

**TOWN OF LIBERTY MAINE
INTENTION TO BUILD NOTIFICATION FORM
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PRESENT DATE: _____ PROJECT START DATE : _____

NAME OF APPLICANT: _____

APPLICANTS ADDRESS: _____

APPLICANTS PHONE # _____

LOCATION OF PROPOSED PROJECT: _____

MAP: _____ LOT: _____

PLEASE ANSWER TRUE OR FALSE TO THE FOLLOWING:

1. IS THIS PROPOSED STRUCTURE A NEW BUILDING? _____

2. IS THIS PROPOSED STRUCTURE AN EXPANSION OF AN EXISTING STRUCTURE ? _____

3. DOES THIS STRUCTURE REPRESENT A CONVERSION OF A SEASONAL TO A YEAR ROUND USE ? _____

4. IS THE STRUCTURE TO BE BUILT OR PLACED WITHIN THE LAND REGULATED UNDER THE LIBERTY SHORELAND ZONING ORDINANCE ? _____

5. IF THE STRUCTURE IS LOCATED WITHIN THE SHORELAND ZONE, PLEASE ATTACH A COPY OF THE PERMIT ISSUED BY THE PLANNING BOARD.
 - A. IS THE PERMIT ATTACHED ? _____

6. FOR A NEW BUILDING, AN EXPANSION ,OR A CONVERSION OF A SEASONAL TO YEAR ROUND USE , ATTACH A COPY OF AN APPROVED SEPTIC DESIGN ISSUED BY A LICENSED SOIL SCIENTIST, AND APPROVED BY THE LOCAL PLUMBING INSPECTOR.
 - A. IS THE SEPTIC DESIGN ATTACHED? _____

NOTIFICATION FORM

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7. SKETCH OF PROPOSED STRUCTURE:

A. PLEASE INDICATE WHERE THIS STRUCTURE WILL BE LOCATED ON THE PROPERTY. SHOW ROAD FRONTAGE, FRONT, SIDE AND REAR SET BACKS, SEPTIC SYSTEM LOCATION, WELL, ELECTRIC POLE, ETC.

PLEASE NOTE : A COMPLETED COPY OF THIS FORM MUST BE PRESENTED TO THE TOWN OF LIBERTY BEFORE ANY CONSTRUCTION MAY BEGIN, OR BEFORE ANY STRUCTURE CAN BE MOVED ONTO ANY LAND WITHIN THE TOWN OF LIBERTY MAINE.

FAILURE TO DO SO, YOU WILL BE LIABLE FOR FINES AND PENALTIES AS DESCRIBED WITHIN THE BUILDING NOTIFICATION ORDINANCE ADOPTED BY THE TOWN OF LIBERTY.

APPLICANTS SIGNATURE: _____ DATE: _____

TOWN OF LIBERTY BUILDING NOTIFICATION ORDINANCE

Section 1 - Title and Purpose

This ordinance shall be known and may be cited as the "Building Notification Ordinance of the Town of Liberty, Maine" and will be referred to herein as "this Ordinance." It is enacted by the inhabitants of the Town of Liberty to promote the health, safety, convenience, welfare and property values of the inhabitants by requiring permits for all dwellings and structures, as defined in this Ordinance.

Section 2 - Authority

- 2.1 This Ordinance is enacted pursuant to the authority given the Town by 30-A M.R.S.A. Section 3001 (Home Rule), and 30-A M.R.S.A. Section 4211 (Plumbing Regulations).
- 2.2 The effective date of this Ordinance shall be thirty (30) days after it is adopted by vote of the legislative body of the Town of Liberty.
- 2.3 This ordinance shall in no way impair or remove the necessity of compliance with any other rule, regulation, by-law, permit or provision of law.
- 2.4 This ordinance shall apply to all construction commenced after the effective date of this Ordinance.

Section 3 - Administration

- 3.1 The Code Enforcement Officer shall enforce all State Plumbing laws and the regulations of this Ordinance, with the assistance of the Town Selectmen.
- 3.2 The Code Enforcement Officer shall immediately report any violations of this Ordinance to the Board of Selectmen.
- 3.3 The Town Clerk shall accept completed Intention to Build Notification Forms and shall place submitted forms on file in the Town Office.

Section 4 - Notification of Intention to Build

- 4.1 Before construction is started on any structure, the owner shall complete an Intention to Build Notification Form. Forms may be obtained from the Town Office.
- 4.2 "Structure" is hereby defined as a building or buildings on a single parcel constructed or erected with a fixed location on or in the ground or attached to something on or in the ground which occupies a ground area in excess of 200 sq. ft. and as defined in Liberty's Shoreland Zoning Ordinance.
- 4.3 A complete Intention to Build Notification Form shall include:
 - a. sketch showing location and layout of proposed structure(s);
 - b. for new dwellings, proposed septic system location, design, intended use and capacity;
 - c. for expansion of existing dwellings or conversion of seasonal to year round use, evidence that the existing subsurface disposal system meets the standards of the Maine State Plumbing Code or that site conditions will permit the installation of a system that meets the requirements of the Plumbing Code if the present system malfunctions;
 - d. Shoreland Zoning permit for construction within the shoreland district.
- 4.4 The Intention to Build Notification Form shall be valid for a period of two (2) years from the date of issuance.

Section 5 - Violation & Penalties

5.1 - Violations

When any violation of any provision of this Ordinance shall be found to exist, the Board of Selectmen is hereby authorized and directed to institute any and all actions and proceedings either legal or equitable that may be appropriate or necessary for the enforcement of this Ordinance, the same to be brought in the name of the Town of Liberty. Any violation of this Ordinance shall be a nuisance.

- 5.1.1 If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, notification by said Officer in writing to the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance or stoppage of any work being done and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and shall be maintained as a permanent record.
- 5.1.2 The Code Enforcement Officer shall investigate all complaints of alleged violations of this Ordinance.
- 5.1.3 The Code Enforcement Officer shall keep a complete record of all essential transactions, including notices submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected.
- 5.1.4 When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are

hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality. The Town of Liberty may prosecute violations of this Ordinance that can not be resolved through the Rule 80K process in District Court.

- 5.1.5 The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recording fines without Court action. Such agreements shall not allow an illegal use to continue unless there is clear and convincing evidence that the illegal use was conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith.

5.2 - Penalties

Any person, firm or corporation being the owner or having control or use of any lot or site of building who violates any provision of this Ordinance shall be subject to the following penalties, payable to the Town of Liberty:

- 5.2.1 For starting work or undertaking any land use activity without the required notification or for any other specific violation of this Ordinance, the minimum fine shall be \$100.00 and the maximum fine for any single violation shall be \$2,500.00. Assessment of penalties under this Ordinance shall be in accordance with Title 30-A MRS § 4452, as amended.

- 5.2.2 Each day a violation continues may be counted as a separate offense. An offense shall commence on the date of issuance of a Notice of Violation signed by the Code Enforcement Officer to the person or party in violation of this Ordinance. Return of the receipt indicating that the Notice was undeliverable as addressed or otherwise not delivered to the person or party shall not invalidate enforcement of this Ordinance or any penalties provided for herein. The Town may bring action in District Court to enjoin violation of this Ordinance and for other such relief as the law may provide.

5.3 - After-the-Fact Permits and Appeals

- 5.3.1 A permit to resume work issued by the Planning Board shall be required for any building operation that has failed to provide notification as required under Section 4 of this Ordinance, following the enforcement procedure and penalties requirements of Section 5 of this Ordinance. Before issuing such permit, the Planning Board shall review all data required under Section 4 of this Ordinance and may conduct a site inspection, if they deem it necessary.

- 5.3.2 Any landowner who believes the Code Enforcement Officer or the Planning Board made an error or errors in their decisions relating to this Ordinance shall bring an appeal to the Town of Liberty Board of Appeals within forty-five (45) days of the action of the Code Enforcement Officer or the Planning Board that is in dispute.

Section 6 - Amendments

This Ordinance may be amended by majority vote of the Town at any Town Meeting, the warrant for which gives notice of the proposed change.