

**TOWN OF PEMBROKE, MAINE**  
**Amended building Permit Ordinance**

An ordinance of the Town of Pembroke, Maine, enacted by the Town on July 19, 1999

**PURPOSE:** to avoid or mitigate the significant impact which new building can have upon the cost and efficiency of town services and upon the environment of the town and its neighborhoods; including schools, sewers, water supply, and other utilities, recreation facilities, liquid and solid waste disposal, police and first protection, traffic and road, property values, aesthetic and visual characteristics of the neighborhood and the town, to protect the general health, safety, and welfare of the town.

**1-A. BUILDING PERMITS:** No building or other structure shall be erected, moved, or added to without a permit therefore issued by the Code Enforcement Officer (CEO) or Planning Board. No change of use or resumption of nonconforming use may occur without a permit issued by the CEO or Planning Board. No permit shall be issued except in conformity with the provisions of the Ordinance, except after written order from the Board of Appeals.

**1-B. EXEMPTIONS:** Dog houses, playhouses, tool shed and similar storage buildings not greater than 144 square feet in floor area, and not greater than 10 feet tall, shall not require a permit. These exemptions cannot be attached in common to defeat the purpose of this Ordinance. In addition, temporary structures, campers, trailers, and motor homes which are to be occupied, can be placed on a legal lot for up to 120 days without a building permit providing that the owner obtain a plumbing permit from the plumbing inspector prior to placing the structure on the lot, and that all other regulations are adhered to.

**1-C. APPLICATIONS:** All applications for building permits shall include the location, showing at least one right of way to the property, distance from any body of water, the dimensions of the proposed building or alteration – side, front and rear setbacks, and the proposed sewage disposal system as certified by a registered civil engineer or a plumbing inspector appointed by the town. The application shall include such other information as lawfully may be required by the CEO or Planning Board in order to determine conformance with and provide for the enforcement of this Ordinance. The applicant shall have the burden of proof that the proposed building will meet the impact statement included in the Ordinance.

**1-D.** Approval of building permit applications shall be subject to all applicable State and local codes for health, plumbing, sanitation, conservation, and pollution abatement. Upon receipt of a completed application with fee paid, the CEO or Planning Board shall within 30 days approve, approve with conditions, or deny the application in writing to the applicant.

**1-E.** The permit must be exercised within two years and shall expire after 24 months if 30% of the construction or alteration is not completed.

**1-F.** All applications to be considered at a monthly meeting of the Planning Board must be submitted no later than 5 days prior to the monthly meeting. The Planning board meets once a month and all meetings are posted. Each application shall be paid for at the rate of \$15.00 for residential and \$15.00 for commercial and Industrial building. A copy of this Ordinance shall be given to each successful

applicant along with the permit. If a building's usage changes from residential to commercial within 6 months from the time of permit issue, then the permit must be amended with Planning Board approval of usage changes, and adjustments to the application rate will include the commercial rate of 1% of construction cost.

## **2. IMPACT STANDARDS**

**2-A. Lot size, building setback, and height:** All dwellings shall be on lots of at least 1.5 acres (66,000 Sq. Feet). All dwellings shall have a minimum front yard setback of at least 30 feet from the edge of the road right of way and setbacks from side and rear lots of at least 25 feet, and no building shall exceed 35 feet in height. Multiple dwelling units will comply with state laws in regards to minimum lot size.

**2-B. Vehicular Access:** The proposed site layout will provide for safe access and egress from public and private roads. Provision shall also be made for providing convenient and safe emergency vehicle access to all buildings and structures.

**2-C. Parking:** Off street parking will be provided in accordance with the following standards:  
Dwelling: 2 spaces per unit  
Hotels, Motels, Boarding Houses: 1 space per guest room  
Restaurants, Churches, Clubs Recreation Facilities: 1 spacer per every 4 seats  
Stores and Offices: 1 space per 300 square feet of floor area  
Buildings not listed: Spaces shall be provided as for the most similar building listed

**2-D. Soils:** The soils of the site are indicated as generally suitable for the proposed building on the medium intensity soil survey or in the report of a soil scientist.

**2-E. Sewage Disposal:** There will be adequate provision for sewage waste disposal. For buildings requiring septic systems, a report by a licensed soils Evaluator must be submitted showing septic system design. If a closed vault, a plumbing permit is necessary.

**2-F. Air Pollution:** The proposal will meet all Department or Environmental Protection requirements regarding air quality.

**2-G. Soil Erosion:** the proposal will not cause unreasonable soil erosion or reduce the capacity of the land to hold water so that a dangerous or unhealthy condition will result.

**2-H. Noise:** the proposal will not result in undue noise pollution. If it is likely that the proposal will result in noise in excess of that which is normal for the area, it shall be designed and landscaped to minimize noise interference with neighboring uses. Excessive noise at unreasonable hours shall be required to be muffled so as not to be objectionable beyond the property lines. The following uses and activities shall be exempt from the noise level regulations: 1) noises created by construction and temporary maintenance activities between 6:30 AM and 8:00PM.,2) traffic noise on public roads.

**2-I. Surface Water Drainage:** there will be adequate provision for surface water drainage so that removal of surface waters will not adversely affect neighboring properties, downstream water quality, or streets and roads. Whenever possible, on site absorption of run off waters shall be utilized to minimize off site discharge.

**2-J. Exterior Lighting:** there will be no flashing lights or strong lights shining beyond the lot lines onto neighboring properties, or onto any town way so as to impair the vision of the driver of any vehicle upon that town way.

**2-K. Preserve and Enhance the Landscape:** During construction, the landscape will be preserved in its natural state insofar as is practicable by minimizing tree removal, disturbance of soil, and retaining existing vegetation, in order to minimize the impact of the proposed use on neighboring land use.

**2-L. Road Access:** The building will be placed on a lot which is either on a town or private road, or which has a deeded access.

**3. CERTIFICATE OF OCCUPANCY:** It shall be unlawful to use or occupy, or permit the use or occupancy, of any new building or premises which is hereafter constructed, or charged in its use or structure, and which requires site plan review and approval under this Ordinance, until a certificate of occupancy shall have been issued therefore by the CEO and endorsed to the effect that the proposed use of the building conforms with the requirements of this Ordinance. (For occupancy, the CEO will have to assure that all water, septic, electrical, and fire safety codes are met).

**4-A. CODE ENFORCEMENT OFFICER.** It shall be the duty of the CEO of the Town of Pembroke to enforce the provisions of this Ordinance. If the CEO shall find that any of the provisions of this Ordinance are being violated, he shall notify, in writing, the person(s) responsible for such violations, indicating the nature of the violations and specifying the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, structures, additions, or work being done, or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violation of its provisions.

**4-B. LEGAL ACTIONS AND VIOLATIONS:** When any violation of any provision of this Ordinance shall be found to exist, the Selectmen, on their own initiative or upon notice from the CEO, or from the Planning Board, are hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable including seeking injunctions of violations and impositions of penalties, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Town of Pembroke.

**4-C. PENALTIES:** The penalties for violations of this Ordinance shall be as follows:

1. The minimum penalty for starting construction or undertaking a land use activity without the required permit shall be \$100.00 and the maximum penalty shall be \$2500.00.
2. The minimum penalty for any other specific violations shall be \$100.00 and the maximum penalty shall be \$2500.00.
3. In addition, violators may still be ordered to correct or abate the violation.

In all other respects, assessment of penalties under this Ordinance shall be in accordance with Title 30 MRSA, Section 4452. Each day a violation continues may be counted as a separate offense. CEO and or selectmen to the person or party in violation of this Ordinance. Return of the receipt shall not in any respect invalidate enforcement of this Ordinance or any penalties for violation thereof. In addition to the penalties provided herein, the Town may bring action in Superior Court to enjoin violation of the Ordinance and for such other relief as the law may provide.

**5. PUBLIC HEARINGS:** The Planning Board may hold a public hearing on any matter before it. Meetings shall be advertised with 7 days notice in a paper of local circulation at the applicants' expense. In addition, abutting landowners shall be notified by mail of the hearing date, place, and times.

**6. POWERS AND DUTIES OF THE BOARD OF APPEALS:** To interpret provisions of this Ordinance which are called into question to hear appeals, and to grant variances if the criteria is met. Pembroke has an appeals process to the Board of Appeals with State law 30-A ss 4353, and further appeals to the Superior Court, in accordance with State law 30A 2691.

**7. MEANING OF WORDS:** All words not defined herein shall carry their customary and usual meanings. Words used in the present tense shall include the future. Words used in the singular shall include the plural and vice versa. The word "lot" shall include "parcel and plot". The word "shall" is used to indicate the mandatory and the word "may" is used to indicate the permissive. The words "occupied or used" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied".

## **8. DEFINITIONS**

**8-A. Accessory Building or Structure-** A subordinate building or structure or a portion of the main building, the use of which is incidental to that of the main or principal building.

**8-B. Accessory Use-** A use clearly incidental and subordinate to the principal building or use and located on the same lot with such principal building or use.

**8-C. Building-** Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals, or chattel.

**8-D. CEO-** MRSA Title 30 Section 4953 building inspector.

**8-E. Height of Building-** The vertical distance between the highest point of the roof and average grade of the ground adjoining the building. Projections such as TV antennae, chimneys, windmills, ventilators, and solar collectors may exceed allowable building height, but shall be set back from all lot lines a distance not less than the height (from the grade) of such feature or structure.

**8-F. Lot-** A parcel of land occupied or capable of being occupied, by one building and the accessory buildings or uses customarily incidental to it, including such open space as is required by the Ordinance, and having frontage upon an approved street, or private right-of-way. Lots located on opposite sides of public or private road shall be considered each separate lot.

**8-G. Nonconforming Lot-** A single lot of record which at the effective date of adoption or amendment of this Ordinance, does not meet the minimum lot area, lot area per unit, lot coverage, or frontage requirements of the Zone in which it is located. It is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect.

**8-H. Nonconforming Structure-** A structure that does not meet the setback, height, or if applicable, unit size standards of the Zone in which it is located. It is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

**8-I. Nonconforming Use-** A use of building, structure, or area of land which does not conform to the regulations of the district or Zone in which it is situated, but is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

**8-J. Setback, Front-** The distance measured from the street easement or right-of-way to the nearest part of any principal or accessory structure.

**8-K. Setback, Rear-** An open unoccupied space, on the same lot with the building, situated between the rear line of the building and the rear line of the lot and extending the full width of the lot.

**8-L. Setback, Side-** An open unoccupied space, on the same lot with the building, situated between the building and side lot line of the lot and extending from the front yard to the rear yard.

**8-M. Structure-** Any constructed or erected material or combination of materials in or upon the ground, including, but not limited to, buildings, mobile homes, radio towers, satellite dishes, sheds, signs, decks, and storage bins, but excluding motor vehicles, boats, fences, sidewalks, and paving in the following items: streets, driveways, parking areas or patios.

**8-N. Subdivision-** The division of land in single ownership into three or more parcels or lots.

**8-O. Variance-** A variance is a relaxation of the terms of this Ordinance.