

TOWN OF SKOWHEGAN

PROPERTY MAINTENANCE ORDINANCE

ADOPTED AT THE ANNUAL TOWN MEETING ON JUNE 13, 2022

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Appendix A. General

SECTION I. PURPOSE

To set a minimum standard for the maintenance of structures and the grounds of property in order to protect public health, public safety, property values, and to prevent nuisance conditions.

SECTION II. DEFINITIONS

Where terms are not defined in this ordinance and are defined in the building, fire prevention, land use, plumbing or mechanical codes, such terms shall have the meanings ascribed to them as in those codes.

Where terms are not defined, through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context applies.

ABANDONED PROPERTY: Means a property that is vacant as a result of the relinquishment of occupancy, possession or rights to its control.

BLIGHTING PROBLEM: A structure or property which are conducive to ill health and are detrimental to public health and safety or welfare because of:

1. Property is unsafe and/or unsanitary or
2. Property has been abandoned or
3. Property presents an imminent danger to other people or property or
4. Property is uninhabitable.

CASUALTY: Any unforeseeable, unintended accident affecting a property.

CAUSE OR CONTRACT: For this ordinance, “cause or contract” as it appears in Section 5 includes the initiation of an insurance claim (as opposed to resolution), the contracting of a construction/repair business, or the substantial preparation for self-repair work.

GOOD CONDITION / REPAIR: Means that the item in question is able to operate / be used for its intended function and purpose.

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

IMMINENT HAZARD: A condition which could cause serious or life-threatening injury or death at any time.

INFESTATION: The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

JUNK: For this ordinance the term “junk” refers to dilapidated, discarded or used material or objects.

NUISANCE CONDITION: This term has been defined by MRSA Title 17 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 tin 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 as defined in Title 29A, Section 101, subsection 42, or parts thereof, are gathered together, kept, deposited or allowed to accumulate, in such 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.”

OCCUPANT: Any person living, sleeping, or having actual possession of a dwelling unit or rooming unit.

OPERATOR: Any person who has charge, care or control of a dwelling or property, or a part thereof, whether with or without the knowledge and consent of the owner.

ORDINANCE (THIS): This ordinance shall be known as the “Property Maintenance Ordinance of the Town of Skowhegan.”

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.

PREMISES: A lot, plot or parcel of land including any structures thereon.

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

STRUCTURE: Anything built or constructed and permanently affixed on a property that cannot be considered grounds or landscaping. That which is built or constructed or a portion thereof.

UNSANITARY: As applied to a structure, means failure to maintain healthy conditions and liable to be a danger or hazard to the health of persons occupying or frequenting it, or to the public.

UNINHABITABLE: Means (1) the building structure itself is unstable and there is a risk of collapse in whole or in part; (2) there is exterior or structural damage allowing elemental intrusion, such as rain, wind, hail or flood; (3) immediate safety hazards have yet to be cleared, such as debris or downed electrical lines;

UNSERVICEABLE: For the purposes of this ordinance the Town will rely on a Maine Supreme Court decision (Town of Pownal v. Emerson, 639 A.2d 619 (Me. 1994); Town of Mt. Desert v. Smith, 2000ME 88, 751 A.2.d. 445) which includes the following: “unserviceable means not ready for use or presently useable” as opposed to “incapable of being serviced.”

YARD: An open space on the same lot with a structure.

SECTION III. APPLICABILITY

The provisions of this ordinance shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for the maintenance of structures and the grounds of property.

SECTION IV. REQUIRED MAINTENANCE

All grounds and structures or parts thereof shall be maintained to prevent unsafe, unsanitary and/or nuisance conditions (according to the nuisance definition found in State law Title 17, Section 2802 and as shown in the Appendix) and to avoid any adverse effect on the value of adjoining properties.

SECTION V. GROUNDS & PROPERTY MAINTENANCE STANDARDS

The grounds and the exterior of structures or parts thereof shall be kept in good repair and free from any accumulation of rubbish or garbage and any unsafe or unsanitary conditions. Such conditions may include:

1. Grounds

- a) Exterior accumulation of refuse, household trash, junk, discarded plumbing, heating supplies, old or scrap copper, brass, rope, rags, batteries, paper/cardboard trash, rubber, waste and all scrap iron, steel, other scrap ferrous or nonferrous material, debris, scrap lumber and building materials, inoperable machinery or part 'thereof, glass, used furniture, used household items and unused and inoperable appliances.'
- b) Any places where three (3) or more old, discarded, worn out, junked, unserviceable vehicle(s), except in an approved licensed junkyard or auto repair business permitted under the Town of Skowhegan Licenses and Business Regulations Policy.
- c) Materials intended for the private use of the property owner may be stored on the property as long as such material is screened from the public way and from abutting properties (see Appendix A) and is not in violation with State Laws. Private use does not include items intended for resale.
- d) Upon the closure of a business activity, the owner of said business or activity, or property owner, if different from the business owner, shall, within 30 days, remove from public view all signs identifying the business or activity that has vacated the premises.

2. Exterior of Structures

- a) All fences and barriers shall be kept in good repair.
- b) All exterior walls, roofs, chimneys, smokestacks, stairs, decks, porches, and balconies shall be structurally sound and maintained in good repair.
- c) All projections from structures, such as awnings, signs, fire escapes, and ductwork shall be

properly anchored and maintained in good repair.

- d) All handrails and guards shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
- e) All exterior doors, door assemblies and hardware shall be maintained in good condition / repair.
- f) All exterior wall and roof surfaces of any structure used for human occupancy shall be protected so as to prevent wind, rain, and snow penetration.
- g) Basement foundations shall be enclosed so as to prevent entry of vermin.
- h) All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

SECTION VI. MAINTENANCE AFTER CASUALTY DAMAGE

Within a period of 90 days after casualty damage to property grounds or structures, the owner shall cause or contract for the repair or restoration of damaged areas and the demolition of any areas not to be repaired and the removal of all debris connected therewith. The Code Enforcement Officer may grant an extension under certain hardship conditions (see Section IX).

1. Dangerous Building or Property

A building or property is deemed to be dangerous if, in the judgment of the Code Enforcement Officer, it presents a serious threat to life from any of the following conditions:

- a) Structural failure;
- b) Fire damage, explosion, or toxic gases;
- c) Poisonous contamination or biological infection of water, flood damage, air or the physical environment.
- d) Any use or condition of the building or property from which death or physical injury to the occupants or public could be reasonably expected if occupancy or entry to the building or property is allowed.

If the Code Enforcement Officer finds a building or property to be dangerous, a written notice of violation shall be given to the property owner and violator if different, to immediately secure such building or property to prevent unauthorized entry. If the owner fails to secure their building or property within seven (7) days of said order, or when immediate action is required to protect public safety, the Code Enforcement Officer shall cause the building or property to be secured and shall take any other necessary protective measures including, but not limited to, installing sidewalk and street barricades. All expenses incurred by the town to secure the dangerous premises and to assure the public safety affected thereby, shall be repaid to the Town of Skowhegan by the owner or owners of the dangerous building or property within thirty (30) days after demand for repayment to the town or a special tax may be assessed against the property and collected in the same manner as other municipal taxes are collected.

The procedure for demolition of buildings shall be in accordance with Title 17 §2851 et seq., as amended, Dangerous Buildings.

SECTION VII. RESPONSIBILITIES

Owners, operators, and occupants of properties shall maintain the structures and exterior property grounds in compliance with this ordinance and shall be jointly and severally liable for violations and for corrective actions required.

Vacant and abandoned structures shall be registered with the Town.

All vacant structures and premises thereof shall be maintained in a safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health and safety and to avoid any adverse effect on the value of adjoining properties.

SECTION VIII. PENALTY AND ENFORCEMENT

1. Method of Service

The Code Enforcement Officer shall notify the violator. Such written notices of violation shall be deemed to be properly served if a copy thereof is:

- a) First notice by delivered personally by hand delivery or via routine mail,
- b) Second Notice to be sent by certified mail addressed to the last known address; or
- c) If the second notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure or property affected by such notice.

Said notices shall explain the nature of the violation and require corrective action within 30 calendar days from the date of the receipt of the notice to correct the violation; 7 days for a health and/or safety violation. The violator may appeal the Code Enforcement Officer’s decision to the Town Selectmen. A written application for appeal must be filed within 7 days of notification of violation or order served by the Code Enforcement Officer. Appeals of notices and orders (other than imminent danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the Town Selectmen. The number of days given for compliance shall start after the Selectmen have heard the appeal.

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 30A MRSA Section 4452 currently including, without limitation, a penalty of \$100 to \$2,500 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 Code Enforcement Officer may represent the Town in District Court, pursuant to Rule 80-K. However, should the services of the Town Attorney be required, the Code Enforcement Officer shall first review the case with the Town Selectmen.

It shall be unlawful for the owner of a structure or property who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of to another until the provisions of the compliance order or notice of violation have been

complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

2. Extension Requests

Violators may submit a written request to the Code Enforcement Officer for a one-time extension of time to correct the violation/s. The extension of time may be given for financial hardship and it shall be required to prove hardship through financial documentation such as tax returns and proof of expenses. If a violation is discovered during winter months (November 1 - April 1) and if winter weather prevents the correction of a violation/s a onetime extension of time for winter conditions may be given. These extensions for financial or seasonal hardships shall be at the discretion of the Code Enforcement Officer. The Code Enforcement Officer may offer one (1) special extension of up to 180 days to violators of this ordinance if a reasonable hardship can be shown.

SECTION IX. SEVERABILITY

If any section, subsection, clause, paragraph, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed to be a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION X. CONFLICT WITH OTHER LAWS

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or any other ordinance, regulation or statute, the provision imposing the greater restriction shall control. The newest version of this Ordinance shall be the one that is enforced.

SECTION XI. EFFECTIVE DATE

This ordinance shall be effective upon adoption by the Skowhegan Town Meeting and may be amended in accordance with Town requirements for amending ordinances.

APPENDIX A - GENERAL

Screening may be accomplished by natural or man-made objects, plantings or properly constructed fences, any of which must completely screen the items from ordinary view from any portion of any public way or abutting property throughout the entire calendar year. All screening must be located outside of the public way right-of-way limits.

Natural or man-made objects may be interpreted to be:

1. Hills, gullies, or embankments. Such man-made objects must be constructed to blend with the landscape with loaming and seeding or other treatment as may be necessary to establish a natural appearance.
2. Buildings or other installations.
3. Combinations of above.

Plantings

Trees, shrubs, or other vegetation of sufficient height, density and depth of planting or growth to completely screen the junkyard from ordinary view from any highway within the prescribed distance throughout the entire calendar year may be used for screening.

Fences

Fences shall be so located and of sufficient height to completely screen the junkyard from ordinary view from any highway within the prescribed distances. It must be emphasized that height must be sufficient to accomplish the complete screening from ordinary view. All fences shall be well constructed and maintained. Only sound undamaged material, uniform in appearance, and erected in a workmanlike manner will be acceptable to be considered a fence.

Fencing Materials:

Fencing materials may be wood, composite, sheet metal or plastic. Although new material will not be a requirement, deteriorated, poor quality, bent, damaged, scrap, discarded, mixed or conglomerate materials will not be acceptable as fencing material.

Suggested materials would be sound, new or used boards; exterior grade hardboard, steel, aluminum, or vinyl fence material.

It is suggested that all fastenings be galvanized nails, spikes, bolts, clamps, etc., and that all wood materials be treated with wood preservative (with color additive) to preserve and prolong the life of the fence and to present a uniformity of appearance.

Since wind damage is a problem with any fence, bracing may be required and certainly would be essential on any fence over 8 feet in height. In board fence construction, relief of wind pressure may be achieved by placing the boarding alternatively on outside and inside of stringers with the spacing to be such that the edges overlap enough to present a solid appearance and effectively screen the junkyard from ordinary view.

Suggested Materials

Posts:

Wood - Sound, round or square, preferably cedar, hackmatack, spruce, or fir. Preservative treatment is suggested. 4" x 4" (square) or 4" minimum diameter (round).

Metal - Steel pipe or structural section steel either galvanized or base coat painted with rust inhibitive paint.

All posts to extend a minimum of forty (40) inches below ground level and to be set plumb. Recommended post spacing eight feet (8') to twelve feet (12'). End and corner posts to be diagonal braced to nearest adjacent post.

Stringers:

Minimum 2" x 4" - Spruce or Fir - Sound and free of excessive or weakening knots, and relatively free from lumber defects such as wane, twist, cup, or bow and preferably treated with wood preserver after cutting to length. Solidly spike to wood posts or bolted to metal posts. Three stringers for 6-to-8-foot height of fence.

Steel pipe or structural section stringers may be used. There should be either galvanized or base coat painted with rust inhibitive paint.