

Town of Norway

Town Manager
Tax Collector
Town Clerk
Assessor
Public Works



Police Department
Fire Department
Code Enforcement
Sewer Department
Park & Recreation

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 the town of Norway is governed by the Maine Uniform Building and Energy Codes, "MUBEC", which is hereby adopted by reference in accordance with 10 M.R.S. ss9724. All new construction, alterations, additions, movement, enlargement, replacement, repair, enlargement, replacement, repair, removal and demolition of buildings and structures; installation or alteration to plumbing or wastewater disposal systems; and installation and alteration of electrical systems shall comply with the provisions of MUBEC.

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:** Structures which are detached from and clearly incidental to the principal use, including but not limited to sheds, lean-tos, and gazebos.
- B) **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.
- C) **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) dwelling units.
- D) **Dwelling:** Any building that contains one or two dwelling units used, intended, or designed to be built, used, rented, leased, let, or hired out to be occupied, or that are occupied for residential occupancy.
- E) **Dwelling Unit:** A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
- F) **Edge of Street:** Shall mean the edge of the normal travel way. Consideration should be given to the legal width of the road.

- G) **Historic District:** Shall mean that area of the Town of Norway that is depicted on the map titled "Norway Downtown with Historic District and Gateway Areas" on file with the Town Clerk.
- H) **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.
- I) **Lot of Record:** A parcel of land, a legal description of which or the dimensions of which are recorded on document or map on file with Oxford County Registry of deeds on or before November 6, 1973.
- J) **Manufactured Housing:** A structural unit or units designed to be used as a dwelling or dwellings and constructed in a manufacturing facility and then transported by the use of its own chassis or placement on an independent chassis to a building site. For the purpose of this ordinance, there are three types of manufactured housing. They are:
1. HUD-code homes: Manufactured dwelling units constructed after June 15, 1976 that the manufacturer certifies are constructed in compliance with the HUD standards.
 2. State certified Modular homes: Manufactured dwelling units that the manufacturer certifies are constructed in compliance with the Maine Manufactured Act, MRS Title 10 Part 11 Chapter 951.
 3. Pre-HUD code homes: Manufactured dwelling units constructed before June 15, 1976.
- 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.
- N) **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.
- O) **Street:** A vehicular public way maintained by or owned by the Town of Norway or the State of Maine or private vehicular way shown on a recorded plan and/or approved by the Planning Board or Addressing Officer.
- P) **Structural Change:** Shall mean an alteration of a load carrying member or alteration of the exterior dimensions of the building footprint.
- Q) **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.
- R) **Tiny House:** A freestanding dwelling unit that is 400 square feet or less in floor area excluding lofts.

Sec. 3. Dimensional Requirements

- A) **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 street frontage of less than 100 feet. 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, even if the lot is less than 20,000 square feet and/or 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. If an existing dwelling or structure in the Historic District is demolished, burns, or is destroyed by natural causes, it may be rebuilt or repaired on the same lot at any time, provided all necessary permits are obtained. Lots located in the Shoreland Zone shall comply with the minimum lot area requirements in the Town of Norway Shoreland Zoning Ordinance. 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 Town of Norway Shoreland Zoning Ordinance.
- B) **Front 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, provided however, if there is a common set-back line established by existing dwellings, the 25 foot set-back may be reduced in line with the established front set-back.
- C) **Rear and Side Set-Back.** 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. The Historic District shall be allowed to have a side setback of five feet.
- D) **Off Street Parking.** All driveway entrances shall be approved by the Highway Foreman. A minimum of two (2) off street parking spaces to each newly constructed residential dwelling unit, and/or one and one half (1 ½) off street parking spaces for each dwelling unit in existing buildings shall be provided.
- E) **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 distance provided by Maine Dept. of Transportation.
- F) **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 or record at the time of adoption or amendment of 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 of 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 lands or lots fulfill the dimensional regulations.
8. *Minimum Floor Area.* The minimum floor area for a dwelling unit shall be 500 Square feet. The minimum floor area does not apply to a Tiny House.

Sec. 4 Permit. Before the construction, alteration, relocation or replacement of any structure, 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 Code Enforcement Officer, "CEO", to cover such work; no permit shall be required for regular maintenance of dwellings. Construction, alteration, relocation, or replacement of commercial or industrial buildings or structures, requires Planning Board approval before the Building Permit can be obtained from the CEO.

- A) **Application.** The application for the Building permit shall be in writing and shall be made in such a form, as the CEO shall prescribe. It shall contain a description a copy of the deed and written approval from the owner or designee if the applicant is not the owner, 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 CEO, 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) working 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. The building permit fee schedule will be approved by the Select Board and reviewed bi-annually.

Sec. 6. Inspections. This code shall be administrated by the CEO who shall be appointed in a manner consistent with the appointment of other Department Heads.

1. The CEO will inspect all buildings, structures, and manufactured housing being constructed, altered, replaced or relocated for the purpose of enforcing provisions of this Ordinance, building permits and all other local and state laws governing the construction, alteration, movement, repair, placement or replacement of buildings.
2. Right of entry. The CEO in the performance of his or her duties, may, at any reasonable time, enter any building or manufactured housing for the purpose of making the inspection required by this code.

Sec. 7. Certificate of Occupancy. No building or manufactured housing shall be occupied after its construction, or relocation until the CEO has issued a Certificate of Occupancy. A Certificate of Occupancy shall be issued if proper examination shows that all work was performed in compliance with the provisions of the building permit and 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.

Sec. 8. Recreational Vehicles.

Occupations 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 the property owner for 30 calendar days.
- B. Notwithstanding Subsection A, when a building permit has been issued for the construction or alteration of a building, the CEO 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 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. 9. Enforcement.

- A) Whenever the CEO finds that work is performed without necessary permits or in violation of a building permit, plan, or this Ordinance, he or she 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 performed without a permit, a fine of five times the permit fee will be assessed for a permit issued after the fact.
- C) The CEO is charged with the prosecution of all violations of provisions of this Ordinance. In case such notices or orders referred to in Paragraph A, above, are not promptly complied with, he or she shall take such action as is proper to restrain, correct, remove, or punish such violations. Special liens, attorney's fees and costs and filling costs at court can all be assessed to the owner of the property.
- D) All fines will be assessed in accordance with 30-A M.R.S. ss 4452. Fines of \$100 to \$2,500 per day, per violation could be assessed for ongoing violations.
- E) Failure to request a timely inspection during the construction project will result in a fine of \$100 for the first offense and doubled for each offense thereafter of the construction project.

Sec. 10. 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. 11. 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. 12. Right of Appeal. If the Planning Board or CEO 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 CEO 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 CEO's decision. The Board of Appeals may reverse the Planning Board or CEO's decision after holding public hearing and may grant 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 Board of Appeals; thence to the Superior Court (Title 30, Section 2151, as amended).

Sec. 13. Effective Date. This Ordinance shall become effective upon its passage.

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

Amended June 14, 2021