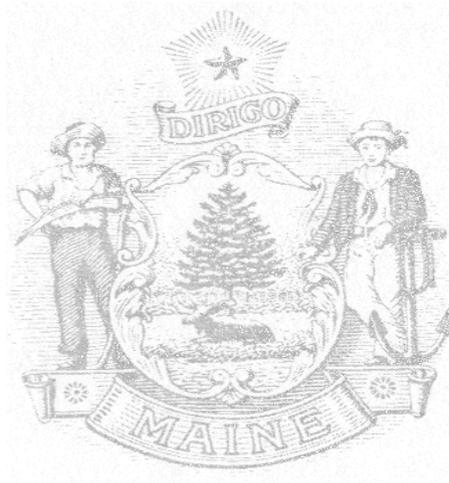


State of Maine

**MUNICIPAL CODE ENFORCEMENT OFFICER
TRAINING AND CERTIFICATION
INFORMATION GUIDE**



October 2009

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INFORMATION GUIDE**



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I. Introduction

Municipal code enforcement in Maine dates back to 1954 when the Legislature passed a requirement for an “inspector of buildings.” Since 1973, the State’s Shoreland Zoning Act has assigned primary responsibility for enforcement to local code enforcement officers. Local permitting and inspection under Maine's plumbing rules have been a requirement for a much longer time. Maine's 1988 Growth Management Act encourages municipalities to plan for orderly growth and development in a way that makes efficient use of public services, protects natural resources, and prevents sprawl. Requirements for the training and certification of municipal code enforcement officers are a part of this Act.

The purpose of the training and certification program is to build and strengthen local capacity to administer and enforce new and existing ordinances. As a result of this emphasis, code enforcement has become more uniform across the State, to the benefit of municipalities and their residents. Coordinated management and administration of local ordinances and state statutes helps reduce municipal liability associated with enforcement. Insurance companies and mortgage lenders are more willing to approve applications when regulations are enforced uniformly. Correct administration of floodplain management ordinances assures continued participation in the National Flood Insurance Program. Effective administration and enforcement of building codes and standards may yield municipalities a higher rating by the Insurance Services Organization. Efficient and predictable review, permitting, and inspection procedures accommodate local economic development programs.

Specifically, Title 30-A MRSA §4451 prohibits any municipality from employing an individual as a code enforcement officer who is not certified by the State. A copy of the law may be found in section X of this booklet. The State Planning Office is required by law to establish a basic training program that provides education for newly-appointed individuals engaged in specified areas of code enforcement. The Office is also required to establish through administrative rule-making the qualifications, standards, conditions, and procedures for certifying code enforcement officers. A copy of the Municipal Code Enforcement Officer Qualifications and Certification Standards Rule (hereafter referred to as the Rule) may be found in section XI of this booklet.

The purpose of this booklet is to explain the training and certification process, and to provide the reader with a quick reference guide to Maine’s certification requirements and procedures.

II. Municipal Responsibility

A. APPOINTMENT

Maine law requires that any individual employed by municipalities as a code enforcement officer (CEO) must be certified by the state.

Municipal officers are responsible for ensuring that any individual appointed to enforce shoreland zoning regulations, land use regulations, or building standards must be certified, or become certified within 12 months of appointment. If a certified code officer is given new or additional responsibilities, a grace period of 12 months is permitted.

Please note that there is no grace period for local plumbing inspectors. State law requires that an individual appointed to the position of local plumbing inspector (LPI) must hold certification prior to appointment. Although in cases of *extreme hardship* the Division of Environmental Health may grant a temporary waiver to the LPI certification rule.

In addition to the initial certification within 12-months of employment, a municipal CEO and LPI must be recertified every six years. Recertification requires documentation of a set number of credit hours of training over the six-year period.

The municipality must file a *certificate of appointment* (or an acceptable equivalent) each year with the State Planning Office. This document is required for all new appointments and any subsequent reappointments. The *certificate of appointment* must specify the date of appointment and whether the appointment is a first time appointment, reappointment, or continuation of an indefinite term of appointment. Where the CEO is appointed for an indefinite period, this form serves to simply notify the Office of the individual's continuing employment.

In order to ensure uninterrupted service, it is highly advisable that an alternate CEO be appointed to fill in for the regular code officer during any period of absence. Appointed alternates must meet the same qualifications and certification requirements as the regular CEO. The position of alternate must be legally created and the individual appointed and sworn into office prior to performing any official duties.

Many towns share CEOs to reduce local costs. A CEO's certification is transferrable from town-to-town. The only requirement is that the municipally formally appoint the CEO in their community.

B. ENFORCEMENT

SHORELAND ZONING

The Shoreland Zoning Act, 38 MRSA, Section 435-449 requires all municipalities to adopt, administer, and enforce ordinances which regulate land use activities within 250 feet of great ponds, rivers, freshwater and coastal wetlands, and tidal waters; and within 75 feet of streams as

defined. A code enforcement officer must be appointed annually in each municipality to assist with administration and enforcement of the locally-adopted shoreland zoning ordinance.

BUILDING INSPECTION

Where a municipality is seeking to hire an individual as a building inspector, 25 MRSA §2351 applies. This law states that any person appointed as a building inspector must be "skilled in the construction of buildings." This law also states that when a municipality reaches a population of 2,000, as determined by the most recent U.S. Census data, a building inspector must be appointed to enforce the State's minimum building standards. 10 MRSA §9701 *et al* requires municipalities, upon adoption of a new building code, to adopt the International Building Codes.

In 2007, the Maine Legislature enacted the Uniform Building and Energy Code ([PL 2007, Chapter 699](#) and amendments [PL 2009, Chapter 261](#)), which is scheduled to be adopted by June 1, 2010. Enforcement is optional in towns with less than 2000 residents. In a municipality that has more than 2,000 residents and that has adopted any building code by August 1, 2008, the Maine Uniform Building and Energy Code must be enforced beginning December 1, 2010. In a municipality that has more than 2,000 residents and that has not adopted any building code by August 1, 2008, the Maine Uniform Building and Energy Code must be enforced beginning July 1, 2012.

LAND USE REGULATION

Zoning is optional in Maine, but when a municipality enacts a zoning ordinance, the code enforcement officer is involved.

Many Maine municipalities may have enacted zoning ordinances without realizing it when they entered the National Flood Insurance Program. As a requirement of participation, each town enacts a flood ordinance that identifies the flood hazard area within the town and standards for development within those areas. This is zoning.

Beyond local zoning, the CEO may also be involved with state and federal regulations that impact development and land use. Some of these include: municipal subdivisions, endangered species, junkyards, health laws, dangerous buildings, nuisances, fire codes, driveway permits, hazardous waste, natural resources protection, and erosion and sedimentation control, for a few.

Ordinances may assign responsibility for administration to an individual, the planning board, or another review committee, or split these responsibilities among different parties. A CEO plays several roles in the administration of zoning and land use ordinances. These roles may range from clerical to technical and from assisting property owners to being an enforcement agent.

INTERNAL PLUMBING

30-A MRSA §4221 requires the municipal officers to appoint an inspector of plumbing and to notify the Department of Health and Human Services and the State Planning Office within 30 days of the appointment. Maine law (30-A MRSA, chapter 185, subchapter III) further requires

that local plumbing inspectors inspect all plumbing for which permits are granted within their respective municipalities to ensure compliance with state rules and municipal ordinances.

EXTERNAL PLUMBING

Maine, primarily a rural and agricultural state, relies largely upon small subsurface wastewater disposal systems. Subsurface wastewater disposal systems (septic systems) are used throughout the state of Maine in increasing numbers to treat and dispose of domestic and commercial wastewater. Maine law (30-A MRSA, chapter 185, subchapter III) requires that local plumbing inspectors permit and inspect the installation of subsurface wastewater disposal systems.

C. CERTIFICATION

To correctly determine the specific areas in which a municipal CEO will need certification, the municipality must notify the Office of the name(s) of its CEO(s) and clearly describe their job responsibilities. A job description for each CEO shall be submitted to the Office for this purpose. Job descriptions must be specific and clearly indicate the CEO's authority, as well as reference all adopted ordinances that the CEO is appointed to enforce. It is essential that the job description clearly indicate if the CEO issues permits and for what types of regulations the permits are issued (e.g., land use, building standards, etc.). It must be clear as to whether the permits are issued pursuant to land use standards, building construction standards, or both. Contact the Maine Municipal Association for information about drafting job descriptions.

D. REMOVAL

If an uncertified individual fails to earn certification within 12 months of their appointment, the municipal officers may not reappoint them to the position. Failure to comply with this law may result in formal action against the municipality by the Office of the Attorney General. Even where suspension is not applied, any decisions made or permits issued by the non-certified CEO may be subject to legal action.

In the event that municipal officers must remove a code enforcement officer from public office it may only be *for cause, after notice and hearing* (30-A MRSA §2601-A). The decision to remove the CEO must be made in accordance with the relevant provisions of Maine's Freedom of Access Law commonly referred to as the "right-to-know law" (1 MRSA §401 *et seq.*). Municipal officials should act carefully to ensure that any rights that the employee has under law are protected. The individual may be entitled to written notice of the possibility that he or she will be removed from office, or not be reappointed to an office held. The individual has the right to be present at all proceedings related to their removal. The individual has a right to decide whether the hearing and deliberations will be conducted in a public session or in an "executive session." To sustain a finding of *just cause* for dismissal of an employee, the employer's proof must meet certain burdens and not simply be based upon philosophical differences or personality conflicts. For more information about public employment law, contact the Maine Municipal Association.

III. Code Enforcement Officer Defined

30-A MRSA §4451 (2-A) defines a *code enforcement officer* as an individual who is employed by a municipality and is certified to enforce all applicable laws and ordinances in the following areas: shoreland zoning, land use regulation, internal plumbing, external plumbing, or building standards.

A Code Enforcement Officer is defined as a person certified under 30-A MRSA §4451 (2-A) and employed by a municipality to enforce all enabling state laws and local ordinances in any of the following five areas:

- **Shoreland zoning** (Title 38, chapter 3, subchapter I, article 2-B)
- **Land use regulation** (Title 30-A, Part 2, subpart 6-A, chapter 187)
- **Internal plumbing** (Title 30-A, chapter 185, subchapter III)
- **Subsurface wastewater disposal** (Title 30-A, chapter 185, subchapter III)
- **Building standards** (Building standards under chapter 141; chapter 185, subchapter 1; beginning June 1, 2010, Title 10, chapter 1103; and Title 25, chapters 313 and 331)

TABLE-1

Typically, someone serving in the capacity of a municipal code enforcement officer will have some degree of responsibility for review of permit applications, approval of permits, inspections, and related enforcement duties. These responsibilities are governed by the particular state statute, local ordinance, or adopted code being administered.

The regulating standard might reference the enforcement official as: code enforcement officer, code officer, CEO, building official, building inspector, code official, etc. For the sake of uniformity, Maine has adopted the general term *code enforcement officer*. For the purposes of the certification rules, the State includes local plumbing inspectors within the definition of code enforcement officer.

While the range of potential laws and codes that code officers might administer is wide, the state certification law narrowly defines which code enforcement duties it specifically governs as follows:

A. CEO/SHORELAND ZONING OFFICERS

Municipalities must adopt a shoreland zoning ordinance and must appoint a code enforcement officer, in accordance with 38 MRSA §435-447. Individuals having the responsibility to enforce

these ordinances, by municipal appointment, are recognized as *CEO/Shoreland Zoning Code Enforcement Officers*.

B. CEO/LAND USE OFFICERS

Municipalities may adopt land use regulations other than shoreland zoning in accordance with 30-A MRSA §3001-3003, *Ordinance Authority and Limitations*; and 30-A MRSA §4301-4469, *Planning and Land Use Regulation Law*. Individuals who have been appointed by a municipality to enforce any municipal land use ordinances enacted to implement a comprehensive plan, or specifically authorized to enforce other miscellaneous land use ordinances or rules, are recognized as *CEO/Land Use Officers*. Examples of other land use regulations might include a municipally-adopted floodplain management ordinance or certain state statutes, which include:

- Junkyards, Auto Graveyards, Auto Recycling (30-A MRSA §3751-3760),
- Public Nuisances (17 MRSA §2802),
- Municipal Subdivision Law (30-A MRSA §4401-4407),
- Small Gravel Pits (30-A MRSA §3105), and
- Natural Resources Protection Act (38 MRSA §480).

C. CEO/PLUMBING INSPECTORS

Municipalities must appoint a certified inspector of plumbing to administer and enforce both internal and external plumbing rules (*State of Maine Internal Plumbing Rules* 30-A MRSA §4201- 4223 and the *State of Maine Subsurface Waste Water Disposal Rules* 30-A MRSA §4201- 4223). Individuals appointed by a municipality and having responsibility to enforce these rules and any local plumbing rules are recognized as *CEO/Local Plumbing Inspectors*.

D. CEO/BUILDING INSPECTORS

Municipalities with a population of 2,000 or more, according to the U.S. Census, must provide for the inspection of buildings, in accordance with 25 MRSA §2351. (Municipalities with lesser populations may also have such an inspector). Individuals appointed by a municipality to enforce local building standards enacted pursuant to this statute, Title 30-A, Chapters 141 and/or 185, or Title 10, Chapters 1101 and 1103, are recognized as *CEO/Local Building Inspectors*.

E. OTHER MUNICIPAL OFFICIALS

In addition to the code enforcement officers described above, municipal officials who hold other titles and have a responsibility to conduct inspections and enforce local ordinances or applicable state laws, as described above, must also be certified by the Office (30-A MRSA §4451).

IV. Training

The Office offers a basic training program with topics relevant to the five specific areas of code enforcement. The training is intended to provide essential information needed for certification and to help new CEOs understand their job requirements.

Training is free for individuals holding appointment as a municipal code enforcement officer or local plumbing inspector. Upon appointment to a municipal CEO or LPI position, the municipality must notify the Office. Once official notification is received, your name is added to our program database. If the Office does not have an appointment notice for you on file, you will be charged a fee for the workshop. Anyone not employed as a municipal CEO or LPI may attend the training, but they must pay a fee. These individuals may request that their name be added to our mailing list. Registration fees vary depending on the level and length of the training session.

Training session announcements and registration materials are emailed in advance to all individuals whose email address is maintained in our program database. You must register for any workshop you plan on attending in the event that we must contact you for a cancellation notice.

A. BASIC PROGRAM OF TRAINING

The basic program of training for new code officers is listed below.

1. Shoreland Zoning – covers applicable state laws, state shoreland zoning guidelines, wetlands identification and delineation techniques, review and permitting, report procedure, and inspection, and enforcement techniques.
2. Land Use Regulation – covers applicable local, state, and federal land use regulations, zoning, municipal planning board and appeals board procedures, floodplain management, state subdivision law, site plan review, review and permitting, report procedure, and inspection and enforcement techniques.
3. Internal Plumbing – covers State of Maine Plumbing Code, applicable laws, plumbing practices, application review and permitting report procedure, and inspection and enforcement techniques.
4. Subsurface Wastewater Disposal (also referred to as External Plumbing) – covers State of Maine Subsurface Wastewater Disposal Rule, applicable laws, soils and site evaluation, review and permitting, report procedure and inspection and enforcement techniques.
5. Building Standards – covers applicable state laws, building code purposes and organization, review and permitting, report procedure, occupancy approval requirements, and inspection and enforcement techniques.

6. Legal Issues – covers legal authority of a code enforcement officer, applicable laws and rules, structure and practice of the municipal code enforcement office, municipal planning board and appeals board procedures, application review and permitting procedures, inspection procedures, and enforcement techniques.

The job responsibilities of each individual dictate which workshops they will benefit from the most. For example, a code officer having job responsibilities in the areas of plumbing inspection, shoreland zoning, and land use will directly benefit from training geared towards plumbing inspection, shoreland zoning, and land use regulation. No single *specialty area* of code enforcement exists in complete isolation. It is highly recommended that a CEO with responsibilities in one or more specialty areas first focus on training in those specific areas; as knowledge of primary responsibility increases begin to expand into the other areas. This will increase the code officer’s competency and credibility.

B. SELF-STUDY

Depending on when during the year a CEO is appointed, it may be difficult to get training in each of the subject areas for which a CEO must be certified within the 12-month grace period. For this reason, the Office makes available on-line self-study training manuals. In each training manual you will find specific “educational objectives” for the given subject material. If you concentrate your self-study program on the learning objectives and understand the objective’s intent you should be prepared to take the written certification exam. The learning objectives are intended to help those preparing for certification exams to focus on the material that will be covered by the exams. See Appendix A for a list of available training manuals.

A NOTE ABOUT RECERTIFICATION

It is a good idea to develop a training plan for recertification. Trying to obtain all necessary recertification credits in the final year of a six-year re-certification cycle is essentially impossible. Understanding in advance what and how many credits you need will serve as reminder to look for training opportunities as they arise. See section VI for more information about recertification.

C. ADVANCED TRAINING

The Office understands that training beyond that offered for initial certification is of interest and benefit to code enforcement officers. Advanced training applicable to code enforcement certification exists through professional organizations, technical colleges, and other state agencies and programs. The Office recognizes these outside sources of training for recertification where appropriate. Please see section VIII for information on documenting advanced outside training. Proper documentation will allow you to receive credits towards re-certification for advanced outside training from the Office.

V. Certification Standards and Requirements

Under 30-A MRSA §4451 (2-A), individuals whose job responsibilities fall within the State's definition of code enforcement officer shall demonstrate competence through written examinations. The exams test an applicant's knowledge of a specific area of code enforcement specialization: shoreland zoning, land use regulation, building standards, internal plumbing, subsurface wastewater, and legal issues.

A code officer need only be certified in the areas of actual job responsibility. An applicant for certification must successfully complete the specialty area exam for each of the codes that they are appointed to administer and the legal issues exam. The specific exams required are based on the applicant's job description.

Administrative Rule 07-105 CMR Ch. 300 Sect. 3(D) requires the following:

- ***Legal Issues Exam*** – required of all applicants for certification; covers general knowledge and procedural skills of the code enforcement profession in Maine. The legal issues exam need only be successfully completed once.
- ***Specialty Area Exams*** – tests an applicant's knowledge of, and procedures related to, a specific area of code enforcement specialization. There are five separate specialty exams; one for each area of certification, covering knowledge and procedures specifically related to an assigned area of job responsibility, including shoreland zoning, land use regulation, internal plumbing, external plumbing, and building standards.
 - An applicant for certification must successfully complete the *Legal Issues Exam* and a *Specialty Area Exam* in order to achieve basic certification in a specialty subject area. Once an individual passes both exams they are deemed fully certified for a given area of responsibility

EXAMPLE: An individual appointed to the position of CEO/Shoreland Zoning Officer is required to take both the *Legal Issues Exam* and the *Shoreland Zoning Specialty Exam*. They would not be required to take an exam in any other specialty area, unless they choose to do so or unless they administer other ordinances.

A. SCORING STANDARDS

Each exam consists of two sections: a multiple-choice section and a case study section. The two sections are scored separately. Successful completion of an exam requires a score of at least 86% on the multiple choice section and 70% on the case study section.

Certification examinations are offered four times a year at the State Planning Office in Augusta and may be offered in other locations. Exams are offered free of charge for the first three attempts, after which a fee of \$75 will be charged for each reexamination. To determine the certification exams that must be taken, the Office conducts a review of the applicant's job description. This is the reason why having a job description is so important. The Rule requires that municipalities file a copy of their CEO's most recent job description with the Office.

B. PLANNING YOUR SCHEDULE

In preparing for the certification exams, it is important to plan your testing schedule for the 12-month period preceding the certification deadline. Too many individuals delay their testing until the last months and then find they are in a bind.

Because exams are only offered four times per year, we strongly urge you to adopt a personal certification testing schedule. Table 2 below illustrates a voluntary certification testing schedule.

Essentially, every third month, we recommend that you take an exam. You only need to complete the exams specifically required by your job description. You will note that the voluntary schedule does not include tests for internal and external plumbing. The reason is that certification is required prior to appointment as a local plumbing inspector.

EXAMPLE: A voluntary certification testing schedule was developed for an imaginary CEO named Charlie Osgood. He works for the Town of Millvale, population of 2,005, with a shoreland zoning and general zoning ordinance. Osgood was appointed as CEO/Building Inspector on November 12, 2008 and the 12-month grace period ends on November 12, 2009. Osgood is not the local plumbing inspector. We would encourage Mr. Osgood to prepare to take the required tests on the following schedule:

- shoreland zoning exam* by December, 2008
- legal issues exam* by March, 2009
- land use regulation exam* by June, 2009
- building standards exam* by September, 2009

If Charlie Osgood diligently studied the available program training manuals, paying strict attention to the learning objectives provided, and attended the training sessions offered, he could prepare himself to take the exams as scheduled. If he followed the schedule and passed the required exams he would be fully certified at the end of the 12-month grace period.

Since it is possible to take two exams on one day, this schedule leaves some room in the event that Charlie fails a test to take it again three months later when he is taking another exam.

CEO VOLUNTARY CERTIFICATION TESTING SCHEDULE

NAME APPLICANT FOR CERTIFICATION: CHARLIE E. OSGOOD

APPOINTED BY: TOWN OF MILLVALE

DATE OF INITIAL APPOINTMENT: Nov. 12, 2008

DATE CERTIFICATION REQUIRED BY: Nov. 12, 2009

AREAS OF REQUIRED CERTIFICATION: LEGAL ISSUES, SHORELAND ZONING, LAND USE, BUILDING STANDARDS

**TESTING IN THE SUBJECT AREA IS
SUGGESTED BY THE DATE INDICATED BELOW:**

SUBJECT AREA	1 ST MONTH	2 ND MONTH	3 RD MONTH	4 TH MONTH	5 TH MONTH	6 TH MONTH	7 TH MONTH	8 TH MONTH	9 TH MONTH	10 TH MONTH	11 TH MONTH	12 TH MONTH
LEGAL ISSUES/ ENFORCEMENT			BY 2/12									
SHORELAND ZONING						BY 5/12						
LAND USE REGULATION									BY 8/12			
BUILDING STANDARDS												BY 11/12

TABLE-2

Note: A blank Voluntary Certification Testing Schedule is provided for your convenience in the Appendix of this guide. Contact the Office if you have questions regarding how to set up your own voluntary testing schedule.

VI. Examinations

Applicants must register for the exams they want to take by using exam by using the form in Appendix B. When registering, keep in mind that it is possible to complete only two exams on a given day. You are given three hours to complete each examination. Any combination of exams may be taken on a given day. Individuals should consider the number of exams required for their position, recognize the number of exams permitted to be taken during one day, and plan an exam strategy according to the schedule so that full certification is achieved before the expiration of the 12-month grace period. Please refer to Table-2 in Section V. An email confirmation will be sent to everyone registering for an exam. The confirmation will specify the date, location, and time of the exam. Where need is immediate and demonstrable, special requests for exams will be considered.

A. WHICH EXAMS NEED TO BE TAKEN?

The *Legal Issues Exam* is required of all applicants for certification and need only be successfully completed once. For example, if an applicant is required to be certified in shoreland zoning and land use regulation the following examinations will need to be successfully completed: 1) legal issues exam, 2) shoreland zoning exam, and 3) land use regulation exam. The legal issues exam covers general knowledge and procedural skills necessary to perform the task of code enforcement. Table 3 below provides a list of exams required for certification based on job responsibility.

<u>AREA OF JOB RESPONSIBILITY:</u>	<u>EXAMINATIONS REQUIRED:</u>
SHORELAND ZONING OFFICER	Legal Issues Exam Shoreland Zoning Exam
ZONING / LAND USE OFFICER	Legal Issues Exam Land Use Regulation Exam
BUILDING INSPECTOR	Legal Issues Exam Building Standards Exam
LOCAL PLUMBING INSPECTOR	Legal Issues Exam Internal Plumbing Exam Subsurface Wastewater Disposal Exam

TABLE-3

B. WHAT INFORMATION IS NEEDED FOR EXAMS?

LEGAL ISSUES EXAM INFORMATION

The *Legal Issues Exam* consists of two sections. The first section contains a total of 100 multiple-choice and true-false questions. It is based upon educational objectives from the *Legal Issues and Enforcement Techniques Manual*, as well as material from selected program training manuals. The second section is a case study or mock scenario that requires the applicant to apply their knowledge of standard procedures. For the practical exercise, necessary resources will be provided as needed. Following is a list of issues, concepts, and materials covered in the legal issues exam. The associated state statute citation is provided for some topics.

1. Legal Issues and Enforcement Techniques:
 - Legal authority and jurisdiction of a CEO
 - Record keeping and Maine's Freedom of Access Law (1 MRSA §401)
 - Permit application and permits procedure
 - Decision writing
 - Inspection authority, responsibility, and procedure
 - Notice of violation content and procedure
 - Administrative warrants
 - Option of using Civil Court Rule 80-K

2. Building Standards:
 - Areas of regulation required of municipalities by *Maine Revised Statutes Annotated*: Title 22 §452; Title 25 §2351; Title 25 §2391; Title 30-A §4221; Title 30-A §4451; and Title 38 §441; Title 10, chapters 1102 and 1103.

3. Land Use Regulations:
 - Subdivision regulations (30-A MRSA §4401-4407)
 - Public nuisances
 - Local options for regulation

4. Floodplain Management (also see land use exam):
 - Purpose
 - Relationship with shoreland zoning
 - Relationship with state plumbing rules

5. Shoreland Zoning:
 - Purpose
 - Four areas of state override in shoreland zoning
 - Relationship with state plumbing rules

6. The educational objectives from the training manual *Legal Issues and Enforcement Techniques for Code Enforcement Officers* and general information about the other topics as listed above

SPECIALTY AREA EXAMS INFORMATION

SHORELAND ZONING EXAM

The *Shoreland Zoning Exam* is required for certification as a CEO Shoreland Zoning Officer. The test contains 50 multiple-choice and true-false questions. The test also includes a case study section in which the applicant, given resources, is asked to take appropriate action as a CEO/Shoreland Zoning Officer. The following list of issues, concepts, and materials will be covered in this examination. Where a state statute is cited the applicant is advised to review the law.

1. *State of Maine Guidelines for Municipal Shoreland Zoning Ordinances*, as adopted by the Board of Environmental Protection March 24, 1990 and subsequent revisions
2. *Maine Revised Statutes Annotated*: Title 30-A §§ 4353, 4355, 4358; Title 30-A §4401-4407; and Title 38 § 435, 436-A, 438-A, 439-A, 440
3. The duties and responsibilities of the CEO under the statutes referenced above
4. The State's override provisions to local shoreland zoning
5. The interrelationship of the State's plumbing regulations and floodplain management ordinances with shoreland zoning
6. The preliminary determination of a wetland boundary
7. The enforcement of forestry standards in the shoreland zone
8. The educational objectives from all related training manuals for shoreland zoning including *Shoreland Zoning with Incorporation of Best Management Practices*

BUILDING STANDARDS EXAM

The *Building Standards Exam* is required for certification as a CEO/Building Inspector Officer. The test contains 50 multiple-choice and true-false questions. The test also includes a case study section in which the applicant, given resources, will match a given situation to a code requirement or noncompliance notification. The following list of issues, concepts, and materials will be covered in this examination. Where a state statute is cited the applicant is advised to review the law.

1. Permit application review procedure
2. Building Permits and other forms
3. Building Code types and purposes
4. Inspection procedures and checklists
5. Record keeping
6. *Maine Revised Statutes Annotated*: Title 25 §§2448, 2463, 2464; Title 25 §2351-2361; Title 25 §2701-2704; Title 30-A §4101-4104; and Title 30-A §4151-4174.
7. The educational objectives from all related training manuals including: *Introduction To Building Standards and Use of Building Codes, NEC/Residential Electrical Installation and Inspection, Building Standards: Energy Conservation, Building Standards: Accessibility Standards & Requirements.*

LAND USE REGULATION EXAM

The *Land Use Regulation Exam* is required for certification as a CEO/Land Use Officer. The test contains 50 multiple-choice and true-false questions. The test also includes a case study section in which the applicant, given resources, is asked to take appropriate action as a Land Use Officer. The following list of issues, concepts, and materials will be covered in this examination. Where a state statute is cited the applicant is advised to review the law.

1. Regulation theory and performance standards
2. *Maine Revised Statutes Annotated* and federal laws that affect local administration and enforcement including: Comprehensive Planning and Land Use Regulation Act; Subdivision Law and local review (30-A MRSA §4401-4407); review standards and procedures to include introduction to best practices; Public nuisances (17 MRSA §2802); Junkyards (30-A MRSA §3751-3760)
3. Role of planning boards and appeals boards
4. The educational objectives from all related training manuals including: *Legal Issues & Enforcement Techniques, Zoning and Land Use Regulations, and Maine Floodplain Management Handbook.*

PLUMBING INSPECTION EXAM

- INTERNAL PLUMBING
- EXTERNAL PLUMBING

The *Plumbing Inspection Exam* (which includes both the State's *internal code* and *external rules* for plumbing) is required for certification as a CEO/Local Plumbing Inspector. Because there are separate exams covering the *internal code* and the *external rules* the test requires two full-length exam periods to complete. If you intend to complete the entire exam in a single day please schedule the entire day. The test format is similar to the other exams in that it is set up as follows: 50 multiple-choice and true-false questions dealing with the *internal code*; case study scenario where the applicant must identify an *internal code* requirement or draft a noncompliance notification; 50 multiple-choice and true-false questions dealing with the *external rules*; and a case study scenario where the applicant must identify an *external rule* requirement or draft a noncompliance notification. The following list of issues, concepts, and materials will be covered in this examination. Where a state statute is cited the applicant is advised to review the law.

1. Permit Application review procedure
2. Inspection procedures and checklists
3. Record keeping
4. *The State of Maine State Internal Plumbing Code*
5. *The State of Maine Subsurface Waste Water Disposal Rules*
6. *Maine Revised Statutes Annotated*: Title 12 §4807; Title 22 §9-42; Title 30-A §4201-4223; and Title 38 §§1160,1306,1602
7. The educational objectives from all related training manuals including: *Maine State Internal Plumbing Code, State of Maine Subsurface Wastewater Disposal Rules, Subsurface Wastewater Disposal in Maine.*

C. SCOPE OF EXAMS AND SAMPLE QUESTIONS

Each basic training session is accompanied by an on-line training manual. Within each manual there is a list of educational objectives. This list of objectives will serve as a guide to the examination questions that will cover the material of each training session. The introductory training manuals prepared by the Office include:

- *Legal Issues & Enforcement Techniques*
- *Introduction To Building Standards and Use of Building Codes*
- *Zoning and Land Use Regulations*
- *Shoreland Zoning Enforcement with Incorporation of Best Management Practices*
- *Subsurface Wastewater Disposal in Maine*
- *State of Maine Internal Plumbing Code Training Manual*

On the following pages are examples that illustrate the types of questions that the applicant will find on the first section of both the *Legal Issues Exam* and each of the *Specialty Area Exams*. The educational objectives from the program training manuals serve as a study guide. In addition to the multiple-choice and true-false sections, each of the examinations has a case study or mock scenario that the applicant will be asked to evaluate. Ordinances, laws, forms, maps, and other necessary resources are supplied to the applicant for the case study.

LEGAL ISSUES EXAM

1. The local code enforcement officer derives authority from local ordinances.
True False
2. The local code enforcement officer derives authority from:
 - a. National legislation
 - b. State or local mandate
 - c. Executive orders
 - d. Local ordinances**
3. A local code enforcement officer may enter any building to inspect the property or building for compliance with laws and ordinances at reasonable hours without the consent of the owner, occupant, or agent.
True **False**
4. A local code enforcement officer may enter any building to inspect for compliance with laws and ordinances. What are the two conditions (both of which must be met) that allow this entrance?
 - a. During the morning hours and with the consent of owner
 - b. With the consent of owner and during reasonable hours**
 - c. Only with the owner and at the hour specified
 - d. Only if invited and with another local official

SHORELAND ZONING EXAM

1. Municipalities must appoint a code enforcement officer to enforce a local Shoreland Zoning ordinance by July 1 of each year.
True False
2. Which of the following is the date by which a municipality must appoint a code enforcement officer each year?
 - a. April 15
 - b. July 1**
 - c. August 1
 - d. September 1
3. Which of the following is not an intent of the Shoreland Zoning Act?
 - a. Protect water quality
 - b. Protect established residences**
 - c. Protect wildlife habitat
 - d. Conserve public access
4. The purposes of the Shoreland Zoning Act are to protect water quality, wildlife habitat, residential sites, and wetlands.
True **False**

BUILDING STANDARDS EXAM

1. The primary intent of building code regulations is to provide reasonable control for the construction, use, and occupancy of the building, and all of the various components.
True False
2. The primary intent of building code regulations is:
 - a. Provide necessary engineering advice
 - b. Raise the standard of the construction industry
 - c. Select the best building practice
 - d. Provide reasonable construction control**
3. There are two types of building codes: specification codes and performance codes.
True False
4. The two types of building codes are:
 - a. Site and materials
 - b. Cost and materials
 - c. Specification and performance**
 - d. Site and specification

LAND USE REGULATION EXAM

1. In Maine, structures that are built in a floodplain must have their lowest floor including the basement, how far above the 100-year flood elevation:
 - a. 3 ft.
 - b. 5 ft.
 - c. 2 ft.
 - d. 1 ft.**

2. All structures built in Maine within a floodplain must elevate the first floor, to include basements, 2 feet above the 100-year flood elevation.

True **False**

3. In Maine, all zoning ordinances must be in compliance with the stated intent and goals of a municipal comprehensive plan.

True False

4. Zoning variances may be granted only by:
 - a. Planning boards
 - b. Town managers
 - c. Code enforcement officers
 - d. Boards of appeals**

VI. Re-certification Requirements

CEOs must demonstrate, through continuing education, that he or she has remained current in each area of his or her job responsibilities. The statutory recertification requirements are provided in Table 4.

IMPORTANT INFORMATION!

- It is your personal responsibility to maintain your certification.
- Certifications are valid for six (6) years.
- Certification must be maintained in all areas of job responsibility.
- Failure to meet this requirement will result in the loss of your state certification.
- Without certification you cannot work as a code enforcer in Maine.

TABLE-4

Certified code officers who intend to maintain their certification status must attend a minimum of twelve (12) hours of *approved continuing education* in each area of code enforcement for which they are responsible, as well as attending twelve (12) hours in the area of legal issues and/or enforcement techniques. The Office will not re-certify you until you have met all re-certification requirements. There are no exceptions.

A CEO can accumulate credits for recertification by re-taking basic training provided by the Office or by documenting advanced or continuing education sponsored by an Office-approved outside agency or organization. See section VIII for how to document recertification credits.

While you can repeat basic workshops for recertification credits, you are encouraged to supplement your training with outside, advanced training. In any event, the basic training can only be applied to recertification once in any individual's six-year cycle.

You cannot begin accruing credits for re-certification until you first earn initial certification. Once initial certification has been achieved through examination, any basic training program related to an area or areas of certification sponsored by the Office, or an approved training sponsored by an outside organization may be credited toward re-certification in the most appropriate area.

Often training is applicable to more than one area of certification, but may be credited only once. The Office applies the credit where it is most appropriate for each individual, unless requested to do otherwise.

The CEO is responsible for keeping track of their credit hours for recertification. A tracking form is available in Appendix E. The Office will provide this information upon request.

Below are some suggestions for recertification credits:

LEGAL ISSUES: Outside training might include: right-to-know law, civil rights/EEO, ethics, administrative law. Outside training is available from Maine Municipal Association.

INTERNAL PLUMBING: Outside training might include: internal plumbing involving code work, inspection techniques, permit and report procedures; plumbing practices including new technology, materials, or design of engineered systems; cross connection inspection; laws and rules of access for the physically handicapped; other related advanced level training. Outside training is available from Division of Health Engineering (DHHS), JETSCC, Maine Rural Water Association, Maine Water Utilities, Association, Maine Department of Environmental Protection

SUBSURFACE WASTEWATER DISPOSAL: Outside training might include: subsurface waste water disposal involving the state Subsurface Wastewater Disposal Rules, inspection techniques, and permit and report procedures; treatment of special wastes; waste water treatment plant operation; soils and site evaluation, geology, water resources; other related advanced level training. Outside training is available from Division of Health Engineering (DHHS), JETSCC, Maine Wastewater Control Association, Maine Department of Environmental Protection

BUILDING STANDARDS: Outside training might include: building standards, building codes, building inspection techniques, erosion/sedimentation control measures, energy conservation standards, ADA Standards, NFPA 101 Life Safety Code, one- and two- family residential electrical inspections, and building construction technology. Training is available from the Maine Building Officials and Inspectors Association, Masters Level certification program, State Fire Marshal's Office

SHORELAND ZONING:

Forestry in the Shoreland Zone Workshop: Outside training might include: related state statutes, introduction to silviculture, harvesting practices selective cutting/clear cutting, measurement techniques for inspection, forestry best management practices for erosion control. Training is available from Maine Forest Service, UM School of Forest Resources

Wetlands Identification and Delineation Workshop: Outside training might include: wetland functions, impacts, wetland ecology, soils, maps and other resources, regulation and protection, field delineation of wetland boundary. Training is available from Maine Department of Environmental Protection, Beginning with Habitat

Erosion and Sedimentation Control Workshop: Outside training might include: causation, best management practices, review of site plan/inspection schedule,

inspection practices. Training is available from Maine Department of Environmental Protection.

LAND USE REGULATION:

(Some of these courses may also apply under the legal issues, building standards and shoreland zoning categories.)

Administration of Local Land Use Ordinances and Regulations: Outside training might include: zoning theory, review of relevant state laws, subdivisions regulation, planning board and appeals board procedures, property transfer and registration and title search, gravel pits and quarries, drinking water protection law, Beginning with Habitat, land use and transportation, planning for climate change, nonpoint source pollution, open burning, regulating wind energy facilities, scenic assessments, traditional neighborhood development, low impact development, impact fees, form-based codes, land conservation and open space planning, historic preservation. Training is available from regional planning commissions, Maine Building Officials and Inspectors Association, Maine Department of Environmental Protection, Maine Municipal Association, Maine Association of Planners, Maine Downtown Center, Maine Department of Inland Fisheries and Wildlife, Maine Department of Transportation, Maine Coastal Program

Subdivision Law: Outside training might include definition, jurisdiction, local administration. Training is available regional planning groups.

Land Use Law Review and Update: Outside training might include review and update of land use laws. Training is available through Maine Bar Association.

Wetlands Identification and Delineation: Outside training might include: wetland functions, impacts, wetland ecology, soils, maps and other resources, regulation and protection, field delineation of wetland boundary. Training is available through Maine Department of Environmental Protection, Beginning with Habitat

Erosion and Sedimentation Control Workshop: Outside training might include: causation, best management practices, review of site plan/inspection schedule, inspection practices. Training is available from Maine Department of Environmental Protection.

Issues in Floodplain Management: Outside training might include: development and the NFIP 50% substantial improvements rule, determining market value, substantial damage, exceptions to the rule, National Flood Insurance Program, Section 1316 as an enforcement tool, flood provisions of the International Code Series. Training is available from the Maine Floodplain Management Program at SPO.

Coastal Construction Practices: Outside training might include: explanation of forces at work in A and V Zones, review of construction standards in V Zones

Riverine Flood Proofing: Outside training might include: explanation of forces at work in the riverine flood environment, dry floodproofing for nonresidential construction, wet flood-proofing in conjunction with flood warning and response systems.

Natural Resources Protection Act: Coordinating State and Local Enforcement; Outside training might include: overview of the NRPA, permit-by-rule, case studies in Permit-by-Rule, wetlands permitting, DEP's enforcement philosophy, case studies in full permitting, field review of NRPA enforcement cases. Training is available through Maine Department of Environmental Protection.

VII. Certification in Court Rule 80-K

Violations involving land use ordinances or statutes may be prosecuted in District Court using Rule 80-K of the *Maine Rules of Civil Court Procedure*. Rule 80-K is a land use enforcement procedure. It provides a simpler, speedier, and less costly procedure for the prosecution of land use violations, by a code enforcement officer, rather than the alternative of prosecuting cases through a lawyer in Maine Superior Court. Rule 80-K may only be used at the District Court level. Under Rule 80-K, the District Court can order violators to pay fines and to stop or correct a violation. The rule of course authorizes lawyers, but more importantly it authorizes others, who are not lawyers, to represent the jurisdiction. The only stipulation is that such individuals be certified through the Office in Rule 80-K procedures and must have the authorization of the jurisdiction they work for to prosecute 80-K cases. In addition to municipalities, the Maine DEP and LURC are also authorized to use 80-K in the prosecution of land use violations.

In addition to the certification for municipal code enforcement officers set forth in 30-A MRSA §4451, a separate certification must be obtained from the State Planning Office in order to prosecute land use violations using Rule 80K. Certification under Rule 80K is not necessary to become a certified code enforcement officer. It is only necessary if that CEO wishes to prosecute land use cases in District Court. Certification under Rule 80K is also necessary for employees of the Department of Environmental Protection and employees of the Maine Land Use Regulation Commission who wish to use the process in the prosecution of the state requirements that they are authorized to enforce.

A CEO certified in Rule 80-K and having the authorization of the municipal officers may prepare, serve, and file a Land Use Citation and Complaint in District Court in accordance with 30-A MRSA §4452 and Civil Court Rule 80-K. For a more detailed discussion of Rule 80-K and the preparation and prosecution of land use cases, CEO's may read a copy of the *Rule 80-K Enforcement Handbook* available on the State Planning Office web site.

CERTIFICATION REQUIREMENTS FOR RULE 80-K ENFORCEMENT & COURT TECHNIQUES: Attend a 12-hour training program in legal issues and court techniques offered by the Office as “State of Maine Court Rule 80-K.” This training program includes: preparatory classroom lectures on legal issues, court procedures necessary to use the 80K system, and a mock trial experience. Evaluation by examination (*Rule 80-K Exam*) is required to meet the requirements of 30-A MRSA §4453, and Court Rule 80K of the Maine Rules of Civil Procedure. Certification is valid for a period of six years. Re-certification is achieved by attending at least 12 hours training within a six-year period.

Other training is available through the Maine State Bar Association and the Maine Municipal Association Legal Services Department. Other organizations also provide training and workshops applicable to Rule 80-K procedures.

VIII. Documenting Relevant Work and Training for Credit

With approval of the Office, credit for continuing education obtained through educational institutions or professional organizations may be applied towards recertification.

All requests for training credit should be submitted on the form provided in the appendix of this booklet. A certificate, diploma, or official transcript must accompany the form where applicable. For training other than institutional (college, trade school, national organization) credit programs, an agenda, outline, or synopsis briefly describing the content of the training and some form of verification of an individual's attendance must accompany the form. Verification of attendance must specify the actual number of contact hours an individual was engaged in training (excludes time provided for breaks and lunch) and must be signed by the instructor or his/her representative. A registration list submitted by the sponsor is preferred. A request may be sent without verification when the organization or the trainer submits a registration list directly to the Office.

Persons verifying training content and attendance, as well as the applicants themselves, are fully responsible for the truthfulness of such statements and therefore liable for false statements and any resulting consequences.

The Office will review the training agenda and other materials and determine whether the content meets requirements for recertification and the hours to be granted.

A form is available in Appendix C to request credit hours from outside training for recertification.

IX. Required Elements in a Job Description

For those reviewing or creating a job description for a code enforcement officer, please remember that there is no "model" job description. All municipalities have different duties and criteria for their employees. Because each Maine town is so different in its particular code enforcement needs, there are probably as many different job descriptions as there are code enforcement officers. The job description should meet the needs of the community. You should contact the Maine Municipal Association for up-to-date samples of municipal employee job descriptions for code enforcement positions. Another possibility is to ask communities with code enforcement needs similar to yours to share their job descriptions with you. In this way you can review various samples and then "create" one with your town's needs in mind.

For the record, there are certain elements of a CEO job description that are essential for the Office's needs in determining the certification requirements of an individual. In reality they are actually elements that are common to any well designed and prepared job description. These elements should define the relationship between the employee and the other local officials with whom they will come into direct contact regarding the job. Experience has suggested that laying a solid foundation before this relationship develops will help to prevent uncomfortable situations down the road. What the office is looking for need not be very specific, but if specificity meets your needs, it will meet ours.

The job description should:

1. offer an introduction that generally identifies the role of the code enforcement officer in the overall function of the town administration;
2. specify the code enforcement officer's official title(s);
3. specify state and local laws, regulations, ordinances, and codes that the code enforcement officer is sworn to enforce within the municipality (the reference should briefly describe the ordinance, especially those ordinances governing development issues);
4. identify the other people and boards whom the code officer is obligated to be involved with and outline the function he or she serves with them (i.e., does he/she serve as staff for the planning board? Which board meetings, if any, is he/she required to attend?);
5. list general and/or specific duties and responsibilities; and
6. identify the code enforcement officer's authority.

X: State Statues Regulating Code Enforcement

[TITLE 30-A MRSA §4451](#)

§4451. TRAINING AND CERTIFICATION FOR CODE ENFORCEMENT OFFICERS

1. Certification required; exceptions. A municipality may not employ any individual to perform the duties of a code enforcement officer who is not certified by the office, except that:

- A. An individual other than an individual appointed as a plumbing inspector has 12 months after beginning employment to be trained and certified as provided in this section;
- B. Whether or not any extension is available under paragraph A, the office may waive this requirement for up to one year if the certification requirements cannot be met without imposing a hardship on the municipality employing the individual;
- C. An individual may be temporarily authorized in writing by the Department of Health and Human Services, Division of Health Engineering to be employed as a plumbing inspector for a period not to exceed 12 months; and
- D. An individual whose certification has expired or is about to expire may be temporarily authorized in writing by the office to extend that individual's certification for a period not exceed 12 months in cases where the necessary training or examination is suspended under subsection 3-B, paragraph E.

2. Penalty. Any municipality that violates this section commits a civil violation for which a forfeiture of not more than \$100 may be adjudged. Each day in violation constitutes a separate offense.

2-A. Code enforcement officer; definition and duties. As used in this subchapter, "code enforcement officer" means a person certified under this section and employed by a municipality to enforce all applicable laws and ordinances in the following areas:

- A. Shoreland zoning under Title 38, chapter 3, subchapter I, article 2-B;
- B. Comprehensive planning and land use under Part 2, Subpart VI-A;
- C. Internal plumbing under chapter 185, subchapter III;
- D. Subsurface wastewater disposal under chapter 185, subchapter III; and
- E. Building standards under chapter 141; chapter 185, subchapter 1; beginning January 1, 2010, Title 10, chapter 1103; and Title 25, chapters 313 and 331.

3. Training and certification of code enforcement officers. In cooperation with code enforcement officer professional associations, the Maine Community College System, the Department of Environmental Protection, the Department of Health and Human Services and the Department of Public Safety, except as otherwise provided in paragraph H, the office shall establish a continuing education program for individuals engaged in code enforcement. This program must provide basic training in the technical and legal aspects of code enforcement necessary for certification. The basic training program must include training to provide familiarity with the laws and ordinances related to the structure and practice of the municipal code enforcement office, municipal planning and appeals board procedures, application review and permitting procedures, inspection procedures, and enforcement techniques.

If funding is not available to support the training and certification program authorized under this subsection, the office shall discontinue training and certification activities related to laws and ordinances referenced in subsection 2-A, paragraphs A and B and shall adopt by routine technical rules under Title 5, chapter 375, subchapter 2-A a program to register code enforcement officers that meet training and education qualifications. The office shall publish the list of persons registered for code enforcement who have submitted evidence of required qualifications. Persons registered under this paragraph must meet the requirements for training and certification under this subchapter. The office shall consult with the Department of Health and Human Services for the purposes of carrying out training and certification activities related to laws and ordinances referenced in subsection 2-A, paragraphs C and D. Within one month of discontinuation of training and certification under this paragraph, the office shall report to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee of the Legislature having jurisdiction over state and local government matters a recommendation for funding the training and certification program or for further changes in program requirements.

3-A. Training and certification of inspectors in the Maine Uniform Building and Energy Code. In accordance with the training and certification requirements developed pursuant to Title 10, section 9723, the office shall provide the training necessary to certify municipal building officials, local code enforcement officers and 3rd-party inspectors.

3-B. Maine Code Enforcement Training and Certification Fund. The Maine Code Enforcement Training and Certification Fund, referred to in this section as "the fund," is established as a nonlapsing fund to support training and certification programs administered by the office for code enforcement officers, local plumbing inspectors, municipal building officials and 3rd-party inspectors in accordance with this subchapter.

A. Beginning July 1, 2009, and each year thereafter on July 1st, the funds identified in section 4215, subsection 4 for training and certifying local plumbing inspectors must be transferred to the fund.

B. Beginning July 1, 2009, and each year thereafter on July 1st, the funds identified in Title 25, section 2374 for training and certifying municipal building officials, local code enforcement officers and 3rd-party inspectors must be transferred to the fund.

C. The office shall place in the fund any money it receives from grants to support the requirements of this subchapter.

D. Funds related to code enforcement training and certification may be expended only in accordance with allocations approved by the Legislature and solely for the administration of this

subchapter. Any balance remaining in the fund at the end of any fiscal year may not lapse but must be carried forward to the next fiscal year.

E. If the fund does not contain sufficient money to support the costs of the training and certification provided for in this subchapter, the office may suspend all or reduce the level of training and certification activities.

4. Examination. The office shall conduct at least one examination each year to examine candidates for certification at a time and place designated by it. The office may conduct additional examinations to carry out the purposes of this subchapter.

5. Certification standards. The office shall adopt routine technical rules under Title 5, chapter 375, subchapter 2-A to establish the qualifications, conditions and licensing standards and procedures for the certification and recertification of individuals as code enforcement officers. A code enforcement officer need only be certified in the areas of actual job responsibilities. The rules established under this subsection must identify standards for each of the areas of training under subsection 2-A, in addition to general standards that apply to all code enforcement officers.

6. Certification; terms; revocation. The office shall certify individuals as to their competency to successfully enforce ordinances and other land use regulations and permits granted under those ordinances and regulations and shall issue certificates attesting to the competency of those individuals to act as code enforcement officers. Certificates are valid for 5 years unless revoked by the District Court. An examination is not required for recertification of code enforcement officers. The office shall recertify a code enforcement officer if the code enforcement officer successfully completes at least 12 hours of approved training in each area of job responsibility during the 6-year certification period.

A. The District Court may revoke the certificate of a code enforcement officer, in accordance with Title 4, chapter 5, when it finds that:

- (1) The code enforcement officer has practiced fraud or deception;
- (2) Reasonable care, judgment or the application of a duly trained and knowledgeable code enforcement officer's ability was not used in the performance of the duties of the office; or
- (3) The code enforcement officer is incompetent or unable to perform properly the duties of the office.

B. Code enforcement officers whose certificates are invalidated under this subsection may be issued new certificates provided that they are newly certified as provided in this section.

7. Other professions unaffected. This subchapter may not be construed to affect or prevent the practice of any other profession.

[TITLE 30-A §4452](#)

§ 4452. Enforcement of land use laws and ordinances

1. Enforcement. A municipal official, such as a municipal code enforcement officer, local plumbing inspector or building inspector, who is designated by ordinance or law with the responsibility to enforce a particular law or ordinance set forth in subsection 5, 6 or 7, may:

A. Enter any property at reasonable hours or enter any building with the consent of the owner, occupant or agent to inspect the property or building for compliance with the laws or ordinances set forth in subsection 5. A municipal official's entry onto property under this paragraph is not a trespass;

B. Issue a summons to any person who violates a law or ordinance, which the official is authorized to enforce; and

C. When specifically authorized by the municipal officers, represent the municipality in District Court in the prosecution of alleged violations of ordinances or laws, which the official is authorized to enforce.

2. Liability for violations. Any person, including, but not limited to, a landowner, the landowner's agent or a contractor, who violates any of the laws or ordinances set forth in subsection 5 or 6 is liable for the penalties set forth in subsection 3.

3. Civil penalties. The following provisions apply to violations of the laws and ordinances set forth in subsection 5. Except for paragraph H, monetary penalties may be assessed on a per-day basis and are civil penalties.

A. The minimum penalty for starting construction or undertaking a land use activity without a required permit is \$100, and the maximum penalty is \$2,500.

B. The minimum penalty for a specific violation is \$100, and the maximum penalty is \$2,500.

B-1. Notwithstanding paragraph B, the maximum penalty is \$5,000 for any violation of a law or an ordinance set forth in subsection 5, paragraph Q, if the violation occurs within an area zoned for resource protection.

C. The violator may be ordered to correct or abate the violations. When the court finds that the violation was willful, the violator shall be ordered to correct or abate the violation unless the abatement or correction results in:

(1) A threat or hazard to public health or safety;

(2) Substantial environmental damage; or

(3) A substantial injustice.

C-1. Notwithstanding paragraph C, for violations of the laws and ordinances set forth in subsection 5, paragraph Q, the violator shall be ordered to correct or mitigate the violation unless the correction or mitigation results in:

(1) A threat or hazard to public health or safety;

- (2) Substantial environmental damage; or
- (3) A substantial injustice.

D. If the municipality is the prevailing party, the municipality must be awarded reasonable attorney fees, expert witness fees and costs, unless the court finds that special circumstances make the award of these fees and costs unjust. If the defendant is the prevailing party, the defendant may be awarded reasonable attorney fees, expert witness fees and costs as provided by court rule.

E. In setting a penalty, the court shall consider, but is not limited to, the following:

- (1) Prior violations by the same party;
- (2) The degree of environmental damage that cannot be abated or corrected;
- (3) The extent to which the violation continued following a municipal order to stop; and
- (4) The extent to which the municipality contributed to the violation by providing the violator with incorrect information or by failing to take timely action.

F. The maximum penalty may exceed \$2,500, but may not exceed \$25,000, when it is shown that there has been a previous conviction of the same party within the past 2 years for a violation of the same law or ordinance.

G. The penalties for violations of a septage land disposal or storage site permit issued by the Department of Environmental Protection under Title 38, chapter 13, subchapter 1, are as prescribed in Title 38, section 349.

H. If the economic benefit resulting from the violation exceeds the applicable penalties under this subsection, the maximum civil penalties may be increased. The maximum civil penalty may not exceed an amount equal to twice the economic benefit resulting from the violation. Economic benefit includes, but is not limited to, the costs avoided or enhanced value accrued at the time of the violation as a result of the violator's noncompliance with the applicable legal requirements.

4. Proceedings brought for benefit of municipality. All proceedings arising under locally administered laws and ordinances shall be brought in the name of the municipality. All fines resulting from those proceedings shall be paid to the municipality.

5. Application. This section applies to the enforcement of land use laws and ordinances or rules which are administered and enforced primarily at the local level, including:

- A. The plumbing and subsurface waste water disposal rules adopted by the Department of Health and Human Services under Title 22, section 42, including the land area of the State which is subject to the jurisdiction of the Maine Land Use Regulation Commission;
- B. Laws pertaining to public water supplies, Title 22, sections 2642, 2647 and 2648;
- C. Local ordinances adopted pursuant to Title 22, section 2642;
- D. Laws administered by local health officers pursuant to Title 22, chapters 153 and 263;
- E. Laws pertaining to fire prevention and protection, which require enforcement by local officers pursuant to Title 25, chapter 313;
- F. Laws pertaining to the construction of public buildings for the physically disabled

pursuant to Title 25, chapter 331;

G. Local land use ordinances adopted pursuant to section 3001;

H. Local building codes adopted pursuant to sections 3001 and 3007;

I. Local housing codes adopted pursuant to sections 3001 and 3007;

J. Laws pertaining to junkyards, automobile graveyards and automobile recycling businesses and local ordinances regarding junkyards, automobile graveyards and automobile recycling businesses, pursuant to chapter 183, subchapter I.

K. Local ordinances regarding electrical installations pursuant to chapter 185, subchapter II;

L. Local ordinances regarding regulation and inspection of plumbing pursuant to chapter 185, subchapter III;

M. Local ordinances regarding malfunctioning subsurface waste water disposal systems pursuant to section 3428;

N. The subdivision law and local subdivision ordinances adopted pursuant to section 3001 and subdivision regulations adopted pursuant to section 4403;

O. Local zoning ordinances adopted pursuant to section 3001 and in accordance with section 4352;

P. Wastewater discharge licenses issued pursuant to Title 38, section 353-B;

Q. Shoreland zoning ordinances adopted pursuant to Title 38, sections 435 to 447, including those that were state-imposed;

R. The laws pertaining to harbors in Title 38, chapter 1, subchapter I, local harbor ordinances adopted in accordance with Title 38, section 7 and regulations adopted by municipal officers pursuant to Title 38, section 2; and

S. Local ordinances and ordinance provisions regarding storm water, including, but not limited to, ordinances and ordinance provisions regulating nonstorm water discharges, construction site runoff and postconstruction storm water management, enacted as required by the federal Clean Water Act and federal regulations and by state permits and rules.

6. Septage and sludge permits issued by the Department of Environmental Protection.

A municipality, after notifying the Department of Environmental Protection, may enforce the terms and conditions of a septage land disposal or storage site permit or a sludge land application or storage site permit issued by the Department of Environmental Protection pursuant to Title 38, chapter 13, subchapter 1.

7. Natural resources protection laws. A code enforcement officer, authorized by a municipality to represent that municipality in District Court and certified by the State Planning Office under section 4453 as familiar with court procedures, may enforce the provisions of the natural resources protection laws, Title 38, chapter 3, subchapter I, article 5-A and Title 38, section 420-C, by instituting injunctive proceedings or by seeking civil penalties in accordance with Title 38, section 349, subsection 2.

Title 30-A § 4453

§ 4453. Certification for representation in court

The office shall establish certification standards and a program to certify familiarity with court procedures for the following individuals:

1. Code enforcement officers. Code enforcement officers as set forth in sections 4451 and 4452 and Title 38, section 441;

2. Plumbing inspectors. Plumbing inspectors as set forth in sections 4221 and 4451;

3. Department of Environmental Protection. Department of Environmental Protection employees as set forth in Title 38, section 342, subsection 7; and

4. Maine Land Use Regulation Commission. Maine Land Use Regulation Commission employees as set forth in Title 12, section 685-C, subsection 9.

TITLE 30-A § 4221

§ 4221. Plumbing inspectors

1. Appointment; compensation; removal. In every municipality, the municipal officers shall appoint one or more inspectors of plumbing, who need not be residents of the municipality for which they are appointed. Plumbing inspectors are appointed for a term of one year or more and must be sworn and the appointment recorded as provided in section 2526, subsection 9. An individual properly appointed as plumbing inspector and satisfactorily performing the duties may continue in that capacity after the term has expired until replaced. The municipal officers shall notify the department and the State Planning Office of the appointment of a plumbing inspector in writing within 30 days of the appointment.

Compensation of plumbing inspectors is determined by the municipal officers and paid by the respective municipalities.

The municipal officers may remove a plumbing inspector for cause, after notice and hearing.

2. Certification requirements. A person may not hold the office of plumbing inspector unless currently certified as qualified by the State Planning Office pursuant to section 4451. Certification is effective for a period of 5 years unless sooner revoked or suspended by the District Court as provided for in section 4451.

3. Duties. Plumbing inspectors shall:

A. Inspect all plumbing for which permits are granted, within their respective municipalities, to ensure compliance with state rules and municipal ordinances and investigate all construction or work covered by those rules and ordinances;

- B. Condemn and reject all work done or being done or material used or being used which does not comply with state rules and municipal ordinances, and order changes necessary to obtain compliance;
- C. Issue a certificate of approval for any work that the inspector has approved;
- D. Keep an accurate account of all fees collected and transfer those fees to the municipal treasurer;
- E. Keep a complete record of all essential transactions of the office;
- F. Perform other duties as provided by municipal ordinance; and Investigate complaints of alleged violations relating to plumbing or subsurface waste water disposal and take appropriate action as specified by the department by rule in the State of Maine
- G. Enforcement Manual, Procedures for Correcting Violations to the Subsurface Waste Water Disposal and Plumbing Rules.

4. Inspections and permits not required. Plumbing inspections and permits are not required for:

- A. Minor plumbing work or minor installations that are performed in compliance with state laws and rules if that plumbing work or those installations are done inside the structure of a private residence by the owner of that residence;
- B. Installation of domestic heating appliances by master oil burner technicians licensed pursuant to Title 32, chapter 33; and
- C. Installation of stand-alone water meters, water meters in combination with nontestable backflow prevention devices and related valves by water utility personnel or water utility contractors. The water utility shall include in any notice it provides to a customer regarding entry to install such a meter or related valves a statement that installation of a backflow preventor may necessitate installation by the customer of additional devices, such as an expansion tank, due to thermal expansion.

XI: CEO Training and Certification Program Rule

Municipal Code Enforcement Officer Qualifications and Certification Standards Rule

CODE OF MAINE REGULATIONS

07-105 **Executive Department**
 State Planning Office

Chapter 300 **Municipal Code Enforcement Officer**
 Qualifications and Certification
 Standards Rule

Summary: This Chapter establishes the qualifications, conditions, licensing standards and procedures for the certification and recertification of municipal code enforcement officers in the State of Maine as required by 30-A MRSA §4451 (5).

Note: Chapter 300 is currently being revised.

XII: Frequently-asked Questions

This section is a presentation of frequently asked questions. While somewhat outside the strict focus of an information guide, they may be of interest to some readers.

Q: Why have a state-level training program?

A: Training and certification for code enforcement officers was created by Maine law in 1989 as part of the Growth Management Act (30-A MRSA §4451). The legislation required a training program be established by the state to assist municipal code officials administer state and local laws.

Prior to passage of the legislation, Maine lacked a formal training program for municipal code officials, most of whom were enforcing state and local laws. The intent of the legislation was to promote professionalism, as well as consistency in administration and enforcement of environmental regulations and building standards. To a great extent that goal has been achieved, however, it is a never ending mission as new individuals enter the profession continually.

Q: Is the code enforcement officer training requirement an unfunded state mandate?

A: The law, Title 30-A §4451 does not require any new municipal positions. These requirements have existed in other law for a long time. While the law does require training, the state provides it and any essential training manuals free of charge to municipally-employed code enforcement officers.

Q: Is there a charge for the training?

A: Training is provided free of charge for individuals holding appointment as a municipal code officer or local plumbing inspector.

Q: How do I become a certified code officer?

A: Code enforcement officers are *municipal officials* appointed annually by the elected *municipal officers* of a city or town. State law requires code officials enforcing any regulations concerned with land use regulation, shoreland zoning, internal plumbing, subsurface wastewater disposal, and building standards to hold proper state certification.

A non-certified individual may be appointed to enforce *shoreland zoning regulations, land use regulations, or building standards*, however, they must earn state certification within 12 calendar months of appointment. The same 12-month grace period does not, however, apply to appointments as local plumbing inspector. In other words, to be appointed as an LPI an individual must be state certified prior to assuming the position.

All certified code officers must maintain their state certification through continuing education. Failure of appointed code officers to maintain certification may result in a suspension from official duties. Even where a suspension is not applied, any decisions made, or permits issued, by an uncertified code official may be subjected to legal action.

Re-certification is required on a six-year cycle. An individual failing to earn a sufficient number of credits is decertified and must retake the examination.

Basic training is provided to help newly-appointed CEOs/LPIs gain the necessary grounding to pass the certification exams. Individuals are not required to attend all of SPO's basic training sessions, they need only pass the certification exam.

Recertifying individuals need to document sufficient, creditable and approved training to meet their recertification needs. They may repeat the basic training but it is recommended that outside, advanced training supplement the basic training. In any event, the basic training can only be applied to recertification once in any individual's six-year cycle.

Q: How much training do you need before you become certified?

A: No actual training is required to take the certification exam. An individual seeking certification may choose to take the requisite exams without taking any training. Their existing knowledge and experience may have prepared them for the exam, especially with the aid of the self-study training manuals.

But those who have taken the exam feel that the training helps. The Office provides one day of training for each specialty area of certification. An individual's actual job duties will determine which of the specialty area exams they will be required to take (e.g., shoreland zoning, land use/zoning, building standards, internal plumbing, and external plumbing).

For recertification, 12 credit hours of training are needed in each specialty area over six years.

Q: Do you let the town know what training and certification the CEO needs?

A: Yes, we will review the job description that you provide to us.

Q: Do you let towns know whether their CEO has achieved the required certification?

A: Yes, we provide the town and the code officer with this information. When full certification is achieved the individual is issued a certificate and a wallet card.

Q. What is the best way to prepare for the exams?

A: The on-line program training manuals have been developed to assist individuals studying for the exams. There are specialized educational objectives for each manual that serve to guide the student in his or her studies. Very simply, if you can successfully answer the question(s) raised in each objective listed you will have little trouble passing the exam.

It is recommended that you first review the manual by skimming through the material to get familiar with the format and style of the book. Next review the table of contents and index. Now take some time and carefully read the book. And finally, start working through the educational objectives until you are comfortable answering the questions. Now you are ready to schedule an exam.

Q: What sort of work do code enforcement officers perform?

A: A code enforcement officer or CEO may perform a range of duties depending upon the specific municipality they work for and the size of the community. Most CEOs enforce the state's minimum shoreland zoning regulations. CEOs also enforce local land use regulations, such as zoning.

In municipalities with more than 2,000 residents CEOs may also serve as the building inspector. Many CEOs also serve as the local plumbing inspector enforcing the state's plumbing code and the subsurface wastewater regulations. CEOs also work with personnel of various state agencies such as the Department of Environmental Protection, State Fire Marshal's Office, and Division of Health Engineering.

Many communities entrust their appointed CEOs to prosecute land use violations in District Court under Civil Court Rule 80-K. CEOs also may apply for Administrative Inspection Warrants under Civil Court Rule 80-E where property owners are uncooperative in respect to requests to conduct a legal inspection. The work of CEOs is varied, demanding, technically challenging, and very much legal oriented.

CEOs work both outdoors and indoors. The outdoor work may be conducted in all types of weather conditions in hazardous construction sites. The indoor work is typically conducted in a town office or city hall. CEOs frequently attend public meetings of the zoning board of appeals and planning board. CEOs may also be called upon to appear in court and to give sworn testimony. Much of their office time is spent researching legal questions, answering technical code questions, reviewing applications for development, consulting with customers, writing reports, and issuing permits.

Q: We do not have enough money to hire someone full time and pay a good wage. What can the town do to make the job of code enforcement more appealing?

A. An “interlocal agreement” is an administrative tool that some towns use. If neighboring towns, with similar needs, can agree to act jointly and hire one CEO between them, you may be able to reduce administrative costs because the burden is spread out among partners. For example, one town may have available office space and the other may have an extra computer. In addition, the purchase of other resource materials may be shared.

Towns could also examine their permit and review fees to make sure that fees cover the cost of providing the service. Another idea is to examine whether any other part-time positions in your town may be combined with the code enforcement duties, in other words create a full-time position with two part-time jobs.

The municipality could provide incentives to code enforcement officers. They could be allowed to keep a percentage of the permit fees, for example. In addition, it may be that a good benefit package can offset a lower salary (family health insurance, for example). Using skilled retirees who have a pension or a health retirement plan may be one way of making code enforcement services affordable.

A key aspect of keeping qualified code officers is how they are treated by the town. Administering codes is a job full of conflict. A code officer that feels supported by the town fathers is likely to stay in the job for a longer time.

Q: What happens when a town gets sued? Is there any type of funding that will help if a code officer who is doing her job and lands in court?

A: Personal liability for actions taken by a municipal official is very limited under Maine Law. Provided that the official acted properly and in good faith they should have little to worry about because the law protects them. This protection is called statutory immunity. As a matter of practice, Maine municipalities will cover the legal costs incurred in these laws suits, as well as fines an official might have to pay. However, it should be noted that the law does not protect a municipality when it knowingly makes decisions or acts improperly regarding administration and enforcement of ordinances and state regulations. A town's best defense is to make a good faith effort to follow accepted procedure and to make decisions fairly and consistently within the bounds of the law. For more information about legal issues, contact the Maine Municipal Association.

Q: Instead of hiring a code officer, can our planning board enforce the town's shoreland zoning ordinance?

A: Yes, if the entire board is certified in code enforcement for shoreland zoning. In short, every member of the planning board must be a certified code enforcement officer in shoreland zoning. The board must make decisions jointly, although it is okay if one board member performs an inspection and reports the findings back to other board members.

Q: Can the board of selectmen enforce our shoreland zoning ordinance?

A: The Maine Municipal Association recommends that this not be done. There is an inherent conflict of interest between the positions, where one appoints and supervises the other. Maine courts have concluded that where an individual accepts an appointment to a position creating a conflict of interest with another position held, that the first position is automatically vacated. Practically speaking, he or she needs to resign as selectman every time it is necessary to act as CEO and then be reassigned as selectman after the action is completed. The way to prevent this need from arising is to have an alternate CEO appointed.

Q: Why doesn't the Office provide advanced training?

The Legislature changed the requirement for the office to provide advanced training in 2009 as a cost-savings mechanism. Advanced training is provided by numerous professional organizations and is widely available. To assist code officers with getting the credit hours they need for recertification, the Legislature also increased the number of years for which certification is valid, from five to six years.

Q: How is the Code Enforcement Officer Training and Certification Program funded?

A. The program is funded entirely by revenues from state fees: 1) fees collected by the Department of Health and Human Services (Division of Environmental Health) for state plumbing permits, and 2) fees collected by the Department of Public Safety (Fire Marshal's Office) for commercial building fees.

XIII. Other Code Enforcement Office Resources

A number of state and membership organizations provide training and technical assistance, or can simply answer questions you might have about a code enforcement issue in your town.

CEO Associations:

Aroostook Code Enforcement Organization (ACEO):

<http://www.maine.gov/spo/ceo/associations/aroostookcoe.htm>

Maine Building Officials and Inspectors Association (MBOIA):

<http://www.mboia.org/>

Midcoast Code Enforcement Officers Association:

<http://www.maine.gov/spo/ceo/associations/midcoastcoa.htm>

Mid Maine Code Officials Association:

<http://www.maine.gov/spo/ceo/associations/midmainecoa.htm>

Other Organizations:

Maine Municipal Association – Legal Services: <http://www.memun.org/>

State Agencies:

Dept. of Environmental Protection, Shoreland Zoning:

<http://www.maine.gov/dep/blwq/docstand/szpage.htm>

Dept. of Environmental Protection, Land and Water Quality

<http://www.maine.gov/dep/blwq/>

Dept. of Transportation

<http://www.maine.gov/mdot/>

State Fire Marshal's Office

<http://www.maine.gov/dps/fmo/index.htm>

DHHS - Division of Environmental Health Home Page

<http://www.maine.gov/dhhs/eng/plumb/index.htm>

Professional and Financial Regulation

<http://www.maine.gov/pfr/index.shtml>

XIV. Appendices

Appendix A: List of CEO Publications

Training manuals have been developed to support the State's basic training and certification efforts.

The basic training manuals have been converted for on-line downloading. There is no cost to download any of the manuals.

Hard copy manuals are available at cost. The cost for printed publications is anywhere from \$5.00 to \$20.00 (tax included) depending on the publication. To minimize the cost of the training manuals you may request them on CD-ROM for \$5.00.

For more information: <http://www.maine.gov/spo/ceo/index.htm>

INFORMATION

Municipal CEO Certification Information Guide (10/09)

LEGAL ISSUES

Legal Issues and Basic Enforcement Techniques (updated 1/09) Available electronically
Enforcement of Land Use Regulations Using Civil Court Rule 80-K (1/06 revision planned)

SHORELAND ZONING AND LAND USE

Shoreland Zoning / Best Management Practices (8/08) Available on-line
Forest Practices in the Shoreland Zone (9/98)
Maine Wetlands and Their Boundaries (6/94)
Wetlands Identification and Regulation (9/06)
Zoning and Land Use Regulations (2/06) Available on-line
Maine Floodplain Management Handbook (11/07) Available on-line

BUILDING STANDARDS

Introduction to Building Standards and the Use of Building Codes (07/07) Available on-line
NEC, Residential Electrical Installation and Inspection (6/04)
Building Standards: Energy Conservation (11/00) Available on-line
Building Standards: Accessibility Standards and Requirements (9/05)

INTERNAL/EXTERNAL PLUMBING

State of Maine Internal Plumbing Code Training Manual (10/09) Available on-line
Maine Internal Plumbing Rules
Subsurface Wastewater Disposal in Maine (9/04) Available on-line

Appendix C: Application for Credit for Outside Training

MAINE STATE PLANNING OFFICE CODE ENFORCEMENT TRAINING & CERTIFICATION PROGRAM APPLICATION FOR CREDIT FOR OUTSIDE TRAINING

(This form is not required for training presented by SPO or MBOIA)

Name _____ Address _____
 Certification # _____
 Employer _____ Telephone _____

I AM REQUESTING THAT CREDIT BE APPLIED TO EITHER BASIC OR ADVANCED, AS INDICATED BELOW:

BASIC RE-CERTIFICATION:

- ___ Building Standards
- ___ Shoreland Zoning
- ___ Land Use / Zoning
- ___ Internal Plumbing
- ___ Subsurface Wastewater
- ___ Legal Issues (General)

OTHER:

- ___ Enforcement Techniques
(Civil Court Rule 80-K)

Description of Training or Work Experience: _____

Date(s) of Activity: _____ **Hours claimed:** _____

(Do not include meals or breaks)

Institution or Organization Providing Training: _____

Location of Training or Work Employment: _____

For training credit: (please check one)

- ___ Syllabus/agenda attached
- ___ Institution to provide agenda
- ___ Institution to provide registration list

Name of Institution or Organization:	Address:
Name of trainer:	Title:
Verifying Signature:	Date Signed:
Received at SPO:	Received by:

Note: For guidance regarding the criteria of the Office for assignment of credits, consult the training and certification rule contained in your information booklet, *Municipal Code Enforcement Officers Certification Information Guide*.

Return this form with documentation to: Maine State Planning Office, CEO Training & Certification Program, 38 State House Station, Augusta, Maine 04333

Appendix D: Voluntary Certification Testing Schedule

Voluntary Certification Testing Schedule												
<u>STATE CERTIFICATION FOR MUNICIPAL CODE ENFORCEMENT OFFICERS</u>												
NAME OF APPLICANT FOR CERTIFICATION:												
APPOINTED BY: (name of town or city you work for)												
DATE OF INITIAL APPOINTMENT AS CEO:												
DATE CERTIFICATION REQUIRED BY: (12 months from initial appointment date)												
AREAS OF REQUIRED CERTIFICATION: (√all subject specialty areas that apply to you)												
<input checked="" type="checkbox"/> Legal Issues / Enforcement Techniques -----▶ all must take Legal Issues Exam <input type="checkbox"/> Shoreland Zoning -----▶ required to take Shoreland Zoning Exam <input type="checkbox"/> Land Use / Zoning -----▶ required to take Land Use Exam <input type="checkbox"/> Building Standards -----▶ required to take Building Standards Exam												
TESTING IN SUBJECT AREAS IS SUGGESTED BY THE DATE INDICATED BELOW:												
SUBJECT AREA EXAMS:	1 ST MONTH	2 ND MONTH	3 RD MONTH	4 TH MONTH	5 TH MONTH	6 TH MONTH	7 TH MONTH	8 TH MONTH	9 TH MONTH	10 TH MONTH	11 TH MONTH	12 TH MONTH
LEGAL ISSUES/ ENFORCEMENT												
SHORELAND ZONING												
LAND USE / ZONING												
BUILDING STANDARDS												

Use of this form is voluntary. Maine law gives anyone appointed to the position of municipal code enforcement officer 12-months in which to become certified. **While we highly recommend that you set up a testing schedule, we cannot require you to do so. However, we have found that there are benefits to having a set plan for preparing to take the State certification exams. Many individuals appointed to the position of code officer wrongly believe that they can simply do their job for 12 months and that somehow this will prepare them adequately for testing. In the majority of cases this just isn't so, when the 12th month arrives they find themselves scrambling to prepare for the exams and too often they fail them. Plan to succeed!**

Appendix F: Appointment Notice

MUNICIPAL NOTICE OF CODE ENFORCEMENT OFFICER APPOINTMENT

This notification is required annually by State Law.

Name of Municipality: _____

Mailing Address: _____

The individual(s) named below have been officially appointed and sworn to serve the municipality as code enforcement officer(s) in conjunction with duties listed on Town's CEO job description:

PRIMARY CEO Circle one: Initial Appointment Re-Appointment On-going

NAME: _____

(RE)APPOINTMENT DATE: _____

Please mark only those areas that the CEO is responsible for.

Shoreland Zoning Ordinances Zoning & Land Use Ordinances

Building Inspector

ALTERNATE/DEPUTY CEO Circle one: Initial Appointment Re-Appointment On-going

NAME: _____

(RE)APPOINTMENT DATE: _____

Shoreland Zoning Ordinances Zoning & Land Use Ordinances

Building Inspector

PRIMARY LPI Circle one: Initial Appointment Re-Appointment On-going

NAME: _____

(RE)APPOINTMENT DATE: _____

ALTERNATE/DEPUTY LPI Circle one: Initial Appointment Re-Appointment On-going

NAME: _____

(RE)APPOINTMENT DATE: _____

Verifying Signature (Local Official)

Title

Date

The following CEO/LPI is no longer employed by Town:

Notes:

1. A Code Enforcement Officer who has not achieved certification in all areas of his/her job responsibilities within one (1) year of initial appointment may not be reappointed, unless a written extension of the certification deadline was granted to the municipality by the Office.
2. A copy of a certificate of appointment for each individual appointed as CEO/LPI may be substituted for this form and sent to the address below.
3. For information regarding municipal responsibilities under Title 30-A § 4451, certification of CEO's, or sample job descriptions, consult your information booklet, Municipal Code Enforcement Officers Certification Information
4. Every municipality must file a certificate of appointment or its equivalent on an **annual** basis or upon appointment of a new code enforcement officer.

Return this form to: State Planning Office PHONE: 287-8058
 CEO Training & Certification Program FAX: 287-8059
 #38 State House Station
 Augusta, ME 04333-0038