

# THE ENFORCER

**NEWSLETTER OF THE MAINE BUILDING OFFICIALS  
AND INSPECTORS ASSOCIATION.**

**BY CODES ENFORCEMENT PROFESSIONALS.  
FOR CODES ENFORCEMENT PROFESSIONALS**

**2019**



## **TOUCHDOWN!**

### **MUBEC 2018 IS THE LAW OF PARTS OF THE LAND**

Effective January 23rd, 2018, the new and improved Maine Uniform Building and Energy Code took effect in municipalities over 4000 population, and those that had adopted MUBEC locally. It had a 90 day period subsequent to that that towns could use the old MUBEC. After April 23rd, the new MUBEC was the only code to use. The new MUBEC is made up of the following codes and standards, with amendments that can be seen on the Codes Bureau website:

2015 International Residential Code (IRC)  
2015 International Building Code (IBC)  
2015 International Existing Building Code (IEBC)  
2009 International Energy Conservation Code (IECC)

MUBEC is like gravity. It's not just a good idea. It's the law.

The following standards are also adopted as part of the MUBEC, but are not mandatory. These are only guidelines should you choose to use them as to how it should be done:

The American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Standards:

62.1 - 2013 (Ventilation for Acceptable Indoor Air Quality)  
62.2 - 2013 (Ventilation and Acceptable Indoor Air Quality in Low-Rise Residential Buildings)  
90.1 - 2013 (Energy Standard for Buildings except Low-Rise Residential Buildings) without addenda.  
E-1465-2008, Standard Practice for Radon Control Options for the Design and Construction of New Low-Rise Residential Buildings.

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**Good stuff THROUGH  
OUT!**

In towns smaller than 4000 population that adopted the MUBEC, or part(s) of it locally, if they adopted the code using the definitions in MRS 10, section 9721, the new version(s) become effective automatically.

Keep in mind that per MRS 10, section 9724, the requirements of the Maine Uniform Building and Energy Code do not apply to:

- (1) Log homes or manufactured housing as defined in MRS 10, Part 11, chapter 951;
- (2) Post and beam or timber frame construction; or
- (3) Warehouses or silos used to store harvested crops.

Thanks to Rich McCarthy, The Codes Bureau folks, and all who were involved in the update process. It was a long slog.

You can see the ICC codes on the ICC website ([www.iccsafe.org](http://www.iccsafe.org)). If you're a MUBEC town by statute (over 4000 population), you should have become an ICC member automatically, and have enhanced access to the codes and services on the website. Even if you're not an ICC member, you can see the codes on the website, using the "free access" feature. If you're a member, you have access to their advisory service, where you can call or email for code interpretation advice, from an ICC staffer, or committee. That's a great service, especially if you're involved a court battle.

One of the Codes Bureau's Technical Building Codes and Standards Board duties is to remedy conflicts between the MUBEC and the Life Safety Code (the 2009 edition is in effect statewide. The amendments are on the State Fire Marshal's website.) Their resolutions are listed on the front page of the Codes Bureau's website. If you run into a conflict, they can help. Contact Brianne Hasty ( [Brianne.Hasty@maine.gov](mailto:Brianne.Hasty@maine.gov) ) for info on how to get that rolling.

## LEWISTON CEO GIL ARSENEAULT IS 2018 CEO OF THE YEAR!

At this year's conference, it was announced that Lewiston Director of Codes Enforcement Gil Arseneault was elected by the MBOIA membership as Codes Enforcement Officer of the Year. Gil started in Lewiston in 1984. He retired in May of this year. Lewiston has a lot of tough housing issues, and Gil was instrumental in addressing those, and improving the housing stock throughout his career there, effecting one of the primary goals of the "Legacy Lewiston" comprehensive plan. Using expanded staff, more inspections, more citations, and more demolitions, Gil's department was and is on the forefront of making Lewiston a better place to live. Gil served MBOIA in many capacities over the years, and is a credit to his profession. We all wish him well in a well deserved retirement. Congratulations Gil!



MBOIA President Tom Lister (left) presents Gil with the CEO Of The Year award.

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## ASSORTED ASSOCIATION ACTIVITIES



The 2018 Codes Conference was a drop and trot home run. Good instructors, timely, topical, interesting training, and a spectacular new venue at Point Lookout in Northport, for a very reasonable price, just like always. The resort has lots of on site housing in very nice, modern cabins. The recreation center, like that at Sebasco, has bowling lanes, but unlike Sebasco, you can't watch 1940s pinsetting machines in operation through chicken wire... The Monday night Rec Center fun included the world debut of The Codesdogs - a 6 man rock band populated by five MBOIA member CEOs and a hired bass player that plays with Scott and Tom Lister in other bands. They rocked the house!

Many thanks to Mark Stambaugh and his minions, and the officers and directors for putting the thing together. Well done. See the dates below for the 2019 conference, which will again be at Point Lookout.

Our officers and directors meet monthly, to conduct the business of running the organization. There's a lot that goes on behind the scenes to make the Association function, and they do a nice job. This year's meeting schedule, which is or will be on the MBOIA website ([www.mboia.org](http://www.mboia.org)) is:

Thursday January 24th 9 AM Board of Directors meeting MMA Augusta  
 Thursday February 14th 7 AM Legislative Breakfast with the Maine Fire Chief's Association  
 Senator Inn Augusta.  
 Thursday February 14th 9 AM Board of Directors meeting MMA Augusta  
 March 27-29 ME Fire Chief's Assoc. & MBOIA joint conference (quarterly meeting) Sunday River Newry  
 Thursday April 25th 9 AM Board of Director's meeting MMA Augusta  
 Monday and Tuesday, May 20th & 21st MBOIA Codes Conference Point Lookout Northport  
 Thursday June 27th 9 AM Board of Directors meeting MMA Augusta  
 Thursday July 18th 9 AM Membership meeting MMA Augusta  
 Thursday September 26th Membership meeting Spring Meadows Golf Club Gray  
 Tuesday October 10th 9AM Board of Director's meeting MMA Augusta  
 October 29—November 1 t MBOIA/SFM/DECD sponsored training Black Bear Inn Orono. Jeff's catering,  
 Bangor, Waterville Elks Club, MMA Augusta  
 Thursday November 14th 9 AM Board of Directors meeting MMA Augusta  
 Thursday December 12th 9 AM Membership meeting Green Ladle Lewiston

Check the website for changes.

### SAVE MONEY ON TRAINING BY JOINING MBOIA!

If you are not a member of MBOIA and take training that The Association puts on, know that the training is often free for MBOIA members, and the cost of a membership is usually less than the non member cost of the training! Do the math, and join up. Along with cheaper training, you get to stay on the cutting edge of Maine codes stuff, participate in the Mooosechat listserv, and enjoy all the benefits of membership! It's a no brainah!

### MARK YOUR CALENDARS!



**2019 Annual Maine  
Code Conference**  
 Co-sponsored by:  
 Maine Fire Chiefs' Association

**MAY 20-21, 2019**

**Point Lookout Resort, Northport, ME**

For more information visit their website at: [www.visitpointlookout.com](http://www.visitpointlookout.com)

**EDUCATION • NETWORKING • EXHIBITORS**

Be sure to check the MBOIA website: [www.mboia.org](http://www.mboia.org)  
 for upcoming program

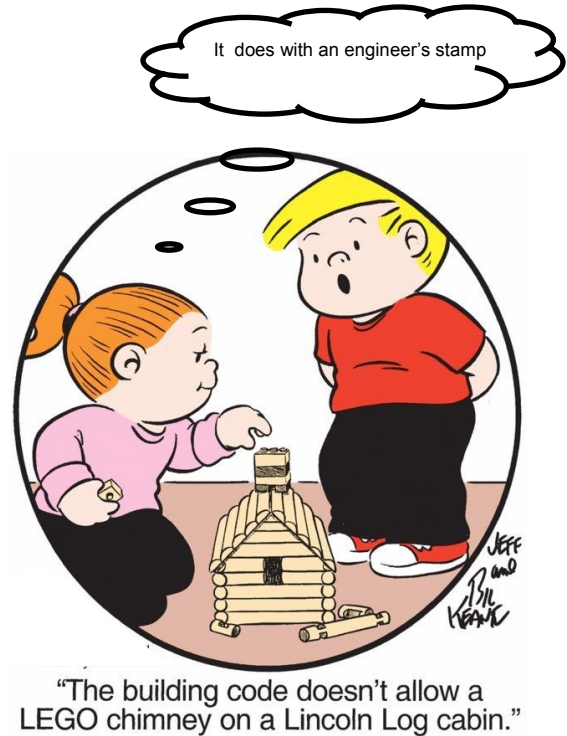


**Codes jobs available!** CEO jobs are listed on the MBOIA website ([www.mboia.org](http://www.mboia.org)). The successful candidates will be part cop, part lawyer, part teacher, part priest, part referee, part playground monitor, part social worker, and partly crazy, in addition to knowing a thing or two about codes. If you're looking for a new gig, the website might be the place to find one.

Many thanks to our officers and directors for all you do for us!



This moron in my office was like a glowstick. I thought I was gonna have to shake him hard and bend him in half to get the light to come on.....





## MEET THE PRESIDENT ← (NOT THAT ONE)



At our December 2017 meeting, we elected Tom Lister to be our new President, replacing Paul Demers, who stepped down after a number of years of leading us with distinction. Tom has been a codes officer for sixteen years, in Falmouth, Windham, and his current positions with the Town of Topsham (CEO) and Bath (alternate CEO). He's fully certified. Tom has a degree in Applied Science in Architectural and Civil Engineering from the Central Maine Vocational and Technical Institute (now known as CMCC), and a wealth of construction experience, having worked as a contractor and for a modular home dealer before becoming a CEO. (He doesn't talk about it in polite company, but he has also spent some time as a commercial fisherman.) He has served on various committees for the Association, as well as a Director and Vice President. Tom lives in Bath, and in his spare time enjoys playing guitar in the rock band, "On The Street" (and The Codesdogs!), riding his motorcycle (he used to race them!), and fixing stuff. (I ran into him at Bath Industrial Sales one day buying steel to box the frame on a truck he was breathing life into, and he's cobbling together a motor for his boat from several, so he's a man of many skills.) Paul left some big shoes to fill, and fortunately for us, Tom has the feet for the job.

## Kennebec Valley Community College teaches their building trades students about codes (What a concept!)

As part of their two year Associate in Applied Science Degree program, The Kennebec Valley Community College, in Fairfield, is teaching students in their Building Materials and Engineering course about building codes and codes enforcement legal issues. Each student becomes an ICC member, and using the International Residential Code teaching materials from ICC, and materials from The CEO Certification program, instructor Andrew Soule teaches the IRC, and codes enforcement legal issues, and prepares them for, and has them take, the IRC and legal issues CEO certification exams. Andrew, who recently began teaching the course, after teaching building trades at other institutions, said he was surprised at how little instruction vocational school building trades students were receiving in the building codes, so he puts strong emphasis on the codes. (We like that!) While his students may not become codes officers, knowing the codes, and legal issues associated with codes enforcement, and having a couple of CEO certifications in their portfolios will make them better builders, and likely more valuable to employers. Nice going Andrew, and congratulations to the students who pass the exams!



## And now, put your antlers on, it's ..... **Moosechat**

Lots of good Moosechatter bouncing around on the listserv on a variety of topics. Some highlights are below, in case you missed 'em, with names and places deleted to protect the innocent (and not innocent). There may be some questions and/or answers that were outside of the forum, that people would benefit from seeing. Keep in mind that most of the answers are from CEOs, just like you, and their opinions mean nothing in your jurisdiction. They're just trying to help. If a response is from a State inspector, I credit them. Some of the responses are edited for space reasons, consolidated if the answer was in more than one email, and/or expounded on, such as by adding a code reference if it's useful. Some responses contain text that's just too funny and/or fantastic not to credit to the authors. Below are the guidelines for using the Chat, from the Association website:

I'm glad I'm  
not a Codes  
Enforcement  
Officer.



- The purpose of this valuable resource is to provide an open forum for the posting of announcements and discussion of news, ideas, and information relating to municipal government management.
- Each message should be suitable for this site and constructive as to content.
- Always remember that your responses to questions or inquiries are posted to all members on the listserv.
- Whenever possible, please respond to the individual sender. You will note that the sender's email address is listed after their name. You can simply cut and paste the e-mail address in your respective e-mail program and send your reply via your own e-mail system.
- Cut the trailing messages when you hit reply so as to not "clutter" your reply with the thread of the discussion, remember, everyone on the listserv has probably read the previous messages. Always sign your name at the bottom of the message as some email addresses do not identify the individual.

### **ALWAYS INCLUDE YOUR NAME AND EMAIL ADDRESS IN THE BODY OF YOUR EMAIL, SO PEOPLE CAN REPLY TO YOU PRIVATELY IF THEY CHOOSE TO.**

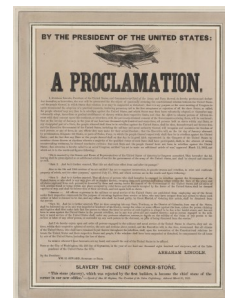
The listserv used to include who the sender was at the top of the email, but doesn't do that any more, so you have to include it. The easiest, won't-forget-to-do-it way to do this is to have that info in the signature block that appears under your name in your emails. That way anyone you email, Moosey or otherwise will have all your contact info. It's EZ-PZ. (Some towns' websites make it easy to find an employee's name and/or email address, and other don't.) Thanks to those asking and answering the questions. This is a great, educational forum.

On to the chatter!

### Apartment building code compliance

#### **The question:**

I have a landlord who is having issues with a bank on an existing, three story multi family building. Would it be correct to say that in an existing, multi-unit, three-story, residential building that "As long as each sleeping room has a legal egress window, then no actual, physical fire escape from the third floor is required." I understand that if it were new then requirements would be different. We have many buildings like this in town. Some have stair case type fire-escapes from the third floor but





most do not. His bank wants something in writing from me stating that it is up to code.

**An answer:**

Without knowing if the building meets the building code requirements in effect when it was built, which is a piece of the puzzle, see chapter 31 of NFPA 101-2009, which is the chapter for existing apartment buildings, in effect Statewide. You can see it online for free at NFPA.org. (Use a browser other than Internet Explorer. It doesn't work well with Explorer). The amendments are here, on the State Fire Marshal's website: <http://www.maine.gov/dps/fmo/laws/rules.html>. If the building meets the egress requirements there, I wouldn't feel bad saying so in a letter.

### Bathroom exhaust termination

**The question:**

Does a mechanical bathroom vent that is vented up and out through soffit (not on a gable end) require that the area around the soffit where the vent protrudes be solid soffit for a certain distance? The thought on this would be to prevent moist air from entering vented soffit and going up into the attic area. I thought I once saw it in the code but can't find it. Also, does that vent have to be a minimum distance from an opening, i.e. window? (This is all for a single-family dwelling). Thank you!



**An answer:**

Check out M1501.1 in the 2015 IRC. [That text, and subsequent referenced texts, require that the vent terminate at least 3' from any operable or non operable openings into the building, and at least 10' from any mechanical intakes, unless the vent termination is at least 3' above those mechanical intakes. If you have to block off part of the soffit vents to meet this requirement, make sure you still have code complying soffit venting.]

### Bathroom fixture requirements

**The question:**

I have a question for you all. How does one know how many bathrooms a "Rooming House" should have when potentially there could be up to 16 people (males & females) occupying the building/floor (multi-story building with mixed uses)? Architectural plans were sent to the State Fire Marshal's Office for review and approval to allow two additional rooms to be added (thereby allowing 9 rooms total) to an existing structure that currently has one bathroom facility in the building, and/or on the floor. The State Fire Marshal's Office states "We do not regulate the number of bathrooms required, we would only review for ADA requirements of the bathroom. That would be based on the building or plumbing code (IBC and UPC) and not the life safety code." My Town does not enforce the MUBEC codes.



Any thoughts?

**An answer:**

See Table 422.1 in the Plumbing Code. Determine what the use group is (R-2 or R-3—see Chapter 3 in the IBC. It's on their website for free - [www.iccsafe.org](http://www.iccsafe.org)) and that will give you the required number of fixture units. I believe a case can be made for classifying this as a R-2 use and look under "dormitories" I believe that will require 2 bathrooms.

CEO Fact of Life # 3: 74% of the owners who say they thought the contractor was going to get the permit are lying.

## Kitchen countertop material requirement

### **The question:**

Can anyone point me to a code requirement for kitchen countertop material? I'm looking at a kitchen renovation that includes a countertop made from a wood "butcher block" material treated with mineral oil. The owner argues that this material is used for cutting boards, so it should also be ok for countertops. Any help would be appreciated.



### **An answer:**

As far as I know, that is fine,. Many people use wood for cutting tops. In my 30+ years this is first time I've had someone question this. Many bar tops are wood with an epoxy coating on them.

### **Another answer:**

If this is an IRC building in a MUBEC town, see IRC R306, which has no requirement for the countertop surface material. Wood should be fine.

## Subdivision dissolution

### **The question:**

I have a subdivision that has sold one lot. The remaining lots are owned by the original owner. He would like to dissolve the subdivision. I have never run across this before. Any ideas how this is accomplished?



### **An answer:**

This is a great question. The Maine Municipal manual has a sample form for filing a dissolution of a subdivision. I would caution you that you do need to determine the amount of improvements and whether any common open space or other restrictions/protections might apply for the one lot owner (I speak from experience!) As always, it depends on what your ordinance says – and you should consult with your town attorney.

## Leach field easement

### **The question:**

I have someone who owns 2 pieces of property and needs to give himself an easement from one property to the other for the installation of a disposal field. Are they required to use an attorney to draw up the easement or can the owner draft their own, have it notarized and file it at the registry themselves? Do we as CEOs really have any say in how the easement is prepared? This is my first time dealing with this type of situation.



**A summarization of the answers:** This generated a ton of responses. The pertinent info from those was:

- If the owner wants to treat the lots as one lot, the easement wouldn't be needed. See the town's ordinance on how "lot" is defined and if the lots have merged, or have to be merged to be treated as one lot. "Lot" is not defined in the septic code. If the lots are, and/or are to be treated as two lots, the easement will be needed.
- Here's what the septic code says about the matter (Chapter 4, section A 6)  
Location of the system: A system must be located entirely on property owned or controlled by the



owner of the system.

(a) Private property: The owner of a system may locate the system or components partially or completely on other private property, provided the property owners execute an easement in perpetuity for the construction, operation, replacement, and maintenance of the system, giving the system's owner authorization to cross any land or right-of-way between the two parcels. The easement must be filed and cross-referenced in the Registry of Deeds and the municipality's office prior to issuance of a disposal system permit. The easement must provide sufficient buffer around the disposal field and fill material extensions for future replacement and maintenance of the system.

- It's always best to have an attorney prepare legal documents. Most people representing themselves in a legal matter have a fool for a client.....
- Ask your town attorney how this should be handled.

### Electrical appliance installation

#### **The question:**

Some stores offer installation when you buy an appliance from them. I've been asked if the replacement of a wall oven can be done by someone other than an electrician, or a homeowner, such as the guy who delivers the oven. These are often hardwired, so the replacement requires disconnecting the old oven and connecting the new one.



A companion question involves 240 volt appliances. If a house has an old three prong 240 volt outlet, can a new, 4 prong outlet be installed by an unlicensed person such as the appliance delivery guy?

Thanks for your input, as always.

#### **The answer:**

A wall oven is usually hardwired and has to be done by a licensed electrician, same with a dishwasher. If they are cord and plug connected then no license required. The connection of the new wall oven or dishwasher is an installation and that's what triggers the licensing requirement.

The second question is the same answer as above and begs the question how would they connect a 4 wire receptacle to a 3 wire circuit? I'm guessing this is a stove or dryer circuit and if the stove or dryer needs to be installed on a 3 wire circuit it is still ok to connect it via a 3 wire cord.

Unless someone has a license they are not supposed to be wiring, [other than in their own single family home], which includes something as simple as 2 wirenuts and a ground screw to connect a dishwasher.

Hope this helps.

Ray Stanford  
Senior State Electrical Inspector

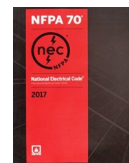
### Outside disconnect requirement, and panel clearance to an oil tank

#### **The Questions:**

Good morning Ray:

From the I Should Know This file, two questions I received from an electrician this morning I can use some help with:

The electrician is doing a service upgrade at a single family house. The new panel will be about 6' from the meter, horizontally. There will be about 6' of service entrance cable between where the cable enters the building and the panel. He's asking if he needs an outside disconnect. NEC 230.70 (A) (1) says that the disconnect needs to be outside or "inside or nearest the point of entrance of the service conductors". I don't see anything in the definitions section that helps me answer his question, and the CMP booklet just parrots the NEC text. Do you feel that this installation needs an outside disconnect? If so, based on what?



Secondly, the new panel will be about 4' from the oil tank in the basement. He's asking if this is OK, asking if it doesn't have to be at least 5' from the tank. I think I remember previous editions of NFPA 31 requiring the tank to be at least 5' from any "source of ignition", and the question was whether a panel was a source of ignition (I think the answer was that it is not). The current edition of NFPA 31 (2011) requires the tank to be at least 5' from any "open flame or fuel burning appliance". The panel is obviously not an open flame or fuel burning appliance. Unless there's something I'm missing, I think the panel being 4' from the oil tank is OK as long as there's the required working space in front of the panel. Kindly share your feelings on that as well.



#### **The answers:**

230.70 (A) (1) is intentionally vague to give us inspectors and electricians some latitude to deal with the many different situations that may arise transitioning from the outside to inside. I tend to take this article literally, once you go through to the inside you must go immediately and directly to the disconnect. If they come through the box sill and drop down 3 feet or so to the panel, that's ok. If they come through the box sill, go horizontally 6 feet then drop down to the panel they need to change that. There's the choice of adding the disconnect or running the cable outside the 6' horizontally, then poke through. I've had someone tell me they would rather go sideways in the basement for aesthetic reasons and I told them they could but they'd have to install a disconnect. I always go back to the fact that this is the most dangerous wire in the house and it should be visible and as short as practical. There's always the option of putting a disconnect outside even though sometimes this is not welcome for financial reasons. I learned this lesson years ago when I installed a 3 phase, 400 amp service at a restaurant, I poked the PVC through the wall to the inside then went a couple feet sideways to a disconnect. The cable company came along a couple days later and ran a bell bit through the siding, through the PVC and right into the middle of that 400 amps and got everyone's attention. He blamed me and I blamed him (he could've looked first!!!) but in the end if either one of us had done a better job it wouldn't have happened.

The NEC has no panel setback requirements from a fuel oil tank.

Glad to be of service and hope all is well.

Ray Stanford  
Senior State Electrical Inspector

#### **Local Health Officer Duties**

#### **The Question:**

If anyone could help me with a phone call concerning local health officer duties, I'd really appreciate it.

#### **The Answer:**

DHHS has a Local Health Officers Manual that should provide you with everything you need. It was prepared by the Maine Centers for Disease Control and Prevention. It's available on the CDC website.

"Governing is sometimes like raising kids. Just because someone wants something doesn't mean that they should have it."

Ed.



**Public Health**  
Prevent. Promote. Protect.

## Holding tank for a food truck

### **The Question:**

We have an application for an above ground 275 gallon stand alone holding tank to take hand carried gray water from a seasonal food trailer. It seems MDEP would be the approval authority because it is above ground and everything LPI is subsurface. Quick research has not yielded any particular help. Could anyone point us to a rules reference or point of contact?

### **An answer:**

A holding tank is a holding tank. I have several down here above ground on the rocky coast. It needs a permit application from a site evaluator in my opinion. Do you have a holding tank ordinance ? First time system vs replacement ? I thought most food trucks used a "honey wagon" for their gray water like an RV does and disposes of it in a lawful manner off site. Good Luck

### **Another answer:**

Check with Brent Lawson at the CDC Division of Environmental Health (brent.lawson@maine.gov).

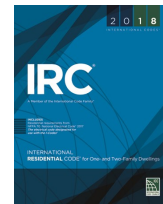


## Light wood floor system protection

### **The question:**

Could someone please tell me where the requirement is in the 2015 IRC for sprinkling a basement or applying ½ inch gypsum if the floor system above is not 2X10 nominal dimension lumber or equivalent?

Thanks



### **The answer:**

R302.13. [This was a Maine amendment in the 2009 IRC, to offset the deletion of the whole house sprinklering requirement, and was put into the 2015 code by ICC.]

## Mobile home foundation requirements

### **The Question:**

I have a permit application for a used mobile home to be installed. Are there foundation requirements for this unit?

### **The answer:**

All new singlewide manufactured homes must be put on 18 or 24 inches of compacted gravel (depending on the geographical location) and a 6 inch reinforced concrete pad. If after review a licensed engineer stamps a design, you could use just the gravel. On double wide homes it requires the 18 or 24 inches of compacted gravel and a 6 inch concrete pad under all circumstances.



For used single wide homes, you are allowed to install them on 18 or 24 inches of compacted gravel. Used doublewide homes require the gravel and a 6 inch concrete slab.

Robert LeClair V  
Manufactured Housing Board

“The I Codes are like a Jenga tower. They’re made to operate as a system. If you’re going to take pieces out, you have to carefully consider the consequences.



## Gas water heater venting

### **The question:**

Are orphaned gas hot water heaters allowed to be a natural draft or do they need to be direct vented? Can't find any code on this yet.



### **The answer:**

It depends entirely on the water heater. A water heater will be designed for natural draft for venting up a chimney, direct vent for combustion air and flue gasses going outside either side wall or vertical through the roof, or sidewall vent by use of a power vent system usually built in to the unit. The venting options are not interchangeable and are determined by the manufacturer. If you can send me the make and model number, I will be glad to assist in determining which venting configuration needs to be used.

*Peter T. Holmes*

Peter T. Holmes  
Senior Inspector  
Maine Fuel Board

## Building code appeal options

### **The question:**

An applicant is proposing to grow pot in an old chicken barn over 12,000 sq. ft.. Under the IBC, I have determined that it needs a sprinkler system. The applicant will probably want to appeal that requirement. Who would he appeal that to? Court? In my action letter I always give the appeal options.



### **The answer:**

The MUBEC has no built in appeal process. Section 112 of the IEBC and 113 of the IBC are deleted. If a local ordinance is structured such that decisions you make in administering the building permit process are appealable to your local Appeals Board, that may be an option. You deny the permit unless the building is sprinklered, and he appeals your denial. I'd check with the town attorney. Absent that option, the applicant could sue the town, I imagine. (Your town attorney can tell you.) Hopefully any attorney he approaches would point out that the sprinkler system is required by the code, neither you nor the town have the authority to waive it, and he'd be wasting his time suing.

## Junk vehicle removal and disposition

### **The question:**

My town has a court order authorizing us to remove vehicles from a property. Does anyone know what the DMV would need for the company clearing the property to be able to salvage or resell the automobiles? The owner of the property will not sign over the automobile and they are pre-1995. The court order allows us to remove the automobile but doesn't state we own them, therefore we can't convey them to the company to resell or salvage. I have talked to the DMV and they seem to think that without a court order showing we own them or have the own-sign them over, there is nothing we can do. I am just trying to see if that is the case. I don't want to have to go back to court if I don't have to.



ny  
all  
er

Any help would be great. Thank you.



**The answer:**

I ran into a similar situation here, but it also involved a dangerous building and a whole bunch of other code issues. What is important is that the court order states "After the fifth day, the City may take possession of, remove, and dispose of any unregistered vehicle found at.." the location. I found that without that language, it is more difficult to dispose of vehicles that we end up towing. With that language, I was able to attach the order to the application for a title, pay the fee and then obtain the title a few weeks later.

I'm afraid you may have to return to court to get your order amended. Towing companies also have a way of having vehicles that they tow and end up storing declared abandoned and then they can apply for the title but many times the vehicles that we end up dealing with aren't worth much to begin with so I'm not sure you could find a towing outfit that would be willing to do this. Good luck.

**State Fire Marshal Office permits****The question:**

When does a project require a permit from the State Fire Marshal's Office?

**The answer:**

See their website.

[https://www1.maine.gov/dps/fmo/plans/about\\_permits.html](https://www1.maine.gov/dps/fmo/plans/about_permits.html) for construction permits

[https://www1.maine.gov/dps/fmo/plans/barrier\\_free.html](https://www1.maine.gov/dps/fmo/plans/barrier_free.html) for barrier free permits

I always advise applicants to contact them and ask, just to be sure. Keep in mind that the Fire Marshal's Office reviews for NFPA 101 and ADA handicapped accessibility. They do not review for MUBEC compliance. That is the CEO's job in MUBEC communities, and projects have to meet all the applicable codes.

**Anonymous Complaints****The Question:**

I received an anonymous complaint about an accessory apartment which is not permitted. What would be the correct steps to follow up on this? There was a fire call there a month ago and the owner refused to bring it up to compliance according to the caller. No smokes, shoddy egress.

Thank you in advance

**An answer:**

It has always been my practice to accept anonymous complaints, as the responsibility for sifting through the facts remains with me. It is our policy when inspecting to have both the landlord and tenant present which while frisky at times results in eliminating sifting through different stories of the same tale. I would contact the landlord (or their property manager) and the tenant and set-up a time to inspect with both present. It is amazing how well that process works in getting to a quicker end result.

**Another answer:**

The old anonymous complaint thing is always thorny. Some CEOs don't respond to anonymous complaints. Sometimes the anonymous complainer is just pulling you into a landlord/tenant battle, or a neighborhood range war. The danger in not re-



For young readers who may not know what this is, it's a "payphone". It's an antique telephone that you put coins in it to make it work.

sponding is if something bad happens later, and the person who complained shows up and says, "I told the town about that and they didn't do anything." I'd write the owner a politely worded letter saying that I received an inquiry about the number of dwelling units in the building, telling him/her what our records show the building to be, and asking them to contact me to discuss the matter. I'd rather fail trying to do the right thing than succeed at doing the wrong thing.

## Tiny Homes

### **The question:**

Can anybody tell me what is the codes status is on "Tiny Homes"?



### **The answer:**

The tiny homes Appendix V was adopted as part of the 2015 IRC in the 2018 MUBEC update. If you are not a MUBEC town (under 4000 population), you are still in the wild west unless you adopt MUBEC locally. [Tiny homes have to meet applicable State codes, such as NFPA 101, whether you are a MUBEC town or not.]

## Blasting regulation

### **The question:**

Does anyone know the specific language governing residential blasting regulations and who would be the enforcement body for those regulations? I expect that it is governed by the Fire Marshal's Office but I cannot come up with any specifics.



### **An answer:**

MRSA 25 circa 2471 has the explosives rules. To my knowledge, there are no rules about notifications. I looked into this last June. At that time, the state rules required blasting contractors to be licensed, etc., but there were no state requirements for notifications, preblast surveys, etc. in the statute. Those things have to be legislated locally. We require blasting permits for any blasting done in town, and the contractor has to provide proof of insurance to get the permit. Sometimes our Planning Board will place a condition on an approval that preblast surveys be offered to owners of properties within a certain radius of a project, if neighbors showed up at the meeting with concerns about blasting. That creates extra cost for the developer (they contract the pre blast survey) and a pain in the butt for me since I then have to review their documentation about who was sent notices/offers. Sometimes properties have changed hands recently, and our Assessing office doesn't have the updated data, and those owners were not notified, which puts the project in violation of its Board approval. If you regulate it all locally, I recommend just requiring blasting permits, with proof of insurance. Then if there's building damage from the blasting, the town doesn't have a dog in that fight. It's between the damaged property owner and the blaster's insurance company.

### **Another answer (from a less fortunate CEO):**

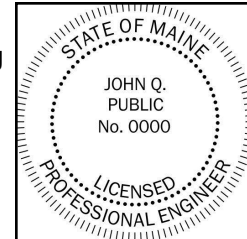
We experienced this about 10 years ago and a local group got an ordinance enacted that requires blasting permits, contractor licenses and insurance, pre and post blast surveys for properties within 300' of the site, site plans for said properties, showing buildings, pools, wells, etc., and mailed notices (return receipt) to the property owners, notifying them of the dates and times of the blasting. We are the "keepers of paper" for this process and my office usually gets a call on the day of the blast and we let the PD know so they can field calls about attacks by foreign governments!! We verify abutter information and obtain copies of return receipts for notice to abutters and then issue a permit. With the exception of emergency activity and that of public utilities, pre-blast surveys are required as an option to the folks in the 300 foot blast zone. One other point we have clarified in this office is that the 300 feet is from the actual blast site and not measured from the site property line which could open up a massive list for the survey and notice if the parcel is large and the blasting is only at one end of the parcel. Seems like common sense but.....

Hope this helps. I agree it should be done locally. The survey provides peace of mind for both parties, and is time consuming and costly. And lastly, the license and insurance requirements are the biggest benefit of our process.

### Repurposing a Mobile Home slab

#### **The Question:**

Can anyone tell me where to look for code information on the re-use of an existing concrete slab? I have a contractor who has been asked if he can build a house on a slab that was used for a double-wide mobile home. The homeowner wants to add radiant heat on top of the existing slab. I do not think this is a good idea because there are too many unknowns regarding the contents of the existing slab. I can not find any specifics in the IEBC.



#### **The answer:**

I'd use IRC R106 and require an engineer's stamp on the foundation, certifying that the foundation meets IRC specs. That situation may present some structural and frostproof challenges.

### Is a campground a subdivision?

#### **The Question:**

Do you treat a campground as a subdivision? I am assuming not. Is it because it does not have a permanent dwelling unit?



#### **An answer:**

I don't feel a campground that's one piece of land with campsites on it constitutes a subdivision. Some campgrounds have dwelling units on them, such as cottages, or a house or apartment(s) for the campground owner or manager/staff, etc. If a campground project puts three dwelling units on one piece of land, in a five year period, that's a subdivision to my way of thinking per MRSA 30A 4401.

#### **Another answer:**

It raises an interesting question as the creation of three or more separate campsites might be considered development and therefore would constitute a subdivision. I would consult with the town attorney.

### Magic Vent

#### **The Question:**

I have a home that is off grid. They have asked if a magic vent is acceptable instead of a vent through the roof. Are they up to code? Amazon says they are. Thank you.



#### **The Answer:**

The magic vent is an air admittance valve. AAVs are manufactured to a standard and tested to that standard by a certified third party testing agency. Even though they are certified and meet the specific standard, it does not mean they can be introduced into a plumbing system which is regulated by the State of Maine's 2015 Uniform Plumbing Code.

The Plumbers' Examining Board, which oversees the internal plumbing code, has never allowed AAVs to be introduced into a plumbing system. 301.3 allows devices of equivalent or superior quality, strength, fire resistance, effectiveness, durability and safety to be introduced into a plumbing system.

It has always been the board's interpretation that an air admittance valve does not meet all the specific

requirements in Chapter 3 of the 2015 Uniform Plumbing Code and cannot be installed as a fixture vent.

However, the State of Maine's Manufactured Housing Board, through their rulemaking process, allows AAV's to be installed as individual fixture vents on modular homes.

Dana C. Tuttle  
Senior Plumbing Inspector

### Generator Hookup

#### **The question:**

I inspected a generator transfer switch installation this morning. One of those small, 6 circuit switches. The electrician used flexible cord between the male plug that plugs into the front of the switch and the outdoor outlet that the cord from the generator plugs into. The cord passes through the basement wall to the outdoor receptacle. Is this allowed? NEC Article 400 says that flexible cords can't be used in place of fixed building wiring. Should this cord be replaced with Romex?



#### **The Answer:**

You are correct. These switches were meant to be connected to the generator via an extension cord which is temporary wiring. I don't think that the cord cap will be listed for Romex. What I have allowed is to let them use a very short cord from the Gentran switch to a junction box, then change to Romex and go to the power inlet box (near generator) with Romex. They then supply an extension cord to go from the power inlet box to the generator.

Not quite 100% compliant but if they don't staple the cord to the building finish and use the proper connector at the junction box **and** unplug the cord from the Gentran when not in use I can straight face it and it's almost temporary.

Raymond Stanford  
Senior State Electrical Inspector

### Malfunctioning Septic System correction, with complications

#### **The Question:**

Does anyone have a sanitized example order to share, to correct a malfunctioning septic systems ref. 30-A MRS 3428? Has anyone had to serve such order to an estate (owner deceased) with heirs and executor in other states? Advice appreciated.

**FIX IT  
BONEHEAD!**

#### **An answer:**

Here's one I use:

#### **MALFUNCTIONING WASTE WATER DISPOSAL UNIT**

#### **ORDER**

**Pursuant to 30-A M.R.S.A. § 3428 (Malfunctioning Waste Water Disposal Unit)**

To:



On [date] an inspection was made of the premises owned by you, described as a [describe use of building being serviced by malfunctioning system such as single family residence] located at [street address and town name], Maine and shown on Map [ ], Lot [ ] of the current Tax Maps of the [Town name], Maine. Said inspection disclosed the existence of a malfunctioning wastewater disposal unit as described in the inspection report attached hereto. To date, this malfunctioning system has not been corrected.

Therefore, pursuant to 30-A M.R.S. § 3428, you are hereby ORDERED to abate said nuisance in accordance with the Maine State Plumbing Code and all other applicable laws within 10 days of service of this ORDER. If this ORDER is not timely complied with, the Municipal Officers may undertake said abatement at municipal expense and recover all such expenses, including reasonable attorney's fees, by means of a special tax or civil action.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2018

The Municipal Officers of the [town name], Maine

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Writing codes/law is like weaving a net. The holes are all the same size, but the fish you want to catch, and the ones you don't want to catch, are not.

### Another Answer:

I don't have a form. I write the owner a letter, with the law they're violating, the order to correct it, a date by which to do it, and the fact that the town will remedy the problem at the owner's expense if they don't comply (assuming the selectmen are willing to do that. They have to sign the letter, so they'll consider that before signing it. In larger towns, the Selectmen aren't involved.) Talk with the town attorney and see if the town can lien the property for the cost, to guarantee that they'll get paid someday, if not promptly. You may not be able to do that without a court order. I'd send it certified mail, return receipt, and by regular mail. If the certified letter comes back as uncollected, (smart violators don't accept them) and I receive no contact from the violator, I have the letter delivered by police in the town where the recipient lives. That usually gets their attention.

### Mixed use fire protection requirements

#### The Question:

I have someone in town who wants to tear down a loading dock and a portion of a warehouse in order to put in a small single-family residence. This new single-family residence will share a wall with an office building on one side and the remaining portion of the warehouse on the other. Is there any fire protection that needs to be installed on these walls? i.e. a rated fire-wall?



#### An answer:

There are a lot of issues happening here. With the information provided it cannot be determined what will be required. IBC section 508 if you have the plans and floor areas of all buildings. Then also refer to chapter 6 for types of construction and chapter 7 for smoke and fire protection. All these sections will tie to other areas of the code but should lead you there. It may be possible but If the residence is attached to both other occupancies you will need to deal with this as 1 building with 3 uses.

#### Another Answer:

If you're a MUBEC town, go into the IEBC, Chapter 10, for the change of occupancy. That will send you into the IBC. The use separation requirements are in section 508, and section 908 will require the building to be sprinklered to add an R use group to it. If you're not a MUBEC town, see section 6.1.14.3 of NFPA 101-2009, in effect statewide. It's not as good as the IBC, but it's probably all you've got.

## How come the OBD licenses don't have the site address on them?

### **The question:**

I was wondering if other CEO-LPI's along the coast have issues with the way DEP issues their OBD licenses. Namely the lack of a physical location (street address or map & lot number) of the site where the OBD is. I have received several over the years that show who the owner of the license is (and usually with an out of town or out of state mailing address), but they don't identify which property they are referring to in the license. Many times the license is to a person that has more than one property that could have an OBD, or the new owner has not been processed through the town files so we know what lot they just bought.



According to the DEP personnel, they have a physical address on the application sitting right before them, but refuse to add one line to their 16-page license stating where the property is located. I have received several excuses as to why they do not put it on; the last one is that this is the way they have done it for years. My questions to the coastal officers; do you feel that the DEP could spend a few seconds putting the physical location address on the OBD license so that you do not have to waste several minutes to an hour or more trying to figure out which property the license refers to? Do you think the DEP needs to change their procedures and add this one tidbit of information to the licenses?

### **An answer:**

Ab-so-friggin'-loutely. The most important piece of information on a permit is the address. Anything DEP can do to get the addresses put on the OBD licenses would be much appreciated by those of us who file them. I just received one the other day. Nowhere on the license does it say what property the license is for. It's ridiculous, and time consuming, especially if the property has recently changed hands.

### **Another answer:**

The following website has all the licensed OBDs on a Google Earth layer. If you know the license number you can click on it and get the property address. When a license is renewed or transferred a copy of the public notice and the complete application is sent to the town office. Both have the property address included. Some have the map and lot number. <http://www.maine.gov/dep/gis/datamaps/index.html>.

## Photographing records

### **The question:**

Many building supply companies send sales reps into the office to look at recently issued building permits. The sales reps typically write down the info they need as a lead to help them sell their building materials. Recently one of the sales reps took out his cell phone and photographed all of the building permits. I have never noticed any of the other sales reps doing this. Have any of you ever noticed this practice and is it allowed? Any feedback would be helpful.



### **The answers (consolidating several answers):**

The permits are public records, and there's no law against people photographing them. Some codes offices post them outside their office, and there's no way to control who might photograph them. Allowing people to photograph them is faster than them writing the info down, or asking you to make copies, and gets them out of your office faster..... 😊

CEO Fact of Life # 9: The nature of politics and personalities is such that at any given time, someone who has control over your budget and/or position will feel that you handled some situation poorly.

## Truck noise from an adjacent town

### **The question:**

Hi all:

I have a resident complaining about the noise from a refrigerator truck running overnight. The truck is across the street and the town line runs down the middle of the street. Has anyone had a similar situation and how did you deal with it?



### **An answer:**

There's probably nothing you can do officially, but you might check with the codes person in the town where the truck is parked and see if it's legal for the truck to be parked there. Our zoning ordinance does not allow the parking of a commercially registered vehicle in residential zones. The truck may be violating something in the adjacent town and their codes officer can do the heavy lifting of making it go away. If the truck is parked legally in the adjacent town, earplugs or a white noise machine for the complainer might be the solution.....

## Is running water required for a house to be habitable?

### **The question:**

The Water District in my Town has shut off a property owner's water supply. The property is on town sewer. The owner resides in the home. I know water is necessary to provide proper sanitary means, for internal plumbing, hygiene etc. Where can I find that water is a requirement for an occupied home?



### **An answer:**

One resource is the plumbing code. 101.2 says that the code applies to the use and maintenance of plumbing systems, and 601.2 says that fixtures shall be provided with water.

Another, if you're a MUBEC town, is the IEBC. See the definition of "Unsafe", and then go to section 115, and give them a few days to get the water back on, move out, or face prosecution. One way a building becomes unsafe is if it's unsanitary.

Another possible tool is MRSA 22 section 461. Lack of adequate sanitation facilities can lead to sickness. Lack of running water makes the place unfit for habitation. You may need to conscript the Health Officer to pitch in if you're not the LHO.

### **MRS 22 section 461. Notice to owner to clean premises; expenses on refusal**

The local health officer, when satisfied upon due examination, that a cellar, room, tenement or building in the town, occupied as a dwelling place, has become, by reason of want of cleanliness or other cause, unfit for such purpose and a cause of sickness to the occupants or the public, may issue, in consultation with the department, a notice in writing to such occupants, or the owner or the owner's agent, or any one of them, requiring the premises to be put into a proper condition as to cleanliness, or, if they see fit, requiring the occupants to quit the premises within such time as the local health officer may deem reasonable. If the persons so notified, or any of them, neglect or refuse to comply with the terms of the notice, the local health officer may cause the premises to be properly cleansed at the expense of the owner, or may close the premises, and the same shall not be again occupied as a dwelling place until put in a proper sanitary condition. If the owner thereafter occupies or knowingly permits the same to be occupied without putting the same in proper sanitary condition, the owner shall forfeit not less than \$10 nor more than \$50 for each day that the premises remain unfit following written notification that the premises are unfit. [1989, c. 487, §9 (AMD).]

**CEO Fact of Life # 5:** If every contractor who tells you that the work you just rejected would have passed code in another town were telling the truth, the entire world would have fallen down or caught fire by now.

## And speaking of NFPA 101,

to the right are the editions of NFPA 101 adopted by the State through the years. All codes officers at some time or another need to figure out what codes were in effect when a building was built or altered. This info is a useful tool for that task. Thanks to Rich McCarthy at the State Fire Marshal's office for providing it.

## NFPA 101

<u>Edition year</u>	<u>When adopted</u>
1959	October 21, 1959
1963	April 20, 1966
1970	May 30, 1972
1981	June 30, 1982
1985	September 30, 1985
1988	September 1, 1988
1991	August 5, 1991
1994	September 1, 1994
1997	January 2, 1999
2000	August 7, 2001
2003	September 1, 2003
2006	September 3, 2007
2009	September 3, 2011

## The 3rd little pig built his house out of reinforced concrete.



This Mexico Beach, Florida house, one of the few in its neighborhood to survive Hurricane Michael, which blew through the area this year with 155 mph winds, is what locals call "The Sandcastle". While sand castles don't typically don't stand up well to natural forces, this structure did quite the opposite. Built in 2017, the house is built on 40' pilings, and is made of reinforced concrete. Code there requires buildings to be designed for 120-150 mph winds. The Sand Castle is designed for 240-250 mph winds. The storm tore off some outside stairs, that were designed to break away, took off some siding, and cracked one window. The results of the architect and builders' efforts are quite striking.



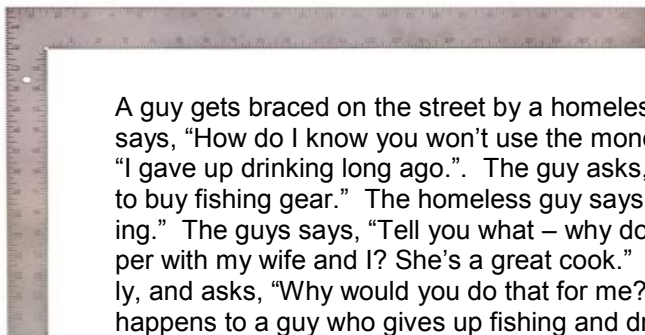
From the "How About THIS?" file, the Harpswell property owner whose building is not allowed to have a bathroom, and who previously put his bathroom on a trailer and parked it beside the building, and was rebuked by the town, this year put the bathroom on a boat, complete with a registration number. Will he succeed? Tune in next year.....



## CHAPTER 11- IT'S NOT JUST FOR BANKRUPTCY ANYMORE...

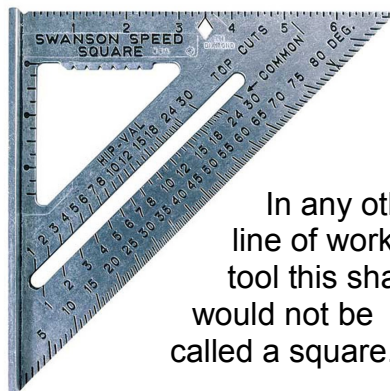


For those who may not realize it, be aware that while MUBEC 1.0 deleted the accessibility chapter from the IBC, MUBEC 2.0 does not, so making sure that the projects you review meet applicable accessibility requirements is yet another responsibility on your already overflowing plate. For projects that require a barrier free permit from the State Fire Marshal's office (you can see what those are on the SFM website), they'll review the project for ADA compliance, which covers a lot of the same ground. For projects that don't require a barrier free permit, it's all you, Baby. It's why you get the big bux.... Know also that Maine law requires grabrails for a side approach to a toilet, not just the front one.



### THE COMEDY CORNER

A guy gets braced on the street by a homeless man asking for money for food. The guy says, "How do I know you won't use the money to buy booze?" The homeless guy says, "I gave up drinking long ago." The guy asks, "How do I know you won't use the money to buy fishing gear." The homeless guy says, "I gave up fishing before I gave up drinking." The guys says, "Tell you what – why don't you come home with me and have supper with my wife and I? She's a great cook." The homeless guy looks at him suspiciously, and asks, "Why would you do that for me?" The guys say, "I want my wife to see what happens to a guy who gives up fishing and drinking...."



In any other line of work, a tool this shape would not be called a square.

### If Santa was a Codes Enforcement Officer

Dear Santa: We moved to a new house this year. It doesn't have a fireplace or a chimney like our old one did, and I'm worried you won't be able to get in. Love, Billy

Dear Billy: You're better off. That old fireplace was an energy hog, pulling conditioned air your Mom and Dad spent a lot of money to heat from the house and spitting it right into the sky. Builders routinely screw up the required clearances around them, and neglect to remove the wooden formwork from the underside of the hearth, as required by section 11.3.1.2 of NFPA 211. I'm magic, so I'll get in. Don't sweat it. I'm bringing you a flashlight and tape measure, which are the tools needed for 99% of codes work. Santa

## THANKS FOR READING

I hope you've gotten something interesting and/or useful out of this edition. If you did, great. If not, sorry - there'll be another one next year unless I come to my senses. I try to be as accurate as possible, but I'm human, some of the information is secondhand, and I'm at the mercy of my sources. This newsletter will be posted on the MBOIA website.

