

BUILDING CONSTRUCTION

Chapter 66

From the

CODE

of the

TOWN OF WINDHAM

COUNTY OF CUMBERLAND

STATE OF MAINE

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BUILDING CONSTRUCTION

Chapter 66

ARTICLE I General Provisions

Section.....Description

- § 66-1. Purpose.
- § 66-2. Administration; permits; fees.
- § 66-3. New construction.
- § 66-4. Reference Code; area regulations; exterior finish.
- § 66-5..... Framing around chimneys and fireplaces.
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- § 66-7..... Electrical installations.
- § 66-8..... Appointment of Building Inspector.
- § 66-9..... Appeals.
- § 66-10..... Violations and penalties.

ARTICLE II FEES

- § 66-11..... Building permit fees.

[HISTORY: Art. I, adopted Windham ATM 3-1-1963; Art. II adopted by the Town Council of the Town of Windham 11-15-1988. Section 66-4A(2) amended at time of adoption of Code; see Ch1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

- Fire prevention.....See Ch. 95.
- Flood damage prevention.....See ch. 98.
- Historic preservation.....See ch. 126
- Land use.....See ch. 140
- Shoreland zoning.....See ch. 199
- Subdivision of land.....See ch. 213

ARTICLE I
General Provisions
[Adopted ATM 3-1-1963]

§ 66-1. Purpose.

The purpose of this Building Code is to provide for safety, health and public welfare through structural strength and stability and protection to life and property from fire and hazards incident to the design, construction, alteration, removal or demolition of buildings and structures.

§ 66-2. Administration; permits; fees. [Amended 11-7-1972, and 6-12-97]

A. Administration.

1. Building inspector.

The Department of Building Inspection is hereby created. The Department shall be headed by the Building Inspector, and he will be assisted by the Plumbing Inspector, the Electrical Inspector and a designated member of the Fire Department and such other personnel as is deemed necessary by the Building Inspector or the Selectmen and then only after authorization and appointment by the Selectmen. The officials shall be appointed by the Selectmen for a period of one (1) year beginning April 1. During their terms of office, these appointees may not be removed from office, except for cause, and then only after a hearing before the Board of Selectmen on specific charges.

2. Inspection.

The Building Inspector shall inspect all buildings and structures during construction to see that the provisions of the law are complied with and that construction is prosecuted safely. Whenever, in his opinion, by reason of defective or illegal work in violation of a provision of this code or any other local or state law, the continuance of a building operation is contrary to the public welfare, he may order all further work to be stopped and may require suspension of work until the condition has been remedied.

3. Right of entry.

The Building Inspector, or his appointee, in the performance of his duties, may enter any building with the permission of any person having control of the same or may apply to a court for process to do so for the purpose of making the inspection required by this Article.

B. Permits.

1. Requirement.

Before the construction, alteration, relocation, repair or replacement of any building or part thereof shall be commenced, the owner or lessee shall obtain from the Building Inspector a permit covering such proposed work.

2. Application.

The application for the permit shall be in writing and shall be made in such form as the Building Inspector shall prescribe and shall contain a description of the proposed new, altered or relocated building or the repairs or replacement contemplated. A copy of the application shall be filed with the Board of Assessors.

3. Permit approval.

The Building Inspector, after proper examination of the application, shall either issue the requested permit or transmit notice of refusal within ten (10) days of the application date. Notice of refusal shall be in writing and shall state the reasons therefor.

4. Life of permit.

All building permits shall be void unless work thereunder is commenced within six (6) months from the date of issuance and the work so commenced is completed within eighteen (18) months, provided that the building Inspector may allow a greater period for the completion of said work.

C. Fees.

1. Payment.

The fee for a building permit shall be determined by the Selectmen. The fee for a building permit shall be collected by the Building Inspector at the time that the applicant presents his application for approval.

2. Accounting.

All fees collected will be accounted for by the Building Inspector in a monthly recapitulation of the collections submitted to the Selectmen.

§ 66-3. New construction.

A. New Construction.

All new construction shall have permanent-type foundations which shall conform to generally accepted good practice and will include concrete posts set below frost or concrete and masonry foundations set below frost.

B. Pole-type buildings.

Pole-type buildings will be acceptable for farm or commercial use.

C. Siding Materials.

Siding materials shall be of permanent type.

D. Roofing materials.

Every roof placed on a building shall be covered with Class A, B or C roofing materials.

§ 66-4 Reference Code; area regulations; exterior finish. [Amended 11-7-1972]

A. Reference code.

1. All matters not covered by this basic code shall conform to generally accepted good building practices.
2. The 1984 edition of the BOCA Basic Building Code, recommended by the Building Officials and Code Administrators International, Inc., and all amendments thereto shall be deemed good practice. Any items not specifically covered by this basic code shall be governed by the applicable section of the above code.

B. Area regulations.

1. Minimum floor area.

No dwelling house shall be constructed that will enclose an area of less than five hundred (500) square feet of enclosed habitable floor space for each family dwelling unit contained in such building, exclusive of porches, breezeways, sheds, exterior stairways, garages and/or cellars.

C. Exterior finish.

The exterior walls shall be finished with a covering of clapboards, wood siding, wood or asphalt or asbestos shingles, masonry or brick or stone or other approved material. Such covering shall be completed within ninety (90) days after the outside studding is in place. Tarred paper or tarred felt or similar substances shall not be used unless completely hidden from view by the finished exterior wall covering.

§ 66-5. Framing around chimneys and fireplaces.

- A. All wood beams, joists and studs shall be trimmed away from chimneys and fireplaces. Headers, beams, joists and studs shall be not less than two (2) inches from the outside face of a chimney or from masonry enclosing a flue. Headers supporting trimmer arches at fireplaces shall be not less than twenty (20) inches from the face of the chimney breast. Trimmers shall be not less than six (6) inches from the inside face of the nearest flue lining.
- B. No woodwork shall be placed within four (4) inches of the back face of a fireplace, nor shall combustible lathing, furring or plaster grounds be placed against a chimney at any point more than one and one half (1½) inches from the corner of the chimney, but this shall not prevent plastering directly on the masonry or on metal lath and metal furring, nor shall it prevent placing chimneys for low-heat appliances entirely on the exterior of a building against the sheathing.

- C. The clearance between woodwork and a factory-built fireplace approved as a result of tests by a nationally recognized testing laboratory need not comply with Subsection B of this section, provided that the factory-built fireplace is installed in accordance with the conditions of approval.
- D. All spaces between chimneys and wood joists, beams or headers shall be firestopped by placing noncombustible material to a depth of one (1) inch at the bottom of such spaces.

§ 66-6 Plumbing.

The plumbing and drainage systems of a building or structure shall be installed to conform to the State Plumbing Code. This requires a separate permit from the Plumbing Inspector.

§ 66-7 Electrical installations.

All electrical wiring systems shall be installed in accordance with nationally recognized good practice.

§ 66-8 Appointment of Building Inspector.

The Selectmen or other authorized town official shall appoint the Building Inspector.

§ 66-9 Appeals.

The Windham Planning Board shall be the appeal board. The appeal board, after public hearing, may:

- A. Confirm or, by unanimous vote only, reverse decisions of the Building Inspector.
- B. Permit exceptions and variations in specific cases so as to grant reasonable use of property where necessary to avoid unnecessary hardship and without substantially departing from the intent of this Article. Granting of such exemptions and variations requires a unanimous vote.

§ 66-10 Violations and penalties.

Whoever violates any provisions of this Article may, upon conviction, be fined no more than twenty dollars (\$20.00) for each offense. Each day that a violation continues beyond seven (7) days after written notification of such offense by the Building Inspector shall constitute a separate offense.

**ARTICLE II
FEES
[Adopted 11-15-1988, Amended 6-12-97]**

§ 66-11 Building Permit fees.

New Residential Homes (finished space)-----	.25¢ /sq. ft.
New Multi-family/commercial -----	.30¢ /sq. ft.
New residential unfinished space & Commercial Greenhouses-----	.10¢ /sq. ft.
 Alterations:	
Up to \$500.00-----	\$20.00
\$501.00 to \$1,000.00-----	\$30.00
\$1,001.00 to \$5,000.00-----	\$40.00
\$5,001.00 to \$10,000.00-----	\$60.00
\$10,001 and up-----	\$60.00 plus \$6.00 / thousand
 Chimneys-----	 \$20.00
 Structure Relocation-----	 \$20.00
 Demolition-----	 \$10.00
 Signs:	
Permanent-----	\$10.00
Temporary-----	\$15.00
 Electrical (Separate service or upgrades)-----	 \$15.00
 Swimming Pools-----	 \$20.00
 Additional fee may be charged for starting work without proper permits.	 \$50.00
 Re-inspection of work not ready when called for.-----	 \$20.00
(This fee must be paid for prior to the final inspection or occupancy permit.)	
 Board of Appeals.-----	 \$150.00
 Subdivision Review.*	
Minimum for first two (2) lots-----	\$400.00
for all lots in excess of 2-----	\$200.00

Site Plan Review.*

For 2,001 sq. ft. building (minimum fee)-----	\$500.00
For each additional 1,000 sq. ft. or fraction thereof-----	\$100.00

*NOTE: If a development falls into both categories, the higher fee shall apply.

Zone Change Request-----	\$250.00
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Site Plan (Land only)-----	\$150.00
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Ordinance Books:

Land Use-----	\$10.00
Shoreland Zoning-----	\$10.00
Subdivision-----	\$10.00
Gravel Pit-----	\$3.00
Sign Ordinance-----	\$3.00
Total Package (includes all of the above)-----	\$25.00