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## **In-Law Apartments**

A building containing an In-Law Apartment is a Single Family Dwelling use/occupancy under zoning and the building code as opposed to a Two-Family Dwelling, provided the residents residing in the building remain consistent with the term "Family" as defined under common law; see Black's Law below. It is the sole responsibility of the owner of a building containing an In-Law Apartment to limit the occupancy of the building to one family only; at any time, the owner may apply for conversion to a two family use/occupancy.

### **ZONING**

*There is no term defined as In-Law Apartment in the zoning ordinance. These are reviewed as an accessory use to a Single Family Dwelling, the entire "Building" may contain one "Family" as defined by Black's Law below. This must be a single building as separate buildings (structures not connected) are reviewed as independent buildings.*

### **ACCESSORY USE OR STRUCTURE**

A use or structure which is customarily both incidental and subordinate to the principal use or structure. The term "incidental" in reference to the principal use or structure shall mean subordinate and minor in significance to the principal use or structure. Accessory uses, when aggregated, shall not subordinate the principal use of the lot.

### **BUILDING**

Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals or personal property

### **DWELLING**

Any building or structure or portion thereof designed or used for residential purposes.

#### **A. SINGLE-FAMILY DWELLING**

A building containing only one dwelling unit for occupation by not more than one family.

#### **B. TWO-FAMILY DWELLING**

A building containing only two dwelling units for occupation by not more than two families.

### **DWELLING UNIT**

A room or suite of rooms designed and equipped exclusively for use by one family as a habitation and which contains independent living, cooking, sleeping, bathing and sanitary facilities. The term includes manufactured housing but not recreational vehicles.

## **BUILDING CODE**

*There is no term defined as In-Law Apartment in the building code. These are reviewed as a “Dwelling” containing two “Dwelling Units” and must contain communicating space within the dwelling to all portions of the dwelling, may contain only one “Family” as defined by Black’s below and must not be independent of each other for purposes of utility metering or installation. The certificate of occupancy for the dwelling will state Single Family Dwelling and not Two-Family Dwelling.*

**R202.1 DWELLING.** Any building that contains one or two *dwelling units* used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.

**R202.1 DWELLING UNIT.** A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**R302.3 Two-family dwellings.** *Dwelling units* in two-family dwellings shall be separated from each other by wall and/or floor assemblies having not less than a 1-hour fire-resistance rating when tested in accordance with ASTM E 119 or UL 263. Fire-resistance-rated floor-ceiling and wall assemblies shall extend to and be tight against the *exterior wall*, and wall assemblies shall extend from the foundation to the underside of the roof sheathing.

## **SUBSURFACE WASTEWATER RULES**

**In-law apartment:** A small one-bedroom dwelling unit with kitchen attached to or *carved out of a nominally single-family dwelling unit* ostensibly (means; “apparently or purportedly, but perhaps not actually”) for occupancy by a parent or other relative. For the purpose of these rules an in-law apartment equals one bedroom for determining expansion criteria (Section 9) and a design flow of 120 gallons per day (Table

## **BLACK’S LAW DICTIONARY**

What is **FAMILY**? See “collective body”

*A collective body of persons who live in one house and under one head or management.* .Tahoe v. Jarboe, 100 Mo. App. 459, 79 S. W. 1162; Dodge v. Boston & T. R. Corp., 154 Mass. 299, 28 N. E. 243, 13 L. R. A. 318; Tyson v. Reynolds, 52 Iowa, 431, 3 N. W. 469. A family comprises a father, mother, and children. In a wider sense, it may include domestic servants; all who live in one house under one head. In a still broader sense, a group of blood-relatives; all the relations who descend from a common ancestor, or who spring from a common root. See Civil Code La. art. 3522, no. 16; 9 Ves. 323. A husband and wife living together may constitute a “family,” within the meaning of that word as used in a homestead law. Miller v. Finegan, 26 Fla. 29, 7 South. 140, 6 L.R. A. 813. “Family,” in its origin, meant “servants;” but, *in its more modern and comprehensive meaning, it signifies a collective body of persons living together in one house,* or within the curtilage, in legal phrase. Wilson v. Cochran, 31 Tex. 677. 98 Am. Dec. 553. “Family” may mean children, wife and children, blood-relatives, or the members of the domestic circle, according to the connection in which the word is used. Spencer v. Spencer, 11 Paige (N. Y.) 159. “Family,” in popular acceptance, includes parents, children, and servants