

Building Permit and Occupancy Ordinance

Part 1. Statutory Authority:

This ordinance is adopted pursuant to the “Home Rule” provision of Title 30-A M.R.S.A. §3001

Part 2. Purpose:

The purpose of this ordinance is to promote the general welfare and safety of the citizens of the Town of Chelsea.

Part 3. Applicability:

The provisions of this ordinance shall apply to the construction, placement, remodeling, occupancy or demolition of a dwelling unit or structure, as well as projects impacting 43,560 square feet (1 Acre) or more of land within the Town of Chelsea.

Part 4. Permit Required:

A. The owner or agent shall obtain a building permit from the Code Enforcement Officer prior to the construction, relocation, placement, expansion, remodeling or demolition of any dwelling unit, structure or a combination of structures that exceeds 100 square feet. Remodeling that does not create additional living space within a dwelling unit shall not require a permit. Permits shall be displayed on site for the duration of work being performed.

B. Permit applications may be obtained at the Town Office or from the Town website and must be submitted to the Code Enforcement Officer for approval.

The Building Permit application will include-

1. Property Address
2. Map and Lot number of properties
3. Owners name, address, phone, and email
4. Applicant information if different from owner
5. Cost of Improvement
6. Location of dwelling unit or structure within 250ft of a wetland or waterbody or within the 100-year floodplain
7. Dimensions of new or expanded structures or dwelling and a description of work to be done.
8. A plot plan if applicable to a new structure showing property lines, street names, locations of existing and proposed building or structure, location of septic and setback measurements from property lines and street.

C. If a plumbing permit is required, it must be obtained at the same time or before a building permit is issued. Issuance of a building permit may be denied if required plumbing permits have not been issued.

- D.** Multifamily dwellings shall require approval of the Chelsea Planning Board in accordance with the town of Chelsea Subdivision and Minimum Lot Ordinances.
- E.** The Code Enforcement Officer will have up to 7 days to approve or deny building applications. If an application is denied the applicant will also be notified in writing with a full explanation citing the decision for denial.
- F.** Upon adoption of this Ordinance, the Board of Selectmen in there expressed authority shall be authorized to review and set the fees as they deem in the best interest of the Town of Chelsea. All fees are due upon submission of the application.

G. Permit expiration:

- 1. Permit shall expire within 1 year if work has not commenced and shall expire in 2 years from the date of issuance provided a substantial start has occurred.

H. Revisions.

- 1. No changes or revisions of the original application shall be made in the process of constructing, placing, relocating, replacing, or reconstructing of a dwelling unit or structure unless first approved by the CEO.

I. Minimum lot

The minimum lot standards shall be governed by the provisions of the Town of Chelsea Minimum Lot Ordinance.

J. Setbacks:

After the effective date of this ordinance no structure shall be built or placed within 10 feet of a side or rear Property line or within 12 feet of a public or private road or way. This provision shall not apply to property line fences eight feet or less in height.

Part 5. Certificate of Occupancy:

A. Occupancy certificate required

Hereafter it shall be unlawful to use, occupy or permit the use or occupancy of any new, remodeled or relocated dwelling unit or recreational vehicle if located on a lot without a dwelling unit in the town of Chelsea until a certificate of occupancy has been issued.

B. Inspection required

The Code Enforcement Officer shall inspect all buildings and dwelling units being constructed, remodeled, replaced, or relocated in the town of Chelsea before any occupancy can occur.

It shall be the responsibility of the property owner to notify the Code Enforcement Officer two business days in advance of the desired date of inspection.

C. Standards for approval:

1. Dwelling Units

- a.** A method of on-site wastewater disposal in accordance with the State of Maine sub surface wastewater rules.
- b.** There is a permanent heat source.
- c.** That there are smoke and Carbon Monoxide detectors as required by the National Electric Code.
- d.** Proper egress as required by the latest edition of NFPA 101 Life Safety code.
- e.** Plumbing and subsurface wastewater systems have been inspected by the local plumbing inspector.

2. Recreational vehicles/campers

- a.** Recreational vehicles and campers that are to be occupied for more than 30 days on a property without a permanent dwelling unit shall require a temporary occupancy permit stating the dates to be occupied and address where occupation is to take place. These occupancies of recreational vehicles over 30 days shall require a pumping agreement with a septic pumping company or pumping records be kept on site and be made available upon request of the code enforcement officer if the site does not contain a septic system in accordance with the State Of Maine Subsurface Wastewater Rules. This provision shall not apply to recreational vehicles parked in a licensed campground or RV park.

Part 6. Appeals:

Any person aggrieved by the decision of the Code Enforcement Officer to approve a permit as outlined under this ordinance, may appeal the decision to the Board of Appeals within thirty (30) days of receiving a written notice of denial. The notice of appeal shall clearly state the reason(s) for the appeal.

Part 7. Administration/ Enforcement:

This ordinance shall be administered by the Chelsea Board of Selectmen and or the Chelsea Planning Board. The enforcement of this ordinance shall be by the Code Enforcement Officer of the Town of Chelsea.

Part 8. Penalties:

Failure to obtain a building permit shall result in double fees being charged; if the permit is not obtained within 3 business days of written notice being hand delivered, or verified by postal return receipt, an additional penalty will be charged at a rate of \$30.00 per day until the permit is issued.

Part 9. Validity and Severability:

Should any section or provision of this ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of the ordinance.

Part 10. Conflicts with other Ordinances:

When a provision of this ordinance conflicts or is inconsistent with another provision of this ordinance or any other ordinance, regulation, or statute the more restrictive provision shall apply.

Part 11. Repeal and effective date:

The previous building permit, Setback and Occupancy Ordinances shall be repealed when this ordinance becomes effective when enacted by the voters of the Town of Chelsea.

Part 12. Definitions:

Accessory structure: A structure which is incidental and subordinate to the principal structure. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or common wall is considered part of and an expansion of the principal structure.

Certificate of Occupancy: A document issued by the Code Enforcement Officer certifying that a dwelling unit is suitable to be occupied in accordance with the rules of this ordinance as well as State and Federal law.

Commercial building: The use of buildings, or structures, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential dwelling units.

Duplex: A residential dwelling unit set up for (2) two separate families

Dwelling Unit: a room or group of rooms designed and equipped exclusively to use a permanent, seasonal, or temporary living quarters for only one family at a time and containing cooking, sleeping, and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units.

Mobile Home: A manufactured home that is transportable in one or more sections and is built on a permanent chassis and designed to be used as a residential dwelling unit with or without a permanent foundation when connected to meet the requirements of the State Plumbing Code and Subsurface wastewater Rules.

Multi Family Dwelling: A residential structure design and equipped exclusively for use as permanent, seasonal, or temporary living quarters containing three (3) or more residential dwelling units for habitation. This definition includes but is not limited to condominium, cooperative building, apartment building, nursing home, boarding house,

cluster housing, or planned unit development or any other structure or group of structures containing three or more dwelling units.

Principal structure: A structure other than one which is used for purposes wholly incidental or accessory to the use of another structure or use on the same lot.

Recreational vehicle: A vehicle or an attachment to a vehicle designed to be towed and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, tent trailer, camp trailer, or motor home.

Remodeling: Alterations to an existing structure.

Setback: The distance a structure must be from property lines, roads, and other site features as required by this ordinance or state law.

Structure: whether temporary or permanent: anything located, built, constructed or erected on or in the ground. The term structure includes but is not limited to decks, towers, sheds, garages (attached or detached), and fences over 8 feet in height.

Swimming pool: "Swimming pool" means an outdoor artificial receptacle or other container, whether in or above the ground, used or intended to be used to contain water for swimming or bathing and designed for a water depth of 48 inches or more.

Tiny Home: A dwelling unit of less than 400 square feet

Appendix A

Fees established pursuant to Part 4(f) of this Ordinance

Application fee for a permit is \$30. Proposed _____

Additional square footage or other charges as follows:

- 1. \$0.15** (Fifteen Cents) _____ per square foot of the footprint of all new residential dwelling units, principal structures, and additions to dwelling units or principal structures.
- 2. \$0.10** (Ten Cents) _____ per square foot on all residential accessory structures.
- 3.** Swimming pools will be a flat rate of \$25 _____ in addition to the application fee.

4 Commercial buildings

- a. < 10,000 Sq. FT = **\$0.25** (Twenty Five Cents) _____ per Sq. Ft. of the footprint of all new buildings and additions to buildings.
- b. 10,000-25,000 Sq. Ft = **\$0.20** (Twenty Cents) _____ per Sq. Ft. of the footprint of all new buildings and additions to buildings.
- c. > 25,000 Sq. Ft. = **\$0.15** (Fifteen Cents) _____ per Sq. Ft. of the footprint of all new buildings and additions to buildings.

5. Demolition fee will be the Application fee only.

- 6.** Projects impacting 43,560 square feet (1 acre) the cost shall be **\$5.00** _____ per **\$1000** _____ cost of construction for that project. The Code Enforcement Officer may request documentation supporting the reported cost of construction.