

WARRANT ARTICLE IX - Shall an ordinance dated May 7, 2024 and entitled “Amendments the Land Use Zoning Ordinance clarify the timing for approval of permits” be enacted as set forth below?

Explanation: This Article amends the LUZO procedure for administering permits to clarify the standards for certificates of occupancy.

SECTION 7 CODE ENFORCEMENT OFFICER

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7.5 Procedure for Administering Permits

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6. Certificate of Occupancy. No structure or portion of a structure that is regulated by this ordinance may be occupied until a Certificate of Occupancy has been issued by the Building Inspector/Code Enforcement Officer. Temporary Certificates of Occupancy are permitted provided no serious life safety hazard exists as judged by the Authority Having Jurisdiction/Code Enforcement Officer. Occupancy without written approval is a violation of the of the ordinance and subject to penalties as prescribed in Section 7.10 of the ordinance.

1. The National Fire Protection Association 101 Life Safety Codes, shall be enforced, as amended from time to time and adopted/approved by the State Fire Marshal’s Office.
2. Contractors or Sub-contractors installing structural or mechanical parts of a building regulated, by a, b, c, & d below of this ordinance shall sign off on the Certificate of Occupancy that said installation is in accordance with the requirements contained in said section.
 - a. **Chimneys, Smoke Pipes or Flue Pipes.** Chimneys, smoke pipes and flue pipes shall conform with the requirements of the 1996 National Fire Protection Association 211 Code for Chimneys, Fireplace, Vents and Solid Fuel Burning Appliances, or as amended.
 - b. **Oil Burner Installation.** Oil burner installation and service shall conform to the requirements of the National Fire Protection Association 31 Oil Burning Equipment current edition as designated by the State of Maine Oil and Solid Fuel Board.
 - c. **LP Gas Equipment Installation.** LP Gas equipment installation and service shall conform to the requirements of the National Fire Protection Association 58 Liquefied Petroleum Gases, Storage and Handling, current edition as designated by the State of Maine Oil and Solid Fuel Board.

- d. **Electrical Installation.** The building shall have a safe and adequate electrical service and wiring, all of which shall conform to the requirements of the National Fire Protection Association 70 National Electrical Code, current edition as designated by the State of Maine Electricians Examining Board. All commercial work and residential service entrance work shall be done under the direction of a master electrician. Before any electrical service, wiring, and device is put into use, the Master Licensed Electrician responsible for the installation or a State of Maine Electrical Inspector shall give written notice to the Building Inspector that the installation adheres to the prescribed standards.
3. **Inspection Of Work Performed by Licensed Oil Burner Technicians, LP Gas Technicians and Electricians.** It is the responsibility of the licensed professional to perform work in accordance with applicable laws. The State of Maine provides random monitoring of work performed by these professionals and no further inspection is required. However, if during the course of a required inspection the Building Inspector should notice work, performed by licensed tradesmen that may be in violation of code, the Building Inspector may request an inspection by a State Inspector.
4. **Manufactured and/or Modular Homes** that are in compliance with the Manufactured Housing Act (Title 10 Maine Revised Statutes Chapter 951) are exempt from all state or other political subdivision codes, standards, rules, or regulations that regulate the same matters. M.R.S. Title 10 Subsection 9043(6)
 - a. **Inspection and certification.** Manufactured housing produced by a manufacturer approved in subsection 5, shall be inspected by an approval agency in accordance with this section, and certified by that agency as having been constructed in accordance with the standards adopted by the board provided the approval agency makes that determination. M.R.S. Title 10 Subsection 9043(4)
 - b. **Certification.** The manufacturer of that housing, regardless of the approval alternative used, shall certify that the manufactured housing conforms to all applicable standards whether adopted by the board (Manufactured Housing Board) and that manufacturer's certification must be permanently affixed to the manufactured housing in accordance with such requirements as the board may by rule prescribe. Affixation of a certificate to manufactured housing signifies the manufacturer's representation and warranty to all purchasers of the housing that the housing was manufactured in accordance with all applicable standards of the board in effect on the date of manufacture. Therefore, no Certificate of Occupancy shall be issued.
 5. **Tiny homes.**
 - a. Tiny homes constructed on a trailer that may be mobile and potentially moved from where it was constructed to a site for use as a "dwelling unit" for human occupancy.

The Secretary of State shall issue certificates of title for new tiny homes beginning with model year 2020. The Secretary of State shall issue a certificate of title for a used tiny home of any model year that was previously issued a State of Maine certificate of title. A certificate of title issued pursuant to this subsection remains in effect unless cancelled pursuant to section 669. Therefore, no Certificate of Occupancy shall be issued.

- b. Tiny homes constructed on a site in a more traditional stick-built manner but meeting certain size standards established in the laws and codes adopted.

This type of tiny home would be a structure constructed under the same codes and standards as a larger, more traditional dwelling and on a foundation, but still meeting the size limitation of less than 400 SF. This is identified in the MUBEC rules under the IRC (Chapter 5) which would be allowed the use of Appendix V. Appendix V provides some code exceptions that have been approved to accommodate the limited size and deemed to provide an acceptable level of safety for the occupants. This type of construction would be subject to all other utility codes adopted by the State of Maine, to include but not limited to, the Maine Internal Plumbing code, State Electrical codes, and Fuel Gas codes.

- c. The Town of Mount Desert does not enforce the Maine Uniform Building & Energy Codes (MUBEC); therefore, a Third-Party Inspector would be required to conduct all inspections, at the property owners' expense of the Tiny Home to assure it meets all the requirements listed above and attached, and provide a report to the Code Enforcement Department, prior to issuing a Certificate of Occupancy.