

TOWN OF LIMESTONE

Property Maintenance Code Ordinance

Adopted by the Town of Limestone: June 10, 2010, Article 37

Attest: Marlene Durepo
Marlene Durepo, Limestone Town Clerk

LIMESTONE PROPERTY MAINTENANCE CODE ORDINANCE

The TOWN OF LIMESTONE does ordain as follows:

SECTION 1. An Ordinance of the Town of Limestone adopting the 2009 edition of the International Property Maintenance Code, 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 structures 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 in the Town of Limestone; providing for the issuance of permits and collection of fees therefor; replacing and repealing all other ordinance(s) or parts of ordinance(s) dealing with any subject matter dealt with herein, and shall supersede the same, whether specifically repealed or referenced herein.

SECTION 2. That a certain document, three (3) copies of which are on file in the office of the Town Clerk of the Town of Limestone being marked and designated as *The International Property Maintenance Code 2009 Edition*, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Town of Limestone 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, facilities, and other physical things and conditions essential to ensure that structures 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 therefor; 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 Limestone 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 3 of this ordinance.

SECTION 3. The following sections are hereby revised:

Section 101.1 (page 1, second line). Insert: the TOWN OF LIMESTONE

Section 102.3. Delete: "International Fuel Gas Code, International Mechanical Code and NFPA. Nothing in this code shall be construed to cancel, modify or set aside any provision of the International Zoning Code"; replace with the State of Maine Internal Plumbing Code, the State of Maine Subsurface Waste Water Disposal Rules, the NFPA 70 National Electric Code, and NFPA 101 Life Safety Code 2006 Edition."

Section 103.1. Delete: line 1 through line 3; replace with: "The official in charge thereof shall be known as the Limestone Code Enforcement Officer (code official)."

Section 103.3. Delete all.

Section 103.5. Insert:
SCHEDULE: Code Enforcement Issued Demolition permits - \$10.00; Code Enforcement Issued Fence permits - \$10.00; Planning Board Site Plan Review fees for Demolition and/or Fence permit shall be assessed and paid per the Official Zoning Ordinance of the Town of Limestone, Section 9.5, Site Design Fees and Guarantees, and the application for said permit(s) shall be per the Official Zoning Ordinance of the Town of Limestone, Section 9, Site Plan Review. No fees via Site Plan Review shall be refundable whether a permit is granted or not.

Section 110 DEMOLITION. Insert on page 6 and after 110.4 as follows:

110.5 DEMOLITION PERMIT

- a. Any building or structure to be demolished within the Town of Limestone requires a Demolition Permit issued by the Limestone Code Enforcement Official or Planning Board.
- b. All applicable State and Local laws regarding the removal of Construction and Demolition Debris shall be complied with.
- c. Any property owner submitting a demolition permit application to the office shall provide copy of deed, completed demo application, and schedule of demo activity.
- d. All demolition, clean up, and at least 1 foot of gravel cover with 4" loam, seed and mulch must be completed within one year from the date the permit is issued; where a structure has been demolished or removed, the vacant lot shall be filled and maintained to the existing grade or in the accordance with the jurisdiction having authority.
- e. Any contractor applying for a Demo Permit of behalf of the property owner must also provide a copy of a signed contract by the owner.

- f. Any person applying for a Demo Permit must provide written proof that all utility providers have removed service from the building to be razed.
- g. The Limestone Fire Department shall be notified at least 5 working days in advance of the commencement of demolition.
- h. BURNING of a building/structure to be demolished is prohibited. EXCEPTION: Written approval and permit issued by the Limestone Fire Chief or designee OR Limestone Fire Department use of said structure for training exercise.
- i. Prior to demolition, water and sewer distribution pipes shall be properly capped, and the owner or contractor shall call for a compliance check by the Limestone Water and Sewer Department or the Local Plumbing Inspector. Prior to commencement of demolition and on day building is to be razed, the site shall be inspected by Limestone Code Enforcement Officer. The inspection must be scheduled at least 24 hours in advance.
- j. No demolition debris may be buried on site within the General Business, Residential-1, Residential-2 Zones, Shoreland Zone, Resource Protection Zone, Sand and Gravel Aquifer Overlay Zone, and Silver Spring Brook Watershed Overlay Zone. EXCEPTION: In any zone on a lot that is 1 (ONE) acre or greater and with the approval of the Planning Board via Planning Board Site Plan Review per the Zoning Ordinance of the Town of Limestone, Section 9 SITE DESIGN REVIEW and in compliance with all sections of Section 110.5 Demolition, a demolition permit may be granted.
- k. No demolition debris may be buried on site on any lot in any zone less than 1 (ONE) acre.
- l. No debris may be buried within 100' (measured on horizontal grade) of any property line in any zone.
- m. No debris may be buried within 100' (measured on horizontal grade) of an existing water well or one recorded at the Registry of Deeds.
- n. Biodegradable and inert demolition debris may be buried on site.
- o. Inert materials such as brick, concrete, or stone may be buried on site, hauled to an off-site gravel pit, or delivered to a Community Landfill.
- p. All non-biodegradable debris such as asphalt shingles, asbestos, carpeting, sheetrock, vinyl or metal siding, painting materials, or similar materials shall not be buried on site.
- q. Final inspection is required; owner or contractor shall notify Code Enforcement at the completion of project.
- r. Maine State Laws shall be complied with, including, when applicable, notification to the Department of Environmental Protection for certain buildings and buildings with asbestos.

s. The owner of any Demolished Building buried on site shall record the demolition with the Registry of Deeds within 90 days of demolition completion.

Section 111 Means of Appeal: Delete. Replace with: "Any person Directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Board of Appeals per the Official Zoning Ordinance of the Town of Limestone, Section 12 Board of Appeals. As per Section 12.5 of the Zoning Ordinance, "an appeal may be taken to the Board of Appeals by an aggrieved person from any decision of the Code Enforcement Officer. Such appeal shall be taken within thirty (30) days of the decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty day requirement."

Section 112.4. Insert: "not less than 10 (TEN) dollars or more than 100 (ONE HUNDRED) dollars per day per violation AND any person, firm, or corporation, as owner of, or having control of any building, premises, who violates any of the provisions hereof, or fails to obtain any required permits, shall, by having committed a violation of this ordinance and upon conviction be deemed guilty of a civil violation, and subject to penalties in accordance with Title 30-A, Maine Revised Statutes Annotated, Subsection 4452. Per Title 30-A Subsection 4452, the minimum penalty for starting construction or Undertaking a land use activity without a required permit is \$100, and The maximum penalty is \$2,500. The minimum penalty for a specific Violation is \$100, and the maximum penalty is \$2,500. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions thereof, shall be deemed a separate offense.

Section 302.4. Insert: 6 (SIX) inches

Section 302.7. Insert at the end of Line 3: "Each structural and decorative member of a fence shall be free of deterioration and be compatible in size, material, and appearance with the remainder of the fence. Prior the erection of a fence or replacement of an existing fence, the owner of proposed fence shall apply for and receive a Fence Permit from the Limestone Code Enforcement Office or Planning Board per the Zoning Ordinance of the Town of Limestone, Section 9 SITE DESIGN REVIEW. A survey shall be submitted with all Fence permit applications to confirm property line(s) or written approval from abutter as to location of property line shall be submitted with the application. The fence shall be set back a minimum of 30" (THIRTY INCHES) from the property line to allow for maintenance of the fence. A fence 4' (FOUR FEET) in height or greater shall require Planning Board Site Review via Section 9 of the Zoning Ordinance of the Town of Limestone.

Section 304.14. Insert: SUMMER through end of FALL

Section 701.2. Delete and replace with "The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with the 2006NFPA 101 Life Safety Code."

Section 702.1. Delete line 4 "International Fire Code" and replace with "2006 NFPA 101 Life Safety Code".

Section 702.2. Delete line 2 "International Fire Code" and replace with "2006 NFPA 101 Life Safety Code".

Section 702.3. Delete line 4 "International" and line 5 "Building Code" and replace with "2006 NFPA 101 Life Safety Code."

Section 702.4. Delete line 3 "code in effect at the time" and replace with "the NFPA 101 Life Safety Code in effect at the time."

Section 704.1. Delete "International Fire Code" on line 4; replace with NFPA 101 Life Safety Code in effect at the time."

Section 704.2 Delete and replace with "Smoke Alarms and Carbon Monoxide Detectors in accordance with the NFPA 101 Life Safety Code in effect at the time."

SECTION 4. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Town of Limestone hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

SECTION 5. That nothing in this ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 1 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this ordinance.

SECTION 6. That the Town of Limestone Clerk shall certify the adoption of this Ordinance and cause the same to be published as required by law, and this Ordinance shall take full force and effect after this date or final passage and approval.

SECTION 7. That this ordinance and the rules, regulations, provisions, requirements, orders, and matters established and adopted hereby shall take effect and be in full force and effect until repealed or replaced after the date of its final passage and adoption.