

Town of Greenwood, Maine
Land Use and Building Code Ordinance
Adopted at the Annual Town Meeting, May 21, 2022

Preface: 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 held on May 19, 2012 chose not to have a building code as a warrant article question. The Town currently does not enforce any Building Codes. The MUBEC Building Codes became applicable throughout the State on September 19, 2019.

The State most recently adopted Building and Energy 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

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.

Provisions for this Code shall apply to new electrical, plumbing and subsurface wastewater disposal system 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.** 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 living purposes. [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.
- B. Manufactured Housing.** Manufactured and modular homes, transportable in one or more sections, which in the traveling mode is 8 body feet or more in width and 40 body feet in more in length, or when erected on site is 320 square foot or more, 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.
- C. 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. To be considered a Recreational Vehicle and not a structure, the tires must remain on the ground attached to the vehicle and must be registered with the State of Maine Motor Vehicles.
- D. 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.
- E. Commercial/Industrial.** Shall mean buildings, which are used, for sales, manufacturing, storage, service, warehousing or other related purposes. It also includes apartment building of more than two (2) units.
- F. Street Right of Way.** Shall mean the legal width of a private or public road, street, lane, drive, or State highway.
- G. Cost.** Shall include material and labor.
- H. Structure.** Anything temporarily or permanently located, built, constructed, or erected 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.
- I. 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.
- J. 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).

- 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. 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 Code Enforcement Officer. 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 building being constructed, or manufactured housing, dwellings being altered, additions being added, replaced or relocated for the purpose of enforcing provisions of this Ordinance.
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/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. 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 Office/Planning Board to cover such work; however, no permit shall be required for regular maintenance of dwellings and commercial or industrial establishments.

A. Set Backs

All structures on right of ways of less than 33 feet will be set back at least 25 feet from the center of the right of way. All structures on right of ways of 33 feet or more will be 50 feet from the center of the right of way.

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 Officer's /Planning Board measurements.

The minimum distance from side and rear lot lines to a new structure is 10 feet. If, prior to acceptance of the 10-foot rule, a structure was within the 10 feet of a lot line, a structure can be rebuilt in the exact same space. All lots shall be able to accommodate a circle having a diameter of 150 feet.

B. Maximum Lot Coverage

Structures shall not cover more than 20% of the lot. If more than one principal structure is constructed on a single lot, all dimensional requirements shall be met separately for each principal structures.

C. Minimum Lot Size: 40,000 square feet

D. Application. The application for the permits shall be in writing and shall be made in such a form, as the Code Enforcement officer shall prescribe. This shall contain a description of the proposed new, altered, or relocated building or the replacement contemplated. Building elevation and floor plans are required.

a. An HHE 200 subsurface wastewater and disposal design and internal plumbing permit shall accompany the building permit application. The application shall be filed with the Code Enforcement Office (Town Office).

E. 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) business days. Notice of refusal shall be in writing and shall state the reasons therefor.

F. Life of a Permit. All building permits shall expire after 12 months unless a different term is stated on the permit or a significant start and continued work progresses.

a. 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, stone, metal, or T One-11 sheathing are all acceptable siding choices, metal, asphalt, wood or slate roofing are all acceptable roofing materials.

G. Provisions for renewing. Renewal applications will be considered upon the expiration of the permit on a no fee basis, within a 1-year period.

H. 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 the application.

See Town of Greenwood Subdivision Ordinance for detailed explanations fees for Subdivisions.

\$.20 per square foot for first floor living space for all single-family dwellings.

\$.10 for each additional livable story (sub and/or upper).

Minimum base fee for all residential construction is \$ 60.00

\$.10 per square foot for all out-buildings, garages, barns, sheds, decks and porches

\$.10 per square foot for deck with roof

\$.10 per square foot for open decks

\$.25 per square foot for commercial and industrial

\$ 15.00 for in ground swimming pools. No fee for above-ground pools.

\$.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 place so it is visible from the road or street by public safety personnel.

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 presumption 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 height 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 those 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 with 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 10 feet. If, prior to acceptance of the 10-foot rule, a structure was within the 10 feet of a lot line, a structure can be rebuilt in the exact same space. All lots shall be able to accommodate a circle having a diameter of 150 feet.

C. Side Yard Width. No building, manufactured housing shed barn, garage etc....shall be placed on a lot unless it is 10 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 or unit, and/ or one and one half (1 ½) 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 nay 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 you 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. 8. 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. 9. 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. 10. 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. 11. 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 Town's new Electrical Cut-Off Switch Ordinance as adopted on 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. 12. 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 a permit issued thereunder, he/she shall serve a written notice or order upon the person responsible for the contention 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. 13. 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 higher standard, shall govern.

Sec. 14. 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. 15. Appeals.

1. Powers and Duties of the Board of Appeals. The Board of Appeals shall have the following powers:
 - a. Administrative Appeals: To hear and decide administrative appeals on an appellate basis, where it is alleged by an aggrieved party that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer or Planning Board in the administration of this Ordinance. Any order, requirement, decision or determination made, failure to act, in the enforcement of this Ordinance is not appealable to the Board of Appeals.
 - b. Variance Appeals: To authorize variances upon appeal, within the limitations set forth in this Ordinance.
2. Variance Appeals. Variances may be granted only under the following conditions:
 - a. Variances may be granted only from dimensional requirements including but not limited to, lot width, structure height, percent of lot coverage, and setback requirements.
 - b. Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.
 - c. The Board shall not grant a variance unless it finds that:
 - (1) The proposed structure or use would meet the provisions of Section 15 except for the specific provision which has created the non-conformity and from which relief is sought; and
 - (2) The strict application of the terms of this Ordinance would result in undue hardship. The term "undue hardship" shall mean:
 - (i) That the land in question cannot yield a reasonable return unless a variance is granted;
 - (ii) That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
 - (iii) That the granting of a variance will not alter the essential character of the locality; and
 - (iv) That the hardship is not the result of action taken by the applicant or a prior owner.

d. Notwithstanding Section 15.2.c. above, the Board of Appeals may grant a variance to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. The term "structures necessary for access to or egress from the dwelling" shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure.

e. The Board of Appeals shall limit any variances granted as strictly as possible in order to ensure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.

f. If the property is in the Shoreland Zone, a copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.

g. Any person granted a variance shall record the variance with the Registry of Deeds within 45 days of its granting. Verification of the recording shall be submitted to the Chair of the Board of Appeals within 30 days of the recording.

3. Administrative Appeals. When the Board of Appeals hears a decision of the Code Enforcement Officer or Planning Board, it shall hold an appellate hearing, and may reverse the decision of the Code Enforcement officer or Planning Board only upon finding that the decision was contrary to specific provisions of the Ordinance or contrary to the facts presented to the Code Enforcement Officer or Planning Board. The Board of Appeals may only review the record of the proceedings before Code Enforcement Officer or the Planning Board. The Board Appeals shall not receive or consider any evidence which was not presented to the Code Enforcement Officer or Planning Board, but the Board of Appeals may receive and consider written or oral arguments. If the Board of Appeals determines that the record of the Code Enforcement Officer or Planning Board proceedings are inadequate, the Board of Appeals may remand the matter to the Code Enforcement Officer or Planning Board for additional fact finding.

4. Appeal Procedure

a. Making an Appeal

(1) An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board under this Ordinance, except for enforcement-related matters. Such appeal shall be taken within thirty (30) days of the date of the official written decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.

(2) Such appeal shall be made by filing with the Board of Appeals a written notice of appeal which includes:

(i) A concise written statement indicating what relief is requested and why the appeal or variance should be granted; and

(ii) A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.

(3) Upon receiving an application for an administrative appeal or a variance, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.

(4) The Board of Appeals shall hold a public hearing on an administrative appeal or a request for a variance within thirty-five (35) days of its receipt of a complete written application, unless the time period is extended by the parties. (REFER TO SUBSECTION 7. FOR PUBLIC HEARING PROCEDURES AND NOTIFICATION REQUIREMENTS)

b. Decision by Board of Appeals.

(1) A majority of the full voting membership of the board shall constitute a quorum for the purpose of deciding an appeal.

(2) The person filing the appeal shall have the burden of proof.

(3) The Board shall decide all administrative appeals and variance appeals within thirty-five (35) days after the close of the hearing, and shall issue a written decision on all appeals.

(4) The Board of Appeals shall state the reasons and basis for its decision, including a statement of the facts found and conclusions reached by the Board. The Board shall cause written notice of its decision to be mailed or hand-delivered to the applicant within seven (7) days of the Board's decision and if the property is in the shoreland zone a copy of the decision

must also be sent to the Department of Environmental Protection. Copies of written decisions of the Board of Appeals shall be given to the Planning Board, Code Enforcement Officer, and the municipal officers.

5. Appeal to Superior Court. Except as provided by 30-A M.R.S. § 2691(3)(F), any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within thirty (30) days from the date of any decision of the Board of Appeals.

6. Reconsideration. In accordance with 30-A M.R.S. § 2691(3)(F), the Board of Appeals may reconsider any decision within forty-five (45) days of its prior decision. A request to the Board to reconsider a decision must be filed within ten (10) days of the decision that is being reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision. Reconsideration of a decision shall require a positive vote of the majority of the Board members originally voting on the decision, and proper notification to the landowner, petitioner, planning board, code enforcement officer, and other parties of interest, including abutters and those who testified at the original hearing(s). The Board may conduct additional hearings and receive additional testimony. Appeal of a reconsidered decision to Superior Court must be made within fifteen (15) days after the decision on reconsideration.

7. Public Hearing Procedures and Notification Requirements - Board of Appeals and Planning Board. The Greenwood reviewing authority for the subject request shall have notice of the date, time and place of the hearing:

- a. Given to the applicant;
- b. Mailed to all property owners within five hundred (500) feet of the property boundaries; and
- c. Published, at least one (1) time, in a newspaper having general circulation in Greenwood. The date of the publication must be at least seven (7) days prior to the hearing.

Sec. 16. Effective Date. This Ordinance shall become effective upon its passage by the Town's Legislative Body. Approved at the Annual Town Meeting on May 21, 2022.