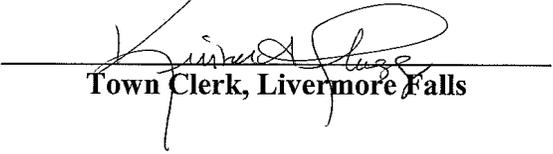


**BUILDING NOTIFICATION ORDINANCE
TOWN OF LIVERMORE FALLS**

**True Copy Attest a Town Meeting was held on June 15th, 2005.
Accepted ordinance entitled "Building Notification Ordinance"
for Town of Livermore Falls.**



Town Clerk, Livermore Falls

BUILDING NOTIFICATION ORDINANCE

Section I. Title

This ordinance shall be known and cited as the “Building Notification Ordinance of the Town of Livermore Falls, Maine”.

Section II. Purpose

To protect the public health, safety and general welfare of the people; to protect the environment; and to provide for the orderly development of the land in the Town of Livermore Falls by requiring a Building Notification Permit before construction of residential, commercial, and outbuildings 200 square feet or more.

Section III. Applicability

This ordinance shall apply to all new residential and commercial structures constructed or placed on a piece of property, the creation of one or more dwelling units within an existing structure, the reconstruction of an existing structure that changes the footprint by 200 square feet or more, outbuildings 200 square feet or more, the relocation of an existing residential or commercial structure, garages, barns, to a different parcel of land after the effective date of this ordinance.

Section IV. Application Procedure

A. After the effective date of this ordinance, no person shall engage in any use of land requiring a Building Notification Permit without first obtaining the required form. All applications for a Building Notification Permit shall be submitted to the Town Office on forms provided for that purpose. The approved Building Notification Permit shall be accessible at the premises of construction and is non-transferable. The following information shall accompany the application.

1. A drawing showing the following:

a. Location of the lot or parcel to be developed (i.e. street address, tax map and lot.)

b. The location and dimensions of the proposed buildings, additions to existing buildings.

c. The distances from roads, property lines and any water bodies of the proposed building(s).

d. A copy of permits approved by the Local Plumbing Inspector for a subsurface wastewater disposal system and internal plumbing permits if required.

e. copy of any applicable state permits.

2. The Code Enforcement Officer shall issue Building Notification Forms in conformance with this ordinance.

3. Applications shall be acted upon within 30 days after a completed application is received.

Section V. Performance Standards

All new residential structures, commercial structures, including additions 200 square feet or more, the relocation of buildings to another site, and outbuildings 200 square feet or larger, shall conform to the following site requirements:

A. Shall conform to the applicable provision of the Minimum Lot Size Ordinance, Building Lot Standards Ordinance, Mobile Home Park Ordinance, and Sewer Ordinance of the Town of Livermore Falls.

B. Sanitary Standards: All new residential structures and commercial structures shall comply with the following:

1. An approved sewage waste disposal system. If an approved privy (a.k.a. outhouse) is to be used, an approved system for the disposal of gray water (i.e. dishwater, bath water, etc.) is required.

2. All residential structures shall be capable of being provided with a potable water supply.

Section VI. Authority and Administration

A. Authority

1. This ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII-A of the Maine Constitution and Title 30-a MRSA, Section 3001.

2. This ordinance is enacted in accordance with Title 30-A, Section 3002, “Enactment Procedure” (Enactment of Ordinance) and Section 4452, “Enforcement of Land Use Laws and Ordinances”.

Section VII. Enforcement

A. Any person, firm or corporation, being the owner of the property where such construction, demolition, or relocation (including plumbing) is being completed; who violates any provision of this ordinance shall be liable for the penalties set forth in Title 30-a MRSA, Section 4452, as it may, from time to time, be amended. The Code Enforcement Officer may institute proceedings to enjoin any violation of this ordinance and for other penalties. The party found guilty of violating this ordinance shall pay the Town’s legal fees and expenses.

B. Any construction, placement, or relocation (including plumbing), undertaken WITHOUT A REQUIRED BUILDING NOTIFICATION PERMIT shall be penalized as follows:

1. An application for a Building Notification Permit must be acquired after the fact.
2. The applicant shall pay a fine of: First: Offense \$50.00, Second Offense \$100.00, Third Offense \$500.00, any further violations the penalty fine shall be set by the Board of Selectmen based on the seriousness of the violation, location and damage it may have caused.
3. Any activity which is non-conforming or in any way in violation of the terms of this Ordinance, of which, when completed would be in violation, shall immediately upon notice of the Code Enforcement Officer, be halted. If so directed by the Code Enforcement Officer, the site shall be returned to its original condition.

Section VIII. Amendments

A. This ordinance may be amended by a majority vote at a Town Meeting. Amendments may be initiated by a majority vote of the Planning Board, by a request of the Board of Selectmen, or by petition of a number of voters equal to at least 10% of the number of votes cast in the municipality at the last gubernatorial election.

B. The Planning Board shall hold public hearings on all proposed amendments.

Section IX. Validity, Effective Date, Conflict of Ordinances

A. 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 this Ordinance, and to this end, the provisions of this ordinance are hereby declared to be severable.

B. The effective date of this ordinance shall be upon adoption by the Governing Body.

C. This ordinance shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other rule, regulation, bylaw, permit or provision of law. Where this ordinance imposes a higher standard for the promotion and protection of the health and safety, the provisions of this ordinance shall prevail. The current Building Lots Standards will still apply. Lots created before June 11, 1997 will not be required to acquire a building permit, but a Building Notification Permit will need to be applied for.

Section X. Appeals Process

A. Any aggrieved person or party may appeal to the Board of Appeals.

B. Filing Procedures: In all cases, a person aggrieved by a decision of the Code Enforcement Officer shall commence the appeal within 30 days after the decision. The appeal shall be filed with the Board of Appeals, and the aggrieved person shall specifically set forth on the form the grounds for appeal.

Definitions:

A. Adequate Water Supply: Running water piped thereto in an approved manner so as to keep the residential structure in a clean and sanitary condition, year round.

B. Commercial Structure: A structure utilized for the buying or selling of goods or services or the provision of facilities for a fee. Commercial uses shall include, but not limited to: professional and business offices; retail outlets; services such as barber or beauty shops; laundromats; repair shops; restaurants; hotels, etc.

C. Lot: A parcel described on a deed, plot or similar legal document.

D. Mobile Home: Structures transportable in one or more sections, which in the traveling mode are 14 body feet or more in width and are 750 or more square feet, and which are built on a permanent chassis and designed to be used as a residential structure, with or without permanent foundations, when connected to the required utilities including the plumbing, heating, air-conditioning or electrical systems contained in the unit.

E. Modular Home: A residential structure of one or more prefabricated sections designed for location and a permanent foundation.

F. New Structure: Any structure which is placed, constructed or substantially reconstructed within the Town, or first occupied, after the effective date of this ordinance.

G. Outbuilding: Structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any process, animals, equipment, goods or materials of any kind associated with these types of buildings.

H. Principle Structure: The structure in which the principle use of the lot is located.

I. Residential Structure: Any residential structure that all or part of which is designed for use as a living quarters. Factory built homes, mobile homes, modular homes and site built homes shall be considered residential structures.

J. Site-built Structure: A structure which is constructed on the site on which it is to be located.

K. Structure: Any residential, commercial, or outbuildings 200 square feet or larger having a roof supported by columns or walls and intended for the shelter, housing or enclosures of any process, animals, equipment, goods or materials of any kind associated with these types of buildings (garages and barns are included).

Adopted June 15, 2005