

TOWN OF STONINGTON, MAINE BUILDING PERMITS ORDINANCE

Enacted: 06-09-1993 Amended: 03-19-2001
Amended: 03-04-2002 Amended: 03-03-2003
Amended: 04-25-2016 Amended: 03-06-2017
Amended: 03-06-2023 Amended: 03-11-2024

AUTHORITY

This ordinance is adopted pursuant to Home Rule Powers as provided for in the Maine Constitution.

PURPOSE

This ordinance is intended to prevent any condition which may adversely affect the public health, safety, convenience, and general welfare of the inhabitants of Stonington, including but not limited to unsanitary, unsightly, and nuisance situations, as well as to minimize impact on historic and archaeological resources.

Historic or archaeological resources are those areas identified by a governmental agency such as the Maine Historic Preservation Commission as having significant value as an historic or archaeological resource, and any areas identified in the municipality's comprehensive plan.

In the interpretation of this ordinance, wherever the area coincides with the Shorelands District, the administrators thereof shall always follow the more restrictive rather than the minimum standards set by this ordinance, the Shoreland Ordinance, Subdivision Ordinance, and/or state and federal laws.

APPLICATION

This ordinance shall apply to all construction, demolition, additions, renovations, conversions, moving, plumbing, sewage facilities, building of roads, placement of trailers, manufactured homes, RV's — either permanent or temporary; and when connected to any utility and used as a residence of more than 30 days, to all new development and land uses begun after the date of the acceptance of this ordinance; and to all proposed demolition of historic buildings.

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.

PERMITS

Permits Shall be issued by the Building Inspector/Code Enforcement Officer (CEO) in all cases where indoor and outdoor sanitary arrangements are required. Any construction shall begin and have a substantial start within one year of the issuance of the permit. At all times until the construction is completed, the approved building permit shall be posted on the construction site so that it is visible when approaching the site.

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

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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.

The Plumbing inspector in all cases shall issue plumbing permits where indoor and outdoor sanitary arrangements are required.

Occupancy permits shall be required and shall be obtained from the Building Inspector/CEO.

No public utility, water district, sanitary district, or any other utility company of any kind may install services to any lot in Stonington, unless written authorization attesting to the validity and currency of all local permits required under this ordinance has been issued by the appropriate municipal officials. Following installation of service, the company or district shall forward the written authorization to the municipal officials indicating that installation has been completed.

APPLICATION FORMS

These Building Permit Application forms are available at the Town Office and must be returned to the Town Clerk after having been filled out completely. Fees and advertising costs are due upon application submittance to the Town.

PERMITS

When the application has been returned, the Building Inspector/CEO shall, within ~~15~~ 20 days of such return, inspect the site of the proposed project and, if he feels he has sufficient information and that the project is a matter of right, issue the required permit. If the project seems to him to be questionable, he may refer the application to the Planning Board who may issue or deny the permit or, if they feel the proposed project may adversely affect the Town or any of its citizens, may set a date for a public hearing, according to the rules set forth in the Shorelands Ordinance, Sect. 16.(A).(1)(a & b). or to Superior Court according to the rules set forth in the Subdivision Ordinance.

VARIANCE AND APPEALS

The procedure for variance and appeals within the Town of Stonington shall be the same as specified in the Shorelands Ordinance, with the exception that 30-MRSA section 2691 (3)(F) of said ordinance shall be amended to the effect that appeals may be taken within 30 (thirty) days after any decisions is rendered by the Planning Board or Building Inspector/CEO by any party, to Superior Court in accordance with state law.

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CRITERIA

In granting or denying a permit, the Building Inspector/CEO shall see that the following conditions are met:

1. The size of the lot meets State requirements;
2. The set back from the road meets State requirements (10');
3. All construction must be at least ten feet (10') from the nearest lot line; except that any existing structure which is located within ten feet (10') of a lot line and which is removed, damaged or destroyed by more than 50% of the market value before such damage, destructions or removal, may be reconstructed or replaced provided that a permit is obtained within one year of the date of said damage, destruction or removal. In no case shall a structure be reconstructed or replaced so as to be nearer the lot line. If the structure is in the Commercial Fisheries/Maritime District it is exempt from the 10 foot lot line setback requirement.
Driveways and parking spaces for single-family residential structures are exempt from the 10 foot lot line setback requirement, and if off-street municipal parking is available for existing buildings converting upper floors or rear units into year round housing units.
4. The soil shall be suitable for the proposed use and be in accordance to State soil criteria;
5. The proposed project shall not cause soil erosion and shall not increase the rate of stormwater runoff beyond the property boundaries over the predevelopment rate;
6. The proposed project shall not have a significant adverse impact on archaeological resources or historic buildings as identified in the Comprehensive Plan. The CEO has the right to require an archaeological or historic survey if deemed necessary.
7. The cutting of trees shall conform to State standards,
8. The size of any sign shall not exceed 3' x 4'; and
9. The proposed construction shall not obviously cut off a neighbor's view.
10. A roofed porch existing as of March 1, 2002 which is attached to an existing structure and located within ten feet (10') of a lot line may be enclosed.
11. Year round Accessory Dwelling Unit housing (ADU) is allowed per dwelling unit as long as it is not rented for fewer than 90 days and conforms with State plumbing or Sanitary District regulations.
12. Proposed construction shall not exceed 35 feet in height for any building or structure.

ADMINISTRATION

The Board of Selectmen shall appoint a Building Inspector, who may be the same person as the Code Enforcement Officer, whose duty it is to make inspections and to issue permits as provided in this ordinance. Any application to which he denies a permit shall be turned over to the Board of Selectmen. He shall also notify the Selectmen of any violations which comes to his attention.

Construction must start within one year of the issuance of a permit.

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ENFORCEMENT

If the Code Enforcement Officer finds that any provision of this ordinance is being violated, the CEO shall notify in writing the person responsible for the violation, indicating the nature of the violation, discussing options for compliance and ordering corrective action. If the violation continues, the CEO shall bring the matter to the Board of Selectmen. The Board of Selectmen is hereby authorized and directed to impose fines of \$100 to \$1,000 per violation for each day a violation continues following the written notice has been served by the CEO. The Board of Selectmen may also order that any damage to the environment caused by the violation be restored or repaired at the violator's expense within a reasonable period of time. The Board of Selectmen may seek enforcement of this ordinance in the appropriate court. Such persons shall be responsible for court costs and attorney fees incurred by the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations to this Ordinance and recovering fines without Court action to the extent permitted by law.

A true copy of the Town of Stonington, Maine Building Permits Ordinance as approved by Town Meeting vote March 11, 2024

Attest: _____, Town Clerk