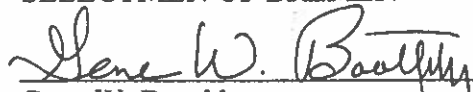



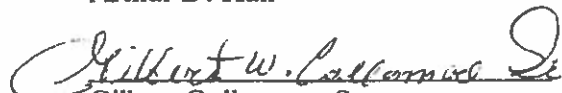
# Residential Growth Cap Ordinance of the Town of Bremen, Maine

Certified by the Selectmen of Bremen as a true copy of the  
proposed ordinance this 1<sup>st</sup> day of March in the year 2001.

SELECTMEN OF BREMEN

  
Gene W. Boothby

  
Arthur D. Hall

  
Gilbert Collamore, Sr.

Attest:

  
Karen E. Rutan

TOWN CLERK OF BREMEN

ENACTED: MARCH 31, 2001  
CERTIFIED COPY

## TOWN OF BREMEN

### RESIDENTIAL GROWTH CAP ORDINANCE

February 20, 2001

#### A. PURPOSE

1. The Town has recently experienced rapid growth and lacks local ordinances adequate to address such rapid development. It has recently enacted a moratorium because of concerns about growth and is in the process of preparing a new comprehensive plan. Continued rapid growth will place additional burdens upon municipal services such as schools, roads, public utilities and solid waste disposal. Although there is not a need for total prohibition of residential development, there does exist a need to limit residential development to a reasonable level while other issues related to residential growth are addressed, school expansion is considered, a solution to solid waste disposal is selected, the comprehensive plan is completed, and ordinances are refined.

2. The purpose of this Ordinance is to protect the health, safety and general welfare of Town residents by placing limitations on residential development and meeting the following needs.

a. To provide for the immediate housing needs of the Town by accommodating a fair share of population and housing growth.

b. To ensure fairness in the allocation of Building Permits.

c. To plan for continued residential population growth and the expansion of community services including, but not limited to, education, fire protection, road maintenance, public utilities, solid waste disposal and health services.

#### B. APPLICABILITY

This Ordinance shall apply to all new dwelling units, whether in dwellings, apartment buildings or mobile home parks, or to the conversion of seasonal dwelling units to year-round use. A new dwelling unit which fails to meet the requirements of this Ordinance shall not be constructed or placed within the Town. This ordinance does not apply to a "mother-in-law" apartment, which is a second dwelling unit on the same lot as a principle residential dwelling unit and where the "apartment" is physically dependent on or connected to the main residence, and when it is occupied by a family member who is dependent on care or services from the main residence's occupants. The "mother-in-law" apartment may not be sold, leased, rented or occupied by a non-family member or a non-dependent member.

#### C. ADMINISTRATION

1. Maximum Rate of House Building.

The Town's housing expansion shall be guided so that the actual increase in dwelling units does not exceed the average rate of expansion of the total year-round housing stock within the Town which expanded at the average rate of 6.33 dwellings per year during the 1991-1999 period. Applying this rate of growth, the maximum annual increase in dwelling units, including winterization of seasonal dwellings, is set at eight (8) for each year.

## 2. Application Procedure

- a. All Growth Permit applications shall be submitted in person to the Town Clerk during normal office hours on the form designated Growth Permit Application. A Growth Permit application may not be accepted by mail.
- b. The Town Clerk shall indicate on the application form the date and time the Growth Permit application was received and provide the applicant with a receipt.
- c. The application for a Growth Permit shall be accompanied by a <sup>subsurface</sup> Plumbing Permit application.
- d. The Code Enforcement Officer (CEO) shall ensure that the Growth Permit application forms are complete before issuing a Growth Permit. An incomplete application is not valid.
- e. The CEO shall administer the issuance procedure.
- f. A separate application shall be required for each dwelling unit.
- g. A Building Permit may be issued upon the approval of the Growth Permit provided the proposed structure conforms to all other applicable Ordinances.

## 3. Issuance Procedure

- a. Growth permit application may not be accepted by the Town Clerk until ten (10) working days after the date of adoption of this Ordinance.
- b. Growth Permits shall be available on the first-come, first-served basis.
- c. Applications for Growth Permits shall be filed with the Town Clerk. The CEO shall issue Growth Permits for all applications if they do not outnumber the supply of Growth Permits for that month based upon the following schedule.
  - (1) If applications exceed supply, permits shall be issued on the basis of the order valid applications were received by the Town Clerk. Those on the list who do not get a permit shall remain on the list. The oldest application on the list shall be granted a permit first.
  - (2) No person may be on the application list for more than one (1) permit at any one time.
- d. No more than one (1) Growth Permit may be issued during any single year to any one person.
- e. Corporations in which two (2) or more directors or shareholders of ten percent (10%) or more, who are the same individuals (or their spouses) shall be treated as the same corporation for the purposes of this Ordinance. Any person or corporation which is a partner in a partnership shall also be considered the same person as the partnership.
- f. At the end of the calendar, any unissued Growth Permits expire.

#### 4. Expiration of Permits

a. A Growth Permit expires nine (9) months from the date of issue, unless the foundation is completed or conversion has substantially begun. The time period may be extended for two (2) additional months by the CEO based upon inclement weather conditions or upon receipt of evidence that the applicant's intentions to build are bona fide and that the construction delay is due to financial or technical problems.

b. An expired permit may be reissued in the year in which it expires.

5. Transferability - Growth Permits are not transferable. They shall be valid for construction on the lot and by the applicant specified on the application.

#### 6. Government funding

Dwelling units specifically funded at more than ten percent (10%) by the local, state or federal government or their agencies for the use of the elderly, handicapped or economically disadvantaged, including those financed under Sections 202 and 8 of the Housing and Community Development Act of 1974, are expressly excluded from this Ordinance.

#### D. VIOLATIONS

A violation of this Ordinance shall exist when any person, engages in any construction activity directly related to the erection or placement of a dwelling unit, or the conversion of a seasonal dwelling upon any land within the Town without first having obtained a Growth Permit, or when any person sells, leases, rents or occupies such a dwelling unit. The penalties shall be as provided by statute 30-A MRSA §4452.

#### E. DEFINITIONS

Unless specifically defined below, words and phrases used in this ordinance shall have the same meaning as they have at common law and to give this Ordinance its most reasonable application. Words used in the present tense include the future, the singular number includes the plural, and the plural number includes the singular. The word "may" is permissive; "shall" is mandatory and not discretionary. In the event that a word defined in this chapter is defined in some other way in another specific chapter, the specific chapter definition shall apply only in that chapter, with the definition set forth in this chapter applying to all other chapters in this ordinance.

**Apartment Building** - Three or more dwelling units located in a single structure, with each arranged, intended, or designed to be occupied, by a family living independently of the others.

**Condominium** - Three or more dwelling units located in a single structure, with each arranged, intended or designed to be occupied by a family, living independently of the others, where the individual units are separately owned.

**Dwelling Unit** - As defined by the Subdivision Ordinance.

**Growth Permit** - A permit to allow the establishment of a principle year-round residence in a new or existing dwelling unit.

*\* All amended ordinance dated 3/30/02*

**Seasonal Dwelling** - A dwelling unit which is not adapted to year-round habitation due to the nature of its construction such as the absence of sufficient insulation, heating system, water supply or sewage disposal system.

**F. SEVERABILITY**

The invalidity of any section or provision of this ordinance shall not be held to invalidate any other section or provision of this ordinance.

**G. EFFECTIVE DATE AND TRANSITION**

This Ordinance shall take effect on enactment, provided that the number of growth permits issued during year 2001 shall be twelve (12).

ART. 37 To see if the Town will vote to amend the Residential Growth Cap Ordinance as follows:

A. In Section B, the first sentence is amended to read as follows:

This ordinance shall apply to all new dwelling units, whether in dwellings, apartment buildings, condominiums, or mobile home parks, or to the conversion of seasonal dwelling units to year-round use.

B. In Section C, paragraph 2, subparagraph a, the first sentence is amended to read as follows:

a. All Growth Permit applications shall be submitted in person by the owner, an authorized representative or a person who has a vested right to purchase the lot at the time of the permit application, to the Town Clerk during normal office hours on the form designated Growth permit Application. Only one application may be accepted for each lot. A Growth permit application may not be accepted by mail.

C. In Section C, paragraph 3, subparagraph c., the second sentence is amended to read as follows:

The CEO shall issue Growth Permits for all applications if they do not outnumber the supply of Growth permits ~~for that month~~ based upon the following schedule.

D. In Section C, paragraph 3, subparagraph f, is amended to read as follows:

f. At the end of the calendar year, any unissued Growth Permits expire.

E. In Section C, paragraph 4, subparagraph a is amended to read as follows:

A. A Growth Permit expires ~~nine (9)~~ six (6) months from the date of issue, unless the foundation is completed or conversion has substantially begun. The time period may be extended for ~~two (2)~~ four (4) additional months by the CEO based upon inclement weather conditions or upon receipt of evidence that the applicant's intentions to build are bona fide and that the construction delay is due to financial or technical problems.

F. In Section C, paragraph 4, subparagraph b is amended to read as follows:

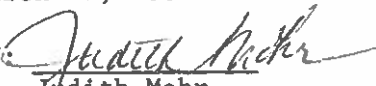
b. An expired permit may be reissued to another applicant in the year in which it expires.

G. In Section E, the definition for "Growth Permit" is amended to read as follows:

Growth Permit -- A permit to all <sup>at</sup> a new dwelling unit, including apartments or condominiums the establishment of a principle year round residence in a new or existing dwelling unit. structure, or to allow the conversion of a seasonal dwelling into a year-round residence.

ENACTED: March 30, 2002

CERTIFIED BY:

  
Judith Mohr  
Town Clerk



**TOWN OF BREMEN**

PO Box 171

BREMEN, MAINE 04551

(207) 529-5945 • FAX (207) 529-6302

A TRUE RECORD

ATTEST:

*Judith F. Mohr*  
Judith F. Mohr

Town Clerk April 2, 2005

**AMENDMENTS TO THE RESIDENTIAL GROWTH CAP ORDINANCE**

Enacted: April 2, 2005

Amend the Residential Growth Cap Ordinance in Section A(1) by deleting and replacing this section with the following:

The Town of Bremen, in March 2001, enacted a Residential Growth Cap Ordinance because the Town was experiencing rapid growth which threatened to significantly alter the rural character of the town because of the rapid development of new residential dwellings and the conversion of seasonal dwellings to year-round dwellings. This Ordinance is a "Rate of Growth Ordinance" as defined in Maine law at 30-A M.R.S.A. 43401(13-A) and as authorized at 30-A M.R.S.A. 4360. As required by these State laws the Town has reviewed the Growth Rate Ordinance and has determined that because of the rate of growth with residential dwelling units, both new and seasonal conversions, and because of the new Comprehensive Plan adopted by voters in Bremen in November 2004, it is still necessary for the town to continue this Growth Rate Ordinance to meet current conditions. The character of the entire Town is rural and this Rate of Growth Ordinance and its limits on the issuance of building permits applies town-wide in order to protect that rural character.

Amend the Residential Growth Cap Ordinance, Section C(4)(a), by deleting and replacing it with the following:

a. Growth Permits expire six (6) months from the date of issuance if the holder of the Permit has not obtained a Building Permit under the Town's Building Permit Ordinance. If a Building Permit has been obtained within the six-month time limit, both the Building Permit and the Growth Permit shall expire within one year of the issuance of the Building Permit if construction is not substantially started within one year of the issuance of the Building Permit. "Substantial Start" means the pouring of the foundation, frost wall or slab or completion of the first floor, exterior walls and roof framing or locating a manufactured dwelling or a modular portion of a manufactured dwelling on the lot. These time periods may be extended for up to, but not more than two (2) additional months by the Code Enforcement officer if the "substantial start" was reasonably delayed because of weather conditions, because of financial and/or technical problems, because of health problems of the permit holder or immediate family members, or because circumstances in the judgement of the CEO, which were beyond the control of the permit holder.