

BUILDING CODE ORDINANCE
FOR THE
TOWN OF CAMBRIDGE, MAINE
Enacted by the town March 4, 2023
Certified copy, attested

Town Clerk

SECTION I. SCOPE

The provisions of this ordinance shall apply to new construction in excess of 300 square-feet of floor space, exterior enlargement in excess of 300 square feet, location and relocation of buildings and mobile homes or change in use. For the purpose of this Ordinance, the word "Building" shall mean anything constructed or erected, with a fixed location on the ground or attached to something having a fixed location on the ground. The term "Buildings" shall include but not be limited to such structures as dwelling units, garages, platforms, decks, patios, in-ground swimming pools, storage sheds, piers, and floats. The provisions of this Ordinance shall supersede all previous regulations concerning building and lot usage.

SECTION II. BUILDING PERMIT

Before construction over 300 square feet of floor space, exterior enlargement over 300 square feet, location or relocation or change in the use of any building or part thereof shall be commenced, the owner or lessee, or the architect, contractor or builder employed by such owner or lessee, shall obtain from the Code Enforcement Officer of the Town of Cambridge a permit covering such proposed work. Up to two detached buildings of 300 square feet or less are allowed per lot without a building permit in the Town of Cambridge, including buildings in existence at the time of the enactment of this Ordinance. A building permit is not required for fences, boundary walls, walks and driveways, earthwork, and sanitary sewage disposal facilities. Radio towers, other towers, and antennas less than fifty feet above ground are also excepted. However, all structures and buildings shall conform to all setback requirements.

A. APPLICATION

The application for a permit shall be in writing and shall be in such form as the Town shall prescribe and shall contain a description of the proposed new construction, exterior enlargement, location or relocation contemplated. The applicant must also state the use to which the building will be put and the source of water and method of sewage disposal if required for building usage. If plumbing and/or sewage disposal is required, the application for a building permit must be accompanied by either a plumbing permit or proof that such a permit can and will be obtained. If an application is approved for a building which does not require plumbing or sewage disposal and the use subsequently changes to one which does require plumbing or sewage disposal, a new application for a building permit may be submitted by the owner or occupant and the necessary plumbing permits must be attached.

B. APPLICABILITY

Whenever application for a building pertains to commercial, retail, industrial, institutional uses, or multiple family (more than two dwelling units per lot) residential development, or if the building is located within the Shoreland Zoning District, the Code Enforcement Officer shall act upon the request only after the Planning Board of Cambridge has reviewed and approved the proposed development or construction under appropriate ordinances, following the time schedule of those ordinances.

C. APPROVAL OR DENIAL

After review by the Code Enforcement Officer to determine compliance with the requirements of the Ordinance, the Application shall be approved or denied and the applicant notified in writing of the action taken within thirty days of receipt by the Code Enforcement Officer. All building permits will expire after one year unless in the judgment of the Code Enforcement Officer there has been significant construction. A permit shall be denied only if the proposed work is not in conformance with this or other applicable Ordinances.

D. APPEALS AND VARIANCES: The Powers and Duties of the Appeals Board shall be as follows:

1. Administrative Appeals: To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer or Planning Board in the administration of this Ordinance.
2. Variance Appeals : To authorize variances upon appeal within the limitations set forth in this Ordinance only under the following conditions:
 - a. Variances may be granted only from dimensional requirements including but not limited to, lot width, structure height, percent of lot coverage, and setback requirements.
 - b. Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.
 - c. The Board shall not grant a variance unless it finds that:
 - (1) The proposed structure or use would meet the provisions of this Ordinance except for the specific provision which has created the non- conformity and from which relief is sought; and
 - (2) The strict application of the terms of this Ordinance would result in undue hardship. The term "undue hardship" shall mean:

- (i) That the land in question cannot yield a reasonable return unless a variance is granted;
- (ii) That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
- (iii) That the granting of a variance will not alter the essential character of the locality; and
- (iv) That the hardship is not the result of action taken by the applicant or a prior owner.

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

3. Appeal Procedure

a. Making an Appeal

- (1) An administrative or variance appeal may be taken to the Appeals Board by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board. Such appeal shall be taken within thirty (30) days of the date of the decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.
- (2) Such appeal shall be made by filing with the Appeals Board a written notice of appeal which includes:
 - (i) A concise written statement indicating what relief is requested and why it should be granted.
 - (ii) A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.
- (3) Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Appeals Board all of the papers constituting the record of the decision appealed from.
- (4) The Appeals Board shall hold a public hearing on the appeal within thirty-five (35) days of its receipt of an appeal request.

b. Decision by Appeals Board

- (1) A majority of the board shall constitute a quorum for the purpose of deciding an appeal. A member who abstains shall not be counted in determining whether a quorum exists.
- (2) The concurring vote of a majority of the members of the Appeals Board present and voting shall be necessary to reverse an order, requirement, decision, or determination of the Code Enforcement Officer or Planning Board, or to decide in favor of the applicant on any matter on which it is required to decide under this Ordinance, or to affect any variation in the application of this Ordinance from its stated terms. The board may reverse the decision, or failure to act, of the Code Enforcement Officer or Planning Board only upon a finding that the decision, or failure to act, was clearly contrary to specific provisions of this Ordinance.
- (3) The person filing the appeal shall have the burden of proof.
- (4) The Board shall decide all appeals within thirty five (35) days after the close of the hearing, and shall issue a written decision on all appeals.
- (5) All decisions shall become a part of the record and shall include a statement of findings and conclusions as well as the reasons or basis therefore, and the appropriate order, relief or denial thereof.

4. Appeal to Superior Court

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

5. Reconsideration

The Appeals Board may reconsider any decision within sixty (60) days of its prior decision. A request to the Board to reconsider a decision must be filed within twenty (20) days of the decision that is to be reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within 60 days of the date of the vote on the original decision. The Board may conduct additional hearings and receive additional evidence and testimony.

E. FEE

Each application for a building permit shall be accompanied by a fee of according to the following table:

1. Accessory structures and additions to existing structures: \$ 10.00
2. Residential structures (including manufactured housing): \$ 25.00
3. Commercial structures: \$ 50.00

SECTION III. LOT USAGE

A. SETBACK

- I. No building is to be constructed, located, or relocated on a lot unless it is set back at least:
 - a. fifteen (15) feet from the edge of any public or private road or right-of- way; and
 - b. fifteen (15) feet from the edge of all side and rear property lines.
2. Structures built prior to March 5, 1988 that do not conform to the setback requirements may be added to, enlarged or increased in size provided that:
 - a. The proposed addition comes no closer to the lot line or road right-of- way with which it is in non-compliance than the existing non-conforming structure.
 - b. The proposed addition does not cause a non-conformity with any other lot line.
 - c. The addition does not extend within the existing road right-of-way.

B. CREATION OF NEW WAYS, STREETS, OR ROADS

In the layout of new ways, streets, or roads whether public or private, the creation of crossroads is hereby prohibited. The layout of new accesses to public ways, streets, or roads shall be reviewed by the Town Planning Board and be subject to its approval. The layout of any new public ways, streets or roads or alterations of existing ones, no matter who undertakes them, shall be reviewed by the Planning Board and must be approved by a plurality vote of the Town.

SECTION IV. RECONSTRUCTION

If any building or structure is hereafter damaged or destroyed by fire, or becomes dilapidated or unsafe, it may be restored or reconstructed within 5 years of the date of said

damage, destruction, or determination of dilapidation or unsafe condition by the Municipal Officers, even though the lot may not be of the required size or have the required frontage or setbacks, provided the original setbacks are not reduced.

SECTION V MINIMUM CONSTRUCTION STANDARDS

All building materials used and practices followed in the construction of buildings shall conform to the generally accepted standards of good practices.

SECTION VI. SANITARY REQUIREMENTS

- a. All plumbing and sewage disposal shall be in strict concordance with the State of Maine Law and the State Plumbing Code.
- b. Any building constructed for or converted to a dwelling must have a working sewage disposal system that is in strict concordance with the State of Maine Laws and State Plumbing Code.

SECTION VII. ELECTRICAL INSTALLATION

- a. All installations of electrical equipment shall be reasonably safe to persons and property. Conformity of electrical installations to the requirements of the National Electrical Code, National Electrical Safety Code, or electrical provisions of other safety codes approved by the American Standards Association, shall be prima facie evidence that they are reasonably safe.
- b. **A Utility Scale Solar Energy Facility:** is any solar energy facility, project, or installation which is intended to capture solar energy to produce and sell electricity to the electric grid supplying the local utility with power. All Utility Scale Solar Energy Facility USSEFs must meet the requirements of all Town Ordinances, this Ordinance, all federal and state electrical codes and permitting requirements. In case of a conflict, the stricter provision shall apply.
- c. **Non-Utility Solar Energy Installation:** is any solar energy project or installation which is intended to capture solar energy to produce for on-site personal or private use. All power generated must be used on-site and/or subject to a utility bill credit of a transmission and distribution facility. All Non-Utility Solar Energy Installation must meet the requirements of all Town Ordinances. Any damaged unusable solar panels must be disposed of according to manufacture recommendations and guide lines and FDA regulations.

SECTION VIII. PENALTY FOR VIOLATION

- a. Any person who starts any construction, location, relocation or change in use for which a permit is required without first obtaining a permit shall pay double the permit fee for the permit. If the violator refuses to pay the double permit fee, no permit shall be granted, and the Code Enforcement Officer will follow the procedure outlined in section V II paragraph b of this Ordinance
- b. Any person or persons, firm or corporation owning or having control of any building or premises or other persons such as subcontractors who assist in the violation of this Ordinance or of any permit issued hereunder, shall be guilty of a civil violation, and upon conviction thereof shall be fined a minimum of \$100 and a maximum of \$2500 for each offense. The Code Enforcement Officer, acting in accordance with his duties and responsibilities in connection with the enforcement of this Ordinance, shall serve written notice on the owner(s), or others assisting, of such violation or violations. When this action does not result in the correction or abatement of the violations, the Municipal Officers are hereby authorized and directed to institute any and all actions and proceedings, whether legal or equitable, seeking injunctions of violations and impositions of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Town of Cambridge. Each day of continuance of the violations shall constitute a separate offense.

SECTION IX. SEVERABILITY

If any section or provision of this Ordinance shall be found to be invalid, this will not affect the validity of any other section or provision of this Ordinance.

SECTION X. CONFLICTS WITH OTHER ORDINANCES

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute, the more restrictive provision shall control.

SECTION XI. REPEAL

The enactment of this Ordinance automatically repeals the 2004 Building code ordinance and all amendments thereto.

ENACTED AND ORDAINED into an Ordinance on March 4, 2023, by the Legislative body of the **Town of Cambridge** in lawful session duly assembled.

Selectmen of Town of Cambridge Certified:

Signature Michael R. Watson Date 3-4-2023

Signature  Date 3-4-2023

Signature _____ Date _____