

**Building Permit Regulations
For the Town of Appleton**

1. No building or addition to a building shall be erected, nor shall any structure, mobile or permanent, be located in the Town of Appleton, without a building permit being obtained from the Code Enforcement Officer or Board of Selectmen in his absence by the builder or owner prior to the commencement of construction or placement.
2. No mobile structure, shelter, or vehicle shall be placed on a lot for purpose of occupation or human habitation for more than fourteen (14) consecutive or thirty (30) cumulative days in a six (6) month period without a building permit obtained from the Code Enforcement Officer or Board of Selectmen in his absence.
3. Building permit applications are available at Town Office. Applications for building permits shall include the following information:
 - (a) Name and address of the owner and the builder of the building, structure or shelter (either permanent or mobile).
 - (b) Location of lot, including Registry of Deeds book and page number, and a sketch of the lot showing all dimensions, names of abutting property owners, location of existing and proposed structure or shelter, distance of proposed structures from center line of road or traveled way, property lines of the lot, and any lake, pond, river, stream or wetland.
 - (c) Dimensions of proposed structures, including square feet of living area, building height and number of stories.
 - (d) Proposed use of Structure(s).
 - (e) Proposed water supply (if applicable).
 - (f) Proposed sewage disposal system and copy of plumbing permit (if applicable).
 - (g) Copy of Soil Test validation and name of tester (if applicable).
 - (h) Name of approved subdivision (if applicable).
 - (i) Copy of Entrance Permit (if applicable).
 - (j) Estimated cost of improvement.
 - (k) Selected characteristics of the proposed structure.
4. The fee for a building permit in the Town of Appleton shall be:
 - (A) Residential and commercial structures \$8.00 per 100 square feet.
 - (B) Accessory structures (garages, barns, storage) \$5.00 per 100 square feet.
 - (C) Minimum permit fee is \$25.00.
5. Exemption: Exempt from this building permit requirement shall be any building or addition not greater than one story in height and no larger than 100 square feet on non-habitable floor areas.

Officer shall notify in writing by registered mail, return receipt requested, the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. A copy of such notices and receipts shall be maintained as a permanent record in the Municipal Office by the Code Enforcement Officer.

Section 9. LEGAL ACTIONS

When the above action does not result in the correction or abatement of the violation, the Selectmen of Appleton upon notice from the Code Enforcement Officer are, hereby, authorized and 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 provisions of this Ordinance in the name of the Town of Appleton in accordance with the provisions of Title 30, Section 4966. M .R.S .A.

Section 10. FINES

Any person who continues to violate any provision of this Ordinance after receiving written notice of such violations shall be guilty of a misdemeanor subject to a fine of not less than One Hundred Dollars (\$100.00) nor more than Two Thousand Five Hundred Dollars (\$2,500.00) for each violation. Each day such a violation is continued may be counted as a separate offense.

Section 11. AMENDMENTS

This Ordinance may be amended by a majority vote at a regular or special town meeting. Amendments may be initiated by a majority vote of the Planning Board or by request of the Board of Selectmen to the Planning Board or by petition directed to the Selectmen containing a number of signatures at least equal to 10% of the votes cast in the last gubernatorial election in the town. The Planning Board shall conduct a public hearing on any proposed amendment at least fourteen (14) days in advance of the Town meeting.

Section 12. APPEALS

If the Planning Board disapproves an application or grants approval with conditions that are objectionable to the applicant or any abutting landowner or any aggrieved party, or when it is claimed that the provisions of this Ordinance do not apply, or that the true intent and meaning of this Ordinance has been misconstrued or wrongfully interpreted, the applicant, an abutting landowner, or aggrieved party may appeal the decision of the Planning Board in writing to the Board of Appeals within thirty (30) days of the Planning Board's decision. The Board of Appeals may reverse the Planning Board's decision after holding a public hearing and may grant a variance as defined herein. Public hearings shall be held in accordance with Title 30. M.R.S.A., Section 2411.

When used in this Ordinance, the following terms shall have meanings herein ascribed to them:

Aggrieved Party - A person whose land is directly or indirectly affected by the grant or denial of a permit or variance under this Ordinance, a person whose land abuts land for which a permit or variance has been granted, or a group of five or more citizens of the Town of Appleton who represent an interest adverse to the grant or denial of such permit or variance.

Variance - A relaxation of the terms of this Ordinance where such variance would not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Ordinance would result in unnecessary or undue hardship. A financial hardship shall not constitute grounds for granting a variance. The crucial points of variance are undue hardship (as defined in Title 30, M.R.S.A., Section 4963 (3j) and unique circumstances applying to the property. A variance is not justified unless both elements are present in the case.

Section 13. NON-CONFORMING BUILDING AND STRUCTURES

The use of a residential building or structure, existing before effective date of this Ordinance or subsequent amendment thereto, may continue although the building or structure does not conform to the provisions of this Ordinance. A non-conforming residential building or structure may be repaired, maintained or improved. The structure may be enlarged without a variance provided that:

- a) The enlargement does not exceed the height standards of the Ordinance.
- b) The enlargement itself meets the setback requirements, or is no closer than the non-conforming structure to the right-of way or center of the road, or the side or rear lot lines.
- c) If any portion of the structure is less than the prescribed minimum setback requirements from the right- of -way or center of the road, side or rear lot lines, the structure shall not be expanded in volume by 30% or more during the lifetime of the structure.

Section 14. NON-CONFORMING LOTS

A non-conforming lot of record as of the effective date of this Ordinance or amendment thereto, may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot size and frontage can be met. Variances relating to setback or other requirements not involving lot size or frontage shall be obtained by action of the Board of Appeals.

Adopted November 4, 1986

Special Town Meeting - 09/09/04 – Article #2 - Amended - Section 13.
NON-CONFORMING BUILDINGS AND STRUCTURES.

Annual Town Meeting – 06/13/06 – Article #33 – Amended – Section 14.
NON-CONFROMING LOTS