

## **CHAPTER 9**

### **BUILDING AND ELECTRICAL CODES**

*The Building Codes in effect in Bath are those in the  
Maine Uniform Building and Energy Code, adopted by the State.  
Details on these codes can be found on the  
Maine State Fire Marshal's Office website at [www.maine.gov/dps/fmo/home](http://www.maine.gov/dps/fmo/home)*

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## **CHAPTER 9. BUILDING AND ELECTRICAL CODES**

### **ARTICLE 2. ELECTRICAL CODE**

#### **Section 9.11. Adoption**

This article incorporates by reference the National Electrical Code, 1999 edition, as published by the National Fire Protection Association, and all amendments thereto and as subsequently amended, as the standard for all electrical work within the City of Bath.

#### **Section 9-12. Administration and enforcement**

(a) Electrical inspector. The Codes Enforcement Officer of the City of Bath shall be designated as the electrical inspector under this section. During his temporary absence or disability, the city manager may designate an acting electrical inspector.

(b) Scope; enforcement authority. This Code shall apply to all original installations of electrical equipment and to alterations of or additions to existing electrical equipment in the City of Bath. The Codes Enforcement Officer and/or the Electrical Inspector shall be responsible for enforcement of the provisions of this Code.

(c) Permit. A local electrical permit is required for all new electrical work except for that accomplished within the boundaries of a State highway.

#### **Section 9-13. Inspections**

The electrical inspector shall inspect all wiring at appropriate times during its installation to see that it is in compliance with this Code. The electrical inspector, or his designee, may enter and examine any premises at any reasonable time in the discharge of his official duties. The electrical contractor or property owner shall notify the electrical inspector forty-eight (48) hours before an electrical installation is ready for inspection. Electrical installations, alterations or additions for which a permit is required may not be used or put into operation until after inspection and approval by the electrical inspector. In addition, no certificate of occupancy shall be issued until inspection and approval is accomplished.

**Section 9-14. Fees**

**(a) New construction.** The Codes Enforcement Officer shall collect electrical inspection fees from applicants for permits, with the fees to be turned over to the city as follows:

- (1) Residential: For one and two family dwellings, three cents (\$0.03) per square foot of floor area.
- (2) Garages, storage, greenhouse, accessory use, etc.: For one and two family dwellings not over six hundred fifty (650) square feet, one and one-half cents (\$0.015) per square foot.
- (3) All use groups listed in Section 301.1 of the BOCA Basic Building Code/1981: Except one- and two-family dwellings and buildings under six hundred fifty (650) square feet for one- and two-family dwellings, five cents (\$0.05) per square foot.
- (4) Alarm systems (smoke, heat, burglar, etc.):
  - a. Single-family and/or duplex dwellings - No charge.
  - b. Apartments, motels, hotels, dormitory, or sleeping or rooming houses up to fifteen (15) sleeping units - No charge.
  - c. Apartments, motels, hotels, dormitory or lodging or rooming houses over fifteen (15) units - No charge.

All fees shall be rounded off to the nearest dollar. Square footage shall be calculated using the exterior dimensions of the building at floor level of each story. Unfinished basements shall not be included.

**(b) Additions and alterations:**

- 1. Service and meter or replacement - \$ 4.00
  - Each additional meter on same service - \$ 1.00
- 2. Installation of appliances, water heater, dryer, disposal, receptacles or wiring for same, etc. - \$ 3.00
  - Plus, each appliance - \$ 1.00
- 3. Swimming pools - \$ 3.00
  - Plus, each appliance - \$ 1.00
- 4. One electrical sign or lighted standard - \$ 3.00
  - Plus, each additional sign or standard - \$ 1.00
- 5. Hazardous location as defined in Chapter 5 of the National Electrical Code, 1981 edition \$ 3.00
  - Plus, an addition for each unit changed or added (pumps, fixtures, etc.) \$ 1.00

6. Fixtures or outlets:
- a. 1 to 10 ..... \$ 4.00
  - b. 11 to 20 ..... \$ 6.00
  - c. 21 to 30 ..... \$ 8.00
  - d. Anything over 30 fixtures or outlets  
shall be on a square footage basis under this section, but  
shall be figured at one-half (½) of the rates figured on the  
area of the addition or alterations. All fees shall be  
rounded to the nearest dollar.

**(c) Ongoing electrical work.** The Codes Enforcement Officer/Electrical Inspector shall be authorized to issue a yearly permit for ongoing electrical work at one (1) location without regard to the above-described fee structure. This yearly permit shall, be restricted to ongoing electrical work of a temporary and/or permanent nature, at one (1) location in those instances where the work involved does not require a building permit. The yearly fee for an ongoing electrical permit shall be one hundred dollars (\$100.00) per year.

**(d) Classification of occupancies.** For the purpose of establishing fees for electrical permits, the classification of occupancies of building structures, or portions thereof, as set forth in Article III of the Boca Basic Building Code, 1981 edition, shall be observed.

**(e) Double fee.** Any person who begins any work for which a permit is required without first having obtained that permit shall pay double the fee the amount for the work. This does not apply to emergency work where, in the opinion of the electrical inspector, it was not practical to obtain a permit before beginning work. In emergency cases a permit must be obtained as soon as it is practical to do so, and if there is an unreasonable delay in obtaining the permit, the applicant shall pay a double fee. The violation of this electrical Code or the imposition of penalties as provided herein.

### **ARTICLE 3. PENALTIES**

#### **Section 9-15. Penalties.**

A person who violates any of the provisions of this Chapter shall be punished by a fine of not more than one hundred dollars (\$100.00). If this Chapter is violated by a partnership or corporation, the members of the partnership or the officers of the corporation who participated in or authorized the action resulting in the violation will also be subject to the punishment provided. Each day a violation continues after a written notice is served on the responsible person shall be deemed to be a separate offense.

### **ARTICLE 9. VACANT BUILDINGS STANDARDS (Ord. 8-1-2018)**

#### **Section 9-101. Purpose & Definitions.**

The purpose of this ordinance is to address or prevent negative effects that vacant buildings sometimes cause due to lack of maintenance. For the purpose of this ordinance,

a vacant building is one that is unoccupied for more than thirty days, and the owner and/or mortgage holder have no specific plans or timeframe for the building to become reoccupied.

### **Section 9-102. Standards.**

Roofs shall be structurally sound and such that birds or animals cannot enter the building through them. Repairs must be made with materials similar to the original construction. Tarps or plastic sheeting can only be used for temporary (less than thirty days) repairs.

Doors and windows shall be substantially weather tight and such that birds or animals cannot enter the building through them. Repairs must be made with materials similar to the original construction, or the opening can be covered with clear material such as polycarbonate. Sheet lumber products (such as but not limited to plywood, oriented strand board, and paneling), tarps or plastic sheeting can only be used for temporary (less than thirty days) repairs.

Vacant buildings with features that may be dangerous to emergency personnel shall be placarded at all exterior doors, with a placard of a type and size specified by the Fire Chief or his designee.

Fences and barriers shall be structurally sound.

Exterior walls, roofs, chimneys, smokestacks, stairs, decks, porches, and balconies shall be structurally sound.

All projections from structures, such as awnings, signs, fire escapes, and ductwork shall be properly anchored and structurally sound.

Guard/guard rails shall be firmly fastened and capable of supporting normally imposed loads.

Buildings shall be secured as required by the City's Building Code.

The property shall be maintained in accordance with the standards in the City's Refuse Ordinance, Land Use Code, Building Code, and State law regarding junkyards and sanitation.

### **Section 9-103. Vacant Building Registry.**

Owners of buildings that are vacant, as defined in this ordinance, or are to become vacant, shall provide the Codes Enforcement Office with the name, address, telephone number, and email address, if applicable, of a person to contact about problems with the building during its vacancy, and shall keep that information current if/as it changes.

### **Section 9-104. Vacant Building Assessment Access.**

Owners of vacant buildings shall provide/facilitate access to the building(s) by Codes Enforcement and/or Fire Department personnel, for the purposes of assessing compliance with this ordinance, the condition of the building, and the existence of hazards to emergency services personnel, such as, but not limited to excessive or improper storage, inadequate floors, and collapsing ceilings. The owner or a designee shall meet City personnel at the site for these inspections. Notwithstanding, the Codes Enforcement Officer or his/her designee shall have the right of entry onto premises and into structures as provided under Maine Statutes and under the Maine Rules of Civil Procedure.

#### **Section 9-105. Administration.**

- A. Enforcement. This Ordinance shall be enforced by the Codes Enforcement Officer or his/her designee.
- B. Notice of violation. Any notice of violation or other notice required by this Ordinance shall be in written form and served by the Codes Enforcement Officer by certified mail, or hand delivery, electronic mail, or by Deputy Sheriff. Such notice shall explain the nature of the violation and the required corrective action with a time frame, not less than thirty (30) days, within which the corrective action must be completed. The enforcement provisions of Section 3.06 of the Land Use Code of the City of Bath shall further apply to enforcement actions under this Ordinance.
- C. Corrective Action. When notified by the Codes Enforcement Officer or his/her designee of a violation of any of the standards in this Ordinance or of any other applicable building related Code, it shall be the responsibility of the owner of the property to conduct repair, replacement or removal activities that will abate the violation and restore its condition in accordance with the standards in this Ordinance and to eliminate any threat to the public safety, health, and welfare, caused by the abatement of any nuisance, and eliminate any condition that diminishing neighborhood property values.
- D. Application of other Codes/Conflicts. The terms and provision of this Ordinance are not intended to supersede or otherwise replace provisions of other City of Bath Codes or State Law (e.g. Dangerous Building Statute), as they are applied to properties and structures. Whenever a provision of this Ordinance conflicts with or is inconsistent with a provision of another Ordinance, Regulations, or Statute, then the provision imposing the greater restriction shall control.

#### **Section 9-106. Violations and Penalties.**

Any persons violating the provisions of this Ordinance, including noncompliance with notices issued by the Codes Enforcement Officer, or his/her designee, shall be penalized in accordance with the provision of 30-A M.R.S. Section 4452. This shall specifically include per diem penalties and injunctive relief. All penalties assessed against the violator shall be retained by the City of Bath together with its reasonable attorney's fees,

expert witness fees, and all costs, including costs of remediation and emergency action required by the failure of the violator to take appropriate action.

**Section 9-107. Emergency Actions.**

A. Emergency Conditions. Where the Codes Enforcement Officer or his/her designee becomes aware of conditions on the premises or relating to the structure on the premises, that creates imminent danger to the occupant(s) of the property or structure or to the general public due to the failure or collapse of the building or structure or a possibility thereof, or the presence of explosives, explosive fumes or vapors, or toxic fumes, gases or materials, the Code Enforcement Officer or his/her designee shall take such action as is appropriate to secure the premises and prevent access to the premises. Under such circumstances, if a structure is involved, a notice to that affect that the building has been closed to occupancy shall be posted on each entrance. From the time of posting forward, entrance shall only be permitted to make required repairs, remove hazardous conditions, or demolish the structure.

B. Emergency Actions/Recovery of Costs. When the Codes Enforcement Officer or his/her designee observes an unsafe condition that causes imminent danger, he/she shall have the authority to cause the necessary work to be done that will provide relief from the imminent danger. Such work may be done on an immediate basis without further legal or administrative procedure, in order to protect the occupant(s) and/or the general public from the imminent danger. In such instances where the City of Bath has caused the work to be done, due to noncompliance by the owner, the costs for such work shall be recovered as a cost in any codes enforcement action or may alternatively be recovered through a civil action.

**Section 9-108. Appeals.**

A decision by the Codes Enforcement Officer in enforcing this Ordinance shall be considered an enforcement action that may only be appealed to the Superior Court.

**Section 9-109. Severability.**

If any section, subsection, clause, paragraph, phrase, or portion of this Ordinance is for any reason held invalid on Unconstitutional by any Court of competent jurisdiction, then such portion shall be deemed to be a separate, distinct and independent provision and such holding shall not affect the validity or enforceability of the remaining portions thereon.