

AMENDMENTS TO ALNA BUILDING CODE ORDINANCE

1. *The Town of Alna, Maine Subdivision and Site Plan Review Ordinance is proposed to be amended by adding the words shown in underline and deleting the words shown in strikethrough, as follows:*

Section I. Purpose. The substantial development or major changes in the uses of land can cause a profound impact upon the cost and efficiency of municipal services and facilities and upon the environment of the town. Such impact can affect municipal schools, recreation facilities, public utilities, solid waste programs, police department, fire department, open space, road systems, transportation systems and the general health, safety and welfare of the municipality. It is the purpose of this Ordinance to avoid such impacts when they are unreasonable and are potentially caused by development consisting of subdivisions; commercial, retail, mining, industrial and institutional developments; agricultural buildings and multi-family dwellings. It is further the purpose of this Ordinance to affirmatively further the purposes of the Federal Fair Housing Act, 42 U.S.C. ch. 45, as amended, and the Maine Human Rights Act to achieve the applicable statewide or regional housing production goal established by the Maine Department of Economic and Community Development.

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Section II. Definitions.

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Affordable Housing Development. (1) For rental housing, a development in which a household whose income does not exceed 80% of the area median income can afford 51% or more of the units in the development without spending more than 30% of the household's monthly income on housing costs; and (2) for owned housing, a development in which a household whose income does not exceed 120% of the area median income can afford 51% or more of the units in the development without spending more than 30% of the household's monthly income on housing costs. For purposes of this definition, "housing costs" means: (a) for a rental unit, the cost of rent and any utilities (electric, heat, water, sewer, and/or trash) that the household pays separately from the rent; and (b) for an ownership unit, the cost of mortgage principal and interest, real estate taxes (including assessments), private mortgage insurance, homeowner's insurance, condominium fees, and homeowners' association fees.

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Area Median Income. The midpoint of a region's income distribution calculated on an annual basis by the U.S. Department of Housing and Urban Development ("HUD"). For purposes of this definition, "region" is the HUD-designated metropolitan area that includes the Town of Alna.

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Base Density. The maximum number of dwelling units allowed on a lot not used for affordable housing development based on the applicable minimum lot size per dwelling unit set forth in the Town of Alna Shoreland Zoning Ordinance and Building Code Ordinance.

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Centrally Managed Water System. A water system that provides water for human consumption through pipes or other constructed conveyances to at least 15 service connections or serves an average of at least 25 people for at least 60 days a year as regulated by 10-144 C.M.R. Ch. 231, Rules Relating to Drinking Water. This water system may be privately owned.

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Comparable Sewer System. Any subsurface wastewater disposal system that discharges over 2,000 gallons of wastewater per day as regulated by 10-144 C.M.R. Ch. 241, Subsurface Wastewater Disposal Rules.

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Potable. Safe for drinking as defined by the U.S. Environmental Protection Agency's (EPA) Drinking Water Standards and Health Advisories Table and Maine's interim drinking water standards for six different perfluoroalkyl and polyfluoroalkyl substances (PFAS), Resolve 2021 Chapter 82, Resolve, To Protect Consumers of Public Drinking Water by Establishing Maximum Contaminant Level for Certain Substances and Contaminants.

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SECTION IV. Applicability

This Ordinance shall apply to subdivisions; to new construction, alterations or enlargements of commercial, retail, mining, industrial and institutional buildings or other development thereof where areas are stripped filled or graded and not revegetated within the same growing season; to agricultural structures exceeding 2,000 square feet of floor area; and to multi-family dwellings. This Ordinance does not apply to detached single and two family dwellings not part of an affordable housing development; to non-structural agricultural land-management practices, to forest management practices, or to agricultural structures not exceeding 2,000 square feet of floor area. Subdivision proposals are subject to subdivision review, including the statutory review criteria in 30-A M.R.S.A. § 4404 and the performance standards in Section VII. All other activities to which this Ordinance applies are subject to site plan review, including the performance standards in Section VII.

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Section VII. Performance Standards

Except as provided in subsection J, below, theThe following standards are to be used by the Planning Board in judging applications for site plan review and subdivision review, and shall serve as minimum requirements for approval of the site plan or subdivision. The site plan or subdivision plan shall be

approved, unless in the judgement of the Planning Board the applicant is not able to reasonably meet any of these standards. In all instances the burden of proof shall be on the applicant and such burden of proof shall include the production of evidence necessary for the Planning Board to review the application.

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J. Affordable Housing Development. The following standards apply to any proposed affordable housing development, which shall be subject to (i) site plan review if it is proposed as one or more multifamily dwellings or (ii) subdivision review if it is proposed as single-family or two-family dwelling units:

1. Affordable housing density bonus. An affordable housing development that complies with this Section VII.J is eligible for a dwelling unit density bonus of 2½ times the base density that is otherwise allowed on the lot proposed for affordable housing development. If fractional results occur when calculating the density bonus, the maximum number of allowed units shall be rounded down to the nearest whole number.

2. An affordable housing development must be located in an area that is or will be served by a public, special district, or other centrally managed water system and a public, special district, or other comparable sewer system.

3. Long-term affordability.

(a) More than half of the total dwelling units in the affordable housing development must be designated as affordable rental units or affordable homeownership units.

(b) Prior to the issuance of a building permit for a structure to be used for an affordable housing development, the owner of the affordable housing development must execute a restrictive covenant recorded in the Lincoln County Registry of Deeds and enforceable by a third party acceptable to the municipality, to ensure that for at least 30 years after completion of construction occupancy of all units designated affordable in the development will remain limited to households at or below 80% (for rental housing) or 120% (for owned housing) of the local area median income at the time of initial occupancy. The restrictive covenant must run with the land and encumber the affordable housing development, be binding upon the developer (for rental housing) or the unit owners (for owned housing) and their successors and assigns, and inure to the benefit of and be enforceable by the Town of Alna and a third party acceptable to the municipality.

4. Water and wastewater.

(a) The sanitation and potable water standards in Section 16 of the Town of Alna Building Code Ordinance shall apply to each unit within an affordable housing development.

(b) The developer of an affordable housing development must make adequate provision for the long-term maintenance, repair, and improvement of any (i) individual private septic system, (ii) comparable sewer systems, (iii) individual private wells, and (iv) public water systems proposed

to serve the units within the affordable housing development, including a process of collection and enforcement to obtain capital improvement funds from the developer (for rental housing) or the unit owners (for owned housing).

5. Parking. Notwithstanding any provision of this ordinance to the contrary, no more than two off-street parking motor vehicle spaces shall be required for every three units within an affordable housing development. If fractional results occur, the number of motor vehicle parking spaces shall be rounded down to the nearest whole number.

6. Nothing in this Section VII.J exempts an affordable housing development from any other requirements of this ordinance or any other ordinance of the Town of Alna, including without limitation, any shoreland zoning requirements.

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Section XIII. Effective Date; Date of Applicability

This ordinance and any amendments thereto shall be effective by vote of the Town meeting. Notwithstanding 1 M.R.S.A. § 302, the date of applicability of amendments to this Ordinance adopted and effective by vote of the Town meeting on March 23, 2024, shall be July 1, 2024.

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**End of Amendments to the
Subdivision and Site Plan Review Ordinance**

(Building Code Ordinance amendments follow)

2. *The Town of Alna, Maine Building Code Ordinance is proposed to be amended by adding the words shown in underline and deleting the words shown in strikethrough, as follows:*

~~TOWN OF ALNA, MAINE~~
~~BUILDING CODE~~ALNA LAND USE ORDINANCE
(As Amended, ~~March 25, 2023~~March 23, 2024)

Section 1 Purposes

The purposes of this Ordinance are to provide for safety, health and public welfare; ~~and~~ to provide opportunities for affordable workforce housing through regulations on new construction, regulations on the relocation, additions to, renovations and replacement of existing structures and regulations for businesses; and to affirmatively further the purposes of the Federal Fair Housing Act, 42 U.S.C. ch. 45, as amended, and the Maine Human Rights Act to achieve the applicable statewide or regional housing production goal established by the Maine Department of Economic and Community Development.

Section 2 Authority and Effective Date

This Ordinance ~~has been prepared~~ is adopted to pursuant to and in accordance with the provisions of Title 30-A, Section 3001 of the Maine Revised Statutes Annotated (MRSA) and the Home Rule Powers as provided for in Article VIII-A of the Maine Constitution and any other enabling statutes. This Ordinance constitutes and may be known and cited as the "Alna Land Use Ordinance." This Ordinance shall be effective upon its adoption by vote of the Special Town Meeting on June 28, 1995. Notwithstanding 1 M.R.S.A. § 302, the date of applicability of amendments to this Ordinance adopted by vote of the Town meeting on March 23, 2024 shall be July 1, 2024.

This Ordinance was amended by vote of the Special Town Meeting on June 26, 1996, the Annual Town Meeting on March 29, 1997, the Annual Town Meeting on March 24, 2001,¹ ~~and~~ the Annual Town Meeting on March 25, 2023,² and the Annual Town Meeting on March 23, 2024.³

Section 3 Applicability

The provisions of this Ordinance shall apply to all new construction, the relocation, additions to, renovations and replacements of all existing structures and regulations for businesses. Also included in this Ordinance are provisions for the siting and construction of manufactured housing which does not comprise a Mobile Home Park.

Section 4 Severability

¹ To add a new Section 16, Accessory Apartments, and make other changes to the Ordinance consistent with the requirements of this new section.

² To clarify the intent of the existing ordinance, to comply with the federal Fair Housing Act, to harmonize the definitions used in the Building Code Ordinance and the Shoreland Zoning Ordinance, and to adopt provisions related to short-term rentals.

³ To comply with the requirements of 30-A M.R.S.A. §§ 4364 to 4364-C (the state housing law) and to clarify the intent and change the name of the existing ordinance.

Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

Section 5 Conflicts with Other Ordinances

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute, the more restrictive provision shall control.

Section 6 Amendments

This Ordinance can only be amended by a majority vote of the Town Meeting. Amendments may be initiated by a majority vote of the Planning Board, the Board of Selectmen or on petition of 10% of the number of registered voters of the Town who voted in the last gubernatorial election. The Planning Board shall conduct a public hearing on any proposed amendment.

Section 7 Filing and Availability

A copy of this Ordinance and any amendments hereto shall be filed with the Town Clerk. Copies shall be available to any Town resident or property owner at no charge and to others at a reasonable cost.

Section 8 Definitions

For the purpose of this Ordinance the following words and phrases shall have the meaning herein described.

- A. Accessory Dwelling Unit. A- self-contained dwelling unit that is ~~contained-located~~ within ~~or is attached to, or detached from the structure in which a principal dwelling unit is located, or is contained within the structure of a free-standing outbuilding such as a garage, barn, or shed~~ that is located on the same lot ~~as a principal dwelling unit. An Accessory Dwelling Unit must have square footage of living space that is smaller than the square footage of living space of the principal dwelling unit.~~ For purposes of this Ordinance, a tiny home, as defined in 29-A M.R.S.A. § 101(80-C), shall be considered an accessory dwelling unit if is located on a lot already occupied by a dwelling unit. An accessory dwelling unit in compliance with the requirements of Section 16 is not considered a dwelling unit for purposes of calculating minimum lot size pursuant to Section 13.A or counting the number of dwelling units when applying the subdivision definition in 30-A M.R.S.A. § 4401(4).
- B. Addition. An expansion in volume and/or area to an existing structure, including, but not limited to, decks, porches and garages.
- C. Business. Any enterprise, regardless of tax-exempt status, engaged in the sale, lease, production or distribution of any products, equipment, supplies, goods, commodities, including plants and animals, or services which are sold, leased or distributed by the owner or an affiliated person where revenue exceeds \$500 per year.
- D. Centrally managed water system. A water system that provides water for human consumption through pipes or other constructed conveyances to at least 15 service connections or serves an average of at least 25 people for at least 60 days a year as regulated by 10-144 C.M.R. Ch. 231, Rules Relating to Drinking Water. This water system may be privately owned.

- E. Comparable sewer system. Any subsurface wastewater disposal system that discharges over 2,000 gallons of wastewater per day as regulated by the Maine Plumbing Rules.
- F. Dwelling Unit. A room or group of rooms designed and equipped exclusively for use as living quarters for one family including living, cooking, sleeping, bathing and sanitary facilities. For purposes of this definition, "family" means one or more persons occupying a dwelling unit and living as a single housekeeping unit.
- G. Existing dwelling unit. ~~"Existing dwelling unit" means a~~ residential dwelling unit in existence on a lot at the time of submission of a permit application to build additional dwelling units on that lot.
- ~~D.~~H. Lot. An area of land in one ownership, or one leasehold, with ascertainable boundaries established by deed or instrument of record, or a segment of land ownership defined by lot boundary lines on a land subdivision plan duly approved by the Planning Board and recorded in the Lincoln County Registry of Deeds.
- I. Maine Drinking Water Rules. The Maine Department of Health and Human Services Rules Related to Drinking Water, codified at 10-144 C.M.R. Ch. 231.
- J. Maine Plumbing Rules. The Maine Subsurface Waste Water Disposal Rules codified at 10-144 C.M.R. Ch. 341, the Maine Internal Plumbing Code codified at 10-144 C.M.R. Ch. 328, or both, as the context may dictate.
- ~~E.~~K. Manufactured Housing. As defined in Section 11 of the Town of Alna, Maine Mobile Home Park Ordinance.
- ~~F.~~L. Mobile Home Park. As defined in Section 11 of the Town of Alna, Maine Mobile Home Park Ordinance.
- ~~G.~~M. New Construction. All structures, newly constructed on a lot, said lot conforming to specifications of this Ordinance.
- N. Potable: Safe for drinking as defined by the U.S. Environmental Protection Agency's (EPA) Drinking Water Standards and Health Advisories Table and Maine's interim drinking water standards for six different perfluoroalkyl and polyfluoroalkyl substances (PFAS), Resolve 2021 Chapter 82, Resolve, To Protect Consumers of Public Drinking Water by Establishing Maximum Contaminant Level for Certain Substances and Contaminants.
- ~~H.~~O. Relocation. Any structure moved to a new lot or a structure moved to a new location on the lot it occupied. Both lot and structure must conform to the provisions of this Ordinance.
- ~~I.~~P. Renovations. Any modification or addition to a structure's chimney, electrical and/or plumbing system.

~~J.Q.~~ Replacement. Any structure already constructed which is to be moved to the existing site of a structure destroyed by fire or other natural calamity, or new construction of a structure on the existing site of a building lost because of the foregoing reasons.

~~K.R.~~ Shoreland Zone. As defined in Section 17 of the Shoreland Zoning Ordinance for the Town of Alna, Maine.

~~L.S.~~ Short-Term Rental. A dwelling unit, or any portion of a dwelling unit, advertised or offered for rent, let, lease, use, control, management, or other operation for less than 30 consecutive days to the same person or persons, in exchange for direct or indirect compensation. Short-Term Rentals are classified as either owner-occupied or non-owner occupied, as those terms are defined in this Ordinance.

~~M.T.~~ Short-Term Rental, Non-Owner-Occupied: A Short-Term Rental where a record owner of the lot on which the Short-Term Rental is located does not reside on the lot for more than six months out of each calendar year, whether or not on-site or off-site property management services are provided for the Short-Term Rental.

~~N.U.~~ Short-Term Rental, Owner-Occupied: A Short-Term Rental where a record owner of the lot on which the Short-Term Rental is located resides on the lot for more than 6 months out of each calendar year.

~~O.V.~~ Structures. 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 fences, poles, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors. The term includes structures temporarily or permanently located such as decks, satellite dishes and manufactured housing when it is not located in a Mobile Home Park.

~~P.W.~~ Tiny Home. A dwelling unit that qualifies as a “tiny home,” as the term is defined in 29-A M.R.S.A. § 101(80-C). A Tiny Home is considered a principal dwelling unit if located on a lot not already occupied by a dwelling unit. It is considered an accessory dwelling unit if located on a lot already occupied by a dwelling unit.

Section 9 Building Inspector/Code Enforcement Officer

The Select Board is hereby given the power and authority to enforce the provisions of this Ordinance. In carrying out their responsibilities, the Select Board shall appoint a Building Inspector/Code Enforcement Officer and may appoint an assistant Building Inspector/Code Enforcement Officer. The Select Board shall delegate to said Building Inspector/Code Enforcement Officer and the assistant, the power and authority in accordance with the provisions of this Ordinance, to issue any and all permits, except permits for land use activities in the Shoreland Zone which shall be the responsibility of the Planning Board. The Building Inspector/Code Enforcement Officer and the Local Plumbing Inspector shall provide a monthly report to the Select Board and the Planning Board of applications received, permits issued, and complaints of land use violations received.

Section 10 Inspections

During reasonable hours and with due notice, the Building Inspector/Code Enforcement Officer and/or the assistant Building Inspector/Code Enforcement Officer, in performance of their duties shall have access to any lot or building under construction for the purpose of enforcing provisions of this Ordinance.

Section 11 Non-Conformance

A [legally existing](#) non-conforming land use, building or structure may be continued, repaired, or replaced within two (2) years if destroyed by fire, natural calamity or act of God, but the area in non-conforming use may not be extended or expanded except in conformity with the provisions of this Ordinance. [The construction of an accessory dwelling unit in accordance with the requirements of this Ordinance does not constitute an extension, expansion, change of use, or unlawful continuance of a non-conforming use or a nonconforming structure.](#)

Section 12 Permits

- A. Outside of the Shoreland Zone, prior to new construction of a structure of [greater than 200-190](#) square feet [or greater](#), or the addition to, renovation, relocation or replacement of an existing structure where the proposed work [equals or](#) exceeds [200-190](#) square feet, the owner, lessee, architect, contractor or builder employed by owner or lessee shall obtain a permit from the Building Inspector/Code Enforcement Officer or assistant Building Inspector/Code Enforcement Officer. Although permits will not be issued for any structure, or work thereto, of less than [200-190](#) square feet, the structure, or work thereto, must comply with all other provisions of this Ordinance.
- B. Within the Shoreland Zone, prior to [land use activities of any type including](#) new construction of a structure of any size or the addition to, renovation, relocation or replacement of an existing structure where the proposed work is of any size, the owner, lessee, architect, contractor or builder employed by owner or lessee shall obtain a [written](#) permit from the Planning Board. [No permit of any type for work within the Shoreland Zone may be issued by the Building Inspector/Code Enforcement Officer or the Local Plumbing Inspector until after the Planning Board has issued a permit or determined no permit from the Planning Board is required.](#)
- C. Application. The permit application shall be on a form supplied by the Town and contain a description of the proposed new construction, addition to, relocation, renovation or replacement of any structure. The application shall be filed with the Building Inspector/Code Enforcement Officer or the assistant Building Inspector/Code Enforcement Officer if the proposed work is outside of the Shoreland Zone and with the Planning Board if the proposed work is within the Shoreland Zone.
- D. Permit Approval. For work proposed outside of the Shoreland Zone, the Building Inspector/Code Enforcement Officer or the assistant Building Inspector/Code Enforcement Officer, after proper examination of the application, shall issue either the permit or notice of denial within 30 days of application submittal. For work proposed within the Shoreland Zone, the Planning Board, after proper examination of the application, shall issue either the permit or notice of denial within 90 days after the application is deemed complete.

- E. Notice of permit denial shall be in writing, stating reasons therefor. Any aggrieved person may appeal a permitting decision pursuant to this section to the Board of Appeals within thirty days of such decision.
- F. Notwithstanding Subsection E, above, and unless the applicant consents to an extension of time, the failure of the Building Inspector/Code Enforcement Officer or the assistant Building Inspector/Code Enforcement Officer to issue a written approval or denial of an application for work outside of the Shoreland Zone within the 30 days of application submittal shall constitute an automatic denial of that application, and the failure of the Planning Board to issue a written approval or denial of an application for work within the Shoreland Zone within 90 days of the date the application is deemed complete shall constitute automatic denial of that application.
- G. Life of Permit. All permits are non-transferable and unless renewed, shall be void unless work thereunder is substantially completed within two years of date of issuance.
- H. Fees. The Board of Selectmen may at its discretion establish and publish a schedule of permit fees. (as Amended Feb. 8 2023)

Section 13 Size of Lot; Maximum Dwelling Unit Allowance Per Lot

A. Minimum Lot Size Per Dwelling Unit. Each dwelling unit, except for accessory dwelling units, shall be on a lot of ground not less than two acres (87,120 square feet) in area; and the lot shall be of such dimensions that the lot will accommodate within its boundaries a square of not less than 150 feet on a side.

B. Maximum Dwelling Unit Allowance Per Lot. Except as otherwise authorized pursuant to 30-A M.R.S.A. § 4401 et seq. and the subdivision regulations contained in the Town of Alna Subdivision and Site Plan Review Ordinance, the maximum number of dwelling units allowed on any lot is as follows:

1. On a lot with no existing dwelling unit,:

a. ~~Two dwelling units (within one structure or separate structures), or No more than one Dwelling Unit and one Accessory Dwelling Unit shall be permitted on any single lot~~

b. Four dwelling units, if the lot is served by (i) a public, special district, or other centrally managed water system and (ii) a public, special district, or other comparable sewer system.

1-2. On a lot with one existing dwelling unit,: ~~Two additional dwelling units (one within or attached to thean existing structure, one detached from thean existing structure, or one of each).~~

3. On a lot with two existing dwelling units: No additional dwelling units.

If more than one dwelling unit has been constructed on a lot as a result of the allowance under this section or if an accessory dwelling unit has been constructed on a lot as a result of the allowance

under Section 16 (accessory dwelling units), the lot is not eligible for any additional dwelling unit allowance.

Notwithstanding this maximum dwelling unit allowance, all dwelling units must comply with all applicable requirements of this Ordinance and any other applicable ordinances of the Town of Alna and state law or rule, including without limitation all subdivision regulations, 12 M.R.S.A. ch. 423-A (Minimum Lot Size Law), and the Maine Plumbing Rules.

~~B.C.~~ A single lot of record, as of June 19, 1980, which does not meet the area (two acres) or width requirement (a square of 150 foot on a side), or both, may be built upon provided that such lot shall be in a separate ownership and not be contiguous with any other lot in the same ownership, and that all other provisions of this Ordinance and 12 M.R.S.A. ~~Section 4807~~ch. 423-A (Minimum Lot Size Law) shall be met.

~~C.D.~~ If two or more contiguous lots are in single ownership of record at any time since June 19, 1980, and if all or part of the lots do not meet the dimensional requirements of this Ordinance, the lands involved shall be considered to be a single lot for the purpose of this Ordinance and may not be divided in the future if the division would create a lot that does not meet the dimensional requirements of this Ordinance.

Section 14 Location

- A. No structure or subsurface sewage disposal system shall be closer than 50 feet to the center line of any street or highway and shall be setback at least 20 feet from any adjoining lot.
- B. Ample off-street parking shall be provided for structures. This may be accomplished by driveway space, garage space, parking lot space or any combination of these spaces. An accessory dwelling unit shall not be subject to any additional parking requirements beyond the parking requirements of the single-family dwelling unit on the lot where the accessory dwelling unit is located.

Section 15 Maximum Height

No new structure or an existing structure added to or replaced shall exceed 35 feet in height measured from the structure's sill.

Section 16 Accessory Dwelling Units

Accessory ~~d~~dwelling ~~u~~units shall ~~adhere to~~comply with the following standards:

A. No more than one accessory dwelling unit shall be permitted on any lot containing one or more single-family dwelling units.

~~A.B. The accessory dwelling unit may be constructed within or attached to a single-family dwelling or accessory structure, or as a separate accessory structure on the lot. When an Accessory Dwelling Unit is contained in an outbuilding, such as a barn, garage, or shed, the principal purpose of the outbuilding must be for non-human occupancy. The existing or proposed septic system must be of a~~

~~size appropriate to serve both the principal Dwelling Unit and the Accessory Dwelling Unit, as certified by the Code Enforcement Officer or the Local Plumbing Inspector.~~

~~B.C.~~ The ~~a~~Accessory ~~d~~Dwelling ~~u~~Unit shall not have less than one hundred ninety (190) square feet of living space or exceed eight hundred (800) square feet of living space.

D. Safe ingress and egress shall be provided to the ~~a~~Accessory ~~d~~Dwelling ~~u~~Unit.

~~C.E.~~ Nothing in this Section 16 exempts accessory dwelling units from any other provisions of this ordinance, including without limitation the standards in Section 17 (building standards), Section 18 (electrical installations), and Section 19 (plumbing, subsurface wastewater, and potable water), or any other ordinance of the Town of Alna, including the Town's shoreland zoning requirements.

~~D.~~ Should the owners of the principal Dwelling Unit be found in non-compliance with the requirements contained in this section, the Code Enforcement Officer shall order that occupancy of the Accessory Dwelling Unit be discontinued.

Section 17 Building Standards

All construction shall conform to generally accepted standards of good building practice. Each Dwelling Unit shall have at least two suitable exit doorways.

- A. Chimney. If the building is to have a chimney, it shall be a type approved by the State of Maine Fire Marshall or Oil Burnerman's Licensing Board.
- B. Exterior Walls. The exterior walls visible from a public way shall be finished within 12 months after occupancy. Builder's paper, 15 pound felt paper, tarred paper or similar substances shall not be used for more than twelve months after occupancy, unless an extension is granted by the Building Inspector/Code Enforcement Officer or assistant Building Inspector/Code Enforcement Officer.
- C. Manufactured Housing. Manufactured Housing shall meet the safety standards specified in Section 9, Subsection Q of the Town of Alna, Maine Mobile Home Park Ordinance.

Section 18 Electrical Installations

Electrical work shall be in accordance with the National Electrical Code published by the National Fire Protection Association.

Section 19 Plumbing, ~~and~~ Subsurface Sewage Disposal, ~~and~~ Potable Water

All plumbing and/or sewage disposal for any structure covered by the provisions of this Ordinance shall be in strict accordance with the ~~State of Maine Internal~~ Plumbing Rules ~~and/or Subsurface Wastewater Disposal Rules~~. No plumbing or subsurface sewage disposal system shall be covered until it has been inspected and permission to cover given by the Town of Alna ~~Licensed~~ Local Plumbing Inspector.

In addition, the following standards apply to all dwelling units (including units within an affordable housing development, as that term is defined in the Town of Alna Subdivision and Site Plan Review Ordinance) and accessory dwelling units. Prior to the issuance of a building permit, the applicant must provide written verification to the reviewing authority that the unit is connected to adequate water and wastewater services, as follows. The reviewing authority may condition approval of a building permit on such evidence of compliance.

- A. If a unit is connected to a public, special district, or other comparable sewer system, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the sewer system.
- B. If a unit is connected to a subsurface wastewater system, proof of adequate sewage disposal for subsurface wastewater. The system must be verified as adequate by the Local Plumbing Inspector pursuant to 30-A M.R.S.A. § 4221. Plans for a subsurface wastewater disposal system must be prepared by a licensed site evaluator in accordance with 22 M.R.S.A. § 42.
- C. If a unit is connected to a public, special district, or other centrally managed water system, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection and the volume and supply of water required for the unit.
- D. If a unit is connected to a well, proof of access to potable water and compliance with the following standards:
 - 1. The well shall be sited and constructed to prevent infiltration of surface water and contamination from subsurface wastewater disposal systems and other known sources of potential contamination.
 - 2. Site design shall allow for placement of wells, subsurface wastewater disposal areas, and reserve sites for subsurface wastewater disposal in compliance with the Maine Plumbing Rules.
 - 3. Proposed activities involving sources of potential contamination, including junkyards, automobile graveyards, gas stations, and bulk storage of petroleum products, must be located at least 300 feet from existing private and public water supplies.
 - 4. For subdivisions and commercial, industrial, and other non-residential development, the applicant shall demonstrate that there is sufficient healthful water supply to serve the needs of the project.
 - 5. When a project is to be served by a public water system, the location and protection of the source, the design, construction, and operation of the system shall conform to the Maine Drinking Water Rules.
- 1-6. Any tests of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

Section 20 Businesses

- A. Business Permit. All businesses not covered under the Subdivision and Site Review Ordinance shall apply annually in writing for a Business Permit from the Building Inspector/Code Enforcement Officer or assistant Building Inspector/Code Enforcement Officer, who shall within seven (7) working days notify the Planning Board. When the Planning Board has received a complete application, including the application fee, the Planning Board or, if requested by the Planning Board, -and-a review of the site by the Building Inspector/Code Enforcement Officer or assistant Building Inspector/Code Enforcement Officer, may conduct a site visit. The Planning Board will then either approve the application, if it is agreed that such business does not or will not constitute a nuisance because of noxious fumes, odors, dust, unsanitary waste disposal, water pollution, vibration, glare, noise or undue parking problems, or call a Public Hearing on the application. Notice of said hearing, including a description of the business, will be posted at the usual locations and mailed by the applicant to all abutting property owners and all other property owners within 1,000 feet along any public highway from the business.
- B. Expanded Businesses. Any time a business permitted under this section proposes to increase the production of goods or services or the square footage devoted to its enterprise by an amount in excess of twenty-five (25) percent of that originally permitted, the expansion must be reviewed under the procedures of this section. Any new business or expansion which would result in a total business facility in excess of 2,000 square feet is reviewable under Section IV of the Subdivision and Site Review Ordinance.
- C. The Planning Board may deny a permit if upon its own review, or upon recommendation of the Building Inspector/Code Enforcement Officer or assistant Building Inspector/Code Enforcement Officer, or upon reviewing comments from the Public Hearing, it determines that such a business would constitute a nuisance because of noxious fumes, odors, dust, unsanitary waste disposal, water pollution, vibration, glare, noise or undue parking problems, or would otherwise place an undue burden upon the municipal services of the Town of Alna.
- D. Permanent signs shall conform to the following criteria:
1. Directional signs shall be limited to three square feet and shall not exceed six in number.
 2. Freestanding signs relating to goods and/or services sold on the premises shall not exceed twelve square feet in area, per sign, and shall be limited to two signs, which may be two-sided.
 3. Temporary signs (garage sales, etc.) shall be permitted for seventy-two hours only.
 4. All existing signs are grandfathered, as long as they conform to State Law.
- E. An applicant may appeal an adverse action by the Planning Board to the Board of Appeals within thirty days of the date of such action.

Section 21 Violations and Enforcement

The Selectmen, Code Enforcement Officer/Building Inspector or assistant Code Enforcement Officer/Building Inspector, upon a finding that any provision of this Ordinance or the condition(s) of any

approval is being violated, are authorized to institute legal proceedings to enjoin violations of this Ordinance. Any violation of this Ordinance shall be considered a nuisance. Any person, firm or corporation violating any provision of this Ordinance shall be subject to fines and shall be liable for court costs and reasonable attorney fees incurred by the Town, as provided by Title 30-A, MRSA Section 4452.

Section 22 Appeals and Variances

Appeals and variances shall be governed by the Town of Alna Board of Appeals Ordinance.

Section 23 Special Exceptions

In regard to the location of structures on a lot, Section 14, by special exception the Planning Board may allow the required setback to be reduced provided that the applicant demonstrates that all of the following conditions and/or requirements are met:

The setback for an addition to a structure may be the same distance from the centerline of a street or roadway as the original structure provided that the original structure existed in its current location prior to December 14, 1970, that the addition will not be within the right-of-way of the street or roadway and that the addition will not be within thirty-three (33) feet of the center line of the street or roadway.

The setback for an addition to a structure, including an accessory dwelling unit attached to a single-family dwelling unit or to an accessory structure, may be reduced to 10 feet from an adjoining lot provided that the original structure existed in its current location prior to December 14, 1970 and that the owner of the adjoining lot states in a notarized document that they have no objection to the reduction.

The setback for a temporary structure of less than 200 square feet, such as a school bus stop shelter, a farm stand or other seasonal use structure, may be reduced to 33 feet from the centerline of a street or roadway provided that the structure does not have a poured-in-place concrete foundation or other feature which would make the structure incapable of being easily moved. If the Planning Board approves a special exception for any of these uses, a condition of approval shall be that the structure will be relocated to a distance of at least 50 feet from the centerline of a street or roadway once the structure is no longer being used for any of these uses.

Section 24 Short-Term Rentals

Short-Term Rentals are commercial uses and businesses, even if their revenue does not exceed \$500 per year, and must obtain a business permit every year from the Alna Planning Board. A Short-Term Rental business permit may be issued only to a record owner of the property where commercial uses are permitted and is not transferable to a new record owner.

Short-Term Rentals shall conform to the following standards:

- A. Non-Owner-Occupied Short-Term Rentals are prohibited.
- B. Subsurface Wastewater Disposal: All Short-Term Rentals must be in compliance with applicable provisions of the ~~State Plumbing Code and Maine Subsurface Wastewater Disposal~~ Maine Plumbing Rules.

- C. Any applicant proposing a Short-Term Rental must certify to the Planning Board that the applicant will at all times comply with the following “Good Neighbor” standards set forth in subsection ~~DE~~, below, and shall provide a written copy of these standards to each renter or occupant of the Short-Term Rental. The Planning Board must consider an applicant’s compliance with the “Good Neighbor” standards when reviewing any application for a permit renewal, and shall deny any renewal application if there is evidence of substantial or consistent non-compliance with the standards.
- D. Property owners must comply with all applicable state laws and regulations, including those administered by the State Fire Marshall.

~~DE~~. Good Neighbor Standards:

1. Noise: Guests should be considerate and respectful of the neighbors’ right to quiet and peaceful enjoyment. Loud or excessive noise, especially between the hours of 10PM and 6AM are not permitted.
2. Events and Occupancy: Large events such as weddings and family reunions can have negative impacts on residential neighborhoods. Please check with the property owner and your vacation home’s policies before planning large gatherings at your short-term rental.
3. Trash/recycling: Please ensure the proper disposal of trash and recycling as required by the property owner.
4. Parking: All parking must be on the premises, not on public roads.

DRAFT 3-7-2024