

“An Ordinance Relating to Minimum standards of Space and Occupancy”

Section 1: Purpose

The purpose of the ordinance is to promote the health, safety and general welfare of the residents of the Town of Randolph and to prevent overcrowding of dwelling units.

Section 2: Definitions

- (A) Town:
Town of Randolph, Maine
- (B) Dwelling:
A building containing one or more dwelling units.
- (C) Dwelling Unit:
A room or group of rooms designed and equipped for use as independent living quarters by one family and including provision for living, sleeping, cooking, eating, and sanitation.
- (D) Family:
One or more persons occupying premises and living as a single housekeeping unit as distinguished from person occupying a group home, boarding, rooming or lodging house.
- (E) Building or Structure:
Any building or structure having a roof supported by columns or walls.
- (F) New Building or Structure:
Anything constructed or erected requiring a fixed location on the lot after the effective date of this ordinance.
- (G) Nonconforming Building or Structure:
A building or portion thereof lawfully existing at the time this ordinance became effective which was designed, erected, or structurally altered for a use which does not conform to the requirements of this ordinance.
- (H) Non Conforming Use:
A building or portion thereof lawfully existing at the time this ordinance became effective which was designed, erected, or structurally altered for a use which does not conform to the requirements of this ordinance.
- (I) Habitable Space:
Space in a structure for living, sleeping, eating and cooking. Bathrooms, toilet compartments, closets, halls, storage or utility spaces and similar areas are non-habitable spaces.
- (J) Owner:
Any person having a legal or equitable interest in the property.
- (K) Rent:
Compensation made in any form by a Tenant or a Landlord or Owner.
- (L) Shall:
Is Mandatory.
- (M) May:
Is permissive.

Section 3: Specifications

- (A) Dwelling Unit Dimensions:

- (1) All dwelling units shall have a ceiling height of not less than 7 feet.
 - (2) All dwelling units shall have a height of not less than 7 feet in hallways, corridors, bathrooms and toilet rooms.
 - (3) Any portion of a room with a sloping ceiling measuring less than 4 feet from the finished floor to the finished ceiling shall not be included in computing the habitable space.
 - (4) No habitable rooms other than kitchens and dining alcoves shall have less than 70 square feet of habitable floor area.
 - (5) No habitable room other than kitchen and dining alcove shall be less than 7 feet in any horizontal dimension.
 - (6) No dwelling unit shall have less than 300 square feet of habitable space.
- (B) Space for each person:
- (1) All rented dwelling units shall contain at least 120 square feet of habitable space for each occupant over the age of one year old.

Section 4: Nonconforming Uses

- (A) Uses Permitted:
- (1) The owner occupied dwelling unit, lawful at the time of the effective date of this ordinance, may be continued although such use does not conform with the provision of this ordinance.
 - (2) Rented dwelling units lawful at the time of the effective date of this ordinance, may be continued although such use shall not be further reduced and when rented to a new family shall conform to section 3 A-6 and section 3 B-1.
- (B) Discontinuance of Nonconforming Use:
- (1) Any rented nonconforming dwelling unit which is discontinued for a period of one year or more may not be resumed as nonconforming. The use of the dwelling unit shall thereafter conform to the requirements of this ordinance, except for Section 3 A-1 and Section 3 A-2.
 - (2) Any nonconforming rented dwelling unit which is damaged or destroyed by fire or any cause, shall thereafter conform to the requirements of this ordinance.
- (C) Transfer of Ownership:
- (1) Ownership of dwelling units which remain lawful but become nonconforming by the passage of this ordinance, may be transferred and the new owner may perpetuate the nonconforming use subject to the regulation herein.

Section 5: Administration

- (A) An applicant for a building permit, or other permits involving a dwelling required by the Town of Randolph shall show in writing the room dimensions of the proposed structure on the lot before granted such permit.
- (B) The Board of Appeals shall have the power to hear and grant exemptions which shall generally be for hardship cases.
- (1) Variance
A variance may be granted by the board only where strict application of the ordinance, or a provision thereof, to the petitioner and his property would

cause undue hardship. The words “undue hardship” as used in this subsection mean:

(1a) That the building in question cannot yield a reasonable return unless a variance is granted;

(2b) That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;

(3c) That the granting of a variance will not alter the essential character of the locality; and

(4d) That the hardship is not the result of action taken by the applicant or a prior owner.

Section 6: Enforcement

- (A) The code enforcement officer shall act in all cases of violations of this ordinance by notifying, in writing, the Municipal Officers and the owner or leasor of the dwelling go the kind or nature of the violation and the correction of same if possible.
- (B) The Municipal Officers are charged with the prosecution for all violations of the provisions of this ordinance. In cases such notices referred to in Section 6 (A) above, are not promptly complied with after receipt of said notices, the Municipal Officers may institute such actions or proceedings at law or in equity as are proper to restrain, correct or remove such violations.
- (C) Any person or corporation who violate any of the provisions of this ordinance or fail to comply within 30 days with any of the requirements thereof shall, upon conviction, be punished by assessing a fine of not more than \$100.00 for each offense. Each day such violations continue shall constitute a separate offense.

Section 7: Conflicting Ordinances:

- (A) Where the provision of this ordinance conflict with te provisions of any existing ordinance, the stricter provision shall prevail.

Section 8: Validity

- (A) Should any section or part of a section or any provisions of this ordinance be declared by the court to be unconstitutional or invalid, such declaration shall not be deemed to affect the validity of any other section, subsection, or other portions of this ordinance.

Section 9: Effective Date

- (A) The effective date of this ordinance shall be the date this ordinance is enacted by the voters of the Town of Randolph.

This Ordinance became effective 5-22-84