

**Article 12
Enforcement**

(Amended 1/17/02; 10/24/16)

Section 1201. Administrative Official

Unless otherwise specifically stated, this Ordinance shall be administered and enforced by the City of Saco Code Enforcement Officer.

Section 1202. Duties

1202-1. OF CODE ENFORCEMENT OFFICER

It shall be the duty of the Code Enforcement Officer to enforce this Ordinance, and in connection therewith, to investigate all complaints brought to his attention of alleged violations of the Zoning Ordinance and cases which, in his opinion, violate the Zoning Ordinance.

Furthermore, it shall be the duty of the Code Enforcement Officer to enforce the City of Saco Subdivision Regulations, and in connection therewith, to investigate complaints brought to his attention of alleged violations of the Subdivision Regulations and cases which, in his opinion, violate the Subdivision Regulations.

1202-2. OF OTHER CITY OFFICIALS

It shall be the duty of the Mayor and City Council and of members of the Fire Department, Police Department, Electrical Inspector, Local Plumbing Inspector, City Planner, Health Officer and Tax Assessor to assist the Code Enforcement Officer by reporting to him any new construction, reconstruction, or land use in apparent violation of this Ordinance.

Section 1203. Permits Required

1203-1. BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY

A. No new structure shall be occupied or used, nor shall the occupancy of any commercial or industrial building change, prior to the issuance of an occupancy permit by the Code Enforcement Officer. The Code Enforcement Officer shall not issue an occupancy permit unless the new structure or proposed use is in conformance with the Zoning Ordinance.

B. NOTICE. This paragraph applies only in residential zoning districts, the C-1 zone, and the Shoreland Zoning Districts. The Code Enforcement Officer will notify immediate abutting landowners by mail that a building permit has been issued whenever a building permit will lead to the construction of a new dwelling unit, will lead to the creation or

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expansion of a commercial use, or will lead to the creation or expansion of an accessory use with commercial aspects. In addition, in the Shoreland Zoning Districts, the notice will be issued for any exterior change requiring a building permit. These notices are not required if earlier approvals required for such a permit have been the subject of a public hearing, such as those held for conditional use, site plan review, subdivision, shoreland zoning, a variance, or other similar permitting actions. The notice will be mailed within one week of the issuance of the building permit and shall describe briefly what the permit is for and describe briefly the appeals process. Failure to receive the notice shall not invalidate any action taken by the code enforcement officer. (Amended 4/7/03)

1203-2. BUILDING CODES

Building permits and certificates of occupancy shall be issued in conformance both with the Zoning Ordinance and with Chapter 73 of the Code of the City of Saco. (Amended 6-21-93)

1203-3. SHORELAND PERMITS AND APPROVALS

A. PERMITS REQUIRED

No person shall, without first obtaining a Shoreland Zoning permit, engage in any activity or use of land or structure requiring a permit in the district in which such activity or use would occur; or expand, change, or replace an existing use or structure; or renew a discontinued nonconforming use.

B. SUPPLEMENTAL INFORMATION

All required information in Section 1104 of this Ordinance, Site Plan Review, shall be submitted with all shoreland zone applications.

C. SHORELAND STANDARDS

Prior to approving an application for a Shoreland Zoning Permit or approving it with conditions, the Code Enforcement Officer shall make a positive finding based on the information presented that the proposed use:

1. Will maintain safe and healthful conditions;
2. Will not result in water pollution, erosion, or sedimentation to surface waters;
3. Will adequately provide for the disposal of all wastewater;
4. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
5. Will conserve shore cover and visual, as well as actual, points of access to

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- inland and coastal waters;
6. Will protect archaeological and historic resources as in accordance with the comprehensive plan;
 7. Will not adversely affect existing commercial fishing or maritime activities in a Marine Business and Residential District;
 8. Will avoid problems associated with flood plain development and use; and
 9. Is in conformance with the provisions of Section 7.1-3 Land Use Standards;
 10. If located in a structure, the structure is located in an approved subdivision and will not violate any other local ordinance or regulation or any State law which Saco is responsible for enforcing.

D. LIMITS ON SHORELAND APPROVALS

If substantial construction is not commenced within twelve (12) months of the Planning Board's or Code Enforcement Officer's written approval of a shoreland permit, the shoreland permit shall be null and void. Substantial construction shall mean completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost. The deadline may be extended for one additional six (6) month period by the Code Enforcement Officer upon the written request of the applicant. The written request for an extension must be submitted before the date of expiration of the shoreland permit. After the shoreland permit has expired or an extension denied by the Code Enforcement Officer, the applicant may reapply for a shoreland zone approval at any time without prejudice.

The Code Enforcement Officer shall approve the request for an extension unless he/she has become aware of one of the following:

1. additional information that indicates that the plan does not meet the standards of the shoreland zoning provisions;
2. failure to meet a condition of approval;
3. an amendment in the Zoning Ordinance that prohibits or alters the proposed plan.

E. CONTRACTOR CERTIFICATION (Amended 10/24/16)

When an excavation contractor will perform an activity that requires or results in more than one (1) cubic yard of soil disturbance, the person responsible for management of erosion and sedimentation control practices at the site must be certified in erosion control practices by the Maine Department of Environmental Protection. This person must be present at the site each day earthmoving activity occurs for a duration that is sufficient to ensure that proper erosion and sedimentation control practices are followed. This is required until erosion and sedimentation control measures have been installed, which will

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either stay in place permanently or stay in place until the area is sufficiently covered with vegetation necessary to prevent soil erosion. The name and certification number of the person who will oversee the activity causing or resulting in soil disturbance shall be included on the permit application. This requirement does not apply to a person or firm engaged in agriculture or timber harvesting if best management practices for erosion and sedimentation control are used; and municipal, state and federal employees engaged in projects associated with that employment.

1203-4. EXEMPTIONS

No permit shall be required for the construction, alteration, relocation, or replacement of any building or part thereof having a total cost of construction of \$500 or less, provided it conforms with the provisions of this Ordinance.

1203-5. MATTER ACCOMPANYING APPLICATIONS

The application for the permit shall be in writing and shall be made on such form as the Code Enforcement Officer shall prescribe, and shall contain a scale drawing of the proposed new, altered or relocated building, or the replacement contemplated, including a plot plan (unless waived by the Code Enforcement Officer). The application shall be filed with the office of the Code Enforcement Officer.

1203-6. PERMIT APPROVAL

The Code Enforcement Officer, after proper examination of the application, shall either issue the requested permit or transmit a notice of refusal within 10 calendar days. Notice of refusal shall be in writing and shall state the reasons therefore. However, when the Code Enforcement Officer has reason to believe that the proposed construction would not be in compliance with other local regulations or state laws, he shall not issue any building permit until all questions have been resolved to his satisfaction. When a violation of subdivision standards is believed to exist, the Planning Board shall be given an opportunity to examine the proposal.

1203-7. RECORD OF PERMIT APPLICATIONS

Each application for a building permit, together with all plans, drawings, correspondence, and a copy of the issued building permit, shall be made part of a permanent file, and such file shall be kept in a locked cabinet in the City Building.

1203-8. INSTALLATION OF PUBLIC UTILITY SERVICE

No public utility, water district, sanitary district or any utility company of any kind may install services to any new structure located in the shoreland zone unless all permits required under this or any previous Ordinance, has been issued by the appropriate municipal officials.

Section 1204. Enforcement of Shoreland Development Provisions

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1. Nuisances
Any violation of the Shoreland Provisions including the Performance Standards of Article 7.1 shall be deemed to be a nuisance.
2. Code Enforcement Officer
 - a. It shall be the duty of the Code Enforcement Officer to enforce the provisions of Article 7.1. If the Code Enforcement Officer shall find that any provision of this Article 7.1 is being violated, he or she shall notify in writing the person(s) responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.
 - b. The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of Article 7.1.
 - c. The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected. (Amended 1/17/02, 4/3/02)