

7. Land Use Ordinance Article 5 (Administration)

A. Section K (Fines) Revise to follow Shoreland Zoning fine requirement.

Changes are shown via strikeout and colored text additions

ARTICLE #: Shall Article 5 of the Raymond Land Use Ordinance, Section K, (Fines), as adopted May 21, 1994, and amended through June 4, 2019, be further amended by the adding the underscored language and removing the language in strikeout text as shown below?

DESCRIPTION:

One Changes:

- *Strike out current wording and replace the language that is consistent with language from the Shoreland Zoning Ordinance relating to Fines for consistency.*

[Note: The use of the word "Article" within the ordinance does not indicate a separate warrant article.]

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A. Officials

The provisions of this Ordinance shall be administered and enforced by the Code Enforcement Officer and the Building Inspector, who shall both be appointed by the Board of Selectmen and be given free access at reasonable hours to all parts of structures and land regulated by this Ordinance. The Code Enforcement Officer of the Town of Raymond shall serve as the building official as defined in 25 M.R.S.A. § 2351 and shall be responsible for issuing building permits and certificates of occupancy. The Code Enforcement Officer shall be responsible for inspecting all permitted construction for compliance with all components of M.U.B.E.C., as such components may be revised from time to time by the Technical Building Codes and Standards Board. *[Adopted 6/5/12]*

B. Building Permit Required

It shall be unlawful to start any work for the purpose of construction, alteration, or removal of any building unless a building permit has been issued in conformity with this Ordinance. The provisions of this Ordinance shall apply to new construction, alterations, additions, relocation, replacement of any building or part thereof, and to any work designed to convert a seasonal dwelling to a permanent, year-round dwelling as provided in Article 8, Section E. The Town of Raymond applies and enforces the Maine Uniform Building and Energy Code (“M.U.B.E.C.”), as required by 10 M.R.S.A. § 9724. Administration and enforcement of M.U.B.E.C., including fees, permits, certificates of occupancy, violations, penalties and appeals, shall be in accordance with this Ordinance and pursuant to 30-A MRSA § 4452. *[Adopted 5/21/98, Amended 6/5/12]*

C. Application for Building Permit

Any application for a building permit shall be submitted to the Building Inspector on forms specified by the Building Inspector, together with a fee as established and revised from time to time, by the Board of Selectmen; the application shall then be filed with the Board of Assessors. The building permit fee shall be twice the amount established by the Board of Selectmen for any new outside construction or addition, or for any alterations or renovations having a completed value of not less than \$2,000.00, if such work is begun without a permit. The application shall require such information as the Building Inspector may require in order to determine whether the proposed use is in full compliance with the provisions of this Ordinance, including, without limitation, the number and location of buildings already on the lot, building setback requirements, and the suitability of soils and bedrock structure. No building permit shall be issued for construction of a dwelling within any subdivision unless the subdivision road, power, drainage improvements and any other site improvements required by the Planning Board approval have been completed or their completion is covered by a currently effective performance bond. No building permit shall be issued for any proposed development

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including, in the Shorelands District, any alteration or penetration of the surface of the ground, until the applicant demonstrates to the Building Inspector that all other applicable federal, state, and local permits have been issued.

D. Permits Issued by Building Inspector

The Building Inspector shall approve or deny those applications on which the Building Inspector is empowered to act as stated in this Ordinance. Approval shall be granted only if the proposed use be in conformance with the provisions of this Ordinance.

1. No building permit shall be issued until the Road Commissioner or the Maine Department of Transportation has issued a driveway permit. *[Adopted 5/20/89]*
2. A building permit issued under the provisions of the Ordinance shall become void if work has not commenced within 12 months of the date of approval and shall expire 2 years from the date of issue. A building permit may be renewed once for a one (1) year period upon submission of an application and payment of the prescribed fee. All codes, ordinances and statutes in effect at the time of the renewal application must be complied with before said permit is issued. *[Adopted 6/5/12]*
3. A fee for each plan examination, building permit and inspection shall be paid in accordance with the Schedule of Fees as approved by the Board of Selectmen. Each building permit application shall indicate what fee was charged. All fees shall be collected by the Town Clerk of the Town of Raymond. *[Adopted 6/5/12]*
4. In the case of a revocation of a permit or abandonment or discontinuance of a building project any permit fees already paid shall be non-refundable. *[Adopted 6/5/12]*
5. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine as prescribed by this Ordinance and pursuant to 30-A MRSA § 4452. *[Adopted 6/5/12]*

E. Residential Growth Management *[Adopted 8/20/06, Repealed 06/03/14]*

[RESERVED]

F. Certificate of Occupancy Required

In each instance (1) in which different use of a building, structure or land is proposed, or (2) following erection, alteration, repair, enlargement or relocation of a building or structure, a Certificate of Occupancy shall be required prior to occupancy and use

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pursuant to the requirements in the Maine Uniform Building and Energy Code. Neither the owner, nor the person to whom a building permit has been issued, shall permit any building, structure, or land for which a Certificate of Occupancy is hereby required to be used or occupied until the Building Inspector has issued a Certificate of Occupancy therefore. A Certificate of Occupancy shall not be issued until the Building Inspector determines that the building, structure, or land use has been completed in accordance with this Ordinance and any conditions imposed under this Ordinance. The Building Inspector may issue a temporary use permit, valid for periods not exceeding six (6) months, during erection, alteration, repair, or enlargement of a building or structure. A fee for each plan examination, certificate of occupancy and inspection shall be paid in accordance with the Schedule of Fees as approved by the Board of Selectmen.

G. One Principal Building on a Lot

Except for Open Space Subdivisions as provided in Article 13, there shall be no more than one principal building and its accessory buildings erected on any one site. Garages are considered accessory buildings.

H. Nuisances

1. Any violation of this Ordinance shall be deemed to be a nuisance;
2. Any unlicensed automobile graveyard, automobile recycling business or junkyard is specifically deemed a nuisance. If an existing automobile graveyard, automobile recycling business or junkyard can meet licensing requirements and is in the Industrial Zone, it may continue. If an existing automobile graveyard, automobile recycling business or junkyard is unlicensed and is not in the Industrial Zone, it must be abated within one year of the passage of these amendments.
3. In addition, any lot or part thereof meeting the definition of Automobile Storage Lot, but exceeding the maximum number of vehicles specified in the definition, or meeting the definition of Storage Lot, but exceeding the maximum area specified in the definition, is specifically deemed a nuisance. The lot or part thereof must be brought into conformance within six months of the passage of these amendments.
[Amended 3/17/01]
4. No owner or occupant of land in any district shall permit fire ruins or other ruins to be left, but within one year from the date of the disaster shall remove, repair, rebuild, or replace the structure. Nothing in this section shall prohibit the Town from considering the ruins to be a dangerous building or a nuisance, as provided by law.

I. Code Enforcement Officer

If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, the Code Enforcement Officer shall notify, in writing, the person responsible for

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such violation indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings, structures or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions.

J. Legal Action

When the above action does not result in the correction or abatement of the violation or nuisance condition, the Board of Selectmen is hereby authorized and directed to institute any and all actions and proceedings either legal or equitable, including seeking injunctions of violations and the imposition of fines that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality.

K. Fines

~~Any person, including but not limited to a landowner, a landowner's agent or a contractor, who violates provision or requirement of this Ordinance shall be penalized in accordance with 30-A, M.R.S.A., section 4452. Any person who continues to violate any provisions of this Ordinance, after receiving notice of such violation, shall be guilty of a misdemeanor subject to a fine of up to \$100.00 for each violation. Each day such a violation is continued is a separate offense.~~

L. Flood Plain Area Development

With respect to application for building permits for any development within Zone A and Zones A1-A30 as shown upon the Flood Insurance Rate Map, the Building Inspector shall:

1. Obtain data identifying the elevations of the land, of the lowest floor of any structure, including the basement, and of the top of any floodproofing, in relation to the elevation of the 100-year flood upon said land;
2. Utilize the 100-year flood data provided by the Federal Emergency Management Administration, where available, and otherwise obtain, review and reasonably utilize any other elevation data for the 100-year flood available from federal, state, or other sources; and
3. Maintain, as a separate, permanent record, copies of all permits issued for development in Zone A and Zones A1-A30 as shown on the Flood Insurance Rate Map, all data relevant thereto and all decisions of the Board of Appeals upon variances granted in connection with such permits.

M. Lot Surveys

Newly created lots, and changes in lot lines, shall be undertaken by a licensed surveyor and a copy of the survey plan shall be furnished to the Code Enforcement Officer.