

# THE ENFORCER

NEWSLETTER OF THE MAINE BUILDING OFFICIALS  
AND INSPECTORS ASSOCIATION.

BY CODES ENFORCEMENT PROFESSIONALS.  
FOR CODES ENFORCEMENT PROFESSIONALS

**2022**



## BEN BREADMORE ELECTED TO ICC BOARD OF DIRECTORS!!!!

Giving Maine a louder voice on the national codes front, making MBOIA history, and making us all prouder than a flock of peacocks, recent MBOIA President Ben Breadmore was elected to The International Code Council Board of Directors this year! **WOW!**

Ben started his codes career in Brewer, and then moved to Holden, to become the Town Manager, Building Official, Economic Development Director, Planner, Road Commissioner and Fair Hearing Officer. (And we codes officers think we wear a lot of hats....). He is a founding member of the Northern Maine chapter of MBOIA, serves on the MUBEC Technical Codes and Standards Board, has served on regional codes association (New England Building Officials, Eastern States Building Officials Federation) committees, as well as performing tasks on ICC committees. You can see his resume/the path he's traveled on the ICC website ([www.iccsafe.org](http://www.iccsafe.org)). It's impressive. (I would have included it here, but I try to keep this newsletter to around 20 pages..... )



Ben credits MBOIA member Stewart Brooks as one of his influences/mentors, and quotes Stew as telling him "An individual can be a spectator or a participant. Don't be a spectator." Good advice Stew. It looks to me like Ben doesn't even know where the spectator seats are....

Congratulations Ben. The ICC has chosen wisely.

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# FREE ICC MEMBERSHIPS FOR EVERY-ONE WHO ENFORCES THE MUBEC!!!!

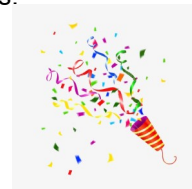
If you are a community that enforces The Maine Uniform Building and Energy Code (The MUBEC), through the generosity and hard work of The International Code Council (ICC) and The State Fire Marshal's Office/Paul Demers, you will be receiving free ICC memberships! Your membership includes digital versions of all the codes and associated products, as well as the things listed below.

The State is paying for 3 YEARS of ICC memberships for ALL MUBEC towns (over 4000 population and required to enforce, or those below 4000 that have chosen to enforce the Statewide codes).

The big ticket item is that ICC is giving us Premium Access (electronic access, print and search features) for the current 2015 Code edition as well as 2018 and 2021 editions of ALL 15 books in the I-code package. You will have access to the IBC, IRC, IECC, IEBC, IMC, Swimming Pool and Spa guide as well as any other in the set!! Sadly, the code commentaries are not part of the package, but that may change, either by it being included, or being such that a town can pay for them separately. (It was the only way to make the deal work with the money available.)

Other features/benefits are that:

- Every town can name up to 4 members to allow to have accounts.
- The memberships save towns money.
- The memberships help keep the number of MBOIA members where it needs to be for us to receive ICC benefits like free ICC training days and other chapter benefits.
- 25% discount on other products (such as code books)
- Free access to ICC sponsored webinars and training on line
- Participation in the code development process.
- Free tech opinions from ICC staff. Both verbal and written.



If you missed the Zoom presentation/tutorial on December 7th showing you how to log in and access all the goodies, it will be posted on the State Fire Marshal's website. You can also go to the ICC website and create an account and gain access that way.

Be sure to avail yourselves of these memberships and use the tools they provide. Along with being immensely useful, when these memberships expire in three years, and the State is looking at renewing them, they'll be evaluating how much bang for their bucks they got from this round. Using the resources helps you, all of us CEOs, and the people we serve. Do it.

Many thanks to everyone involved in making this happen!

## Who Is That Unmasked Man?

For those who may not know, and since I refer to him in this publication, and he's one of the big dogs in Maine codes enforcement, Paul Demers is Maine's "State Building Official". That position resides in the State Fire Marshal's Office. Paul manages the CEO training and certification process, which encompasses a wide variety of tasks, (including negotiating our ICC memberships!). His contact information is [Paul.A.Demers@maine.gov](mailto:Paul.A.Demers@maine.gov) office: 207- 626-3876 Cell: 207-441-0996



**A<sup>3</sup>**

## ASSORTED ASSOCIATION ACTIVITIES



The 2021 Online Codes Conference was very successful, making the best of a bad situation (The Pandammit). While it lacked the networking, culinary, and vendor opportunities of a normal conference, it was chock a block full of good live/real time/you can ask questions seminars by top shelf instructors, like always. Many thanks to Mark Stambaugh and his minions for putting the thing together. Well done. See the dates below for the 2022 conference dates, which will be LIVE at Sebasco Estates if things go to plan.

Our officers and directors meet monthly, to conducting 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 on page 4, below. Check the website for changes.

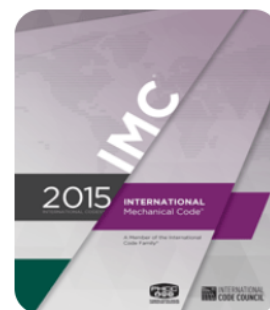
**Codes jobs available!** CEO jobs are listed on the MBOIA website ([www.mboia.org](http://www.mboia.org)). The successful candidates will be part cop, part teacher, part priest, part referee, part playground monitor, part social worker, and partly crazy, in addition to knowing a thing or two about codes enforcement.....

### **\$AVE 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 usually 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! As they say upta deercamp, it's a no brainah.

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

## 2015 International Mechanical Code joins the MUBEC toolbox.



For those of you who felt that the State adopted and IBC/IRC referenced mechanical codes weren't enough, 2021 was a good year, since the 2015 International Mechanical Code has been adopted and made part of the MUBEC. It's not listed on the front page of the Building Codes section of the State Fire Marshal's Office website as being part of the MUBEC, but don't be fooled - it is listed in the Rules, with an effective date of September 20, 2021. The Maine amendments to the Code are listed there as well. MBOIA sponsored a good overview of the Code by ICC Instructor Gary Gauthier. If you missed it, I don't know if it'll be posted on the Association website. Mark Stambaugh and/or Paul Demers will know.



**2022**  
**Maine Building Officials**  
**Inspectors Association**  
**Board Meetings/Membership Meetings**



<b>January 13</b>	Thursday	Board of Directors Meeting	Zoom
<b>February 17</b>	Thursday	Board of Directors Meeting	Zoom
<b>March 10</b>	Thursday	March Membership Meeting & Training	Clarion Inn - Portland
<b>March 23, 24 &amp; 25</b>	Wednesday / Thursday / Friday	MFCA Professional Development Conference	Sunday River - Newry
<b>April 20</b>	Wednesday	Plumbing Training	Topsham Library - Topsham
<b>April 21</b>	Thursday	Board of Directors Meeting	Zoom
<b>May 23 &amp; 24</b>	Monday / Tuesday	Spring Code Conference	Sebasco Harbor Resort
<b>June 23</b>	Thursday	Board of Directors Meeting	Zoom
<b>July 14</b>	Thursday	July Membership Meeting & Training	MMA - Augusta
<b>September 22</b>	Thursday	September Membership Meeting & Training	Clarion Inn - Portland
<b>October 13</b>	Thursday	Board of Directors Meeting	Zoom
<b>October 25</b>	Tuesday	Co-Sponsored Training with the State Fire Marshal's Office & Maine Fire Chiefs' Association	Clarion Inn - Portland
<b>October 26</b>	Wednesday		Jeffs Catering - Brewer
<b>October 27</b>	Thursday		Waterville Elks Lodge - Waterville
<b>October 28</b>	Friday		MMA - Augusta
<b>November 17</b>	Thursday	Board of Directors Meeting	Zoom
<b>December 8</b>	Thursday	Annual Membership Meeting & Training	Green Ladle - Lewiston

All dates/locations are subject to change. Please refer to MBOIA's website for changes.

Please visit the MBOIA website at [www.MBOIA.org](http://www.MBOIA.org) or contact the Affiliate Office at 1-800-452-8786 (207-623-8428) with any questions you may have.

## Farewell, Dick-

As some of you know, LONGtime MBOIA member Dick Lambert retired in September from his job as Saco's Director of Codes Enforcement, after 35 years of service there. Dick had a 39 year career in codes enforcement. He served MBOIA in many capacities over the years, including President, as well as serving codes associations outside Maine. In 2018, ICC recognized Dick with the John H. Flanigan, JR President's Award for outstanding service and dedication. In honor of his service to the Association and profession, the MBOIA Member of the Year award (formerly called The Codes Enforcement Officer Of The Year), of which Dick was the first recipient, will be named after him. Congratulations, Dick, and thank you for all you've done for us!



## DICK AND SCOTT GO TO ST. LOUIS

Many years ago, Dick Lambert and I, and some other Maine CEOs attended a BOCA conference, in St. Louis. Like at many conferences, you wear large dorky name tags on lanyards around your neck, with your name and municipality on them. Dick and I were in line for an event, behind 5-6 CEOs from the Detroit (Michigan, not Maine) Codes Office. They were all short men, seemingly of Arab descent, and spoke with thick accents. They chatted us up. One of them asked me, "Where is Bath, Maine?" I replied that it's about half an hour north of Portland. He asked, "How big is Bath?". I said it was about 10,000 people. He asked, "How big is your department?" I said that it was me, and half a secretary that I share with the City Planner. He seemed a little puzzled. He asked, "Who does the plan reviews and permitting?" I told him that I do. He asked, "Who does the building inspections?" I told him I do. He asked, "Who does the mechanical inspections?" Same answer. "Zoning enforcement?" Same answer. He asked Dick, "Is your department like this?" Dick replied, "Pretty much." Our new friend and his buddies were looking at each other confusedly, like they'd just met two Space aliens, and were struggling with the multitasking aspect of the conversation. There was an awkward pause, so I asked, "How big is your department?" He said, "Well, we have ten plans reviewers, five zoning agents, twelve building inspectors, fifteen plumbing inspectors, fifteen electrical inspectors, eighteen mechanical inspectors, ten solid waste enforcement officers, ten housing inspectors, three graffiti officers, a Department Director, six managers, and associated support staff." I said, "That's an awesome sounding department." He said, "No, my friend – it is we who are in awe of you...."



Scott

## Another Codeasaurus Tale

(since I needed to fill this blank space with something...)

Sig Albert was the Codes Officer in Kittery in the 90s, when the Shoreland Zoning point system came into being. He was a short, brash, red headed gent, who drove a Porsche. You could count on Sig at training sessions to say what others were thinking. During a break at an SLZ training, someone lamented, "This point system is complicated. How is a property owner supposed to figure out what he can cut and what he can't?" I said that we've got too many codes now, and we ought to just use The Ten Commandments. No killing, no stealing - just the biggies. Sig said, "I think we ought to let people pick any 8 out of the ten, because I like coveting my neighbor's wife....."





## Vintage Codes

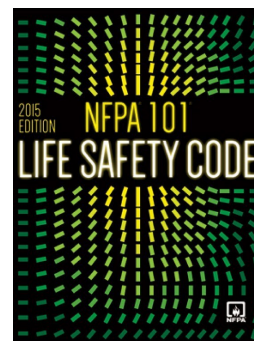
There are two kinds of codes officers. Those that have had to figure out what code was in effect at some time in the past, and those that will. With thanks to Rich McCarthy, below is a list of the editions of NFPA 101 that have been in effect in Maine, statewide, over the years.

### 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

As far as seeing older editions of codes, or at least learning what a particular section says, use the Moosechat. Many towns adopted 101, and other codes (BOCA, etc.) locally over the years, and have copies kicking around. Libraries are also a good source for old codes. Many towns provided their libraries with copies of the codes they adopted, and with Interlibrary Loan, libraries can acquire books from other libraries around the state. You can also buy vintage codes on Ebay or Amazon, among other online places. ICC also has some older editions of codes for sale.

Happy hunting.



### Mike Day is the new State Plumbing Inspector!

For those who may not know, Mike Day is the new State Plumbing Inspector, filling the slot that Dana Tutte vacated. He's ready to help you any way he can. His contact info is:  
[michael.w.day@maine.gov](mailto:michael.w.day@maine.gov)  
 office: 207-624-8639  
 cell: 207-592-6362  
 Welcome Mike!

**From the Bumper  
Stickers You'll  
Never See File:**

**I ♥ CODES ENFORCEMENT  
OFFICERS**

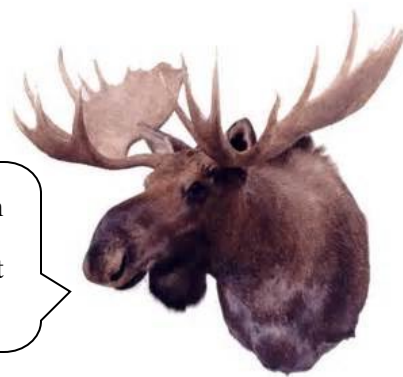


Maine Building Officials Association

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

Lots of good Moosechatter on the listserv again this year, on a variety of topics. In case you're not an MBOIA member, the Moosechat is a listserv for MBOIA members where we bounce questions off each other. From the Betchyadidn'tknowthis file, the Moose acronym was coined by Paul Demers, upon consultation with others, and stands for Maine Outstanding Officials Seeking Education. The "E" was originally for "Enlightenment", but people felt that that made us seem like a bunch of dimbulb codes officials who don't know what we're doing...

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

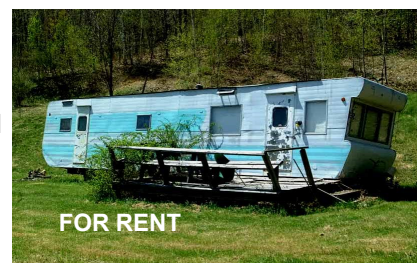


Some highlights from this year's crop are below, with most names and places deleted to protect the innocent. There may be some questions and/or answers that were from outside of the forum, that people would benefit from seeing. Keep in mind that most of the answers are from everyday CEOs, and their opinions mean nothing in your jurisdiction. They're just trying to help. If a response is from a State inspector, I credit them (and we REALLY appreciate them participating in this listserv!). 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. When using the Chat, **please include your name and email address in the body of your email, so people can reply to you privately if they choose to.** Also, if your town/city's website doesn't make it easy to find your email address, consider changing that. Municipal government is supposed to be easily accessible to all. Also, kindly practice The Three Ps, and keep your offerings Pleasant, Polite, and Professional.

Thanks to those asking and answering the questions. This is a great, educational forum.

### **The question, regarding short term rentals:**

I know that short-term rentals are a hot button topic across the state in recent years and I'm sure many of you are fielding similar complaints to what I have received. I have a multiple communities that are concerned about short-term rentals in residential areas and would like to see them classified as commercial. I have been approaching this as a structure being either a single or multi-family residence, and so long as they are not exceeding any capacity for the building I cannot approach it as a violation in any real way because our ordinances have no specific language about it. With this in mind, my opinion is that the closest this could be classified to commercial is as a home occupation, though no one is specifically working out of the home.



We are looking at a goal of 3-5 years to draft an ordinance specific to short-term rentals and hoping by that point there will be some guidelines set by the state. In the meantime, does anyone have anything in place to regulate these rentals? Is there anywhere I can reference for the concerned parties that defines rentals, short or long-term, as commercial versus residential?

### **An answer:**

Absent a local ordinance regulating short term rentals, the buildings are governed by the existing codes that regulate residential buildings. If someone is renting a single family house by the day, week, month, year, and it's being occupied as single family house, – it's all the same. It's a single family dwelling. The occupancy doesn't become commercial because of the short term renting. The statewide codes like NFPA 101 apply to it, as far as smoke detectors, egress, etc. If you have a local fire type

code, that may apply as well.

If someone is renting a room or rooms in their house to up to three outsiders, that's a single family dwelling per NFPA 101, and the IRC. If they rent to more than three outsiders, the use becomes a rooming house per 101, and an R-1 IBC occupancy, requiring sprinklers, vertical opening protection, an alarm system etc.

As far as seeing how other towns are regulating short term rentals from a zoning standpoint, South Portland does, and they likely know of other towns that do as well.

#### **The question, regarding uninspected work:**

I conducted a Certificate of Occupancy Inspection on a single family dwelling, that was built in 2000. The current owners of the home built the home, and did their own wiring and plumbing. No inspection is required for wiring by us. The rough-in plumbing installation, was inspected by a prior CEO. The code in effect, at the time the permit was issued was the 1997 Edition of the NFPA 101 Life Safety Codes. During, the Certificate of Occupancy Inspection, I noticed the home was not built in compliance with the floor plans submitted with the building permit application. The stairs do not meet code. Two of the three bedrooms on the second floor do not have a proper secondary means of escape. The basement stairs are steep, and do not meet code. There is a basement door for someone real small to go through to get outside. There is an attached two bay garage with no sheetrock on shared wall with a finished laundry/ enclosed porch area. The structure/building would have to be seriously dismantled to comply with code. The owners have been living in the finished home for 18+ years. What would you do?



#### **An answer:**

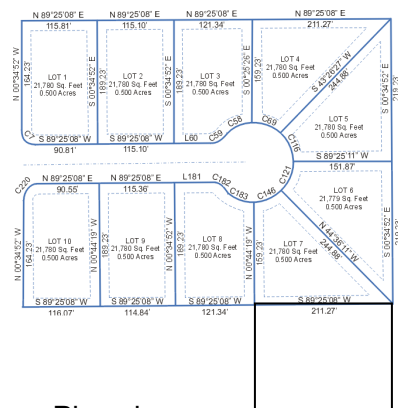
Unless the town/former CEO has approved any of the stuff that doesn't meet the codes in effect when the house was permitted, I'd have them fix those things. I'd write them a notice of violation, listing the things that need to be remedied, and specifying a timeframe to do so. Not causing this stuff to be made right exposes the town to some serious liability.

#### **The question, regarding subdivision amendment:**

If someone owns a lot in a subdivision and purchases an adjacent property which is not located in any subdivision, can they merge the entire parcel into one without revising the subdivision that their original lot was in? A new deed that contains both lots has already been created.

#### **An answer:**

That requires an amendment to the subdivision approval (MRS 30-A 4407), and a revised subdivision plan recorded at the Registry of Deeds.



#### **The question, regarding ambulance bay ventilation:**

I have an ambulance service going into an existing building in town. Plans have been approved by Fire Marshalls office, with sprinklers and fire separation between vehicle bays and rest of the building.

Should there be a vehicle ventilation system in the 3 ambulance bays? I don't see anything in IBC. Would there be an OSHA requirement?

#### **An answer:**

It is required per IBC 406.6.2 and the IMC.





**The question, regarding blasting.**

I have a single family dwelling project in a fairly built up section of the village area that requires some blasting to accommodate a gravity sewer line. the owner is hiring a contractor for the job but has asked me if there is anything that he needs to do as the property owner? We have no local rules pertaining to blasting in this case of a single family dwelling, and I have looked a little at the state statutes, I presume that the licensed blasting contractor would be responsible for all requirements of blasting in this area? Any insight or would be helpful.

**An answer:**

All blasters have to be State licensed. We require a local blasting permit, for all blasting in the City, that requires proof of insurance. That way we have a name and phone number for the contractor that people can call if the project damages their property. We don't require pre blast surveys across the board, but sometimes the Planning Board will place a requirement that preblast surveys be offered to neighbors within a specified distance of the project site as a condition of their approval. If you go down that road, and will be the person responsible for enforcing it, give thought to how the property owners will be determined. If the pre blast contractor (the pre blast surveys are often done by a sub contractor to the blasting contractor, and they are expensive) uses your assessing database, some of that info will be outdated if a property has sold since the database was updated, and the pre blast contractor will have sent the notice/offer to the wrong owner. This can result in the real owner showing up angry because (s)he wasn't offered a pre blast survey, and may want you to put a stop work order on the project since the requirement wasn't complied with. I leave the burden of determining who the owner is to the pre blast survey contractor. That way they bear the responsibility if they send the offer to the wrong person. Sometimes the notification requirements include using door hanger cards, in addition to or instead of mailing notices. That can get dicey with rentals. Good luck.

**The question, regarding chimney disclosure forms:**

Do you all require Chimney Disclosure Forms to be filled out and submitted when a new chimney, fireplaces, venting systems, solid fuel burning appliances and Propane and/or natural gas venting systems are installed?

I have a reputable company that will not fill out the form, as stated below:



"The form provided for signature refers to NFPA 211 with penalties as outlined under title 32, Chapter 33 as it relates to Oil and Solid Board Rules. The product installed was for propane and/or natural gas venting and does not fall under the statutes and chapters identified on the form. The technical information from the venting manufacturer shows that the venting is UL listed and certified to be used with the Jotul stove. Provided is a snip from the Jotul manual showing that Excel Direct, the brand used for venting, is approved to be used with this appliance. I can attest that this venting was installed according to the guidance and specifications of Jotul North America and the venting manufacturer."

**The answer:**

The chimney disclosure form required by Statute and the Fuel Board is for construction of masonry chimneys and fireplaces, assuring they are built to the requirements of NFPA 211. It is not an installation requirement for appliances.

**MRS 32 §18108. DISCLOSURES; PENALTIES**

A person, firm or company that installs a chimney or fireplace for compensation must issue, prior to the installation taking place, a disclosure statement to a consumer that the chimney or fireplace complies with NFPA standards, Number 211. The disclosure statement must be in a format approved by the board and contain the information the board considers necessary. Any chimney or fireplace installer who fails to provide the required disclosure statement to a consumer prior to the installation of a chimney or fireplace commits a civil violation for which a fine of not less than \$500 may be adjudged.

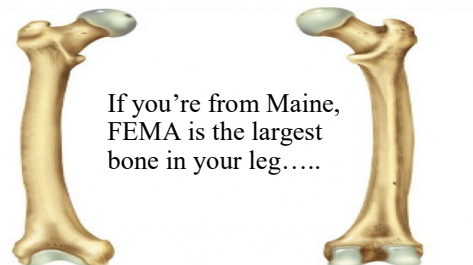
### Maine Fuel Board Rules Chapter 10 Section 10.2 Chimney Disclosure

All masonry chimney systems must be constructed in accordance with NFPA #211, Chapter 7 (2013 edition) as incorporated by reference into Chapter 6 of the Board's rules. An installer must complete the State of Maine Chimney Disclosure Form attached as Appendix F to Chapter 6 of the Board's rules prior to connecting an appliance to a newly-constructed masonry chimney

Thank you,

*Peter T. Holmes*

Peter T. Holmes  
Senior Inspector  
Maine Fuel Board  
Cell: 207-446-2826  
[Peter.t.holmes@maine.gov](mailto:Peter.t.holmes@maine.gov)



### The question, regarding emergency escape and rescue openings:

I believe I understand that in a SFD or Townhome which are protected by a sprinkler system, the second means of egress required in R310 (typically a window) is not required. As such, can a bedroom be created in a space without any windows? Mucking my way thru Section IRC R303, it appears that only if a mechanical ventilation system exists can a window be omitted, otherwise some operable window is needed for ventilation.

### An answer:

See section IRC R310. All bedrooms must have an emergency escape and rescue opening (EERO), which in most cases is a window (a door is OK too.) See the definition of EERO – it has to be in an exterior wall.



Be cognizant of NFPA 101 – 2018 (viewable for free at [nfpa.org](http://nfpa.org)), which also governs the project. That code allows a bedroom without a window if the room has another way out of it, but the IRC does not (neither does the IBC).

### The question, regarding fuel oil piping for a mobile home:

What code does an oil fired heating system for a new mobile home have to meet? I looked at one yesterday that has plastic coated copper tubing from the outdoor tank through the skirting, running across space where you can walk. I'm wondering if this is supposed to be in flex hose, conduit, etc. to protect it from damage.



### The answer:

The requirements for fuel oil piping on a manufactured home are the same as any other outside tank and lines. The fuel tank and supply lines need to comply with the Fuel Board rules. The Fuel Board rules require that the line and valves be protected from physical damage, as well as be protected from falling snow and ice at the tank. The PVC covering on the oil line is considered corrosion protection only and not physical damage protection, so in the case described, it would need to be sleeved or otherwise protected.

*Peter T. Holmes*

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Executive Director  
Manufactured Housing  
Office: 207-624-8678  
Cell: 207-557-2047

[Peter.t.holmes@maine.gov](mailto:Peter.t.holmes@maine.gov)

**The question, regarding lead paint:**

I received a complaint from a tenant about lead paint. I have no way to verify the truth of the statement, but the home was built in 1890 so it is very possible that there is lead paint in the home. Is there anything I can do about an existing two family home that has been rented out for many years? Is this a civil matter?



**An answer:**

Follow the link to the Lead Program at the Maine DEP. They will be your best resource for these types of concerns. The town likely doesn't have a role in the matter. It may be a violation of the Maine Warranty of Implied Habitability. The Maine Attorney General's Office has a good consumers' rights handout on their website that describes the Warranty in the rental housing chapter.

<https://www.maine.gov/dep/waste/lead/landlords.html>

**The question, involving the road right of way:**

There is a small dispute taking place in town regarding placement of a mailbox. The postal service has stated where they want it, which is across the street from the owners property. That is not unusual, as many of us cross the street to get our mail. However the property owner on the opposite side is refusing to allow the mailbox to be installed on their property. I said that it is in the town's right of way and is allowed, but I have no survey or anything that proves where the right of way is. This is a very old road and all I have is hand written town documents that state the road width.



I did some research and couldn't find a statute that applies. The local PD would like something that specifically states that the mailbox can be installed within a certain distance of the center line of the road but I don't think anything like that exists. I can reach out to MMA but thought I would ask you all if you have dealt with this before and have any documentation that would apply. Thank you as always for your help.

**An answer (combining several):**

Many people think that they own to the edge of the road, or sidewalk, when they actually don't. The right of way for the road is usually wider than the road, and associated sidewalks. Check the deed for the gent who doesn't want to play nice, and those of his abutters, including properties across the street. If any of those refer to monumentation you can locate, you may be able to figure out where his front property line is from that.

Your town may have a "Streets Book", that has descriptions of the town streets, including the width of the right of way for those streets, and if you're lucky, some monumentation that can be located to shed some light on location of the edge of the right of way.

The width of the right of way for your streets may be reflected in your tax maps. Ours are. Some tax maps have the buildings on them, which can be a piece of the puzzle of figuring out where the edge of the right of way is. (Yours don't appear to.)

If the people involved, or nearby properties have had a boundary survey done, at any time, that may be recorded in the Registry of Deeds. Most of them are now online, and you can look for the surveys by typing in the name of the road.

If the road involved is a State road, the DOT may have drawings of it that show the road and where the edge of the right of way is.

Google Earth may be of use. It has a measuring tool where you can measure distances on the aerial photos. Use that with a grain of salt. It may help provide another piece of the puzzle.

Some people assume that the edge of the right of way is half the width of the right of way from the cen-

ter of the road. That is fraught with peril, because it's only accurate if the road is in the center of the right of way, which is often not the case.

The utility poles are usually in the right of way. Some of those will have easements that the town has executed authorizing their installation. Those easements often have a drawing with them, showing the edge of the right of way.

Sometimes you govern best when you govern least, and stepping around a hurdle is easier than jumping over it. The town may not have a dog in this fight, and you can stay out of it and let the parties involved sort it out. Even if the town has no role in this, helping the mailbox owner figure out the answer is great customer service.

Good luck.

**The question, regarding mobile home exterior stairs:**

Have you all seen these fiberglass stairs that are being installed at mobile homes? On some, the landing at the top is only 24" deep, and some of them have 8" and/or 8 1/4" risers. In my mind does not meet code. Is there an exception for mobile homes?



**The answer:**

The exterior stairs for HUD-code homes are under the jurisdiction of the municipalities' code enforcement departments. There are no exceptions that apply to the landings, risers or treads of these stair systems. Please feel free to contact me if you have any questions or concerns. Thanks and have a great day.

Sincerely,  
 Ryan Chandler  
 Senior Manufactured Housing Inspector  
 Office of Professional & Occupational Regulation  
 35 State House Station  
 Augusta, ME 04333-0035  
 Direct Dial: (207) 624-8618  
 Mobile: (207) 215-6206  
[Ryan.E.Chandler@maine.gov](mailto:Ryan.E.Chandler@maine.gov)

**The question, regarding mobile home water piping:**

Someone installed all new water distribution pipes as part of a major renovation to a mobile home and they ran them all under the belly insulation, exposed. I know they need to be insulated but to what degree? Seems like ALL would also need heat tape. What are your thoughts? Seems like potential for a major freeze-up waiting to happen no matter what they do.



**An answer:**

312.6 of the plumbing code requires protection from freezing.. 105.2.1.1 requires the installation to be approved, which is defined as acceptable to you. I don't see any prescriptive insulation requirement in the Plumbing Code, which makes sense. The amount of insulation or heat needed to prevent freezing is different everywhere. Check the manufactured housing standards. There may be something in there that's of use. Ryan Chandler at the Manufactured Housing Board (contact info above) might have some info on this. I suspect their rules don't specify an R value, but I could be wrong.

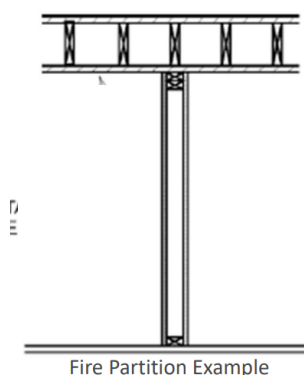
I suspect the answer is for you to require some type of insulation and/or heat for the pipes (maybe what Ryan suggests) , and rest easy knowing you did your best.

**The questions, regarding mudding screws in a rated wall:**

I have a few duplexes being built in town. The developer has an ongoing conversation with the sheet rock crew regarding fire wall separation between the two units. They are saying that spotting screws with mud is not required, tape only. I can't seem to find that in any of my code books. Anyone care to comment.? I think they are trying to see who buys lunch.

**An answer:**

Pull the assembly # from the approved plans and review the spec. Some assemblies allow use of special intumescent fire tape on joints and screws. If it is not on the approved plans I require a submittal of an assembly that is compatible and has the spec for the tape.

**The question, regarding pool fencing:**

Our town does not have a "Swimming Pool Enclosure Ordinance", requiring fencing around a Swimming Pool. However, there is Maine Revised Statute that states the following:

MRS Title 22, §1632. ENCLOSURE OF SWIMMING POOL REQUIRED

**§1632. Enclosure of swimming pool required**

A fence shall be erected and maintained around every swimming pool, except that portable above-ground swimming pools with sidewalls of at least 24 inches in height are exempted. A dwelling house or accessory building may be used as part of this enclosure. All gates or doors opening through this enclosure shall be capable of being securely fastened at all times when not in actual use. [PL 1983, c. 436 (NEW).]

**SECTION HISTORY**

PL 1983, c. 436 (NEW).

Does the fence have to be directly around the swimming pool, or does a fence with a gate around the perimeter of the property satisfy the "Enclosure" requirement?

**An answer:**

A property boundary fence might keep the neighbors safely away from the pool, but it would provide absolutely no protection for those who live on or visit the property. I don't think this type of fence would meet the intent of the law. By the way, it is unclear who is responsible for enforcing this law. You should check with the town's attorney before taking any enforcement action.

**Another answer:**

The 2015 International Pool and Spa Code is referenced in the IRC and IBC, so it is part of those codes and is a requirement for new pools. The fence has to be at least 20" from the water, but there is no requirement on how far from the pool the fence has to be, so I feel that fencing the entire property or a part of it meets the rules.

For pools installed before the 2015 I Codes took effect, the State law applies to them if they were installed after it took effect. It has no standards on how the fence has to be, or where it is located, so a property fence would likely satisfy that requirement as well, even though it provides less protection than a fence just around the pool.

**The question, regarding propane tank barriers:**

Is there a code for protecting propane tanks if they are in proximity to a public parking lot? Some type of barrier that would stop a motor vehicle from backing into it? This is on town property that abuts the Post Office.



**The answer:**

NFPA 58 requires that tanks and gas equipment be protected from vehicles. The Maine Fuel Board rules specify what type of vehicle protection is required. I have attached a copy of our requirements. It is the gas company who is required to protect tanks when they set the tank and you can contact them to fix the issue. If they refuse or give you any problems, feel free to contact me or any of the Fuel inspectors and we will intervene and get it taken care of.

NFPA 58 2011 edition:

6.6.1.2 LP-Gas containers or systems of which they are a part shall be protected from damage from vehicles.



*Peter T. Holmes*

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**The question, regarding public access to codes documents:**

My question is if I am working on a potential violation, are all my notes and pictures public knowledge during my investigation or does it have to become an official violation before I share my findings?

**An answer, combining several:**

MRS 1 Title 13 is the State's Right to Know/Freedom of Access Act. It's long and complicated, and has a pile of exceptions to the definition of "public records". Your photos may be exempt, depending on what's on them. Your notes—the answer's in there somewhere. The law requires that the town have a "Public Access Officer". If you do, consult him or her, and/or your Town Attorney.



Several suggestions about recordkeeping:

You'd be smart to save/store all of your records such that you can retrieve them easily. It's a pain to title and save every document, email, photo, etc., but it's the only way you'll be able to retrieve them if someone asks for them. Emails will be on your server(s), but if someone asks for all emails pertaining to 12 Maple Street, and you haven't titled and saved them suchly, finding them's going to be a project.

If you use your personal cellphone for doing codes business, such as doing email, taking pictures, etc., it may be subpoenaed in a court case.

Sometimes, sharing the information you're using to prepare a violation prosecution gets the problem solved without having to go to court.....

**The question, regarding State Fire Marshal permitting thresholds:**

There is a project in town where a multi-use commercial building is changing its interior spaces from two mercantile spaces to now have a mercantile space, multiple office spaces, and a salon. I was made aware of these changes as the lessee for the salon has submitted for a conditional use permit for the space they will be renting. There are also three apartments on the second floor.

Is this at a point where a review by the Fire Marshall would be required? I am concerned over egress

and the plans have now changed three times in conversations between the owner and I or the Fire Chief, sometimes including a fourth apartment on the first floor. I welcome any advice.

**The answer:**

Good afternoon all,

If there is ever a question whether a permit and plan review is required by our office, please do not hesitate to contact us. Email is always best and a sketch of what we are discussing is also helpful.

I have attached the link (it was too large to include) to our presentation as to when a plan review is required: [FMO CBF Permitting \(maine.gov\)](https://www.maine.gov/dps/fmo/cbf/permitting/) In this case it appears there are multiple occupancies plus the multiple story aspect. There are scenarios that are too difficult to explain (typical state statutes) where we would not require a permit which is why it is always best to ask if you are not certain.



Have a safe day!

Marc

**Marc A. Veilleux**

*Public Safety Inspector III, NFPA and ICC CFI-II, CFPE*

**Plans Review Supervisor**

**Office of State Fire Marshal**

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**The question, regarding operation of an egress window:**

How do other code officers interpret R310.2.1 which states that "The net clear opening dimensions required by this section shall be obtained by the normal operation of the emergency escape and rescue opening from the inside." In particular, what do other code officials consider "normal operation"? Someone installed a double hung window that doesn't meet the egress size requirement unless sashes are tipped in like you would do to clean them. Would anyone approve this type of window?



**An answer:**

The short answer is "no". I, and most codes officers I know, feel that "normal operation" of a window in the IRC or IBC means the way you normally open the window to use it for daily use – i.e. raising and/or lowering the sashes.

NFPA 101-2018, (24.2.2.3.3), which is also applicable to the project, requires egress windows to provide the required opening "without tools, keys, or special effort". Having to undo the clips that allow the sashes to be tipped in, in Codesland, constitutes "special effort", and is not the normal means of operating the window.

The Codes Officer's Prayer: Dear Lord: Please don't let me screw anything up today that will cause someone to get hurt or killed....

**The question, regarding screen porches:**

Do screened-in porches have to have a wall or guardrail up to 36" if they're over 30" above adjacent grade? I looked at one recently that had a 31½" tall wall, and the screening was above that.

**The answer:**

See IRC R312.1.1 The porch needs to meet the guard requirements, up to a height of 36" per IRC (42" per NFPA 101, since the Maine exception only applies to newly constructed stairs). The guard needs to meet the live load in Table R 301.5 and screening does not count as part of the guard.

:

**The question, regarding riparian rights:**

I received a call this morning about a boat that was moored in the lake in front of a beach that has shared access for several properties. The boat does not belong to anyone with access. The individual is crossing the beach, swimming to his boat, then swimming back when done. This isn't anything I have jurisdiction over is it?

**The answer(s) combining several:**

If your town has an ordinance regulating moorings, that will govern whether and where the gent

can place a mooring. If he's just anchored the boat, as opposed to setting a mooring, that may be ok, depending on the ordinance (if you have one). If you have a mooring ordinance, you may have a Harbormaster, who administers the ordinance. Absent a moorings ordinance, the mooring may be legal.



### The Bank of Public Opinion



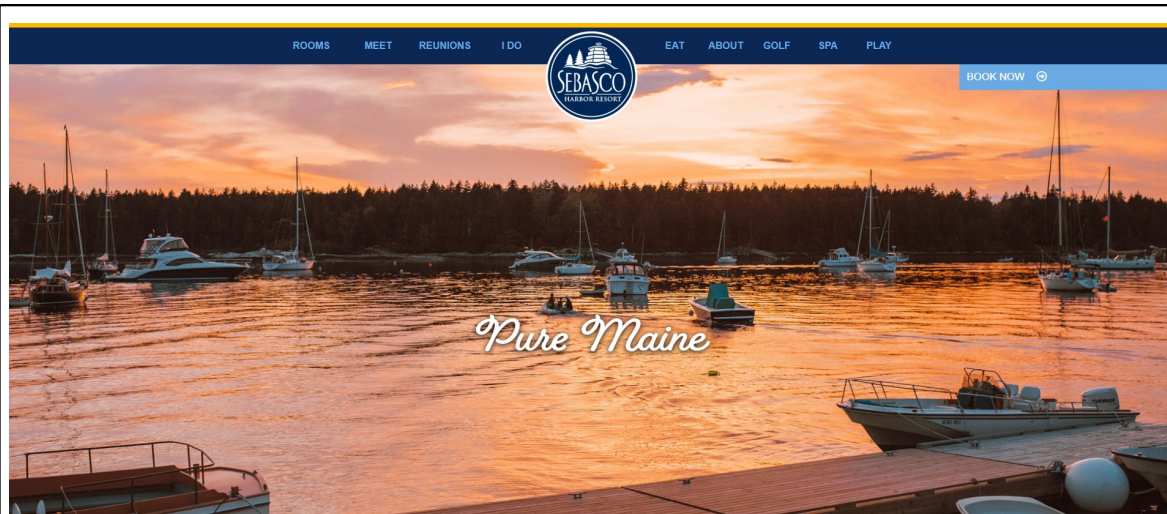
If you work for government, you have an account in The Bank of Public Opinion. It's different than most banks, because the deposits are always small, and the withdrawals are always large. Sooner or later, you'll make a withdrawal from the bank, and the only way to make sure you can cover it is by making those small deposits, every day.



## EVERYTHING OLD IS NEW AGAIN FOR THE 2022 CODES CONFERENCE!



This year's MBOIA codes conference, if we do it live, will be at Sebasco Harbor Resort, in beautiful Phippsburg, on May 23rd and 24th. We held it here for many years, before switching to Point Look-out, which closed (I hope it wasn't something we said...) Information about the conference will be forthcoming. This conference is a great way to get a lot of training for a very reasonable price. There will also be the usual vendors, raffles, prizes, and opportunities to do a lot of networking with fellow CEOs, which is always worth the price of admission. We hope you can join us.



## Where Can I See Them Codes?

While the codes are copyrighted materials you usually have to pay a lot of money for, anyone with access to a computer can view the I-codes, and the NFPA codes online, for free! (ANSI hasn't jumped on the Make This Easy bandwagon). Online codes are a great tool for contractors, design professionals, and codes officials. You can access the NFPA codes on the NFPA website - [www.nfpa.org](http://www.nfpa.org). You can see the I-codes on the ICC website - [www.iccsafe.org](http://www.iccsafe.org). You can't print or copy all of these unless you're a member, but they're a great way to see what a particular code text says, which sometimes is all you need. Information is power. Know where to get it!



## THANKS FOR READING, and goodbye.

I hope you've gotten something interesting, useful, and/or entertaining out of this edition. If you did, great. If not, sorry. I won't do it again. This is my last Enforcer. I've written it for ten years, and agreed to do it to stop Paul Demers from beating on me when he was President about not doing more for The Association. I'm a one man department, I've never been busier than during the past year, I just don't have the time, and The Association deserves some fresh literary blood. This newsletter will be posted on the MBOIA website. I hope you've enjoyed The Enforcer. It's been a pleasure to serve you.



Scott Davis

Bath Codes Enforcement Officer

443-8334

[www.cityofbath.com](http://www.cityofbath.com)