

**Town of Greenwood, Maine
Land Use and Building Code**

[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.] Towns under a population of 4,000 either had to adopt the Building and Energy codes or just the Building Code. Greenwood citizens, at a public hearing prior to the Town Meeting May 19, 2012 chose not to have a building code as a warrant article question. The Town currently has no enforceable Building Code.

The State IRC 2009 Building Code for one- and two-family dwellings is applicable Statewide.

- A. M.U.B.E.C. (Maine Uniform Building and Energy Codes) 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 - Seasonally restricted cottages (until June 15, 2012 then this is repealed at the State level and all homes shall be built to IRC 2009. This is a law.)

Town of Greenwood Land Use and Building Code

Sec. 1 Scope 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.

- A) Provisions for this Code shall apply to new electrical, plumbing and subsurface wastewater disposal systems installations on the basis of health and safety. As well as setbacks as defined from roads rights of way and property lines 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 **12 month period.**
- B) **Seasonal Dwelling.** Shall mean any building occupied for six (6) months or less in a **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, slide-in pick-up campers and class A, B or C motor coaches.** Shall mean a recreational and /or travel trailer not designed for permanent human occupancy.
- 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. Ceiling heights shall be 7' or greater.
- 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) **Street Right of Way.** Shall mean the legal width of the road, street, lane, drive or State highway.
- H) **Cost.** Shall include material and labor.
- I) **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 and patios.
- 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 March 1, 1980 (Town Meeting date).
- 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/Road.** A vehicular public way maintained by the Town of Greenwood or the State of Maine or a private vehicular way shown on a recorded plan.

Sec. 3. Building Inspector. This code shall be administered by a Code enforcement officer and Planning Board who shall be appointed in a manner consistent with the appointment of other Department Heads and Boards.

A) Inspection.

1. The Code enforcement officer 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 Code enforcement officer 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 Code enforcement officer 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 Code enforcement officer/Planning Board to cover such work; however, no permit shall be required for regular maintenance of dwellings and commercial or industrial establishments.

The front setback will not apply to existing lots for additions to existing buildings or accessory buildings such as garages. In these instances the new construction is allowed provided the nonconformance is not greater than the existing neighboring buildings on the street or road as determined by the Code enforcement officers/Planning Board measurements.

- 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 code enforcement office (Town Office).
- B) **Permit Approval.** The Code enforcement officer, 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 6 months unless a different term is stated on the permit or a significant start and continued work progresses.
1. Aesthetics: Tar paper, Tyvek®, Typar® or similar building vapor barriers as well as tarps or plastic poly films are not allowed for longer than 1 year while construction is underway. Materials such as rough hewn boards, log, vinyl clapboards or shingles, wood or cement fiber-board clapboards or shingles, brick or stone and metal or T-one-11 sheathing are all acceptable siding choices; metal, asphalt, wood or slate roofing are all acceptable roofing materials).
- D) **Provisions For Renewing.** Renewal applications will be considered upon the expiration of the permit on a no fee basis, within a 2 year period.
- 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:

- \$50.00 per each condominium unit.
- \$50.00 per each family unit converted from a single family house.
- \$50.00 per single family unit converted from a seasonal residence to a year-round residence.
- \$50.00 per lot for trailer parks. Non-refundable, to be paid at the time of application. See Town of Greenwood Subdivision Ordinances for detailed explanations fees for Subdivisions.
- \$ 0.20 per square foot for first floor living space for all single family dwellings.
- \$ 0.10 for each additional livable story (sub and/or upper).
- Minimum base fee for residential construction is \$60.00.**
- \$ 0.10 per square foot for all out-buildings, garages, barns, sheds, decks and porches.
- \$ 0.10 per square foot for deck with roof
- \$ 0.10 per square foot for open decks.
- \$ 0.25 per square foot for commercial and industrial.
- \$15.00 for in-ground swimming pools. No fee for above-ground pools.
- \$ 0.10 per square foot for decks and stairways constructed around any pool.
- \$50.00 flat fee for residential wind towers 35' or less in height to the top of the blade in its upright position.
- \$20.00 minimum fee applies to all projects other than residential.**

Fee Payment: Fees are to be paid at the time the preliminary plans for condominiums, conversions to multi-family units or year-round occupancy and trailer parks are presented to the board.

Fines for non-compliance: Any person who continues to violate any provision of the ordinance after receiving notice of such violation shall be guilty of a misdemeanor subject to a fine of \$100.00 for each violation. Each day such a violation is continued it is a separate offense. Anyone applying for a permit after starting a project will be charged the permit fee plus a penalty charge of five times the permit fee. Selectmen will set these fees and review them annually.

Sec.6. Occupancy. No building or manufactured housing shall be occupied after its construction or relocation until the Plumbing Inspector has completed a final inspection and a house number is attached to the structure or placed so it is visible from the road or street by public safety personal.

Sec. 7 Size of Lot - Reconstruction or Replacement: Any nonconforming structure which is located less than the required setback from lot lines or street/road right of way and which is removed or damaged or destroyed by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within one year of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is, to the greatest extent possible in compliance with the setbacks required by the Planning Board or Code enforcement officer in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its nonconformity.

Resumption Prohibited: A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use except that the Planning Board may, for good cause shown by the applicant, grant up to a one year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period.

For those lots located in the Shoreland Zone as defined in the Shoreland Zoning Ordinance Town of Greenwood 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 Greenwood, Maine.

- A) **Lot of Record** It is the intent of this Ordinance to promote land use conformities, except that nonconforming conditions that existed before the effective date of this Ordinance and that existed prior to March 1, 1980 shall be allowed to continue, subject to the requirements set forth in this section. No building shall be constructed upon, or manufactured housing moved to a lot within an area of less than 40,000 square feet. All lots shall be able to accommodate a circle having a diameter of 150 feet.
- B) **Set-Back.** The minimum distance from all lot lines to a new structure is 20 feet. If, prior to acceptance of the 20 foot rule, a structure was within 20 feet of a lot line, a structure can be rebuilt in the exact same space. Minimum setback from the road right of way is 50'. On a great Pond, the set back shall be at least 100' from the normal high water mark.
- C) **Side Yard Width.** No building, manufactured housing, shed, barn, garage etc... shall be placed on a lot unless it is 20 feet from an adjoining lot line.
- D) **Off Street Parking.** All driveway entrances shall be approved by the Road Foreman prior to any construction or a building permit can be issued. A minimum of two (2) off street parking spaces to each newly constructed residential dwelling dwelling or unit, and/or one and one half (1 1/2) off street parking spaces for each dwelling unit in existing buildings shall be provided.

- E) **Transfer of Ownership.** Ownership of legally nonconforming lots together with the rights of use created by this section may be transferred to subsequent owners.
- F) **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.
- G) **Minimum Floor Area.** There is no minimum square footage requirements.
 - i. **Recreational vehicles** are not allowed for year round occupancy. These vehicles may be used as a 'camp' for occasional use. A provision, such as outhouse, grey water system or pumping of a holding tank for subsurface waste water must be filed with the Town.

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 and installed by a licensed oil/gas burner technician.

Sec. 12 Electrical Installation. Every dwelling, structure or new electrical service at an existing dwelling or structure, shall have a safe and adequate system throughout following the latest State adopted National Electrical Code and proper State permits applied for. **All new construction must meet the Towns new Electrical Cut-off Switch ordinance as adopted May 19, 2012.**

- A) **Installation.** A licensed electrician (or the homeowner on his or her single-family **primary 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 (State of Maine). This includes solar installations for electricity or supplemental electricity.

Sec. 13 Enforcement

- A) Whenever the Code enforcement officer 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/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) The Code enforcement officer 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.

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 invalid 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 have 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 August 21, 2007, 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 16 above, the Code enforcement officer/Planning Board may grant a waiver to an owner of a residential building for the purpose of making that residential building accessible to a person with a disability who resides in or regularly uses the residential 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 residential 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. 17 Effective Date. This Ordinance shall become effective upon its passage.

Enacted May 17, 2014 Town Meeting