TROY RESIDENTIAL DWELLING PERMIT ORDINANCE

As amended by Town Meeting Vote on September 26, 2007

Section 1 General

A Title: This Ordinance shall be known as the Town of Troy Residential Dwelling Permit Ordinance and will be referred to as "this Ordinance".

B Authority: This Ordinance has been prepared in accordance with the provisions of Title 30-A MRSA, Section 3001 (Home Rule).

C Purposes: The purposes of this Ordinance are to provide a clear and organized process to review the placement, construction, alteration and occupancy of residential dwellings within the Town of Troy. The following are the specific goals of this Ordinance:

- To protect the public health, welfare and safety of the citizens of the Town.
- To improve the quality of local housing.
- To ensure that minimum health and safety standards are followed for each new residential dwelling and dwelling unit placed or constructed within the Town.
- To ensure that all sanitary waste is properly treated to Maine State specifications.
- To ensure that potable water is available for each dwelling.
- To protect the environment.

D Applicability: The provisions of this Ordinance shall apply to:

1 The construction or placement of all new residential dwellings.
2 The expansion or alteration of existing residential dwellings which create additional dwelling units.
3 The conversion of any existing non-residential structure into one or more dwelling units.

It shall include by way of example: stick-built homes, modular homes, mobile homes, double-wide, and both permanent and seasonal dwellings. It does not apply to accessory structures such as, but not limited to, barns, garages, and, sheds.

Any person wishing to conduct any activity listed above shall first obtain a permit as per the requirements of this Ordinance.

E Conflicts with other Ordinances: Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or any other ordinance, regulation, or statute, the more restrictive provision shall apply.

F Validity and 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.

G Availability: A certified copy of this Ordinance shall be filed with the Town Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost to be charged to the person making the request.

H Application Forms: The Planning Board shall develop application forms to be used by all applicants.

I Application Fee: A non-refundable application fee made payable to the Town of Troy shall accompany all permit applications; the Board of Selectmen shall determine the application fee.

J Amendments: Amendments to this Ordinance may be initiated by a majority vote by the Board of Selectmen, Planning Board, or by written petition by a number of voters equal to at least 10% of the number of votes cast in the Town in the last gubernatorial election. This Ordinance may be amended by a majority vote at any Town Meeting.

K Appeals: An aggrieved party may appeal any final decision of the Planning Board or the Code Enforcement Officer under this Ordinance to the Troy Board of Appeals, as established by the Subdivision Ordinance, within 30 days of the date the Planning Board and/or the Code Enforcement Officer issues a written order of its decision. An appeal from a final decision of the Code Enforcement Officer shall be limited to administrative decisions and shall not include any enforcement order or action.

L Effective Date: The effective date of this Ordinance shall be the date of adoption by the voters of the Town of Troy on ***March 24, 2001***. The Minimum Lot Size Article adopted on March 18, 1989 shall be repealed upon the adoption of this Ordinance.

M Non-Conforming Lots of Record: A single lot of record which existed on March 18, 1989, the effective date of the Town of Troy's original Minimum Lot Size Article, that does not meet the area or frontage requirements, may be used for a residential dwelling provided that such lot is in separate ownership, is not contiguous with any other lot of the same ownership, and that such lot meets all other requirements of this Ordinance. A residential dwelling that existed on March 18, 1989 is exempted from the applicable setback requirements of this Ordinance.

NEW 9/26/2007:

N. When it is determined by the CEO or the Planning Board that construction on a residential dwelling has begun and before a Residential Dwelling Permit has been approved, the Planning Board may assess a late fee. The amount of the fee shall be determined annually by the Board of Selectmen.

Section 2 Definitions

Accessory Structures: A structure which is both incidental and subordinate to the principal residential dwelling and shall include by way of example: barns, garages, and storage sheds.

Applicant: The person applying for the permit under this Ordinance.

Constructed: Built, erected, altered, reconstructed, moved upon, placed, or any physical operations on the premises which are required for construction.

Complete Application: An application shall be considered complete upon submission of the application fee and all of the information required in this Ordinance.

Dwelling Unit: A room or group of rooms designed for permanent, seasonal or temporary living quarters for only one family, including provisions for eating, sleeping, cooking, and sanitary waste disposal.

Mobile Home: A structure transportable in one or more sections, which is built on a permanent chassis and designed for use as a dwelling unit, with or without a permanent foundation.

Non-conforming Residential Lot: a single lot of record described in a deed which has been recorded in the Registry of Deeds as of the effective date of this Ordinance and which conformed to the legal requirements for residential lots in effect at that time.

Non-conforming residential dwelling: a structure which does not meet any one or more of the following dimensional requirements, setback or lot coverage, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Nuisance condition: Any building, structure, mobile home, or travel trailer intended to be used for human habitation but existing in violation of an applicable ordinance concerning any of them is expressly declared to be a nuisance.

NEW 9/26/2007:
Occupancy - residing of an individual or individuals overnight in a dwelling unit.

Person: Person includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual.

Residential Dwelling: Any building or structure or portion thereof designed or used for residential purposes and consisting of one or more dwelling units.

Rear Lot: A lot that has no frontage or insufficient frontage on a public or privately owned road.

Substantial start: completion of 30% of a permitted residential structure.

Section 3 Administration and Enforcement

A Administration:
The Planning Board shall review and approve permit applications and the Code Enforcement Officer shall undertake all applicable inspections, issue a certificate of occupancy upon completion of the work, and is responsible for enforcement of this Ordinance.

B Enforcement:
It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer finds that any provision is being violated he/she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary and a reasonable time to correct it. These orders may include discontinuance of illegal use of land, buildings, or structures, or work being done, removal of illegal buildings or structures and abatement of nuisance conditions. A copy of such notice shall be submitted to the Selectmen and be maintained as a permanent copy. The Code Enforcement Officer shall conduct on-site inspections to ensure compliance with all applicable laws and any conditions attached to permit approvals.

C Legal Actions:
When the above enforcement action does not result in the correction or abatement of the violation or nuisance condition, the Selectmen, upon notice from the Code Enforcement Officer, are directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions; imposition of fines and consent agreements as may be appropriate or necessary to enforce the provisions of this Ordinance.

Any person including, but not limited to, a landowner, a landowner's agent or a contractor, who is responsible for a violation of this Ordinance is liable for the penalties in Title 30-A, MRSA, Section 4452. The minimum penalty for a specific violation is $100, and the maximum penalty is $2,500, which may be assessed on a per-day basis.

Section 4 Application Procedure

A Application:

An applicant shall present to the Planning Board at a regular scheduled meeting a complete permit application for consideration including a site inspection report by the Code Enforcement Officer. The Planning Board shall review the application and shall vote to approve the permit, approve the permit with conditions or deny the permit according to the application review criteria.

B Review Criteria:

The Planning Board shall make its decision based upon the following criteria:

1 The application is complete.
2 The appropriate application fee has been paid.
3 The application meets all of the standards and requirements of this Ordinance and other applicable Town Ordinances. ***Evidence is given that the dwelling Standards of the Ordinance (See section 6) will be met.*** *(NEW 9/26/2007)*
4 The application complies with the applicable State Laws and regulations regarding Internal Plumbing and Subsurface Wastewater Disposal.

C Conditions:

The Planning Board may approve an application with conditions when it finds that conditions are necessary to ensure that the project will be completed in compliance with the purposes of this Ordinance. Conditions imposed by the Planning Board shall be in writing and included with the permit granted to the applicant.

D Permit Application Requirements:

Each application shall be submitted on the forms provided and contain all of the following applicable items:

1 Application fee.
2 Proof of right, title or interest in the property.
3 Site plan of the parcel showing the location and dimensions of all structures; setbacks; road frontage; lot size; and any right-of-ways.
4 Code Enforcement Officer site inspection report.
5 Copy of the Subsurface Wastewater Disposal Permit issued by the local plumbing inspector (LPI).
6 Copy of the Internal Plumbing Permit issued by the local plumbing inspector (LPI).
7 A complete Shoreland Zoning Permit application if applicable.
8 A complete Floodplain Application if applicable.
9 An approved Road Entrance permit application.
10 Certificate of Compliance with Subdivision and Shoreland Zoning Requirements (CMP Pole Permit Application Form), if applicable.
11 If any portion of the lot was listed under tree growth, open space or the farmland tax programs, provide appropriate documents showing that any penalty required by law has been paid.
12 Anticipated construction schedule.

E Permit Validity:

Following the issuance of a permit, if no substantial start is made in construction or in the use of the property within one year of the date of that permit, the permit shall lapse and become void.

F Certificate of Occupancy:

A certificate of occupancy shall be required prior to the occupancy or habitation of any residential dwelling or dwelling unit. The applicant shall be responsible for contacting the Code Enforcement Officer and scheduling the occupancy inspection. The Code Enforcement Officer shall inspect the project and issue a certificate of occupancy if he/she finds that ***1)all the terms of the permit and 2) all applicable standards of Section 6, Residential Dwelling Standards, of this Ordinance have been met.*** ~~all the terms of the permit have been met.~~ ***NEW 9/26/2007***:

The Code Enforcement Officer is authorized to issue a certificate of occupancy for a portion of a structure if he/she determines that the area to be used for habitation is completed as per the requirements of this Ordinance.

Section 5 Dimensional Standards

A Minimum Dimensional Requirements:
The following minimum dimensional requirements apply to all new residential dwellings and to each and every dwelling unit created by expansion, conversion or placement after the enactment of this Ordinance:

1 The minimum lot size is 2 acres.
2 Minimum road frontage is 200 feet.
3 Minimum setback from road as measured from the center-line is 80 feet.
4 Minimum side and rear setbacks are 25 feet, as measured from the property line.

B More Than One Residential Dwelling:
The dimensional requirements listed above shall be met for each dwelling unit placed or constructed on a lot. The dimensional requirements shall be met for each dwelling unit in a multi-family structure.

A one-time exception is permitted to the two-acre minimum lot size and 200-foot frontage for the addition of one (1) directly-attached dwelling unit, not to exceed 450 square feet of floor area, to an existing residential dwelling that is located on a lot of less than 4 acres.

C Non-conforming Residential Lots and Dwellings:

1 Non-Conforming Residential Lots:
A legal lot of record existing prior to the enactment of this Ordinance that does not meet the minimum lot size or road frontage may be built upon subject to the following:
a. The State Subsurface Wastewater Disposal Rules.
b. The lot has at least 100 feet of road frontage or can meet the rear lot requirements in Section 5, E.
c. Minimum setback from road as measured from the center-line is 80 feet.
d. The minimum side and rear setbacks shall be no less than 25 feet.
e. The lot shall contain no more than one residential dwelling.

2 Non-Conforming Residential Dwellings:
A non-conforming residential dwelling that does not meet the dimensional requirements of this section may be enlarged, expanded or replaced subject to the following:

a. The enlargement or expansion or replacement conforms to the dimensional requirements of this section, or at a minimum, it does not extend further into the road, side or rear setbacks than the existing structure.

b. The addition of another dwelling unit shall meet the requirements of Section 5, B.

D Parking: Adequate off-road parking shall be provided at the rate of two vehicle spaces per dwelling unit.

E Rear Lots: A rear lot that meets all of the dimensional requirements except for the minimum road frontage may be built upon if access to the lot consists of a permanent easement for a right-of-way or the fee simple ownership of a right-of-way, described by metes and bounds or by a plan recorded in the Registry of Deeds and held by deed or other legal instrument by the owner of the rear lot. The right-of-way shall be at least 25 feet wide to serve one residential dwelling and, as required by the Troy Subdivision Ordinance, 66 feet wide to serve two or more residential dwellings.

Section 6 Residential Dwelling Standards

A All newly constructed dwelling units and residential dwellings shall meet the standards listed in the currently adopted edition of the State of Maine Oil and Solid Fuel Board Laws and Rules (Title 32, MRSA, Chapter 33), the currently adopted edition of the National Fire Protection Association - National Electrical Code (NFPA 70), and the State of Maine Propane and Natural Gas Board Rules and Regulations.

B All mobile homes shall be installed in accordance with the "Manufactured Home Installation Standards" as adopted by the State of Maine Department of Professional Regulation, Manufactured Housing Board.

C The following standards shall apply to all mobile homes built before June 15, 1976, or not built according to the National Manufacturing Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Chapter 70, to be located on an individual lot or in a mobile home park within the Town of Troy.

1 Electrical System:
A master electrician licensed in the State of Maine shall inspect and certify that the electrical system is safe.

2 Heating and Fuel Burning System:
A person holding a master license issued by the State of Maine Oil and Solid Fuel Examining Board shall certify that the heating system and fuel system meets the standards listed in the currently adopted edition of the Oil and Solid Fuel Board Laws and Rules (Title 32, MRSA, Chapter 33).

Cost of permit: $15.00 fee set by Troy Selectmen at regularly scheduled selectmen's meeting on March 20, 2001 pending the Ordinance approval at the March 24, 2001 town meeting. (Selectmen at that time were Erwin Piper, David Leavitt and Frank Keithan.)
Cost of permit change: Revisited and changed to $50.00 on October 2, 2007 by Selectmen Brian Piper, Frederica Fuller and Kathy Mattingly – ~~(See attached copy of policy)~~

Late Application Fee:
$250.00 fee set by Troy Selectmen at regularly scheduled selectmen's meeting on October 2, 2007 after the ordinance amendment approval. Selectmen at time were: Brian Piper, Frederica Fuller and Kathleen Mattingly. ~~(See attached copy of policy)~~

Late Fee Policy for Amended Troy Residential Dwelling Ordinance: Oct. 2, 2007

Section 1 of Ordinance ~ General Information...

#N. When it is determined by the CEO or the Planning Board that construction on a residential dwelling has begun and before a Residential Dwelling Permit has been approved, the Planning Board may assess a late fee. The amount of the fee shall be determined annually by the Board of Selectmen.

10/02/07 New policy following approval of Amended Ordinance:

The late fee for filing a Residential Dwelling Permit AFTER the dwelling construction has already begun is set this date by Troy Board of Selectmen at $ 250.00

Troy Board of Selectmen
Brian Piper, Chairman
Frederica Fuller
Kathleen Mattingly

This language will be added to the instructions on the Residential Permit Application, and to the "Items missing" list. (A document sent to applicants when part of their permit application is missing.)

Permit Application Fee Re-visited: 10/02/07

Section 1 of Ordinance ~ General Information…

#I. "Application Fee: A non-refundable application fee made payable to the Town of Troy shall accompany all permit applications; the Board of Selectmen shall determine the application fee."

Fee Originally set at $15.00 in March 2001

A non-refundable application fee made payable to the Town of Troy shall accompany all permit applications; the Board of Selectmen on this date have re-visited this fee and amend the amount to be: $50.00, beginning with any applications approved after October 2, 2007.

Troy Board of Selectmen
Brian Piper, Chairman
Frederica Fuller
Kathleen Mattingly

This language will be added to the instructions on the Residential Permit Application, and to the "Items missing" list. (A document sent to applicants when part of their permit application is missing.)

enacted 10/15/05
Special Town Meeting

Property Maintenance Ordinance
Town of Troy, Maine

Section 1. Authority

This ordinance is enacted pursuant to State law, Title 30-A Section 3001.

Section 2. Short Title

This ordinance shall be known and cited as the "Property Maintenance Ordinance of the Town of Troy.

Section 3. Purpose

The purpose of this ordinance is to set a minimum standard for the maintenance of the grounds of property in order to protect public health, public safety, property values, and to prevent nuisance conditions.

Section 4. Required Maintenance

All grounds or parts thereof shall be maintained to prevent unsafe, unsanitary and/or nuisance conditions (according to the nuisance definition found in State law Title 17, Section 2802 and as shown in the Appendix) and to avoid any adverse effect on the value of adjoining properties.

Section 5. Grounds Maintenance Standards

The grounds of any property shall be kept in good repair and free of unsafe or unsanitary conditions. Such conditions may include containing: refuse, household trash, junk, discarded plumbing, heating supplies, old or scrap copper, brass, rope, rags, batteries, paper trash, rubber, waste and all scrap iron, steel, other scrap ferrous or nonferrous material, debris, scrap lumber, inoperable machinery or parts thereof, glass, unused and inoperable appliances, worn and unused furniture, and three or more junked and/or unserviceable vehicle (s), other than those licensed for storage according to the Town of Troy Automobile Graveyard & Junkyard Ordinance. Materials intended for the private use of the property owner may be stored on the property as long as such material is screened from the public way and from abutting properties (see Appendix B) and is not in violation with State Laws. Private use does not include resale.

This section shall not be construed to prevent conforming uses allowed by the "Land Use Ordinance of the Town of Troy".

Section 6. Maintenance After Casualty Damage

Within a period of 90 days after casualty (see Appendix) damage to property grounds or structures, the owner shall cause or contract (see Appendix) for the repair or restoration of damaged areas and the demolition of any areas not to be repaired and the removal of all debris connected therewith. The CEO may grant an extension under certain hardship conditions (see Section 9).

Section 7. Responsibilities

Owners, operators, and occupants of properties in violation of this ordinance shall be jointly and severally liable for violations and for corrective actions required.

Section 8. Enforcement & Penalties

The CEO shall notify the violator, serving a written notice by certified mail or by hand delivery. Said notice shall explain the nature of the violation and require corrective action within 30 calendar days from the date of the receipt of the notice to correct the violation; 7 days for a health and/or safety violation.

The violator may appeal the CEO's decision to the Board of Selectmen. Appeals must be made within 3 working days of notification by the CEO of a violation. The number of days given for compliance shall start after the Selectmen has heard the appeal.

If a violation is not corrected within the time allowed the Town shall pursue all remedies and relief available by law and/or in equity for land use ordinances, including without limitation the remedies and relief provided in 30A MRSA Section 4452 currently including, without limitation, a penalty of $100 to $2,500 per day for a specific violation, injunctive relief and reasonable attorney fees, expert witness fees and costs. The Town shall retain all penalties set forth in this ordinance. The CEO may represent the Town in District Court, pursuant to Rule 80-K. However, should the services of the Town Attorney be required, in litigation in a higher court of law for example, the CEO shall first review the case with the Board of Selectmen.

The CEO may offer one (1) special extension per person/per incident of up to 180 days to violators of this ordinance under certain hardship or extenuating circumstances. If a violation is discovered during winter months (November 1 - April 1) and if winter weather prevents the correction of a violation an extension may be given. Cases of disability or financial hardship shall also be grounds for the consideration of an extension. Violators requesting an extension for financial hardship shall be required to prove hardship through financial documentation. These extensions for seasonal, disability, or financial hardship shall be at the discretion of the CEO.

Section 9. Sever ability

If any section, subsection, clause, paragraph, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed to be a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 10. Conflict with Other Laws

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or any other ordinance, regulation or statute, the provision imposing the greater restriction shall control. The newest version of this Ordinance shall be the one that is enforced.

Section 11. Effective Date

This ordinance shall be effective upon adoption by the Troy Board of Selectmen and may be amended in accordance with Town requirements for amending ordinances.

Certification of Ordinance by Municipal Officers:

We, the following Troy Board of Selectmen certify this ordinance entitled:

"TROY RESIDENTIAL DWELLING PERMIT ORDINANCE"
....AS AMENDED SEPTEMBER 26, 2007

To Troy Town Clerk, Janet C. Cropley

Date: October 2, 2007

Signed by the Selectmen of Troy:

Brian W. Piper, Chairman

Frederica E. Fuller

Kathleen A. Mattingly

Original Ordinance enacted March 24, 2001 at Annual Town Meeting.
This Amended Ordinance enacted September 26, 2007 at a Special Town Meeting.

CERTIFIED BY: Janet C. Cropley
Troy Town Clerk

Clerk's seal