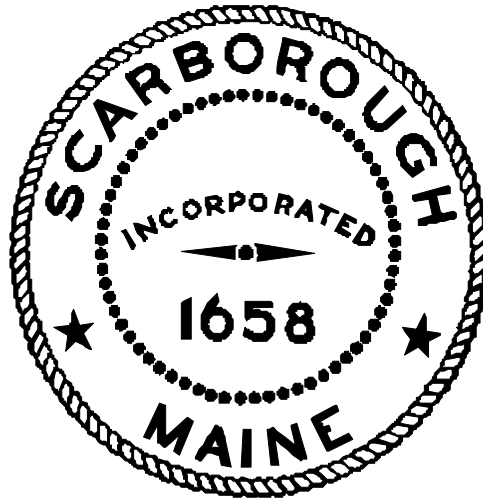


**CHAPTER 401A**

**TOWN OF SCARBOROUGH**

**INTERNATIONAL RESIDENTIAL CODE**

**EFFECTIVE MAY 5, 2005**



ADOPTED MAY 4, 2005  
AMENDED AUGUST 15, 2007

**CHAPTER 401A  
TOWN OF SCARBOROUGH  
ORDINANCE ADOPTING THE 2003 RESIDENTIAL CODE  
EFFECTIVE MAY 5, 2005**

**BE IT ORDAINED**, by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, as follows:

**Section 1.**

That a certain document, a copy of which is on file in the office of the Town Clerk of the Town of Scarborough, being marked and designated as the International Residential Code, 2003 edition, as published by the International Code Council (“the Code”), be and is hereby adopted as the Residential Code of the Town of Scarborough, in the State of Maine for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal, and demolition of detached one and two family dwellings and multiple single family dwellings (townhouses) not more than three stories in height with separate means of egress as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Residential Code on file in the office of the Town of Scarborough and are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, as prescribed in Section 2 of this ordinance.

**Section 2. Code Revisions.**

Throughout the Code, all references to the “International Plumbing Code” shall be deleted and replaced with the words “State of Maine Internal Plumbing Rules Chapter 238.”

Throughout the Code, all references to the “International Fuel Gas Code” shall be deleted and replaced with the words “NFPA 54 National Fuel Gas Code 2002.”

Throughout the Code, all references to the “International Private Sewage Disposal Code” shall be deleted and replaced with the words “Maine Subsurface Wastewater Disposal Rules, Chapter 241.”

Throughout the Code, all references to the “ICC Electrical Code” shall be deleted and replaced with the words “Rules adopted by the Electricians’ Examining Board pursuant to 32 M.R.S.A. § 1153-A.”

In addition, the following sections are hereby revised:

Section R101.1 Title is amended by inserting the words “Town of Scarborough.”

Section R105.2 Work Exempt from Permit is amended by deleting the words “1. One-story detached accessory structures, provided the floor area does not exceed 200 square feet (18.58m<sup>2</sup>).” without replacement.

Section R112.1 Board of Appeals, General is amended by deleting the second and third sentences and substituting the words “The Town of Scarborough Zoning board of Appeals shall serve as the Board of Appeals.”

Section R112.3 Qualifications is amended by deleting the entire section.

Table R301.2(1) Climate and Geographic Design Criteria is amended by inserting “60 lbs” under “ground snow load”; “100 mph” under “wind speed”; “1.05” under “seismic design category”; “severe” under “weathering”; “48 in” under “frost line depth”; “none to slight” under “termite”; “none to slight” under “decay”; “0° F” under “winter design temp”; “yes” under “ice shield underlayment required”; “1985” under “flood hazard”; “1500” under “air freezing index” and; “45° F” under “mean air temperature.”

Section R310.1.1 Minimum Opening Area is replaced with the following:

**R310.1.1 Minimum opening area.** All emergency escape and rescue openings, including first floor egress windows, shall have a minimum net clear opening of 5.7 square feet (0.530m<sup>2</sup>).

Chapters 26-32 are deleted in their entirety and are to be replaced with the words “All plumbing shall be installed in accordance with the State of Maine Internal Plumbing Code, Chapter 238.”

Chapters 33-42 are deleted in their entirety and are to be replaced with the words “All electrical shall be installed in accordance with the NFPA 70 National Electrical Code 2002.”

Appendix A shall be deleted in its entirety.

### **Section 3.**

Violation Penalties: Any person who violates a provision of the Code or fails to comply with any of the requirements thereof, or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of the Code, shall be subject to penalties, upon conviction, of a fine of not less than one hundred (100) dollars and not more than two thousand five hundred (2500) dollars. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Repeal of Prior Ordinances. This ordinance repeals and replaces, as of May 5, 2005, the Town of Scarborough Building Code, Chapter 401, adopted on March 18, 1998.

### **Section 4. Emergency Measures. [August 15, 2007]**

**Imminent danger.** When, in the opinion of the building official, there is imminent danger of failure or collapse of a building that endangers life, or when any building or part of a building has fallen and life is endangered by the occupation of the building, or when there is actual or

potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors, or the presence of toxic fumes, gases, or materials, or operation of defective or dangerous equipment, the building official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The building official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Building Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition, or of demolishing the same.

**Temporary safeguards.** Notwithstanding other provisions of this code, whenever, in the opinion of the building official, there is imminent danger due to an unsafe condition, the building official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the building official deems necessary to meet such emergency.

**Closing streets.** When necessary for public safety, the building official shall temporarily close structures and close or order the authority having jurisdiction to close sidewalks, streets, public ways, and places adjacent to unsafe structures, and prohibit the same from being utilized.

**Emergency repairs.** For the purposes of this section, the building official shall employ the necessary labor and materials to perform the required work as, expeditiously as possible.

**Costs of emergency repairs.** Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

**Hearing.** Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.