

**TOWN OF ALNA, MAINE
BUILDING CODE ORDINANCE
(As Amended, March 25, 2023)**

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.

Section 2 Authority and Effective Date

This Ordinance has been prepared 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. This Ordinance shall be effective upon its adoption by vote of the Special Town Meeting on June 28, 1995.

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, 2001¹ and the Annual Town Meeting on March 25, 2023.²

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

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

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.

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 dwelling unit that is contained within or is attached to 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.
- 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. 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.
- E. 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.
- F. Manufactured Housing. As defined in Section 11 of the Town of Alna, Maine Mobile Home Park Ordinance.
- G. Mobile Home Park. As defined in Section 11 of the Town of Alna, Maine Mobile Home Park Ordinance.

- H. New Construction. All structures, newly constructed on a lot, said lot conforming to specifications of this Ordinance.
- I. 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.
- J. Renovations. Any modification or addition to a structure's chimney, electrical and/or plumbing system.
- K. 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.
- L. Shoreland Zone. As defined in Section 17 of the Shoreland Zoning Ordinance for the Town of Alna, Maine.
- M. 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.
- N. 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.
- O. 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.
- P. 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.
- Q. 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.

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 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.

Section 12 Permits

- A. Outside of the Shoreland Zone, prior to new construction of a structure of greater than 200 square feet or the addition to, renovation, relocation or replacement of an existing structure where the proposed work exceeds 200 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 square feet, the structure, or work thereto, must comply with all other provisions of this Ordinance.
- B. Within the Shoreland Zone, prior to 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 permit from the Planning Board.
- 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

- A. 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. No more than one Dwelling Unit and one Accessory Dwelling Unit shall be permitted on any single lot.
- B. 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 MRSA Section 4807 (Minimum Lot Size Law) shall be met.
- C. 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.

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 Dwelling Units shall adhere to the following standards:

- A. 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.
- B. 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.
- C. The Accessory Dwelling Unit shall not exceed eight hundred (800) square feet of living space.
- D. Safe ingress and egress shall be provided to the Accessory Dwelling Unit.
- E. 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

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 Plumbing Inspector.

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 and a review of the site by the Building Inspector/Code Enforcement Officer or assistant Building Inspector/Code Enforcement Officer, the Planning Board will 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 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 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 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 D, 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.
- D. 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.