



# BUILDING PERMIT ORDINANCE TOWN OF PALERMO

## SECTION 1. GENERAL

### A. TITLE

This Ordinance shall be known as the Town of Palermo Building Permit Ordinance and will be referred to as "this Ordinance".

### B. AUTHORITY

This Ordinance is enacted pursuant to the Home Rule Provisions of the constitution of the state of Maine, and the Home rule and Police Power Statutes.

### C. APPLICABILITY

The provisions of this ordinance shall apply to new construction, exterior enlargement, location or relocation of buildings and mobile homes. Buildings include, but are not limited to, structures as single or two family dwellings, cottages, garages, barns, in-ground swimming pools or storage sheds. This ordinance does not require permits for normal maintenance and repair, or for accessory structures or additions of less than one hundred and seventy-five (175) square feet measured to the outer most point of the structure excluding eaves and overhang.

### D. EFFECTIVE DATE

The effective date of this Ordinance shall be the date approved by the Town of Palermo on: March 8, 2003.

### E. CONFLICT WITH OTHER ORDINANCES

Whenever the requirements of this ordinance are inconsistent with the requirements of any other ordinance, code or statute, the more restrictive requirement shall apply.

### F. VALIDITY AND SEPARABILITY

Should any section or provision of this ordinance be declared by any court to be invalid, such decision shall not invalidate any other section or provision of the ordinance.

## SECTION 2. PERMIT REQUIREMENTS & PROCEDURES

### A. BUILDING PERMIT REQUIRED

Before any work described in Section 1 shall be commenced, the owner or contractor shall obtain a permit from the Code Enforcement Officer.

### **B. APPLICATION FOR PERMIT**

The Code Enforcement Officer shall develop application forms to be used by all applicants seeking building permits. The application for the permit shall be in writing and shall contain a description of the proposed work. A scale drawing of the structure and a plan of the sites shall accompany the application.

### **C. APPLICATION FEE**

Each application for a building permit shall be accompanied by a fee of ~~\$20.00~~ \$.05 sq. ft

### **D. APPROVAL**

The Code Enforcement Officer shall issue or deny the permit within seven days of receipt of a written application and submission of a plumbing permit if required for building usage. All other permits required for the proposal shall be obtained prior to issuance of the permit. The application shall be approved if all relevant ordinances have been met. Notice of denial shall be in writing and shall state the reason thereof.

### **E. APPEAL**

An appeal may be taken within thirty days after any decision of the Code Enforcement Officer, by any party, to the board of Appeals. The Board may reverse the decision of the Code Enforcement Officer only upon a finding that the decision was clearly contrary to specific provisions of this Ordinance or unsupported by weight of the evidence in the record.

### **F. LIFE OF PERMIT**

Unless a specific extension of time is granted by the Code Enforcement Officer, the approval of building permits shall expire one year from the date of approval. (If construction does not begin.)

## **SECTION 3. DEVELOPMENT STANDARDS**

### **A. STATE MINIMUM LOT SIZE LAW**

A DHS permit is required for subsurface wastewater disposal if a lot is less than 20,000 square feet in area for each dwelling or has less than 100 feet of shore frontage.

### **B. PALERMO'S MINIMUM LOT SIZE**

No building or structure shall be located or relocated on any lot in the town of Palermo which has less than 40,000 square feet. The minimum lot size does not apply to lots of record as evidenced by deeds recorded in the Waldo County Registry of Deeds prior to the adoption of this amendment.

### **C. SETBACK REQUIREMENTS**

No building is to be contracted, enlarged, located or relocated on a lot in the Town of Palermo ~~(within ten (10) feet of any property line)~~ within the right-of-way of a public way, nor within forty (40) feet of the centerline of a public way, except where there is a written agreement with the abutter filed with the building permit or a variance is granted by the Board of Appeals. For setback requirements, a lot is defined as all contiguous land in the same ownership.

**SECTION 4. SANITARY REQUIRMENTS**

All plumbing and sewage disposal shall be in strict conformance with the State of Maine Law and the State Plumbing Code.

**SECTION 5. VARIANCES**

A relaxation of the terms of this ordinance in the form of a variance may be granted by the Town of Palermo Board of Appeals where such variance would not be contrary to the public interest, where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this ordinance would result in unnecessary and undue hardship. A financial hardship shall not constitute grounds for granting a variance. The crucial points of a variance are undue hardship and unique circumstances applying to the property. A variance is not justified unless both elements are present in the case.

**SECTION 6. ENFORCEMENT**

**A. VIOLATION AND ENFORCEMENT**

The Code Enforcement Officer, upon finding that any provision of this ordinance or the condition(s) of a permit issued under this ordinance is being violated, shall issue notices of violations, orders to correct, schedules to correct and enter into administrative consent agreements. When the above action does not result in the correction of the violation the Board of Selectmen shall institute legal proceedings to enjoin violations of this ordinance.

**B. FINES**

A person who violates the provisions of this ordinance or the condition(s) of a permit shall be guilty of a civil violation and, on conviction, shall be fined not less than \$100.00 nor more than \$2,500.00. Each day such violation continues, shall constitute a separate violation. Such persons shall also be liable for court costs and reasonable attorney fees incurred by the municipality.

**SECTION 7. AMENDMENTS**

This ordinance may be amended by a majority vote of the Town Meeting or by secret ballot referendum election. Amendments may be initiated by a majority vote of the Planning Board or by request of the Board of Selectmen to the Planning Board or on petition of 10% of the voters who cast votes in the last gubernatorial election in the town. The Planning Board shall conduct a public hearing on any proposed amendment.