

To see if the voters will adopt an Ordinance to Amend the Topsham Code to Amend Chapter 91 Building Construction, Chapter 115 Electrical Standards, Chapter 124 Fire Prevention to update these codes to current State standards.

Underlined text are additions; Stuck out text is proposed to be removed

§ 91-1 Adoption of Code.

Pursuant to PL 2007, Chapter 699, and amendments PL 2009, Chapter 261, as may be amended in the future, the Town of Topsham is required by the State of Maine to utilize, implement and enforce the Maine Uniform Building and Energy Code (MUBEC), and any previously adopted Building Code is superseded.

§ 91-2 Repealer.

The Building Code Ordinance of the Town of Topsham entitled the "BOCA National Building Code, Thirteenth Edition, 1996," and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

§ 91-3 Additions, insertions and changes.

The following sections are hereby revised as follows:

A. Fees.

(1) All fees shall be as established by the Topsham Board of Selectmen, per §Chapter 109-7.

(2) All permit fee computations shall be rounded off to the nearest dollar amount.

~~(3) Exception: Municipal property, including schools, are exempt from permit fees.~~

B. (Reserved)

C. Insert the following:

~~**Section 112.3.2 Late fee:** Any person who shall commence any work for which a permit is required by this code without first having obtained a permit shall, if subsequently permitted to obtain a permit, pay a late fee as established by the Topsham Board of Selectmen, per § 109-7; provided, however, that this provision shall not apply to emergency work when it shall be proved to the satisfaction of the administrative authority that such work was urgently necessary before the commencement of work. In all cases, permits must be obtained as soon as it is practicable to do so. If there is an unreasonable delay in obtaining such permits, a late fee shall be charged.~~

~~D. Amend to read: **Section 116.4 Violation penalties:** Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a civil violation, punishable by a fine in accordance with 30-A.M.R.S.A. § 4452. Each day that a violation continues after due notice has been served shall be deemed a separate offense.~~

~~E. Amend to read: **Section 117.2 Unlawful continuance:** Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe conditions, shall be liable to a fine as set forth in 30-A.M.R.S.A. § 4452.~~

Commented [TL1]: Section 7 was deleted in 2016

Commented [TL2]: These sections are from the code that became invalid July, 2010

F. Amend to read: **Section 121.2 Membership of Board:** The Board of Appeals shall be the same Board as established by the Town of Topsham Code, Chapter **225, Zoning, Article X.**

§ 91-4 through § 91-5. (Reserved)

§ 91-6 Severability.

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

Chapter 115 – Electrical Standards

§ 115-1 Adoption of code.

A certain document, one copy of which is on file in the office of the Clerk of the Town of Topsham, being marked and designated as the "National Electrical Code, 2008 Edition," as published by the National Fire Protection Association (NFPA), Inc., be and is hereby adopted as the Electrical Code of the Town of Topsham in the State of Maine, for the practical safeguarding of persons and property from hazards arising from the use of electricity and is hereby referred to, adopted and made a part hereof as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in § **115-3** of this chapter. Installation of electrical equipment shall comply with the most recent Maine Department of Professional and Financial Regulation Electricians Examining Board rules Chapter 120 Electrical Installation Standards.

Commented [TL3]: All electrical installations must comply with the State Electrical Code regardless of what is locally adopted. The State typically adopts and amends a new NEC version every 3 years and is currently in the NEC 2020 with State amendments. Referencing the State adoption rather than a specific code version will keep the Town up to date and not require revisiting this chapter at every State code cycle.

§ 115-2 Repealer.

The Electrical Code Ordinance of the Town of Topsham entitled the "National Electrical Code, ~~1996-2008~~ Edition," and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

115-3 Permits

Electrical permits are required for the installation of wires and fixtures for new construction, additions to existing structures and repairs to structures that alter the existing wiring.

Exception: Low Energy such as but not limited to fire alarms, building control systems, etc.

Formatted: Font: Bold

115-4 Fees

1. All fees shall be as established by the Topsham Board of Selectmen, per Chapter 109.
2. All permit fee computations shall be rounded off to the nearest dollar amount.

Commented [TL4]: Amended fee language matches chapter 91 Building Construction

Formatted: Font: Bold

Exception: Municipal property, including schools, are exempt from permit fees.

§ 115-3 Additions, insertions and changes.

The following sections are hereby revised as follows:

Commented [TL5]: All of 115-3 are local amendments to a code that is no longer applicable in Maine, see comment to 115-1

A. The Town adopts Article 210.5(C) with the following amendment:

210.5

~~(C)~~

Identification for Branch Circuits:

~~**Ungrounded Conductors.** Where the premises wiring system has branch circuits supplied from more than one nominal voltage system, each ungrounded conductor of a branch circuit shall be identified by phase or line and system at all termination, connection, and splice~~

points. The means of identification shall be permitted to be by separate color coding, marking tape, tagging, or other approved means. The method utilized for conductors originating within each branch circuit panelboard or similar branch circuit distribution equipment shall be permanently posted at each branch circuit panelboard or similar branch circuit distribution equipment.

B. The Town adopts Article 210.8(A)(5), Exception to (5), with the following amendment:

210.8 Ground-Fault Circuit Interrupter Protection for Personnel.

(A) Dwelling Units.

Exception to (5): A receptacle supplying only a permanently installed fire alarm or burglar alarm system shall not be required to have ground fault circuit interrupter protection. A single receptacle connected to an individual branch circuit supplying a sump pump shall not be required to have ground fault circuit interrupter protection, provided that a GFCI protected receptacle is located within 900 mm (3 ft) of the non-GFCI protected receptacle.

C. The Town adopts Article 215.12(C) with the following amendment:

215.12 Identification of Feeders.

(C)

Ungrounded Conductors. Where the premises wiring system has feeders supplied from more than one nominal voltage system, each ungrounded conductor of a feeder shall be identified by phase or line and system at all termination, connection, and splice points. The means of identification shall be permitted to be by separate color coding, marking tape, tagging, or other approved means. The method utilized for conductors originating within each feeder panelboard or similar feeder distribution equipment shall be permanently posted at each feeder panelboard or similar feeder distribution equipment.

D. The Town adopts Article 334.10(3) with the following amendment:

334.10 Uses Permitted.

(3)

Other structures permitted to be of Types III, IV, and V construction except as prohibited in 334.12.

E. The Town does not adopt Article 334.12(A)(2), Uses Not Permitted.

F. The Town adopts Article 338.10(4)(a) with the following amendment:

338.10 Uses Permitted.

(4)

Installation Methods for Branch Circuits and Feeders.

(a) Interior Installations. In addition to the provisions of this article, Type SE service entrance cable used for interior wiring shall comply with the installation requirements of Part II of Article 334, except that the ampacity need not be in accordance with the 60°C (194°F) conductor temperature rating.

G. The Town adopts Article 338.12(B) (1) and (2) with the following amendment:

338.12 Uses Not Permitted.

(B)

Underground Service Entrance Cable.

used, an optional standby system shall comply with (2)(a) or (2)(b).

S. In Section 90 4, Enforcement, insert at the end of the paragraph the following:

- (1) ~~Electrical Inspector. The Electrical Inspector shall enforce this Code. The Electrical Inspector shall be appointed by the Town Manager annually. During temporary absence or disability of the Electrical Inspector, the Town Manager shall designate an acting Electrical Inspector.~~
- (2) ~~Any person who begins any work for which a permit is required without first having obtained a permit shall pay the normal fee plus fifty dollars (\$50). This provision shall not apply to emergency work when it shall be proven to the satisfaction of the Code Official that such work was urgently necessary and that it was not practical to obtain a permit therefor before the commencement of work. In all cases, a permit must be obtained as soon as it is practicable to do so, and if there shall be an unreasonable delay in obtaining such permit (three days), a fifty-dollar fee (\$50) will be added to the normal permit fee.~~
- (3) ~~Inspections.~~
 - (a) ~~The Electrical Inspector shall inspect all wiring at appropriate times during its installation to see that it is in compliance with this code. (Temporary service, permanent service, rough in and final).~~
 - (b) ~~The Electrical Inspector may enter and examine any property at reasonable hours and enter any structure with the consent of the property owner, occupant or agent, to inspect the property or structure for compliance with this chapter and code.~~
 - (c) ~~The electrical contractor or property owner shall give the Electrical Inspector 24 hours' advance notice when an electrical installation is ready for inspection.~~
 - (d) ~~Electrical installations, alterations or additions for which a permit is required may not be used until an inspection is conducted and approval is given by the Electrical Inspector.~~
- (4) ~~Schedule of Fees for Original Installations. The Electrical Inspector shall collect fees from applicants for permits required in 90 4(b) as follows: For the purpose of establishing fees for electrical permits, refer to the Code of The Town of Topsham § 109 7, Codes enforcement permit fees.~~
 - (a) ~~All permit fee computations shall be rounded off to the nearest dollar amount.~~
 - (b) ~~Gross floor area square footage shall be calculated using the exterior dimensions of the building or structure at the floor level of each story. Unfinished basements and attics shall not be included.~~
- (5) ~~Schedule of Fees for Alterations or Additions to Existing Electrical Equipment. The Electrical Inspector shall collect fees from applicants for permits required in 90 4(b) as follows:~~
 - (a) ~~Service and meter, or replacement: \$10; each additional meter on same service: \$5.~~
 - (b) ~~Fixtures or outlets:~~

Number of Fixtures or Outlets

Fee

Number of Fixtures or Outlets	Fee
1 to 10	\$10.00
11 to 20	\$15.00
21 to 30	\$20.00

~~(c) Anything over 30 fixtures or outlets shall be computed at 1/2 the rates for original installations based on the area of the addition or alterations.~~

~~(d) All permit fee computations shall be rounded off to the nearest dollar amount.~~

~~(e) Municipal property, including schools, are exempt from permit fees.~~

~~(6) Violation penalties: A person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall install electrical materials or equipment in violation of an approved plan or directive of the Electrical Inspector or of a permit or certificate issued under the provisions of this code shall be guilty of a civil violation, punishable by a fine in accordance with 30 A.M.R.S.A. § 4452. Each day that a violation continues after due notice has been served shall be deemed to be a separate offense.~~

~~§ 115-4 **Construal of provisions.**~~

~~Nothing in this chapter or in the electrical code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired or liability incurred or any cause or causes of actions acquired or existing under any act or ordinance hereby repealed as cited in § 115-2 of this chapter, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this chapter.~~

~~§ 115-5 **Conflict with other provisions.**~~

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

~~§ 115-6 **Severability.**~~

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

~~§ 115-7 **Effective date.**~~

~~The Town Clerk shall certify to the adoption of this chapter and cause the same to be published as required by law, and this chapter shall take full force and effect upon approval at Town Meeting on November 13, 2008.~~

Chapter 124 – Fire Prevention

§ 124-1 Adoption of code.

The Town of Topsham adopts the current edition of the ~~BOCA National Fire Prevention Code as published by the Building Officials and Code Administrators, Inc., as the fire prevention code of the Town of Topsham for the control of buildings and structures as herein provided, and each and all of the regulations, provisions, penalties, conditions and terms of said BOCA National Fire Prevention Code are hereby referred to, adopted and made a part hereof as if fully set out in this chapter, with the additions, insertions, deletions and changes,~~

if any, in sections F100.1, F103.6 and F104.2.1, Maine Department of Public Safety, office of the State Fire Marshal "Fire Prevention Code" and the Maine Department of Public Safety, office of the State Fire Marshal "Fire Safety in Buildings and Structures" as the Fire Prevention Code of Topsham.

~~§ 124-2 Additions, insertions and changes.~~

A. ~~Amend Section F100.1 to read as follows:~~

~~**Section F100.1 Title:** These regulations as set forth herein shall be known as the "Fire Prevention Code of the Town of Topsham" and are herein referred to as such as "this code."~~

B. ~~Amend Section F103.6 to read as follows:~~

~~**Section F103.6 Permits:** Permits shall be obtained from the Fire Department for those activities specified in this code. Permits shall at all times be kept in the premises designated therein and shall at all times be subject to inspection by the Code Official.~~

C. ~~Amend Section F104.2.1 to read as follows:~~

~~**Section F104.2.1 Qualifications:** Members may be drawn from but are not limited to professional engineers or architects or specialists in fire prevention and control, and there should not be more than two (2) members selected from the same profession or business.~~

D. ~~Amend Section F106.7 to read as follows: [Added 6-1-1993 STM, Art. 15; 5-21-2008 STM, Art. 12]~~

~~**Section F106.7 Payment of fees:** A permit shall not be issued until the designated fees have been paid. The fees shall be as established by the Topsham Board of Selectmen, per § 109-7.~~

Formatted: Body Text