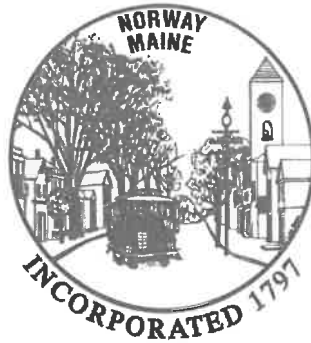


Town of Norway

Town Manager
Tax Collector
Town Clerk
Assessor
Public Works



Police Department
Fire Department
Code Enforcement
Sewer Department
Park & Recreation

NORWAY RENTAL OCCUPANCY ORDINANCE

SECTION 1. TITLE AND AUTHORITY

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 ss 3001, et seq.

SECTION 2. PURPOSE

- A. The purpose of this Ordinance is to protect the health and safety of renters and the public while in rental housing. It also gives landlords the tools to have the town Code Enforcement Officer, (CEO), inspect for safety concerns that may arise after a tenant takes possession of the dwelling unit, rental unit, or rooming house unit.
- B. Rental housing must be in good repair, 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 reinvest in the community.

SECTION 3. DEFINITIONS

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

CEO: Norway Code Enforcement Officer

DWELLING: shall mean a building occupied either wholly or in part for residential purposes. It may include one or more dwelling unit(s).

DWELLING UNIT: shall mean one or more rooms arranged for the use of one 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.

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

HUNTING CAMP/ SEASONAL COTTAGES: shall mean a building used only for summer residence or during hunting season, not designed for year-round use.

NUISANCE: shall mean any source of filth or any condition or behavior that substantially interferes with the comfort of safety of the occupants, adjacent property owners, or the public.

OCCUPANT(s): shall be a person(s) who lives in a dwelling.

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.

PRIMARY OCCUPANT: shall mean the person who pays rent directly to the owner or designee of the dwelling unit.

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

ROOMING UNIT or LIVING QUARTERS: shall mean not more than two 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.

SECTION 4. SCOPE

- A. Any property owner or designee seeking to rent/ lease one or more dwelling units in one structure must first apply for a Certificate of Occupancy.
- B. Any property owner or designee seeking to rent more than one rooming unit or living quarters must first apply for a Certificate of Occupancy. Property owners who rent rooms in the dwelling unit occupied by the property owner are not required to get a Certificate of Occupancy.
- C. Any property owner or designee 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 apply for a Certificate of Occupancy.
- D. The provisions of this Ordinance apply to all rentals, rental agreements, and rooming units not exempt in this section. Any change in occupancy in the kinds of rental situations described in this Ordinance that occur after the effective date of this Ordinance will be governed by the requirements of this Ordinance.
- E. Owners of hunting camps and seasonal cottages are not required to get a Certificate of Occupancy for rentals from May to November. Rental of hunting camps and seasonal cottages December – April require Certificates of Occupancy.
- F. This Ordinance does not apply to hotels, motels, or overnight cabins.

SECTION 5. APPLICATION PROCESS

- A. Only an owner or his/ her designee can apply for a Certificate of Occupancy. The designee shall provide documentation from owner stating he/ she can act on the owner's behalf.
- B. The applicant shall complete the application form provided by the town.
- C. After a complete application is submitted and the fees have been paid, the CEO shall inspect the premises within fourteen (14) days.
- D. Upon a determination by the CEO that all performance standards have been met, the CEO shall issue a "Certificate of Occupancy". If the CEO determines that the standards have not been met, the CEO shall issue a letter stating the deficiencies with the expected time frame to correct the deficiencies. A "Temporary Certificate of Occupancy" may be issued depending on the severity of the deficiency. A Life Safety deficiency will be considered severe and must be corrected prior to any certificate being issued.
 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 by the owner or property manager.
 2. Inspections will be made to ensure compliance with the standards of this Ordinance, the Norway Building Code Ordinance, and the most recent version of the NFPA 101 Life Safety Code adopted by the State of Maine based upon one of the following:
 - (a) A complaint received by town officials, local police, 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 the state law.
 - (b) An observation by town officials, local police, state agency, or the fire chief of any 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 or reregistration 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.
 - (g) A request for an inspection by the owner or tenant.
- E. Any applicant aggrieved by a decision or failure to act by the CEO has the right to appeal, in writing, to the Board of Appeals within thirty (30) calendar days of the decision.

SECTION 6. 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. The CEO reserves the right to not approve the waiver.

SECTION 7. PERFORMANCE STANDARDS

Applicants shall demonstrate compliance with the following standards in order to receive a Certificate of Occupancy .

- A. The rental unit shall be in good repair.
- B. All applicable State Electrical codes shall be met.
- C. All applicable State Plumbing codes shall be met.
- D. The septic/ sewer system shall be adequate for the structures designed use as per the septic system design.
- E. All applicable Life Safety codes shall be met.
- F. The rental unit shall not contain any known health or safety hazards. Examples include, but are not limited to lead, exposed asbestos fibers, and/ or rodent or vermin infestation.
- G. All applicable heating systems standards shall be met.
- H. All applicable air quality standards shall be met.

SECTION 8. PERMIT EFFECTIVENESS

A Certificate of Occupancy will be effective for a period of three (3) years from issuance. The following examples will require a new Certificate of Occupancy.

- A. Expiration of existing Certificate of Occupancy.
- B. The property is sold, conveyed, or otherwise transferred to a new owner.
- C. If the rental unit is not occupied for six or more consecutive months.

Section 9. ENFORCEMENT AND PENALTIES

Occupancy, as described in Section 3, without an Occupancy Permit shall be in violation of this Ordinance. In addition, violations of state and local plumbing codes, electrical codes, Life Safety codes, structural inadequacies, 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 CEO and the Norway Board of Selectmen shall enforce the Ordinance. The CEO shall have the authority to revoke the Certificate of Occupancy and/ or not renew a Certificate of Occupancy for noncompliance of safety standards.
 - 1. Fines will be assessed in accordance with 30-A M.R.S. ss4452. Fines of \$100 to \$2500 per day per violation could be assessed for ongoing violations.
- B. Occupancy without a Permit.
 - 1. If Occupancy occurs without the required Certificate of Occupancy, the owner or designee will be notified of the violation by certified mail. The owner or designee will be required to apply for the Certificate of Occupancy within ten (10) working days. Notice will also be given to the tenants of the rental unit that the dwelling does not comply with the Norway Rental Occupancy Ordinance. The penalties will be as follows.
 - (a) The Certificate of Occupancy fee will be double the normal fee.
 - (b) No General Assistance will be issued for the unit(s) until the dwelling has a Certificate of Occupancy.

2. Condemnation and other legal proceedings:

If occupancy continues without a Certificate of Occupancy, the Board of Selectmen may initiate condemnation or other legal action, including seeking injunctions to prevent rental of units in the dwelling. In this event, the owner or designee will be liable for all legal fees, attorney fees, court and other costs, including interest and costs incurred by relocation of occupants.

SECTION 10. 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 11. EFFECTIVE DATE

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

ADOPTED AT THE TOWN MEETING 1993

Amended June 19, 2000

Amended June 18, 2012

Amended June 17, 2013

Amended June 19, 2017

Amended June 14, 2021