
TOWN OF JEFFERSON BUILDING ORDINANCE

Amended – November 8, 2022

Certification of Proposed Ordinance by the Municipal Officers

This certifies to the municipal clerk of Jefferson that the within ordinance is a true copy of a proposed ordinance entitled TOWN OF JEFFERSON BUILDING ORDINANCE to be acted upon by the voters by secret ballot to be held November 5, 2024.

Dated: October 7, 2024

Municipal Officers of Jefferson

Pamela J. Hutton

Claudia Tuff-Read

Robert E. Curry

“Attest: A true copy of an ordinance entitled ‘TOWN OF JEFFERSON BUILDING ORDINANCE’ as certified to me by the municipal officers of Jefferson on the 7th day of October, 2024.”

Signature

Rachael E. Bethune

Town Clerk of Jefferson

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Section 1. Purpose

The purpose of this ordinance is to promote safety, health and public welfare through establishing minimum standards for the construction, alteration, relocation, placement and replacement of structures, and to establish minimum lot standards.

Section 2. Authority

This ordinance is adopted pursuant to the enabling provisions of Article VII-A of the Maine constitution, the provisions of Title 30-A M.R.S.A. (Maine Revised Statutes ~~Annotated~~) §3001 (HOME RULE), and Title 30-A M.R.S.A., §3007 (Specific Ordinance Provisions) and Title 30-A M.R.S.A., §4364-A (Residential areas, generally; up to 4 dwelling units allowed) and B (Accessory Dwelling Units).

This ordinance should not be construed to interface with, abrogate or annul the validity or enforceability of any valid or enforceable easement, covenant, deed restriction, or other agreement or instrument between private parties that imposes greater restrictions than those provided in this ordinance, as long as the agreement does not abrogate rights under the United States Constitution or the Constitution of Maine.

Section 3. Applicability

- A. The conditions of this ordinance shall apply to new construction, additions, alterations, relocation, placement, and replacement of structures. The provisions shall also apply to conversion of single-family structures to multifamily structures, the conversion of seasonal dwellings to year-round dwellings, the conversion of non-residential structures to residential structures, the conversion of residential structures to non-residential structures and the conversion of non-residential to new non-residential structures. The provisions shall also apply to accessory dwelling units and additional dwelling units.
- B. The provisions of this ordinance shall not apply to structures constructed prior to the date of its enactment, except that relocation, replacement, alteration, additions and conversions identified in Section 3. A, shall comply with the provisions of this ordinance.
- C. Nonconforming Lots: A lot record that existed prior to March 8, 1986 which was legally established having at least 0.5 acre of area and a lot of record that existed prior to June 13, 2001 which was legally established having at least 1.0 acre of area may be built upon without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot size and frontage can be met. A variance relating to setback or other requirements not involving lot size or frontage shall be by action of the Board of Appeals.

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- D. The Ordinance requirements of the above paragraph shall be the Town of Jefferson amended Building Ordinance dated March 13, 1999.
- E. Nonconformance
1. Any structures, premises, land or parts thereof existing at the effective date of this ordinance or amendments thereto and not in conformance with the provisions of this ordinance, shall be considered to be a nonconforming structure.
 2. Repair & Maintenance. This Ordinance allows, without a permit, the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations which do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as federal, state, or local building and safety codes may require. Any non-conforming structure removed or demolished may be replaced if done within two (2) years.
 3. No structure other than one which is readily portable and/or covers less than one hundred and one (101) square feet of ground area shall be erected or placed on any land in Jefferson without a permit.
 4. Contiguous Lots: Vacant or Partially Built: If two or more contiguous lots or parcels in single or joint ownership of record at the time or since the adoption or adornment of this Ordinance, and if any of these lots do not individually meet the dimensional requirements of this Code, they may be built upon, conveyed separately, or conveyed together, provided they can accommodate a subsurface sewage disposal system in conformance with the State of Maine Sub Surface Sewage Disposal Rules.
- F. See Shoreland Zoning Ordinance for additional standards and requirements within that zone.

Section 4. Effective Date and Repeal of Formerly Adopted Ordinances

The effective date of this Ordinance shall be November 5, 2024, after it was adopted by the vote of the legislative body of the Town of Jefferson.

This Ordinance may in no way impair or remove the necessity of compliance with any other rule, regulation, by-law, permit or provision of law. This Ordinance shall apply to all construction commenced after the effective date of the Ordinance.

The following Ordinances are hereby repealed with the adoption of this Ordinance: Town of Jefferson Building Ordinance adopted March 8, 1986 and amended March 11, 1989, March 10, 1990, March 13, 1999, May 1, 2001, March 26, 2013 and November 8, 2022.

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Section 5. Availability

A certified copy of this Ordinance shall be filed with the Municipal Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of this Ordinance shall be posted.

Section 6. Severability

Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate the remaining portions of this Ordinance.

Section 7. Conflicts with Other Ordinances

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute administered by the municipality, the more restrictive provision shall control.

Section 8. Amendments

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

Section 4 9. Administration

A. Code Enforcement Officer

This ordinance shall be administered by a Code Enforcement Officer (CEO) who shall be appointed or re-appointed annually by the Municipal Officers. The Code Enforcement Officer may inspect all buildings being constructed, placed, altered, replaced, relocated, or converted for the purpose of enforcing the provisions of this ordinance. The Code Enforcement Officer, in the performance of his duties, shall have the right to enter any property at reasonable hours or enter any building with the consent of the owner, occupant or agent to inspect the property or building for compliance with this ordinance.

B. Building Permits

1. A building permit shall be obtained prior to the construction, alterations, relocation, placement, replacement, conversion or change of occupancy of any structure or part thereof. The owner or owners authorized agent shall obtain from the Town of Jefferson, an application for a building permit covering such

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proposed work.

- a. Any inhabitable structure regardless of the square footage will require a building permit.
2. This Ordinance allows, without a permit, the normal upkeep and maintenance of structures including repairs or renovations that do not involve expansion of the structure, and any other changes in a structure as federal, state, or local codes may allow.
3. In the absence or disability of the Code Enforcement Officer, permits may be issued by the Planning Board.

C. Application for Permits

1. The application for a building permit shall be in writing and shall be submitted on forms provided by the Town of Jefferson and shall contain a description of the proposed new structure, alteration, relocation, replacement, placement, conversion or change of occupancy. The completed application shall be submitted to the CEO.
2. The CEO shall review all permits for multi-family and commercial properties with the Fire Chief and/or his/her designee.

D. Permit Approval or Denial

1. Approval, approval with conditions, or denial of the completed application shall be made by the CEO within fifteen (15) days of submission of a completed application. A soil test, site evaluation, and Plumbing Permit are prerequisite to issuance of a Building Permit where plumbing or subsurface wastewater disposal is indicated. The approval or denial of the application shall be signed by the CEO. Notice of denial and conditional approvals shall be in writing and state the reasons. The approved application shall be returned to the Town Office. The CEO will issue the permit.
2. Absent the CEO, the Planning Board will issue permits within thirty-five (35) days.

E. Term of Permit

All construction shall have substantial commencement within six (6) months of date of issue of a Building Permit and be completed within one (1) year or a new permit must be obtained in the same manner as identified in Sections 4. C and D above. A substantial commencement (or start) is considered as thirty percent (30%) of a permitted structure.

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F. Display of Permit

Permits must be on display in a prominent place at the site of construction, be clearly visible, and shall not be removed until all work covered by the permit is completed and approved.

G. Revisions

No changes or revisions to the approved application shall be made in the process of constructing, reconstructing, altering, replacing, placing, relocating or converting a structure without approval of the CEO if the provisions of this ordinance shall apply.

H. Fees

1. An application for a permit required by this ordinance shall be accompanied by an application fee payable to the Town of Jefferson. No application shall be considered complete until such a fee is received. The application fee is non-refundable.
2. Prior to the Code Enforcement Officer issuing a permit required by this ordinance, a Permit Fee payable to the Town of Jefferson based on the schedule set by the Selectmen, shall be paid. The ~~Selectmen~~ Select Board shall have the authority to set and revise the fee schedule after conducting a public hearing on the proposed fee schedule. The fee schedule will take effect three weeks after the date of the public hearing.

I. Inspections

1. The Code Enforcement Officer shall inspect all multi-family and commercial buildings being constructed, altered, replaced, relocated or having a change of occupancy for the purpose of enforcing the provisions of this ordinance and all other local and state laws governing the construction, alteration or replacement of buildings. It shall be the responsibility of the owner or his representative to notify the Code Enforcement Officer one business day prior to the start of construction and the Code Enforcement Officer shall inspect said construction within five business days of notification, or it shall be considered inspected.
2. To promote the safety of building occupants and firefighters, The Fire Chief and/or his/her designee shall periodically survey multi-family and commercial properties to ensure compliance with the Life Safety Code. Any non-compliance with the Life Safety Code shall be reported to the Code Enforcement Officer.

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Section 5 10. Standards

Inspections shall be conducted to ensure compliance with the following standards:

A. Lot Size

1. Lot size standards set forth in the Shoreland Zoning Ordinance for Jefferson, Maine shall govern those areas regulated by that Ordinance.
2. The following dimensional requirements shall be met for new construction and placement of principal structures.

Minimum Lot Area..... two (2) acres - 87,120 square feet

A duplex house may be allowed on a two (2) acre lot.

~~Any additional structure that will contain a second dwelling unit other than an accessory apartment will require an additional two (2) acres per dwelling unit.~~
Additional dwelling units or accessory dwelling units are allowed per requirements set forth in Section N (Accessory Dwelling Units) and Section O (Multiple Dwelling Units Allowed) below. However, an additional dwelling unit will require an additional two (2) acres.

Minimum Road Frontage two hundred (200) feet

Minimum Front Setback.....for a:

- a. Public Road/Highway. All structures (either principal or other auxiliary) shall have a minimum setback of eighty-five (85) feet measured from the centerline of the road. In such locations where existing structures have legally been sited closer to the road, the setback shall be determined as the average setback of existing principle residences/structures located within five hundred (500) feet and fronting on the same road.
- b. Non-Public (Private) Road. All principal structures shall have a minimum setback of twenty-five (25) feet from the outside edge of the travelled way unless existing principal structures are already sited on the road at a lesser distance. In such circumstances, the setback shall be no less than the minimum setback of existing principal residences fronting on the same road.

Minimum Side and Rear Setback.....twenty-five (25) feet from any lot line in the parcel.

3. Farm Stand Exception. The minimum setback from the edge of any road shall be at least twenty (20) feet and allow for customer access approved by permit from the Maine DOT and/or Road Commissioner. A farm stand is defined as a non-manufacturing structure for the sale of seasonal merchandise and operating eight (8) months or less per year. Such structure is limited to two hundred (200) square feet single story with no permanent foundation.

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Structures cannot exceed sixteen (16) feet in height. Other proposed structures may not reference the farm stand setback as a standard of reference to determine setback. Only one farm stand shall be allowed per buildable lot.

4. ~~Accessory Apartments~~ Accessory apartments shall adhere to the following standards. It shall be the responsibility of the property owner to demonstrate to the Planning Board or Code Enforcement Officer, as applicable, that the standards have been met.
 - a. ~~The owner of the principal structure must reside in either the principal structure or the accessory unit.~~
 - b. ~~One of the occupants of the accessory unit must be a member of the extended family of the owner of the principal structure. Extended family shall include father, mother, son, daughter, sister, brother, grandparent, aunt and uncle.~~
 - c. ~~The number of occupants of the accessory unit is limited to two.~~
 - d. ~~The accessory unit shall contain up to a maximum of nine hundred (900) square feet of living space, and shall be limited to no more than two (2) bedrooms.~~
 - e. ~~The septic system on the property in question shall be functioning properly at the time of application for site plan review. In addition, the applicant shall submit a new HHE-200 form as documentation that another area of suitable soils exists on the property to be used for replacement subsurface wastewater disposal system in the event of failure of the original system. A copy of the HHE-200 form shall be recorded at the Lincoln County Registry of Deeds.~~
 - f. ~~The parking requirements of the performance standards contained herein or those of the applicable zoning district apply.~~
 - g. ~~Proper ingress and egress shall be provided to the accessory unit.~~
 - h. ~~Upon approval of the addition of an accessory unit by the Planning Board, or the CEO as applicable, a deed restriction shall be placed on the property in question, and recorded at the Lincoln County Registry of Deeds. The deed restriction shall limit the approval of the accessory unit as a non-market rental subject to the standards of Section 51.~~
 - i. ~~Should the owners of the principal structure be found in non-compliance with the standards contained in this section, the accessory unit shall be discontinued and the structure shall revert to single family~~

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~~use:~~

4. Lots in Mobile Home Parks. Lots in mobile home parks shall comply with the provisions of Title 30-A M.R.S.A. § 4358(3)(a).

B. Multi-Family Structures

1. Lot size standards set forth in the Jefferson, Maine Shoreland Zoning Ordinance shall govern those areas regulated by that Ordinance.
2. Without prior approval of the Jefferson Planning Board, no condominium, cooperative building, apartment building, nursing home, boarding house, cluster housing or planned unit development or any other structure or group of structures designed for occupancy by more than two families shall be either constructed or located in Town or created through the adaptation of an existing structure or existing structures.
3. The following requirements in addition to the requirements contained in Section ~~5.A.2~~ 10.A.2 shall be met for new or converted multi-family structures.
 - a. Lots for multi-family structures shall have 20,000 square feet of land area for each dwelling unit above two (2) in addition to the minimum lot size requirements.
 - b. For each dwelling unit above two (2), there shall be an additional fifty (50) feet of road frontage in addition to minimum lot size requirements.
 - c. Side and rear setbacks shall be a minimum of fifty (50) feet.
 - d. The Planning Board shall use the Subdivision Ordinance of the Town of Jefferson for reviewing the projects listed in ~~5B2~~ 10.B.2.

C. Accessory Structures

Accessory structures shall have a minimum setback of eighty (85) feet from the center line of a road and twenty-five (25) feet from all lot lines except on private roads, where the setback is twenty-five (25) feet from the outside edge of the travelled way.

D. Structure Height

No structure or portion thereof intended for human habitation shall exceed three stories and no more than thirty-five (35) feet from the highest grade level contacting the foundation.

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E. Driveways

Each residential structure shall have a driveway not less than twelve (12) feet in width and extend at least sixteen (16) feet beyond the road right-of-way width. Driveways shall be inspected by the Road Commissioner or D.O.T. prior to installation to determine if a culvert shall be required. Refer to the suggestions in the Driveway Safety Guideline book for additional information.

F. Off-Street Parking

For each dwelling unit there shall be provided two (2) off-street parking spaces. Such spaces shall be a minimum of 9 feet by 25 feet (9x25) and shall be located beyond the road right-of-way. The off-street parking spaces may be provided by driveways, garage space, parking lot space or any combination thereof.

Additional parking for Accessory Dwelling Units is not required.

G. Conversion of Seasonal Dwellings

The conversion of a seasonal dwelling to a year-round dwelling shall comply with the provisions of the State of Maine Subsurface and Wastewater Disposal Rules and shall require proof that an access road meets private road specifications listed in the Subdivision Ordinance for the Town of Jefferson.

H. Chimneys

All chimneys shall be constructed of masonry with ceramic or tile lining or Underwriters Laboratories (UL) approved prefabricated chimney. Uninsulated smoke pipes (stovepipes) shall not pass through a floor or ceiling, or through a combustible wall or partition.

I. Electrical

All buildings that are to be wired shall have adequate and safe electrical service, and all new installations of electrical equipment shall be reasonably safe to persons and property. Conformance with National Electric Code standards shall be prima facie evidence of compliance. All electrical installation entrances shall be installed or approved by a licensed electrician, and shall be in accordance with Title 30-A M.R.S.A. Sections 4161-4162 and as may be amended.

J. Insulation

Insulation for new residential buildings or dwelling units contained in a multi-family structure shall comply with the standards contained in Title 10 M.R.S.A. Section 1415, and as may be amended.

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K. Plumbing

All plumbing shall be inspected by a licensed Plumbing Inspector and will require his/her approval of conformance with the State of Maine Internal Plumbing Rules and Subsurface Disposal Rules and other applicable state laws.

L. Fire Safety

New construction, alterations, additions and change of occupancy or use shall comply with the ~~most recent~~ edition of the Life Safety Code, National Fire Protection Association 101, that is currently in use by the Office of the State Fire Marshall. This section shall be enforced by the Code Enforcement Officer and the Town of Jefferson's Fire Chief. One- and two-family dwellings shall be exempt from the sprinkler requirements of the Life Safety Code.

M. Manufactured Homes

Manufactured Homes intended for year-round dwelling units sited in the Town of Jefferson after the effective day of this Code shall comply with the provisions of Title 30-A M.R.S.A. § 4358(2)(D) and (E).

N. Accessory Dwelling Units (ADUs)

ADUs are permitted in the Town of Jefferson in order to:

- Provide older homeowners with a means of obtaining rental income, companionship, security, and services, thereby enabling them to stay more comfortably in homes and neighborhoods they might otherwise be forced to leave;
- Add moderately priced rental units to the housing stock to meet the needs of smaller households and make housing units available to moderate income households who might otherwise have difficulty finding housing;
- Develop housing units in single-family neighborhoods that are appropriate for households at a variety of stages in their life cycle;
- Provide additional privacy to multi-generational households;
- Provide housing units for persons with disabilities; and
- Protect stability, property values, and the residential character of a neighborhood.

1. General Requirements for ADUs:

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- a. ADUs are year-round residences for residential housing. ADUs are not short-term rental units/properties (i.e., rented less than 30 days).
- b. One ADU shall be permitted per parcel which has a single-family or two-family dwelling on it. An ADU must clearly be an accessory to the principal dwelling unit on the parcel.
- c. An ADU may be constructed only:
 - 1) Within an existing dwelling unit on the lot;
 - 2) Attached to or sharing a wall with a single-family dwelling unit; or
 - 3) A new structure on the lot for the primary purpose of creating an ADU.
- d. ADUs shall not be intended for sale and shall remain in common ownership with the primary dwelling unit.
- e. An ADU may have no more than two bedrooms.
- f. The ADU will be a complete living unit, with a separate living space and containing both a kitchen and bath.
- g. The primary exterior materials of an attached or detached ADU shall be similar in appearance to the primary exterior materials of the principal structure to the extent reasonable.
- h. A detached ADU shall share the existing access drive of the primary residential dwelling unit.
- i. In order to encourage the development of housing units for disabled and handicapped individuals, persons with limited mobility and older adults, the Code Enforcement Officer may allow reasonable deviation from the stated conditions where necessary to install features that facilitate access and mobility for disabled persons.
- j. All ADUs must meet the minimum requirements for a dwelling in relation to other codes (building, fire, plumbing etc.) not specific to ADUs and must provide for basic facilities for living sleeping, cooking and sanitation.
- k. ADUs are not allowed on a vacant lot.
- l. Dimensional, lot area, and setback requirements established in this ordinance shall apply to each dwelling unit on the lot.

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- m. An ADU must be at least 190 square feet and no larger than 900 square feet.
- n. No additional parking spaces are required with an ADU.
- o. ADUs developed under this section must also comply with Shoreland Zoning and Subdivision Ordinances.
- p. An ADU is allowed on a nonconforming lot only if the ADU does not further increase the nonconformity (i.e., the ADU does not cause further deviation from the dimensional standard(s) creating the nonconformity, excluding lot size).

2. Building, Health, Fire and Safety Requirements

- a. Prior to obtaining a building permit from the Code Enforcement Officer, the owner of the dwelling unit(s) shall provide written verification that the proposed unit is to be connected to adequate water and wastewater services. Written verification shall include the following:
 - (1) If a housing structure is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector pursuant to 30-A M.R.S. §4221. Plans for a subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 C.M.R.Ch. 241, Subsurface Wastewater Disposal Rules;
 - (2) If a housing structure is connected to a well, proof of access to adequate water, including the standards outlined in 01-672 C.M.R. Ch. 10 section 10.25(J), Land Use Districts and Standards. Any test of an existing well or proposed well must indicate that the water supply is adequate and acceptable for domestic use.
- b) The ADU must have its own electric panel.
- c) The ADU shall comply with the requirements of the State Fire Marshall's office NFPA101 (Life Safety Code) in effect at the time of the structure's development.

O. Multiple Dwelling Units Allowed

Beginning July 1, 2024, multiple dwelling units may be constructed on lots where housing is allowed, subject to the following requirements.

- 1. If a lot does not contain an existing dwelling unit, up to two (2) dwelling units per lot are allowed.
- 2. If a lot contains an existing primary dwelling, up to two (2) additional dwelling units

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are allowed in the following configurations:

- a) One within the existing structure (e.g., basement or attic) or attached to the existing structure;
 - b) One detached from the existing structure; or
 - c) One of each.
3. If a lot contains two existing dwelling units as of the effective date of this amended ordinance, no additional dwelling units may be built on the lot.
 4. An additional two (2) acres is required for an additional dwelling unit.
 5. Setback requirements established in this ordinance shall apply to each dwelling unit on the lot.
 6. Housing structures developed under this section must also comply with Shoreland Zoning and Subdivision Ordinances
 7. Prior to obtaining a building permit from the Code Enforcement Officer, the owner of the dwelling unit(s) shall provide written verification that the proposed unit is to be connected to adequate water and wastewater services. Written verification shall include the following:
 - a) If a housing structure is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector pursuant to 30-A M.R.S. §4221. Plans for a subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 C.M.R.Ch. 241, Subsurface Wastewater Disposal Rules;
 - b) If a housing structure is connected to a well, proof of access to adequate water, including the standards outlined in 01-672 C.M.R. Ch. 10 section 10.25(J), Land Use Districts and Standards. Any test of an existing well or proposed well must indicate that the water supply is adequate and acceptable for domestic use.

Section 6 11. Appeals

A. Powers and Duties of the Board of Appeals

Appeals shall be submitted to the Jefferson Board of Appeals, according to the procedures of the Town of Jefferson Board of Appeals Ordinance. The appellant must complete an appeal form (available at the Town office). The appellant must complete all sections, explaining the need for a variance. Each of the “hardship” criteria (see

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below) must be met in order for a variance to be granted. To the extent that the following provisions are inconsistent with that Ordinance, the following provisions of this ordinance shall control. The Board of Appeals shall have the following powers:

1. Administrative Appeals

The Board of Appeals shall hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by, or failure to act by the Code Enforcement Officer, Fire Chief or Planning Board in the enforcement or administration of this ordinance.

2. Variance Appeals

The Board of Appeals shall authorize variances upon appeal within the limitations set forth in this ordinance.

B. Variance Appeals. Variances may be permitted only under the following conditions.

1. Variances may be granted from dimensional requirements including but not limited to lot width, structure height, percent of lot coverage, and setback requirements and the standards in Section 5.
2. The Board shall not grant a variance unless it finds that:
 - a. the proposed structure or use would meet the provisions of Section 5 except for the specific provision which has created the nonconformity and from which relief is sought; and
 - b. the strict application of the terms of this Ordinance would result in undue hardship.

The term “undue hardship” shall mean

- i. the land in question cannot yield a reasonable return;
 - ii. the need for a variance is due to unique circumstances of the property and not to the general neighborhood conditions;
 - iii. the granting of a variance will not alter the essential character of the locality; and
 - iv. the hardship is not the result of action taken by the applicant or a prior owner.
3. The Board of Appeals may grant a variance to property owners for the purpose of

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making that property accessible to a person with a disability that is living on the property. The Board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access or to egress from property by the person with the disability. The board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives on the property.

The term “structures necessary for access to or egress from the property” shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure., as well as ramps, stairs, patios or access trails.

4. The Board of Appeals shall limit any variances as strictly as possible in order to ensure conformance with the purposes and provisions of this ordinance to the greatest extent possible, and in doing so, may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.

C. Appeal Procedure

1. Making an Appeal

- a. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party because of any decision of the Code Enforcement Officer or the Planning Board. Such appeal shall be filed within thirty (30) days of the decision prompting the appeal.
- b. Such appeal shall be made by filing with the Board of Appeals a written notice of appeal, which includes
 - i. a concise written statement indicating what relief is requested and why it should be granted;
 - ii. a sketch drawing to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought; and
 - iii. a fee payable to the Town of Jefferson to cover administrative costs and public hearing notices shall be determined by the Selectmen.
- c. Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision prompting the appeal.
- d. The Board of Appeals shall hold a public hearing on the appeal within thirty-

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five (35) days of its receipt.

2. **Decision of Board of Appeals**

- a. A majority of the Board shall constitute a quorum for the purpose of deciding an appeal. A member who abstains shall not be counted in determining whether a quorum exists.
- b. The concurring vote of a majority of the members of the Board of Appeals present and voting shall be necessary to reverse an order, requirement, decision or determination by the Code Enforcement Officer, Fire Chief or Planning Board, or decide in favor of the applicant on any matter which is required to be decided under this Code, or to affect any variation in the application of this Code from its stated terms. The Board may reverse the decision, or failure to act, of the Code Enforcement Officer, Fire Chief or Planning Board only upon a finding that the decision, or failure to act, was clearly contrary to specific provisions of this Code.
- c. The person filing the appeal shall bear the burden of proof.
- d. The Board shall decide all appeals within thirty (30) days after the close of the public hearing and shall issue a written decision on all appeals.
- e. All decisions shall become part of the record and shall include a statement of findings and conclusions as well as the reasons or basis therefore, and the appropriate order, relief or denial thereof.

D. Appeal to Superior Court

Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with state laws within forty-five (45) days from the date of any decision of the Board of Appeals.

E. Reconsideration

The Board of Appeals may reconsider any decision within thirty (30) days of its prior decision. The Board may conduct additional hearings and receive additional evidence and testimony.

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Section 7 12. Enforcement

A. Violations

Any structure built or placed or works performed on site in violation of the provisions of this ordinance shall be considered a nuisance.

B. Penalties

Any person who continues to violate this ordinance after receiving notification of violation by the Code Enforcement Officer shall have committed a civil violation and shall be subject to a penalty pursuant to Title 30-A M.R.S.A. § 4452. Each day that such a violation exists shall be deemed a separate offense without a written agreement of correction.

C. Notification

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this ordinance. If the Code Enforcement Officer shall find a violation has occurred, he or she shall notify in writing the person responsible for such a violation, indicating the nature of the violation and ordering the action necessary to correct it. These violations include illegal use of land, building, structures or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. The Code Enforcement Officer shall maintain a record of such notices. A copy of such notices shall be maintained at the Town Office.

D. Legal Actions

When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer and the recommendation of the Planning Board, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this ordinance in the name of the municipality. The Municipal Officers or their authorized agent are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this ordinance and recovering fines without court action.

E. Liability for Violations

Any person, including, but not limited to, a landowner, the landowner's agent or a contractor, who violates any of the laws or ordinances set forth in this Ordinance is liable for the penalties set forth as follows:

1. The minimum penalty for undertaking a land use activity without a required

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permit is \$100 and the maximum penalties are \$2,500.00.

2. The minimum penalty for a specific violation is \$100, and the maximum penalty is \$2,500. Each day any violation continues may constitute a separate offense.
3. The violator may be ordered to correct or abate the violation unless the abatement or correction results in:
 - a. a threat or hazard to public health or safety;
 - b. substantial environmental damage; ~~or~~
 - c. a substantial injustice.
4. If the municipality is the prevailing party, the municipality must be awarded reasonable attorney fees, expert witness fees and costs, unless the court finds that special circumstances make the award of these fees and costs unjust. If the defendant is the prevailing party, the defendant may be awarded reasonable attorney fees, expert witness fees and costs provided by court rule.
5. In setting a penalty, the court shall consider, but is not limited to, the following:
 - a. prior violations by the same party;
 - b. the degree of environmental damage that cannot be abated or corrected;
 - c. the extent to which the violation continued following a municipal order to stop; ~~and~~
 - d. the extent to which the municipality contributed to the violation by providing the violator with incorrect information or by failing to take timely action.
 - e. The maximum penalty may exceed \$2,500, but may not exceed \$25,000 when it has been shown that there has been a previous conviction of the same party within the past two years for a violation of the same law or ordinance.
 - f. The penalties for a violation of waste discharge licenses issued by the municipalities pursuant to Title 38, M.R.S.~~A.~~, or violations of aseptic land disposal or storage site permit issued by the Department of Environmental Protection under Title 38, M.R.S.~~A.~~
 - g. If the economic benefit resulting from the violation exceeds the

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applicable penalties under this section, the maximum civil penalties may be increased.

The maximum civil penalty may not exceed an amount equal to twice the economic benefit resulting from the violation. Economic benefit includes, but is not limited to, the costs avoided or the enhanced value accrued at the time of the violation as a result of the violator's noncompliance with the applicable legal requirements.

~~Section 8. Validity and Severability~~

~~Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate the remaining portions of this Ordinance.~~

~~Section 9. Amendments~~

~~This Ordinance may be amended by majority vote of the Town at any Town Meeting, the warrant for which gives notice of the proposed change.~~

~~Section 10. Effective Date~~

~~The effective date of this Ordinance shall be November 5, 2024, after it was adopted by the vote of the legislative body of the Town of Jefferson.~~

~~This Ordinance may in no way impair or remove the necessity of compliance with any other rule, regulation, by law, permit or provision of law. This Ordinance shall apply to all construction commenced after the effective date of the Ordinance.~~

~~The following Ordinances are hereby repealed with the adoption of this Ordinance: Town of Jefferson Building Ordinance adopted March 8, 1986 and amended March 11, 1989, March 10, 1990, March 13, 1999, May 1, 2001, March 26, 2013 and November 8, 2022.~~

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Section 13. Definitions

Accessory Structure: a structure which is incidental and subordinate to the principal structure.

Accessory Dwelling Unit (ADU): a self-contained dwelling unit located within, attached to or detached from an existing single-family unit located on the same parcel of land.

Addition: an increase in the floor area or volume of a structure.

Alteration: the change or rearrangement in the structural parts or in the means of egress.

Commercial Structure: a structure, other than a “home occupation”, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental and residential buildings and/or dwelling units.

Contiguous Lots: lots in the same ownership which adjoin at any line or point, except that lots on opposite sides of a public or private road shall be each considered a separate tract or parcel unless such road was established by the owner of the land on both sides thereof.

Duplex House: a structure in which two separate dwelling units are located, each with their own separate entrance/exits, sleeping quarters and kitchen facilities.

Dwelling Unit: any room, group of rooms or other areas of a structure designed or used for human habitation.

Expansion of a Structure: an increase in the floor area or volume of a structure, including all extensions such as, but not limited to: attached decks, garages, porches and greenhouses.

Expansion of Use: the addition of one or more months to a use’s operating season; or the use of more floor area or ground area devoted to a particular use.

Foundation: the supporting substructure of a building or other structure excluding wooden sills and post supports, but including basements, slabs, frost walls, or other base consisting of concrete, block, brick or similar material.

Habitable Structure or Space: A structure or an area in a structure for living, sleeping, eating or cooking. Bathrooms, toilets, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

Height of a Structure: The vertical distance between the mean original grade at the uphill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas and similar appurtenances which have no floor area.

Home Occupation: an occupation or profession which is customarily conducted on or in a

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residential structure or property and which is: 1) clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and 2) which employs no more than two (2) persons other than family members residing in the home.

Increase In Nonconformity of a Structure: any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity such as, but not limited to, reduction in water body, tributary stream or wetland setback distance, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no farther increase in the linear extent of nonconformance of the existing structure shall not be considered to increase nonconformity. For example, there is no increase in nonconformity with the setback requirement for water bodies, wetlands, or tributary streams if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. Hence, a structure may be expanded laterally provided that the expansion extends no closer to the water body or wetland than the closest portion of the existing structure from that water body or wetland. Included in this allowance are expansions, which infill irregularly, shaped structures.

Lot Area: an area of land in one ownership, or one leasehold, with ascertainable boundaries established by deed or instrument of record, or a segment of land ownership defined by lot boundary lines on a land subdivision plan duly approved by the Planning Board and recorded in the Lincoln County Registry of Deeds, or the total horizontal area within the lot lines.

Manufactured Housing/Mobile Home Unit: structures, transportable in one or two sections, which were constructed in a manufacturing facility and are transported to a building site and designed to be used as dwellings when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein and otherwise defined in Title 30-A M.R.S.A. Section § 4358(1).

Minimum Lot Width: the closest distance between the sidelines of a lot.

Multi-Family Dwelling: a residential structure containing three (3) or more residential dwelling units.

Non-Conforming Lot: a single lot of record, which, at the effective date of adoption or amendment of this Ordinance, does not meet the area, frontage or width requirements.

Principal Structure: a building other than one which is used for purposes wholly incidental or accessory to the use of another building or use on the same premises.

Public Road/Highway: one which is maintained by state or local governments.

Non-Public (Private) Road: one which is not maintained by state or local governments but is maintained by private individuals or groups/associations of such individuals residing on said road and upon which there are two or more residences.

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Recreational Vehicle: a vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, and which may include a pickup camper, travel trailer, tent trailer, camp trailer and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground, and must be registered with the State Division of Motor Vehicles.

Residential Dwelling Unit: a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family. The term shall include mobile homes, but not recreational vehicles.

~~**Road:** public and private ways such as avenues, highways, and other rights-of-way, as well as areas on subdivision plans designated as right-of-way for vehicular access other than driveways, farm roads or logging roads.~~

Road: public or private route, track, avenue, highway and other rights-of-way, designated for vehicular access other than driveways, farm roads and consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of vehicles.

Seasonal Dwelling/Camps: a dwelling including camps, trailers, mobile homes and recreational vehicles which are not a principal or year-round residence and are occupied less than seven (7) months in any calendar year.

Structure: anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind.

Substantial Commencement: completion of thirty (30) percent of permitted structure measured as a percentage of estimated total cost.

