

Chapter 18

BUILDINGS AND BUILDING REGULATIONS*

***Cross references:** Fire prevention and protection, ch. 38; solid waste, ch. 62; streets and sidewalks, ch. 66; utilities, ch. 74; zoning and land use code, app. A.

State law references: Regulation of construction and improvements, 30-A M.R.S.A. § 4101 et seq.

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ARTICLE I. IN GENERAL

Secs. 18-1--18-25. Reserved.

ARTICLE II. BUILDING CODES

Sec. 18-26. Building codes.

The City of Lewiston administers and enforces the provisions of the Maine Uniform Building and Energy Code pursuant to Title 10, chapter 1103 and Title 25, chapters 313 and 314 of the Maine Statutes and 16-642 CMR chapters 1-6 of the Maine Department of Public Safety Agency Rules.

(Ord. No. 92-15, § 7-1, 8-13-92; Ord. No. 05-01, 3-10-05; Ord. 15-03, 04-02-15)

Sec. 18-27. Permits required.

Any owner or authorized agent who intends to construct, enlarge, alter, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by the Maine Uniform Building and Energy Code, or cause any such work to be done, shall first make application to the building official and obtain the required permit.

(Ord. 15-03, 04-02-15)

Sec. 18-28. Fees.

(a) Payment of fees. A permit shall not be valid until the fees prescribed by the Lewiston City Council have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

(b) Schedule of permit fees. On buildings, structures, or alterations requiring a permit, a fee for each permit shall be paid as required in accordance with the schedule as established by the Lewiston City Council.

(c) Building permit valuations. The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the building official, the valuation is underestimated on the application, final building permit valuation shall be set by the building official utilizing *Means Square Foot Costs* or similar documents, unless the applicant can show detailed estimates to meet the approval of the building official.

(d) Work commencing before permit issuance. Any person who commences any work on a building or structure, before obtaining the necessary permit, shall be subject to a belated fee established by the Lewiston City Council that shall be in addition to the required permit fees.

(e) Related fees. The payment of the fee for the construction, alteration, removal or demolition for work done in connection with or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by ordinance or law.

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(f) Refunds. The building official is authorized to establish a refund policy.
(Ord. 15-03, 04-02-15)

Sec. 18-29. Violations.

(a) Unlawful acts. It shall be unlawful for any person, firm, or corporation to erect, construct, alter, extend, repair, remove, demolish, use, or occupy any building or structure or equipment regulated by the Maine Uniform Building and Energy Code, or cause same to be done, in conflict with or in violation of any of the provisions of this Code.

(b) Notice of violation. The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition, or occupancy of a building or structure in violation of the provisions of the Maine Uniform Building and Energy Code, or in violation of a detail statement or a plan approved thereunder, or in violation of a permit or certificate issued under the provisions of this Code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

(c) Service of notice of violation. A notice of violation or order may be served in hand to the violator or left with a person of suitable age and discretion at the residence or place of business of the violator or mailed by certified mail, return receipt requested, to the last known address. If the return receipt is not returned, the notice shall be conclusively presumed to have been served if it is also sent by regular mail, postage prepaid, which is not returned as undeliverable by the postal service.

(d) Request for appeal. Any person served an order, pursuant to this section, may request a hearing before the board of appeals by filing a written petition for said hearing at the planning and code enforcement department within ten (10) days of the date of service of the order. The board of appeals may sustain, modify, or withdraw such order. The decision of the board of appeals may be further appealed pursuant to the provisions of Rule 80B of the Maine Rules of Civil Procedure.

(e) Violation penalties. Any person who shall violate a provision of the Maine Uniform Building and Energy Code or shall fail to comply with any of the requirements thereof, or shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the building official, or of a permit or certificate issued under the provisions of this Code, shall be liable for one or more citations as set forth in Chapter 1, Section 1-8 and Chapter 50, Section 50-36 of the Code of Ordinances of the City of Lewiston. In lieu of or in addition to the issuance of citations, the building official may initiate a land use complaint pursuant to Rule 80K of the Maine Rules of Civil Procedure and 30-A M.R.S. § 4452 et seq. as amended.

(Ord. 15-03, 04-02-15)

Secs. 18-30--18-50. Reserved.

ARTICLE III. INTERNATIONAL PROPERTY MAINTENANCE CODE

Sec. 18-51. Adoption of International Property Maintenance Code.

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An ordinance of the City of Lewiston 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 City of Lewiston; providing for the issuance of permits and collection of fees.

That a certain document, one (1) copy of which is on file in the office of the City Clerk of the City of Lewiston, 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 City of Lewiston, 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 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 as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the City Clerk of the City of Lewiston 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 prescribed in Section 18-52 of this ordinance.

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 City Council 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.

That nothing in this ordinance or in the International 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; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

(Ord. No. 92-8, § 15-1, 5-7-92; Ord. No. 11-07, 9-15-11)

Sec. 18-52. Amendments to the property maintenance code.

The property maintenance code adopted in section 18-51 is amended and changed as follows:

CHAPTER 1 SCOPE AND ADMINISTRATION

PM-100.1 Title: These regulations shall be known as the International Property Maintenance Code of the City of Lewiston, hereinafter referred to as "this code."

PM-102.3 Application of other codes: Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Code of Ordinances of the City of Lewiston and any other applicable laws, rules or regulations.

102.6 Historic buildings are hereby deleted.

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SECTION 103 DEPARTMENT OF PLANNING AND CODE ENFORCEMENT

103.1 General. The Director of Planning and Code Enforcement and his designees shall be known as the *code official*.

103.2 Appointment is hereby deleted.

103.3 Deputies is hereby deleted.

103.4 Liability. The *code official* while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties. Any suit instituted against the code official or any subordinate because of an act performed by that official or subordinate in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The *code official* or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

103.5 Fees is hereby deleted.

104.3 Right of entry. In order to safeguard the safety, health and welfare of the public, the *code official* is authorized to enter any structure or premises at any reasonable time for the purpose of making inspections and performing duties under this code.

106.3 Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a civil infraction and the violation shall be deemed a *strict liability offense*. If the notice of violation is not complied with, the *code official* shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful *occupancy* of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the *code enforcement official* on such *premises* shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

106.4 Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by the Code of Ordinances of the City of Lewiston or state laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

106.5 Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the *code official* from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal *occupancy* of a building, structure or *premises*, or to stop an illegal act, conduct, business or utilization of the building, structure or *premises*.

107.2 Form. Such notice prescribed in Section 107.1 shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the *dwelling unit* or structure into compliance with the provisions of this code.

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5. Inform the property *owner* of the right to appeal.
6. Include a statement of the right to issue citations in accordance with Chapter 50, Article II and/or to take any other legal action available by the Code of Ordinances of the City of Lewiston or by State law and to file a lien in accordance with Section 106.3.

107.3 Method of service. Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified and first-class mail addressed to the last known address; or
3. If the notice is returned showing that the first class letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

109.2 Securing dangerous structures. When, in the determination of the City Administrator, the Director of the Planning & Code Enforcement Department, the Chief of Police, or the Fire Chief, a structure poses a serious threat to the public health and safety, a code official may secure the structure and/or the premises pursuant to 17 M.R.S. § 2856. The code official shall cause notice, as required by 17 M.R.S. § 2851(1), to be given before securing the structure unless the threat requires prompt action, in which case notice may be given after the premises are secured. The City is entitled to recover its expenses of securing the structure. Expenses shall include, but not by way of limitation, the costs of title searches, location reports, service of process, and all costs reasonably related to the securing of the structure. The City may recover its expenses, including its reasonable attorney's fees, by means of a civil action brought against the owner or by a special tax pursuant to 17 M.R.S. § 2853. Appeals from a decision of the code official shall be taken directly to Superior Court.

109.2.1 Removal of trash, debris, or other discarded materials. When, in the determination of the City Administrator, the Director of the Planning & Code Enforcement Department, the Chief of Police, or the Fire Chief, a structure or property poses a serious threat to the public health and safety as a result of the accumulation of trash, debris, or other discarded materials, the code official may:

1. Order that the trash, debris, or other discarded materials be removed.
 - a. The code official must cause to be served with the order each owner of the structure or property i) in person, ii) in accordance with the Maine Rules of Civil Procedure, iii) by registered or certified mail, return receipt requested, where receipt is acknowledged, or iv) when the name or address of any owner or co-owner is unknown or is not ascertainable with reasonable diligence, by publication once a week for two (2) successive weeks in a newspaper generally circulated in the area.
 - b. Appeals from an order may be made to the Board of Appeals within ten days of service.
 - c. If, within twenty-one (21) days of service, the owner fails to comply with the order or to appeal the order to the Board of Appeals, the code official may remove the trash debris, and other discarded materials.
2. Removal of the trash, debris and other discarded materials if the threat to public health and safety requires prompt action.
 - a. The code official must cause to be served each owner of the structure or property with a notice of the action taken i) in person, ii) in accordance with the Maine Rules of Civil Procedure, or iii) when the name or address of any owner or co-owner is unknown or is not ascertainable with reasonable diligence, by publication once a week for three (3) successive weeks in a newspaper generally circulated in the area.

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- b. The owner may challenge the removal and/or petition for the return of the trash, debris, or other discarded materials to the City Administrator, or the Director of the Planning & Code Enforcement Department, within ten days of service of the notice.
- c. Appeals from the decision of the City Administrator or Director of the Planning & Code Enforcement Department may be taken to the Board of Appeals within ten days of the decision.
- d. The trash, debris or other discarded materials removed shall be stored at a secure location until i) the expiration of twenty-one (21) days after service of the notice on all owners, if no appeal is taken, ii) if an appeal is taken, the later to occur of a (x) decision by the City Administrator or Director of the Planning and Code Enforcement Department upholding the decision of the code official; or (y) a decision by the Board of Appeals upholding the prior decision. After the expiration of the period described above, and absent a decision requiring return of the waste, debris, or other discarded materials, such waste, debris, and other discarded materials may be disposed of by the City.

The City is entitled to recoup any expenses incurred under this section from the owner. Expenses shall include, but not by way of limitation, the costs of title searches, location reports, service or process, costs of removing, storing and/or disposing of the trash, debris, and other discarded materials, and all other costs incurred by the municipality that are reasonably related to the removal and disposal of the trash, debris, and other discarded materials. The City may recover its expenses, including its reasonable attorney's fees, by means of a civil action brought against the owner.

109.4 Emergency repairs. For the purposes of this section, the *code official* may employ the necessary labor and materials to perform the required work as expeditiously as possible.

109.5 Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction may institute appropriate action against the *owner* of the *premises* where the unsafe structure is or was located for the recovery of such costs.

110.3 Failure to comply. If the *owner* of a *premises* fails to comply with a demolition order within the time prescribed, the *code official* may cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

110.4 Salvage materials. When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials. The net proceeds of such sale, after deducting the expenses of such demolition, legal fees and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

111.1 Application for appeal. 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, provided that a written application for appeal is filed within 10 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

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111.2 Application for appeal is hereby deleted.

111.2.1 Alternate members is hereby deleted.

111.2.2 Chairman is hereby deleted.

111.2.3 Disqualification of member is hereby deleted.

111.2.4 Secretary is hereby deleted.

111.2.5 Compensation of members is hereby deleted.

111.3 Notice of meeting is hereby deleted.

111.4 Open hearing is hereby deleted.

111.4.1 Procedure is hereby deleted.

111.5 Postponed hearing is hereby deleted.

111.6 Board decision is hereby deleted.

111.6.1 Records and copies is hereby deleted.

111.6.2 Administration is hereby deleted.

111.7 Court review is hereby deleted.

111.8 Stay of enforcement is hereby deleted.

112.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than 1,000.00 dollars for each day that work activity occurs.

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the Maine Uniform Building Code, the Code of Ordinances of the City of Lewiston, and any other duly adopted codes, such terms shall have the meanings ascribed to them as stated in those codes.

CHAPTER 2 DEFINITIONS

SECTION 202 GENERAL DEFINITIONS

INOPERABLE MOTOR VEHICLE. A vehicle which cannot be driven upon the public streets for reason including but not limited to being unregistered, uninsured, uninspected, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

CHAPTER 3 GENERAL REQUIREMENTS

302.4 Weeds. All *premises* and *exterior property* located in all zoning districts with the exception of the rural agricultural district shall be maintained free from weeds or plant growth in excess of 12". All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation,
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other than trees or shrubs provided, however, this term shall not include cultivated flowers and gardens, vegetation grown for agricultural purposes as defined in Appendix A, Article II, Section 2 of the Zoning and Land Use Code, and areas within 25', horizontal distance, of the normal high water mark of the Androscoggin River.

302.8 Motor vehicles. Except as provided for in other regulations, not more than one inoperative, or unregistered, or uninsured or uninspected motor vehicle shall be parked, kept or stored on any *premises*, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an *approved* spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and *approved* for such purposes.

302.10 Erosion and sediment control. When determined by the code official that soil erosion is occurring or is likely to occur beyond the premises or into a protected natural resource as defined by M.R.S.A, Title 38 § 480-B erosion and sediment control measures shall be installed in accordance with the Maine Erosion and Sedimentation Control BMPs Pub. No. DEPLW0588, published by the Maine Department of Environmental Protection, Bureau of Land and Water Quality, (March 2003). Erosion control measures where required must be maintained until the site is permanently stabilized. Permanent erosion and sediment control measures shall be achieved with topsoil spread at a minimum compacted depth of 4 inches in keeping with the applicable best management practices as per the above referenced document. Lawfully established agricultural fields shall be exempt from this section.

Exception:

The code official may waive the requirement for the use of topsoil as the permanent soil stabilization method when determined that some other permanent soil stabilization best management practices method would be more appropriate for a given premises. Any such waiver must be requested in writing.

302.10.1 Demolition. On any premises located in the Downtown Residential District, the Neighborhood Conservation “B” District, the Centreville District, and the Riverfront District, the following provisions shall apply to demolition activity commencing on or after March 31, 2014 resulting in vacant premises:

Temporary erosion and sediment control measures in keeping with the applicable best management practices as per the above referenced document shall be in place on premises in these districts as necessary during and after the completion of demolition activity.

Permanent erosion and sediment control measures shall be in place within thirty days after the completion of demolition activity in these districts and shall be achieved with topsoil spread at a minimum compacted depth of 4 inches in keeping with the applicable best management practices as per the above referenced document.

Premises shall be barricaded within thirty days after the completion of demolition with boulders one cubic yard or larger placed around the entire perimeter of the premises at intervals of not less than six feet apart. The purpose for this provision is to discourage the unlawful use of any vacant premises for parking, storage, or related activity; however, such uses may be established subject to permitting.

Exceptions:

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1. The code official may waive the requirement for the use of topsoil as the permanent soil stabilization method when determined that some other permanent soil stabilization best management practices method would be more appropriate for a given premises. Any such waiver must be requested in writing.
2. The code official may extend the thirty day provision for the installation of topsoil as the permanent soil stabilization method when determined that the redevelopment of the subject premises will likely occur within twelve months after the completion of demolition or when it is impractical due to fall and winter conditions. Any such waiver must be requested in writing.
3. The code official may waive the requirement for the placement of boulders in whole or in part when it can be demonstrated that structures on adjoining premises, topography, existing or proposed permanent fences, or other barriers are of such a nature to achieve the purpose of this section. Any such waiver must be requested in writing.

303.2 Enclosures. Private swimming pools, hot tubs and spas, designed for a water depth of 36 inches (900 mm) or more shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

304.14 Insect screens. Every door, window and other outside opening required for *ventilation* of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other *approved* means, such as air curtains or insect repellent fans, are employed.

308.3.1 Garbage facilities. The *owner* of every dwelling shall supply to the *occupants* in each *dwelling unit* an *approved* leak proof, covered, outside garbage container.

309.4 Multiple occupancy. The *owner* of a structure containing two or more *dwelling units* including *rooming houses* shall be responsible for *pest elimination* in the public or shared areas of the structure, the *exterior property* as well as the individual dwelling units, or rooming units.

CHAPTER 5 PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

502.2 Rooming houses. At least one water closet, lavatory and bathtub or shower shall be supplied for

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each six *rooming units*.

502.5 Public toilet facilities. Public toilet facilities shall be maintained in a safe sanitary and working condition in accordance with the *Maine State Internal Plumbing Code*. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during *occupancy* of the *premises*.

505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an *approved* private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the *Maine State Internal Plumbing Code*.

CHAPTER 6 MECHANICAL AND ELECTRICAL REQUIREMENTS

602.2 Residential occupancies. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature of not less than 68 degrees Fahrenheit in all habitable rooms, bathrooms and toilet rooms measured at a distance of 3 feet from the exterior walls, 5 feet above floor level. In addition, the heating facilities must be operated to protect the building equipment and systems from freezing.

602.3 Heat supply. An owner or operator of any building who rents, leases or lets one or more dwelling units or sleeping units and the occupant thereof under a lease or tenancy at will may enter into an agreement for the owner or operator to provide heat at less than 68 degrees Fahrenheit. The agreement must:

1. Be in a separate written document, apart from the lease, be set forth in a clear and conspicuous format, readable in plain English and in at least 12-point font, and be signed by both parties to the agreement;
2. State that the agreement is revocable by either party upon reasonable notice under the circumstances;
3. Specifically set a minimum temperature for heat, which may not be less than 62 degrees Fahrenheit; and
4. Set forth a stated reduction in rent that must be fair and reasonable under the circumstances.

An agreement under this subsection may not be entered into or maintained if a person over 65 years of age or under 5 years of age resides on the premises. An owner or operator is not responsible if an occupant who controls the temperature on the premises reduces the heat to an amount less than 68 degrees Fahrenheit as long as the owner or operator complies with Section 602.2 or if the occupant fails to inform the owner or operator that a person over 65 years of age or under 5 years of age resides on the premises.

CHAPTER 7 FIRE SAFETY REQUIREMENTS

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702.1 General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the *public way*. Means of egress shall comply with the applicable National Fire Protection Association Codes as per Chapter 38, Article II, Section 38-26(a) of the Code of Ordinances of the City of Lewiston.

702.2 Aisles. The required width of aisles in accordance with the applicable National Fire Protection Association Codes as per Chapter 38, Article II, Section 38-26(a) of the Code Ordinances of the City of Lewiston shall be unobstructed.

704.1 General. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the applicable National Fire Protection Association Codes as per Chapter 38, Article II, Section 38-26(a) of the Code Ordinances of the City of Lewiston.

704.1.1 Automatic sprinkler systems. Inspection, testing and maintenance of automatic sprinkler systems shall be in accordance with applicable National Fire Protection Association Codes as per Chapter 38, Article II, Section 38-26(a) of the Code Ordinances of the City of Lewiston.

704.2 Smoke alarms and carbon monoxide detectors. Single- or multiple-station smoke alarms shall be installed and maintained in accordance with Chapter 38, Section 38-26 (c) of the Code of Ordinances of the City of Lewiston. Carbon monoxide detectors shall be installed and maintained in accordance with Title 25 M.R.S.A. § 2468.

(Ord. No. 92-8, § 15-2, 5-7-92; Ord. No. 92-22, § 15-2, 10-1-92; Ord. No. 11-7, 9-15-11; Ord. No. 13-5, 07-18-13; Ord. No. 14-3, 03-27-14; Ord. No. 14-7, 5-1-14; Ord. No. 18-13, 1-3-19)

Secs. 18-53--18-75. Reserved.

ARTICLE IV. PLUMBING CODE

Sec. 18-76. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Minor plumbing work or minor installation means:

- (1) The cleaning of stoppages and/or repairing of leaks in all water distributing and drainage pipes, valves and faucets, provided the work does not require the replacement or relocation of any pipes.
- (2) The direct replacement of all existing faucets, valves and plumbing fixtures, except hot water storage tanks and hot water heaters including tankless water heaters.

(Ord. No. 93-18, § 22-8, 11-4-93)

Cross references: Definitions generally, § 1-2.

Sec. 18-77. Compliance with state law.

All plumbing installed in the city and all permits issued shall conform to the rules and regulations of the state department of human services in relation to plumbing within the state
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issued under authority conferred by state law, except as amended in this article.

(Code 1982, § 22-1; Ord. No. 93-18, § 22-1, 11-4-93)

Sec. 18-78. Compliance with water division regulations.

All work done on the water services in the city shall conform to the rules and regulations set forth by the water division of the department of public works.

(Code 1982, § 22-2)

Sec. 18-79. Removal of contents of privies, cesspools or septic tanks.

No person shall remove the contents of any privy, vault, cesspool or septic tank except in a manner approved by the plumbing inspector.

(Code 1982, § 22-3)

State law references: Cleaning of privies, septic tanks, etc., 30 M.R.S.A. § 4359.

Sec. 18-80. House trap, when required.

A house trap is required only where no storm drain is provided and the building is tied onto a combined sewer. Such house trap shall be located inside of the building as near the outside wall as possible. Such house trap shall have at least one cleanout four inches or larger in dimensions.

(Code 1982, § 22-4)

Sec. 18-81. Water tank heaters.

- (a) No water tank heaters shall be used in any dwelling house unless such water tank heater is equipped with a proper smoke or fume pipe connected with a chimney or flue affording an outlet to the open air, and unless such chimney or flue shall be maintained in good repair and free from all deposits.
- (b) No water tank heaters shall be installed in a bathroom.
- (c) The provisions of subsections (a) and (b) of this section shall not apply to electric hot water heaters.

(Code 1982, § 22-5)

Sec. 18-82. Special provisions for flood hazard areas.

The plumbing inspector shall require new and replacement water supply systems and sanitary sewer systems located within any A zone on the flood insurance rate map to be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.

(Code 1982, § 22-6)

Sec. 18-83. Permit fees.

The fees for plumbing permits shall be paid by the owner or his agent in accordance with the plumbing fee schedule established by the city council.

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(Ord. No. 93-18, § 22-7, 11-4-93)

Sec. 18-84. Master oil burner technicians.

A plumbing permit shall be required for the installation of domestic water heating appliances by master oil burner technicians.

(Ord. No. 93-18, § 22-9, 11-4-93)

Secs. 18-85--18-105. Reserved.

ARTICLE V. ELECTRICAL CODE

DIVISION 1. GENERALLY

Sec. 18-106. Liability established.

The provisions of this article shall not be construed to relieve from or to lessen the responsibility of any person owning, operating, controlling or installing any electrical fixtures, appliances, devices, equipment or wiring, for damage or injury to any person or property, nor shall it be construed to impose on the city any liability by reason of the inspection provided for in this article or by reason of any certificate or license issued under this article.

(Code 1982, § 10-1)

Sec. 18-107. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Board means the board of electrical appeals provided for in section 18-125.

Electrical inspector means the electrical inspector of the city or any deputy, assistant or acting inspector designated by the city administrator.

Journeyman electrician means any person who customarily performs the work of installing or repairing electrical wires, conduits, fixtures, equipment and other appliances in the employment of a master electrician and who holds a valid journeyman electrician's license issued to him by the electricians examining board pursuant to 32 M.R.S.A. § 1101 et seq., as amended.

Limited license means a limited electrician's license to install and service the electrical work related to a specific type of electrically operated equipment or to specific electrical installations issued by the electricians examining board pursuant to 32 M.R.S.A. § 1101 et seq., as amended.

Master electrician means any person engaging in or about to engage in the business of installing electrical wires, conduits, apparatus, fixtures and other electrical equipment and holding a valid master electrician's license issued by the electricians examining board pursuant to 32 M.R.S.A. § 1101 et seq., as amended.

(Code 1982, § 10-2; Ord. No. 92-9, § 10-2, 5-7-92)

Cross references: Definitions generally, § 1-2.

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State law references: Similar definitions, 32 M.R.S.A. § 1101.

Secs. 18-108--18-120. Reserved.

DIVISION 2. ADMINISTRATION AND ENFORCEMENT

Sec. 18-121. Enforcement officer.

The electrical inspector shall enforce the provisions of this article so that wires, conduits, fixtures, apparatus, equipment and other appliances carrying or using electricity for light, heat, power, transmission of sound and communications purposes shall be so installed, constructed and guarded as to reduce as far as practicable the danger there from to life and property.

(Code 1982, § 10-21)

State law references: Municipal authority to appoint an electrical inspector, 30 M.R.S.A. § 2555.

Sec. 18-122. Entry for inspections.

The electrical inspector may enter any building with the permission of any person having control of such building or may apply to a court for process to do so in order to discharge his official duties, for the purpose of making any inspection, reinspection or test of the installation or maintenance of electric wiring, devices, appliances and equipment contained therein.

(Ord. No. 92-9, § 10-22, 5-7-92)

Sec. 18-123. Emergency orders.

- (a) Whenever the electrical inspector determines that:
- (1) An existing electrical service, conductors, fixtures, equipment and any other aspects of electrical systems poses a danger to life or property because of defectiveness or defective installation; or
 - (2) Upon making an inspection required under this article, an addition or alteration to existing lighting, heating or power systems is defective;

he may require that the electrical service be discontinued to the building or premises or that the electrical current be discontinued to such addition or alteration. The electrical service or current shall not be reconnected until such defects are remedied or corrected to the satisfaction of the electrical inspector.

- (b) Any person aggrieved by a decision of the electrical inspector to discontinue electrical service or current may appeal to the board of appeals pursuant to section 18-125. Such appeal shall in no way stay the decision to disconnect electrical service or current.

(Ord. No. 92-9, § 10-23, 5-7-92)

Sec. 18-124. Violation orders.

- (a) Whenever the electrical inspector determines that there has been a violation of any provision of this article, an order to correct such violation shall be issued to the person (hereinafter "violator") owning or having any control of any land, building, structure,

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sign, licensed or permitted business or operation which is in violation. Notice of the violation may be served in hand to the violator or left with a person of suitable age and discretion at the residence or place of business of the violator or mailed by certified mail, return receipt requested, to his last known address. If the return receipt is not returned, the notice shall be conclusively presumed to have been served if it is also sent by regular mail, postage prepaid, which is not returned as undeliverable by the postal service. If the electrical inspector finds that the violation is one which requires immediate correction to protect the public health or safety, he may provide notice under this article by means of telephone or facsimile transmission to the violator or to a person of suitable age and discretion at the residence or place of business of the violator. Any notice under this article shall describe the violation, including a reference to the ordinance section violated, specify that reasonable period within which the violation must be corrected, and state the potential consequence if the violation is not corrected. The notice shall also advise the violator of any right to appeal to the board of appeals with respect to the electrical inspector's determination that a violation exists for which the violator is responsible.

- (b) The electrical inspector may, upon evidence of noncompliance with an order or decision of the board of appeals pursuant to section 18-125, request that appropriate legal action be instituted.

(Ord. No. 92-9, § 10-24, 5-7-92)

Sec. 18-125. Appeals.

Any person served with an order pursuant to section 18-124 or aggrieved by the order of the electrical inspector condemning all or part of any electrical installation material or equipment or by his refusal to approve any electrical installation for which a permit was issued may request a hearing before the board of appeals by filing a written petition for such hearing at the office of the director of planning and code enforcement within ten days of the date of service of order. Such appeal shall be heard within 30 days of the receipt of a complete petition for appeal. The board of appeals may sustain, modify or withdraw such order. The decision of the board of appeals may be further appealed pursuant to the provisions of Rule 80B of the Maine Rules of Civil Procedure. To take advantage of this right, a petition for review must be filed with the superior court within 45 days of receipt of the decision of the board of appeals.

(Code 1982, § 10-25; Ord. No. 05-03, 3-10-05)

Sec. 18-126. Stop work order.

Upon notice from the electrical inspector that any work on any building, structure, equipment, etc., is being prosecuted contrary to the provisions of this article or in an unsafe and dangerous manner, such work shall be immediately stopped. The stop work order shall be in writing and shall be served in accordance with section 18-124 and shall state the conditions under which work may be resumed.

(Ord. No. 92-9, § 10-26, 5-7-92)

Sec. 18-127. Penalty for violation of article.

Any person or trust who shall violate or with property or equipment violate this article shall be subject to penalties and/or fines as set forth in section 1-8, and section 50-36 et seq. and/or as otherwise may be prescribed pursuant to 30-A M.R.S.A. § 4452 et seq., as amended

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and 32 M.R.S.A. § 1101 et seq., as amended. Each day that a violation continues after the notice has been served in accordance with section 18-124 shall be deemed a separate offense.

(Ord. No. 92-9, § 10-27, 5-7-92)

Sec. 18-128. Relief from personal liability.

The electrical inspector as well as any employee who acts in good faith in the discharge of duties of enforcement of this article is relieved of all personal liability for any damage accruing to persons or property as a result of such acts or alleged failure to act. Further, the electrical inspector shall not be held liable for any costs in any action, suit or proceeding that is instituted by or against the electrical inspector or any employee in the enforcement of this code. In any of these actions, the electrical inspector or employee shall be defended or represented by the city's attorney-at-law until the final termination of the proceedings. This section shall remain in effect regardless of the employment status of the electrical inspector or employee.

(Ord. No. 92-9, § 10-28, 5-7-92)

Secs. 18-129--18-140. Reserved.

DIVISION 3. PERMITS AND INSPECTIONS

Sec. 18-141. Permit required; exceptions.

- (a) No electrical wiring, devices, appliances or equipment shall be installed within or on any building, structure or premises nor shall alterations or additions be made in any such existing wiring, devices, appliances or equipment without first securing a permit therefor from the electrical inspector, except as otherwise provided in this division.
- (b) No permit shall be required for the replacement of lamps or the connection of portable devices to suitable receptacles which have been permanently installed. A "suitable receptacle" is hereby defined as one having the proper wiring and capacity to fulfill the electrical requirements of the portable device.
- (c) No permit shall be required for the installation, alteration or repair of wiring, devices, appliances or equipment for the operation of signals or the transmission of intelligence through the facilities of any duly chartered telephone, telegraph or radio company.
- (d) No permit shall be required for the installation, alteration or repairing of electric wiring, devices, appliances and equipment installed by a public utility for the use of such public utility in the generation, transmission, distribution or metering of electrical energy; nor for the work of such utilities in installing, maintaining and repairing on the premises of customers, service connections, meters and other apparatus and appliances remaining the property of such utilities after installation; nor for work by a public utility in connection with the lighting of public or private ways, alleys, parks or squares.

(Code 1982, § 10-36; Ord. No. 92-9, § 10-36, 5-7-92; Ord. No. 05-03, 3-10-05; Ord. No. 11-09, 10-20-11)

Sec. 18-142. Application for permit.

Application for a permit required by this article, describing the work to be done, shall be made in writing on standard forms provided by the city to the electrical inspector by the person

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installing the work. The application shall state the name and address of the person for whom the work is to be done and shall be accompanied by such plans and specifications as may be necessary to determine whether the installation as described will be in conformity with the requirements of this article, and if the applicant has complied with the provisions of this article, a permit for such installation shall be issued.

(Code 1982, § 10-37)

Sec. 18-143. Prerequisites to issuance of permit.

No permit for the installation or alteration of any electric wiring, devices, appliances or equipment shall be issued to any person other than a master electrician or a limited license electrician. Permits to limited license electricians shall be limited to the specific electrical installations authorized by such licenses. Notwithstanding the above provision, a permit may be issued to homeowners to do wiring in a single-family residence, provided the following conditions are met:

- (1) The homeowner must obtain a permit and have all work inspected as provided by section 18-151.
- (2) The single-family home must be owned by the individual doing the electrical work and be his permanent residence or it will be in the event that it is to be constructed.

(Code 1982, § 10-38; Ord. No. 92-9, § 10-38, 5-7-92; Ord. No. 05-03, 3-10-05)

Sec. 18-144. Fee required.

No electrical permit shall be issued until the proper fee has been paid. Any person who commences any work for which a permit is required without having first obtained a permit shall pay a belated fee in addition to the customary fee for the permit. A belated fee shall not be assessed for emergency work provided that an application is filed with the code enforcement division on the next day such division is open following commencement of such work.

(Code 1982, § 10-39; Ord. No. 92-9, § 10-39, 5-7-92)

Sec. 18-145. Installation limited to that described in application.

The electrical permit when issued shall be for the installation as described in the application and no deviation shall be made from the installation so described without the written approval of the electrical inspector.

(Code 1982, § 10-41; Ord. No. 05-03, 3-10-05)

Editor's note: Formerly § 16-146

Sec. 18-146. Transferability.

No permit issued under this article shall be transferable except with the written approval of the electrical inspector.

(Code 1982, § 10-42; Ord. No. 05-03, 3-10-05)

Editor's note: Formerly § 16-147

Sec. 18-147. Suspension of permits.

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Any permit issued under this article shall become invalid if the authorized work is not commenced within six months after the issuance of the permit, if the authorized work is suspended or abandoned for a period of six months after the time of commencing the work, or if the authorized work is not completed within 12 months. The electrical inspector shall have the authority to extend a permit for the commencement of authorized work beyond the six months or the completion of authorized work beyond the 12 months when such a request is determined reasonable by the electrical inspector.

(Code 1982, § 10-43; Ord. No. 92-9, § 10-43, 5-7-92; Ord. No. 05-03, 3-10-05)

Editor's note: Formerly § 16-148

Sec. 18-148. Prerequisites for electrical installations.

Electrical work must be performed in accordance with Title 32, chapter 17§ 1101 et seq. of the Maine Statutes. When the electrical inspector finds that electrical work is being performed contrary to this requirement he shall issue a stop work order pursuant to section 18-126 and shall notify the permit holder that future violations of this section shall result in the issuance of a citation pursuant to section 50-36 et seq. and/or the initiation of a land use complaint pursuant to rule 80-K of the Maine Rules of Civil Procedure and 30-A M.R.S.A. § 4452 et seq., as amended.

(Code 1982, § 10-44; Ord. No. 92-9, § 10-44, 5-7-92; Ord. No. 05-03, 3-10-05; Ord. No. 15-02, 03-19-15)

Editor's note: Formerly § 16-149

Sec. 18-149. Proof of licensure.

Any person performing electrical work as regulated by this article except as otherwise provided for in section 18-143 and 32 M.R.S.A. § 1101 et seq., as amended, shall carry his electrical license issued by the electricians examining board and upon request shall display it to the electrical inspector. Failure to display a license upon a request shall be conclusive deemed a violation of this article.

(Code 1982, § 10-45; Ord. No. 92-9, § 10-45, 5-7-92; Ord. No. 05-03, 3-10-05)

Editor's note: Formerly § 16-150

Sec. 18-150. Installations without a permit.

Whenever any electrical work or wiring is found to have been installed without a proper permit having first been secured, or not to be in accordance with the provisions of this article, the electrical inspector is hereby authorized and empowered to render such system inoperative until a permit has been secured, or the defective work corrected, and the work of wiring reinspected and approved.

(Code 1982, § 10-46; Ord. No. 92-9, § 10-46, 5-7-92; Ord. No. 05-03, 3-10-05)

Editor's note: Formerly § 16-151

Sec. 18-151. Inspection of wiring before concealment; responsibility.

- (a) It shall be unlawful for any person to cover or conceal, or cause to be so covered or concealed, any wiring for which a permit has been issued or is required, before such wiring has been inspected by the electrical inspector.

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- (b) All new work shall be inspected before it is concealed by wall or ceiling paneling. The electrical permit holder or owner, or both, shall be held responsible if the inspector has not been notified for an inspection. The inspector may insist on exposing such concealed work.

(Code 1982, § 10-47; Ord. No. 92-9, § 10-47, 5-7-92; Ord. No. 05-03, 3-10-05)

Editor's note: Formerly § 16-152

Sec. 18-152. Application for inspection; examination of work.

Upon application being made for the inspection of any electrical work for which a permit has been issued, the electrical inspector shall make a careful examination of all such work in order to determine whether it has been done in conformity with the provisions of this article.

(Code 1982, § 10-48; Ord. No. 92-9, § 10-48, 5-7-92; Ord. No. 05-03, 3-10-05)

Editor's note: Formerly § 16-153

Sec. 18-153. Statement of defects.

In any case where defective work is found, the electrical inspector shall furnish the person to whom the permit for the work was issued a verbal statement indicating the defective work and the nature of such defects. When required in writing by the permit holder, a written statement indicating the defective work and nature of such defects shall be provided by the inspector.

(Code 1982, § 10-49; Ord. No. 92-9, § 10-49, 5-7-92; Ord. No. 05-03, 3-10-05)

Editor's note: Formerly § 16-154

Sec. 18-154. Certificate of inspection required.

When the electrical inspector finds the work for which a permit was issued done in conformity with the provisions of this article, where required he shall issue in writing a certificate of inspection therefor, which shall identify the premises and the work covered by the permit and shall show that such work has been properly done.

(Code 1982, § 10-50; Ord. No. 92-9, § 10-50, 5-7-92; Ord. No. 05-03, 3-10-05)

Editor's note: Formerly § 16-155

Sec. 18-155. Schedule of fees for electrical permits.

The fees for permits under this article shall be paid by the applicant for such permits in accordance with a fee schedule established by the city council.

(Code 1982, § 10-51; Ord. No. 92-9, § 10-51, 5-7-92; Ord. No. 05-03, 3-10-05)

Editor's note: Formerly § 16-156

Secs. 18-156--18-170. Reserved.

DIVISION 4. STANDARDS

Sec. 18-171. Installations.

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All electrical installations shall be in conformity with the provisions of this article and the approved standards for safety to life and property. Unless otherwise provided by this article, conformity with NFPA 70 (National Fire Protection Association), National Electrical Code, 2020 Edition shall be deemed as conforming with approved standards for safety to life and property with the amendments accepted by the Maine Electricians Examining Board pursuant by 32 M.R.S. §§ 1153 and 1152-A.

Code 1982, § 10-66; Ord. No. 92-9, § 10-66, 5-7-92; Ord. No. 01-10, 7-5-01; Ord. No. 05-03, 3-10-05; Ord. No. 11-09, 10-20-11; Ord. No. 15-02, 03-19-15; Ord. No. 21-12, 01-06-22)

Sec. 18-172. Aluminum wire.

No copper-clad aluminum wire smaller than size no. 6 A.W.G. may be used to conduct electricity. Sizes larger than no. 6 A.W.G. may be used with mechanical lugs and connectors approved for this purpose by the electrical inspector.

(Code 1982, § 10-67; Ord. No. 92-9, § 10-67, 5-7-92)

Sec. 18-173. Service entrance equipment; switches, conduit.

- (a) All new single-family residences shall have an entrance switch rated no smaller than 100-ampere capacity.
- (b) For more than one family or multiple residences, an entrance switch conforming with the National Electrical Code requirements shall be considered the minimum.
- (c) In cases of multiple apartments where the main switch is deemed inaccessible by the fire or electrical inspector, an accessible location will be required.

(Code 1982, § 10-68; Ord. No. 92-9, § 10-68, 5-7-92)

Sec. 18-174. Fustat plugs or circuit breakers required.

- (a) It is required on all new and alteration work to use tamperproof fustat plugs or circuit breakers. This will eliminate overfusing on branch circuits.
- (b) The electrical inspector shall be authorized in cases of oversized fusing to require that fustat or circuit breaker panels replace existing plug fuse panels.

(Code 1982, § 10-70; Ord. No. 92-9, § 10-69, 5-7-92)

Sec. 18-175. Reserved.

Editor's note: Ord. No. 15-02, effective March 19, 2015, repealed § 18-175 in its entirety. Formerly, said section pertained to installation of rigid conduit.

Sec. 18-176. Reserved.

Editor's note: Ord. No. 05-03, effective March 10, 2005, repealed § 18-176 in its entirety. Formerly, said section pertained to spring type backwired snap switches and receptacles as enacted by Code 1982, § 10-1; as amended.

Sec. 18-177. Reserved.

Editor's note: Ord. No. 05-03, effective March 10, 2005, repealed § 18-177 in its entirety. Formerly, said section pertained to Article 110-26(F)(1)(B) of the 1999 NEC--Foreign systems as enacted by Ord. No. 01-10, adopted July 5, 2001.

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Secs. 18-178--18-185. Reserved.

DIVISION 5. POLES AND WIRES

Sec. 18-186. Supports required; owner's consent when buildings are used.

- (a) All wires when placed above the surface of the ground shall be suspended from poles or buildings, or other supports to be maintained by the persons using such wires.
- (b) No wire shall be suspended from or attached to any building for the purpose of conducting electricity, unless by permission of the owner of such building.

(Code 1982, § 10-93)

Sec. 18-187. Safe carrying of wires required.

Every person owning, leasing or operating wires as described in this division shall, within 48 hours after notice served by the inspector, make such substitution or repairs of posts, supports, crossarms, or stays for the safe carrying of such wires as may be required by the inspector.

(Code 1982, § 10-94)

Sec. 18-188. Disposition of scraps, unused coils, loose ends regulated.

No person shall permit pieces of wires to be left on the surface of any street or sidewalk; nor permit unused coils or loose ends of wires to remain attached to any crossarm or posts more than 24 hours. (Code 1982, § 10-95; Ord. No. 05-03, 3-10-05)

Secs. 18-189--18-199. Reserved.

ARTICLE VI. REGISTRATION REQUIREMENT FOR MULTI-FAMILY BUILDINGS

Sec. 18-200. Purpose; intent.

The city has a large number of multi-family buildings, many of which are older and present property owners and managers significant challenges regarding upkeep and maintenance while placing a significant burden on the city's code enforcement efforts. The number of real estate proprietorships, partnerships, and corporations that own buildings in the city, sometimes managed through property management companies, creates challenges to the proper enforcement of the city's fire, building, and property maintenance codes, all of which are designed to ensure the public safety and welfare of residents.

The purpose of this article is to: require disclosure of the ownership of these buildings; identify those responsible for maintaining them and responding to violations identified through city inspections; ensure the city has access to contact information on the individual who is responsible for responding to emergencies; provide basic information on these buildings to allow the city to effectively develop and implement housing policies and programs; and provide residents, including both owners and renters, accurate, complete, and transparent data about the city's Multi-Family housing stock. Information priorities include:

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- (a) Accurate, up-to-date, and complete ownership, management, and contact information for every Multi-Family building;
- (b) An accurate inventory of dwelling unit quantity and configuration; and
- (c) An accurate assessment of certain items that impact the health and safety of dwelling units.

(Ord. No. 19-10, 10-31-19)

Sec. 18-201. Definitions.

The following words and terms, when used in this article, have the following meanings, unless the context clearly indicates otherwise. Terms not defined in this article, which are defined in articles adopted by reference, have the meanings ascribed to them as stated in those articles.

Business Operator: A specific individual person, not a corporation or partnership, with a legal ownership interest in a property who makes financial, maintenance, and policy decisions.

Emergency Contact: The individual who responds to emergency after hour calls from tenants and public safety personnel.

Legal Owner: The individual or legal entity, such as an LLC or LP, holding the deed to the property.

Multi-Family Building: A detached building in common ownership interest containing three (3) or more dwelling units designed for residential use and occupancy by three (3) or more families living independently of one another, including mixed use buildings, that is not a single-family dwelling, excluding Boarding and Lodging Houses or such other buildings that are separately licensed by the City or the State of Maine.

Property Management Company, Property Manager: An individual or business entity, which may be the Building Owner, Business Operator, or a party that has no ownership stake in a property, that serves as property manager on behalf of and at the direction of the Business Operator or Legal Owner; an individual or business entity that maintains and repairs the physical property and often manages tenant relationships and routine matters involving the property. The Property Manager serves as the primary contact for the City, its inspectors, and tenants.

Rent: Payments made for the use of a premises, including, but not limited to, money, services, trade, or a combination thereof; or the sharing of housing expenses with persons not part of the homeowner's immediate family.

(Ord. No. 19-10, 10-31-19)

Sec. 18-202. Applicability; exceptions.

- (a) The provisions of this article apply to all Multi-Family Buildings except as noted in (b).
- (b) The provisions of this article do not apply to single family dwelling units; dwelling units in cooperative, condominium, or townhouse buildings where no one entity owns more than two dwelling units; lodging houses, hotels, motels, or bed and breakfasts; hospitals;

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convalescent, rest, or nursing homes; residential care or congregate care facilities or other institutional beds or rooms used for medical or mental health treatment services otherwise licensed by the city or state; college dormitories located on a college campus; or mobile home parks.

(Ord. No. 19-10, 10-31-19; Ord. No. 22-17, 9-15-22)

Sec. 18-203. Registration required.

All Multi-Family buildings in which rental housing is located must be individually registered with the city, at no cost, under the terms of this article. No person, including without limitation a legal owner, owner's associate, real estate broker, associate real estate broker, real estate agent, business operator, or property manager, shall allow any rental housing unit to be occupied, or let or offer to another any Multi-Family rental housing unit for occupancy, or charge, accept or retain rent for any dwelling unit, unless the Legal Owner, the Business Operator, or the Property Manager has registered under the terms of this article. Any person carrying on such a business activity without registering is in violation of this article.

A registration certificate will be issued to the Legal Owner of the building named on the approved registration form or, at the request of the Legal Owner, to the Property Manager. One certificate will be issued for each building. The certificate for each building shall include emergency contact information for that building.

The registration certificate, or a facsimile thereof, shall be posted and shall remain posted in close proximity to the main entrance of the structure in an area that is easily accessible to tenants during the full period the registration is in effect.

Such registration is voided upon the sale or transfer of the building to a new owner.

(Ord. No. 19-10, 10-31-19)

Sec. 18-204. Renewal; term.

Before March 1 of each year, the Legal Owner, the Business Operator, or the Property Manager shall submit a registration application for each Multi-Family building. Within 60 days of purchasing or transferring the ownership of such building, or converting a building into a Multi-Family property including through the addition of more units, the Legal Owner, the Business Operator, or the Property Manager shall register the building. Newly constructed Multi-Family buildings must be registered within 30 days of the date the city issues a certificate of occupancy. All registrations expire at the end of February.

(Ord. No. 19-10, 10-31-19)

Sec. 18-205. Registration process and requirements.

A registration application shall be made to the City Clerk's Office on a form furnished by the City Clerk and shall include the following information:

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- (a) Name, business or residence address, cell and primary telephone numbers, and email address of the Legal Owner or owners of the building;
- (b) Name, business or residence address, cell and primary telephone numbers, and email address of the Business Operator of the building;
- (c) Name, business or residence address, cell and primary telephone numbers, and email address of the Property Manager of the building. This is the individual with whom the City will schedule inspections and who takes responsibility for maintaining the building, including responding to emergencies occurring during business hours. This individual may be the Legal Owner or the Business Operator
- (d) Emergency Contact. The name, business or residence address, cell and primary telephone numbers, and e-mail address for the city's primary contact for after hours emergencies at the building.
- (e) Street address and real estate tax identification number of the building.
- (f) Number and type of dwelling units within the building. For each building, the number of floors, number of units by bedroom count, and the number of vacant units must be provided.
- (g) The year the building was constructed and documentation, if any, of the buildings lead free or lead safe status.
- (h) Whether the building has a monitored or supervised fire alarm or sprinkler system.

Any Changes to the information required in (a), (b), (c), and (d) that occur more than thirty days in advance of the date of the next required registration must be reported to the city clerk within fifteen days of its occurrence.

All owners must allow on-site inspections of their buildings by the city including, without limitations, all rental units. Failure to allow such inspections will result in revocation of the building's registration.

All Multi-family buildings must be registered prior to March 1, 2020.

(Ord. No. 19-10, 10-31-19; Ord. No. 20-01, 02-20-20)

Sec. 18-206. Rejection of registration.

The city clerk may reject any registration application where the application is incomplete or has been determined to include inaccurate information. Buildings with rejected registrations will be considered unregistered.

(Ord. No. 19-10, 10-31-19)

Sec. 18-207. Unregistered multi-family buildings.

Any person failing to register a multi-family building or failing to comply with any other requirement of this article shall be in violation of this article and subject to a civil penalty enforced by the code enforcement office and a fine as established by the city council.

Unregistered multi-family buildings are not eligible for any City administered state, federal, or city-sponsored loans or grants or other city-sponsored or provided programs that are available through separate applications and which are not universally provided to all multi-family

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buildings.

(Ord. No. 19-10, 10-31-19)

Sec. 18-208. Appeals.

The Zoning Board of Appeals shall hear appeals of orders, decisions, or determinations made relative to application and interpretations of this article. Appeals to the Zoning Board of Appeals shall be submitted as otherwise set forth in City Code regarding administrative appeals, subject to the payment of any fees as may be determined by the municipal officers from time to time.

(Ord. No. 19-10, 10-31-19)

Sec. 18-209. Severability.

If any clause, sentence, paragraph, section, article, or part of this article shall be adjudged by any court of competent jurisdiction to be invalid, such judgement shall not affect impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered. (Ord. No 19-10, 10-31-19)

Secs. 18-210 – 18-229. Reserved.