

## **Chapter 4 Building and Housing**

### **ARTICLE 1 BUILDING CODE**

#### Sections

4-101	Adoption of Building Code
4-101.1	Electrical Generating Windmills
4-102	Inconsistent Ordinances Repealed
4-103	Deletions, Additions, Insertions
4-103.1	Building Permit Fees
4-103.2	Building Demolition
4-104	Saving Clause
4-105	Date of Effect

### **ARTICLE II FAIR HOUSING ORDINANCE**

4-201	Statement of Purpose
4-202	Decent Housing
4-203	Unlawful Housing Discrimination
4-204	Application
4-205	Reporting Violations
4-206	Penalty

### **ARTICLE III PROPERTY MAINTENANCE CODE**

4-301	Property Maintenance Code
4-302	Amendments

## Chapter 4 Building and Housing

### ARTICLE 1 BUILDING CODE

#### Sec. 4-101 Administration and Enforcement of Maine Uniform Building and Energy Code

Effective December 1, 2010, the City of Caribou applies and enforces the Maine Uniform Building and Energy Code (M.U.B.E.C.), as required by 10 M.R.S.A. § 9724. The Code Enforcement Officer of the City of Caribou shall serve as the building official as defined in 25 M.R.S.A. § 2371 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. Administration and enforcement of M.U.B.E.C., including permits, fees, violations, penalties and appeals, shall be in accordance with the City of Caribou, Code of Ordinances.

#### Sec. 4-101.1 Electrical Generating Windmills

1. The purpose of this ordinance is to ensure that privately owned electrical generating windmills are operated in a manner that limits noise and does not create a nuisance to neighbors or the community. It is the purpose of this section to promote the safe, effective and efficient use of small wind-energy systems installed to reduce the on-site consumption of utility-supplied electricity.

2. Definition: Any equipment, device or apparatus, or any part thereof, which is installed or situated for the primary purpose of generating electricity from the use of wind power.

#### Sec. 4-101.1a Installation Standards and Limitations

**Height:** 1. No electrical generating windmill shall be installed within a lot line setback distance equal to the total height of the windmill. Nothing herein shall be construed to preempt any height limitations imposed by FAA regulations. Compliance with FAA regulations; Small wind-energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.

**Noise:** 2. The maximum permissible sound pressure level of any continuous, regular, or frequent source of sound produced by any electrical generating windmill shall be limited by the time period and land use District listed in the following chart. Sound levels shall be measured at least 4 feet above ground at the property boundary.

**Sound Pressure Level Limits** (Measured in dB (a) scale)

	<u>7 AM - 10 PM</u>	<u>10 PM - 7 AM</u>
Residential Districts	55	45
Commercial Districts	60	50
Industrial Districts	65	50

3. The levels specified may be exceeded by 10 dBA for a single 15 minute period per day. Noise shall be measured by a meter set on the A-weighted response scale, slow response. The meter shall meet the American National Standards Institute (ANSI S1.4-1961) "*American Standard Specification for General Purpose Sound Level Meters*".

**Shadow Flutter:** 1. No installation of an electrical generating windmill shall be so positioned that the windmill rotor casts its shadow on neighboring residential structures or the curtilage area of a residential structure.

**General Requirements:** 1. All electrical generating windmills shall meet all federal, state, and local codes.

2. Compliance with the 2009 International Building Code. Building permit applications for small wind-energy systems shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. An engineering analysis of the tower showing compliance with the International Building Code and certified by a licensed professional engineer shall also be submitted.

3. Compliance with the 2008 National Electric Code. Building permit applications for small wind-energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code.

4. No small wind-energy system shall be installed until evidence has been given that the local utility company (Maine Public Service Co.) has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

**Sec. 4-101.1b Permit required.**

1. No installation shall be allowed without first obtaining a permit from the Code Enforcement Officer. Application for such permit shall be made to the Code Enforcement Officer on forms provided. All installations must comply with state and federal regulations and manufacturer's installation instructions. All permit applications must include a copy of the manufacturer's installation instructions.

2. The permit fee shall be based on the building permit fee schedule.

**Sec. 4-101.1c Existing electrical generating windmills**

1. Any electrical generating windmill in existence, installed, and operating or operable on the effective date of this ordinance shall be allowed to remain provided that the owner registers the electrical generating windmill within 60 days of the effective date of this ordinance with the Code Enforcement Officer. There is no fee to register an existing electrical generating windmill.

2. Any electrical generating windmill found to be located within Caribou after the 60 day registration period that is not registered may be ordered to be removed from Caribou by the City Council.

**Sec. 4-101.1d Penalty**

1. Any person, owner, or operator of an electrical generating windmill found to be in violation of this ordinance may be charged, and a civil action may be brought against them. Anyone violating this ordinance may be prosecuted pursuant to MRSA, Title 30-A, §4452. A minimum fine of \$100.00 up to \$2,500.00 for each offense per day plus legal fees and court costs will be requested by the City of Caribou.

**Sec. 4-101.1e Severability**

1. Should any section, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

**Sec. 4-102 Inconsistent Ordinance Repealed**

The Building Code of the City of Caribou entitled National Building Code 1996 and all other ordinances or parts of ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Sec. 4-103 Additions, Insertions and Changes**

The following sections are hereby revised as follows to the 1996 BOCA National Building Code:

Page 1, Section 101.1 & probably Caribou, Maine.

Page 6, Section 116.4 line 6, "As per 30-A, M.R.S.A. §4452, Fines from \$100.00-\$2,500.00 per violation per day for first time violators and higher penalties for subsequent violations".

Delete Sections 123.1 through 124.8

Delete Article 19.

**Sec. 4-103.1 Building Permit Fees**

Fee Schedule: The fee for each plan examination, building permit and inspection shall be \$50.

Failure to get a permit before building construction begins shall cause the permit fee to double.

Demolition Permits shall be free.

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**Historical Note:** Sec. 4-103.1 as amended March 27, 2017.

#### **Sec. 4-103.2 Building Demolition**

a. Any building or structure to be demolished within the City of Caribou, (urban or suburban) requires a Demolition Permit issued by the Code Enforcement Office. Any property owner wishing to obtain a demolition permit must provide the CEO with proof of ownership or a copy of the deed, a completed Demolition Permit Application and schedule of demolition activity. All demolition, clean up and at least one foot of gravel cover with loam and mulch must be completed within one year from the date the permit is issued.

Any contractor applying for a Demolition Permit on behalf of the property owner must also provide a copy of a signed contract by the owner. Any person wishing to demolish a building must provide written proof that all utility providers have removed service from the building to be razed.

b. The Caribou Fire Department must be notified at least 5 business days in advance of the commencement of demolition. At the discretion of the Caribou Fire Chief or their designee, the Fire Department may choose to burn the building as a training exercise provided the property owner initially request such action for consideration.

c. Prior to the commencement of demolition, on the day the building is to be razed, the site must be inspected by the Caribou Building Inspector. The inspection must be scheduled with at least a 24 hour notice in advance.

d. No demolition debris may be buried on site within the Urban Compact Zone.

Demolition debris may be buried on site if located outside of the Urban Compact Zone with the following provisions:

- 1.) No debris may be buried within 100 feet of any property line.
- 2.) No debris may be buried within 100 feet of an existing water well.
- 3.) Biodegradable and inert demolition debris may be buried on site.
- 4.) Inert materials such as brick, concrete or stone may be buried on site, hauled to an off site gravel pit or delivered to a Licensed Disposal Facility.
- 5.) All non biodegradable debris such as asphalt shingles, asbestos, carpeting, sheetrock, vinyl or metal siding, painted materials or similar materials must be delivered to the Tri Community Landfill or another Licensed Disposal Facility. If materials are to be delivered to a Licensed Disposal Facility, a copy of the contract with the Disposal Facility must accompany the Demolition Permit Application.
- 6.) The burial site must be covered with sufficient loam and seeding to prevent erosion of the site unless established as impervious surface pursuant to the redevelopment of the site.

e. A final inspection is required. The owner or contractor must notify the Code Enforcement Officer at the completion of site recovery.

Note: Maine State Law requires demolition notification to the Department of Environmental Protection for certain buildings and buildings with asbestos to be made by the owner.

A record of any demolished building buried on site must be recorded at the Registry of Deeds for Aroostook County in Houlton.

#### **Sec. 4-104 Saving Clause**

Nothing in this Ordinance or in the Building Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

#### **Sec. 4-105 Date of Effect**

The City Clerk shall certify to the adoption of this Ordinance and cause the same to be published as required by law; and the Ordinance shall take full force and effect September 1, 1997, adopted July 14, 1997.

**Historical Note:** adopted June 4, 1980, replacing Chapter 1 of the 1956 Caribou Code. Amended July 14, 1997; Section 4-103 as amended February 27, 2006; Section 4-103.1 & 4-103.2 was added February 27, 2006; Section 4-101.1 was added November 28, 2006; Section 4-103.1 was amended August 17, 2009; Section 4-103.3 was adopted August 17, 2009; Section 4-103.1 was amended March 22, 2010; Section 4-101.2 was adopted April 12, 2010; Section 4-101, the Maine Uniform Building and Energy Code (M.U.B.E.C.) was adopted by the City Council February 14, 2011; Sections 4-103.1 & 4-103.2 were amended February 14, 2011.

**State Law Reference:** 30 MRSA §2156; 5 MRSA §1742(6-A); 25 MRSA §§2351-2360; 30 MRSA §2151(4); District Court Civil Rule 80F.

**Cross Reference:** Chapter 13, Article 1, Section 13-106.

## ARTICLE II FAIR HOUSING ORDINANCE

### Sec 4-201 Statement of Purpose

To protect the public welfare, it is declared to be the policy of the City to keep continually in review all practices infringing on the basic human right to decent housing; and to prevent discrimination in housing on account of race, color, sex, physical or mental handicap, religion, ancestry or national origin; and to prevent discrimination in the extension of credit on account of age, race, color, sex, marital status, religion, ancestry or national origin.

### Sec. 4-202 Decent Housing

The opportunity for an individual to secure decent housing in accordance with his or her ability to pay, and without discrimination because of race, color, sex, physical or mental handicap, religion, ancestry or national origin is hereby recognized as and declared to be a civil right.

### Sec. 4-203 Unlawful Housing Discrimination

It shall be unlawful housing discrimination, in violation of this Article:

**1. Owner, Lessee, Managing Agent.** For any owner, lessee, sublessee, managing agent, or other person having the right to sell, rent, lease or manage a housing accommodation, or any agent of these to make or cause to be made any written or oral inquiry concerning the race or color, sex, physical or mental handicap, religion, ancestry or national origin of any prospective purchaser, occupant, or tenant of such housing accommodation; or to refuse to show or refuse to sell, rent, lease, let or otherwise deny to or withhold from any individual such housing accommodation because of the race or color, sex, physical or mental handicap, religion, ancestry or national origin of such individual; or to issue any advertisement relating to the sale, rental or lease of such housing accommodation which indicates any preference, limitation, specification or discrimination based upon race or color, sex, physical or mental handicap, religion, ancestry or national origin; or to discriminate against any individual because of race or color, sex, physical or mental handicap, religion, ancestry or national origin in the price, terms, conditions or privileges of the sale, rental or lease of any such housing accommodations or in the furnishing of facilities or services in connection therewith, or to convict or attempt to evict any tenant of any housing accommodation because of the race or color, sex, physical or mental handicap, religion, ancestry or national origin of such tenant;

**2. Realtors.** For any real estate broker or real estate sales person, or agent of one of them, to fail or refuse to show any applicant for a housing accommodation any such accommodation listed for sale, lease or rental, because of the race or color, sex, physical or mental handicap, religion, ancestry or national origin or such applicant or of any intended occupant of such accommodation, or to misrepresent, for the purpose of discriminating on account of the race or color, sex, physical or mental handicap, religion, ancestry or national origin of such applicant or intended occupant, the availability or asking price of a housing accommodation listed for sale, lease, or rental; or for such a reason fail to communicate to the person having the right to sell or lease such housing accommodation any offer for the same made by any applicant thereof; or in any other manner to discriminate against any applicant for housing because of race or color, sex, physical or mental handicap, religion, ancestry or national origin of such applicant or of any intended occupant of the housing accommodation, or to make or cause to be made any written or oral inquiry or record concerning the race or color, sex, physical or mental handicap, religion, ancestry or nation origin of any such applicant or intended occupant, or to accept for listing any housing accommodation when the person having the right to sell or lease the same has directly or indirectly indicated an intention of discriminating among prospective tenants or purchasers on the ground of their race or color, sex, physical or mental handicap, religion, ancestry or national origin, or when he knows or has reason to know that the person having the right to sell or lease such housing accommodation has made a practice of such discrimination since July 1, 1972;

**3. People Providing Financial Assistance.** For any person to whom application is made for a loan or other form of financial assistance for the acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation, whether secured or unsecured, or agent of such person, to make or cause to be made any oral or written inquiry concerning the race or color, sex, physical or mental handicap, religion, ancestry or national origin of any individual seeking such financial assistance, or of existing or prospective occupants or tenants of such housing accommodations; or to discriminate in the granting of such financial assistance, or in the terms, conditions or privileges relating to the obtaining or use of any such financial assistance against any applicant because of the race or color, sex, physical or mental handicap, religion, ancestry or national origin of such applicant or of the existing or prospective occupants or tenants.

**4. Tenants Receiving Public Assistance.** For any person furnishing rental premises to refuse to rent or impose different terms of tenancy to any individual who is a recipient of federal, state or local public assistance, including medical assistance and housing subsidies solely because of such individual's status as such recipient.

#### **Sec. 4-204 Application**

Nothing in this Article shall be construed in any manner to prohibit or limit the exercise of the privilege of every person and the agent of any person having the right to sell, rent, lease or manage a housing accommodation to set up and enforce specifications in the selling, renting, leasing or letting thereof or in the furnishings of facilities or services in connection therewith which are not based on the race, color, sex, physical or mental handicap, religion or country of ancestral origin, the receipt of public assistance payments of any prospective or actual purchaser, lessee, tenant or occupant thereof. Nothing in this Article contained shall be construed in any manner to prohibit or limit the exercise or the privilege of every person and the agent of any person making loans for or offering financial assistance in the acquisition, construction, rehabilitation, repair or maintenance or housing accommodations, to set standards and preferences, terms, conditions, imitations or specifications for the granting of such loans or financial assistance which are not based on the race, color, sex, physical or mental handicap, religion or country of ancestral origin, the receipt of public assistance payments of the applicant for such loan or financial assistance or, of any existing or prospective owner, lessee, tenant, or occupant of such housing accommodation.

#### **Sec. 4-205 Reporting Violations**

Any person, who has been discriminated against, in violation of this Article, may call the City Office at 493-3324 between the hours of 8:00 am and 5:00 pm, Monday through Friday.

#### **Sec 4-206 Penalty**

Any person who shall violate any provision of this Article, shall be liable to a penalty of up to \$50.00.

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**Historical Note:** Fair Housing Ordinance was adopted September 3, 1980;

**State Law Reference:** 5 M.R.S.A. §4581 et seq.

### **ARTICLE III PROPERTY MAINTENANCE CODE**

#### **Sec. 4-301 Property Maintenance Code**

The City of Caribou adopted the 2015 edition of the *International Property Maintenance Code*, regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures in the City of Caribou; providing for the issuance of permits and collection of fees therefor.

#### **Sec. 4-302 Amendments**

The City Council of the City of Caribou, County of Aroostook, State of Maine, pursuant to the requirements of the City of Caribou Charter, Section 2.11(1) does ordain the following:

**Section 1.** The *International Property Maintenance Code*, 2012 edition, as adopted by the Caribou City Council in Ordinance 2013-12 is hereby repealed.

**Section 2.** That the *International Property Maintenance Code*, 2015 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of Caribou, in the State of Maine for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the City Clerk City of Caribou are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

**Section 3.** The following sections are hereby revised:

Section 101.1. Insert: City of Caribou

Section 103.5. Insert: The minimum penalty for a specific violation is \$50 payable to the City. The fees for activities and services performed to correct or abate a violation shall be at a cost plus a 10% administrative fee payable to the City.

Section 112.4. Insert: \$25 and \$2,500

Section 302.4. Insert: 7 inches within the Urban Compact Zone

Section 304.14. Insert: May 1 and October 1

Section 602.2. Strike 68° F (20° C) and insert 65° F (18.4° C)

Section 602.3. Insert: October 1 and May 1

Section 602.4. Insert: October 1 and May 1

**Section 4.** If another ordinance, or portion of ordinance, is found to conflict with the ordinances herewith that this ordinance shall supersede any other ordinance.

**Section 5.** That if any section, subsection, sentence, clause or phrase of this legislation is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**Section 6.** That nothing in this legislation or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this law; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

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**Historical Note:** Housing Code was deleted July 14, 1997; Property Maintenance Code was adopted October 15, 2013; Electrical Code was deleted June 9, 2014; International Property Maintenance Code 2015 edition was adopted January 23, 2017.