

# TOWN OF POWNAL

## BUILDING & PROPERTY MAINTENANCE ORDINANCE

### SECTION 1. Purpose/ Scope/ Authority

The purpose of this Ordinance is to set a minimum standard for the condition and maintenance of the exterior of all buildings and structures and premises surrounding in all areas of the Town of Pownal in order to protect the economic well-being of the town's inhabitants. The purpose of this Ordinance is to set a minimum standard for grounds and property in order to protect the public health and safety, property values, and to prevent nuisance conditions. This Ordinance is enacted pursuant to 30-A M.R.S. § 3001.

### SECTION 2. Definitions

Casualty: Any unforeseeable, unintended accident affecting a property.

Grounds: The part of a property not covered by permanent structures.

Junk: For this Ordinance, the term "junk" refers to dilapidated or discarded material or objects.

Nuisance Condition: This term has been defined by 17 M.R.S. Section 2802. It reads as follows: "The erection, continuance or use of any building or place for the exercise of a trade, employment or manufacture which, by noxious exhalations, offensive smells, or other annoyances, become injurious and dangerous to the health, comfort or property of individuals, or of the public, causing or permitting abandoned wells or mining shafts to remain unfilled or uncovered to the injury or prejudice of others; causing or suffering any offal, filth or noisome substance to collect, or to remain in any place to the prejudice of others; obstructing or impeding, without legal authority, the passage of any navigable river, harbor or collection of water, corrupting or rendering unwholesome or impure the water of a river, stream, pond or aquifer; unlawfully diverting it from its natural course or state, to the injury or prejudice of others; and the obstructing or encumbering by fences, buildings or otherwise, of highways, private ways, streets, alleys, commons, common landing places or burying grounds are nuisances within the limitations and exceptions mentioned. Any places where one or more old, discarded, worn out or junked motor vehicles are defined in Title 29A, Section 101, subsection 42, or parts thereof, are gathered together, kept, deposited or allowed to accumulate, in such a manner or in such location or situation, either within or without the limits of any highway, as to be unsightly, detracting from the natural scenery or injurious to the comfort and happiness of individuals and the public, and injurious to property rights, are declared to be public nuisances," or impedes access to a structure for fire suppression or emergency medical response.

Owner: Any person who, alone or jointly or severally with each other, shall have legal or equitable title to any property, with or without accompanying actual possession thereof, or shall have charge or control of any dwelling unit as owner or agent of the owner or as fiduciary including but not limited to executor, administrator, trustee, receiver or guardian of the estate or as a mortgagee in possession, regardless of how such possession was obtained.

Property: For this Ordinance, the term shall be defined as any lot, plot, or parcel of land.

Structure: For this Ordinance the term shall be defined as anything built or constructed and permanently or temporarily affixed on a property that cannot be considered grounds or landscaping.

### SECTION 3. Maintenance Required

All buildings and structures shall be maintained in a safe, sanitary and nonhazardous manner. All means of egress, devices, safeguards and equipment shall be kept in good working order. The exterior of all premises and the condition of all buildings, structures and components thereon shall be maintained so as to prevent and repair deterioration, so that the appearance thereof shall reflect a level of maintenance ensuring that the property itself may be preserved safely, and so that hazards to the public health and safety are avoided.

All grounds shall be maintained to prevent unsafe, unsanitary and/or nuisance conditions and to avoid any adverse effect on the value of adjoining or abutting neighboring properties or properties which can be viewed from a public road or public easement. No inoperable vehicles may be stored within the bounds of a public road or public easement or in manner so as to obstruct the rights of others traveling over a public road or public easement, or in a manner that would obstruct egress from a structure or emergency services access to a structure. "Inoperable vehicles" means a vehicle that is not currently registered or licensed, not moved for a period of 30 days, or is not legally operable on a public way.

#### **SECTION 4. Maintenance Standards of Buildings and Structures**

All premises and yard areas shall be maintained in a safe and sanitary condition, including but not limited to steps, walks, driveways. If any such area or object constitutes a danger to health or safety, it shall be repaired, replaced, or removed.

#### **SECTION 5. Maintenance Standards for Grounds, Premises and Yard Areas**

All premises and yard areas shall be maintained in a safe and sanitary condition, including but not limited to steps, walks, driveways, fences, retaining walls, trees, shrubs. If any such area or object constitutes a danger to health or safety, it shall be repaired, replaced, or removed.

All yards, driveways, and lots shall be kept free of accumulations of trash, garbage, refuse, junk or other noxious or offensive material which may cause a fire hazard or may act as a breeding place for vermin or insects, or create a negative impact on the use or value of neighboring properties, or obstruct the safe egress from or access to the property for emergency services. Material intended for the private use of the property owner may be stored on the property as long as the material is screened from the public way and from abutting property owners and is not in violation of state Automobile Graveyard and Junkyard laws (30-A M.R.S. §§3751-3760). Private use does not include commercial resale operations. Agricultural equipment that is part of an active farming operation shall be excluded from the requirements of this Section.

#### **SECTION 6. Maintenance After Casualty Damage**

Any building destroyed by fire or other causes shall be made secure within 24 hours and a permit for demolition or reconstruction shall be obtained within ninety (90) days from the date of the fire or other casualty. Work to either remove or restore a fire damaged building must begin no later than one hundred twenty (120) days from the date of the fire or other casualty. Should the fire or other casualty require further investigation by authorized authorities an extension may be granted.

#### **SECTION 7. Enforcement, Penalties & Appeals**

This Ordinance shall be enforced by the Code Enforcement Officer (CEO), or his/ her designee. The CEO shall notify the violator, serving a written notice by certified mail or by hand delivery. The notice shall explain the nature of the violation and require corrective action within thirty (30) calendar days from the date of receipt of the notice to correct the violation; or seven (7) days for a health and/or safety violation. In the case of a health or safety violation, the CEO will report in writing to the Fire Chief and the Board of Selectmen, the condition found and the corrective measures to be taken.

If a violation of the Life Safety Code (NFPA 101) is found, during a routine inspection or incidental to a call for service, the Fire Chief or his/her designee may require immediate correction. When this occurs, the Fire Chief

or his/her designee shall notify the CEO and the Board of Selectmen in writing and shall document this action in an official Fire Department document.

The CEO may offer one (1) special extension per person/ per incident of up to 180 days to violators of this ordinance under certain hardship or extenuating circumstances. If a violation is discovered during the winter months (November 1 – April 1) and if winter weather prevents the timely correction of a violation, an extension may be granted. Cases of disability or financial hardship may also be grounds of an extension. These extensions for seasonal, disability, or financial hardship shall be at the discretion of the Board of Selectmen.

The violator may appeal the CEO's decision to the Town of Pownal's Board of Selectmen. Appeals must be made within seven (7) days of notification by the CEO of a violation. In the case of an appeal, the thirty (30) days allowed to attain compliance shall start the day after the Selectmen have denied the appeal by the alleged violator.

If a violation is not corrected within the time allowed the Town shall pursue all remedies and relief available by law and/or in equity for land use ordinances, including without limitation the remedies and relief provided in 30-A M.R.S.A. §4452 currently including, without limitation, a minimum penalty of \$100 per day for a specific violation, injunctive relief and reasonable attorney fees, expert witness fees and costs. The Town shall retain all penalties set forth in this ordinance. The CEO may represent the Town in District Court with the written authorization of the Selectmen, pursuant to Rule 80-K. Should the services of the Town Attorney be required, the CEO shall first review the case with the Selectmen.

Nothing ins this Ordinance shall be construed as a limitation upon the Town's authority under the Dangerous Buildings Statute (17 M.R.S. §§ 2851-2859).

**SECTION 8. Effective Date/ Amendment**

This Ordinance shall be effective upon adoption by the Town of Pownal and may be amended in accordance with Town requirements for amending ordinances.