
**Warrant Article 68 for Town of Starks Town Meeting March 11,
2017**

Shall an ordinance entitled "An Ordinance Repealing the Town of Starks Ordinance Establishing Plumbing and Septic System Permit Fees (enacted March 12, 1994)" be enacted?

Date Enacted:

March 10, 2017

Date Effective:

March 11, 2017

Certified By:

Jennifer A. Zweig

Name and Title Jennifer A Zweig Hebert, Clerk

Affix Seal

Note: The "Town of Starks Ordinance Establishing Plumbing and Septic System Fees (enacted March 12, 1994)" which will be repealed through this Town Vote is displayed on the following 3 pages.

TOWN OF STARKS
Ordinance Establishing
Plumbing and Septic System Permit Fees
Enacted March 12, 1994

EMERGENCY PREAMBLE:

Whereas, State statute (30-A M.R.S.A. §§ 4211 and 4215) requires the Town of Starks (Town) to issue plumbing and subsurface waste water disposal system permits in accordance with the State Plumbing Code promulgated by the Maine Department of Human Services (DHS) and to enforce the State Plumbing Code; and

Whereas, the Town has no ordinance establishing fees for plumbing and subsurface waste water disposal permits and instead relies upon the permit fees set by the State Plumbing Code in charging fees for such permits; and

Whereas, State legislation (P.L. 1993, c.404) that will become effective on October 12, 1993 repeals DHS' authority to establish minimum permit fees by rule and establishes much lower fees for such permits; and

Whereas, the Town will lose significant amounts of revenue if it were to charge only the fees for plumbing and subsurface waste water disposal permits established by the Legislature; and

Whereas, the Town, pursuant to its home rule authority (Art. VIII, Pt. 2d § 1 of the Maine Constitution and 30-A M.R.S.A. § 3001 et. seq.) and 30-A M.R.S.A. § 4215(4) may establish the fee for plumbing and subsurface waste water disposal permits; and

Whereas, the Town finds that enactment of an ordinance establishing a schedule of fees for plumbing and subsurface waste water disposal is therefore necessary; and

Whereas, in the judgment of the Selectmen, these facts create an emergency and require the following ordinance as immediately necessary for the preservation of the public health, safety and welfare;

Now, Therefore, the Town of Starks hereby enacts an Ordinance entitled "Ordinance Establishing Plumbing and Septic System Permit Fees", as follows:

PLUMBING AND SEPTIC SYSTEM PERMIT FEES

Sec. 1 Applicability

Sec. 2 Plumbing Permit Fees

Sec. 3 Subsurface Waste Water Disposal System Fees

Sec. 1 Applicability

This Section applies to fees charged by the Town of Starks for plumbing and subsurface waste water disposal system permits issued by the Town of Starks pursuant to 30-A M.R.S.A. § 4201 et. seq. and pursuant to rules promulgated by the Department

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Plumbing and Septic System Permit Fees
Page 2

of Human Services (DHS) under the authority of 30-A M.R.S.A. § 4201 et. seq. (State Plumbing Code). For purposes of this Section, the terms contained in this Section shall have the meanings given to them in the State Plumbing Code.

Sect. 2 Plumbing Permit Fees

At the time of issuance by the Town of a plumbing permit pursuant to 30-A M.R.S.A. § 1201 et. seq. and the State Plumbing Code, the plumbing permit applicant shall pay a fee in accordance with the following schedule and at the rate provided for each classification shown herein:

(A) Any person who shall begin any work for which a permit is required by the State Plumbing Code without first having obtained a permit therefor shall, if subsequently eligible to obtain a permit, pay double the permit fee fixed by this Section for such work. However, this provision shall not apply to emergency work when it shall be proved to the satisfaction of the Local Plumbing Inspector that such work was urgently necessary and that it was not practical to obtain a permit before the commencement of the work. In all emergency cases, a permit must be obtained within four (4) working days or else a double permit fee as hereinabove provided shall be charged.

(B) For the purpose of this Section a sanitary plumbing outlet on or to which a plumbing fixture or appliance may be set or attached shall be construed to be a fixture. Fees for reconnection and retest of existing plumbing systems in relocated buildings shall be based on the number of plumbing fixtures, water heaters, etc., involved.

(C) The following permit fees shall be charged:

(1) Minimum fee for all permits, \$20.00.

(2) Fixture fee shall be \$4.00 per fixture.

(3) Re-inspection fee, \$20.00. A reinspection fee shall be charged by the Local Plumbing Inspector in those instances when work has not been completed upon an inspection or when work was not in compliance with the State Plumbing Code.

(4) When only new water distribution and/or drainage pipes are installed or relocated in a building, but no fixtures installed, the fee shall be \$20.00.

(5) A hook-up fee of \$20.00 shall be charged for the connection of a mobile home which bears the Housing and Urban Development (HUD) seal or a modular home which bears the Manufactured Housing Board seal to a building sewer.

(6) Relocated mobile home, modular homes or any other similar structures shall be considered as new conventional stick built structures. A plumbing fixture fee shall be charged based on this Section.

(7) A permit is valid only for the named applicant and may be transferred by payment of a \$6.00 transfer fee.

Sec. 3 Subsurface Waste Water Disposal System Fees

(A) Prior to the Local Plumbing Inspector's issuance of a subsurface waste water disposal system permit, the permit applicant must pay the Local Plumbing Inspector a permit fee calculated in accordance with the following schedule:

- (1) Complete Systems
 - (a) Non-engineered System \$ 60.00
 - (b) Primitive Disposal System (includes Alternative Toilet) \$ 60.00
 - (c) Engineered System \$225.00

- (2) System Components (installed separately)
 - (a) Treatment Tank \$ 30.00
 - (b) Holding Tank \$ 60.00
 - (c) Alternative Toilet \$ 30.00
 - (d) Disposal Area \$ 45.00
 - (e) Engineered Disposal \$120.00
 - (f) Separated Laundry Disposal System \$ 30.00

- (3) Other
 - (a) Seasonal Conversion Permit \$ 30.00

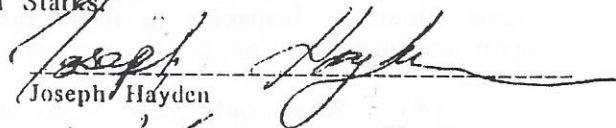
(B) Late Permit Fee

A person who starts construction without first obtaining a subsurface waste water disposal permit shall pay double the permit fee indicated in subsection 3. A. above.

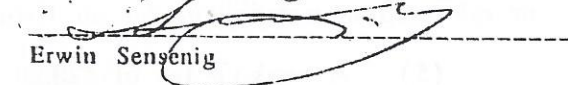
Effective Date: This Ordinance shall take effect on March 12, 1994.

CERTIFICATION: We the Selectmen of the Town of Starks hereby Certify to the Clerk that the foregoing document is an ordinance entitled "Town of Starks - Ordinance Establishing Plumbing and Septic System Permit Fees", and further certify it to be the subject of a warrant article regarding its adoption, said Article to be heard on Saturday, March 12, 1994 at the Town Hall in Starks.

Dated: March 12, 1994



Joseph Hayden



Erwin Sensenig

Dana Nichols

ATTEST: A true copy of an ordinance entitled "Town of Starks - Ordinance Establishing Plumbing and Septic System Permit Fees" as certified to me by the municipal officers on the 12th day of March, 1994.

Jane Brackett - Town Clerk of Starks

CERTIFICATION: We the Selectmen of the Town of Starks hereby Certify to the Clerk that the foregoing document is a document entitled "An Ordinance to Repeal the Town of Starks Ordinance Establishing Plumbing and Septic System Permit Fees (enacted March 12, 1994)" and further certify it to be the subject of a warrant article for the Starks Town Meeting Saturday March 11, 2017 beginning at 9 a.m. at the Starks Community Center, 57 Anson Road, Starks, Maine.

Date of Certification: 2/6/17
Paul B. Frederic

Selectman Paul Frederic

Joseph Hayden
Selectman Joseph Hayden

[Signature]

Selectman Ernest Hilton

ATTEST: A true copy of an ordinance entitled "An Ordinance to Repeal the Town of Starks Ordinance Establishing Plumbing and Septic System Permit Fees (enacted March 12, 1994)", as certified to me by the municipal officers of the Town of Starks.

Signature: [Signature]
Jennifer Zweig Hebert, Town Clerk

Date: 2/6/17

CONSTABLE'S RETURN

By virtue of a directive from the Board of Selectmen, I have notified and warned the inhabitants of the Town of Starks to assemble at the time and place and for the purpose therein named by the posting attested copies of the "An Ordinance to Repeal the Town of Starks Ordinance Establishing Plumbing and Septic System Permit Fees (enacted March 12, 1994)" and notice of the Town Meeting in three conspicuous places within the said Town.

Date: 2/8/17

Signature: Jerry Brackets
Posting Officer