

# BUILDING NOTIFICATION ORDINANCE

## TOWN OF LUBEC, MAINE

### 1. PURPOSE:

To provide a means of notifying the Town for assessment and tax purposes, and to provide a means for notification when the application is in violation of existing Town Ordinances.

### 2. AUTHORITY:

2.1 This ordinance is enacted pursuant to 30-A MRSA 3001 (Home Rule).

2.2 The effective date of this ordinance shall be 45 days after adoption by the voters of Lubec.

2.3 This ordinance shall apply to all activities stated in section 1 (Purpose) above commenced after the effective date of the ordinance.

### 3. ADMINISTRATION:

3.1 The Code Enforcement Officer and Plumbing Inspector shall enforce all State Laws and the regulations of this ordinance, with the assistance from the Town Selectpersons.

3.2 The Code Enforcement Officer shall immediately report any violations of this ordinance to the Board of Selectmen.

3.3 The Town Clerk shall accept completed Intent to Build Notification forms and place submitted forms on file in the Town Office.

### 4. NOTIFICATION:

4.1 Before the construction, relocation, placement, expansion or alteration of any building is commenced, the owner or his/her authorized agent shall obtain an Intent to Build Notification from the Town Office to cover such work.

4.2 Intent to Build Notification shall include the following information:

- a. A sketch showing location and layout of proposed building(s)
- b. For new construction, proposed septic system and water source location

4.3 The term "building" as used in this ordinance is defined as a structure or structures or portions thereof, constructed or erected with a fixed location on or in the ground for more than 120 days annually. **This ordinance shall not apply to buildings occupying less than 100 square feet of ground area nor to work the cost of which does not exceed \$1,500.00.**

4.4 The cost of the Intent to Build Notification shall be **\$20.00**.

4.5 The Notification is valid for 1 year and is extendable for an additional year for another **\$20.00**. After 2 years, a new Intent to Build Notification application will be required.

**5. ENFORCEMENT:**

This ordinance shall be enforced pursuant to 30-A MRSA 4452 and all penalties and remedies contained within that statute, as amended, shall apply to any violation of this ordinance.

5.1 Any violation of this ordinance shall be deemed a violation under the law, 30-A MRSA 4452.

5.2 It shall be the duty of the Code Enforcement Officer (CEO) to enforce the provisions of this ordinance. If the CEO shall find that any provision of this ordinance is being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. Copies of such notices shall be delivered to the Selectmen and maintained as a permanent record.

5.3 When the above action does not result in the correction or abatement of the violation, the Municipal Officers are hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations, that may be appropriate or necessary to enforce the provisions of this ordinance in the name of the Municipality.

**6. CONFLICTING PROVISIONS:**

Whenever the regulations made under authority hereof differ from those described in any Federal or State Statute, Ordinance, or other regulations, that provision which imposes the greater restriction or the higher standard shall govern.

**7. VALIDITY:**

If any section, clause, provision, portion or phrase of this ordinance shall be held invalid or unconstitutional by any Court of competent authority, such holding shall not affect, impair or invalidate any other section, clause, provision, portion or phrase of this ordinance.

**8. PENALTY:**

Any person, persons, firm or corporation owning or having control of any building or premises in the Town of Lubec and not obtaining an "Intent to Build Notification" will be subject to penalties as set forth in 30-A MRSA 4452. All burden of proof as to the date of noncompliance rests with the violator.

**9. AMENDMENTS:**

This ordinance may be amended by majority vote of the Town at any Town Meeting, the warrant for which gives notice of proposed change(s).

**TOWN OF LUBEC**  
**INTENT TO BUILD NOTIFICATION**  
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PRESENT DATE: \_\_\_\_\_ PROJECT START DATE: \_\_\_\_\_

APPLICANT NAME: \_\_\_\_\_

APPLICANT ADDRESS: \_\_\_\_\_

APPLICANT PHONE: \_\_\_\_\_

LOCATION OF PROPOSED PROJECT: \_\_\_\_\_

MAP: \_\_\_\_\_ LOT: \_\_\_\_\_

PLEASE ANSWER QUESTIONS BELOW.

1. IS THIS PROPOSED STRUCTURE A NEW BUILDING? \_\_\_\_\_

2. IS THIS PROPOSED STRUCTURE AN EXPANSION OF AN EXISTING STRUCTURE? \_\_\_\_\_

3. DOES THIS STRUCTURE REPRESENT A CONVERSION OF A SEASONAL TO A YEAR ROUND USE? \_\_\_\_\_

4. IS THE STRUCTURE TO BE BUILT OR PLACED WITHIN THE AREA REGULATED BY LUBEC'S SHORELAND ZONING ORDINANCE? \_\_\_\_\_

A. IF YES, WHICH ZONE: RP GD LR WW LC SP

B. COPY OF SZ APPROVAL ATTACHED. \_\_\_\_\_ (for Town use)

5. FOR A NEW BUILDING, ADDITION OF A BEDROOM, OR CONVERSION OF A SEASONAL TO YEAR ROUND USE, ATTACH A COMPLETED HHE 200 or HHE-211.

A. HHE 200 ATTACHED. \_\_\_\_\_ (for Town use)

B. HHE-211 ATTACHED. \_\_\_\_\_ (for Town use)

6. IS THERE A CULVERT TO BE INSTALLED? \_\_\_\_\_

A. LUBEC PUBLIC WORKS DIRECTOR OR MDOT MUST BE NOTIFIED.

B. MDOT ROAD OPENING PERMIT ATTACHED. \_\_\_\_\_ (for Town use)

C. LUBEC PW DIR. RECOMMENDATION ATTACHED. \_\_\_\_\_ (for Town use)

**INTENT TO BUILD NOTIFICATION**

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7. SKETCH OF PROPOSED STRUCTURE. (Attach additional sheets if necessary)

A. INDICATE EXISTING AND PROPOSED STRUCTURES, ROAD FRONTAGE, FRONT, SIDE AND REAR SETBACKS, SEPTIC SYSTEM, WELL, UTILITY POLE, ETC.

PLEASE NOTE: A COMPLETED COPY OF THIS FORM MUST BE PRESENTED TO THE TOWN OF LUBEC BEFORE ANY CONSTRUCTION MAY BEGIN, OR BEFORE ANY STRUCTURE CAN BE MOVED ONTO LAND WITHIN THE TOWN OF LUBEC, MAINE.

FAILURE TO DO SO, YOU WILL BE LIABLE FOR FINES AND PENALTIES AS DESCRIBED WITHIN THE BUILDING NOTIFICATION ORDINANCE ADOPTED BY THE TOWN OF LUBEC, MAINE.

APPLICANT SIGNATURE: \_\_\_\_\_

APPLICANT SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

Date received: \_\_\_\_\_ Fee Paid: \_\_\_\_\_ (for Town use)

Glossary: RP= Resource Protection, GD= General Development, LR= Limited Residential, WW= Working Waterfront, LC= Limited Commercial, SP= Stream Protection, SZ= Shoreland Zoning, MDOT= Maine Dept of Transportation, PW= Public Works, HHE 200= Maine Septic, HHE-211= Plumbing Permit