

[supplemental information]

As of December 1, 2010 the State of Maine mandated all towns over a population of 4,000 or more that had previously adopted any building code on or before August 1, 2008, adopt and enforce the new Maine Uniform Building and Energy Codes. This is applicable Statewide.

A. MUBEC does not apply to:

- Log homes
- Manufactured homes
- Post and Beam or timber frame homes
- Warehouses
- Seasonally restricted cottages (until June 15, 2012 then this is repealed at the State level and all homes shall be built to IRC 2009.)

## Norway Building Code Ordinance

An ordinance to provide for the health, safety, and public welfare through regulation of new construction, alteration and replacement of buildings by specifying standards for sanitation, for prevention of destruction by fire or collapse, and for satisfying the aesthetic taste. It also provides for the issuing of permits, provides for penalties and prescribes a method of appeal.

**Sec. 1 Scope.** All building construction in Maine, with some exceptions, is governed by the Maine Uniform Building and Energy Codes, which is adopted by the Technical Building Codes and Standards Board pursuant to 10 MRS Chap 1103. The provisions of this code shall apply to new construction. It shall also apply to alteration and addition, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one-and two family dwellings and townhouses not more than three stories above grade plane in height with a separate means of egress and their accessory structures relocation and placement of dwellings and manufactured housing of part thereof.

- A) The provisions for this Code shall apply to commercial or industrial buildings or their construction, and to residential conversions or apartment buildings of more than two (2) units. Plans for such contemplated building or alteration shall be submitted to the Planning Board for review and authorization of permit.
- B) Provisions for this Code shall apply to existing electrical and sewer installations on the basis of health and safety.

**Sec. 2 Definitions.** For the purpose of this Ordinance the following words or phrases shall have the meaning ascribed to them in this section:

- A) **Accessory Structures:** Sheds, lean-tos, gazebos etc... shall be determined to be single story (walls not to exceed 9' in height) from the lowest natural grade of the ground and 15' overall height with no second story open space.
- B) **Dwelling.** Shall mean any building occupied for more than six (6) months in any 12 month period.
- C) **Manufactured Housing.** Mobile and modular homes shall display a HUD approval plate or a plate indicating Maine State approval, designed and constructed for permanent occupancy, having separate living and sleeping rooms and having provisions for connection to sewer, water, and electricity. Used manufactured homes will have to meet the Used Manufactured Home Standards for for current electrical and plumbing standards. (typically 1976 and newer manufactured homes meet this standard).
- D) **Recreational Vehicle, tow behind camper, fifth-wheels and class A, B or C motor coaches.** Shall mean a recreational and /or travel trailer not designed for permanent human occupancy. *See Sec 14 for additional restrictions.*

- E) **Living Space.** Shall mean actual enclosed space suitable for year-round occupancy. It shall not include porches, patios, and similar areas whether enclosed or not.
- F) **Commercial/ Industrial.** Shall mean buildings, which are used, for sales, manufacturing, storage, service, warehousing, or other related purposes. It also includes apartment buildings of more than two (2) units.
- G) **Edge of Street.** Shall mean the edge of the normal traveled way. Consideration should be given to the legal width of the road.
- H) **Structural Change.** Shall mean an alteration of a load carrying member or alteration of the exterior dimensions of the building footprint.
- I) **Building.** Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or material of any kind.
- J) **Lot of Record.** A parcel of land, a legal description of which or the dimensions of which are recorded on a document or map on file with the Oxford County Registry of deeds on or before November 6, 1973.
- K) **Nonconforming Lot.** A single lot of record which on the effective date of this Code does not meet the area, frontage or width requirements.
- L) **Principal Structure.** A building other than one, which is used for purposes wholly incidental or accessory to the use of another building or use on the same premises.
- M) **Principal Use.** A use other than one which is wholly incidental or accessory to another use on the same premises. *Examples: sheds, patios, lean-tos, gazebos*
- N) **Street.** A vehicular public way maintained by or owned by the Town of Norway or the State of Maine or a private vehicular way shown on a recorded plan and/or approved by the Planning Board.
- O) **Structure.** Anything built for the support, shelter, or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed or temporary location on or in the ground, exclusive of fencing or poles, wiring and other aerial equipment normally associated with service drops as well as guying anchors. The term includes structures temporarily or permanently located such as docks, patios and satellite dishes.

**Sec. 3. Building Inspector.** This code shall be administered by a Building Inspector who shall be appointed in a manner consistent with the appointment of other Department Heads.

**A) Inspection.**

1. The Building Inspector shall endeavor to inspect all buildings being constructed, or manufactured housing, dwellings being altered, additions being added, replaced or relocated for the purpose of enforcing provisions of this Ordinance and all other local and state laws governing the construction, alteration, movement, repair, placement or replacement of buildings.
2. The Building Inspector shall endeavor to see that the construction of Commercial or Industrial buildings complies with the plan approved under Sec. 1, paragraph A, in so far as the public health, safety and welfare is concerned.
3. Right of entry. The building inspector in the performance of his duties, may, at any reasonable time, enter any building or manufactured housing for the purpose of making the inspection required by this code.

**Sec. 4. Permit.** Before the construction, alteration, relocation or replacement of any building, manufactured housing or part thereof, including foundations, shall be commenced, the owner or lessee, or architect, contractor or builder employed by such owner or lessee shall obtain a permit from the Building Inspector to cover such work; no permit shall be required for regular maintenance of dwellings, however for commercial or industrial establishments, Planning Board approval must be secured.

- A) Application.** The application for the permit shall be in writing and shall be made in such a form, as the Building Inspector shall prescribe. It shall contain a description

and may require professional drawings of the proposed new, altered, or relocated building or the replacement contemplated.

- i. An HHE 200 subsurface wastewater and disposal design, plumbing and electrical permit shall accompany the building permit application. The application shall be filed with the code enforcement office (Town Office)
- B) **Permit Approval.** The Building Inspector, after the proper examination of the application, or Planning Board authorization, shall either issue the requested permit or transmit notice of refusal within a reasonable time, not to exceed ten (10) days. Notice of refusal shall be in writing and shall state the reasons therefor.
- C) **Life of a Permit.** All building permits shall expire after one calendar year unless a different term is stated on the permit.
- D) **Provisions For Renewing.** Renewal applications will be considered upon the expiration of the permit on a no fee basis for a period of two years as long as consistent and continual work is done on the structure.
- E) **Display of Permit.** Every building permit shall be displayed in a conspicuous place on the street side of the premises and shall not be moved until all work covered by the permit has been approved.

**Sec. 5. Fees.** [Selectmen will set these fees and review them annually.]

- Accessory structure fees (non-livable spaces) – **\$.10/sq ft** for decks, sheds, single story garages and barns, porches, stairways and constructed walking paths to water ways, attics and crawlspaces over 200 sq ft.
- Residential living space fees- Flat fee \$30.00 plus \$.15/sq ft. (Crawlspaces/non-daylight basements and attics are not considered livable space)
  - a) Non-livable spaces (attics, unfinished basements, porches and decks associated with new homes) **\$.10/sq ft**
- Renovations fees – Flat fee \$40 then \$1/\$1,000 after that. (Inspections are required so new work meets the new MUBEC building and energy codes.)
- Commercial fees- Flat fee \$50 fee with \$.20/sq ft. They also have Planning Board fees plus any mailings. This is for new construction, additions and alterations.

**Sec.6. Certificate of Occupancy.** No building or manufactured housing shall be occupied after its construction, or relocation until the Building Inspector has issued a Certificate of Occupancy. The Building Inspector, after notification by the owner, shall within three (3) days; issue said certificate after proper examination shows that all work was performed in compliance with the provisions of this Code. A Certificate of Occupancy shall not be issued for any manufactured housing, which does not conform, to ANSI No. A119-2 or MHMA Code.

A) **Rentals.** Rentals conform to the Town of Norway's Rental Occupancy Ordinance.

**Sec. 7 Size of Lot.** No building shall be constructed upon, or manufactured housing moved to a lot within an area of less than 20,000 square feet, and with a frontage facing any street of less than 100 feet of frontage. Building construction or placement of manufactured housing **shall** be permitted on a lot with a minimum of 10,000 square feet with a minimum of 100 feet of street frontage, provided that public water and public sewage are available. If an existing dwelling or structure is demolished, burns or is destroyed by natural causes, it may be rebuilt or repaired on the same lot in accordance with this Code, although the lot is less than 20,000 sq ft and may have less than 100' frontage provided that a permit for construction or placement of manufactured housing be obtained within 1 year from date of qualifying event.

For those lots located in the Shoreland Zone as defined in the Shoreland Zoning Ordinance Town of Norway per the Maine minimum lot area. Minimum shore frontage and minimum setback from the normal high water line or upland edge of a wetland shall comply with Section 15 of the Shoreland Zoning Ordinance Town of Norway, Maine.

A) **Set-Back.** No building, principal structure or manufactured housing shall be placed on a lot unless it is set back from the edge of the normal traveled way at least 25 feet,

or unless there is a common line established by existing dwellings. On a great Pond, the set back shall be at least 100' from the normal high water mark.

- B) **Side Yard Width.** No building, principal structure or manufactured housing shall be placed on a lot unless it is 20 feet from an adjoining lot line, but a single story accessory structure, not used for living area, may be placed 10 feet from the lot line.
- C) **Off Street Parking.** All driveway entrances shall be approved by the Road Commissioner. A minimum of two (2) off street parking spaces to each newly constructed residential dwelling unit, and/or one and one half (1 1/2) off street parking spaces for each dwelling unit in existing buildings shall be provided.
- D) **Driveway Entrance.** For new driveway locations the culvert length will be specified by the highway foreman after the building permit is applied for. Culvert will be bought and delivered to the property by the property owner or contractor and installed by the Town with appropriate notice. All new driveways will be at a minimum 15' away from all cemeteries and burial grounds and meet the sight line distances provided by Maine Dept. of Transportation.
- E) **Nonconforming Lots.**

1. *Vacant Nonconforming Lots.* A vacant and unimproved legally nonconforming lot may be built upon provided the lot is in separate ownership and not contiguous with any other lot in the same ownership and all provisions of this Code can be met except street frontage and lot size. Variance of setbacks or other requirements not involving lot area or width may be obtained only by action of the Board of Appeals.

2. *Non conforming Lots with Structure.* A structure which was built or placed on a legally nonconforming lot prior to the time when the lot became nonconforming may be rebuilt, repaired, improved or replaced in conformity with the dimensional requirements imposed by this Code other than the lot area and frontage.

3. *Contiguous Vacant Lots.* If two or more vacant and unimproved contiguous lots were in the same ownership of record at the time of adoption or amendment of this Code, and, if all or part, of these lots does not meet the dimensional requirements imposed by this Code, the lots shall be combined to the extent necessary to meet these standards and no division of the parcel made up of the combined lots shall be made which creates any dimension or area which is less than the requirements established by this Code.

4. *Contiguous Built & Vacant lots.* If two or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or amendment of this Code. If any of these lots do not individually meet the dimensional requirements of this code or subsequent amendments, and if one or more are vacant or contain no principal structure the lots shall be combined to the extent necessary to meet the dimensional requirements.

This provision shall not apply to two or more contiguous lots, at least one of which is nonconforming, owned by the same person or persons on the effective date of this Code and recorded in the registry of deeds if the lot is served by a public sewer or can accommodate a subsurface waste water disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules.

5. *Contiguous lots with existing structures.* If two or more contiguous lots or parcels are in single or joint ownership of record at the time of adoption of this Code, if all or part of the lots do not meet the dimensional requirements of this Code, if all or part of the lots do not meet the dimensional requirements of this code, and if a principal use or structure exists on the lot the non-conforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law and the Subsurface Wastewater Disposal rules are complied with.

If two or more principal uses or structures exist on a single lot of record on the effective date of this Code, each may be sold on a separate lot provided that the above referenced law and rules are complied with. When such lots are divided, each lot thus created must be as conforming as possible to the dimensional requirements of this Code.

**6. *Transfer of Ownership.*** Ownership of legally nonconforming lots together with the rights of use created by this section may be transferred to subsequent owners.

**7. *Illegal Reduction in Dimensions.*** No lot shall be reduced in any manner that violates the requirements of this Code. If land is subdivided, conveyed, divided or otherwise transferred in violation of this ordinance, no building permit or other municipal permit shall be issued with reference to any of the land or lots so reduced until all such land or lots fulfill the dimensional regulations.

**8. *Minimum Floor Area.*** No requirements as long as sanitary conditions, minimum room areas of IRC 2009, Sect 304 and 305 and meet the 2009 Uniform Plumbing Code or latest adopted plumbing code per State law.

**Sec. 8. Foundations Will follow ICC International Residential Building code as adopted by the State of Maine,**

A) Manufactured housing shall **meet the standards of the State's Manufactured Housing Act and regulations.** Tarred paper shall not be used for skirting.

**Sec. 9. Chimneys Will follow National Fire Protection Association No. 211, Chimneys, Fireplaces, Vents and Solid Fuel Burning Appliances, and being the version most recently adopted by the State Fire Marshal's Office.**

**Sec. 10 Fireplaces. Will follow National Fire Protection Association No. 211, Chimneys, Fireplaces, Vents and Solid Fuel Burning Appliances, and being the version most recently adopted by the State Fire Marshal's Office**

**Sec. 11 Heating Stoves.** All heating stoves, whether fired by wood, oil, coal, or gas, shall be installed in accordance with manufacturer's recommendations. Oil/kerosene and gas fired stoves shall have appropriate safety devices.

**Sec. 12 Electrical Installation.** Permits are required by the Town Electrical Inspector. Every dwelling with electrical service shall have a safe and adequate system throughout. All new construction must meet the Town's new Electrical Cut-off Switch ordinance as adopted June 18, 2012.

- A) **Standards.** All installations shall comply and conform to the most recent edition of the National Electric Code **as adopted by the State of Maine.**
- B) **Installation.** A licensed electrician (or the homeowner on his or her primary single-family residence) shall do all electrical entrance work and no electrical wiring shall be covered or concealed until it has been inspected and approved by the authority having jurisdiction.

**Sec. 13 Property maintenance.** Property maintenance will be in compliance with the current mandated and adopted State versions of the Building Codes, current adopted versions of NFPA rules at the State Fire Marshals Office and MRS Title 14, Chap 710, Rental Property laws currently in effect and the 2012 ICC Property Maintenance Code Chap 1, Chap 2, Chap 3 - Sect 301, 302.1, 304.1 304.3,



304.18, 305.1, 305.3, 305.4, 308.1 & 2, 309.1 - 5 (including the exception), Chap 8 Referenced Standards and Appendix A Boarding Standard; See supplemental ICC 2012 P.M.C. literature.

#### **Sec 14 Recreational Vehicles**

Occupation prohibited; exception.

A. It shall be unlawful to occupy any camper-trailer or motor home for living purposes anywhere within the Town except in a recreational trailer park which is duly licensed under applicable law and maintained in accordance with applicable law; or when parked at an existing developed lot for the interests and enjoyment of of the property owner for 30 days.

B. Notwithstanding Subsection A, when a building permit has been issued for the construction or alteration of a building, the Building Inspector may issue a temporary permit, valid for six months, for the placement and occupation of one camper-trailer, camper or motor home in connection with the construction or alteration of such building, if he/she finds that the standards in Subsection C will be met. He/she may extend the permit for an additional six-month period if he/she finds that construction or alteration has been diligently pursued and that justifiable circumstances require the extension.

C. Standards for permits under Subsection B are as follows:

(1) The applicant has submitted a plan showing the specific proposed location and has paid a fee established by the Town after an application has been submitted to the code enforcement officer.

(2) The proposed location of the camper is on the same lot as the building being constructed or altered.

(3) The proposed location of the camper will not violate any lot yard provision of the covenants of any deed for the property.

(4) Adequate provision and submitted plan is made for disposal of all waste; including trash and sewage.

D. Notwithstanding Subsection A, a recreational vehicle may be occupied outside of an approved RV park for up to 60 hours if it meets the following standards and obtains a permit from the Code Enforcement Office based on standards (1) through (5) below. A permit may be denied or revoked if any of the standards have not been complied with.

(1) The recreational vehicle has self-contained sewage disposal, potable water and electrical service. The recreational vehicle must be currently registered for over-the-road travel by any state government of the United States or provincial government of Canada.

(2) The recreational vehicle is accessory to and is located on the same property as a duly-permitted "enclosed sports facility" or agricultural fairground.

(3) The occupation of the recreational vehicle occurs only during the exhibition, or the day before or after it.

(4) No more than 20 such vehicles shall be permitted on any one lot at a time.

(5) External electrical generators used in association with the recreational vehicles permitted under this section are prohibited.

#### **Sec. 15 Enforcement**

A) Whenever the Building Inspector is satisfied that a building or structure, or any work in connection of which is regulated, permitted or forbidden by this Ordinance, or in

violation of a statement of a plan submitted and approved thereunder, or of a permit issued thereunder, he shall serve a written notice or order upon the person responsible for the condition that is in violation of the provisions or requirements of this Ordinance.

- B) If work is completed without a permit or a permit issued after the fact, **a fine of five-times** permit fee will be assessed.
- C) The Building Inspector is charged with the prosecution of all violations of the provisions of this Ordinance. In case such notices or orders referred to in Paragraph A, above, are not promptly complied with, he/she shall take such action as is proper to restrain, correct, remove, or punish such violations. Special liens, attorneys fees and costs and filing costs at court can all be assessed to the owner of the property.
- D) Property Maintenance fines will be assessed at the same rate as Nuisance complaints under State Law. Fines of \$100 to \$2,500 per day, per nuisance could be assessed for ongoing violations

**Sec. 16 Conflicting Provision.** Whenever the regulations made under the authority thereof differ from those described by any statute, ordinance, or other regulations, that provision, which imposes the greater restriction or the higher standard, shall govern.

**Sec. 17 Validity.** If any section, clause, provision, portion or phrase of this Ordinance shall be held to be valid or unconstitutional by any court of competent authority, such holding shall not affect, or validate any other section, clause, provision, portion or phrase of the Ordinance.

**Sec. 18 Right of Appeal.** If the Planning Board or Code Enforcement Officer disapproves any application or grants approval with conditions that are objectionable to the applicant or any abutting land owner or any aggrieved party, or when it is claimed that the provisions of the Ordinance has been misconstrued or wrongfully interpreted, the applicant, an abutting landowner, or aggrieved party, may appeal the decision of the Planning Board or Code Enforcement Officer in writing to the Board of Appeals, established by vote of the Town July 30, 1975, within thirty (30) days of the Planning Board or Code Enforcement Officer's decision. The Board of Appeals may reverse the Planning Board or Code Enforcement Officer's decision after holding public hearing and may grant a variance as defined herein. Public hearings shall be held according to Title 30, M.S.R.A., Section 2411.

- A) Notwithstanding Sec 17 above, the Code enforcement officer/Planning Board may grant a waiver to an owner of a building for the purpose of making that building accessible to a person with a disability who resides in or regularly uses the building. The Code enforcement officer/Planning Board shall restrict any waiver granted under this subsection solely to the installation of the equipment or the construction of structures necessary for access to or egress from the residential building by the person with the disability. The Code enforcement officer/Planning Board may impose conditions on the waiver, including limiting the waiver to the duration of the disability or to the time that the person with the disability lives in the residential building. The term "structures necessary for access to or egress from the building shall include ramps and associated railings, wall or roof systems necessary for the safety or effectiveness of the ramps.
- B) Appeal shall be submitted to the Code enforcement officer; thence to the Zoning Board of Appeals; thence to the Superior Court (Title 30, Section 2151, as amended).

**Sec. 19 Effective Date.** This Ordinance shall become effective upon its passage.

## “ADDENDUM A”

Off-street parking is ideally defined as a 200 square foot area, 10' x 20'.

A) The following minimum off-street parking requirements shall be provided and maintained in case of new construction, alterations and changes of use:

1. **Dwellings:** Two (2) parking spaces for each dwelling unit.
2. **Motels, tourist homes, hotels:** One (1) parking space for each sleeping room and 200 square feet for each 200 square feet of office space.
3. **Schools:** Five (5) parking spaces for each room used for purposes of instruction.
4. **Health Institutions (bed facilities only):** One (1) parking space for every 3 beds and 1 for each employee based on the expected average employee occupancy.
5. **Theaters, auditoriums and churches:** One (1) parking space for every 4 seats or for every 100 square feet or major fraction thereof of assemblage space if no fixed seats.
6. **Retail Stores:** One (1) parking space for every 200 square feet of gross floor area.
7. **Restaurants, eating and drinking establishments:** One (1) parking space for every 3 seats.
8. **Offices, professional and public buildings:** One (1) parking space for every 200 square feet of gross leasable area, exclusive of cellar and bulk storage areas.

Enacted November 6, 1973

Amended March 4, 1974

Amended August 18, 1987

Amended May 15, 1997

Amended July 1, 1999

Amended September 18, 2003

Amended June 18, 2012

Amended June 17, 2013

Amended June 16, 2014

**Amended June 15, 2015**