



HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
MINUTES

MONDAY

MARCH 16, 2015

7:00 P.M.

Attending:

*Mayor David Ryder
Councilor William Shakespeare
Councilor Greg Sirois
Councilor Stephen Wilde
Councilor Dennis Marble
Councilor Carol Duprey
Councilor Terry McAvoy*

*Town Manager Susan Lessard
Town Clerk Denise Hodsdon
Public Safety Director Joe Rogers
Public Safety Personnel
Al Nygren
Members of the Media
Citizens*

The meeting was called to order by Mayor Ryder at 7:00 pm.

• **COUNCIL RECOGNITION – PUBLIC SAFETY PERSONNEL & AL NYGREN**

Mayor Ryder recognized Hampden resident Al Nygren and Hampden Public Safety personnel for their actions during the multi-car pileup on I-95 on February 25th. He presented letters of commendation from the Council to Hampden Police Sgt. Dan Stewart, Hampden Fire Lt. Jason Lundstrom, Hampden Firefighter/Paramedics Matt Thomas and Matthew Roope, Hampden Firefighter Aaron Jellison and Firefighter Chelsea Young. Mayor Ryder also presented a letter of commendation to Al Nygren, a Hampden resident who came upon the accident while on his way home from his shift as an EMT for the Waterville Fire Department.

A. PLEDGE OF ALLEGIANCE – Mayor Ryder led the Pledge of Allegiance

B. CONSENT AGENDA – Motion by Councilor Shakespeare, seconded by Councilor McAvoy to accept the Consent Agenda. Unanimous vote in favor.

1. SIGNATURES

2. SECRETARY'S REPORTS

- a. February 7, 2015 Goals & Objectives Minutes
- b. March 2, 2015 Minutes

3. COMMUNICATIONS

- a. David Barrett – Application for Re-appointment to Library Board – Referral to Services Committee
- b. Municipal Review Committee – Correcting the Record – Solid Waste Legislation

4. REPORTS

- a. Recreation Committee Minutes – 9/30/2014 and 12/2/2014
- b. Library Board Minutes – 1/13/2015

- c. **Library Director's Report – 3/10/2015**
- d. **Services Committee Minutes – 2/10/2015**
- e. **Finance Committee Minutes – 2/9/2015**

C. **PUBLIC COMMENTS** – *There were none.*

D. **POLICY AGENDA**

1. **NEWS, PRESENTATIONS & AWARDS** – *There were no additional news items, presentations or awards.*

2. **PUBLIC HEARINGS**

- a. **Repeal of Town of Hampden “Building Code Ordinance” adopted on September 16, 2002, as amended on March 27, 2006 and June 19, 2006** – *Fire Inspector/Building Inspector Jason Lundstrom explained that the current Building Code Ordinance is obsolete with the State's adoption of the Maine Uniform Building and Energy Code (MUBEC). Mayor Ryder opened the hearing and no one spoke in favor or in opposition and there were no general questions or comments. The hearing was closed. Motion by Councilor Shakespeare, seconded by Councilor Sirois to repeal the Town of Hampden Building Code Ordinance adopted on September 16, 2002, as amended on March 27, 2006 and June 19, 2006. Unanimous vote in favor.*
- b. **Repeal of Town of Hampden “Residential Building Code Ordinance” adopted on March 27, 2006, as amended on June 19, 2006** – *Fire Inspector/Building Inspector Lundstrom explained that the current Residential Building Code Ordinance is also obsolete with the State's adoption of MUBEC. Mayor Ryder opened the hearing and no one spoke in favor or in opposition and there were no general questions or comments. The hearing was closed. Motion by Councilor Shakespeare, seconded by Councilor Sirois to repeal the Town of Hampden Residential Building Code Ordinance adopted on March 27, 2006, as amended on June 19, 2006. Unanimous vote in favor.*
- c. **Adoption of Maine Uniform Building and Energy Code Ordinance** *Fire Inspector/Building Inspector Lundstrom explained that this ordinance adopts the Maine Uniform Building and Energy Code Ordinance (MUBEC) and establishes administration and enforcement provisions in relation to MUBEC. Mayor Ryder opened the hearing and no one spoke in favor or in opposition and there were no general questions or comments. The hearing was closed. Councilor Duprey noted that the ordinance does not allow the option for property owners to hire a third-party inspector and she believes that option should be available should a property owner so choose. Inspector Lundstrom explained that the third-party inspector would only be able to inspect under the MUBEC code. Third-party inspectors are not authorized to inspect under the Life Safety Code so Town officials are tasked with enforcing that code. The issue is when a project is inspected by a third-party, the Town doesn't access the property until the project is complete so any issues or violations found at that time will have to be corrected at the end of the process. If the Town was*

D-2-a



TO: Hampden Town Council
FROM: Robert Osborne, Town Planner
SUBJECT: Building Code Ordinance Repeal
DATE: February 10, 2015

On February 4, 2015 the Planning and Development Committee took up the draft repeal of the Hampden Building Code Ordinance. This document was rendered obsolete with the 2010 implementation of the Maine Unified Building and Energy Code.

Carol Duprey made a motion to recommend to the Town Council that this item be set for public hearing. Dennis Marble seconded the motion. The vote was unanimous in favor that this Building Code Ordinance repeal be set for Council public hearing.

Repealed by Council 3/16/2015 1

The Town of Hampden hereby ordains that the "Building Code Ordinance" adopted on September 16, 2002, as amended on March 27, 2006 and June 19, 2006, and as set forth below, is hereby repealed in its entirety, effective as of the effective date of the adoption of a new ordinance entitled Maine Uniform Building and Energy Code Ordinance.

Note: Effective December 1, 2010, the Town of Hampden began applying and enforcing the Maine Uniform Building and Energy Code ("MUBEC") as required by 10 M.R.S. §9724. Section 9724(3) provides that effective December 1, 2010, any ordinance regarding a building code that is inconsistent with MUBEC is void. Therefore, the existing Building Code Ordinance is being repealed, and a new ordinance is being adopted concerning the administration and enforcement of MUBEC.

Deletions are ~~Strikethrough~~

**TOWN OF HAMPDEN, MAINE
BUILDING CODE ORDINANCE**

Section 1 Building Code Adopted.

~~The Town of Hampden hereby ordains that in accordance with Title 30-A; M.R.S.A. Section 3003 the "2003 International Building Code, published by the International Code Council Inc., is hereby adopted and incorporated by reference, as the minimum standard for the construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of all buildings and structures and their service equipment, both existing and proposed, located within the Town of Hampden. (Amended: 3-27-2006)~~

Section 2 Inconsistent Ordinances Repealed.

~~The Ordinances known as the "Building Code Ordinance" adopted on April 5, 1993, May 25, 1959, and September 16, 2002 are hereby repealed. If any provision of this code conflicts with any provision of another ordinance, the more strict provision shall prevail. (Amended: 3-27-2006)~~

Section 3 Amendments to Published Version.

~~Said Building Code is adopted in its published form as if fully set forth herein, except as follows:~~

~~Section 101 is amended to read as follows:~~

~~101.1 Title: These regulations shall be known as the Building Code of the Town of Hampden hereinafter referred to as "this code."~~

~~101.4, 101.4.2, 101.4.3, 101.4.5, 101.4.6 and 101.4.7 are deleted. (Amended: 3-27-2006)~~

~~101.4.1 is amended to read as follows:~~

~~101.4.1 Electrical. The provisions of the most current version of NFPA 70, National Electrical Code as adopted by the State of Maine Electricians' Examining Board shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto. Any reference to electrical installations or chapter 27 shall be construed to reference the Code cited above. (Amended: 3-27-2006)~~

101.4.4 is amended to read as follows:

~~101.4.4 Plumbing. The provisions of the State of Maine Internal Plumbing Code, Chapter 238 shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. The provisions of the State of Maine Subsurface Wastewater Disposal Rules, Chapter 241 shall apply to private sewage disposal systems. In addition to these codes the provisions of the Town of Hampden Sewer ordinance shall also apply. (Amended: 3-27-2006)~~

Section 103.1 is deleted and replaced with the following:

~~103.1 Building Official: Further references in this code to the "building official" shall be interpreted to mean the Code Enforcement Officer or the Building/Fire Inspector of the Town of Hampden. (Amended: 3-27-2006)~~

Section 104.2 is amended to read as follows:

~~104.2 The Building Official shall review construction documents for the erection, alteration or demolition and moving of buildings and structures. Inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.~~

Section 105 is amended to read as follows: ~~(Amended: 3-27-2006)~~

~~105.1 deleted and replaced with Section 5.3 of the Town of Hampden Zoning Ordinance.~~

~~105.1.1 deleted and replaced with Section 5.3 of the Town of Hampden Zoning Ordinance.~~

~~105.1.2 deleted and replaced with Section 5.3 of the Town of Hampden Zoning Ordinance.~~

~~105.2 deleted and replaced with Section 5.3 of the Town of Hampden Zoning Ordinance.~~

~~105.2.3 deleted and replaced with Section 5.3 of the Town of Hampden Zoning Ordinance.~~

~~105.3 deleted and replaced with Section 5.3 of the Town of Hampden Zoning Ordinance.~~

~~105.3.1 deleted and replaced with Section 5.3 of the Town of Hampden Zoning Ordinance.~~

~~105.3.2 deleted and replaced with Section 5.3 of the Town of Hampden Zoning Ordinance.~~

~~105.5 deleted and replaced with Section 5.3 of the Town of Hampden Zoning Ordinance.~~

Section 106 is amended to read as follows:

Section 106.1 is amended to read as follows:

~~106.1 Submittal documents. Construction documents, special inspection and structural observation programs, and other data shall be submitted in one or more sets with each application for a permit. The construction documents shall be prepared or certified by a State of Maine registered Professional Engineer, and shall indicate full compliance with all provisions of this code and all other relevant laws, rules, ordinances or regulations. Where special conditions exist or inadequate information was~~

~~provided on the original documents, the building official is authorized to require additional construction documents to be prepared by said Engineer. (Amended: 3-27-2006)~~

~~Section 106.1.1.1 is amended to read as follows:~~

~~106.1.1.1 *Fire protection system shop drawings.* Shop drawings for the fire protection system(s) shall be submitted to indicate conformance with this code, the construction documents, and any applicable NFPA standards as adopted by the State of Maine Fire Marshal's Office. Applicant shall provide proof at the time of application that the State Fire Marshal's office has approved said drawings. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9 and applicable NFPA standards. (Amended: 3-27-2006)~~

~~Section 106.1.2 is amended to read as follows:~~

~~106.1.2 *Means of egress.* The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the most current version of *NFPA 101, Life Safety Code* as adopted by the State Fire Marshal's Office. These construction documents shall be submitted to the State Fire Marshal's Office for review of compliance with NFPA 101 and any other relevant laws, rules or regulations under their authority. One set of these documents shall be stamped by the Firemarshal's office and returned to the Town of Hampden Code Enforcement Office. (Amended: 3-27-2006)~~

~~Section 106.2 (Amended: 3-27-2006)~~

~~Section 107 (Amended: 3-27-2006)~~

~~Section 108 is amended to read as follows:~~

~~108 is deleted and replaced with the Town of Hampden Fees Ordinance.~~

~~Section 110 is amended to read as follows:~~

~~110 is deleted and replaced with Section 5.3.2 of the Town of Hampden Zoning Ordinance.~~

~~Section 112 is amended to read as follows:~~

~~Sections 112.1, 112.2 and 112.3 are deleted and replaced with the following:~~

~~112.1 *Compliance With Board of Appeals Ordinance.* All appeals shall be subject to the provisions of the Town of Hampden Board of Appeals Ordinance including but not limited to filing deadlines, application requirements, fees, appeal procedures, decisions of the Board of Appeals and subsequent appeals to Superior Court. The owner of a building or structure or any other aggrieved person may appeal to the Town of Hampden Board of Appeals, from a decision of the Building Official refusing to grant a modification to the provisions of this code covering the manner of construction or materials to be used in the erection, alteration or repair of a building or structure. Such appeal shall be commenced, within 30 days of the decision. (Amended: 3-27-2006), (Amended: 06-19-2006)~~

~~112.2 *Appellate Review.* The Board of Appeals may conduct an appellate review of the refusal to grant a modification to the provisions of this code covering the manner of construction or materials to be used in the erection, alteration or repair of a building or structure. (Amended: 06-19-2006)~~

~~*Basis of the Appeal.* The appellant must demonstrate that the decision of the building official having jurisdiction: (1) failed to correctly interpret the true intent of this code or the rules, regulations, or ordinances adopted by the Municipal Officers, (2) the provisions of this code do not fully apply, or (3) failed to consider an equivalent form of construction can be used. (Amended: 06-19-2006)~~

~~*Modification or Reversal of the Decision.* The Board of Appeals may modify or reverse the decision of the Building Official upon making a determination that (1) the true intent of this code or the rules, regulations or ordinances adopted by the Municipal Officers have been incorrectly interpreted, (2) the provisions of this code do not fully apply, or (3) an equivalent form of construction can be used. (Amended: 06-19-2006)~~

~~112.3 Deleted. (Amended: 06-19-2006)~~

Section 113.2 is deleted and replaced with the following:

~~113.2 *Enforcement:* Whenever the Building Official, or his/her authorized agents, determines there is a violation of any provisions of said Code, he/she shall give written notice of such violation to the property owner, lessee, occupant or their agents. Such notice shall:~~

- ~~1. Include a description of the real estate in question sufficient for identification; and~~
- ~~2. Include a description of the violation found and the citation to the provisions violated, of said Code; and~~
- ~~3. Specify the remedial action required for correction of said violation; and~~
- ~~4. Order that such violation be corrected within a reasonable period of time; and~~
- ~~5. State that an appeal from any order, decision or other action of the Building Official may be taken to the Board of Appeals by filing with the Code Official a written request for an appeal within ten (10) days of receipt of said written notice.~~

Section 113.3 is deleted and replaced with the following:

~~113.3 *Legal action and violations:* When any violation of any provision of this code exists, the Building Official is hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, that may be appropriate or necessary to enforce the provision of this code in the name of the Town of Hampden.~~

Section 113.4 is deleted and replaced with the following:

~~113.4 *Civil penalties:* The provisions of 30 A.M.R.S.A., Section 4452 shall apply to the determination of penalties for violations of this code. The minimum penalty for starting work without a permit required by this code shall be \$100.00, and the maximum penalty shall be \$2,500.00. The minimum penalty for any specific violation of this code shall be \$100.00, and the maximum penalty shall be \$2,500.00. The maximum penalty may exceed \$2,500.00, but shall not exceed \$25,000.00, when it can be shown that there has been a previous conviction of the same party within the past two (2) years for violation of the same ordinance provision. If the economic benefit resulting from the violation exceeds the applicable penalties set forth herein, the maximum civil penalties may be increased to an amount not to exceed 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. Each day of violation shall constitute a separate violation. All civil penalties shall inure to the benefit of the Town of Hampden. (Amended: 3-27-2006)~~

~~Chapter 10 is deleted and replaced with the most current version of *NFPA 101, Life Safety Code* as adopted by the State of Maine Fire Marshal's Office. Any reference within this code to means of egress or chapter 10 shall be construed to reference the Code cited above. (Amended: 3-27-2006)~~

~~Section 1612.3 is amended to read as follows: (Amended: 3-27-2006)~~

~~1612.3 *Establishment of flood hazard areas.* Federal Emergency Management Agency engineering report entitled "Flood Insurance Study Town of Hampden, Penobscot County, Maine," dated September 4, 1987 as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto are hereby adopted by reference and declared to be part of this section. (Amended: 3-27-2006)~~

~~Section 1612.4 is amended to read as follows:~~

~~1612.4 *Design and construction.* The design and construction of buildings and structures located in flood hazard areas, including flood hazard areas subject to high velocity wave action, shall be in accordance with ASCE 24 and the Town of Hampden Floodplain Management Ordinance. (Amended: 3-27-2006)~~

~~Sections 2111, 2112 and 2113 are deleted and replaced with construction standards found in the most current version of *NFPA 211, Standard for Chimneys, Fireplaces, Vents, and Solid Fuel Burning Appliances* as adopted by the State of Maine. (Amended: 3-27-2006)~~

~~Chapter 27 is deleted and replaced with the most current version of *NFPA 70, National Electrical Code* as adopted by the State of Maine Electricians' Examining Board. All installations shall be certified by a State of Maine licensed Master Electrician to be in compliance with *NFPA 70*. Any reference to electrical installations or chapter 27 shall be construed to reference the Code cited above. (Amended: 3-27-2006)~~

~~Chapter 28 is deleted and replaced with the most current version of *NFPA 54, National Fuel Gas Code* as adopted by the State of Maine. (Amended: 3-27-2006)~~

~~Chapter 29 is deleted and replaced with the *State of Maine Internal Plumbing Code, Chapter 238.* (Amended: 3-27-2006)~~

~~Chapter 30 is deleted and replaced with the Maine State Elevator Regulations found in Title 32, Chapter 133 of the Maine Revised Statutes Annotated. (Amended: 3-27-2006)~~

~~Chapter 32 is deleted. (Amended: 3-27-2006)~~

~~Section 3305.1 is amended to read as follows:~~

~~3305.1 *Facilities required.* Sanitary facilities shall be provided during construction, remodeling or demolition activities in accordance with Federal and State OSHA requirements. (Amended: 3-27-2006)~~

~~Section 3309.2 is amended to read as follows:~~

~~3309.2 *Fire hazards.* The provisions of this code and the most current version of *NFPA 1, Uniform Fire Code* as adopted by the State of Maine Fire Marshal's Office shall be strictly observed to safeguard against all fire hazards attendant upon construction operations. (Amended: 3-27-2006)~~

~~Section 3410.2 is amended to read as follows:~~

~~3410.2 *Applicability.* Structures existing prior to the effective date of this ordinance, in which there is work involving additions, alterations or changes of occupancy shall be made to conform to the requirements of this section or the provisions of Sections 3403 through 3407. The provisions in Sections 3410.2.1 through 3410.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, S, and U. These provisions shall not apply to buildings with occupancies in Group H or I. (Amended: 3-27-2006)~~

Section 4 Applicability.

~~The provisions of this Code shall apply to all activities addressed in section 101.2 *Scope* of this Code. All other activities shall be subject to the Town of Hampden Residential Building Code. (Amended: 3-27-2006)~~

Section 5 Saving Clause.

~~That nothing in this Ordinance or in the Building Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired or liability incurred, or any cause or causes of action acquired or existing under any existing Ordinance; nor shall any just or legal right or remedy of or any character be lost, impaired or affected by this Ordinance.~~

Section 6. Date of Effect.

~~In accordance with Section 213 of the Town Charter, this Ordinance, as amended, shall become effective at the expiration of thirty (30) days after the date of adoption by the Town Council. (Amended: 3-27-2006)~~

D-2-b



TO: Hampden Town Council
FROM: Robert Osborne, Town Planner
SUBJECT: Residential Building Code Ordinance Repeal
DATE: February 10, 2015

On February 4, 2015 the Planning and Development Committee took up the draft repeal of the Hampden Residential Building Code Ordinance. This document was rendered obsolete with the 2010 implementation of the Maine Unified Building and Energy Code.

Dennis Marble made a motion to recommend to the Town Council that this item be set for public hearing. Stephen Wilde seconded the motion. The vote was unanimous in favor that this Residential Building Code Ordinance repeal be set for Council public hearing.

Repealed by Council 3/16/2015

The Town of Hampden hereby ordains that the "Residential Building Code Ordinance" adopted on March 27, 2006, as amended June 19, 2006, and as set forth below, is hereby repealed in its entirety, effective as of the effective date of the adoption of a new ordinance entitled Maine Uniform Building and Energy Code Ordinance.

Note: Effective December 1, 2010, the Town of Hampden began applying and enforcing the Maine Uniform Building and Energy Code ("MUBEC") as required by 10 M.R.S. §9724. Section 9724(3) provides that effective December 1, 2010, any ordinance regarding a building code that is inconsistent with MUBEC is void. Therefore, the existing Residential Building Code Ordinance is being repealed, and a new ordinance is being adopted concerning the administration and enforcement of MUBEC.

Deletions are Strikethrough

**TOWN OF HAMPDEN, MAINE
RESIDENTIAL BUILDING CODE ORDINANCE**

Section 1 Building Code Adopted.

~~The Town of Hampden hereby ordains that in accordance with Title 30-A; M.R.S.A. Section 3003 the "International Residential Code, 2003 edition", published by the International Code Council Inc., is hereby adopted and incorporated by reference, as the minimum standard for the construction, alteration, movement, enlargement, replacement, repair, removal, demolition, use, location, occupancy and maintenance of all one and two family dwellings and their service equipment, both existing and proposed, located within the Town of Hampden.~~

Section 2 Inconsistent Ordinances Repealed.

~~The Ordinances known as the "Building Code Ordinance" adopted on April 5, 1993, May 25, 1959, and September 16, 2002 which previously governed one and two family dwellings are hereby repealed and replaced with the code cited above. If any provision of this code conflicts with any provision of another ordinance, the more strict provision shall prevail.~~

Section 3 Amendments to Published Version.

Said Building Code is adopted in its published form as if fully set forth herein, except as follows:

Section R101.1 is amended to read as follows:

~~R101.1 Title: These regulations shall be known as the Residential Building Code of the Town of Hampden hereinafter referred to as "this code."~~

~~Section 103.1 is deleted and replaced with the following:~~

~~R103.1 Building Official: Further references in this code to the "building official" shall be interpreted to mean the Code Enforcement Officer or the Building/Fire Inspector of the Town of Hampden.~~

Section R104.2 is amended to read as follows:

~~R104.2 The Building Official shall review construction documents for the erection, alteration or demolition and moving of buildings and structures. Inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.~~

Section R105 is amended to read as follows:

~~R105.1 is deleted and replaced with Section 5.3 of the Town of Hampden Zoning Ordinance.~~

~~R105.2 is deleted and replaced with Section 5.3 of the Town of Hampden Zoning Ordinance.~~

~~R105.3 is deleted and replaced with Section 5.3 of the Town of Hampden Zoning Ordinance.~~

~~R105.5 is deleted and replaced with Section 5.3 of the Town of Hampden Zoning Ordinance.~~

Section R106.1 is amended to read as follows:

~~R106.1 *Submittal documents.* Construction documents, special inspection and structural observation programs, and other data shall be submitted in one or more sets with each application for a permit. Where special conditions exist or inadequate information was provided on the original documents, the building official is authorized to require additional construction documents to be prepared by a State of Maine registered Professional Engineer.~~

~~Section R107 is deleted and replaced with Section 4.12 of the Town of Hampden Zoning Ordinance.~~

~~Section R108 is deleted and replaced with the Town of Hampden Fees Ordinance.~~

~~Section R110 is deleted and replaced with Section 5.3.2 of the Town of Hampden Zoning Ordinance.~~

Section R112 is amended to read as follows:

~~R112.1 *Compliance With Board of Appeals Ordinance.* All appeals shall be subject to the provisions of the Town of Hampden Board of Appeals Ordinance including but not limited to filing deadlines, application requirements, fees, appeal procedures, decisions of the Board of Appeals and subsequent appeals to Superior Court. The owner of a building or structure or any other aggrieved person may appeal to the Town of Hampden Board of Appeals, from a decision of the Building Official refusing to grant a modification to the provisions of this code covering the manner of construction or materials to be used in the erection, alteration or repair of a building or structure. Such appeal shall be commenced, within 30 days of the decision. *Amended 06-19-2006*~~

~~R112.2 *Appellate Review.* The Board of Appeals may conduct an appellate review of the refusal to grant a modification to the provisions of this code covering the manner of construction or materials to be used in the erection, alteration or repair of a building or structure. *Amended 06-19-2006*~~

~~*Basis of the Appeal.* The appellant must demonstrate that the decision of the building official having jurisdiction: (1) failed to correctly interpret the true intent of this code or the rules, regulations, or ordinances adopted by the Municipal Officers, (2) the provisions of this code do not fully apply, or (3) failed to consider an equivalent form of construction can be used. *Amended 06-19-2006*~~

~~*Modification or Reversal of the Decision.* The Board of Appeals may modify or reverse the decision of the Building Official upon making a determination that (1) the true intent of this code or the rules,~~

~~regulations or ordinances adopted by the Municipal Officers have been incorrectly interpreted, (2) the provisions of this code do not fully apply, or (3) an equivalent form of construction can be used.~~
~~Amended 06-19-2006~~

~~R112.3 Deleted. Amended 06-19-2006~~

Section R113.2 is deleted and replaced with the following:

~~R113.2 Enforcement: Whenever the Building Official, or his/her authorized agents, determines there is a violation of any provisions of said Code, he/she shall give written notice of such violation to the property owner, lessee, occupant or their agents. Such notice shall:~~

- ~~1. Include a description of the real estate in question sufficient for identification; and~~
- ~~2. Include a description of the violation found and the citation to the provisions violated, of said Code; and~~
- ~~3. Specify the remedial action required for correction of said violation; and~~
- ~~4. Order that such violation be corrected within a reasonable period of time; and~~
- ~~5. State that an appeal from any order, decision or other action of the Building Official may be taken to the Board of Appeals by filing with the Code Official a written request for an appeal within ten (10) days of receipt of said written notice.~~

Section R113.3 is deleted and replaced with the following:

~~R113.3 Legal action and violations: When any violation of any provision of this code exists, the Building Official is hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, that may be appropriate or necessary to enforce the provision of this code in the name of the Town of Hampden.~~

Section R113.4 is deleted and replaced with the following:

~~R113.4 Civil penalties: The provisions of 30 A.M.R.S.A., Section 4452 shall apply to the determination of penalties for violations of this code. The minimum penalty for starting work without a permit required by this code shall be \$100.00, and the maximum penalty shall be \$2,500.00. The minimum penalty for any specific violation of this code shall be \$100.00, and the maximum penalty shall be \$2,500.00. The maximum penalty may exceed \$2,500.00, but shall not exceed \$25,000.00, when it can be shown that there has been a previous conviction of the same party within the past two (2) years for violation of the same ordinance provision. If the economic benefit resulting from the violation exceeds the applicable penalties set forth herein, the maximum civil penalties may be increased to an amount not to exceed 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. Each day of violation shall constitute a separate violation. All civil penalties shall inure to the benefit of the Town of Hampden.~~

~~Table R301.2(1) shall be substituted with the following table:~~

Table R301.2(1)
Climatic and Geographic Design Criteria

Ground Snow Load	Wind Speed (mph)	Seismic Design Category	Subject to Damage From				Winter Design Temp	Ice Shield Under- layment Required	Flood Hazards	Air Freezing Index	Mean Annual Temp.
			Weathering	Frost line depth	Termite	Decay					

70-1b/R²	90	C	Severe	5 ft.	None to Slight	None to Slight	-5°F	Yes	9/4/1987	1750	45°F
--------------------------------	----	---	--------	-------	----------------	----------------	------	-----	----------	------	------

~~Chapters 10 through 42 are deleted in their entirety.~~

~~Appendix G is adopted for the purposes of swimming pools, spas and hot tubs.~~

~~Appendix J is adopted for the purposes of existing buildings and structures.~~

~~Section 4 Applicability.~~

~~The provisions of this Code shall apply to all activities addressed in Section R101.2 Scope of this Code. All other activities shall be subject to the Town of Hampden Building Code.~~

~~Section 5 Saving Clause.~~

~~That nothing in this Ordinance or in the Residential Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired or liability incurred, or any cause or causes of action acquired or existing under any existing Ordinance; nor shall any just or legal right or remedy of or any character be lost, impaired or affected by this Ordinance.~~

~~Section 6. Date of Effect.~~

~~In accordance with Section 213 of the Town Charter, this Ordinance shall become effective at the expiration of thirty (30) days after the date of adoption by the Town Council.~~

D-2-c



TO: Hampden Town Council
FROM: Robert Osborne, Town Planner
SUBJECT: Maine Uniform Building and Energy Code Ordinance
DATE: February 10, 2015

On February 4, 2015 the Planning and Development Committee took up the draft Hampden Maine Uniform Building and Energy Code Ordinance. This document provides local modifications for third party inspection and documents necessary data to the mandatory MUBEC Code.

William Shakespeare made a motion to recommend to the Town Council that this item be set for public hearing. Dennis Marble seconded the motion. The vote was four in favor and two against that this Hampden Maine Uniform Building and Energy Code Ordinance be set for Council public hearing.

Adopted by Council: 3/16/2015
Effective Date: 4/15/2015

The Town of Hampden hereby ordains that the following Maine Uniform Building and Energy Code Ordinance be adopted.

**TOWN OF HAMPDEN, MAINE
MAINE UNIFORM BUILDING AND ENERGY CODE ORDINANCE**

Section 1. Maine Uniform Building and Energy Code.

Effective December 1, 2010, the Town of Hampden applies and enforces the Maine Uniform Building and Energy Code (“MUBEC”) as required by 10 M.R.S. §9724. MUBEC contains the minimum standards for the construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of all buildings and structures and their service equipment, both existing and proposed, located within the Town of Hampden. The purpose of this Ordinance is to establish administration and enforcement provisions in relation to MUBEC. The Town has the authority to enact this Ordinance under 10 M.R.S. §9724(5).

Section 2. Administration.

- 2.1 The Code Enforcement Officer and/or the Building/Fire Inspector of the Town of Hampden shall serve as the building official as defined in 25 M.R.S. § 2371 and shall be responsible for issuing building permits and certificates of compliance.
- 2.2 The Code Enforcement Officer and/or the Building/Fire Inspector shall be responsible for inspecting all permitted construction for compliance with all components of MUBEC, as such components may be revised from time to time by the Technical Building Codes and Standards Board.
- 2.3 The property owner, at the owner’s sole expense, may elect to comply with MUBEC through inspections and reports by third-party inspectors certified pursuant to 10 M.R.S. § 9723. ~~This option shall not be available for one-family or two-family dwellings or townhouses.~~ The owner shall be responsible for contractual arrangements with a duly certified third-party inspector. The Code Enforcement Officer and/or the Building/Fire Inspector may issue the certificate of compliance for a building or structure upon receipt of a copy of the Construction File and an original inspection report from the certified third-party inspector. The Town of Hampden and the Code Enforcement Officer and/or the Building/Fire Inspector have no obligation to review a report from a third-party inspector for accuracy prior to issuing the certificate of compliance.
- 2.4 The administration and enforcement of MUBEC, including permits, certificates of compliance, fees, and violations, shall be in accordance with Article 5 of the Town of Hampden, Maine Zoning Ordinance and the Town of Hampden, Maine Fees Ordinance. For the purposes of MUBEC, a certificate of compliance under the Zoning Ordinance shall constitute a certificate of occupancy.

Section 3. Climatic and Geographic Design Criteria for the Town of Hampden

- 3.1.** As referenced in MUBEC, the following climatic and geographic design criteria are established for the Town of Hampden:
 - 3.1.1.** Ground Snow Load: 70 lb./ft
 - 3.1.2.** Wind Design
 - Speed: 90 miles per hour
 - Topographical effects: None
 - 3.1.3.** Seismic Design Category: B
 - 3.1.4.** Subject to Damage From
 - Weathering: Severe
 - Frost Line Depth: 5 ft.
 - Termite: None to Slight
 - 3.1.5.** Winter Design Temp: -5°F
 - 3.1.6.** Ice Barrier Underlayment Required: Yes
 - 3.1.7.** Flood Hazards: 9/4/1987
 - 3.1.8.** Air Freezing Index: 1750
 - 3.1.9.** Mean Annual Temp: 45°F

Section 4. Knox Box Program

- 4.1.** The Knox Box Program for the Town of Hampden shall be used for access to buildings for emergency purposes only.
- 4.2.** The Public Safety Director or designee shall serve as the administrator for the Knox Box Program, as defined by the Knox Company.
- 4.3.** The number, make, model and location of the box(s) shall be determined by the Code Enforcement Officer, Building/Fire Inspector, or Public Safety Director or designee.
- 4.4.** All keys required to operate the building's life safety signaling and fire suppression systems, electrical rooms and panels, and a master building key shall be placed within the Knox Box.
- 4.5.** All new buildings constructed or additions to current buildings performed after the adoption of this amendment shall conform to this provision.
 - 4.5.1.** One- and two-family dwellings and townhouses are excluded from this requirement.

Section 5. Administrative Appeals.

- 5.1** The owner of a building or structure may appeal to the Town of Hampden Board of

Appeals from a decision of the Code Enforcement Officer and/or the Building/Fire Inspector refusing to grant a building permit or to issue a certificate of compliance. Any other aggrieved person may appeal the issuance of a building permit or a certificate of compliance. Any appeal must be commenced within 30 days of the decision. All appeals shall be subject to the provisions of the Town of Hampden Board of Appeals Ordinance including but not limited to filing deadlines, application requirements, fees, and appeal procedures.

- 5.2** The Board of Appeals may conduct an appellate review of the matter that is the subject of the appeal. The appellant shall have the burden to demonstrate that the decision of the Code Enforcement Officer and/or the Building/Fire Inspector was contrary to the provisions of MUBEC.
- 5.3** The Board of Appeals may modify or reverse the decision of the Building Official upon making a determination that the decision of the Code Enforcement Officer and/or the Building/Fire Inspector was contrary to the provisions of MUBEC. The decision of the Board shall be final.

Section 6. Civil Penalties.

The provisions of 30-A M.R.S. §4452 shall apply to the determination of penalties for violations of MUBEC or this Ordinance. The minimum penalty for starting work without a permit required by MUBEC or this Ordinance shall be \$100.00, and the maximum penalty shall be \$2,500.00. The minimum penalty for any specific violation of this code shall be \$100.00, and the maximum penalty shall be \$2,500.00. The maximum penalty may exceed \$2,500.00, but shall not exceed \$25,000.00, when it can be shown that there has been a previous conviction of the same party within the past two (2) years for violation of the same provision. If the economic benefit resulting from the violation exceeds the applicable penalties set forth herein, the maximum civil penalties may be increased to an amount not to exceed 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. Each day of violation shall constitute a separate violation. All civil penalties shall inure to the benefit of the Town of Hampden.

Section 7. Savings Clause.

If any provision of this Ordinance is found by a court of competent jurisdiction to be invalid, that finding shall not affect the remaining provisions of the Ordinance.

Section 8. Effective Date.

In accordance with Section 213 of the Town Charter, this Ordinance shall become effective at the expiration of thirty (30) days after the date of adoption by the Town Council.

inspecting all along, any issues or violations could be addressed earlier on in the process.

Motion by Councilor Shakespeare, seconded by Councilor Sirois to adopt the Maine Uniform Building and Energy Code Ordinance.

During discussion Mayor Ryder said he did not feel comfortable taking away the right for a property owner to hire a third-party inspector.

Motion by Councilor Duprey, seconded by Councilor McAvoy to amend the ordinance by striking the second sentence in Section 2.3 which reads "This option shall not be available for one-family or two-family dwellings or townhouses." Vote on the motion was 4 in favor (Duprey, McAvoy, Ryder and Wilde) and 3 opposed (Marble, Shakespeare and Sirois); motion carried.

Vote on the motion to adopt the Maine Uniform Building and Energy Code as amended was 5 in favor (McAvoy, Marble, Duprey, Ryder and Wilde) and 2 opposed (Shakespeare and Sirois); motion carried.

3. NOMINATIONS – APPOINTMENTS – ELECTIONS – *There were none.*

4. UNFINISHED BUSINESS

- a. Video Taping of Committee Meetings – Further Discussion re Cost – Finance Committee Recommendation – Councilor Wilde –** *Mayor Ryder noted that this had been discussed earlier at the Finance Committee meeting and the Committee voted to put it on hold at this time.*

5. NEW BUSINESS

- a. Direct Economic Development Director to Apply for "Certified Business Friendly" Designation by April 15, 2015 – Councilor Duprey-** *Councilor Duprey reported that she has learned that the Certified Business Friendly program is currently being re-written. She requested that this item be tabled until such time as the new program comes out and a new deadline is established.*
- b. Disposition of Tax-Acquired Property – Map 8, Lot 47 – 106 Manning Mill Road –** *Manager Lessard reported that the total unpaid tax amount for this property is \$4,693.93. She noted that this property is not occupied by the owner. Under the Sale of Town-Owned Property Ordinance, the owner will be given 30 days in which to pay all outstanding taxes on the property. If they fail to pay the entire outstanding amount within 30 days, the property would be put out to bid. Motion by Councilor Marble, seconded by Councilor Sirois to begin the foreclosure process for property located at 106 Manning Mill Road. Unanimous vote in favor.*
- c. Manager Contract – Non-renewal –** *Manager Lessard notified the Council that due to family health issues and the desire to simplify her life, she was not requesting a renewal or extension of her current contract which expires at the end of June. She read her letter into the record and Councilor Shakespeare moved to accept Manager Lessard's letter*

regarding the term of her contract. Councilor McAvoy seconded the motion and vote was 6 in favor and 1 opposed (Sirois).

- 1. Set Date for Council Workshop to Begin Manager Search Process** – *Mayor Ryder reported that at its meeting earlier in the evening the Finance Committee voted to hire Eaton Peabody Consulting Group to assist in the search for a new manager. The process will begin with a workshop to discuss the roles and responsibilities of the Council and the Manager. The workshop was scheduled for 6:00 pm on Tuesday, April 7th in the Council Chambers.*

- d. Discussion of Expansion of Town Office Hours – Councilor Wilde –** *Councilor Wilde noted that he has heard from a number of residents that they would like to see the Town Office open on Fridays. Councilor Marble recommended that this discussion be put off until a new Manager is hired and has a chance to assess the need for expanding the hours. Motion by Councilor Shakespeare, seconded by Councilor Sirois to table this until such time as a new Manager is hired. Unanimous vote in favor. Mayor Ryder noted that if this brought up again, discussion should begin with the Finance Committee.*

- e. Flag Project – Services Committee Recommendation – Services Committee Chair McAvoy reported that the Committee had discussed a request for the Town to take over the flag project. The veterans’ group that started the project currently has \$1491.36 in its treasury and would turn that over to the Town. It was the recommendation of the Committee to take over the project until the existing funds run out. Motion by Councilor McAvoy, seconded by Councilor Marble to accept the veterans group’s donation, which will defray the cost of the flag project until the funds are depleted. Unanimous vote in favor. Tom Brann of 262 Western Avenue informed the Council that this was mentioned at the last Hampden Business Association meeting and several people commented that they would really like to see the project continue. It was suggested that perhaps donation boxes could be set up at the Town Office or that individual businesses could adopt a flag. Councilor Shakespeare said he and resident Jeremy Jones would volunteer their services in putting the flags up. Councilor Sirois noted that members of the Hampden VFW could possibly help as well.**

- f. Police Vehicle Bid Results – Finance Committee Recommendation –** *Mayor Ryder reported that the Finance Committee reviewed the bids with Public Safety Director Rogers and it was the recommendation of the committee to accept the bid from O’Connor GMC for a 2015 Chevrolet Tahoe in the amount of \$33,335.45. Motion by Councilor Marble, seconded by Councilor Sirois to accept the recommendation of the Finance Committee to purchase a 2015 Chevrolet Tahoe from O’Connor GMC. Unanimous vote in favor.*

E. COMMITTEE REPORTS

Infrastructure Committee – *The next meeting will be at 6:00 pm on Monday, March 23rd.*

Services Committee – Councilor McAvoy reported that the same group that had requested that the Town take over the flag project also requested that the Town take over the responsibility of caring for and periodically adding names to the veterans memorial. The committee has requested additional information before making a decision regarding this request. There was also discussion regarding the future of the Hampden Children's Day event. Due to a lack of volunteers, the event may have to be cancelled this year. Councilor McAvoy encouraged anybody who wished to help out to contact Recreation Director Shelley Abbott.

Planning & Development Committee – Councilor Shakespeare reported that the committee met on March 4th and discussed proposed amendments to the Subdivision Ordinance, private ways and a proposed re-zoning of a portion of Main Road North.

Finance & Administration Committee – Mayor Ryder reported that at its meeting earlier in the evening, the committee discussed councilor compensation for attending workshops, reviewed the police vehicle bids, and discussed the manager search process. The committee also discussed videotaping committee meetings and a request for the Town to issue license plates. Both of these items were put on hold until a new manager has been hired.

F. MANAGER'S REPORT – A copy of the Manager's Report is attached and made a part of the minutes. Manager Lessard added that the roads have been posted for heavy load limits and that she met with the Department of Labor regarding fines they had assessed following their latest inspection. She reported that all the deficiencies found during the inspection have been taken care of and the Department has waived the fines.

G. COUNCILORS' COMMENTS

Councilor Sirois commented that he has had conversations with some town employees and there is some apprehension about Manager Lessard's leaving. He said we have a good team and he would hate to see us lose individuals because of this change. He assured everyone that the Council would do everything it could to bring in someone of Manager Lessard's caliber and he asked Manager Lessard to rally the troops.

Councilor Wilde commented that he has been here for 2½ months and has observed some behavior that he is not pleased with. He said he has seen citizens come to Council and committee meetings to speak about items on the agendas and some of the Councilors are less than receptive when they do speak. He has heard other Councilors during Councilors' Comments talk about people coming here and they have a certain agenda. Councilor Wilde said he thinks we can agree that everybody should have a voice in this process and that some of us need to be more open on this. He has been told that it's not the Council's job to oversee budgets, but rather to set policy, and then he hears over and over about how hard the Council works on the budget. He said he hears opposing views everywhere. He said saying there is no need to micro-manage is a politically correct way to say "I don't want to look at this". He said in his opinion, it is our job to trust, but it is also our job to verify that what we vote here on the Council is carried out accordingly. He went on to say that "I've been told over and over that we do the things we do to protect the citizens and that's why we have to change this or add that. Every time I have heard that, it results in one of two things...either more regulation or more spending, which then leads to the need for more government employees and higher taxation." After deciding to run for a seat on the Council, he went door-to-door, mostly listening to the people of this town. One thing he heard over and over was they do not believe the Council listened to them. They don't want their taxes going up, they want the over-reaching regulations to stop, they

want the Council to stop the embarrassing behavior, and they want to know that we're listening to them and reacting accordingly to what they're telling us that they want us to do. He said "I along with a few other others up here know who we represent; it's the residents of Hampden; it's not the special interests of a few that want to see us just trust our government. To the Hampden residents that do come here, and who watch from home, please continue. Come to the meetings, speak up and don't let the behavior of a few deter you from coming and speaking your mind." He said the last time he checked this was still a democratic process; all opinions are valued. On a lighter note, he commented that St. Patrick's Day is coming up and after this long winter, we all need an excuse to celebrate a little bit.

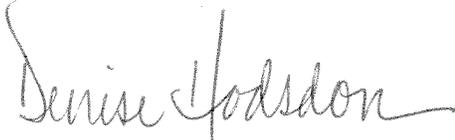
Councilor Shakespeare commented that he attended the last Planning Board meeting at which Town Planner Bob Osborne gave a presentation on stormwater. He noted that it was very informative and said he would like to see it presented at a Council meeting so that it could be broadcast and taped and the public would be able to watch it. He commented that the library's electric costs will be substantially reduced with the award of the grant to upgrade to LED lighting. He also thanked Manager Lessard for her 14 ½ years of service and appreciates her working with the Council through the acquisition of a new Town Manager.

Councilor Duprey agreed with some of Councilor Wilde's comments. She said we are here to serve the people and I wish we could get more people to come to the Council meetings; but if you can't make the meetings, please call us and let us know what your thoughts are and what you would like to see us do.

Councilor Marble said he thinks it's easy for us to all slightly misspeak at times, especially publicly or when we get nervous, but he doesn't know of anyone sitting up here who is not intent on serving the citizens of this town. He wanted to remind everyone that he is holding a District 2 Hot Stove session on the third Saturday of every month. There has been a small loyal group who has come every time and the intention is to have one more way to have an informal conversation that's not constrained by trappings like this. He said it is currently called District 2, but it could be expanded to all of Hampden if any of the Councilors would like to talk about that.

Councilor McAvoy commented that Spring is on the way and he reminded everyone to shop local and buy American.

H. **ADJOURNMENT** – *There being no further business, the meeting adjourned at 8:32 pm.*



Denise Hodsdon
Town Clerk

MANAGER'S REPORT
Monday, March 16, 2015

Tax Due Date –

A reminder that the second half of the 2014/15 property taxes is due by Wednesday, April 1, 2015 to avoid interest charges.

Sewer Lien – 30 Day notices –

30 day notices for unpaid sewer bills will be going in the mail on Tuesday, March 17th. Those remaining unpaid 30 days later will have a lien field on the property.

Hampden Unified Basketball Team –

The Hampden Unified Basketball team will be playing for the Eastern Maine Championship on Tuesday, March 17, 2015 at 4:30 at Hampden Academy. Our Finance/HR officer Tammy Ewing's son Zachary plays on the Unified team and I would encourage anyone who can make it to attend the game to show support for the team. Hampden's Boys Varsity Basketball Team brought home the Gold this year – and we are hoping that the Unified Team can do so as well!

Public Works Director Applications –

A reminder that applications for the Public Works Director position close on Wednesday, March 25th. Anyone interested in the position should submit a current resume and letter of interest to the Town Manager no later than 6 p.m. on 3/25/15. Thus far we have 7 applicants.

Stormwater 101 –

In order to fulfill part of the requirements of our 5 year stormwater license, we have to do annual training of elected/appointed officials in regard to the program. It is my intent to have this training on the agenda of the Infrastructure Committee meeting on Monday, March 23, 2015. The Planning Board had this presentation at their meeting on March 11th.

Tree City USA –

The Town of Hampden has been a Tree City USA community for the past seven years. Gretchen Heldmann was the point person for this for the Town of Hampden. Planner Bob Osborne has agreed to take this project over on behalf of the Town.

Library Grant Application-

I am pleased to inform you that Librarian Debbie Lozito was successful in obtaining a grant from the Stephen King Foundation which includes funding for replacing the lighting at the library with LED fixtures. The total grant is \$50,000.