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Building Permit Ordinance Town of Whiting

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<https://www.whitingmaine.com/town-ordinances/real-estateproperty-ordinances/building-permit-ordinance/>

BUILDING PERMIT ORDINANCE Town of Whiting

Enacted: March 18, 1991; Amended March 25, 2002 and March 27, 2006

1. AUTHORITY

This Ordinance was created according to the powers given to a municipality by Title 30 MRSA, Section 2151 (4), and Title 30 MRSA, Section 1917.

2. PURPOSE

To provide for the health, safety and welfare of the public through the regulation of construction, relocation, replacement, and alteration of buildings.

3. SCOPE

The provisions of this Ordinance shall apply to new construction, conversion, additions, relocations and replacement of significant segment thereof, including all trailers, manufactured homes and/or recreational vehicles when connected to any utility and/or used as a residence for a period of more than 30 days. This Ordinance does not require that a permit be obtained for the construction or placement of a doghouse, children's playhouse, tool shed or similar small building not more than one story high and not more than 100 square feet in size, providing such structures shall meet all other requirements of this Ordinance.

4. ADMINISTRATION

4.1 Enforcement:

This Ordinance shall be enforced by the Code Enforcement Officer as directed by the Planning Board and by Municipal Officers.

4.2 Administrator:

The Ordinance shall be administered by the Planning Board, who shall be appointed by the Municipal Officers.

4.2.1 Inspection:

The Code Enforcement Officer shall inspect any building being constructed, added to, altered, replaced or relocated for the purpose of enforcing the provisions of this Ordinance and all other local and State laws governing the construction or replacement of buildings.

4.2.2 Right of Entry:

The Code Enforcement Officer and Planning Board Members, in the performance of their duties, may enter

The building(s) for which the permit was issued during the process of construction for the purpose of making all inspections as required by this Ordinance. Application for a permit shall constitute the granting of permission by the owner or the owner's agent for the Code Enforcement Officer and Planning Board

Members to enter the premises for the purpose of making inspections at reasonable hours.

5. PERMIT

It shall be unlawful to start any work for the purpose of construction, enlargement, moving or removing any building in the Town of Whiting unless and until a Building Permit has been issued by the Planning Board to the owner. Furthermore, it shall be unlawful for any person to inhabit or use any building erected, enlarged or brought into the Town of Whiting unless a valid Building Permit shall have been issued by the Whiting Planning Board for such building.

5.1 Building:

For the purposes of this Ordinance, "building" includes anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, and additions attached to any existing building which shall increase the value thereof for taxation purposes.

5.2 Land Use:

Conversion of seasonal dwelling to year round require notification to the Town Office for soil analysis and septic system inspection before permit will be issued.

5.3 Application:

Application shall be in writing in such form as approved by the Municipal Officers and available at the Town Office. Additional information may be required by the Planning Board or Code Enforcement Officer in accordance with State and local ordinances and laws. An application will not be accepted for consideration until all necessary information required by the Planning Board and/or Code Enforcement Officer is provided. Notice of such determination and information required shall be made in writing. The

applicant shall have 30 days from date of the Planning Board meeting where such decision was made to provide all additional information required.

5.4 Approval or Denial:

Once an application is accepted for consideration, the Planning Board shall render a decision in writing within 30 days. Any denial will state the reasons for denial.

5.5 Life of Permit:

Construction shall begin within one year of the date of the permit approval. Thereafter, the permit is void. The building permit shall be displayed on the premises clearly visible to the Code Enforcement Officer.

6. FEES

An application fee shall accompany each application and a building permit fee shall be paid before a building permit is issued. The fee schedule shall be set by the Planning Board, subject to the approval of the Board of Selectmen. All fees collected will be used to pay the Planning and Appeals Boards' expenses.

7. IMPACT STATEMENT

The applicant shall prove that the proposal is in compliance with the impact standards of this Ordinance, which shall be the minimum requirements for approval of the permit.

7.1 Pollution:

The pollution will not result in undue water pollution.

The proposal will not result in undue air pollution.

The proposal will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water

The proposal will not result in undue noise pollution. If it is likely that the proposal will result in noise in excess of that which is normal for the area, it shall be designed and landscaped to minimize noise interference with neighboring uses. Excessive noise at unreasonable hours shall be required to be muffled so as not to be objectionable beyond the property lines due to intermittence, beat, frequency, shrillness or volume. The following uses and activities shall be exempt from the noise level regulations:

- noises created by construction and temporary maintenance activities between 6:30 a.m. and 8:00 p.m.
- the noises of safety signals, warning devices, and emergency activity,
- traffic noise on public roads or railroads,
- uses existing before enactment of this ordinance.

7.2 Exterior lighting:

There will be no flashing lights or strong light shining beyond the lot lines onto neighboring properties, or onto any town way so as to impair the vision of the driver of any vehicle upon that town way.

7.3 Setback and height:

No building shall be allowed within 10 feet of any property line or within 25 feet of any public way, nor shall any building exceed 30 feet in height from the existing grade. Planning Boards have the authority to waive the 25' setback requirement(beyond State right-of-way) in case of hardship.

7.4 Shoreland Zoning:

Whenever situated in whole or in part within 250 feet of any pond, lake, river or tidal waters will not adversely affect the quality of such body of water and be fully subject to all application requirements and review procedures for the Shoreland Zoning Ordinance.

8. AMENDMENTS

This Ordinance or any part thereof may be amended by a majority of legal voters present and voting at a town Meeting. Any proposed amendment shall be presented for adoption at a Town Meeting only upon petition by no less than five percent (5%) of the legal voters of the Town of Whiting, except that the Selectmen may propose amendment without a petition. Any amendment proposed by the selectmen may be viewed by the Planning Board prior to submission to a Town Meeting for a vote.

Selectmen:

/s/ Steven C. Pressley I

/s/ Mary-Alice Look

/s/ Janice Bronson

/s/ Caron Kilton, Town Clerk

04/10/2006

Map No _____
Lot No _____

TOWN OF WHITING
BUILDING PERMIT APPLICATION
PO BOX 10

Permit No _____
Date Rec _____
Recv'd by _____

.....	
Fee Schedule	
Application Fee	\$10.00
Addition/Moving	\$20.00
Garage Utility	\$40.00
New Home	\$.20/ sq ft
Mobile Home	\$.20/ sq ft
Open Deck	\$20.00
Towers	see fee schedule

WHITING MAINE 04691
TEL/FAX 207-733-2027
whiting@roadrunner.com

Fee Amount _____
Fee Recvd: Y N

Application is hereby made for permission to build, alter, enlarge, move or relocate a structure. Please describe your intent:

Owner name and address:

Phone: _____

Contractor name and address:

Phone: _____

Project details: Lot area: (acres) _____
No. of stories: _____
Proposed water & sewer facilities _____

Project size: sq. ft. _____
Mobile Home: Y N

(Note: The sketch required on the second page is necessary and integral for planning board/CEO consideration of this application.)

PLANNING BOARD/CEO ACTION

Shoreland Zone: _____ Soils test: _____ Septic design: _____
Conforming Structure _____ 30% rule: _____ Application complete _____

When signed by the issuing Authority, this application constitutes a valid Town of Whiting building permit subject to the following conditions: _____

This permit may be revoked upon violation of Town or State ordinances or the above conditions.

Approved: _____ Disapproved: _____ Tabled: _____ Expires: _____

Signatures of issuing authority: _____

Permit No: _____

Town of Whiting
Building Permit Application

Sketch of structure location on parcel.

Sketch need not be to scale, but must include: parcel dimensions with water and/or road frontage, size of building (including maximum height above mean grade), location of domestic water supply, privy or other sewage disposal system, and distance of each structure or construction from property lines, roads and shore line. All dimensions must be in feet.

This sketch and application information are correct to the best of my knowledge:

Applicant Signature

Date

A plan for sewage disposal, approved by a Certified Disposal System Designer, must accompany permit application for residences and mobile homes.

Conversion of a seasonal dwelling to year-round use requires approval by a Licensed Plumbing Inspector. Addition of rooms to an existing dwelling may also require a plumbing permit.

This permit is approved on the basis of information provided by the applicant in the record regarding his ownership of the property and boundary location. The applicant has the burden of ensuring that he has a legal right to use the property and that he is measuring required setbacks from the legal boundary lines of the lot. The approval of this permit in no way relieves the applicant of this burden. Nor does this permit approval constitute a resolution in favor of the applicant of any issues regarding the property boundaries, ownership or similar title issues. The permit holder would be well-advised to resolve any such title problems before expending money in reliance on this permit.

Preparing a Building Permit Application

To speed Planning Board approval of building permits, it is essential that all data be provided as requested on the application form and the Permit Ordinance. Ask for an Ordinance copy.

1. Map and Lot Number: Check Assessor records to determine these numbers. An applicant shall confirm his right to build on the lot via a deed, tax bill, listing in Assessor records, written agreement with the owner, or similar.
2. Description and Lot Owner: These are necessary – including a telephone number. Applicant and/or contractor must be present at Planning Board meeting to obtain approval of application. Contractor name may be omitted if unknown. Note: project size means total living space area including basement.
3. Water and Sewer: Residence applications (including buildings and mobile homes moved to Whiting) must have an accompanying water and sewage plan prepared by a licensed professional. When bedrooms are to be added to an existing building, sewage capacity must increase or public documents must affirm existing adequate capacity. Consult the Plumbing inspector with questions.
4. Sketch of Structure Location: The sketch attests to an intent to respect setbacks from lot lines, roads, and shore front. Structure details are unnecessary except for calculation of living space and building height (30 feet maximum). Setbacks are:
 - 10 feet from lot lines;
 - 25 feet from road right of way;
 - 75 feet from marine shore, rivers, and streams;
 - 100 feet from lakes and great ponds
5. Note: A \$10.00 application fee shall be tendered when the application is submitted. Upon approval, an additional fee will be assessed as listed on the application form.
6. The fee for a building or mobile home moved to a Whiting site will be calculated on the basis of living space. Similarly, the fee for an addition that increases living space will be based on that increased space.
7. Provided that the finished structure will not violate the Building Permit Ordinance, a building addition that does not increase living space requires payment of a \$10.00 fee. Demolition of an existing building also entails a \$10.00 fee.
8. Applications are reviewed at the Planning Board meeting subsequent to submission. **Applicant or Contractor attendance at the meeting is necessary for approval.**
9. **Construction shall begin within one year of the date of the permit approval. Thereafter the permit is void. The building permit shall be displayed on the premises clearly visible to the Code Enforcement Officer.**

From Shoreland Zoning Ordinance)

Section 15. LAND USE STANDARDS

All land use activities within the shoreland zone shall conform with the following provisions, if applicable.

A. Minimum Lot Standards

1. Minimum Lot Area (sq ft) Minimum Shore Frontage (ft)

Residential per dwelling unit

- | | | |
|---|--------|-----|
| a. Within the Shoreland Zone
Adjacent to Tidal Areas | 30,000 | 150 |
| b. Within the Shoreland Zone
Adjacent to Non-Tidal Areas | 40,000 | 200 |

Government, Instructional, Commercial or Industrial per Principal structure

- | | | |
|---|--------|-----|
| a. Within the Shoreland Zone
Adjacent to Tidal Areas | 40,000 | 200 |
| b. Within the Shoreland Zone
Adjacent to Non-Tidal Areas | 60,000 | 300 |

Public and Private Recreational Facilities

- | | | |
|---|--------|--|
| a. Within the Shoreland Zone Adjacent to
Tidal and Non-Tidal Areas | 40,000 | |
|---|--------|--|
- Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.
 - Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.
 - The minimum width of any portion of any lot within one-hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.
 - If more than one residential dwelling unit or more than one principal commercial or industrial structure is constructed on a single parcel, all dimensional requirements shall be met for each additional dwelling unit or principal structure.