the building code adopted in section 66-26.

(Ord. of 10-17-1995, § 2)

Sec. 66-172. Purpose; scope.

The purpose of this division is to set a minimum standard for the condition and maintenance for the exterior of all buildings and structures and the premises surrounding such buildings and structures in order to protect the economic well-being of the town's inhabitants. In particular, because the economy of the town is heavily dependent upon tourism, the appearance of the town as an attractive, well kept, safe, clean community is

extremely important to the economic health of its businesses and the corresponding employment opportunities for its residents. Buildings which are not well maintained and which take on an unkempt, dilapidated appearance have a negative, blighting effect not only on the immediately surrounding properties but on the community as a whole and the town's economy. This division is intended to require property owners to maintain their properties in good repair in order to preserve the community's safety and welfare. (Ord. of 10-17-1995, § 1; Ord. of 4-7-1998)

Sec. 66-173. Enforcement.

The code enforcement officer shall enforce this division. If a violation occurs, the code enforcement officer shall notify the property owner, serving a written notice by certified mail or by hand delivery. The notice shall explain the nature of the violation and shall allow no more than 30 days from the date of the receipt of the notice to correct the violation. If the violation is not corrected within the required time allowed, the property owner shall be subject to penalties as set forth in section 66-174. (Ord. of 10-17-1995, § 7)

Sec. 66-174. Penalties.

Any person who violates any section of this division commits a civil violation punishable by a civil penalty of \$100.00 for each day the violation continues after the allotted correction period as referenced in section 66-173. In addition the town may pursue all remedies and relief available at law and or in equity, including without limitation the remedies and relief provided in 30-A M.R.S.A. § 4452. (Ord. of 10-17-1995, § 8; Ord. of 4-7-1998)

Sec. 66-175. Maintenance required.

All buildings and structures and all parts thereof shall be maintained in a safe, sanitary and nonhazardous manner. All means of egress, devices, safeguards and equipment shall be kept in good working order. The exterior of all premises and the condition of all buildings, structures and components thereon shall be maintained so as to prevent and repair deterioration, so that the appearance thereof shall reflect a level of maintenance ensuring that the property itself may be preserved safely, and so that hazards to the public health and safety are avoided. (Ord. of 10-17-1995, § 3; Ord. of 4-7-1998)

Sec. 66-176. Maintenance standards for buildings and structures.

(a) Each property owner shall keep all exterior components of every principal and accessory structure in good repair, including but not limited to walls, roofs, chimneys, cornices, gutters, downspouts, drains, porches, steps, landings, fire escapes, exterior stairs, windows, shutters, doors and storefronts.

(b) All surfaces shall be maintained free from deterioration, including but not limited to broken glass; loose or missing shingles or siding; crumbling brick, stone and mortar; and peeling, scaling or deteriorated paint.

(c) All surfaces shall be covered with a protective coating, such as paint, plastic or other coating, which preserves the structure and does not contribute to deterioration.

(Ord. of 10-17-1995, § 4)

Sec. 66-177. Maintenance standards for premises and yard area.

(a) All premises and yard areas shall be maintained in a safe and sanitary condition, including but not limited to steps, walks, driveways, fences, retaining walls, trees,

shrubs, grass and weeds. if any such area or object constitutes a danger to health or safety, it shall be repaired, replaced or removed.

(b) All fences, retaining walls or similar structures shall be firmly anchored in the ground and maintained in good structural repair. Wooden elements or other elements subject to deterioration from weathering shall be maintained with chemicals or paint to preserve the element and to retard deterioration.

(c) Weeds and grass shall be kept trimmed and from becoming overgrown.

(d) All yards, courts or lots shall be kept free of accumulations of trash, garbage, refuse, junk or other noxious or offensive material which may cause a fire hazard or may act as a breeding place for vermin or insects.

(Ord. of 10-17-1995, § 5)

Sec. 66-178. Maintenance after casualty damage.

Within a period of 30 days after casualty damage to any premises, the owner shall contract for the repair or restoration of damaged areas and the demolition of any areas not to be repaired and the removal of all debris connected therewith.

(Ord. of 10-17-1995, § 6)

Secs. 66-179--66-205. Reserved.

ARTICLE VI. FENCES*

***State law references:** Fences, 30-A M.R.S.A. § 2951 et seq.

Sec. 66-206. Use of barbed wire, spikes or similar devices.

(a) It shall be unlawful to erect or maintain anywhere in the town a fence equipped with or having barbed wire, spikes or any similar device within seven feet of the ground level.

(b) Notwithstanding subsection (a) of this section, fences equipped with or having barbed wire, spikes or similar devices within seven feet of the ground level shall be deemed lawful, provided that such fences are protected by an upper rail or board of wood and clearly identified by appropriate notices posted conspicuously along the fence line.

(Ord. of 7-30-1974, §§ 1, 2)

Secs. 66-207--66-215. Reserved.

ARTICLE VII. REMOVAL OF SIGNS FROM VACANT COMMERCIAL BUILDINGS*

***Cross references:** Signs, 78-1621 et seq.

Sec. 66-216. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Closure of a business means either that:

(1) A business has ceased operation, leaving the building, lot or a portion of the building or lot vacant, and the operator of the business does not intend to resume operation; or

(2) A business has failed to renew its license under chapter 18, article II, licenses within 30 days after the deadline for filing a renewal application.

Intend to resume operation means that the operator of the business can demonstrate a specific business plan for resuming operation within ten days after the business first ceased to operate.

(Ord. of 1-7-2003, § 2)

Cross references: Definitions generally, § 1-2.

Sec. 66-217. Purpose.

Over the years a number of businesses in the town have closed, leaving vacated buildings and/or empty lots. Many of these properties have signs that remain after the closure in a state of disrepair, creating an eyesore. Further, these signs would give an appearance of a business existing in that location for visitors to the town. This article is intended to require the removal of such signs upon the permanent closure of businesses in the town.

(Ord. of 1-7-2003, § 1)

Sec. 66-218. Violation.

Upon closure of a business, as defined in section 66-216, the owner of the property on which the business is or was located shall remove any and all signs related to the closed business. Failure to do so will be a violation of this article.

(Ord. of 1-7-2003, § 3)

Sec. 66-219. Order of removal.

Upon the closure of a business, if the owner of the property on which the business is or was located does not remove all signs as required by section 66-218, the license administrator, as defined in ch. 18, article II, licenses, or the code enforcement officer will send a written order of removal to the owner of record of the affected property, requiring that he remove any remaining signs from the property within a period of 20 days after the date of the order and notifying the property owner that the town will dismantle and remove the signs, as provided, in section 66-221, if the property owner fails to comply with the order of removal. Failure of the property owner to comply with the order of removal will be a violation of this article.

(Ord. of 1-7-2003, § 4)

Sec. 66-220. Appeal of order of removal.

The property owner may appeal the order of removal to the town council by filing a written request for appeal within ten days after the date of issuance of the order of removal. After hearing, the town council may rescind or modify the order of removal only if the town council finds that the order was clearly erroneous.

(Ord. of 6-7-2003, § 5)

Sec. 66-221. Removal by the town.

If the property owner fails to comply with an order of removal under section 66-219, in addition to pursuing the other remedies available to it under this article, the town may dismantle and remove the signs at the property owner's expense. The town shall take reasonable care not to damage the component parts of the signs and shall leave

those component parts in a safe location on the owner's property or remove them and store them for up to 60 days, after which they may be destroyed if not claimed by the owner. In no event shall the town be liable for any damage to or loss of the component parts of any signs removed pursuant to this section. If the property owner has filed an appeal under section 66-220, the town shall not remove the signs before the town council has decided the appeal.

(Ord. of 6-17-2003, § 6)

Sec. 66-222. Costs of removal.

Upon removal of the signs, the town shall bill the owner for the cost of dismantling, removing and storing the signs. Failure of the property owner to pay in full within 30 days of the date of the bill will be a violation of this article, and the costs of dismantling, removing and storing the signs shall be recoverable as penalties in addition to the penalties provided in section 66-223. As to any signs erected after June 17, 2003, any unpaid costs of dismantling, removing and storing the signs shall constitute a lien on the property to which the property owner will be deemed to have consented by virtue of accepting a permit to erect such signs.

(Ord. of 6-17-2003, § 7)

Sec. 66-223. Penalties and enforcement.

The penalty for any violation of this article shall be a civil penalty of \$100.00 per violation. Failure of the owner to comply with an order of removal under section 66-219 shall subject the owner to daily penalties for each day the sign remains on the property after the date of the order of removal. After the license administrator or code enforcement officer has issued a notice of removal under section 66-219, further enforcement of this article will be done by the police department by civil citation and complaint.

(Ord. of 5-7-2003, § 5; Ord. of 6-17-2003, § 8)

Secs. 66-224--66-230. [240](#). Reserved.

~~ARTICLE VIII. EXISTING BUILDING CODE*~~

~~*Editor's note: An ordinance adopted September 7, 2004, did not specifically amend the Code. Therefore, such provisions were added as a new article VIII, §§ 66-231--66-233 at the editor's discretion.~~

~~Note: Notwithstanding anything to the contrary in 1 M.R.S.A. § 302, this article, being a corrective ordinance for the purpose of correcting certain technical errors in the original adoption of the Code, shall be effective as of September 7, 2004, the date of which the Code was first adopted.~~

~~Sec. 66-231. Adoption by reference.~~

~~That a certain document, a copy of which is on file in the Town office of Old Orchard Beach, being marked and designated as the International Existing Building Code 2003 edition as published by the International Code Council, be and is hereby adopted as the Existing Building Code of Old Orchard Beach in the State of Maine for regulating and governing the repair, alteration, change of occupancy, addition, and~~

relocation of existing buildings, including historic buildings, as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provision, penalties, conditions and terms of said existing building code on file in the office of Old Orchard Beach are hereby referred to, adopted, and made a part hereof, as if fully set out in this article, with the additions, deletions and changes, if any, prescribed in section 66-232 of this article.

(Ord. of 9-7-2004(3); Ord. of 8-2-2005(7), § 1)

Sec. 66-232. Code revisions.

The following sections are hereby revised.

Throughout this code, all references to the "Code Official" shall mean the Code Enforcement Officer of the Town of Old Orchard Beach.

Throughout this code, all references to the "International Fire Code" shall be deleted and replaced with the words "NFPA 1 Uniform Fire Code 2003."

Throughout this code, all references to the "International Plumbing Code" shall be deleted and replaced with the words "State of Maine Internal Plumbing Rules Chapter 238."

Throughout this code, all references to the "ICC Electrical Code" shall be deleted and replaced with the words "Rules adopted by the Electricians' Examining Board pursuant to 32 M.R.S.A. § 1153-A."

Throughout this code, all references to the "International Fuel Gas Code" shall be deleted and replaced with the words "the rules adopted by the Commissioner of Public Safety under 25 M.R.S.A. § 2465, the rules adopted by the Oil and Solid Fuel Board under 32 M.R.S.A. Ch. 33 or the rules adopted by the Propane and Natural Gas Board under 32 M.R.S.A. § Ch. 130, as applicable."

Section 101.1 Title is amended by inserting the "Town of Old Orchard Beach."

Section 104.2.1 Preliminary Meeting is amended by deleting the word "shall" and insert the word "may" before the phrase "meet with the permit applicant."

Section 105.1.1 Annual Permit is amended by deleting it in its entirety.

Section 105.1.2 Annual Permits Records is amended by deleting it in its entirety.

Section 105.2.3 Public Service Agencies is amended by deleting it in its entirety.

Section 109.3 Require Inspections is amended by deleting the word "shall" and inserting the word "may."

Section 112.1 Board of Appeals, General is amended by deleting the second sentence and substituting the words "The Old Orchard Beach Zoning Board of Appeals shall serve as the Board of Appeals."

Section 112.3 Qualification is amended by deleting it in its entirety.

Section 202 General Definitions — Substantial Damage and Substantial Improvement is amended by deleting the word "market" and inserting the word "assessed."

Section 410 Plumbing is amended by deleting it in its entirety and inserting the words "State of Maine Internal Plumbing Rules Chapter 238 and Maine Subsurface Waste Water Disposal Rules 144A CMR 241."

Section 605.3.1.1(8) Single exit buildings is amended by deleting the words "5 square feet" and inserting the words "5.7 square feet."

Section 608 Electrical is amended by deleting it in its entirety and inserting the words "NFPA 70 (NEC) latest adopted version by the State of Maine."

~~Section 808 Electrical is amended by deleting it in its entirety and inserting the words "Rules adopted by the Electricians' Examining Board pursuant to 32 M.R.S.A. § 1153-A."~~

~~Section 810 is amended by deleting it in its entirety and inserting the words "State of Maine Internal Plumbing Rules Chapter 238 and Maine Subsurface Waste Water Disposal Rules 144A-CMR 241."~~

~~Section 1201.2 is amended by inserting the words "September 7, 2004." (Ord. of 9-7-2004(3); Ord. of 8-2-2005(7), § 2)~~

~~Sec. 66-233. Violation penalties.~~

~~Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who repairs or alters or changes the occupancy of a building or structure in violation of the approved construction documents or directive of the code enforcement officer or of a permit or certificate issued under the provisions of this code shall be subject to penalties, upon conviction, of a fine of not less than \$100.00 and not more than \$2,500.00. Each day that a violation continues after due notice has been served shall be deemed a separate offense.~~

~~(Ord. of 9-7-2004(3); Ord. of 8-2-2005(7), § 3)~~

~~Secs. 66-234--66-240. Reserved.~~

~~ARTICLE IX RESIDENTIAL CODE*~~

~~*Editor's note: An ordinance adopted September 7, 2004, did not specifically amend the Code. Therefore, such provisions were added as a new article IX, §§ 66-241--66-243 at the editor's discretion.~~

~~Note: Notwithstanding anything to the contrary in 1 M.R.S.A. § 302, this article, being a corrective ordinance for the purpose of correcting certain technical errors in the original adoption of the Code, shall be effective as of September 7, 2004, the date of which the Code was first adopted.~~

~~Sec. 66-241. Adoption by reference.~~

~~That a certain document, a copy of which is on file in the office of the Town Clerk of the Town of Old Orchard Beach, being marked and designated as the International Residential Code, 2003 edition, as published by the International Code Council, be and is hereby adopted as the Residential Code of the Town of Old Orchard Beach, in the State of Maine for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal, and demolition of detached one and two family dwellings and multiple single family dwellings (townhouses) not more than three stories in height with separate means of egress as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Residential Code on file in the office of the Town of Old Orchard Beach and are hereby referred to, adopted, and made a part hereof, as if fully set out in this article, with the additions, insertions, deletions and changes, if any, as prescribed in section 66-242 of this article.~~

~~(Ord. of 9-7-2004(4); Ord. of 8-2-2005(8), § 1)~~

~~Sec. 66-242. Code revisions.~~

The following sections are hereby revised:

~~Throughout this code, all references to the "Building Official" shall mean the Code Enforcement Officer of the Town of Old Orchard Beach.~~

~~Throughout this code, all references to the "International Plumbing Code" shall be deleted and replaced with the words "State of Maine Internal Plumbing Rules, Chapter 238." I~~

~~Throughout this code, all references to the "ICC Electrical Code" shall be deleted and replaced with the words "Rules adopted by the Electricians' Examining Board pursuant to 32 M.R.S.A. § 1153-A."~~

~~Throughout this code, all references to the "International Fire Code" shall be deleted and replaced with the words "NFPA 1 Uniform Fire Code 2003."~~

~~Throughout this code, all references to the "International Fuel Gas Code" shall be deleted and replaced with the words "the rules adopted by the Commissioner of Public Safety under 25 M.R.S.A. § 2465, the rules adopted by the Oil and Solid Fuel Board under 32 M.R.S.A. Ch. 33 or the rules adopted by the Propane and Natural Gas Board under 32 M.R.S.A. § Ch. 130, as applicable."~~

~~Section R101.1 Title is amended by inserting the words "Town of Old Orchard Beach."~~

~~Section R112.1 Board of Appeals, General is amended by deleting the second and third sentences and substituting the words "The Old Orchard Beach's Zoning Board of Appeals shall serve as the Board of Appeals."~~

~~Section 112.3 Qualifications is amended by deleting the entire section.~~

~~Table R301.2(1) Climatic and Geographic Design Criteria is amended by inserting the following:-~~

- ~~• Under "Ground Snow Load (pounds per square foot)" insert the word "60"~~
- ~~• Under "Wind Speed (miles per hour)" insert the word "100"~~
- ~~• Under "Seismic Design Category" insert the word "C"~~
- ~~• Under "Weathering" insert the word "severe"~~
- ~~• Under "Frost Line Depth" insert the words "48 inches"~~
- ~~• Under "Termite" insert the words "none to slight"~~
- ~~• Under "Decay" insert the words "none to slight"~~
- ~~• Under "Winter Design Temperature" insert the words "to -5 degrees F"~~
- ~~• Under "Ice Shield Underlayment Required" insert the word "Yes."~~
- ~~• Under "Flood Hazards" insert the words "March 2, 1993 date of adoption of the Floodplain Management Ordinance of the Town of Old Orchard Beach Maine (k)"~~
- ~~• Under "Air Freezing Index" insert the word "1500."~~
- ~~• Under "Mean Annual Temperature" insert the words "45 degree Fahrenheit"~~

~~Section R309.3 Floor Surfaces is amended by adding the following words at the end of the section: "The sills of all door openings between garages and adjacent interior spaces shall be raised not less than four inches above the garage floor."~~

~~Section R310.1.1 Minimum Opening Area is amended by deleting the Exception provision.~~

~~Section R311.6 Ramps is amended by adding "non-ADA Accessible Ramps"~~

~~Section R323 Flood Resistant Construction, General is amended by deleting the entire section and inserting the words "For Flood Resistant Construction, refer to Chapter 70, Article II of the Code of the Town of Old Orchard Beach, Maine"~~

~~Section R903.4.1 Overflow drains and scuppers is amended by deleting the words "International Plumbing Code" and inserting the words "the State of Maine Internal Plumbing Rules Chapter 238." (refers to outside roof drains)~~

~~Chapters 26 through 32 are deleted in their entirety and are to be replaced with the words "All Plumbing shall be installed in accordance with the State of Maine Internal Plumbing Code, Chapter 238."~~

~~Appendix A is deleted in its entirety.~~

~~Section A1101 Private Sewage Disposal, General is amended by deleting the words "International Private Sewage Disposal Code" and inserting the words "Maine Subsurface Wastewater Disposal Rules, Chapter 241."~~

~~(Ord. of 9-7-2004(4); Ord. of 8-2-2005(8), § 2)~~

~~**Sec. 66-243. Violation penalties.**~~

~~Any person who violates a provision of this code or fails to comply with any of the requirements thereof, or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the code enforcement officer, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties, upon conviction, of a fine of not less than \$100.00 and not more than \$2,500.00. Each day that a violation continues after due notice has been served shall be deemed a separate offense.~~

~~(Ord. of 9-7-2004(4); Ord. of 8-2-2005(8), § 3)~~

Per Order of the Municipal Officers this 21st day of December, 2010.

A True Copy

Attest:

s/Kim M. McLaughlin

Kim M. McLaughlin, Town Clerk