

NORWAY RENTAL OCCUPANCY ORDINANCE

(as Amended June 17, 2013)

SECTION 1. TITLE AND AUTHORITY

This Ordinance, the Norway Rental Occupancy Ordinance, herein referred to as the Ordinance, is adopted Pursuant to the town's Home Rule Authority as found in 30-A MRSA § 3001, ET seq.

SECTION II. PURPOSE

A. The purpose of this Ordinance is to protect the health and safety of renters and the public, both residents and non-residents of Norway. It also gives landlords the tools to have the town code enforcement officer do inspections for possible safety concerns that may arise after a tenant takes possession of the dwelling unit, rental unit or rooming house unit.

B. Rental housing should be decent, safe and sanitary and is so operated and maintained as not to become a nuisance to the neighborhood or to become an influence that fosters blight and deterioration or creates a disincentive to reinvestment in the community. The operation of rental residential properties is a business enterprise that entails certain responsibilities. Operators are responsible to take such reasonable steps as are necessary to assure that persons who occupy such units may pursue the quiet enjoyment of the normal activities of life in surroundings that are safe, secure and sanitary.

SECTION III. SCOPE

A. Anyone seeking to rent/lease one or more dwelling units in one structure must first obtain an Occupancy Permit for each dwelling unit from the Town of Norway code enforcement officer.

B. Anyone seeking to rent more than one rooming unit or living quarters must first obtain an Occupancy Permit from the Town of Norway code enforcement officer; homeowners sharing living costs with one or two roommates (inside the same dwelling unit) in a private residence (where the homeowner resides) are not required to abide by this Ordinance.

C. Anyone seeking to rent to others a dwelling unit in a structure that has had outstanding local or state citations for electrical, plumbing, fire or other safety violations in the preceding six (6) months must obtain an Occupancy Permit from the Town of Norway, even if that dwelling unit or structure would not be covered under the other terms of this Ordinance (ie; a private home that has never been leased or rented to other people, not related to the owner, for compensation.)

D. The provisions of this Ordinance apply to all rentals, rental agreements and rooming units. Any change in occupancy in the kinds of rental situations described in this Ordinance that occur subsequent to the effective date of this Ordinance will be governed by the requirements of this Ordinance.

E. This Ordinance does not apply to hunting camps being used for recreational purposes. (See sect IV for definition.)

F. This Ordinance does not apply to hotels, motels or overnight cabins (see Section IV for definition).

SECTION IV. DEFINITIONS

The following definitions shall apply unless the context clearly indicates another meaning. Common dictionary definitions shall apply to all other terms.

DWELLING, shall mean a building occupied either wholly or in part for residential purposes. It may include one (1) or more dwelling units.

DWELLING UNIT shall mean one (1) or more rooms arranged for the use of one (1) or more individuals living together as one housekeeping unit with cooking, living and sleeping facilities contained in the unit. Sanitary facilities may be included in the unit or shared with others.

ROOMING UNIT OR LIVING QUARTERS shall mean not more than two (2) rooms forming a single habitable unit used or intended to be used for living and sleeping but not for cooking or eating purposes. Sanitary facilities may be included in the unit or shared with others. This facility is rented for one week or longer.

HOTELS, MOTELS OR OVERNIGHT CABINS shall mean premises that are rented for overnight or several nights rather than weekly or longer.

RENTAL UNIT shall mean any room or group of rooms inhabited by a person or persons who pay some form of compensation to the owner of the structure or the unit.

OCCUPANT (s) shall be a person or persons who live in the structure.

PRIMARY OCCUPANT shall mean the person who pays rent directly to the owner of his/her representative or has signed a lease agreement.

OWNER shall mean a person who holds recorded title to the property or any person having an equitable interest in the property. This also includes the owner's designated manager.

NUISANCE shall mean any source of filth or any condition which may cause injury, whether or not the cause of sickness or injury but demands to be potentially injurious to health and safety of occupants, adjacent property owners or the public.

HUNTING CAMP/ SEASONAL COTTAGE shall mean a building used only for summer residence or during hunting season, not designed for year-round use. These units cannot be rented during December, January, February, March or April without an Occupancy Permit.

SECTION V. APPLICATION PROCESS

- A. Only an owner or his/her assignee can obtain an Occupancy Permit.
- B. The applicant will apply to the Town of Norway, giving his/her name, address, phone number of the owner(s) of record, mortgagee (s) of record or other persons having a recorded interest in the property, if different from or in addition to the applicant.
- C. After all documents are received by the code enforcement officer and a fee of twenty-five (\$25) dollars per dwelling unit or fifteen (\$15) dollars rooming unit (paid to the Town of Norway) the Norway

code enforcement officer must inspect the premises and then approve or reject the application within thirty (30) days.

1. "Basis for Inspection". Inspections will be made as applications are received, when there is a complaint about a unit or building or when requested of the owner or property manager by the code enforcement officer.

"Inspections may be made to obtain and maintain compliance with the standards of this Ordinance, Life Safety NFPA 101 2009 edition or the latest adopted version per the State of Maine State Fire Marshal's office and Maine State Fire Marshal's office laws and rules and the Building Code adopted by the Town of Norway based upon one of the following:

- (a) A complaint received by town officials, the local police, or a state agency, or the fire chief, indicating that there is a violation of the standards or the provisions of any ordinance adopted by the town or any state law;
- (b) An observation by town officials, the local police, state agency, or the fire chief, of a violation of the standards or the provisions of any ordinance adopted by the town or any state law;
- (c) A report or observation of a rental unit that is unoccupied and unsecured or a dwelling that is damaged by fire;
- (d) The registration, re-registration and certification of a rental unit as required by this Ordinance;
- (e) The need to determine compliance with a notice or an order issued by the town;
- (f) An emergency observed or reasonably believed to exist; or,
- (g) A request for an inspection by the property owner or tenant."

D. Any applicant aggrieved by a decision or failure to act by the Norway Code Enforcement Officer has the right to appeal, in writing, to the Board of Selectmen within 21 days.

SECTION VI. ALTERNATIVE INSPECTION METHOD

Housing projects subject to strict Federal HUD REAC inspections or other similar strict inspection standards may request a formal waiver of the Town inspections after providing a copy of the most recent passing inspection to the code enforcement officer for review and filing in the permanent tax files.

SECTION VII. PERFORMANCE STANDARDS

An Occupancy Permit will be approved by the Norway code enforcement officer upon the following and after payments are received for the rental, rooming, livable or dwelling units to be inspected.

- A. The Norway code enforcement officer determines that the dwelling is structurally sound (where observable) in accordance with the standards of the Norway Building Code Ordinance.
- B. The Norway code enforcement officer determines that wiring meets state basic electrical codes. If further inspections are needed, the State electrical or State Fire Marshal inspector will be brought in to inspect the unit/building.

C. The Norway code enforcement officer determines that all plumbing meets state and local plumbing codes and that the septic/sewer system or connection to public sewer system is adequate for the structure's designed use, that is: the building has only as many dwelling units or rooming units as its septic/sewer system is capable of accommodating and no leaks or seeping. (Norway Sewer District personnel may help determine public sewer hookups)

D. The Norway code enforcement officer and/or the Norway Fire Chief determine that all state and local fire safety regulations per the latest State adopted version of NFPA 101 Life Safety Code are met and all pertinent State Laws, Rules and Standards per the State Fire Marshal's office.

E. The Norway code enforcement officer determines that dwelling unit(s), the structure containing the dwelling unit(s) and the property on which the structure is located does not contain known health or safety hazards including lead, exposed asbestos fibers, malfunctioning electrical services, unsafe abandoned appliances, inadequately covered wells, inadequate or heavily creosote covered chimneys, rodent or vermin infestations, or any debris that is unsafe, unsanitary or may constitute a fire hazard or nuisance for occupants, adjacent residents or the public.

F. A current phone number for the property owner or owner's agent must be on file with the Norway code enforcement officer for the use of emergency or life safety issues.

G. Heating- General requirements:

1. Residential buildings intended for year around occupancy shall be provided with heating equipment capable of maintaining a temperature of not less than 68 degrees Fahrenheit at a distance of three feet or more from exterior walls and from a level of five feet from the floor, in habitable spaces, kitchenettes, bathrooms and toilet rooms. The capability of the heating equipment to maintain such indoor temperatures shall be based on outside temperatures of -20 degrees Fahrenheit.

2. Smoke control: Fuel burning, heat producing equipment shall be installed and maintained so that the emission or discharge into the atmosphere of smoke, dust particles, odors or other products of combustion will not create a nuisance or be detrimental to the health, safety comfort or property of any person.

3. Warm air heating: ducts and other air handling equipment used for heating shall conform to the requirements of such equipment used for ventilating purposes and maintained for cleanliness with no obstructions.

4. Prohibited locations for heat producing equipment: Fuel burning water heaters shall not be located in sleeping rooms, bathrooms or toilet rooms.

5. Fuel supply connections: Heat producing, fuel-burning equipment shall be permanently fastened and connected in place. Any liquid fuel supply connected to such equipment shall be made with pipe or tubing of solid metal and follow all laws and rules regulating the installation of fuel supply connections from the State of Maine and installed by a licensed professional of this trade.

6. Installation and clearance: Where heat-producing equipment is installed on or adjacent to combustible materials, the location, insulation, clearance and control of the equipment shall be of such that the temperature on the surface of the combustible materials will not exceed a safe temperature and complies with the National Life Safety Codes as currently adopted by the Town

and the State of Maine.

7. Air Supply: a.) Direct fired heat producing equipment and the enclosure in which it is located shall be provided with a supply of air adequate both for complete combustion at the rated gross output of the equipment and for the ventilation of the enclosure to prevent the accumulation of heat or gasses.

b.) Rooms containing fuel-burning equipment shall have such air supply provided by means of one or more openings by the exterior.

8. Removal of products by combustion:

Equipment for burning solid or liquid fuels shall be connected to gas vents. Un-vented heaters and burning liquid fuels is prohibited.

Fuel burning space heaters shall be connected to a suitable chimney flue or gas vent.

All chimneys need to be lined or constructed to follow NFPA Life Safety Code 101; Ventilating or Heat-Producing Equipment shall be in accordance with NFPA 91, Standard for Exhaust Systems for Air Conveying of Vapors, Gases, Mists and Noncombustible Particulate Solids; or NFPA 211, Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-burning Appliances; NFPA 31, Standard for the Installation of Oil-Burning Equipment; NFPA 54 National Fuel Gas Code or NFPA 70 National Electrical Code, as applicable, unless such installations are approved existing installations, which shall be permitted to be continued in service, after a passing inspection.

9. Safety devices

Equipment capable of developing hazardous pressures or temperatures shall be provided with means to relieve safely such pressures and temperatures.

Controls for the safe operation of automatically operated heat producing equipment shall be provided to function as required by applicable codes from the State of Maine and system designs.

10. Heating of garages: Fuel burning and equipment for garages shall be installed and located to operate in a safe manner and as per the manufactures operating manual.

SECTION VIII. DURATION

The occupancy permit will remain in force for as long as; the unit(s) or dwelling(s) conform to the specifications of this Ordinance and the 2009 NFPA Life Safety Codes and other relevant laws, ordinances, rules and regulations. As long as the permit holder remains the same and/or as long as the dwelling unit does not go unoccupied for more than six (6) consecutive months. The permit holder must report his/her, and any owner's change of address or phone number to the Norway Town Office by certified mail. In the event the property is sold, conveyed or otherwise transferred to a new owner, a new Occupancy permit will be required. Every two (2) years, the code enforcement officer will inspect the premises. If the performance standard described above in section VII continues to be met and the permit holder pays a fee of twenty-five (\$25) dollars per dwelling unit, rental unit, or (\$15) per rooming unit, the permit will be renewed for Two (2) years.

SECTION IX . ENFORCEMENT AND PENALTIES

Occupancy, as described in Section III, without an Occupancy Permit shall be in violation of this Ordinance. In addition, violations of state and local plumbing, electrical, fire and other safety codes, structural inadequacy or the presence of a nuisance may result in the revocation of the Occupancy Permit as well as further legal action, including condemnation, temporary restraining orders or injunctions to prevent rental of units in the building or occupancy of the building.

- A. The Norway code enforcement officer and the Norway Board of Selectmen shall enforce this ordinance. The Norway code enforcement officer shall have the power to revoke the Occupancy permit or not validate the request for an Occupancy permit for lack of safety standards.

- B. Occupancy Without a Permit:
 - 1. If occupancy occurs as described in Section III without the required Occupancy permit, the code enforcement officer will notify the person in need of the Occupancy permit that he/she must apply for the occupancy permit within ten (10) days. Notice will also be given to the tenants of the building or units not meeting the Rental Occupancy Ordinance. No General Assistance will be issued for that buildings dwellings, dwelling unit, rental unit or rooming unit.

 - 2. Condemnation and other legal proceedings:
If occupancy continues without the benefit of an Occupancy Permit, the Selectmen may initiate condemnation, or other legal action, ~~eviction or other legal proceedings~~ including seeking injunctions to prevent rental of units in the building or occupancy of the building. In this event, the owner or person responsible for the violation of this ordinance will be liable for all legal fees, attorney fees, court and other costs, including interest and any costs incurred by the relocation of occupants.

SECTION X. SEVERABILITY

Shall any section or provision of this ordinance be declared to be invalid by the courts, such decision shall not invalidate any other section or provision of this ordinance.

SECTION XI. EFFECTIVE DATE

This Ordinance will become effective when enacted by the voters of the Town of Norway at a town meeting.

ADOPTED AT TOWN MEETING 1993

Amended June 19,2000

Amended June 18, 2012

Amended June 17, 2013