

**An Ordinance Amending Construction Standards,
Of the Building Code Town of Norway, Maine**

2013 Amendments

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- Seasonally restricted cottages (until June 15, 2012 then this is repealed at the State level and all homes shall be built to IRC 2009.)

Town of Norway Building Code

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) **Dwelling.** Shall mean any building occupied for more than six (6) months in any ~~calendar~~ **12 month period year.**

- B) **Seasonal Dwelling.** Shall mean any building occupied for six (6) months or less in a ~~calendar year~~ **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.
- D) **Recreational Vehicle, tow behind camper, fifth-wheels and class A, B or C motor coaches, ~~House Trailer.~~** Shall mean a recreational and /or travel trailer not designed for permanent human occupancy.
- E) **Living Space.** Shall mean actual enclosed space (**minimum 480 sq ft on first floor**) 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) **Cost.** Shall include material and labor.
- I) **Structural Change.** Shall mean an alteration of the terms of this Ordinance where such variance would not be contrary to the public interest where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of this Ordinance would result in unnecessary or undue hardship. A financial hardship may not constitute grounds for granting a variance. The crucial points of variance are undue hardship and unique circumstances applying to the property. A variance is not justified unless both elements are presented in the case.
- J) **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.
- K) **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.
- L) **Nonconforming Lot.** A single lot of record which on the effective date of this Code does not meet the area, frontage or width requirements.
- M) **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.
- N) **Principal Use.** A use other than one which is wholly incidental or accessory to another use on the same premises.
- O) **Street.** A vehicular public way maintained by the owned of Norway or the State of Maine or a private vehicular way shown on a recorded plan and approved by the Planning Board.
- P) **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 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 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 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 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; however, no permit shall be required for regular maintenance of dwellings and 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 of the proposed new, altered, or relocated building or the replacement contemplated.
 - i. **An HHE 200 subsurface wastewater and disposal design and plumbing permit shall accompany the building permit application.** The application shall be filed with the ~~Office of Assessors.~~ **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 on Dec. 31st 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.
- 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. (Presented as an amendment to the Board of Selectmen March 2012)

- Accessory structure fees (non-livable spaces) – Flat Fee \$5.00 plus \$.05/sq ft for decks/ sheds/garages/barns (attics and crawlspaces/basements) under 100sq ft; \$10 plus \$.05/ sq ft for over 100sq ft.
- Residential living space fees- Flat fee \$30.00 plus \$.15/sq ft. (Crawlspaces/basements and attics are not considered livable space unless they are to be finished as such)
- 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.
 - A. If work is started without a permit or a permit issued after the fact, a double permit fee will be assessed.
 - B. Selectmen will set these fees and review them annually.

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.

For those lots located in the Shoreland Zone as defined in the Shoreland Zoning Ordinance Town of Norway, 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 or manufactured housing shall be placed on a lot unless it is set back from the edge of the normal traveled 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 or manufactured housing shall be placed on a lot unless it is 20 feet from an adjoining lot line, but a single story 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/ Off-street parking shall conform to Addendum "A", page 18 and 19.

D) 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. Contiguos 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.

E) Minimum Floor Area. No dwelling, including seasonal dwellings and manufactured housing shall be constructed or placed on the lot that does not enclose an area of at least 480 square feet of living space on the ground floor.

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

- A) ~~** Manufactured housing foundations shall be of such construction as to prevent heaving, shifting, or settling due to frost action.~~
- B) **Manufactured housing shall meet the standards of the State's Manufactured Housing Act and regulations** ~~be equipped with a skirting or enclosure of concrete, cement blocks, aluminum,~~

fiberglass, or other type of permanent fireproof material. Tared paper shall not be used for skirting.

- C) ~~** In the case of seasonal dwellings, foundations consisting of cement, metal, or treated wood posts, set below frost line are permitted.~~

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. Every building that requires it shall have a chimney of solid masonry units or reinforced concrete shall have walls at least four inches thick or be of approved prefabricated Underwriter Laboratories Construction.

- A) ~~Chimney Liners. Constructed chimneys shall be lined with approved fire clay or tile flue liners.~~
- B) ~~Chimney Supports. Constructed chimneys shall be supported on foundations of masonry or reinforced concrete according to soil conditions and the judgment of the Building Inspector.~~
- C) ~~Chimney Height. Chimneys shall extend no less than two feet above any adjacent roof ridge within ten (10) feet.~~
- D) ~~Chimney Clean Out Door. Every chimney flue shall be provided with a clean out opening at or near the base equipped with a metal doorframe arranged to remain tightly closed when not in use.~~
- E) ~~Smoke Pipes. Smoke pipes shall not pass through a combustible wall or partition unless it is properly guarded at that point by a double collar of metal with an air space of at least five inches of brick or other non-combustible material between the pipe and the combustible material.~~

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 The back and sides of a fireplace shall be of solid masonry or reinforced concrete not less than eight inches in thickness and lined with firebrick at least two inches thick. A fireplace shall have a hearth of non-combustible material that is supported by a fireproof slab brick trimmer arch; shall extend at least twenty inches outside of the chimney breast and not less than twelve inches beyond the sides of the fireplace opening. The minimum combined thickness of the hearth and its supporting construction shall not be less than six inches. This section does not prohibit the use of "Heatilator" type fireplaces.

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

Sec. 12 Electrical Installation. Every dwelling with electrical service shall have a safe and adequate system throughout. **All new construction must meet the Towns 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 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 building inspector~~ or the authority having jurisdiction.

Sec. 13 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) 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 shall take such action as in proper to restrain, correct, remove, or punish such violations.

Sec. 14 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. 15 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. 16 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.

Appeal shall be to the Building Inspector; thence to the Zoning Board of Appeals; thence to the Superior Court (Title 30, Section 2151, as amended).

Sec. 17 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, auditoria 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