

## ARTICLE II - BUILDING LAWS

### 1. BUILDING PERMITS

#### 1.1 PERMITS ARE REQUIRED

1.1.1 Whoever intends to erect a building or structure, or locate a mobile home, or change the outside dimensions of a building or structure, make structural changes or repairs or do other work to a building or structure that requires compliance with specific state or federal codes or town ordinances, shall not begin until the Building Inspector has issued a building permit. The Building Inspector shall issue a building permit only if he has received a building permit application form stating the exact location, dimensions, height and other sufficiently detailed plans and specifications to enable him to determine that the proposed work will comply with applicable town ordinances and building codes and state and federal laws and building codes. Copies of all Building permits shall be on file at the Town Office in the Town Clerk's files and shall be available to the public during the clerk's working hours.[3-02]

1.1.2 No building permit is required for repairs, and/or maintenance, on existing buildings or structures such as, but not limited to: painting; replacement of rotten or weak wood or stonework, brickwork or masonry; replacement of doors or windows; replacement of siding or fire-resistant roofing; replacement of gutters, storm windows or blinds, so long as plumbing is not involved and no building permit is required pursuant to the immediately preceding paragraph. [6-86]

#### 1.2 PERMIT FEES [3-99]

1.2.1 The fees for building permits shall be calculated upon the fair market value of the structure to be placed or erected upon a lot, the fair market value of the mobile home to be placed upon a lot, or the fair market value of the improvement to be made to an existing structure. The fees for building permits shall be:

1.2.1.1 For new non-commercial structures containing one or more residential dwelling units, and for mobile homes containing a dwelling unit, \$100.00 for the first \$1,000.00 of fair market value or part thereof, and \$3.00 for each additional \$1,000.00 of fair market value.[03-03]

1.2.1.2 For new non-commercial structures that do not contain residential dwelling units, and for the expansion of existing non-commercial structures which either do or do not contain residential dwelling units, \$25.00 for the first \$1,000.00 of fair market value or part thereof, and \$3.00 for each additional \$1,000.00 of fair market value. [03-03]

1.2.1.3 For new commercial structures, and for the expansion of existing commercial structures, \$200.00 for the first \$1,000.00 of fair market value or part thereof, and \$3.00 for each additional \$1,000.00 of fair market value. [03-03]

1.2.1.4 If a building permit is obtained after construction has been started or after a structure has been placed upon a lot, the fee shall be as set forth in the preceding subsections PLUS an additional \$300.00.

1.2.2 The fees for plumbing permits shall be those as set by the appropriate State of Maine Department except that the minimum fee for a plumbing permit shall be \$30.00.

1.2.3 [Removed 6-10]

### 1.3 ADDITIONAL REGULATIONS

1.3.1 Advance notice of construction, land modification, waste disposal, underground tank installation or removal, or any other activities regulated by the State under the statutes and regulations listed below shall be made to the Building Inspector, who shall approve such activities on receipt of a copy of the State required permits, registrations, or licenses if Town Ordinances do not apply. If Town Ordinances do apply, necessary Town procedures and approvals shall also be required. [3-90, 3-02]

\* Site Location Development Act (Title 38, MRSA Sections 481-490).

\* Natural Resources Protection Act (Title 38, MRSA Sections 480 A-S).

\* Underground Oil Storage Facilities and Groundwater Protection (Title 38, MRSA Sections 561-570G).

\* Solid Waste Management Regulations (06-96 CMR Chapters 400-409).

Note: The above statutes and regulations include the latest rules adopted in due course by the appropriate agencies. Especially important are the rules and regulations pertaining to underground tanks, Maine Department of Protection regulation 006-096 Chapter 691 of 16 September 1991 and subsequent revisions as authorized by Title 38, MRSA Section 561 and following. [6-92, 3-02]

1.3.3 All building permits shall be void unless work thereunder is commenced within one year from the date of issue. A building permit is valid for one year and must

be renewed by the Building Inspector at the end of one year at no additional cost to the applicant. [3-69, 6-86]

1.3.4 All building permits shall be displayed in a conspicuous place on the premises, and shall not be removed until all work covered by the permit has been approved. [3-69]

## 2. LOT SIZE AND SETBACK REQUIREMENTS

Throughout this section, whenever "mobile home" or "mobile home park" is referred to, also see 30-A MRSA 4358.

2.1 Except in the downtown Business District no single family dwelling unit or multiple family dwelling units shall be built or placed upon any lot with a ratio of less than 43,560 square feet (one acre) per dwelling unit or mobile home unit, except for Elderly Congregate Housing. [3-69, 3-70, 7-73, 6-83, 3-85, 3-86, 12-89, 3-90, 3-01, 3-02]

2.2 No structure situated on a lot will be within ten feet of the adjoining property lines except in the Village Waterfront District and in the downtown village portion of the Business District, Section EE.1 of Article VI. [6-83, 3-98]

2.3 Except in the downtown Business District each lot shall be provided with adequate off street parking. [6-83, 3-90, 3-02]

### 2.4 UNDERSIZED LOTS

2.4.1 A single lot of record, which on June 27, 1983 does not meet the area requirements, may be built upon provided that such a lot adheres to the Maine State Plumbing Code as far as sewage disposal is concerned. [3-70, 6-83, 3-00]

2.4.2 If two or more contiguous lots came into single ownership prior to June 27, 1983, and they continue to be owned by the same person or any of the same persons who owned them on June 27, 1983, then the person or any of the persons who owned them on June 27, 1983, may convey them or retain them in accordance with the original boundary lines notwithstanding that their division would create a lot or lots with dimensions of areas below the requirements of this Section. In order to qualify for the exemption provided for herein, the person or any of the persons who owned the contiguous lots on July 27, 1983 must have continued uninterruptedly to have owned them since June 27, 1983. [6-83, 3-90]

2.4.3 If two or more contiguous lots come into single ownership on or after June 27, 1983, and their subsequent division (whether along the original lot boundary lines or along new lines) would create any dimension or area below the requirements of this

Section, the lands involved shall be considered to be a single parcel for the purpose of this Section. [3-90]

2.4.4 An owner of two or more contiguous lots in a subdivision approved by the Wiscasset Planning Board may always convey those lots independently despite the fact that any one or more of the lots might have an area less than the current minimum lot size requirement. [3-90, 3-02]

2.4.5 Unless otherwise exempted in this Section 5, no person shall convey a portion of a lot which is subsized prior to the conveyance, nor shall a person convey a portion of a lot if that person's resulting lot is made subsized by the conveyance. A person may convey portions of a lot without regard for his resulting lot size if the result is to eliminate the lot. For example, a person with a subsized lot may convey it in portions to various neighbors if in doing so he conveys all of the lot. In order to take advantage of this exemption, the grantor must convey away all of the lot in question within a period of ten consecutive days. [3-90, 3-02]

2.5 Any structure to be erected along Route One between Route 144 and the Birch Point Road shall be set back 75 feet from the center line of Route One except that stairs, ramps, decks and enclosed porches not greater than 64 square feet in area may be located within said setback zone as long as they are more than 60 feet from the centerline and meet all other sideline setback requirements. Those buildings and structures (established as of the effective date of this ordinance) which are closer to the road and which meet all other sideline setback requirements can be extended along but not closer to the road. [3-85,12-89, 3-97, 3-98]

2.6 In the Rural Districts no business shall be built, placed or maintained upon a lot unless there is a ratio of at least 2 acres per business, except that if every business on the lot is served by Town water and Town sewer, the minimum ratio shall be one acre per business. For purposes of this section, each separate business tenant within a single structure shall constitute a separate business. [3-86, 3-98]

2.7 In all business districts except for the downtown Business District, no business shall be built, placed or maintained upon a lot unless there is a ratio of at least 43,560 square feet (one acre) per business. For purposes of this section, each separate business tenant within a single structure shall constitute a separate business. [3-86, 3-90]

2.8 For the purpose of determining how many units may be placed on any parcel the lot size shall include the total area less any area which encompasses wetlands, 100 year floodplains, State designated wildlife protection areas, access roads, and paved parking areas for public use. [3-90]

2.9 For purposes of this Section 2, when two or more uses are made of a particular lot, the lot size requirement for that lot shall equal the sum of the lot size requirements for each use treated individually; for example, the lot size

requirement for a business and a single family dwelling unit on a single lot in the Rural District shall be a minimum of 3 acres of land. [3-87]

2.10 In the downtown Business District any number of uses permitted in the business district may be built, placed, or maintained upon any lot which is of record as of March 10, 1990, whatever the size of this lot, provided that the street-level floor of any structure located on such lot is restricted to business uses and residential use by the owner of the property. [3-90,3-91, 3-98]

2.11 In the downtown Business District, the lot owner is required to provide at least 1.5 on-site off-street parking spaces for each residential unit, unless approved otherwise by the Planning Board. However, this requirement shall not apply to residential units located inside buildings existing as of March 10, 1990, if provision of the required amount of on-site off-street parking is not feasible; in that case, the owner is required to provide as much on-site off-street parking as feasible. [3-90, 3-98]

2.12 The net residential density for Elderly Congregate Housing shall be no more than one elderly housing unit per three thousand (3000) square feet of acreage with a minimum of five acres. The total area of open space shall equal or exceed the area used for the total footprint of all buildings associated with Elderly Congregate Housing. [3-01]

#### 2.13 HOOK-UP REQUIREMENT IN THE COMMERCIAL DISTRICT

2.13.1 All Structures built or placed in the Commercial District after August 19, 2003 shall be hooked up to town water if they require water service and shall be hooked up to town sewer if they require sewer service, except that these requirements shall not apply to residential structures which are setback more than 250 feet from the northwesterly sideline of US Route #1.[9-03]

#### 2.14 HOTELS AND MOTELS [3-95]

2.14.1 Owners of all hotels and motels shall provide at least one on-premises, off-street parking space per rental unit. Such parking shall conform to the requirements of Article VIII Section 6.8 and shall be approved by the Wiscasset Planning Board. [3-95, 9-03]

#### 2.15 HOME OCCUPATIONS [3-95]

2.15.1 A "home occupation" is a business or profession, which is carried on, in a dwelling unit, or other structure accessory to a dwelling unit, by a person residing in the dwelling unit. Home occupations shall not be considered in determining the minimum lot size requirements for the use or uses made of any lot.

2.15.2 Any person may carry on one or more home occupations in any zoning district, provided:

- a. Such use or uses does not involve any modification of the dwelling unit, which will alter its outward appearance as a dwelling unit discernible from a public way;
- b. There is no outside storage of materials used in, or products resulting from, the home occupation discernible from a public way;
- c. The occupation does not generate noise, noxious odors, glare, vibrations, nor electrical interference beyond levels noted before the occupation existed and as discerned from abutting properties or from a public way;
- d. If the home occupation consists of renting rooms, whether as a bed and breakfast or otherwise, the owner must provide at least one off-street parking space on private property per rental unit. If more than seven rooms are rented, the business owner must comply with the requirements for Hotels and Motels.
- e. The occupation is registered with the Town Clerk in accordance with Article X Section 7.

## 2.16 CERTIFICATE OF OCCUPANCY

2.16.1 The Code Enforcement Officer must issue a certificate of occupancy before any non residential structures, buildings, accessory outbuildings or lands which required Planning Board or Appeals Board approval are occupied for that use for which the approval was given. The Code Enforcement Officer shall issue the certificate when the Code Enforcement Officer determines that the structure, building, accessory outbuilding or land, and the occupancy thereof, comply with the provisions of Wiscasset's Ordinances and with all provisions of any order by the Planning Board or Appeals Board. [3-95]

2.16.2 The Code Enforcement Officer may issue a temporary certificate of occupancy for all or part of a nonresidential building or structure, or for one or more nonresidential buildings or structures which are part of a larger development, provided the Code Enforcement Officer determines that such temporary occupancy would not jeopardize life or property. Any temporary certificate of occupancy shall state on its face the date on which the temporary certificate expires. The temporary certificate shall be issued for no longer than twelve months. The temporary certificate may not be renewed. After a temporary certificate expires, the non-residential building or structure for which the temporary certificate was issued shall not be occupied until The Code Enforcement Officer issues a certificate of occupancy. [3-95, 3-97]

2.16.3 The Code Enforcement Officer shall maintain a public record of all certificates of occupancy which the Code Enforcement Officer issues.

[3-95]

2.16.4 Failure to obtain a Certificate of Occupancy shall constitute a violation of Wiscasset's Ordinances and shall subject the appropriate persons or entities to all of the provisions of 30-A MRSA 4452 as the same maybe amended from time to time.

[3-95]

2.16.5 This provision is in addition to the Certificate of Compliance for special flood hazard areas found in Miscellaneous Ordinances (Article X). [3-95]

2.17 [Removed 6-2011]

### 3. REQUIREMENTS FOR BUILDING EXTERIORS

#### 3.1 SIDING

The exterior walls shall be finished with a covering of clapboard, wood siding, wood or asphalt shingles, masonry or brick or stone, or other materials as approved by the Building Inspector. Such covering shall be completed within six months after the outside studding is in place. Tarred paper or tarred felt, or similar substances shall not be used unless completely hidden from view by the finished exterior wall covering. [3-69, 3-87]

#### 3.2 HEIGHT

3.2.1 The maximum height of a habitable structure shall be 35 feet in all districts, except as provided in section 3.2.2.

[3-86, 3-01, 12-03]

3.2.2 The height of a habitable structure for industrial use may be increased by one foot for every five feet in excess of ten feet that the structure is set back from the nearest adjoining property line, to a maximum of 60 feet in height. [6-86, 12-03]

3.2.3 The maximum height of a non-habitable structure that transmits electrical power within existing transmission right-of-ways and is owned or operated by a Public Utility Company or Corporation for the sole purpose of providing service to the general public shall not exceed 130 feet in height. The maximum height of all other non-habitable structures, excluding wireless telecommunication facilities as regulated by Article XI and small wind energy conversion systems as regulated by Article X, shall be 60 feet provided that those structures exceeding 35 feet shall be constructed of non-combustible materials as determined in writing by the Fire Chief. [12-03, 11-08]

#### 4. USE OF STREET TO DEPOSIT MATERIALS

- 4.1 When a permit is granted to erect or repair any building on land abutting the street, the Selectmen shall have power and authority to allot such portion on the street thereto adjoining as they shall deem necessary and expedient in which to deposit materials for the work, provided that not more than one-half the street shall be occupied, and no other part of said street shall be used for laying the materials for any such building or repairing, at such convenient time as the Inspector may direct, and in case of neglect or refusal to do so, it shall be removed by the Commissioner of Streets or some person authorized by the said Commissioner or the Selectmen at the expense of the person or persons so building or repairing and in all cases the portion so allotted shall be enclosed and lighted. [3-46]
- 4.2 No person shall place or cause to be placed in any of the streets, alleys, squares or other public places of the village any lumber, stone, or building material of any kind and suffer the same to remain over six hours without the permission of the Selectmen or some person by them authorized. Whenever any permit is granted to occupy any portion of any street it shall be the duty of the holder of the permit to keep the gutters clean of obstructions. [3-46]

#### 5. REQUIREMENTS FOR BUILDING CONSTRUCTION [3-00]

##### 5.1 SUPPORT DURING CONSTRUCTION

Every portion of every structure in process of construction, alteration, repair or removal and every neighboring structure or portion thereof affected by such process or by an excavation shall be properly constructed and sufficiently supported during such process. The Inspector may take such measures as the public safety requires to carry this section into effect, and any expense so incurred may be recovered by the town from the owner of the defective structure. [3-46]

##### 5.2 FIRE STOPS

Every wooden building hereafter erected or altered shall at each floor have a sufficient fire stop as the Inspector of Buildings may direct, effectually stopping every air-duct. [3-46]

##### 5.3 CHIMNEYS

Chimneys constructed and installed in accordance with the current issue of the National Fire Code shall be deemed to be standard practice for safe installation and use. [3-46, 3-69, 3-93]

##### 5.4 WARM AIR PIPES

Warm air pipes leading from warm air furnaces shall be covered with fire retardant non-asbestos containing material where within one inch of any combustible material. [3-46, 3-87]

## 6. REQUIREMENTS FOR STOVES, VENT FLUES, AND BOILERS

6.1 Cooking stoves, laundry stoves, heating stoves and combination coal or oil and gas ranges not on legs hereafter installed in dwellings and in apartments of multifamily houses shall be set on hearths supported by masonry trimmer arches extending not less than six inches on all sides beyond such appliances. No such appliance shall be placed within twelve inches of a wooden stud partition, a wood-furred wall or combustible material unless protected by a shield of metal or other incombustible material so attached as to preserve an open air space behind it and to extend from the floor to one foot above and six inches beyond the sides of such appliance, in which case such appliance shall not be placed within six inches of a wooden stud partition, a wood-furred wall or combustible material. Ranges, candy kettles, cruller furnaces and appliances for the frying of bakery or confectionery products except ranges in dwellings or apartments of multifamily houses shall be provided with ventilating hoods and pipes to take off the smoke, gasses and vapors, unless such appliances are enclosed and vented in an approved manner. [3-46]

6.2 Vent flues or ducts for the removal of foul or vitiated air, in which the temperature of the air cannot exceed that of the rooms, shall be constructed of metal or other incombustible material, and no such flue shall be used for any other purpose. [3-46]

6.3 No boiler to be used for steam heat or motive power and no furnace or hot water heater shall be placed on any floor above the cellar floor unless the same is set on noncombustible beams and arches and in no case without a permit from the Building Inspector. No range, stove, oven or boiler shall be used for cooking in a hotel or restaurant or for manufacturing purposes until the same has been examined and approved by the Inspector of Buildings who shall report his findings to the Building Inspector. [3-46, 3-70]

## 7. ADDITIONAL REQUIREMENTS [3-00]

### 7.1 STORAGE OF EXPLOSIVE, INFLAMMABLE OR COMBUSTIBLE MATERIALS

No explosive or inflammable compound or combustible material shall be stored or placed under any stairway of any building or used in any such place or manner as to obstruct or render egress hazardous in case of fire. [3-46]

### 7.2 CONSTRUCTION FOR PUBLIC SAFETY

Every structure and part thereof and appurtenance thereto shall be so constructed and maintained in such repair as not to be dangerous to public safety, and the owner of any premises upon notice from the Inspector of Buildings that such premises are dangerous shall forthwith remedy the danger by removal or repair. In case public safety requires immediate action, the Inspector of Buildings may forthwith by repair or temporary protection prevent danger or may, subject to appeal as provided for in Title 23, Section 3005, MRSA 1964 of the Revised Statutes of Maine remove the dangerous structure, and his reasonable and necessary expenses may be recovered by the town from the owner. [3-46, 3-70]

### 7.3 ELECTRICAL WIRING

Every corporation or person proposing to place wires designed to carry a current of electricity within a building shall give notice thereof to the Inspector of Buildings before commencing the work and shall not turn the current onto wires that are to be used for electric lighting, heating or power until the permission to do so has been granted by said Inspector. The Inspector shall be governed by the best electrical installation practice. All persons owning buildings containing wiring dangerous to public safety shall immediately have the same changed or have the electric current cut off from their buildings. [3-46]

### 7.4 INFLAMMABLE WASTE

No person shall deposit or leave or cause to be deposited or left any waste, consisting of paper, straw, hay, shavings or other combustible material liable to cause, spread or communicate fire on any premises in the Town of Wiscasset outside of buildings or suitable receptacles. All persons producing or having in possession waste or other materials as specified shall provide suitable receptacles for same when required to do so by the Building Inspector. All receptacles for ashes, waste or other substances liable, by spontaneous combustion, to cause fire, shall be made of noncombustible material satisfactory to the Building Inspector. Every store, hotel or rooming house shall have a suitable space satisfactory to the Building Inspector for the temporary deposit of garbage, refuse, ashes or waste material. [3-46]

### 7.5 NIGHT WATCHMAN FOR HOTELS

Every hotel when occupied containing twenty-five or more rooms above the first floor, shall have at least one night watchman, exclusively so employed on duty every night from nine o'clock at night until six o'clock in the morning, making rounds of every floor at least once each hour. [3-46, 3-70]

### 7.6 OBSTRUCTION OF ANY STREET BY ANY BUILDING PROHIBITED

No person shall obstruct any street or any part thereof by placing therein any house, barn, stable, shop or other building, and no person shall remove or draw

through or upon any street any house, barn or other building without first obtaining permission of the Selectmen. [3-46]

#### 7.7 WATER FROM ROOFS TO BE CONTROLLED

All buildings erected within eight feet of any street or traveled way shall be provided with suitable leaders for conducting water from the roof to the ground, and in no case shall the water be allowed to flow upon or across the surface of the sidewalk to the street, street gutter or sewer. [3-46, 3-70]

#### 7.8 PROTECTION FROM FALLING ICE AND SNOW

Buildings erected within ten feet of the line of a street or public way, having a pitched roof sloping towards said street or public way, shall be provided with suitable safeguards to protect pedestrians or travelers from falling ice and snow. [3-46, 3-70]

#### 7.9 STATE LOT SIZE FOR WATER AND SEWER LINES AND DISPOSAL REGULATIONS

No person shall hereafter construct, maintain or occupy a dwelling in the Town of Wiscasset unless situated on a plot of ground the area of which is not less than the requirements of the State of Maine Water and Sewer Lines and sewer disposal regulations, and not less than 100 feet frontage unless setting back 100 feet from the highway. This subparagraph shall not apply to any lots or parcels of land in existence at the effective date of this subparagraph and which are described in deeds of record in valid and enforceable purchase and sales agreements.

#### 7.10 FIRE RESISTIVE ROOFS

Every building hereafter erected in the town shall have a fire resistive roof. No existing wooden shingle roof, if damaged more than ten percent, shall be repaired or renewed with other than fire resistive material. [3-46]

#### 7.11 HOT WATER TANKS

On all new or replacement installations of hot water tanks there shall be installed a combination temperature and pressure relief valve of a type approved by the Building Inspector. [3-46]

#### 7.12 HANDICAPPED ACCESS

Applicants for public access commercial projects before the Planning Board shall show evidence that applicable federal and state laws for handicapped access are met before building permits are granted. [6-92]

8. PENALTIES [3-95]

Any person, corporation or other entity who violates any provisions of this Article II (Building Laws) shall be subject to the provisions and penalties set forth in 30-A MRSA 4452, as the same may be amended from time to time.

9. VALIDITY/SEVERABILITY CLAUSE

The invalidity of any section of this Ordinance shall not be held to invalidate any other section or provision of this Ordinance. [3-69]