

BUILDING PERMIT ORDINANCE
TOWN OF WOODSTOCK

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Town of Woodstock, Maine
BUILDING PERMIT ORDINANCE

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Section I. Purpose

The purpose of this ordinance is to provide for the safety, health, and public welfare by the control of the construction, alteration, addition, repair, removal, demolition, use and occupancy of all structures.

Section II. Authority

This ordinance is created according to the powers to municipalities under MRSA, Title 30-A, S3001.

Section III. Requirements

1. Permits

A. Before the construction, erection, alteration, or placement of any structure shall commence, the owner or lessee, or the architect, contractor, or builder employed by such owner or lessee shall obtain from the Planning Board of the Town of Woodstock a building permit covering such proposed work. Any interior work or exterior work does not require a permit if it meets the following criteria:

1. The requirement for a permit may be waived by the Chairman or Vice Chairman of the Planning Board for the proposed construction when:
 - a. The height of the structure is less than nine (9) feet above the natural adjacent ground level and the foot print area is less than one hundred (100) square feet.
 - b. The location and use of the structure meets all of the requirements of the Shoreland Zoning, Subdivision, and other Town Ordinances.

B. Building permits will be in two parts.

1. Part A shall contain all of the information necessary to identify the building and location including a street number as well as all of the information to ensure that all of the necessary permits have been obtained. Part A of the permit shall be issued by the Planning Board.
2. Part B shall be issued by the Town Office after payment of the permit fee is determined by the Planning Board. It shall be of a material resistant to weather and shall have an identifying number and shall be signed by the Code Enforcement Officer and the Chairman of the Planning Board. It shall be large

enough to be seen from the street and shall be posted at the building site.

- C. No building permit shall be issued until a Plumbing Permit and a Subsurface Waste Disposal Permit, if applicable, is obtained from the Licensed Local Plumbing Inspector and a copy presented to the Planning Board.
- D. No building permit shall be issued for a structure with a driveway entering a state highway until an entrance permit from the Department of Transportation is obtained and a copy presented to the Planning Board.
- E. No building permit shall be issued for a structure with a driveway or other entrance to a Town Road until the site has been reviewed by the Road Commissioner.
- F. No building permit shall be issued for a structure within seventy-five (75) feet of any pond, river, stream or brook unless no practical alternative for all or any structures is demonstrated. The owner or his representative shall obtain a National Resource Protection Act permit for the structure and a copy presented to the Planning Board.
- G. No building permit shall be issued for a recreation vehicle to be used as a dwelling until a copy of a receipt as proof of payment of Maine State Sales Tax is presented to the Planning Board.
- H. A building permit may be issued for a Modular Home when the applicant provides a copy of a purchase order from a Sales Representative and/or manufacturer.
- I. All building permits shall be void unless work there under is commenced within one year from the date of issuance. Commencement is generally accepted as a pouring of a foundation or placement of support structure for a building. The Code Enforcement Officer has to review the appropriateness of the permits if the work is not completed within five years from the date of issuance.
- J. Building permits can be transferred from the original applicant to a new owner with no charge.
- K. A building permit is required for all residential and commercial wind/turbine towers and other towers. Due to the potential height of the structure and safety considerations for adjoining property owners, the following must be addressed:
 - (1) The tower will be placed no closer to all property lines than its height to the highest point plus 10%. The highest point of the

wind/turbine tower is usually the tip of the blade when it is at the top of its arc. Additional zoning setbacks must be considered.

(2) All abutting landowners must be notified by certified mail of your intentions, the location of the tower, and any manufacturer warnings prior to the issuance of a building permit.

L. Waivers for setbacks may be granted on a case-by-case basis with the concurrence of the landowner and affected abutting landowners.

Section IV. Application Procedure

A. After the effective date of this ordinance no person shall engage in any use of land requiring a building permit without first obtaining the required permit. All applications for a Building Permit shall be submitted in writing to the Town Office on forms provided for that purpose. The following information shall be provided with or on the application.

1. A site plan drawn to scale showing the following:

- a. The dimensions of the lot or parcel to be built upon. Said lot must be one acre or larger in area unless the lot exists at the time this bylaw is adopted.
- b. The location and dimensions of existing buildings, buildings to be constructed, buildings to be relocated, additions to existing buildings or buildings to be demolished.
- c. The setbacks of all existing and proposed buildings. New structures must be set back twenty (20) feet from any road right of way and ten (10) feet from other property lines. The front setback will not apply to additions to existing buildings or accessory buildings such as garages. In these instances the new construction is allowed provided the nonconformance is not greater than the existing buildings.
- d. The location of the well or other means of water supply.
- e. The location and grades, and site distance of any and all driveways including size and location of culverts.
- f. Location of any rights of ways or other information regarding other uses of the property.
- g. The location of the proposed tower, if applicable, and off-set distances from all property lines.

2. A copy of the tax map on which the property is located.

3. A copy of the permits approved by the Local Plumbing Inspector to a subsurface wastewater disposal system and internal plumbing.

4. A copy of an entrance permit from the State of Maine Department of Transportation for a driveway or right of way to a state highway.

5. A copy of a permit from the NRPA for the placement of a permanent structure within seventy-five (75) feet of all ponds, rivers, streams, and brooks.
6. A copy of the receipt from the State of Maine as proof of payment of the sales tax for a recreation vehicle to be used as a home.

Section V. Waivers

Where the Planning Board makes written Findings of Fact that the applicant will suffer an undue hardship if the requirements of the Ordinance are strictly applied, it may waive the necessity for strict compliance with the requirements of this Ordinance in order to provide relief from the hardship in Question and to permit a more practical and economical development provided; however, that the public health, safety, and welfare will not be compromised by such waiver and further provide that the waivers in question will not have the effect of nullifying the intent of this Ordinance.

Section VI. Fee Schedule

House – main level less than 600 square feet	\$60.00
House – main level 600 to 2000 square feet	\$80.00
House – main level 2000 to 3000 square feet	\$100.00
House – main level over 3000 square feet	\$150.00
2 nd floor living space	\$60.00
3 rd floor living space	\$60.00
Basement – no garage area	\$20.00
Basement – garage area	\$30.00
Daylight basement	\$40.00
Garage – one vehicle	\$20.00
Garage – two vehicles	\$30.00
Garage – three or more vehicles	\$20.00 each
Attached room to existing house with or without breezeway	\$20.00
Attached porch or deck more than twenty feet but less than 100 square feet	\$20.00
Attached porch or deck 100 square feet or larger	\$30.00
Separate building – less than 600 square feet	\$20.00
Separate building 600 to less than 1200 square feet	\$40.00
Separate building 1200 to less than 2500 square feet	\$60.00
Separate building over 2500 square feet	\$80.00
Enclosing an open porch or deck	\$20.00
Tower (Residential)	\$20.00
Tower (Commercial)	\$1.00/foot
(Fee will be calculated at the rate of \$1.00 per foot from the base of the tower to the highest point on the tower – usually the tip of the blade when it is at the top of its arc for wind/turbine towers.)	

For the construction of other facilities approved under the Site Plan Review Ordinance, the fee will be determined by the Planning Board but will not exceed \$2,000.00.

For starting work prior to obtaining a permit, the penalty may vary from one to ten times the permit cost. The actual amount will be determined by the Planning Board.

Section VII. Appeals

- A. Any person, firm, or corporation may appeal the provisions of this ordinance to the Board of Appeals
- B. The Board of Appeals shall function in accordance with Title 30-A MRSA, Section 2691.

Section VIII. Enforcement

A. Nuisances

Any violation of this Ordinance shall be deemed to be a nuisance.

B. Code Enforcement Officer

1. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this ordinance is being violated, 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, buildings and structures, or work being done, removal of illegal building and structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.
2. The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance.
3. The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, violations found, and fees collected.

C. Legal Actions

When the above actions does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are 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 Ordinance 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 Ordinance and recovering fines without court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized Municipal Official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

D. Fines

Any person, including but not limited to a landowner, a landowner's agent or a contractor, who orders or conducts an activity in violation of this ordinance shall be penalized in accordance with Title 30A, Maine Revised Statutes Annotated, Subsection 4452.

Section IX. Amendments

- A. This ordinance may be amended by a majority vote at Town Meeting. Amendments may be initiated by a majority vote of the Planning Board, by a request of the Board of Selectmen or by a petition of a number of voters equal to at least 10% of the number of votes cast in the municipality at the last gubernatorial election.
- B. The Planning Board shall hold public hearings on all proposed amendments.

Section X. Validity, Effective Date, Conflict of Ordinances

- A. Should any section or provision of this ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this ordinance and to this end, the provisions of this ordinance are hereby declared to be severable.
- B. The effective date of this ordinance shall be upon adoption by the Governing body.

- C. This ordinance shall not repeal or in any way impair or remove the necessity for compliance with any other rule, regulation, bylaw, permit or provision of law. Where this ordinance imposed a higher standard for the promotion and protection of the health and safety, the provisions of this ordinance shall prevail.

Section XI. Definitions

The following terms as used in this ordinance shall have the following meanings, unless the context indicates otherwise. All undefined terms shall have their standard dictionary meanings.

Accessory use of structure: A use of structure of a nature customarily incidental or subordinate to that of the principal use or structure.

Dwelling: A structure all or part of which is designed for use as a living quarters. Factory-built homes, mobile homes, modular homes, recreational vehicles and site built dwelling shall be considered dwellings.

Lot: A parcel of land described on a deed, plot or similar legal document.

Modular home: Meaning structures transported in one or more sections which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities including plumbing, heating, air conditioning or electrical systems contained therein (Title 30 Sec. 4695A).

New dwelling: Any dwelling that is placed, constructed or substantially reconstructed within the Town or first occupied, after the effective date of this ordinance.

Principal structure: The structure in which the principal use of the lot is located.

Site-built dwelling: A dwelling that is constructed on the site on which it is to be located.

Structure: Anything constructed, erected, or placed on the ground which is permanent, temporary, or mobile for the shelter or support of persons, animals, goods, or property of any kind and that requires location in or on the ground or attachment to something on the ground. Structures include but are not limited to buildings, mobile homes, piers, floats, storage and processing facilities. Boundary walls, fences, roads, driveways, parking areas, and flagpoles are not considered structures.

Recreation vehicle: A vehicle or vehicular attachment designed for temporary sleeping or living quarters for one or more persons, which is not designed to be a permanent dwelling and which may include a pickup camper, travel trailer, tent trailer, and motor home. This definition includes a converted bus, van, or other vehicle. A recreational vehicle is considered a dwelling.

Trailer, utility: A vehicle without motive power, designed to be towed by a passenger automobile or pickup truck but not designed for human occupancy and which may

include a boat trailer, horse trailer, snowmobile trailer, etc. A utility trailer is not considered a dwelling and should not be used as such.

Adequate water supply: Running water piped thereto in an approved manner so as to keep the dwelling in a clean and sanitary condition, year round.

Definitions of a Story and Story and a Half:

A story is defined as the space between a floor and the upper floor joist, ceiling joist or roof rafters above.

A daylight basement has a walk out door and with more than 50% of the perimeter above grade also counts as a story.

A half a story is defined as a space between a floor and the roof rafters or ceiling joist and having at least 5 feet or more height for 50% or more of the square footage of the floor below.