

Town Of Newry
Land Use and Building Code
Ordinance

Amended December 7, 2009
Amended June 14, 2022
Amended _____, 2025

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Section 1: Scope

The provisions of this Land Use and Building Code Ordinance (the "Ordinance") shall apply to the following.

- A. The construction or placement of a new structure (this shall include the replacement of an existing structure)
- B. Relocation of an existing structure.
- C. The placement of a permanent foundation beneath an existing structure
- D. The remodeling/alteration of a structure involving one or more of the following.
 - 1. The increase in the size of the structure (horizontally or vertically).
 - 2. Alteration of structural "load bearing" components, with approved drawings.
 - 3. Any improvements, maintenance or repair to existing structures, that exceeds 100 sq ft., collectively, exceeds a value of \$25,000.00 in any 12-month period.

Section 2: Building Inspector

- A. This ~~ordinance~~ Ordinance shall be administered by the ~~Code enforcement Enforcement officer~~ Officer ("CEO") or ~~designated designee~~, whom shall be appointed by the Select Boardmen.
- B. Inspection
The ~~Code enforcement officer~~ CEO shall review all plans and specifications for alterations, renovations and new structures proposed to be inspect all structures being constructed, placed, altered, repaired, replaced or relocated for the purpose of enforcing the provisions of the ordinance for setbacks and lot coverage, and all other local and State Laws governing the construction, alteration, replacement or repair of structures to meet State of Maine ICC-codes and for life safety standards.
- C. Right of Entry
The ~~Code enforcement officer~~ CEO, in performance of his or her duties, may enter any structure for the purpose of making the inspection required by this ordinance. If the owner refuses permission for entry by the inspector, the CEO must secure an administrative warrant at the District Court pursuant to Rule 80E of the Maine Rules of Civil Procedure.

Section 3: Land Use Building Permit

The purpose of a ~~land-Land use-Use building-Building permit-Permit~~ is to provide the Town of Newry notice of construction or alteration of a structure in order to ensure compliance with Town ordinances and State laws, regulations, standards and codes, and equitable [property tax](#) assessment.

- A. Before beginning any activity under the scope of this Ordinance, including land clearing for the purpose of construction, the owner, the owner's agent or lessee shall obtain from the CEO a Land Use Building permit-Permit covering such purposed work.
- B. Application
1. The application for Land Use Building Permit shall be submitted in writing to the CEO.
 2. It shall include:
 - a. The name and address of the owner.
 - b. An address and map indicating the construction site location.
 - c. The [Uniform Development Review Ordinance](#) Growth Management or Shoreland Zoning District in which the project is located, if applicable.
 - d. A site plan showing the location of existing and proposed structure(s), subsurface wastewater disposal system, water supply, areas to be cut and filled and lot coverage and dimensions including road frontage.
 - e. A statement of the intended use of the proposed structure(s).
 - f. Floor plans and specifications including the proposed number of bedrooms and bathrooms, elevation views, footprint with dimensions and a cross section meeting the applicable State rules, regulations and State adopted building and energy codes.
 - g. Copies of approved subsurface wastewater disposal system and internal plumbing permits.
 - ~~h. — Specifications and building plans with elevation and footprint including dimensions of the proposed construction. (redundant with f.)~~
 - h. + Estimated cost, to include materials and labor, of the entire project.

~~i. j.~~ A disposal plan, including a contract for a roll-off container for construction debris from a private waste disposal company for projects exceeding \$25,000 in value. (~~Per See UDRO-Uniform Development Review Ordinance (“UDRO”), Section 13.R, Refuse Disposal)~~)

~~i. k.~~ For residential dwellings in subdivisions approved on or after December 7, 2009, a copy of the State Sprinkler Permit application or ~~compliance with subsections b. or c. as described contained in Section XIII.13.A.C. of the Unified Development Review Ordinance~~UDRO showing that such applicable system is in place and operational serving the dwelling unit applying for a building permit.

C. Permit Approval

The CEO, after determining whether the application is complete and after proper examination of the application for conformance with the ~~ordinance~~Ordinance, shall either issue the requested permit or transmit notice of refusal within ~~a two week period~~two weeks after acceptance of a complete application. Notice of refusal shall be in writing and shall state the reason thereof.

D. Life of Permit

All Land Use Building ~~permits~~Permits shall be void unless work thereunder is commenced within twelve (12) months of ~~the date of issuance or completed within 24 months of issuance, provided that the CEO may extend the Land Use Building Permit for up to an additional 12 months upon a showing by the applicant that additional time is needed due to required local, state, or federal permits or approvals.~~

E. Display of Permit

Prior to the beginning of construction every Land Use ~~Building~~ permit shall be displayed in a conspicuous place on the premises, clearly visible from the principal traveled road, and shall not be removed until work covered by the permit has been completed.

Section 4: Fees

A fee shall accompany the application for a Land Use permit at rates established by the ~~Selectmen~~Selectboard. ~~Such fees shall be reviewed and approved annually as part of a Master Fee Schedule to be established and maintained by the Select Board.~~ (Jim/Brandon, How does the Town word this so the Selectboard can set the fees without amending the ordinance at Town Meeting? The edits below were voted on by the Selectboard in 2022 but never edited here for the renovation and alteration fees)

- ~~Fees: \$.25/sq ft for the main floor of living space and \$.10/sq ft of other floor space, decks, garages, basements, sheds, patios, or sunrooms, etc...~~
- ~~Renovations and alterations based on a over \$25,000 in value for a flat fee of 0 - 100 sq ft at \$25; up to 500 sq ft at \$75 and over 500 sq ft at \$150.~~

Commented [BM1]: Our suggestion would be to create a master fee schedule that can be reviewed and amended yearly by the Selectboard.

~~Commercial; includes commercial, mercantile, industrial, assembly and educational or hazardous uses for a fee of \$.50/sq-ft with a \$100 minimum~~

Section 5: Letter of Compliance

A letter of compliance ~~drafted and submitted by the property owner or~~ designated authorized agent when the project is complete stating setbacks, lot coverage and life safety standards are met.

Section 6: Minimum Dimensional Requirements

- A. Dimensional Requirements
All lot dimensional requirements shall comply with Section XXIII of the ~~Unified Development Review Ordinance~~ UDRO. [See appendix A] and the covenants of the subdivision plan or Deed, if applicable.
- B. Driveways
Each lot accessed by a public or private road shall be provided with a driveway of at least 15 feet ~~eight (8)~~ feet in width and meet the sight line distance requirements for the posted speed limit for the road. Driveway culverts shall be installed by the lot owner, subject to approval by the Road Commissioner, ~~or~~ Maine Department of Transportation approval or HQA-homeowner's association if one exists for a private road.

Commented [JK2]: Would it be better to just rely on the UDRO District lot dimension table in UDRO Chapter 23 instead of repeating it and including it as Appendix A? Someone might forget to make changes in both ordinances and might just change lot dimensions in the UDRO.

Commented [NC3R2]: Yes!

Section 7: Chimneys, Fireplaces, Vents, and Solid Fuel Burning Appliances

The construction and installation of chimneys, fireplaces, vents and solid fuel burning appliances shall be in compliance with NFPA 211 Standard for Chimneys, Fireplaces, Vents, and Solid Fuel Burning Appliances as adopted by the State or as amended.

Section 8: Reserved

Section 9: Electrical Wiring

- A. Standards
 - 1. All wiring installation in any structure ~~regulation-by-the Ordinance~~ regulated under this ~~ordinance~~ Ordinance must conform to the provisions of the latest edition, as adopted by the State, of the National Electrical Code.
 - 2. All newly constructed and/or newly created dwelling unit(s) must have an exterior main electrical disconnect switch located on the exterior of the

structure in which the dwelling unit is located in a convenient location with markings approved by the CEO.

Section 10: Plumbing

All plumbing and subsurface wastewater disposal shall be in conformance with the State of Maine Law and the State Plumbing Code as adopted ~~and amended~~.

Section 11: Means of Egress

Each structure or dwelling unit shall have means of egress that comply with the ~~most~~ ~~recently adopted by the State~~ edition of NFPA 101 Life Safety standards ~~most~~ ~~recently adopted by the State~~.

Section 12: Sprinkler Systems [When Utilized]

- A. Test documentation from the installer shall be forwarded to the ~~CEO~~ within 10 days of the completion of the installation.
- B. No owner or occupant shall modify an approved, installed, and tested sprinkler system without prior approval from the State Fire Marshall's Office and written notification ~~of to~~ the CEO.
- C. The installation, modification or alteration of a sprinkler system shall be completed by a State of Maine Licensed Fire Sprinkler Contractor, after obtaining all necessary permits.
- D. Owners of occupied and unoccupied dwelling units or portions thereof having a sprinkler system in place shall maintain all sprinklers systems as required by the most currently adopted State, NFPA 13D. Commercial, industrial, mercantile, assembly uses or hazardous rated uses will use the current State adopted version of NFPA 13.
- E. The forgoing requirements shall not prohibit conducting tests or repairs. Such tests or repairs must be carried out in such a way as to avoid the creation of a safety hazard. The State Fire Marshals Office ~~and Newry Fire Department~~ shall be notified before such test, or repairs are ~~begun~~ ~~commenced~~.

Section 13: Smoke Detectors and Carbon Monoxide Detectors

All residential dwelling units shall have a smoke detector system installed conforming to the requirements of Title 25 MRSA § 2464 and carbon monoxide detectors where required ~~per pursuant to Title 25 MRSA § 2468, as may be amended~~.

Section 14: Amendments to Ordinance

— This Ordinance may be amended by a majority vote of a regular or special town meeting. Amendments may be initiated by a majority vote of the Select Board of Selectmen, by — request of the Planning Board, or by a petition signed by a number of registered voters — greater than 10% of the votes cast in the last gubernatorial election in the Town. The — Select Board of Selectmen shall conduct a public hearing on ~~the any proposed~~ amendments.

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Section 15: Violations

- A. Any structure constructed or work performed in violation of the provisions of this ~~ordinance~~ Ordinance, or in violation of any Land Use Building Permit permit issued hereunder by the CEO shall be considered a nuisance, and the CEO shall notify in writing the person responsible for the violation.
- B. Any person found liable of violating any provisions of this ~~ordinance~~ Ordinance shall be subject to a penalty of a minimum of one hundred dollars (\$100.00) up to a maximum of two thousand five hundred dollars (\$2,500.00) for each offense, to be recovered on complaint for use of the Town per Title 30-A MRSA §4452. Each day after which a violation is found to exist shall constitute a separate offense.

Section 16: Appeals

An administrative appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the CEO except for enforcement or nonenforcement related matters. Such appeal shall — be taken within thirty (30) days of the date of the official, written decision appealed from. — The Board of Appeals shall hear and decide appeals where it is alleged that there is an — error in any order, requirement, decision or determination made by, or failure to act by — the CEO. The Board of Appeals shall hear and decide the appeal on a *de novo* basis.

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Section 17: Other Ordinances

- A. Any applicant must comply with other Town of Newry ordinances and regulations including but not limited to:
 - 1. Unified Development Review Ordinance
 - 2. Shoreland Zoning Ordinance
 - 3. Floodplain Ordinance
 - 4. Town Road Entrance Ordinance

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Section 18: 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.

Section 19: Definitions

Unless otherwise specified in this eOrdinance, all terms used in this Ordinance shall be as defined within the e"Definitions" section of the UDRO (Section 24 B). For example, the definition of "Dwelling Unit" shall be the same as the same as the definition contained in the UDRO. In addition, the following terms which are not defined in the UDRO are defined as follows for the purposes of this eOrdinance:

~~**Accessory Use or Structure:** A subordinate use of a building, other structure or land, or a subordinate building or other structure: 1. Whose use is customary in connection with the principal building, other structure or use of land; and 2. Whose use is clearly incidental to the use of the principal building, other structure or use of land; and Unified Development Review Ordinance Amended June 14, 2022. Which is located on the same lot with the principal building, other structure or use of land, or on a lot adjacent to such lot if in the same ownership or part of the same establishment.~~

Bunkroom: A room providing temporary sleeping quarters, as for quests or travelers, typically with stacked beds, usually found in vacation rental homes or non-primary residences.

Beginning of Construction: The point in time when actual work covered by the Land Use permit commences including land clearing, footers, foundations or other structural supports.

~~**Dwelling:** A room or group of rooms designated and equipped exclusively for use as living quarters for one family including provisions for living, cooking and eating; includes single family houses and the units in a duplex, apartment houses, multi-family dwelling and residential condominiums.~~

Permanent Foundation: The supporting substructure of a structure including but not limited to basements, slabs, frost walls, sono_tubes and technical posts.

Relocation: The moving of a structure from one location or position to another.

Repair: To take necessary action to fix normal wear, damage or storm damage.

Commented [BM4]: We would recommend consolidating definitions and reference the UDRO for any overlapping definitions rather than possible competing definitions. Further, if UDRO definition is updated any overlapping definition would also need to be updated

Commented [NC5R4]: Agreed!

Substantially Commenced: Completing of least 30% of the activity covered by the Land Use Permit measured as a percentage of total building plans square footage.

~~**Structure**—anything temporarily or permanently located, placed, built, constructed or erected for the support, shelter or enclosure of persons, animals, goods or property of any kind or anything constructed or erected on or in the ground. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes. Structure does not include fences; poles and wiring and other aerial equipment normally associated with service drops, including guy wires and guy anchors; lift towers for skier transport; subsurface waste water disposal systems as defined in Title 30 A, section 4201, subsection 5; geothermal heat exchange wells as defined in Title 32, section 4700-E, subsection 3-C; or wells or water wells as defined in Title 32, section 4700-E, subsection 8.~~

~~**Tiny Homes:** Tiny home means a living space permanently constructed on a frame or chassis, footing or foundation and designed for use as permanent living quarters that:
Complies with American National Standards Institute standard A 119.5 on plumbing, propane, fire and life safety and construction or National Fire Protection Association standard 1192 on plumbing, propane and fire and life safety for recreational vehicles;
does not exceed 400 square feet in size; does not exceed any dimension allowed for operation on a public way under this Title; and is a vehicle without motive power.~~

Appendix A

Commented [BM6]: Potentially delete based on above comment

Table of Dimensional Requirements

All lots, structures and uses shall meet or exceed the following dimensional requirements:

District	Minimum Lot Size/ Density	Minimum Road Frontage	Minimum Building Front Setback ¹	Minimum Building Side Setback	Minimum Building Rear Setback	Maximum Impervious Surface Ratio ² (percent)	Maximum Structure Height ³
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Resort Development District	20,000 sq. ft. sewered 43,560 sq. ft. nonsewered Multiunit housing per unit 10,000 sq. ft. sewered 20,000 nonsewered	75 ft. sewered 100 ft. nonsewered	10 ft.	10 ft.	10 ft.	70	<u>40 feet³</u>
General Development District	20,000 sq. ft. sewered 43,560 sq. ft. nonsewered Multifunit housing per unit 20,000 sq. ft. sewered 43,560 nonsewered	100 ft.	25ft.	10 ft.	10 ft.	50%	<u>40 feet³</u>
Rural District	43,560 sq. ft. per lot or unit	150 ft.	50 ft.	25 ft.	25 ft.	25	40 ft. ³
Protection District	43,560 sq. ft.	150 ft.	50 ft.	25 ft.	25 ft.	25	40 ft. ³

NOTES:

- 1 Measured from the edge of the road right-of-way.
- 2 The total area of all structures, parking lots and other non-vegetated surfaces.
- 3 The vertical distance between the finish grade at the downhill side of the structure measured from the finished top floor level intended for human habitation.
- 4 Each lot must be able to completely contain within its boundaries an area as would be defined by a circle with a minimum diameter equal to the required minimum road frontage as required in the district.
- 5 Notwithstanding the space and bulk standards contained above, any allowable use located in and approved as a planned unit development in the Resort Development District shall instead comply with the terms of that approval.