

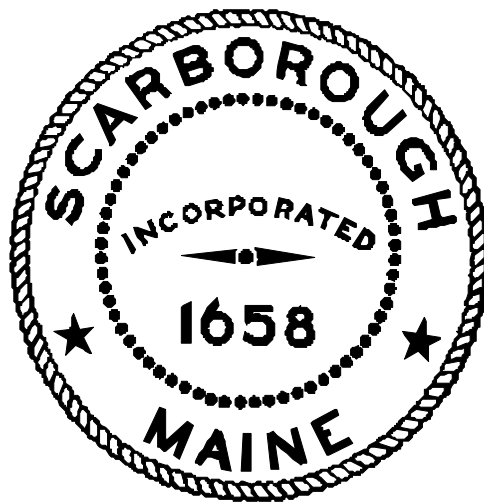
CHAPTER 401

TOWN OF SCARBOROUGH

ORDINANCE ADOPTING THE 2003

INTERNATIONAL BUILDING CODE

EFFECTIVE MAY 5, 2005



ADOPTED MAY 4, 2005
AMENDED FEBRUARY 21, 2007
AMENDED AUGUST 15, 2007

**CHAPTER 401
TOWN OF SCARBOROUGH
ORDINANCE ADOPTING THE 2003 INTERNATIONAL BUILDING CODE**

BE IT ORDAINED, by the Town Council for the Town of Scarborough, Maine, in Town Council assembled, as follows:

Section 1.

That a certain document, a copy of which is on file in the office of the Town Clerk of Scarborough, being marked and designated as the International Building Code, 2003 edition, as published by the International Code Council (“the Code”), be and is hereby adopted as the Building Code for the Town of Scarborough, 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 structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Building Code on file in the office of the Town of Scarborough are hereby referred to, adopted, and made part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section 2. Code Revisions.

Throughout the Code, all references (except in Section 3305.1) to the “International Plumbing Code” shall be deleted and replaced with the words “State of Maine Internal Plumbing Rules Chapter 238.”

Throughout the Code, all references to the “ICC Electrical Code” shall be deleted and replaced with the words “Rules adopted by the Electricians’ Examining Board pursuant to 32 M.R.S.A. § 1153-A.”

Throughout the Code, all references to the “International Fire Code” shall be deleted and replaced with the words “NFPA 1 Uniform Fire Code 2003.”

Throughout the Code, all references to the “International Fuel Gas Code” shall be deleted and replaced with the words “NFPA 54 National Fuel Gas Code 2002.”

Throughout the Code, all references to the “International Private Sewage Disposal Code” shall be deleted and replaced with the words “Maine Subsurface Wastewater Disposal Rules, Chapter 241.”

In addition, the following sections are hereby revised.

Section 101.1 Title is amended by inserting the words “Town of Scarborough” in place of “[NAME OF JURISDICTION].”

Section 105.1 Required is amended by deleting the words “gas, mechanical” without replacement.

Section 108.1, Payment of Fees, is amended by deleting the words “prescribed by law” and substituting therefore the words “specified in the Town of Scarborough Schedule of License, Permit and Application Fees established by the Scarborough Town Council.”

Section 112.1 Board of Appeals, General is amended by deleting the second sentence and inserting the words “The Town of Scarborough Zoning Board of Appeals shall serve as the Board of Appeals.”

Section 112.3 Qualifications is amended by deleting the entire section without replacement.

Section 1025.2 Minimum Size is amended by deleting the “Exception” section without replacement.

Section 1612.3 Establishment of Flood Hazard Areas is amended by inserting the words “Town of Scarborough” in place of “[NAME OF JURISDICTION].” This section is further amended by inserting the words “June 19, 1985” in place of “[DATE OF ISSUANCE].”

Section 1612.4 Design and Construction is amended by deleting the period at the end of the sentence and inserting the words “and the Town of Scarborough Floodplain Management Ordinance.”

Section 2111 Masonry Fireplaces is amended by deleting the entire section and inserting the words “Masonry fireplaces shall be constructed to the standards found in NFPA 211, Standard for Chimneys, Fireplaces, Vents and Solid Fuel-Burning Appliances, 2002 Edition.”

Section 2112 Masonry Heaters is amended by deleting the entire section and inserting the words “Masonry heaters shall be constructed to the standards found in NFPA 211, Standard for Chimneys, Fireplaces, Vents and Solid Fuel-Burning Appliances, 2002 Edition.”

Section 2113 Masonry Chimneys is amended by deleting the entire section and inserting the words “Masonry Chimneys shall be constructed to the standards found in NFPA 211, Standard for Chimneys, Fireplaces, Vents and Solid Fuel-Burning Appliances, 2002 Edition.”

Chapter 30 Elevator and Conveying Systems is amended by deleting it in its entirety and inserting the words “All elevator and conveying systems shall comply with the Maine State Elevator Regulations found in Title 32, Chapter 133 of the Maine Revised Statutes Annotated.

Chapter 32 Encroachment into the Public Right-of-Way is amended by deleting the chapter in its entirety with no replacement.

Section 3305.1 Facilities Required is amended by deleting the words “International Plumbing Code” and inserting the words “Federal and State OSHA requirements.”

Section 3.

Violation Penalties. Any person who violates a provision of the Code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provision of the Code, shall be subject to penalties, upon conviction, of a fine of not less than one hundred (100) dollars and not more than two thousand five hundred (2500) dollars. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Repeal of Prior Ordinances. This ordinance repeals and replaces, as of May 5, 2005, the Town of Scarborough Building Code, Chapter 401, adopted on March 18, 1998.

Section 4. Emergency Measures. [August 15, 2007]

Imminent danger. When, in the opinion of the building official, there is imminent danger of failure or collapse of a building that endangers life, or when any building or part of a building has fallen and life is endangered by the occupation of the building, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors, or the presence of toxic fumes, gases, or materials, or operation of defective or dangerous equipment, the building official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The building official shall cause to be posted at each entrance to such structure a notice reading as follows: “This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Building Official.” It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition, or of demolishing the same.

Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the building official, there is imminent danger due to an unsafe condition, the building official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the building official deems necessary to meet such emergency.

Closing streets. When necessary for public safety, the building official shall temporarily close structures and close or order the authority having jurisdiction to close sidewalks, streets, public ways, and places adjacent to unsafe structures, and prohibit the same from being utilized.

Emergency repairs. For the purposes of this section, the building official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition, directed to the appeals board, be afforded a hearing as described in this code.