

## MAY 2015 - FAQ ABOUT THE MAINE UNIFORM BUILDING CODE AND ENERGY CODE ADOPTION

**1. When did the Building Codes and Energy Codes take effect?** Initially 12/1/2010 statewide for all towns above 2000 in population. **Effective 9/28/2011** with a new population compliance number of 4,000, (according to the 2010 census numbers), the following took place:

- A. MUBEC is still in existence as it was adopted 12/1/2010.
  - B. The Maine Building Code and Energy Code will be separate Codes,
  - C. The Maine Building Code (MUBC) will consist of the 2009 -IRC, IBC, IEBC, 2007-ASHRAE standards (minus ASHRAE 90.1) and the 2006 ASTM E Radon standard. (\*See below)
  - D. The Energy Code (MUEC) will consist of the 2009 IECC, 2007 ASHRAE standards and the 2006 ASTM E 1465-06 Radon standard.
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- \*Towns with a population of 4,000 and over, that had a building code on 8/1/2008 will continue to enforce the code as adopted on December 1, 2010.
  - \*Towns with a population of 4,000 and over, that did not have a building code on 8/1/2008 will be required to begin enforcing the code July 1, 2012.
  - \*Towns with a population under 4,000 must choose from the following options:
    - 1. Adopt and enforce the MUBEC in its entirety,
    - 2. Adopt and enforce MUBC only (see #2 below)- the Building Codes (minus the Energy code), but including 2007 ASHRAE 62.1, 62.2 and 2006 Radon ASTM E 1465-06,
    - 3. Adopt and enforce MUEC only - the Energy Code including 2007 ASHRAE 62.1, 62.2, 90.1 and 2006 Radon ASTM E 1465-06,
    - 4. Choose to not adopt and enforce any building or energy code.

### 2. What codes and standards are included in the Maine Building Code (MUBC)?

- A. International Building Code (IBC), 2009 edition, June 1 2010 version  
<http://publiccodes.citation.com/icod/ibc/index.htm>
- B. International Existing Building Code (IEBC), 2009 edition, June 1 2010 version  
<http://publiccodes.citation.com/icod/iebc/index.htm>
- C. International Residential Code (IRC), 2009 edition, June 1 2010 version  
<http://publiccodes.citation.com/icod/irc/index.htm>
- D. **ASTM E 1465 - 06** Standard Practice for Radon Control Options for the Design and Construction of New Low-Rise Residential Buildings, published by the ASTM International
- E. **ASHRAE Standard 62.1 – 2007** Ventilation for Acceptable Indoor Air Quality, published by the American Society of Heating, Refrigerating and Air-conditioning Engineers, Inc.
- F. **ASHRAE Standard 62.2 – 2007** Ventilation and Acceptable Indoor Air Quality in Low-Rise Residential Buildings, published by the American Society of Heating, Refrigerating and Air-conditioning Engineers, Inc.

### 3. What codes and standards are included in the Maine Energy Code (MUEC)?

- A. International Energy code (IECC), 2009 edition <http://publiccodes.citation.com/icod/iecc/index.htm>
- B. **ASHRAE Standard 62.1 – 2007** Ventilation for Acceptable Indoor Air Quality, published by the American Society of Heating, Refrigerating and Air-conditioning Engineers, Inc.
- C. **ASHRAE Standard 62.2 – 2007** Ventilation and Acceptable Indoor Air Quality in Low-Rise Residential Buildings, published by the American Society of Heating, Refrigerating and Air-conditioning Engineers, Inc.
- D. **ASHRAE Standard 90.1 – 2007** Ventilation and Acceptable Indoor Air Quality for buildings except Low-Rise Residential buildings, published by the American Society of Heating, Refrigerating and Air-conditioning Engineers, Inc.
- E. **ASTM E 1465 06** Standard Practice for Radon Control Options for the Design and Construction of New Low-Rise Residential Buildings, published by the ASTM International

#### **4. Certificates of Occupancy required for any municipalities 4,000 and under in population:**

According to Title 25, §2357-A, Part 6 Chp 313, these size communities are required to have a Certificate of Occupancy. The Building official/CEO may issue the Certificate of Occupancy upon receipt of an inspection report by a certified third-party inspector. The municipality has no obligation to review a report from a third-party inspector for accuracy prior to issuing the Certificate of Occupancy. In these smaller communities, if there is no Building official/CEO, the town can contact their legal council to determine their options.

#### **5. What are the functions of the Technical Building Codes and Standards Board?**

- To adopt regulations regarding adoption of the Building Code and Energy Code
- To adopt regulations for the maintenance of the Building Code and Energy Code
- To adopt regulations for the amendment of the Building Codes and Energy Code
- To adopt regulations for the resolution of conflicts between the MUBEC and the State Fire Code (NFPA).

#### **6. There are other statewide codes and standards in effect that are not maintained by the Technical Building Codes and Standards Board including, but not limited to the following:**

*Electrical Code	NFPA 70
Fire Code	NFPA 1 (Fire Marshal's Office - 207-626-3870)
Flammable Liquids Code	NFPA 30
*Fuel Gas Code	NFPA 54
Life Safety Code	NFPA 101 (Fire Marshal's Office)
*Oil Burner Code	NFPA 31
*Plumbing Code	Maine State Plumbing Code
Floodplain Regulations	Local Municipal Regulation
Shoreland Zoning Regulations	Dept. of Environmental Protection 1-800-452-1942
Sprinkler Codes	NFPA 13, 13D & 13R (Fire Marshal's Office)
*Manufactured Housing Regulations	HUD and State Codes

\*Electrical Code, Fuel, Oil Burner, Manufactured Housing and Plumbing codes are regulated under the Dept. of Professional and Financial Regulations who license electricians, Oil technicians etc. 207-624-8603.

\*\*Above ground Oil storage tanks are regulated by the Fire Marshal's Office – 626-3870.

Others are maintained by the State Fire Marshal's Office <http://www.maine.gov/dps/fmo/laws/nfpa.html>

#### **7. What about local modifications to the Maine Uniform Building Codes and Energy Code?**

- The Maine Uniform Building Code and Energy Code replace all local building codes.
- Cities and towns may not amend any MUBEC provisions. They can however put things like requirements for a sprinkler system in new construction under Life Safety type ordinances. The municipalities just cannot amend the adopted MUBEC code.

#### **8. Have amendments been made to the MUBEC/MUBC by the Technical Building Codes and Standards board?**

Amendments are addressed by the Board as requests are received since the adoption of the Codes. Advisory rulings have been made pending rule-making in the next Legislative session and are posted on our website: [www.maine.gov/dps/bbcs](http://www.maine.gov/dps/bbcs) Then scroll down to Chapters 1-6 that pertain to each of the ICC codes adopted as well as Administration of the Code and Third-Party Inspector information.

#### **9. What is the amendment process? Please go to this link to our website to print out the form and mail to the address at the top of the Amendment form.**

<http://www.maine.gov/dps/bbcs/Applications%20and%20Forms/Applications%20and%20Forms.html>

**10. To whom do you appeal for relief of a section of the Maine Uniform Building and Energy Code?**

Administration of the provisions of the Maine Uniform Building Codes and Energy Code are given to the individual cities and towns. Non-binding interpretations are available to the municipalities upon request.

**11. If there is a conflict between the Maine Uniform Building and Energy Code and the State Fire Code that is adopted by the State Fire Marshal's Office, which one prevails?**

The Building Codes and Standards Board have the responsibility of resolving conflicts between the Maine Uniform Building and Energy Code and the State Fire Codes.

**12. What about accessibility and the ADA?**

The State Fire Marshals Office provides review and approval of ADA in Maine.

**13. Does the Maine Uniform Building and Energy Code apply to 1 & 2 family dwellings?**

The Maine Uniform Building Codes and Energy Code apply to all buildings and structures. Each of the following documents contains information that the designer of a 1 & 2 family dwelling should be aware of when preparing construction plans:

- The International Residential Code, (IRC) 2009 edition
- The International Energy Conservation Code, (IECC) 2009 edition
- ASTM E 1465-06 Standard Practice for Radon Control Options for the Design and Construction of New Low-Rise Residential Buildings
- ASHRAE Standard 62.2-2007 Ventilation and Acceptable Indoor Air Quality in Low-Rise Residential Buildings

**14. Who enforces the Maine Uniform Building Codes and Energy Code?**

The Code Enforcement Officer (CEO)/Building Official enforces the codes in towns with populations of more than 4,000 persons. Inspections by the CEO are required to obtain a Certificate of Occupancy. If towns under 4,000 elect after 9/28/11, to adopt and enforce building and/or energy codes: the CEO/BO would enforce the code. If a town under 4,000 elects to have no code, no enforcement is necessary. However it would be beneficial if builders/contractors/property owners still built to code as financial institutions, insurance agencies and real estate owners may be requiring inspection reports.

**15. Who enforces the Maine Uniform Building and Energy Code if there is no local Code Enforcement Officer or if there is one, that person is not trained in the building codes or energy codes?**

The town may have a CEO, but their job description may be limited to working with land use issues, shoreland zoning or plumbing regulations. Municipalities have the following options:

- A. Building officials/Code enforcement officers:** Inspections performed by building officials certified pursuant to 30-A M.R.S. §4451.
- B. Inspections by virtue of inter-local agreements:** Inspections performed by virtue of inter-local agreements with other municipalities, that share the use of building officials, certified in building standards pursuant to 30-A M.R.S. §4451.
- C. Contractual agreements:** Inspections performed by virtue of contractual agreements with one or more municipalities, or county or regional authorities, that share the use of building officials certified in building standards pursuant to 10 M.R.S. §9723.
- D. Third party inspection by report:** Inspections performed and verified by reports from a TPI, certified pursuant to 10 M.R.S. §9723.

- E. If the municipality does not elect one or more of the four-options listed above, then the applicant shall elect to have an inspection performed by a TPI at their own cost.

**16. What's a third-party inspector?**

A third-party inspector (TPI) is a person certified by the State Planning Office who can inspect buildings and issue a building inspection report indicating whether construction meets code.

Most TPIs are certified to inspect only certain parts of the MUBEC package of codes and standards.

**17. When the municipality has a Code Enforcement Officer (CEO), but chooses to allow Third-Party Inspectors (TPI), who does what?**

TPIs, assisting in supervising construction for the town, complete the following:

- A review of the construction documents,
- On-site inspections of the project to verify compliance with MUBEC,
- A final report stating the project is in compliance with MUBEC,
- A written request for a Certificate of Occupancy is given to the CEO or other appropriate town official,
- Then the CEO or other appropriate town official may issue a Certificate of Occupancy.

**18. Does a municipality have to hire a Third-Party Inspector?**

No, the use of a Third-Party Inspector is optional for any municipality. A municipality may want to use a TPI if they chose not to do inspections or if the Code Enforcement Officer does not have the expertise to inspect buildings. For example, a municipality may choose not to inspect commercial building construction (perhaps there is little commercial construction in that municipality). As an alternative, the municipality could choose to have TPIs inspect commercial buildings when needed.

**19. What does the municipality do with the Third-Party Inspector's report?**

Upon receipt of the report, the town building official issues a certificate of occupancy. The municipality has no obligation to review an inspection report from a TPI for accuracy prior to issuing a certificate of occupancy, but it may choose to if it wishes.

If the municipality chooses to review TPI inspection reports before issuing a certificate of occupancy, this would be considered municipal enforcement of the building code and the municipal building official would need to be certified in building standards by Department of Economic and Community Development.

**20. Does a municipality have to pay the Third-Party Inspector (TPI)?**

No. There are several options available to the municipality for using TPIs. A municipality may contract with one or more TPIs and require homeowners to use the TPIs who are under town contract. A municipality could either pay the TPIs a lump sum contract fee or a per-inspection fee; or a municipality could require the homeowner to pay a per-inspection fee either to the town or directly to the TPI. Or the municipality might not be involved in the inspection at all and require individual homeowners to hire and pay for their own inspection performed by a certified TPI.

**21. Do Third-Party Inspectors become employees of the town?**

No. Third-party inspectors are not a municipal building official. In cases where municipalities choose to contract with a TPI, the TPI would be a vendor or contractor for the municipality. In cases where the homeowner contacts a TPI directly, the TPI would be a contractor for the homeowner.

**22. In the absence of a municipal building official, is there anyone else besides a TPI who can do inspections in a municipality?**

A certified code enforcement officer or municipal building official from another municipality may perform these inspections, as long as that CEO or building official is appointed by the municipal officers as an alternate or assistant building inspector.

**23. Can a municipality refuse to issue a Certificate of Occupancy if the report of the TPI says the construction meets code?**

Yes, subject to the homeowners right to appeal in 25 MRSA, section 2357-A.  
If the municipal building official declines to give a certificate, the homeowner may appeal per the municipality's appeal process.

**24. Does the municipality have to provide homeowners with a list of Third-Party Inspectors?**

This is not required. The municipality may provide homeowners with a list of TPIs if it chooses. The Department of Economic and Community Development maintain a list of certified TPIs on their website as well as the Building Codes/Fire Marshal's Office website: [View the list of Certified Third-Party Inspectors](#)

**25. Are CEOs prohibited from serving as a TPI in a different municipality?**

Title 25 §2371, Part 6, Chp 314 #6 allows CEOs who are certified in the MUBEC, to act as a TPI in any town where they are not employed as a CEO.

**26. Will a building permit be required in all towns?**

No. Towns may choose to have a permit system or not. Check with your town to determine the need for a permit.