



The Maine Code News

*The Newsletter of the Maine Building Officials and Inspectors
Association, Inc.*

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Welcome to the first edition of the Maine Code News, a new publication of the Maine Building Officials and Inspectors Association. We hope to bring timely news to all of Maine's Code Enforcement Community through various articles that have either been written by those who have an interest in our profession or by other code officials who have timely information to share. The purpose of this newsletter, as is the purpose of our Association, is to advance the professionalism of all code officials in the State of Maine, be it the full time Chief Building Official in a large City or the part-time LPI in the unorganized territories.

We believe everyone has something they can contribute to the Association, be it a technical paper on the inspection techniques of an eight-story hotel on the Portland Waterfront to how to deal with difficult people when enforcing the junkyard statutes in Leeds. We want to also bring a little humor to this publication so if you have any "good stories" to tell, send them in and we will see what we can do. If you have some good pictures of situations where we as Code Officials made a difference, send those in as well as we will post them in a special area.

This is your newsletter and we want you to be a part of it. In future editions, we will be looking into areas such as the new Model Shoreland Zoning Ordinance, the proposed laws making their way through the Maine Legislature, how to achieve national certification, how to build a good municipal code enforcement website and many other issues of interest to Code Officials.

We also want to set up a list serve that members can use to send out inquiries on issues that they have never encountered. We, as a group, have a tremendous breadth of knowledge and I think there isn't a situation out there that one of us hasn't encountered at one time or another. So look for this new service soon.

The Officers and Directors of the MBOIA think 2007 will be a watershed year for our Association, but we can't do it without the help of you, the members. We will only be as strong as you make us.

Happy trails!

Dick Lambert, VP and Editor of The Maine Code News

A Little Bathroom Humor



If you want to contribute your humor, good story or pictures, send them with information on where the story, picture or other material came from to:

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We prefer that you send any contributions by e-mail so that it is easily reproducible. The e-mail address is: dlambert@sacomaine.org

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Dear MBOIA Membership,

A new year is quickly approaching and as I think about the past year, I am proud at how far MBOIA has come and am pleased with our many accomplishments. MBOIA is recognized and respected throughout the legislative process. In addition, we were leaders in the Organization and were crucial participants in the Region 6 "NERC" organization. We have hired Maine Municipal Association as our administrative support staff and have developed stronger relationships with the State Fire Marshal's office and the State Planning Office by working to merge the State Building, ICC and NFPA codes to make a concise document. These are just a few examples of what we have accomplished.

The Board of Directors in the next year plans to review and work on the suggestions presented at the December 2006 Membership Meeting, and will work to implement and incorporate these suggestions into our future activities and goals, both short-term and long-term. In addition we will be working to formulate a plan to prepare for and ensure the future of MBOIA.

I would like to close by thanking all of you for allowing me to represent you. It has been an interesting journey, challenging and rewarding!

Wishing you a very happy and safe holiday season and warm regards for the New Year,

Tim Nelson, President
MBOIA

2007 MBOIA Meeting Schedule

<u>DATE</u>	<u>DAY</u>	<u>TIME</u>	<u>EVENT</u>	<u>LOCATION</u>
February 1, 2007	Thursday	9:00	Board Meeting	MMA – Augusta
March 26-28, 2007	Monday- Wednesday	9:00	Eastern States Building Officials School	Mariott Rocky Hill Hotel Rocky Hill, Connecticut
March 15, 2007	Thursday	9:00	Board & Membership Meeting	Dunstan School in Scarborough
April 5, 2007	Thursday	9:00	Board Meeting	MMA – Augusta
April 11 - 12, 2007	Wednesday- Thursday	9:00	Training in Conjunction with Construction Expo	Augusta Civic Center
May 3, 2007	Thursday	9:00	Board Meeting	MMA – Augusta
June (TBD)		9:00	Joint Meeting with NH	TBD
July 12, 2007	Thursday	9:00	Board Meeting	MMA – Augusta
August 9, 2007	Thursday	9:00	Board Meeting	MMA – Augusta
September 13, 2007	Thursday	9:00	Membership (Annual Meeting)	Spring Meadows – Gray
September 30- October 4	Monday- Thursday	9:00	ICC Annual Business Meeting	Reno, Nevada
October 2007 (TBD)		9:00	Board Meeting	MMA – Augusta
October 2007 (TBD)		9:00	Training in Conjunction with MMA Convention	Augusta Civic Center
October 1 - 4, 2007	Monday- Thursday	9:00	New England Building Officials School	Amherst
November 8, 2007	Thursday	9:00	Board Meeting	MMA – Augusta
December 13, 2007	Thursday	9:00	Board & Membership Meeting	Brunswick

All Board Meetings will be held at Maine Municipal Association in Augusta.

Planning Project Sets Foundation for Association

At the December 7, 2006 meeting, the membership gave their input on what direction they want the Association to go in. Vice President Dick Lambert lead the group in this focus exercise and afterward stated “I want to thank all those who participated in this process. I look forward to developing a strategic plan that we can use as a blueprint going forward.”

Below you will find the chart that lists each goal, the total score of the goal, the goal’s name and the breakdown of how it scored with the membership, that is how many one’s, two’s and three’s it scored. If there was a tie in the total score, the goal that received more three’s was listed first. Don’t forget, 1 was a low priority, 2 was a medium priority and 3 was high priority.

Where does it go from here? Your officers and Board plan to meet in the next month to take this survey and develop a strategic plan from it. Our goal is to write a blueprint for the next 3 years based on how these goals scored. Look for more information on this at the next meeting.

Total	Name of goal	# of 1's	# of 2's	# of 3's
68	Make web site a priority vehicle for information distribution and resource	1	2	21
67	Back-to-basics hands on training	1	3	20
67	Electrical Inspector training	0	11	15
67	Work with SPO to revise training requirements	0	5	19
65	Facilitate ICC Certification	2	3	19
62	Hold an annual planning meeting	6	4	16
62	Publish a newsletter	0	13	12
59	Develop an interaction with the Community Colleges (voc-tech)	7	8	12
58	Provide education of membership and trade professionals	1	2	19
57	Membership list should be distributed to all members	2	7	14
57	Create a forum/list serve	4	7	13
57	Create a program for job shadowing and mentoring	2	11	11
56	Provide contractor training	6	4	16

55	Better public relations	2	7	13
55	Outreach to members who do not or cannot attend regular meetings	0	14	9
52	Involve SPO on training provided at MBOIA meetings	0	8	12
52	Push for State certification of all contractors in all disciplines of const.	9	8	9
52	Create liaison/coalitions with other Code Official groups (Mid-Coast, etc)	1	18	3
51	Create liaison/coalitions with SPO/Fire Marshall and private home inspectors	6	12	7
50	Create coalitions with fire services	2	12	8
49	Standardize code interpretations	3	11	8
48	Train town managers/selectmen in what code officials do	8	11	6
46	Contractor licensing	3	5	11
45	Update MBOIA by-laws	6	15	3
44	Provide alternative energy training	6	13	4
43	Social events	13	12	2
41	MBOIA Legislative sub-comm. Should draft legislation pro-actively	4	11	5
41	Create/support the development of Northern Maine Code Officials group	5	12	4
38	Perform a membership drive for Associate members	2	15	2
38	More prominence at the MMA Annual meeting	6	13	2
37	Drive for more corporate sponsorships	10	12	1
32	ADA requirements training	10	5	4
29	Association should offer advanced training (old Master Code Official)	21	2	2
24	Repackage the title of code officials	20	2	0

Maine Inspectors Attend ICC Annual Business Meeting

Several members of MBOIA recently attended the ICC Annual Business Meeting in Orlando, Florida. During the conference, members attended several training sessions, code change hearings and the Business meeting itself where Wally Bailey, Director of Development and Construction for the City of Fort Smith, Arkansas, was elected President of the ICC Board of Directors. Bailey previously served as Vice President and has been a member of the ICC Board since 2000. Also elected were Steven I. Shapiro, Director of Codes Compliance for the City of Hampton, Virginia, Vice President of the ICC Board and Adolf Zubia, Fire Chief for the City of Las Cruces, New Mexico, elected Secretary/Treasurer of the Board. Greg Johnson, Tim Ryan and Ron Piester were re-elected to three-year terms as Directors and Gregori Anderson was newly elected to a three-year term as a Director. Barbara Koffron and Doug Murdock were newly elected to a one-year term as Directors.



Maine delegation at ICC Meeting, front row, Kathy Joiner, Dan Wellington, Dick Lambert. Back row, Tim Nelson, Roger Timmons and Mark Tebbets, Northeast Regional Field Representative for ICC.

The International Code Council Foundation (ICCF) sponsored its 4th Annual Silent Auction during the conference on Monday and in keeping with this year's theme, "Working to Build a Safer World", the beneficiary was Habitat for Humanity-Orlando. MBOIA donated an LL Bean fun pack, including a horseshoe game, coffee mugs, a tote and a Maine Blueberry pancake package, total value of \$100. The package was auctioned off for over the actual value. The ICC Foundation's raised a record-setting \$5,000—up from the previous year's high of \$3,700.

We recently received a thank you letter from Habitat for Humanity, Orlando expressing their gratitude for our donation.



CHAMPION THE STATE'S NEW MODEL BUILDING CODES AND WORK TOWARD UNIFORMITY

Maine's first strategy for promoting new investment in its established regional centers should be to streamline once and-for-all the state's cluttered, confusing building-code regime and to make sure that its newly adopted model rehabilitation code is truly helpful and easy to use.

Today, Maine's lack of a uniform statewide building code seriously hinders redevelopment by injecting uncertainty into investors' decision making, consuming time, and making clear guidance from a central source impossible to obtain.

Likewise, until recently the lack of a state rehabilitation code has limited the reuse of the state's large and distinctive stock of historic buildings.

Happily, Maine has already started important work in reforming its tangled building code situation. In 2004, Maine passed legislation that adopted the International Building Code (IBC), a model building code published by the International Code Council (ICC) as the state building code, and required that henceforth any municipality that adopted or updated a building code must adopt the new model. In addition, the following year, the legislature adopted the International Existing Building Code (IEBC), a model building rehabilitation code to govern work on and in Maine's existing buildings. The rehab code offers consistency in code requirements that will make renovation projects more predictable and less expensive to accomplish, without compromising safety. Adopting the model rehab code represented an important step toward making development in traditional regional centers and other older places more competitive with new construction in the suburbs.

While these steps represent important progress, more needs to be done to rectify decades of code chaos.

Currently, the use of the IBC, the state's model building code, remains optional: Nothing requires municipalities that already have a building code to switch to the new state model. Nor is there a requirement that municipalities with no building code now adopt one. Neither, for that matter, is the rehab code mandatory. The current statute simply requires that any municipality wishing to adopt a rehab code adopt the IEBC, the model code adopted by the state. The upshot of all of this is that much code variation and confusion persists in Maine and will persist for years.

In view of these issues, Maine should step up its financial support for broader implementation of its model codes and move toward making that implementation uniform and ubiquitous.

Step up financial support to perfect the model codes.

To start with, the state should expedite its efforts to make sure the new model code is as easy to implement as possible.

Currently, the model building code statute names the IBC as the model building code, but delineates eight areas where municipalities are directed to use other existing state laws. This can get confusing. For example, the existing fire or elevator codes take precedent over any related areas in the IBC. That means that for new construction, the IBC might require railings of a certain height, but the National Fire Protection Agency (NFPA) fire codes that the state uses to regulate fire safety might require a different height. These differences need to be identified, clarified, and harmonized for ease of implementation. (The issue is even more complicated for those using the rehab code.)

And there are other glitches. For instance, early work by the state and code enforcement workers suggests there may be places where the IBC needs to be tweaked to better meet the needs of Maine's environment. For example, the IBC does not establish a heavy enough snow load for most of Maine. Because of Northern Maine's heavy snow fall, the IBC should probably be amended to meet the realities of Maine's climate.

All of which underscores the importance of the state's ongoing but unfunded work to harmonize the IBC with the eight existing relevant laws. This work will not only help by committing code requirements to one document, but ensure the codes work in the Maine environment in all ways. This bridging work is critical if the state is going to offer municipalities a "hassle-free" off-the-shelf product that can be immediately adopted and that will truly save builders money by reducing the delays and conflicts caused by unclear code issues. For that reason, the state should ensure the work continues and speed it by funding it appropriately.

Fund technical assistance, model-code training, and public outreach.

The legislature also needs to back a concerted effort to market and implement the newly adopted model codes. Currently, no funding exists to supply technical assistance to municipalities adopting the new codes. No training programs exist to train code-enforcement officials in the streamlined regulations. And for that matter, there is not even a centralized database of what municipalities employ which codes to speed planning decisions. Consequently, municipalities are in effect being left on their own to work through code adoption, interpretation, and enforcement without even the support of a public outreach program that explains the benefits of adopting the model codes and would help boost adoption. This makes no sense. Promulgation of the new model codes offers a huge opportunity for Maine. The state should do the job right.

Achieve code uniformity in the near future.

Beyond simply developing and marketing a comprehensive new code, the legislature and the governor need to actively move the state much closer to the ideal of statewide code uniformity.

How might this be achieved? One approach might be to simply require that all existing codes in the state (elevator and fire, in particular) be migrated to those published by the International Code Council. This way, both the model codes and all the other fire and construction codes in use within the state would derive from the same code family, thus creating a much higher level of standardization that would greatly reduce conflict and confusion and would increase predictability and uniformity. A problem with this approach, however, remains the strong investment of the state Fire Marshal in retaining the NFPA fire safety code.

This suggests another possible approach. Working more within the current framework, reformers could embrace the mixed model code now being reviewed, but move much more concertedly to promote its state-wide adoption. To that end, Maine could require that within a reasonable number of years that all towns that have or wish to have a building code adopt the state's model codes. Currently, adoption of the updated codes is mostly voluntary. The only mandate is that localities that want a building code but do not yet have one must adopt the state model codes. That means that code variety will persist in Maine for many years. However, by expanding the code adoption mandate to require every municipality that has—or wishes to have—a building code to adopt the model building and rehab codes, Maine will almost entirely eliminate the confusion. Finally, then, the vast majority of the state's towns would at last be in a position to make new construction and rehab work more predictable, more efficient, and cheaper. As to the mechanics of making it happen, one final note is in order. The legislature should not require local adoption of the model codes without making funds available to municipalities to do so. Accordingly, perhaps \$1.5 million in matching funds should be made available to help towns hire additional code enforcement officials to help implement the adoption of the model codes. This initiative could easily be supported by disbursements from the Maine Quality Places Fund.

Bolster the new rehabilitation code.

Finally, there remains work to do in providing the state a truly useful renovation and rehabilitation code. To be sure, the state has already adopted a building code for existing structures, which is an enormous first step. However, Maine has a lot more to do to make its rehab code truly functional and meaningful.

Because of the way the law is written, existing fire codes, elevator codes, ADA regulations, and other codes trump what is in the IBC. While this is not necessarily an issue for new construction, it can pose problems for work on existing structures. For example, the fire and elevator code requirements can make rehabbing an old building economically unviable. Facing the same situation, New Jersey pioneered the country's first building code for existing structures. (See box on next page.) Its main tenet is one of incrementalism—the larger the project, the more of the building is required to be up to

new construction standards. The inverse is also true— the smaller the project, the less is required. This basic approach is included in the IEBC.

To make this incremental approach truly effective, the state will need to work through any conflicts between the IEBC and the existing fire code and elevator codes. New Jersey chose to create a committee of “interested parties,” including fire code officials, building code officials, developers, downtown redevelopment organizations, advocates for people with disabilities, and historic preservationists to work through these issues together. Maine should follow suit.

Copies of the report can be obtained from GrowSmart Maine for a donation of \$10.00 per report. They may be contacted on the web at www.growsmartmaine.org

And You Thought You Didn't Have Enough to Worry About?

Starting on September 1, 2007, the Natural Resources Protection Act (NRPA) will include rules on the protection of “Significant Vernal Pools”. What is a “significant vernal pool” you may ask? Vernal pools are shallow depressions that usually contain water for only part of the year and are usually associated with forested wetlands. A significant vernal pool is a vernal pool that has a high habitat value, either because (1) a state-licensed threatened or endangered species, such as a spotted turtle, uses it to complete a part of its life history, or (2) there is a notable abundance of specific wildlife, such as blue spotted salamander, wood frog or fairy shrimp.

“Not a biologist” You say? Not to fear, it will not be the CEO’s job to identify these pools. These pools need to be identified in the field by either a person who has experience and training in either wetland ecology or wildlife ecology or the DEP may provide a written determination concerning whether or not a vernal pool habitat is significant. What is the CEO’s role, you might ask? You need to be aware of where these pools might form or be present and then advise the landowner to get a determination from an experienced source. We already know what a forested wetland is and if there is one close by to the project you are reviewing, it is quite possible that a vernal pool is nearby.

For more information on the NRPA rules governing Significant Vernal Pools, check out this website: <http://www.maine.gov/dep/blwq/docstand/nrpapage.htm>