

## **Article X - Miscellaneous**

### **16. Property Maintenance**

#### **16.1 PURPOSE & SCOPE:**

The purpose of this ordinance is to set minimum standards for the maintenance of structures and yard areas to protect public health and safety, property values, and to prevent nuisance conditions.

#### **16.2 MAINTENANCE STANDARDS:**

All structures shall be maintained in a safe, sanitary, and non-hazardous condition. Examples of items which may violate these standards include but are not limited to refuse, household trash, junk, debris, scrap lumber or metal, inoperable machinery, or parts thereof, glass, unused or inoperable appliances, and worn or unused furniture. All means of egress shall be kept in good working order and clear of debris. The exterior of all structures and components thereon shall be maintained to prevent deterioration, so that the appearance thereof shall reflect a level of maintenance ensuring that the property itself may be preserved safely, and that hazards to the public health, safety and welfare are avoided.

#### **16.3 REQUIRED MAINTENANCE - STRUCTURES:**

Each property owner and mortgagee shall keep all exterior components of every principal and accessory structure in good repair, including but not limited to, walls, roofs, chimneys, cornices, gutters, porches, fire escapes, exterior stairs, windows, doors, and storefronts so as not to create a safety hazard to themselves or the public.

All surfaces shall be maintained free from deterioration, including but not limited to, broken glass, loose, or missing shingles or siding, crumbling brick, stone and mortar, and peeling, scaling, or deteriorated paint.

#### **16.4 REQUIRED MAINTENANCE - YARD AREAS:**

Yard areas include all areas of a lot not covered by a structure. Yard areas shall be maintained in a safe and sanitary condition, including but not limited to, steps, walks, driveways, fences, retaining walls, trees, shrubs, and lawn. If any such area or object constitutes a danger to health or safety, it shall be repaired, replaced, or removed.

All fences, retaining walls or similar structures shall be maintained so as not to create a safety hazard to the public.

#### 16.5 REQUIRED MAINTANENCE – ABANDONED/VACANT BUILDINGS:

An owner and mortgagee of a vacant building must adequately protect it from intrusion by trespassers and from deterioration by the weather. A vacant building shall be deemed adequately protected from intrusion by trespassers and from deterioration by the weather if it satisfies the following vacant building maintenance standards:

- a. Building openings. Missing or broken doors, windows and other such openings must be covered by glass or other rigid materials which are weather protected and tightly fitted and secured to the opening so as not to create a safety hazard
- b. The owner of a vacant building must comply with all state required building, fire, life safety, zoning, and other applicable codes or ordinances and must apply for any building, fire prevention, and zoning permits necessary to perform work required by this article.
- c. The management of abandoned buildings will be as described in 30-A MRSA 3106-B, as amended.

#### 16.6 MAINTENANCE AFTER CASUALTY DAMAGE:

Any building destroyed or damaged by fire or other causes shall be made secure within 48 hours and a permit for demolition or reconstruction shall be obtained within fourteen (14) 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, the CEO may grant an extension.

**16.7 ENFORCEMENT:**

The CEO of the Town of Wiscasset shall enforce the provisions of this ordinance. In the event of a violation, the CEO shall notify the property owner and mortgagee by serving a written notice by mail or by hand delivery. Said notice shall explain the nature of the violation and set a deadline for correcting the violation. If the violation is not corrected within the time allowed, the property owner and mortgagee shall be subject to penalties as set forth in section 16.8.

**16.8 PENALTIES:**

Any person who violates any provision of this Ordinance commits a civil violation punishable by a civil penalty of \$100. Each day the violation continues beyond the allotted correction period is a separate violation. In addition, the town may pursue all remedies and relief as provided in 30-A MRS 4452, as amended. If the owner or other person responsible fails to take corrective action within the time allowed by the CEO, the CEO may have the corrective action taken and recover the cost in a civil action. If the town is the prevailing party in the civil action, it shall be awarded its reasonable attorney fees.

**16.9 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 hereof.