



TOWN OF FREEPORT, MAINE
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TO: Freeport Town Council
FROM: Caroline Pelletier, Interim Town Manager & Town Planner
RE: Proposed Amendments to Chapter 11 – Building Code Ordinance
DATE: Tuesday, April 25, 2023

Background: Before the Council for consideration are proposed amendments to the Town’s Building Code Ordinance. This Ordinance clarifies which building code ordinances are adopted and enforced in the Town of Freeport. The proposed language before the Council for consideration is primarily duplication of the language in the Town of Freeport Administrative Code, most recently amended by the Town Council at the April 4, 2023 Town Council meeting.

On April 4, 2023, an amendment was made to the Administrative Code to reflect the Council’s action to adopt the “Stretch Energy Codes” effective 07/01/2023. More specifically, this language is referenced as “the 2021 International Energy Conservation Code contained in the appendix to the Maine Uniform Building and Energy Code containing optional energy conservation and efficiency requirements, as provided by Section 9722, sub-§6 of Title 10 Maine Revised Statutes...”

This proposal will now include the language to adopt the “stretch code”, with a motion to make the adoption effective July 1, 2023. At the same time, the other proposed amendments provide consistency with the language in the Administrative Code and are really just more specific clarification of the codes Freeport has already adopted and is enforcing today.

Proposed Amendments for Consideration at the 04/25/23 Town Council Meeting
Note: Text to be delete is shown with a strikethrough and text to be added is shown with an underline.

CHAPTER 11

BUILDING CODE ORDINANCE FOR THE TOWN OF FREEPORT, MAINE

1. Maine Uniform Building and Energy Code

Effective December 1, 2010, the Town of Freeport ~~applies~~adopts and enforces the Maine Uniform Building and Energy ~~Code~~(Code (“M.U.B.E.C.”) , as required by Title 10 M.R.S.A. § 9724 and the appendix to Maine Uniform Building and Energy Code containing optional energy conservation and efficiency requirements as allowed by Title 10 M.R.S.A. § 9722.(6).(O).

The Codes Enforcement Officer shall be responsible for inspecting all permitted construction for compliance with the following components of the M.U.B.E.C and the appendix to M.U.B.E.C. containing optional energy conservation and efficiency requirements as such components may be revised from time to time by the Technical Building Codes and Standards Board:

- a. the 2015 International Building Code;
- b. the 2015 International Existing Building Code;
- c. the 2015 International Residential Code;
- d. the 2015 International Mechanical Code;
- e. the 2021 International Energy Conservation Code contained in the appendix to the Maine Uniform Building and Energy Code containing optional energy conservation and efficiency requirements, as provided by Section 9722, sub-§6 of Title 10 Maine Revised Statutes;
- f. the American Society of Heating, Refrigerating and Air-Conditioning Engineers, Standards (ASHRAE) 62.1-2016 (Ventilation for Acceptable Indoor Air Quality), 62.2-2016 (Ventilation and Acceptable Indoor Air Quality in Low-Rise Residential Buildings) and 90.1-2016 (Energy Standard for Buildings except Low-Rise Residential Buildings), editions without addenda; and
- g. The American Society for Testing and Materials (ASTM), E-1465-08, Standard practice for Radon Control Options for Design and Construction of New Low-Rise Residential Buildings.

2. Fee Schedule

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Fees for plan examinations, permit applications and inspections under M.U.B.E.C. shall be paid in accordance with a fee schedule established by the Town Council, as such may be amended by the Town Council from time to time.

3. Enforcement, Violation and Penalties

The Codes Enforcement Officer shall serve as the Building Official as defined in Title 25 M.R.S.A § 2371 and shall enforce M.U.B.E.C. within the Town of Freeport. Any person who violates a provision of M.U.B.E.C. or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of an approved plan or directive of the Codes Enforcement Officer or a permit or certificate issued under the provisions of M.U.B.E.C. commits a civil violation and shall be subject to fines and penalties as provided in Title 30-A M.R.S.A § 4452. Each day that a violation continues shall be deemed a separate offense.

4. Unlawful Continuance

Any person who continues any work in or about a 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, commits a civil violation and shall be subject to fines and penalties as provided in Title 30-A M.R.S.A § 4452.

5. Board of Appeals

Appeals from decisions of the Codes Enforcement Officer under M.U.B.E.C. may be taken to the Board of Appeals as an administrative appeal pursuant to the provisions of the Freeport Zoning Ordinance.

6. Public Rest Rooms in Retail Establishments

- a. Any building or facility used for retail trade, and containing from 2500 to 4999 sq.ft. of (floor area, gross) as defined in the Zoning Ordinance, regardless of its division into more than one separate retail establishment, shall locate the rest rooms required by the State plumbing Code, Minimum Plumbing Facilities, for total number of employees, in at least one central location which is accessible to the public, available for public use free of charge, open during regular business hours, and identified as a public rest room.
- b. Any building or facility used for retail trade and having a minimum of 5000 sq. ft. of (floor area, gross) as defined in the Town of Freeport Zoning Ordinance, regardless of its division into more than one separate retail establishment, shall provide public rest rooms which are in at least one central location, accessible to the public, available for public use free of charge, open during regular business hours and identified as public rest rooms, according to the following formula:

Building Size (square feet) Rest Rooms

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5,000 – 10,000	Male (1 water closet, 1 lavatory) Female (1 water closet, 1 lavatory)
10,001-15,000	Male (2 water closets, 2 lavatories) Female (2 water closets, 2 lavatories)
Each additional 10,000 sq. ft.	Male (1 water closet, 1 lavatory) Female (1 water closet, 1 lavatory)

Whenever urinals are provided, one (1) water closet less than the number specified may be provided for each urinal installed except the number of water closets in such cases shall not be reduced to less than two-thirds (2/3) of the minimum specified.

- c. If restrooms in a building of facility are required to be available to the public, signage identifying their availability shall be placed in a minimum of two locations: in a visible location inside the building near each public entrance and in a visible location inside the building on or near the rest rooms' facilities.

The public ~~rest rooms~~restrooms shall be in addition to those required for the total number of employees by the State Plumbing Code, Minimum Plumbing Facilities. However, if the employee rest rooms meet the requirements described in Paragraph A above for public rest rooms, they may be counted toward the number of required public rest rooms. If employee rest rooms are not available to the public, they shall be physically separated from the required public rest rooms.