

ARTICLE 4
ADMINISTRATION AND ENFORCEMENT

Section 1. Permit Required

- A. No building, sign or other structure shall be erected, altered, moved or demolished in the Town without a written permit issued by the Code Enforcement Officer. Such a permit shall be issued only if the building plans and/or intended use(s) fulfill the requirements of the applicable provisions of this Ordinance, and the Maine Uniform Building and Energy Code (MUBEC) and after the payment of all building permit fees.
- B. The Code Enforcement Officer shall be notified of any change in use of building or premises, and a permit shall be secured for such change.
- C. A permit shall be required for any person, firm or corporation to excavate a trench or other opening in the public ways in the Town, as governed by the Town's Street and Sidewalk Excavation Ordinance.
- D. A building permit shall be required for piers, docks, wharves, and uses projecting into water bodies.
- E. Within the Shoreland Overlay District and the Resource Protection District, a permit shall be required for any person, firm, or corporation to initiate any new activity or use of land or structure; or expand, change, or replace an existing use or structure; or renew a discontinued nonconforming use.
- F. A permit shall be required for any blasting operation that must be carried out as part of another required permit as listed above. The following public utilities, KLPD, CMP, KKW Water District, and Kennebunk Sewer District, shall be exempt from the requirements of this Blasting Ordinance.
- G. In accordance with Article 12, Section 3, a Certificate of Appropriateness must be obtained for any work that is subject to review by the Historic Preservation Commission, prior to such work being undertaken.

Section 2. Applications for Building Permits

- A. The Code Enforcement Officer shall not act upon any application for a building permit until all other permits which may be required under this Ordinance, other local ordinances, or under State or Federal law or regulations have been received.
- B. Each application for a building permit shall be filed in duplicate and shall include:
 - (1) A plot plan drawn to scale, showing and stating the dimensions in feet of the lot, the location and ground coverage of all buildings proposed to be erected, moved or demolished on such lot, and each street, alley or right-of-way on or adjacent to the lot;

- (2) A statement of the use intended to be made of any buildings and the lot itself, even in the event of demolition; and
- (3) Approved plumbing permits and soil suitability data, where applicable.
- (4) A completed blasting permit application, where applicable, which includes:
 - a) Name and address of property owner,
 - b) Name and address of person/company carrying out the blasting operation,
 - c) A map/plan showing the location(s) and description of the proposed blasting activity,
 - d) Location of abutting properties and structures located within 300 feet of blasting site, (including buildings, wells, pools, etc.) and the names and addresses of the owners of such properties,
 - e) Projected dates that work/blasting will occur,
 - f) Name of person who shall conduct the pre-blast and post-blast surveys of all existing structures and conditions on the site, adjacent to the site and within 300 feet of the site. Such pre-blast and post-blast structural inspection surveys shall be performed of all structures, including homes, foundations, driveways, roadbeds, swimming pools, wells and other buildings. Copies of pre-blast and post-blast surveys to be retained by Blasting Insurance Co. and provided at no cost to abutters,
 - g) Proof that the entity applying for the permit to blast is properly licensed by the State of Maine and that the work will be performed in compliance with the State Fire Marshal Rules and any other applicable State statutes and regulations,
 - h) Evidence that notice of the proposed blasting operation has been sent by United States Certified Mail, Return Receipt Requested at least two weeks prior to proposed blast date, to all landowners abutting the subject property of the application within three hundred (300) feet of the proposed blast site. Said notice shall indicate the location of the proposed blasting, date and times that the blasting will occur and the name, address and telephone number of the entity that will actually perform the blasting operation. A copy of said notification together with a copy of the names and addresses of the landowners and a copy of the Return Receipts shall be filed with the Code Enforcement Office,
[Please note that additionally, the blaster shall again notify all such abutters within one or two days prior to blast.]
 - i) A blasting permit fee as established by the Board of Selectmen, and
 - j) Evidence that blasting contractor has liability insurance at a minimum amount of one million dollars.

- C. Each permit by the Code Enforcement Officer shall be issued in writing in duplicate, with one copy to applicant which shall be prominently posted in public view during construction, and one copy, including any conditions or exceptions attached thereto, kept on file in the office of the Code Enforcement Officer. Notice of issuance shall be mailed to abutters within fourteen (14) days of the date of the permit. Failure of an abutter to receive the notice shall not negate the permit.
- D. Failure of the Code Enforcement Officer to issue written notice of a decision on any application for a building permit within thirty (30) days from the date of filing of an application shall constitute denial of such application.
- E. A permit granted by the Code Enforcement Officer, under the provisions of this Ordinance, shall automatically expire if the work or change involved is not commenced within six months of the date on which the permit is granted, and if the exterior work or change is not substantially completed within one (1) year of date of issue.

Section 3. Access for Inspection

The Code Enforcement Officer and other public officers, including, in the case of the Branch Brook Aquifer Protection District, a representative of the Kennebunk, Kennebunkport, Wells Water District, shall have freedom of access at reasonable hours for inspection purposes to all parts of any building, structure or premises regulated by this Ordinance.

Section 4. Enforcement

- A. The Code Enforcement Officer, upon being informed in writing of a possible violation of this Ordinance, or on his or her own initiative, shall make or cause to be made an investigation of the facts and inspect the premises where such violation is alleged to exist.
- B. After investigation, on evidence of any violation, the Code Enforcement Officer shall give written notice in hand or by certified mail, return receipt requested, of such violation to the owner and/or to the occupant of such premises and the Code Enforcement Officer shall demand in such notice that such violation be abated within some designated, reasonable time.

- (1) If, after such notice and demand, such violation has not been abated within the time specified, the Code Enforcement Officer shall institute appropriate action in the name of the Town to prevent, correct, restrain or abate any violation of this Ordinance.

Section 5. Violations and Penalties

In addition to the provisions of Article 4, Section 4(B)(1) above, any violation of any provision of this Ordinance, or of any regulation by the Town Health Officer pursuant to this Ordinance, may be punishable as provided in Title 30-A M.R.S.A., §4452, except as otherwise provided by State law. Each violation and each day of violation shall constitute a separate offense.