MUBEC AMENDMENTS

As you likely know, the Maine Uniform Building and Energy Code is in effect in municipalities with populations over 4000 Statewide, as well as in towns smaller than that that have adopted it locally. The Bureau of Codes and Standards (www.maine.gov/dps/bbcs) administers the code. The Bureau has Technical Advisory Groups (TAGs), that evaluate proposed amendments to the codes. If a TAG feels that an amendment warrants enactment, it has to go through the rulemaking process before it becomes effective. The rulemaking process is detailed below, as described by Chris Mann, of the Attorney General’s office:

1. Agency holds hearing if required by 5 M.R.S. § 8052(1).
2. Agency provides notice of rulemaking to the required parties. 5 M.R.S. § 8053(1).
3. The proposed rule is filed with the executive director of the Legislative Council. 5 M.R.S. § 8053-A.
4. If a public hearing is required, it must be scheduled for at least 20 days after notice was given to the required parties and between 17 and 24 days after publication of the proposed rules on the Secretary of State’s website. 5 M.R.S. § 8051(1) & (5).
5. If no public hearing is required, the comment deadline must be set at least 20 days after notice was given to the public and at least 30 days prior to publication of the proposed rules on the Secretary of State’s website. 5 M.R.S. § 8051(1) & (5).
6. The adoption of the rule is within 120 days of the comment deadline. 5 M.R.S. § 8052(7).

7. If the adopted rule is the same as the proposed rule, except to the extent the agency changed the rule (a) to address concerns raised in comments or (b) after specific findings were made by the agency supporting the changes. 5 M.R.S. § 8052(5)(B).

8. If the adopted rule is not substantially similar to the proposed rule, the agency must have again requested comments from the public at least 30 days before adoption. 5 M.R.S. § 8052(5)(B).

9. Attorney General reviews rule within 150 days of the comment deadline. 5 M.R.S. § 8052(7).

10. If rule includes factual findings and the authorizing statute does not preclude it, findings are made regarding the five criteria in Executive Order 20 FY 11/12.

11. All proposed rules must be approved by Governor’s office. 20 FY 11/12.

12. If rule is amended after public hearing/comments, the amended rule must again be approved by Governor’s office. 20 FY 11/12.

As you can see, it’s complicated, and difficult to track, and the amendment is not effective/law until it goes through the rulemaking process. The Codes Bureau will be tracking amendments through the process and posting them on their website when they become effective. They’ve got the page on their site in place and ready to go. Thanks in advance to Rich McCarthy (the Director of the Codes Bureau) and Kathy Chamberlain Robitaille (the Bureau secretary) for your work on this. It’s going to be a fantastic tool.

Relatedly, from the “Inquiring-Minds-Want-To-Know” file, the latest batch of proposed amendments, including deleting the sprinkler requirement for Live/Work Units (felt by many, including the ICC, to include most home occupations) had not been through the rulemaking process at the time of this writing, according to Mr. Mann, and is hence not in effect. Stay tuned.

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 on line, for free! This is a great tool for contractors and codes officials. There's a link on the Codes Bureau website (www.maine.gov/dps/bbcs) to the NFPA codes. You can see the I-codes on line, here: www.publicecodes.cyberregs.com. (This is on the ICC website, which is www.iccsafe.org). You can't print or copy all of these, but they're a great way to see what a particular code text says, which is sometimes is all you need.
THE CODES BUREAU WEBSITE

Is a great tool. Use it!  www.maine.gov/dps/bbcs

As you know if you've been on it, the Codes Bureau website has lots of good info on it. Lots of MUBEC stuff, TAG meeting minutes, links to other useful agencies and sites, including one to the EPA mold webpage (mold is the latest BigUgly in building science/indoor air quality/tenant-landlord skirmishes, etc.) - AND - (you ready?) - for those of us with normal or poor eyesight that are in towns on or near the lines on the map in the codebook - town by town listings for the Maine ground snow loads from the building codes! Thank you Bureau!!!!! (Another way to get this info that's better than using the book is to go to the free I-Codes online website, and you can zoom the map from the book, and it has the counties shown on it. You may still have to interpolate, but it's better than the map in the book…). It also has Bureau Secretary Kathy Chamberlain Robitaille’s contact info (624-7007). Kathy is a one (wo)man gang, and can help you with anything bureau related that you need. As we all know, Rich McCarthy - Assistant State Fire Marshal (626-3886), is the head of the Bureau. He wears a lot of hats, but is very knowledgeable, and willing to help you with anything Bureau-ish, or State Fire Marshal-ish. Rich is a great resource to us.

As Tim Taylor used to say, “There isn't a tool made that I don't need.” The Bureau website is a good one. Don't be afraid to use it.

MBOIA CODES CONFERENCE
A HUGE SUCCESS (again)

As you know if you attended, this year’s MBOIA Codes Conference, held May 21st and 22nd at Sebasco Harbor Resort, in Phippsburg, was another good'un. A gorgeous venue, a good slate of speakers and topics, great staff support from MMA, and the usual camaraderie and networking all combined to make the conference interesting, topical, and useful. Most of us lack the funding or manpower to attend the codes conferences out of state, put on by the New England Codes Officers group, or ICC, so this Maine conference, designed by Maine CEOs for Maine CEOs, is a great way to enjoy the benefits of attending a conference ("By God, there is a world outside the walls of my municipality…..") for a fraction of the time and cost of the bigger "away" ones. Many thanks to Chris Hanson and Paul and their minions for making this happen. Planning is already underway for next year's conference. If there are topics you’d like to see training on, let Paul know.

The 3 Ps  From Durwood Parkinson’s Legal Issues seminar at the conference:
No matter who or what you're dealing with, you should always practice the 3 Ps, and be Polite, Pleasant, and Professional.
ICC INTERPRETATIONS

There’s nothing like a passage of code text to make you question your sanity. Five people can read the same text and come up with six things it might mean. From the placement of a comma, to the sentence structure, to “they’ve gotta be kidding”, the text can mean different things to different people, and when it comes to enforcing the code in your town, the buck stops with you. Ultimately, you want to interpret the code the way you feel that a judge or jury would should your interpretation get challenged in court. Fortunately, help is available, from The International Code Council - the people who write the code. If you’re an ICC member, you can contact them with questions about any ICC code text, and get an answer/opinion, in writing, from an ICC staffer. The judge or jury may not read the text the same as ICC, but having a written interpretation from the folks that wrote the code is a great arrow to have in your quiver. You can contact ICC at www.iccsafe.org, or 888-422-7233. Some of us who have solicited ICC interpretations of code text have been sharing them, often via the Moose-Chatter listserv (more on that below), to save folks the trouble of asking a question that ICC has already answered. We’re working toward having a place where these interps can be posted for all to use. The MBOIA website is one place being considered. The ICC website may represent another opportunity. There is a codes forum on the ICC website, that’s another place to get code interpretation info. Much of it is available to both ICC members and non members, and information is power - you can never have too much. To whet your whistle, below are some interps provided to Maine CEOs by ICC on various topics recently:

IECC re insulating hot water piping:

Questions: Please confirm or reject my interpretation that mechanical system piping in Section 403.3 refers to HVAC and similar equipment and not hot and cold potable water systems. Section 403.4 requires all CIRCULATING service hot water piping to be insulated. A plumber tells me that circulating hot water systems are fixtures that receive hot water from a circulating pump that will provide hot water instantly. Circulating also indicates that the water returns to the heating source. This is consistent with the last sentence that requires a means of shutting off the pump. Although the definition of service hot water piping includes hot water to restrooms, laundries, showers, kitchens (Commentary Only), the distribution of hot water to these fixtures is typically not CIRCULATING. So am I right or wrong to say that water pipes supplying hot water to such fixtures by a water heater where the hot water is not pumped (and returned) does not have to be insulated because it is not circulating service hot water piping. Thanks

From: Doug Connell [mailto:DConnell@iccsafe.org]
Sent: Thursday, July 28, 2011 3:14 PM
Subject: RE: 09 IRCC 403.3 & 403.4 (DC)

Q: Does Section 403.3 refer to HVAC and similar equipment piping and not to hot and cold potable water systems?
A: Section 403.3 only refers to HVAC cooling and heating piping.

Q: What type of insulation is required for residential type buildings under Section 403.4 for non-circulating hot water systems?
A: None, the IECC for residential buildings meeting the IECC definition for residential buildings does not require insulation for domestic hot water piping that is not automatically circulated.
This opinion is based on the information which you have provided. We have made no independent effort to verify the accuracy of this information nor have we conducted a review beyond the scope of your question. As this opinion is only advisory, the final decision is the responsibility of the designated authority charged with the administration and enforcement of this code.

**IBC & IRC re sprinkling home occupations**

**Code Reference:** 2009 IBC and IRC  
**Code Edition:** 2009  
**Code Section:** IBC-Section 419 IRC R313

**Questions:** In Maine it is common for folks to have something called a home occupation in their owner occupied Single Family Home. These typically involve less than 20% of the floor areas, are seamstresses, bakers, jelly makers or other similar uses. Maine recently adopted the 2009 I codes but did not adopt the sprinkler provisions of one or two family homes. Do these home occupation fall under "live work" space in the IBC section 419? This section seems to contemplate a multi family home... Do we have to sprinkler single family homes that are being converted to home occupations?

-----Original Message-----

From: Larry Franks  
Sent: Friday, March 04, 2011 2:14 PM  
Subject: RE: 09 IBC 419; IRC R313 (LF)

RE: 2009 International Residential Code(IRC)  
Section R101.2  
2009 International Building Code(IBC)  
Sections R419 and 903.3.1.3

In response to your questions, per your e-mail of February 23, 2011, we offer the following opinion of the meaning and intent of the code on this subject. It is my understanding that your e-mail poses the following questions:

**Q1:** In Maine it is common for folks to have something called a home occupation in their owner occupied Single Family Home. These typically involve less than 20% of the floor areas, are seamstresses, bakers, jelly makers or other similar uses. Maine recently adopted the 2009 I codes but did not adopt the sprinkler provisions of one or two family homes. Do these home occupation fall under "live work" space in the IBC section 419?

**A1:** No. They will be an IRC live/work unit and fall under the Exception to section R101.2 of the IRC. A work area of 10% or greater of the dwelling unit would be considered a live/work unit. The exception to R101.2 permits a building (one-and two-family dwellings or townhouses) built in accordance with the IRC to be a live/work unit. The requirements of Section 419 applies to the IRC live/work unit except it is not an R-2 occupancy and it must be sprinklered in accordance with IBC Section 903.3.1.3(NFPA 13D).

**Q2:** Section 419 of the IBC seems to contemplate a multi family home... Does the code require sprinklering of single family homes, built to the IRC, that are being converted to live/work units?

**A2:** Yes. See answer A1.

This opinion is based on the information which you have provided. We have made no independent effort to verify the accuracy of this information nor have we conducted a review beyond the scope of your question. As this opinion is only advisory, the final decision is the responsibility of the designated authority charged with the administration and enforcement of this code.
Sincerely,
Larry D. Franks, PE, CBO
Senior Staff Engineer
Codes and Standards Development
International Code Council, Inc.
Birmingham District Office
900 Montclair Road
Birmingham, AL 35213
888-ICC-SAFE (422-7233) x5279 phone
205-592-7001 facsimile
lfranks@iccsafe.org
www.iccsafe.org

Sent: Friday, March 04, 2011 2:02 PM
To: Larry Franks
Subject: RE: 09 IBC 419; IRC R313 (LF)

Thank you Larry!

Quick clarification : even if we don’t require sprinklers for residences, you think it’s the intent of the code to retro fit the residence if we do a home occupation?

From: Larry Franks [mailto:LFranks@iccsafe.org]
Sent: Friday, March 04, 2011 3:09 PM
Subject: RE: 09 IBC 419; IRC R313 (LF)

Yes. Because that is similar to a change of occupancy. You are changing a detached one-and two-family dwelling or townhouse to an IRC live /work unit. It must comply with Section 419 of the IBC except it is not an R-2 and it must be sprinkled per Section 903.3.1.3 of the IBC.

IECC re a basement being conditioned space (or not)

Code Reference: IECC
Code Section: 202 General Definitions-Conditioned Space
Questions: In new construction, is a basement with a furnace that heats the story(s) above a conditioned space if the ceiling of the basement is insulated in accordance with Table 402.1.1- Floor R-Value. The only source of heat would be the residual heat from the furnace. The basement would have plumbing and heating pipes that must be insulated in accordance the Code. The only other utilities would be an electrical panel and perhaps a water heater. The question from another party centers on the fact that the basement is a heated space even though it is residual heat from the furnace. We are in Zone 6 and obviously the pipes could freeze without heat. Therefore should basement be considered conditioned space and the foundation be insulated in accordance with Table 402.1.1- Basement Walls, even though the only heat source is residual heat from the furnace? Obviously in that case, the ceiling would not be insulated. Since I have an applicant waiting for my decision, an answer ASAP will be appreciated. Thank you.
From: Doug Connell [mailto:DConnell@iccsafe.org]
Sent: Thursday, April 07, 2011 10:03 AM
Subject: RE: 09 IECC 202 Conditioned Space (DC-4/1)

The space you describe could be a conditioned space, therefore, requiring a building thermal envelope, if the duct work is uninsulated. If the space is not heated, except as you say by the heat from the furnace, and the duct work is insulated, then, the space can be considered unconditioned space.

This opinion is based on the information which you have provided. We have made no independent effort to verify the accuracy of this information nor have we conducted a review beyond the scope of your question. As this opinion is only advisory, the final decision is the responsibility of the designated authority charged with the administration and enforcement of this code.

James D. Connell, P.E.
Team Leader, A & E Services
International Code Council, Inc.
Birmingham District Office
900 Montclair Road
Birmingham, AL 35213
888-ICC-SAFE (422-7233), X5226 phone
dconnell@iccsafe.org

MOOSETRACKS

From the Information-Is-Power file, many Maine CEOs belong to a listserv called Moose-Chatter, operated by The Maine Municipal Association for MBOIA. This listserv is a forum/sounding board for members to use to ask and get answers to questions they have, from other codes officers. Named by either Mike Nugent or Paul Demers, if memory serves, “Moose” stands for Maine Outstanding Officials Seeking Education. (The “E” may have been for “enlightenment” originally, but that infers that we’re in the dark,.....) Despite the training we all take, it’s sometimes easy to feel that you operate in an informational vacuum. The Moose-Chat is a great cure for that, and good way to ask questions and get real world answers from practicing codes officers. If you’d like to get on the listserv, you can do so on the MBOIA website, in the Members section. There’s also a good tutorial on what the listserv is and isn’t, and how to use it. Several things to keep in mind:

1. When you “reply”, you’re sending out to everyone on the listserv. If you want your response to go to everyone on it, blast away. If you just want to respond to the person who asked the question, copy their email address from the header and send your message to them.

2. Sometimes you want to get as many answers as people are willing to send. Other times, you’ll want the answers to stop coming when you get your question answered to your satisfaction. In the latter case send out a quick “Thank You/No More Calls We Have a Winner”
message. A common complaint about the listserv is that the emails clutter up people’s inboxes needlessly when several people answer the question with the same answer.

3. Most of the people answering the questions are plain ol’ codes officers just like you, that put their pants on one leg at a time, and no matter who’s answering the question, their opinions mean nothing in your jurisdiction or a court of law, and they may be wrong. If you get something useful from the responses, great, but keep it in perspective.

4. Practice the 3 Ps, and keep it Polite, Pleasant, and Professional.

**DECK DETAILS** (and the Devil is always in the details…)

Building decks to code has gotten easier and harder in towns with the new building codes in place. How to fasten a header to the house “per accepted engineering practice” was always a crapshoot. Now there’s a fastening schedule. How much of an overhang is OK on a joist, or girder? There’s a table for joist overhangs in the new code, And we’re all familiar with those newfangled threaded rod tension fasteners everyone loves so much. One thing not in the new code is what to fasten the tension rod to if the inside joists aren’t 2Xs, and/or if they’re not parallel to the deck joists. Also, how to size outboard deck girders has always been mysterious/not well covered in the codes. Below, courtesy of CEO Tom Lister, are some answers to those questions from The Wood I-Joist Manufacturers Association, The American Wood Council, and one manufacturer of the tension connectors.

Obviously, you have to be comfortable putting your name on the permit, but the following information may give you some comfort for those situations not covered in the codes, created by folks who have put a lots of time and effort and research into making sure it’ll meet code. For confirmation and/or more info, go to the applicable outfit’s website.

Thank you Tom!
IT'S A SERVING OPPORTUNITY!

As with any organization, it takes people to make MBOIA function. Officers, Directors, Committee Members, People Gullible Enough To Agree To Write The Newsletter - there are many ways you can pitch in and help run and even improve the Association. Several Directors are completing their terms and/or stepping down soon, so there will be vacancies on the Board of Directors in the coming months, and there’s always some committee or project needing people to help out. Opportunities are presenting themselves. Consider grabbing one.

“Ask not what your Association can do for you. Ask what YOU can do for your Association”  Paul John Kennedy Demers - 2012
Background

When decks are supported by attachment to an adjacent structure, the International Residential Code® (2000 through 2012 IRC) requires a positive attachment to that structure to resist lateral (horizontal) loads. These loads can result from wind or seismic forces acting on a deck or from occupants on the deck moving around. If the band joist, deck ledger or deck joists were to pull away from the primary structure as a result of lateral forces, the deck would not be supported for gravity (vertical) loads and would likely collapse (see Figure 1).

To prevent this, the 2009 and 2012 IRC include an approved method to resist these lateral loads. The method calls for holdown devices with a minimum allowable load of 1,500 lbs. to be installed in at least two locations per deck. The holdowns connect a deck joist to a floor joist in the supporting structure that is nailed to the floor sheathing above (see Figure 2).

The Simpson Strong-Tie® DTT2 deck tension tie may be used in this critical connection assembly to satisfy the provisions of the IRC and the AF&PA Prescriptive Residential Wood Deck Construction Guide (DCAG6). Versatile and cost-effective, the DTT2 fastens quickly and easily using Simpson Strong-Tie Strong-Drive® SDS screws, which install with no pre-drilling and are included with each DTT2 connector. The DTT2 is available in ZMAX® coating (DTT2Z) and stainless steel (DTT2SS).

Conditions Not Shown in the IRC

The 2009/2012 IRC detail does not specifically address some common framing conditions. When these are encountered, alternate methods of construction must be approved by the building official to ensure they satisfy the intent of the code and are at least equivalent to the prescribed method. Several alternate construction methods are shown here and are subject to approval by the building official.

Condition A – Floor Joist Framing Does Not Line Up with the Deck Joist

The DTT2 may be installed with a maximum allowable offset of 1 1/2” when the ties are installed at least 18” apart. Larger offsets may require an additional deck joist be added to line up with the floor joist (see Figure 3).

Condition B – Floor Joist Framing is Perpendicular to the Deck Joist

Full-height blocking between joists is a common construction method when lateral load is applied perpendicular to floor framing. The blocking for this application would have to extend into the floor framing far enough to permit enough fasteners from the floor sheathing to transfer 1,500 lbs. An 8d common nail (0.131" x 2 1/4") through 90° wood structural-panel floor sheathing (G = 0.50) into SPF or better blocking (G ≥ 0.42) has an allowable lateral design value of 131 lbs. (1.60 load duration factor*). This installation would require 12 nails through the floor sheathing into the blocking. It is recommended the blocking extend into the floor at least two joist bays and the DTT2 be installed in the furthest blocked bay (see Figure 4). When nails into the floor sheathing cannot be installed, see Condition E.

* A load duration factor of 1.60 corresponds to a 10-minute duration of maximum load, adjust for other durations.
BEAM SIZE & ASSEMBLY REQUIREMENTS

Deck beam spans shall be in accordance with Table 3 and can extend past the beam centerline up to L/4 as shown in Figure 3. Joists may bear on the beam and extend past the beam centerline up to L/4 as shown in Figures 1A and 2, or the joists may attach to the side of the beam with joist hangers as shown in Figure 1B.

Joists shall not frame in from opposite sides of the same beam. See JOIST-TO-BEAM CONNECTION details, Figure 6.

Where multiple 2x members are used, the deck’s beam is assembled by attaching the members identified in Table 3 in accordance with Figure 4. [Table R602.3(1)]

### Table 3. Deck Beam Spans (L/4) for Joists Framing from One Side Only

<table>
<thead>
<tr>
<th>Species</th>
<th>Size</th>
<th>Joist Spans (L/4) Less Than or Equal to:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>6'</td>
</tr>
<tr>
<td>Southern Pine</td>
<td>2-2x6</td>
<td>7' - 1'</td>
</tr>
<tr>
<td></td>
<td>2-2x8</td>
<td>9' - 2'</td>
</tr>
<tr>
<td></td>
<td>2-2x10</td>
<td>11' - 10'</td>
</tr>
<tr>
<td></td>
<td>2-2x12</td>
<td>13' - 11'</td>
</tr>
<tr>
<td></td>
<td>3-2x6</td>
<td>- 8' - 7'</td>
</tr>
<tr>
<td></td>
<td>3-2x8</td>
<td>- 11' - 4'</td>
</tr>
<tr>
<td></td>
<td>3-2x10</td>
<td>- 14' - 5'</td>
</tr>
<tr>
<td></td>
<td>3-2x12</td>
<td>- 17 - 5'</td>
</tr>
<tr>
<td>Douglas Fir-</td>
<td>3x6</td>
<td>5' - 5'</td>
</tr>
<tr>
<td>Larch3</td>
<td>3x8 or 2-2x8</td>
<td>6' - 4'</td>
</tr>
<tr>
<td>Hem-Fir,</td>
<td>3x10 or 2-2x10</td>
<td>8'- 4'</td>
</tr>
<tr>
<td>SPF5</td>
<td>3x12 or 2-2x12</td>
<td>9'- 5'</td>
</tr>
<tr>
<td>Redwood Western</td>
<td>4x6</td>
<td>6'- 5'</td>
</tr>
<tr>
<td>Cedars</td>
<td>4x8</td>
<td>8'- 5'</td>
</tr>
<tr>
<td>Ponderosa Pine,</td>
<td>4x10</td>
<td>9'- 11'</td>
</tr>
<tr>
<td>Red Pine</td>
<td>4x12</td>
<td>11'- 5'</td>
</tr>
<tr>
<td></td>
<td>3-2x6</td>
<td>7'- 4'</td>
</tr>
<tr>
<td></td>
<td>3-2x8</td>
<td>9'- 8'</td>
</tr>
<tr>
<td></td>
<td>3-2x10</td>
<td>12'- 0'</td>
</tr>
<tr>
<td></td>
<td>3-2x12</td>
<td>13'- 11'</td>
</tr>
</tbody>
</table>

1. Assumeds 40 psi live load, 10 psi dead load, L/360 simple span beam deflection limit, L/180 cantilever deflection limit, No. 2 grade, and wet service conditions.
3. Design values based on northern species with no incising assumed.
4. Beam depth must be equal to or greater than joist depth if joist hangers are used (see Figure 6, Option 3).

Figure 3: Beam Span Types

American Forest & Paper Association
TRICKS OF THE TRADE

Are you lonely? Confused? Confounded by the challenges of working alone sometimes? We're here to help. No – it's not a new dating service for codes officers (who'd want us anyway?). It’s a couple of tips to make your life easier in the trenches. The first is a piece of string on the end of your tape measure so you can measure things without someone to hold the other end. Cheap, effective—easy peazy. For extra bonus points, keep a couple of stakes (storebought tent stakes work well) in your toolkit to tie the thing to.

The second tip came to me after I spent half an hour looking for the case to my pop level when it fell out my pocket one time many years ago. Blaze orange is a color not found in nature, and stands out wicked good against the colors of most ground, pavement, leaves, sticks, dirt, and other surfaces you might be measuring and losing stuff on.

Speaking of pop levels, you know how some site evaluators set the elevation reference point such that you have to lay on your belly in the dirt, or bring a ladder with you to check the elevations? Keep a hammer and nails, and maybe some flagging in your kit, and you can easily set offsets so you can do the measuring standing up like a human.

Remember the good old days (cough cough) of 3 part carbonless plumbing permit applications and the nifty stickers? Those days are gone, but the 3 part application forms are not. Many of us are seeing these floating into our offices regularly. (Who knew that the plumbers had so many old application forms at home?) Issuing those permits is difficult because there's nowhere to write the needed info on the form without the sticker. Until now!!! Deb Labrecque, Office Wizardess of the Bath Codes Emporium, has crafted a template to make all the HHE 200 stickers you want from Avery 5163 sticker sheets. (I'm in charge but she runs the place....) A page of them is attached to the back of this rag, and if you want it as a Word document, so you can customize it, email Scott Davis and he'll send it to you, and/or it may be on the MBOIA website by the time you read this. We do it all for you!!!
Are Your Papers In Order?

It's easy to neglect, but oh so important, to make sure that you're on track with your continuing education codes officer recertification credits. Brianne Hasty is The Certification Goddess. You can contact her at The Department of Economic and Community Development 59 State House Station Augusta. Her phone is 624-7507. Her email is Brianne.Hasty@maine.gov. You can access her CEO recertification summary here: [http://www.maine.gov/spo/ceo/CEO_Status.pdf](http://www.maine.gov/spo/ceo/CEO_Status.pdf) and your LPI recertification status here: [http://www.maine.gov/spo/ceo/LPI_Status.pdf](http://www.maine.gov/spo/ceo/LPI_Status.pdf).

The listing is by your CEO and/or LPI number. If you have questions or need further info, contact Brianne. In addition to managing the database, and doing the work of ten (wo)men, she has good info on how and where to get training beyond that provided by the State.

Board Meetings

Ever wonder what the MBOIA Board does at their monthly meetings? Is there a secret handshake? Do they sacrifice animals? None of that takes place, but for those who are interested, and don't attend the Association meetings (at which much of what they do is discussed), below are listed some of the things the Board did on our behalves this year, as well as things that the Association did at meetings you may have missed. (I've left out mundane stuff like approving reports, committee appointments, organizing the codes conference, lapel pin purchasing, participation in the MMA convention, approving new members, Building Official of the Year stuff, etc.– zzzzzzzzzzz)

So far in 2012, the Board voted to:

Support locating the MUBEC administration at the Office of Professional and Financial Regulation. (You win some - you lose some.)

Have Renee Carter meet with MMA people to discuss MBOIA hosting a legislative breakfast.

Designate Dick Lambert to serve as Maine’s representative in the North East Building Code Association.

Not become involved in an effort to cause third parties such as Alpha One to conduct inspections for handicapped accessibility at some projects.
Communicate with a group of northern Maine CEOS about opportunities to collaborate.

The Association voted to form a committee to work with Efficiency Maine and the Maine Indoor Air Quality Council to explore getting the radon standard made a code.

Many thanks to the officers and directors, and all the folks who pitch in to run the Association and its activities.

**EARTHWORK CONTRACTORS IN THE SHORELAND ZONE MUST BE CERTIFIED AFTER JANUARY 1ST**

Starting January 1, 2013, any excavation contractor that engages in an activity that adds or displaces more than one cubic yard of soil within the shoreland zone must have a person certified in erosion and sedimentation control practices by the DEP on-site each day earthmoving activities occur and for a sufficient duration to ensure the proper implementation of erosion and sedimentation control practices. This is required until the site is permanently stabilized. 38 M.R.S.A. § 439-B, defines an excavation contractor as an individual or firm engaged in

- a business that causes the disturbance of soil, including grading, filling and removal
- a business in which the disturbance of soil results from an activity that the individual or firm is retained to perform.

This does not apply to municipal employees working on municipal projects or to homeowners doing the work themselves.

Since this requirement is not likely to be found in local ordinances, DEP suggests adding this requirement to the permit application itself. A simple box in which the applicant can state the contractor’s certification number would be sufficient. The DEP also has a certified contractor searchable database on its website at www.maine.gov/dep/land/training/ccec.html.

Enforcement of this provision will be at the municipal level, and updating your application is a great tool for this. The DEP is available to assist you if you have questions. The fall schedule for the necessary course work can be found at www.maine.gov/dep/training/npstrc-schedule.html. If you’d like to host a winter or spring training for area contractors, contact Bill Laflamme at 207-215-9237.
Dabney Lewis To Retire

Long time MBOIA member Dabney Lewis is retiring from codes enforcement (that lucky dog). Dabney has been Boothbay Harbor’s CEO since God was a kid, running a one man codes operation, and also performing several other town duties at the same time. He has served in a number of positions and on countless committees of MBOIA over the years. Many may not know it, but Dabney got married several years ago, and has been commuting to Boothbay Harbor from Oakland, often on his motorcycle! There was a period when we brought our own sound system to Association meetings, and Dabney was our audio/video guy, transporting, storing, and setting up and tearing down the sound system for a number of years. Since Larry Dunham left the Association, Dabney has served as The Rafflemeister, procuring the prizes for the raffles we have at each meeting. A genuine nice guy, who has done a lot for the Association, we wish Dabney all the best in his well earned retirement. Like in Cool Hand Luke - send us a postcard Dabney and let us know what life’s like on the outside!

A GOOD READ

I don’t know how or why, but I began receiving Government magazine a few months ago (I didn’t order it), and it’s great! Good, topical articles on things governments at all levels deal with. Leading edge solutions to common problems. Good writing by well qualified authors (like The Enforcer, but less entertaining…), good pictures. You can get a free subscription at their website: www.governing.com. If you get tired of reading them code books, check it out.

You Can’t Do That Anymore

No - it’s not a new country song. It’s a fact about health inspections. If you’re a local health inspector, as some of we CEOs are, per a relatively new state law/rule, you cannot inspect food establishments unless you are certified by the State. Some municipalities have opted to get their local inspectors certified, many/most haven’t. The rules also prohibit towns from licensing food establishments unless their local inspectors are certified, but the State is ignoring that provision. You can learn more about this at the Maine CDC website, or by calling them at 287-5671.
THE BCEGS ARE COMING!
THE BCEGS ARE COMING!

No— they’re not some creatures from a horror film, and you don’t need to be scared of them. BCEGS stands for the Building Code Effectiveness Grading Schedule. Spawned in the wake of a hurricane (Andrew if memory serves) that tore through Florida some years ago, revealing that many of the buildings that were destroyed were poorly built, the Insurance Services Office (ISO) decided to rate communities for their codes enforcement efforts, as they do for fire protection, and that rating will be a factor in what people pay for their property insurance. People in towns with good building code enforcement will pay lower rates than places with poor codes enforcement. Logical. ISO did Maine back in 2004, and is doing it again. If you haven’t received it yet, you (or your town manager) will receive a BCEGS questionnaire that will likely be given to you to complete. It asks for some numerical/demographic information, and a bunch of codes questions. The questionnaire isn’t always geared well to one man shops, so many of us will do a bunch of estimating/guessing at how much time we spend doing certain things. Once completed, you’ll meet with an ISO rep (likely a woman named Robin Gruder. She’s awful pushy about scheduling the appointment, but if she isn’t, you’ll never finish the thing.), and go over it. She’ll help make sure you’ve done it correctly and to the town’s best advantage, and some time after that you’ll receive your town’s rating. There will be things you can do to improve your rating if you/your town choose to, and things that likely aren’t worth improving and/or are impossible to improve with the resources available and politics involved. Those that have been through it this time around say it’s less painless than you may think when you first see the document. So buck up and do it, and good luck. It’s part of why we get the big bux.

THE BANK OF PUBLIC OPINION

If you work for government, whether you want to or not, you have an account at The Bank of Public Opinion. The Bank of Public Opinion is different than most banks, in that the deposits are always small and the withdrawals always large. No matter who you are or how good you are at your job, sooner or later you’ll make a withdrawal. It might be small or it might be big, but the key to surviving it is to make sure you always have plenty of money in your account, and you do that by making those small deposits, every day.

Duncan Ballantyne, former Bath City Manager
Never Ask A Question In Court That You Don’t Know The Answer To

In a trial, a Southern small-town prosecuting attorney called his first witness, a grandmother, elderly woman to the stand. He approached her and asked, Mrs. Jones, do you know me? She responded, 'Why, yes, I do know you, Mr. Williams. I’ve known you since you were a boy, and frankly, you’ve been a big disappointment to me. You lie, you cheat on your wife, and you manipulate people and talk about them behind their backs. You think you’re a big shot when you haven’t the brains to realize you’ll never amount to anything more than a two-bit paper pusher. Yes, I know you.'

The lawyer was stunned. Not knowing what else to do, he pointed across the room and asked, 'Mrs. Jones, do you know the defense attorney?'

She again replied, 'Why yes, I do. I’ve known Mr. Bradley since he was a youngster, too. He’s lazy, bigoted, and he has a drinking problem. He can’t build a normal relationship with anyone, and his law practice is one of the worst in the entire state. Not to mention he cheated on his wife with three different women. One of them was your wife. Yes, I know him.'

The defense attorney nearly died.

The judge asked both counselors to approach the bench and, in a very quiet voice, said, 'If either of you idiots asks her if she knows me, I’ll send you both to the electric chair.'

Thanks for reading, and a gift for you.

I hope you’ve gotten something useful out of this newsletter. If you did, great. If not, there’ll be another one coming along some time in the future. From the gift department, there isn’t a codes officer among us that couldn’t use a little more love. Up there with the Tax Assessor and the Parking Control Officer, CEOs are generally perceived to be a necessary evil. Codes Officers are like insurance or daycare - you hate to pay for it, but you need the best you can get. Now you and/or others can show support for we underloved, underappreciated civil servants with these beautiful, colorful, faux bumper stickers. A PDF file will hopefully be posted soon on the MBOIA website so you can print all of these you want. If not, email me and I’ll send it to you. They look wicked sharp printed on glossy photo paper. I hope you’ve enjoyed The Enforcer.

Scott Davis     Editor      Bath Codes Enforcement Officer     443-8334       www.cityofbath.com

I ❤ CODES ENFORCEMENT OFFICERS

Maine Building Officials Association
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