

**BUILDING CODE OF THE TOWN OF PITTSTON EFFECTIVE DATE:
MARCH 19, 2022**

ARTICLE 1. GENERAL PROVISIONS

Section 1-1. PURPOSE

This ordinance seeks to protect the health, welfare and public safety of the citizens of the Town of Pittston through the establishment of minimum lot standards: through the regulation of the construction, placement, reconstruction, alteration and relocation of structures and accessory buildings and parts thereof; through the requirement of permits for, and inspection of, such construction and for placement or relocation of such structures: and through the provision of penalties for violations of these regulations.

Section 1-2. STATUTORY AUTHORITY

This ordinance is adopted pursuant to the “home rule” provisions of 30-A M.R.S.A. §3001.

Section 1-3. APPLICABILITY

The provisions of this ordinance shall apply to all new construction, reconstruction, alterations, relocation, and replacement of any structure or part thereof, and shall include the placement of mobile homes.

Section 1-4 NON-CONFORMING USES

A. BUILDINGS: Any building or structure in existence on the effective date of this ordinance and not in conformance with the provisions of this ordinance shall be considered non-conforming provided it was legal when built or emplaced.

Any non-conforming building or structure may continue and be maintained, improved, repaired, or replaced, if the permit for said replacement is obtained within one year of the damage, destruction, or removal of the building or structure. Replacement structures shall meet setback requirements if feasible in cases where the existing non-conforming structure was completely destroyed. A building or structure which was improved, emplaced or constructed without the required building permit previous to the effective date of the ordinance is not considered non-conforming and must comply with all provisions of the ordinance.

B. LOTS: 1. Non-conforming lots of record are those lots which do not meet minimum area and frontage requirements of this ordinance. (See Section 3-1 for the specifications of a legal non-conforming lot.)

2. Vacant non-conforming lots of record may not be used for dwellings or other structures requiring septic disposal systems. (See Section 3-1-A for exceptions.)

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3. Vacant lots of record which meet area and frontage requirements but not setback or other requirements not involving area or width may be built on only if a variance of these requirements is obtained by action of the Board of Appeals.

Section 1-5. CONFLICTING ORDINANCES

This ordinance repeals and replaces the Building Code of the Town of Pittston, Maine, amended March 17, 1990. Where a conflict exists between this ordinance and any other applicable ordinances, laws or regulations, the more stringent provision shall apply.

Section 1-6. VALIDITY AND SEVERABILITY

If any section, paragraph, sentence, clause, or phase of this ordinance should be declared by the courts to be invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance, which shall remain in full force and effect. To this the provisions of this ordinance are hereby declared to be severable and separable.

Section 1-7. AMENDMENTS

All amendments to this ordinance shall apply to outstanding permits issued before the effective date of the amendment after six (6) months from the date of permit issuance if the particular work governed by the amendment has not been started.

This ordinance may be amended by a majority vote of registered voters of Pittston in a Town Meeting.

Section 1-8. EFFECTIVE DATE

The effective date of this ordinance is March 19, 2022.

ARTICLE 2. ADMINISTRATION

Section 2-1. BUILDING OFFICIAL

This ordinance shall be administered by a building official or in his absence the Code Enforcement Officer (CEO), both of whom shall be appointed by the Town Select Board.

A. INSPECTION: The building official or the Code Enforcement Officer shall inspect all structures for such permits as required by the provisions of Section 2-2 of this ordinance for the purpose of enforcing the provisions of this ordinance and all other local laws governing the construction, alteration, relocation, and replacement of structures or parts thereof, and placement of mobile homes.

B. RIGHT OF ENTRY: The building official or the CEO, in the performance of his duties, may enter any structure during reasonable hours and after reasonable notice to the homeowner, for the purpose of making the inspections required by this ordinance.

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Section 2-2. PERMITS

Permits are required before the construction, reconstruction, alteration, relocation, placement or replacement of any structure or placement of a mobile home which may reasonably be expected to have a fair market value of two thousand dollars (\$2,000) or more.

A. PLUMBING PERMIT: A plumbing permit, when required, must be obtained from the local plumbing inspector before a building permit is granted. A copy of the plumbing permit shall be submitted with the building permit application.

B. APPLICATION: The application for the building permit shall be in writing and shall be made in such form as the building inspector shall prescribe, and shall contain a description of the proposed new construction, reconstruction, alteration, relocation or replacement, or placement of mobile home. A copy of the plumbing permit and the application, after approval or denial, shall be filed in the Town Office.

C. EXEMPTIONS: Routine maintenance projects such as painting, residing, re-roofing, or other common maintenance projects not requiring structural changes shall be exempted from the permit requirements of this ordinance, but not from other applicable provisions.

D. BUILDING PERMIT APPROVAL: The building official, after proper examination of the application, shall either issue the requested building permit or transmit notice of refusal within ten (10) working days. Notice of refusal when issued shall be in writing and shall state the reasons thereof. A permit shall be refused if the building inspector determines that the proposed construction, reconstruction, alteration, relocation or placement would not meet the provisions of this ordinance. No permit shall be issued unless the requirements of all other town ordinances, State law/regulations and national codes have been met.

E. LIFE OF BUILDING PERMIT: All building permits shall be void unless work is commenced within one (1) year from the date of issuance, but may be renewed each year by the building inspector for a fee of twenty dollars (\$20.00), or the amount of the original permit, whichever is less.

F. DISPLAY OF BUILDING PERMIT: Every building permit shall be displayed in a conspicuous place on the premises, clearly visible from the principal traveled street, and shall not be removed until all work covered by the permit has been approved.

G. CERTIFICATE OF COMPLIANCE: No structure shall be occupied until a certificate of compliance has been issued by the building inspector or CEO. The building inspector or CEO shall issue a certificate of compliance when minimum standards as outlined in Section 3-2 through 3-12 of this ordinance have been met.

H. FEES: Building permit fees shall be charged according to the following schedule:

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Type of Construction	Rate	Sq. Ft.	# Stories	Permit Fee	Minimum Fee
New commercial structures, additions, and accessory building	.25	_____	X _____	= \$ _____	\$25.00
New residential structures and additions Daylight basement counts as a story	.20	_____	X _____	= \$ _____	\$20.00
New residential accessory buildings non-insulated	.15	_____	X _____	= \$ _____	\$15.00
New residential accessory buildings insulated	.20	_____	X _____	= \$ _____	\$20.00
Placement of mobile homes	.20	X _____		= \$ _____	\$20.00
Commercial alteration				\$25.00	
Residential alteration				\$10.00	
Solar residential	.20	X _____			
Solar commercial	.25	X _____			
Solar Farm	.15	X _____			

Square footage shall be calculated by the outside dimensions of the structure or addition. A basement or cellar shall not be counted as a story unless it is a daylight basement, livable space.

Section 2-3. APPEALS AND VARIANCES: The Board of Appeals of the Town of Pittston shall hear appeals and variance applications involving the provisions of this ordinance.

A. APPEALS: An appeal may be taken by any resident or landowner of the Town of Pittston from any decision made or order issued by the building inspector in connection with this ordinance or from the refusal to grant a permit required under the provisions of this ordinance within thirty (30) days to the Board of Appeals, and within

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thirty (30) days of the Board's decision, from the Board of Appeals to the Superior Court.

B. VARIANCES: The Board of Appeals may, upon written application of the affected landowner, grant a variance from the strict application of the Building Code of the Town of Pittston if it is found that strict application would result in undue hardship to the applicant. The term "undue hardship" shall mean:

1. The need for a variance is due to the unique circumstances of the property and not to general conditions in the neighborhood.
2. The granting of a variance will not alter the essential character of the locality.
3. The hardship is not the result of action taken by the applicant or a prior owner.
4. The land in question cannot yield a reasonable return unless a variance is granted.

A variance cannot be granted to build a dwelling on a non-conforming lot created after the effective date of this ordinance; nor can a variance be granted for building a dwelling on a back lot reached by a right-of-way less than twenty (20) feet wide if created after the effective date of this ordinance.

A variance is authorized only for dimensional requirements and for construction standards. The Board of Appeals may grant a variance for alternative construction materials provided the materials meet or exceed the standards outlined in Section 3-2 through 3-12 of this ordinance.

Section 2-4. ENFORCEMENT

Any person found guilty of violating any provisions of this ordinance shall be subject to a fine of not less than one hundred dollars (\$100.00) nor more than twenty-five hundred dollars (\$2,500.00) for such offense and the Select Board, or Code Enforcement Officer as their agent, are authorized to seek injunctive relief. Each day in which a violation is proved to exist shall constitute a separate offense under this section.

ARTICLE 3. STANDARDS

Section 3-1. LOT STANDARDS

No dwelling unit shall be constructed upon or moved to a lot or parcel of land with an area of less than 87,120 square feet (two acres) for each single family dwelling. Each residential lot shall have road frontage of not less than 200 feet. Mobile home parks are exempt from the standards, so long as they comply with the most recent regulations set forth from the State of Maine and from the State of Maine Manufactured Housing Board.

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No division of any parcel of land with an existing dwelling unit or other structure with plumbing shall be made which creates any lot size less than the two-acre requirement.

A. MINIMUM LOT SIZE

1. SINGLE FAMILY DWELLINGS: Dwelling may be constructed or placed on lots of record created prior to the Special Town Meeting of August 15, 1977, if they meet the following standards:

	Lot size	Road Frontage
Single lots recorded prior to January 1, 1970	none*	none
Single lots recorded between January 1, 1970 and June 24, 1974	20,000 sq ft #	none
Single lots recorded between June 24, 1974 and August 15, 1977	one acre	150 feet
Subdivision lots approved by Pittston Planning Board prior to August 15, 1977	one acre	150 feet

* Proof of plumbing permit and adequate water supply required.

State requirement under Minimum Lot Size Law, Title 12 M.R.S.A. Section 4807 A – G.

2. MULTI-FAMILY DWELLINGS AND CONDOMINIUMS: The following standards shall be met for more than one dwelling unit on a single lot:

Each single family dwelling	2 acres
Duplex: one building with two (2) dwelling units	3 acres
Multiple dwellings, apartment houses or condominiums	2 acres for first unit, not to exceed ten (10) units, plus one (1) acre for each additional dwelling unit in all buildings.

3. ROOMING HOUSES, BOARDING HOUSES, MOTELS AND HOTELS: The minimum lot size shall be based on the number of rooms to be rented. The lot size shall be two (2) acres for a maximum of two rooms to be rented. An additional one-half (1/2) acre is required for each additional rental room, not to exceed ten (10) rental rooms.

4. ANY BUILDINGS WITH PLUMBING: The minimum lot size shall be two (2) acres if toilet facilities are provided for employees or customers.

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B. SETBACK: If the width of the right-of-way of a road can be determined from Maine Department of Transportation road surveys, the setback for any structure shall be at least thirty-five (35) feet from that street or road right-of-way. If no recorded right-of-way can be determined, the setback for any structure shall be sixty (60) feet from the center of the road.

C. SIDE YARD WIDTH: No structure shall be less than twenty (20) feet from any adjoining lot line.

D. ACCESS:

1. Frontage: All newly-created dwelling lots situated on an existing or proposed street or road shall have two-hundred (200) feet of frontage.

2. Back Lots: Back lots which do not front on a street or road shall meet the following requirements:

a. Single Lots: A back lot may be used for one single family dwelling or other permitted single use if it is accessible by a right-of-way at least twenty (20) feet wide.

b. Subdivision: Back lots shall not be subdivided unless an access road meeting the Town's Road Ordinance (50 foot right-of-way) extends, or is proposed to extend, to the subdivision. Each proposed subdivision lot shall meet the frontage requirement of this ordinance.

E. DRIVEWAYS: Each lot on which a dwelling is placed shall be provided with a driveway of not less than fifteen (15) feet in width with a well-drained, stabilized or paved surface and shall have a culvert where crossing any existing surface drainage facility.

F. OFF-STREET PARKING: Off-street parking shall be provided in the amount of three-hundred-fifty (350) square feet per dwelling unit. This may be accomplished by a driveway space, garage space, or parking lot space, or any combination of the three.

G. PLACEMENT OF MOBILE HOMES (OTHER THAN IN MOBILE HOME PARKS): Prior to transportation of any mobile home into and/or within the Town of Pittston for purpose of placement and/or installation in said town the following procedures shall be followed in sequence indicated:

1. Soil test at permanent site.
2. Installation and inspection of septic system.
3. Construction and inspection of approved pad. All new singlewide manufactured homes and double wide manufactured homes must be put on 18 or 24 inches of compacted gravel (depending on the geographical location) and a 6 inch reinforced pad. If after review a licensed engineer stamps a design, you could use just the gravel. For used single wide homes, you are allowed to install them on 18 or 24 inches of compacted gravel. Used doublewide homes require the gravel and a 6 inch concrete slab. The size shall be equal to or greater than the mobile home.

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4. Procurement of building permit to transmit mobile home into and/or installing said mobile home. Permit to be obtained from the building inspector.

5. Inspection of water, plumbing and electrical systems after mobile home has been moved onto site and has been connected to all above systems.

6. All mobile homes/manufactured housing shall conform to Maine Title 30-A §4358: Regulation of manufactured housing.

Section 3-2. FOUNDATIONS: Except when erected upon solid rock or equivalent, all dwellings shall be set on an approved foundation carried one (1) foot below frost line, upon an approved, poured and reinforced concrete slab or upon an approved all-weather wood foundation. Post foundations of concrete with appropriate pads of footings shall extend not less than one foot below the frost line. Foundations and concrete slabs shall rest upon solid ground or leveled rock, or on piles or ranging timbers when solid earth or rock are not found. Masonry foundation walls shall be not less than eight (8) inches thick, and shall be supported by concrete footings sufficient to satisfy ground load ability conditions. Provisions shall be made for drainage when basements (cellars) or partial basements are constructed.

Section 3-3. MINIMUM CONSTRUCTION STANDARDS: All building materials used and practices followed in the construction of all buildings shall be of such character as to assure a safe and durable structure. Any structure shall meet the minimum standards of the National Fire Prevention Association – Life Safety Code Handbook (NFPA-LSC) for Residential, Multi-family or Commercial structures. A copy of this code shall be kept at the Town Office.

a. All waste material and rubbish, particularly flammable materials, shall be removed as rapidly as practicable.

b. Land contouring and grading or suitable erosion control shall be completed in a timely fashion to prevent loss of topsoil, surface erosion and to establish proper drainage patterns.

Section 3-4. EXTERIOR FINISH: The exterior walls of all buildings shall be finished with a covering of clapboards, wood, metal, vinyl siding, wood or asphalt shingles, masonry, brick, stone or other materials specified by the NFPA-Life Safety Code. Such coverings shall be completed within one (1) year after the outside studding is in place.

Section 3-5. MINIMUM FLOOR AREA: No dwelling shall be constructed that will enclose an area of less than six hundred (600) square feet of living space. “Living space” shall mean actual space suitable for year-round occupancy and shall not include porches, patios and similar areas whether or not enclosed.

Section 3-6. CHIMNEYS: All chimneys shall meet the specifications of the NFPA-Life Safety Code.

Section 3-7. SMOKE PIPES: A smoke pipe shall meet the specifications of the NFPA-Life Safety Code.

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Section 3-8. FIREPLACES: All fireplaces shall meet with the specifications of the NFPA-Life Safety Code.

Section 3-9. ELECTRICAL INSTALLATION: Electrical service shall meet the requirements of 30-A M.R.S.A. §4161, concerning electrical installations.

Section 3-10. SANITATION: All plumbing and sewage disposal shall be in strict conformance with the State Plumbing Code. The plumbing inspector shall inspect the sewage disposal system a minimum of 3 times. Once before installation, once during installation and once when the installation of the system is complete. The plumbing permit shall be signed and dated at each inspection.

A. WATER SUPPLY: In areas where public water supplies are not available there shall be completed on the dwelling lot an adequate well or other permanent type water supply system to continuously service the proposed dwelling, and said water system shall meet the minimum requirements of State Department of Human Services regulations.

B. SANITARY FIXTURES: Each dwelling unit shall be provided with not less than one toilet or privy meeting current State Plumbing Code standards and with one kitchen sink piped with cold water.

C. PRIVY VAULTS: Privy vaults and similar systems must conform to the State Plumbing Code.

D. LIGHT AND VENTILATION: Bathrooms and water closet compartments not vented by a window shall have a skylight or a connection to vent or shaft extending through the roof, or be provided with some type of mechanical ventilation conforming to applicable standards in the State Plumbing Code.

Section 3-11. CELLARS AS DWELLINGS: A cellar may be occupied as a dwelling, if it has two means of egress, for one year from the date that the occupancy of the cellar begins.

Section 3-12. ELIMINATION OF HAZARD: Any abandoned cellar hole, trenches or dug wells that become hazardous shall be properly covered or filled to the level of the surrounding terrain within ten (10) days of notification to the occupant by the Code Enforcement Officer.

ARTICLE IV. TINY HOMES

All Tiny Homes must meet all State plumbing, electrical, waste (septic) and potable water requirements. A Tiny Home can be no larger than four hundred (400) square feet and must meet all DEP requirements of egress (2 means of egress and all bedroom windows must be 5.7 square feet. A Tiny Home may not be registered as a RV.

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ARTICLE V. DEFINITIONS

ACCESSORY BUILDING: A structure which is customarily both incidental and subordinate to the principal structure, including but not limited to garages, workshops, woodsheds and barns.

ADDITION: Any increase in the outside dimensions of a structure.

ALTERATION: Any change in the existing structural members of a building, such as bearing walls, columns, beams or girders.

APPROVED: The term “approved” shall mean approved by the building inspector of the Town of Pittston.

BACK LOT: A lot which lacks frontage on a public street or road and is accessible only by a private right-of-way. A back lot may also be called a rear lot.

BUILDING: A structure for the support, shelter or enclosure of persons, animals, goods or property of any kind.

CELLAR: A portion of the building partly underground, but having half or more of its clear height below average grade of the adjoining land.

DWELLING: A structure containing one or more livable units.

DWELLING UNIT: A room or group of rooms designed and equipped exclusively for use as living quarters for only one family, including provisions for living, sleeping, cooking and eating. The term shall include mobile homes but shall not include travel trailers or recreational vehicles.

LOT: A parcel of land in single, joint or common ownership by the same person(s) as indicated by deeds, surveys or similar legal instruments. One lot may consist of two or more contiguous lots of record.

LOT AREA: The total horizontal area within the lot lines.

LOT OF RECORD: A parcel of land, a legal description of which, or the dimensions of which, are recorded on a document or map on file with the County Register of Deeds or in common use by Town or County Officials.

MOBILE HOME: A manufactured structure designed as a dwelling unit to be transported on its own wheels which is provided with plumbing and electrical connections so that it can be used as a dwelling on a permanent site. To be a mobile home instead of a travel trailer or camper, it must contain at least seven hundred fifty (750) square feet of floor area and sleeping accommodations, a toilet, a tub or shower, bath and kitchen facilities, including major appliances.

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MULTI-FAMILY DWELLING: A building or structure containing more than one dwelling unit as defined in this ordinance.

NON-CONFORMING STRUCTURE: A structure which does not comply with this ordinance, but which did comply with the ordinances in effect at the time of its construction, placement or substantial improvement.

RESIDENTIAL LOT: A lot on which one or more dwelling units are or will be located.

SETBACK: The minimum horizontal distance from a lot line to the nearest part of a structure.

STRUCTURE: Anything constructed or erected, the use of which requires location on the ground or attachment to something on the ground (except a post, fence, dry stone wall, drive way or private road).

USE: The purpose for which land or a structure is arranged, designed or intended, or for which land or a structure is or may be occupied.

We hereby certify that the forgoing is a true copy of the Building Code Ordinance of the Town of Pittston as enacted at Town Meeting on

Given under our hands this day of

Mary Jean Ambrose, Selectperson

Rodney Hembree III, Selectperson

Kerri Farris, Selectperson

Attest: _____
Deborah Barry, Town Clerk
Town of Pittston