

# **BUILDING ORDINANCE FOR THE TOWN OF STARKS**

**Adopted March 11, 1988 at the Regular Town Meeting**

**Attested As A True Copy:**

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**Jane Bracket  
Town Clerk  
Starks, Maine**

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**Date**

## BUILDING ORDINANCE FOR THE TOWN OF STARKS

Adopted March 11, 1988

### I. Repeal of Prior Ordinance

The prior Ordinance, entitled "Building Permit Ordinance - Town of Starks" as amended, is hereby repealed and all references to that Ordinance shall be deemed to be references to this Ordinance.

### II. Purpose

The purpose of this Ordinance is to protect the health, safety and welfare of the residents of the Town of Starks.

### III. Scope

The provisions of this Ordinance shall apply to new construction, relocation, and replacement or reconstruction of any building, trailer, mobile home or manufactured home.

### IV. Definitions

As used in this Ordinance, the following words shall have the following meanings:

a. **Building** means a permanent dwelling or any other building or structure used for shelter or support of persons, animals, goods, or property of any kind, including a building to be used for commercial, industrial or institutional purposes. For purposes of this Ordinance, "Building" **does not include** non-residential structures less than 150 square feet in area.

b. **Dwelling** means any permanent building or shelter in which people live.

c. **Permanent** means any building that is in place or in use for a period greater than 30 days within any 12 month period.

d. **Substantial Change in Use** means the change in use of any residential, commercial or industrial building from one of these categories to another of these categories or to a mix of these categories.

e. **New Construction** means a new building or an addition to an existing building if the addition is 300 square feet or larger.

### V. Code Enforcement Officer

This Ordinance shall be administered and enforced by the Code Enforcement Officer (CEO) who shall be appointed annually by the municipal officers.

a. **Inspections:** The CEO shall inspect all buildings being constructed, \_relocated, replaced or reconstructed (if the replacement or reconstruction involves change in use) for the purpose of enforcing the provisions of the Ordinance and any other local and state law governing the construction, relocation, replacement or reconstruction of buildings for which he/she has responsibility.

1. At least two inspections shall be made by the CEO - one inspection of the proposed building site shall be made prior to construction and a second shall be made prior to the issuance of a certificate of occupancy. The CEO may make additional inspections, as he/she deems necessary to adequately enforce the provisions of this Ordinance.

2. The CEO shall keep accurate records of all inspections, including dates and comments, upon or attached to the original application form. Those records over one year old shall be maintained in permanent storage at the Town Office.

b. **Right of Entry:** The CEO in the performance of his/her duties may enter any building at the convenience of the owner and the CEO. Such entrances shall be for a reasonable length of time for the purpose of making any inspections required by this Ordinance.

## **VI. Permit**

Before beginning the construction, relocation, replacement or reconstruction, if that replacement or reconstruction involves a change in use of any building, the owner shall obtain from the CEO a permit covering such proposed work.

a. **Application:** An application for a building permit shall be submitted to the CEO in writing, using an application form available through the CEO, and shall include:

1. the name and address of the applicant;
2. an address and map indicating the location of the construction site
3. a site plan drawn to approximate scale showing the location of existing and proposed building(s), sewage disposal facilities, water supply, offstreet parking, lot dimensions, and the setback and sideyard dimensions;
4. a statement of intended use of the proposed building(s);
5. evidence that a plumbing permit has been obtained, where the State Plumbing Code applies;
6. specification of dimensions of the proposed building(s) (length, width and height),

The CEO may require such additional information as is deemed necessary to determine the conformance of the proposed construction to this Ordinance.

b. **Permit Approval:** The CEO, after proper examination of the application for compliance with this Ordinance, shall either issue the requested permit or transmit notice of refusal within thirty (30) days. Notice of refusal shall be in writing and shall state the reasons therefor.

c. **Life of Permit:** All building permits shall be void unless work thereunder is commenced within 1 year from the date of issuance.

d. **Display of Permit:** Every building permit shall be displayed in a conspicuous place on the premises, clearly visible if practical, from the principal traveled road and shall not be removed until all work covered by the permit has been approved.

e. **Revisions:** No changes or revisions of the original application shall be made in the process of constructing, relocating, replacing or reconstructing a building without the approval of the CEO if the provisions of this Ordinance apply to said changes.

## **VII. Fees**

The application fee for residential, commercial and industrial buildings shall be \$25.00 and the application fee for all other buildings shall be \$15.00. The fee shall accompany the application and shall be used to defray the expenses of the CEO in performing inspections.

## **VIII. Certificate of Occupancy**

When it can be shown that the provisions of this Ordinance have been met, and after a final inspection, the CEO shall issue a Certificate of Occupancy to verify that all work was performed in compliance with the provisions of this Ordinance.

## **IX. Building Standards**

a. **Minimum Lot Size:** No building shall be constructed upon or moved to a lot with an area of less than one acre.

b. **Set-Back:** No building shall be erected or relocated unless it is set back at least 60 feet from the centerline of all adjoining public rights-of-way.

c. **Side Yard Width:** No building shall be erected or relocated less than 15 feet from any adjoining lot line.

d. **Off-Street Parking:** Residential off-street parking shall be provided in the amount of 400 square feet per dwelling unit. Commercial and industrial off-street parking shall be provided in the amount of 200 square feet per 1,000 square feet of gross floor area. This may be accomplished by driveway space, garage space, or parking lot space, or any combination of the three. This provision shall not apply to lots in existence prior to the enactment of this Ordinance. No credit will be given for offstreet parking within the public right-of-way.

e. **Direct Access to Public Road:** No building shall be erected or relocated on a lot that does not front onto a currently maintained Town road, unless there is written agreement between the lot owner and Town officials specifying the construction, and maintenance of any road to the building site. The lot owner shall record the agreement in the County Registry of Deeds and submit proof of this recording to the CEO prior to the issuance of a permit. A written agreement between the Town and a prior owner or the developer shall bind the present owner.

#### **X. Recreational Trailers**

The use of recreational trailers and campers, so called, shall be permitted without a permit if occupancy is for less than thirty days within a 12 month period.

In all cases there must be adequate provision for proper disposal of sewage and other wastes associated with the parked vehicle.

#### **XI. Compliance with Other Regulations**

Any construction, relocation, replacement or reconstruction of a building shall comply with all local and State plumbing, electrical, environmental protection, and other applicable statutes, rules and regulations.

#### **XII. Amendments to Ordinance**

All amendments to this Ordinance shall apply to outstanding permits issued before the effective date of the amendment, unless the particular work governed by the amendment has been substantially completed.

#### **XIII. Separability Cause**

This Ordinance and every provision thereof shall be considered separable, and the invalidity of any section or part of any section shall not affect the validity of any other portion of this Ordinance.

#### **XIV. Violations**

Any building constructed or work performed in violation of the provisions of this Ordinance or any permit issued by the CEO, or any occupancy of any building without the required certificate of occupancy shall be considered a nuisance. Any person found guilty of violating any provision of this Ordinance shall be subject to a fine of not more than \$100.00 for each offense. Each day in which a violation is proved to exist shall constitute a separate offense under this section.

#### **XV. Appeals**

Appeals from the CEO may be taken to the Board of Appeals (BOA) in accordance with 30 M.R.S.A., Section 2151 (4)(c)(5). (Note: The State Statute requires that appeals be made within a certain time period and specifies the procedure that the BOA should use in hearing and deciding on appeals)

**Administrative Appeals:** The BOA shall hear and decide all cases where it is alleged there is an error in any order, requirement, decision, or determination by the CEO in the enforcement of this Ordinance.

**Variance Appeals:** The BOA shall hear and decide specific cases where, owing to conditions peculiar to the property, literal enforcement of this Ordinance would result in undue hardship. The words undue hardship as used in this subsection mean:

- a. That there are exceptional or unique circumstances relative to the property that do not pertain generally to other properties in the same neighborhood; AND
- b. That property in the neighborhood will not be adversely affected; AND
- c. That such action will not be contrary to the objectives of this Ordinance; AND
- d. That any hardship is not the result of action taken by the applicant or prior owner.

**XVI. Effective Date:** This Ordinance shall become effective upon its enactment by the Town.

**APPLICATION FOR A TOWN OF STARKS BUILDING PERMIT**

The undersigned applies for a building permit for the following use, said permit to be issued on the basis of information contained within this application. The applicant hereby certifies that all information and attachments to this application are true and correct.

1. Name of Applicant: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone: \_\_\_\_\_

2. Owner (if not the same person listed above)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone: \_\_\_\_\_

3. Address or location of property (describe or indicate on map): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

4. Existing use of property: \_\_\_\_\_

5. Is property part of a subdivision? Yes \_\_\_ No \_\_\_,

If yes, what subdivision? \_\_\_\_\_

6. Proposed use(s):

a) Residence \_\_\_ b) Accessory building \_\_\_ c) Addition \_\_\_

d) Commercial \_\_\_ Type business \_\_\_\_\_

e) Industrial \_\_\_ Type industry \_\_\_\_\_

f) Other (explain) \_\_\_\_\_

7. Type sewage disposal (existing \_\_\_\_\_ proposed \_\_\_\_\_)

8. Lot width: \_\_\_\_\_ Lot depth: \_\_\_\_\_ Lot area: \_\_\_\_\_

9. Structures-exterior dimensions (length and width)

a) Residence \_\_\_\_\_ by \_\_\_\_\_ Number of stories \_\_\_\_\_

b) Assessory building \_\_\_\_\_ by \_\_\_\_\_ Number of stories \_\_\_\_\_

c) Addition \_\_\_\_\_ by \_\_\_\_\_ Number of Stories \_\_\_\_\_

d) Commercial/Industrial/Other  
\_\_\_\_\_ by \_\_\_\_\_ Number of stories \_\_\_\_\_

10. **Site Plan.** Illustrate the following information about your lot and the proposed use of the lot on a scaled drawing or by site plan prepared by a surveyor, architect, or engineer (use of graph paper is recommended):

a) Lot dimensions

b) Names of abutting property owners, name and location of abutting rights- \_\_\_\_\_ of-way,  
public and private, and any abutting water body.

c) Exact location of existing and proposed buildings

d) Exact distances of all buildings from nearest lot lines (setbacks & sideyards)

e) Location of sewage disposal system and water supply

f) Location and exact dimensions of offstreet parking

g) Areas to be cleared, if applicable

h) Areas of cut, fill, grading, or other earth-moving activity, if applicable

11. **Attachments:**

a) Attach a copy of approved Plumbing Permit, if applicable

b) Attach a copy of official decisions (or note pending applications) of other  
Federal, State, or local agencies regarding the use of this property  
(Site Location Permit, Minimum Lot Size Waiver, Subdivision approval,  
Shoreland Zoning approval, etc.)

c) On a separate sheet, attach any supplemental information, or explain any \_\_\_\_\_ points  
you feel need clarification.

To the best of my knowledge, all information submitted on this application is true and correct. All proposed uses and buildings will be in conformance with the application and the **Building Ordinance for the Town of Starks.**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

------(For official use only) Date

Received: \_\_\_\_\_ Fee Paid: \_\_\_\_\_

Date of Action on Application: \_\_\_\_\_ Approved \_\_\_\_\_ Denied \_\_\_\_\_

If application denied, reason for denial: \_\_\_\_\_

\_\_\_\_\_  
If approved, the following conditions and safeguards were prescribed: \_\_\_\_\_

Code Enforcement Office: \_\_\_\_\_

**CERTIFICATE OF OCCUPANCY  
TOWN OF STARKS**

1. Name of Permit Applicant: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_ Zip Code: \_\_\_\_\_  
Telephone: \_\_\_\_\_

2. Owner of Property (if not the same person listed above)  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_ Zip Code: \_\_\_\_\_  
Telephone: \_\_\_\_\_

3. Address or location of property (describe or indicate on map): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Description of building : \_\_\_\_\_  
\_\_\_\_\_

5. Approved Use of Building: \_\_\_\_\_  
\_\_\_\_\_

This is to certify that the Code Enforcement Officer has made his final inspection and verifies that all work on the above described building was performed in compliance with the provisions of the Building Ordinance for the Town of Starks, and that the building is therefore certified for occupancy.

Code Enforcement Officer: \_\_\_\_\_

Date: \_\_\_\_\_

