

**Town of Shirley
Land Use Ordinance
June 2011**

An ordinance to provide for safety, health and public welfare through the regulation of construction, alteration, relocation and replacements of dwelling: providing for permits and prescribing penalties for violations.

Section 1: Scope: The provisions of this code shall apply to new construction, mobile homes, alterations, and additions, relocation and replacement of any dwelling or mobile home or part thereof.

Section 2: Code Enforcement Officer (CEO): This code shall be administered by the CEO who shall be appointed by the selectmen.

A. Right of Entry: The CEO or his assistant, in the performance of his duties, with the permission of the owner may enter any building(s) for the purpose of making inspections pursuant to this code in accordance with the Maine State Statutes.

Section 3: Permit: Before the construction, addition, relocation or replacement of any building or part thereof shall be commenced, the owner or lessee, or the architect, contractor or builder employed by such owner or lessee shall obtain from the CEO a permit covering such proposed work.

A. Application: The application for the permit shall be in writing and shall be made in such form as the building shall prescribe, and shall contain a description of the proposed new, altered or relocated building, or the replacement contemplated. The application shall be filed with the board of selectmen.

B. Permit Approval: The CEO after the proper examination of the application shall either issue the requested permit or transmit notice of refusal within thirty (30) days. Notice of refusal shall be in writing and shall state the reasons thereof.

C. Life of Permit: All building permits shall be void unless work there under is commenced within one year from the date of issuance. Extensions upon approval may be granted.

D. Display of permit: Every building permit shall be displayed in a conspicuous place on the premises, clearly visible from the principal traveled street or road, shall not be removed until all work covered by that permit has been approved.

Section 4: Approved Building Permit Fees.



Town of Shirley

Office of Code Enforcement

Brian L. Turner
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Monson, ME 04464
207-997-3287

Building Permit Fees

Effective as of _____, 2011

Non-Habitable Unfinished Structures under 48 sq. ft.

Any building uninhabited under 48 square feet will have no charge for a building permit. A building permit must be filed for.

Habitable Finished Structures

Fee \$.20 per square foot

This includes houses, camps and miscellaneous livable structures.

Non-Habitable Unfinished Structures

Fee \$.15 per square foot

Includes accessory structures, stairwells, woodsheds, decks, garages, foundations and miscellaneous non-livable structures

Other Fees

| | |
|----------------------------|---|
| Appeals | \$100 |
| After the Fact permit | 4x Original Fee |
| Shoreland Zoning Expenses | 100% cost to the town for all State fees and inspection costs |
| Subdivision Application | \$250 plus \$100 per lot |
| Subdivision Final Approval | \$ 100.00 per lot |

Approved March 4, 2010

Approved at Town Meeting 6/13/2011

Section 5: Size of Lot: No building shall be constructed upon or moved to a lot with an area less than eighty, thousand (80,000) sq. ft with a frontage width facing any street, not less than one hundred (100 feet). Only 1 residential dwelling is allowed per lot.

Set Back: (Enacted 10-25-1999) No building, addition, alteration, replacement or relocation shall be erected or placed on a lot unless it shall be set back fifty (50) feet from center of the road for town roads and seventy-five (75) feet from the center of the road for state roads.

- A. Side Yard Widths:** No dwelling shall be less than twenty (20) feet from any adjoining lot line.
- B. Driveways:** Each lot shall be provided with a driveway of not less than ten (10) feet in width. A road access permit must be obtained from the Shirley Road Commissioner. Driveways must have a 20-foot length culvert with a minimum of a 15inch diameter.
- C. Off Street Parking.** Off street parking shall be provided in the amount of not less than three hundred (300) sq. Ft. per dwelling unit. This may be accomplished by driveway space, garage space, parking space or parking lot space, or any combination thereof.

Section 6: Minimum Floor Area: No dwelling shall be constructed that will have an enclosed area of less than four hundred (400) sq. ft. of living space on the ground floor. "Living space" shall mean actual enclosed space suitable for year round occupancy and shall not include porches, patios, and similar areas weather or not enclosed. A smaller size will be permitted for seasonal dwellings: it will require a building plan and special approval of the planning board. A seasonal dwelling becoming year round residences must meet all requirements of this code

Section 7: Electrical Installation: The building shall have safe and adequate electrical service of at least one hundred (100) amperes. All electrical work shall be in strict conformance to the National Electric Code, and no electric wiring shall be covered or concealed until it has been inspected and permission to conceal it has been given by the Licensed Electrician.

Section 8: Plumbing: All the plumbing and sewage disposal shall be in strict conformance with the State of Maine law and the State of Maine Plumbing Code.

- A. Sanitary Fixtures:** The building shall be provided with not less that one water closet, one bathtub or shower, one lavatory, and one kitchen sink, all of approved type with piped cold water to all fixtures and piped hot water to all fixtures but the water closet.
- B. Privies:** Permission for construction of privies for seasonal dwellings must be obtained from the CEO or the Plumbing Inspector.

Section 9: Light and Ventilation: Every bedroom in a dwelling shall have one or more windows. The room for the furnace, hot water heater, water pump or like equipment accepted. Bathrooms and water closet compartments not vented by a window shall have a skylight or a connection to a vent shaft extending to the roof, or e provided with mechanical ventilation.

Section 10: Means of Egress: Each dwelling shall have a least two suitable means of egress.

Section 11: Disposal of Waste during Construction: Waste material and rubbish shall be stored in an orderly manner or be removed from the premises as rapidly as practicable.

Approved at Town Meeting 6/13/2011

Section 12: Design Criteria for Manufactured Houses. Manufactured housing, regardless of its date of manufactured, shall have a pitched roof, a foundation or a minimum of 6 inches reinforced slab, and exterior residential siding same as all regular houses under this ordinance and state building codes.

Section 13: Amendments to Ordinance: All amendments to this ordinance shall apply to outstanding permits issued before the effective date of this amendment unless that particular work governed by the amendment has been completed. Any person found guilty of violating any provisions of this code, which have not been corrected within thirty (30) days of notice shall be subject to a fine of not more than one hundred (\$100) dollars per day as long as the violation is proved to exist.

Section 14: Appeal: An appeal may be taken from any order issued by the building inspector to the municipal officers or to a board of appeals established in accordance with M.R.S.A. Title 30 Section 2411.

A. On appeal in writing to the Appeals Board or the Planning Board, they shall at the next meeting affirm, modify or set aside the decision of the CEO according to the terms of the pertinent ordinance. They may permit a variation from the terms of an ordinance where necessary to avoid undue hardship, provided there is not exception to an ordinance only when a written notice of their decision, directed to the appellant, within thirty (30) days from the date of filing of the appeal constitutes a denial of the appeal.

B. A further appeal may, within thirty (30) days, be taken by any party to Superior Court from any order, relief of denial in accordance with Rule 80B. The hearing before the Superior Court shall be trial de novo-without a jury.

Hearing on May 25, 2011

Town Vote on June 13, 2011

Reviewed by Planning Board July 12, 2021