

NORWAY RENTAL OCCUPANCY ORDINANCE

SECTION I. TITLE AND AUTHORITY

This ordinance, the Norway Rental Occupancy Ordinance, herein referred to as the Ordinance, is adopted pursuant to the town's Home Rule Authority as found in 3-A MRSA/3001 et seq.

SECTION II. PURPOSE

The purpose of this Ordinance is to protect the health and safety of renters and the public, both residents and non-residents of Norway.

SECTION III. SCOPE

- A. Anyone seeking to rent one or more dwelling units in one structure must first obtain an Occupancy Permit for each dwelling unit from the Town of Norway.
- B. Anyone seeking to rent more than one rooming unit must first obtain an Occupancy Permit from the Town of Norway.
- C. Anyone 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 obtain an Occupancy Permit from the Town of Norway, even if that dwelling unit or structure would not be covered under the other terms of this Ordinance.
- D. The provisions of this Ordinance apply to rental agreements begun after the effective date of this Ordinance. Any change in occupancy in the kinds of rental situations described in this Ordinance that occur subsequent to the effective date of this Ordinance will be governed by the requirements of this Ordinance.
- E. This Ordinance does not apply to hotels, motels or overnight cabins (see Section IV for definition).
- F. Eliminates Duplication of Inspections.

SECTION VI. DEFINITIONS

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

DWELLING shall mean a building occupied either wholly or in part for residence purposes. It may included one (1) or more dwelling units.

DWELLING UNITS shall mean one (1) or more rooms arranged for the use of one (1) or more individuals living together as one housekeeping unit with cooking, living and sleeping facilities contained in one unit. Sanitary facilities may be included in the unit or shared with

others.

ROOMING UNIT shall mean not more than two (2) 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 longer than one month.

HOTELS, MOTELS OR OVERNIGHT CABINS shall mean premises that are rented for overnight or, weekly, rather than monthly or longer.

RENTAL UNIT shall mean any room or group of rooms rented by a person or persons who pay some form of monetary compensation to the owner of the structure or the unit.

OCCUPANT shall be the person who lives in the structure.

PRIMARY OCCUPANT shall mean the person who pays rent directly to the owner of his/her representative.

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.

NUISANCE shall mean any source of filth or any condition which may cause injury, whether or not the cause of sickness or injury is deemed to be potentially injurious to health and safety of occupants, adjacent property owners or the public.

HUNTING CAMP/SEASONAL COTTAGE shall mean a building used only for summer residence or during hunting season, not designed for year-round use. These units cannot be rented during December, January, February, March or April without an Occupancy Permit.

SECTION V. APPLICATION PROCESS

- A. Only an owner or his/her assignee can obtain an Occupancy Permit.
- B. The applicant will apply to the Town of Norway, giving his/her name, address, phone number of the owner(s) of record, mortgagee(s) of record or other persons having a recorded interest in the property, if different from or in addition to the applicant.
- C. After all documents, are set forth below in Section VI have been submitted, and a fee of twenty-five (25) dollars per dwelling unit or rooming unit paid to the Town of Norway, all inspections will be made as set forth below in Section VI. The Norway Code Enforcement Officer must then approve or reject the application within thirty (30) days.
- D. Any applicant aggrieved by a decision or failure to act by the Norway Code Enforcement Officer has the right to appeal, pursuant to Section IX. Sub-section C., No. 3 of this Ordinance.

SECTION VI. ALTERNATIVE INSPECTION METHOD

The owner shall have the option of selecting an alternative method of arranging for inspection of rental

and dwelling units if he or she chooses. This method shall be referred to henceforth as the Building Registration Method. Those who select this method shall register all buildings that contain rental or dwelling units with the town by August 31, 1993 on a form provided by the town upon request.

The building shall be assigned a number at the time of registration and shall be inspected beginning September 13, 1993 in ascending numerical order. The fee for this method of permit inspection shall be Ten (10) Dollars for each unit inspected in the building.

The fee must be paid to the town prior to or at the time of inspection. The building registration option, if selected by the owner, shall replace the fees and times for individual unit inspections prescribed elsewhere in this ordinance.

SECTION VII. PERFORMANCE STANDARDS

An Occupancy Permit will be approved by the Norway Code Enforcement Officer upon the following:

- A. The Norway Code Enforcement Officer determines that the dwelling is structurally sound in accordance with the standards of the Norway Building Ordinance.
- B. The Norway Code Enforcement Officer determines that wiring meets state and local electrical codes.
- C. The Norway Code Enforcement Officer determines that all plumbing meets state and local plumbing codes and that the septic/sewer system is adequate for the structure's designed use, that is: the building has only as many dwelling units or rooming units as its septic/sewer system is capable of accommodating.
- D. The Norway Code Enforcement Officer and the Norway Fire Chief determine that all state and local fire safety regulations are met.
- E. The Norway Code Enforcement Officer determines that dwelling unit(s), the structure containing the dwelling unit(s) and the property on which the structure is located does not contain known health or safety hazards, such as exposed asbestos fibers, malfunctioning electrical services, unsafe abandoned appliances, inadequately covered wells, inadequate or heavily creosote covered chimneys, rodent or vermin infestations, or any debris that is unsafe, unsanitary or may constitute a fire hazard or nuisance for occupants, adjacent residents or the public.
- F. Heating – General requirements:
 - 1. Residential buildings intended for year-round occupancy shall be provided with heating equipment capable of maintaining a temperature of not less than 68 degrees Fahrenheit at a distance of three feet or more from exterior walls and from a level of five feet from the floor, in habitable spaces, kitchenettes, bathrooms and toilet rooms. The capability of the heating equipment to maintain such indoor temperatures shall be based on outside temperatures of -20 degrees Fahrenheit.
 - 2. Smoke control: Fuel burning, heat producing equipment shall be installed and maintained so that the emission or discharge into the atmosphere of smoke, dust

particles, odors or other products of combustion will not create a nuisance or be detrimental to the health, safety, comfort or property of any person.

3. Warm air heating: ducts and other air handling equipment used for heating shall conform to the requirements of such equipment used for ventilating purposes.

4. Prohibited locations for heat-producing equipment: Fuel burning water heaters shall not be located in sleeping rooms, bathrooms or toilet rooms.

5. Fuel supply connections: Heat-producing, fuel burning equipment shall be permanently fastened and connected in place. Any liquid fuel supply connected to such equipment shall be made with pipe or tubing of solid metal.

6. Installation and clearance: Where heat-producing equipment is installed on or adjacent to combustible materials, the location, insulation, clearance and control of the equipment shall be of such that the temperature on the surface of the combustible materials will not exceed a safe temperature and complies with the Maine Life Safety Codes.

7. Air Supply:

a) Direct fired heat-producing equipment and the enclosure in which it is located shall be provided with a supply of air adequate both for complete combustion at the rated gross output of the equipment and for the ventilation of the enclosure to prevent the accumulation of heat or gasses.

b) Rooms containing fuel-burning equipment shall have such air supply provided by means of one or more openings by the exterior.

8. Removal of products by combustion:

a) Equipment for burning solid or liquid fuels shall be connected to gas vents. Un-vented heaters and burning liquid fuels is prohibited.

b) Fuel-burning space heaters shall be connected to a suitable chimney flue or gas vent.

9. Safety devices

a) Equipment capable of developing hazardous pressures or temperatures shall be provided with means to relieve safely such pressures and temperatures.

b) Controls for the safe operation of automatically operated heat producing equipment shall be provided to function as required by applicable codes and system designs.

10. Heating of garages: Fuel-burning and equipment for garages shall be installed and located to operate in a safe manner.

SECTION VIII. DURATION

The occupancy permit will remain in force for as long as the unit(s) or dwelling(s) conform to the specifications of this Ordinance, as long as the permit holder remains the same, and as long as the dwelling unit does not go unoccupied for more than six (6) consecutive months. The permit holder must report his/her, and any owners change of address or phone number to the Norway Town Office by certified mail. In the event the property is sold, conveyed or otherwise transferred to a new owner, a new Occupancy permit will be required. Every three (3) years, the Code Enforcement Officer will inspect the premises. If the performance standard described above in Section VI continues to be met and the permit holder pays a fee of twenty-five (\$25) dollars per dwelling unit, rental unit, or rooming unit, the permit will be renewed for three years.

SECTION IX. ENFORCEMENT AND PENALTIES

Occupancy as described in Section III without an Occupancy Permit shall be in violation of this Ordinance. In addition, violations of state and local plumbing, electrical, fire and other safety codes, structural inadequacy or the presence of a nuisance may result in the revocation of the Occupancy Permit as well as further legal action, including condemnation and eviction.

- A. The Norway Code Enforcement Officer and the Norway Board of Selectmen shall enforce this ordinance. The Norway Planning Board shall have the power to revoke the Occupancy Permit.
- B. Occupancy Without a Permit:
 1. If occupancy occurs as described in Section III without the required Occupancy Permit, the Code Enforcement Officer will notify the person in need of the Occupancy Permit that he/she must apply for the occupancy permit within thirty (30) days. If the person in need of the permit fails to do so, the Code Enforcement Officer will notify the Norway Planning Board. No general Assistance will be issued for that dwelling, dwelling unit, rental unit or rooming unit.
 2. Upon notification by the Code Enforcement Officer that occupancy continues after thirty (30) days without an Occupancy Permit the person in need of the Occupancy Permit or his/her representative shall be notified by the Norway Planning Board that a hearing about this condition will take place. Date of the hearing will be set to give the person in need of the permit enough time to arrange for the hearing or obtain representation: that is, at least ten (10) days from the date of notification. If the person in need of the of permit fails to appear or appears at the hearing but fails to show cause why the Occupancy Permit should not be applied for, effective thirty (30) days after the hearing a fine of Fifty (\$50) Dollars per day will be levied until the Occupancy Permit is obtained or the unit is no longer inhabited.
- C. Revocation of the Occupancy Permit:
 1. If any violation of state and/or local plumbing, electrical, fire and other safety codes,

structural inadequacy or the presence of a nuisance is brought to the attention of the Code Enforcement Officer, he shall notify the permit holder. If the violation is not corrected within forty-five (45) days, the Code Enforcement Officer shall notify the Planning Board.

2. Upon notification by the Code Enforcement Officer that one or more of the above violations continues to exist, the Norway Planning Board will notify the permit holder at the above recorded address that since the violation has not been corrected, the Occupancy Permit is subject to revocation at a public hearing of the Norway Planning Board. Date of the hearing will be set to give the permit holder enough time to arrange to attend the hearing or to acquire representation: that is, at least ten (10) days from the date of notification. If the permit holder or his/her representative fails to show cause why the permit should not be revoked, the permit will be revoked by a majority vote of the Norway Planning Board, effective twenty-one (21) days after the hearing. After revocation of the Occupancy Permit, a fine of Fifty (\$50) Dollars per day will be levied until the Permit is reinstated or the unit is no longer occupied. The Occupancy Permit may be reinstated by a majority vote of the Norway Planning Board when the Code Enforcement Officer certifies that the violation(s) has been corrected.

3. Appeal to the Board of Appeals:

Any person who feels aggrieved by an order or notice of the Code Enforcement Officer under the provisions of this Ordinance may file an appeal within ten (10) days, to the Norway Zoning Board of Appeals to hear and make a recommendation to the Planning Board, subject always to the rule that the Planning Board should give due consideration to the purposes of the Ordinance in promoting public health, safety and welfare.

4. Condemnation, eviction and other legal proceedings:

If occupancy continues without benefit of an Occupancy Permit, the Selectmen may initiate condemnation, eviction or other legal proceedings. In this event, the owner or person responsible for the violation of this Ordinance will be liable for all court and other costs, including interest and any costs incurred in the relocation of occupants. In the event the owner or person responsible fails to pay the above penalties and the Selectmen must sue the person in need of the Occupancy Permit or must sue the person while the Occupancy Permit has been revoked, that person must pay all court costs, including interest, in addition to the accumulated penalties.

5. Personal non-liability:

No officer or employee charged with the enforcement of this Ordinance and acting for the Town of Norway in the discharge of his duties shall render himself personally liable for any damage that may occur to any person or property as a result of his acts in the discharge of his duties. Any suit brought against any officer or any employee because of any act performed by him under the provisions of this Ordinance shall be defended by the Town of Norway until the final determination of the proceedings therein.

SECTION X. 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 XI. EFFECTIVE DATE

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

ADOPTED AT TOWN MEETING: June 26, 1993

Attest: Carol Millett, Town Clerk

A True Copy, Attested, bearing her seal and signature.

Amended June 19, 2000

Rental Occupancy Ordinance,
Additions are printed in Italics and parenthesis:

Section III. G: (eliminates duplication inspections)

Section V. C

Section VI. (changes lower fees from current levels to \$10 per building/plus \$10 per unit [instead of \$15] for landlords in compliance with the terms of the ordinance.)

Section VII. D (Fire Chief OR Code Officer may do inspection for compliance with local and state fire regulations)

Section VIII. (Changed duration of permit from two to three years)