

Town of Phillips Property Maintenance Ordinance

DRAFT PROPOSAL

Section 1. Purpose - The purpose of this Ordinance is to set a minimum standard for the maintenance of grounds and Property in the Town of Phillips, in order to protect public health, public safety, the natural environment, and to prevent nuisance conditions which, if permitted to exist or to continue to exist, depreciate or tend to depreciate the value of adjacent or surrounding Property, or the Town as a whole. This Ordinance does not grant any Property rights; it does not authorize any person to trespass, infringe upon, or injure the Property of another, nor does it excuse any person (individual or entity) from complying with any other applicable laws and regulations.

Section 2. Authority - This Ordinance is enacted pursuant to State Law, Title 30-A Section 3001.

Section 3. Applicability - This Ordinance shall apply to all Property within the municipality.

Section 4. Maintenance Standards - All Property shall be kept free of unsafe, unsanitary, and nuisance conditions. Examples of items which create such conditions include, but are not limited to: garbage, rubbish, or junk, including debris, discarded lumber, discarded metal, discarded tires, inoperative machinery or parts thereof, unused or inoperative appliances, worn or unused furniture, and three or more uninspected, unregistered, or otherwise Inoperative Vehicles.

Section 5. Maintenance After Casualty Damage - Within a period of 90 days after Casualty damage to Property, the Property Owner shall cause or contract for: 1.) the repair or restoration of damaged Property; 2.) the demolition of any areas not to be repaired; and 3.) the removal of all debris connected therewith. Maintenance after Casualty Damage 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.

The Town Code Enforcement Officer may grant one extension of up to 180 days per Property/per incident to comply with this Section under extenuating circumstances. If a violation is discovered during winter months (November 1 - April 1) and if winter

weather prevents the correction of a violation, an extension may be granted. Any extension shall be at the discretion of the Town Code Enforcement Officer.

Section 6. Responsibilities - Owners, contractors, operators, and/or occupants of Property in violation of this Ordinance shall be jointly and severally liable for violations and for corrective actions required.

Section 7. Enforcement and Fines -The Town Code Enforcement Officer (CEO) shall enforce the provisions of this Ordinance. The CEO shall first seek voluntary cooperation from the violator, allowing no more than 30 calendar days for the completion of corrective action.

In the event of a lack of voluntary cooperation, the CEO shall send written final notice to the violator. Written final notice shall explain the nature of the violation and the required corrective action to be taken by the violator within 30 calendar days from the date of the receipt of the notice. Written final notice will be sent via USPS Certified Mail.

If a violation is not corrected within the time allowed by written final notice, the Town shall pursue all rights, remedies, and relief available to it in law or in equity. Each day that a violation continues after the time allowed by written final notice shall be deemed a separate offense punishable by a fine of not less one hundred dollars \$100, nor more than twenty-five hundred dollars (\$2,500). However, in a Resource Protection District, the maximum penalty is increased to five thousand dollars (\$5,000).

Any person who violates any provision or requirement of this Ordinance, including, but not limited to, a Property Owner, a Property Owner's agent, or a contractor, shall be penalized in accordance with 30-A, M.R.S.A. section 4452.

Section 8. 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 9. Effective Date - This Ordinance shall be effective upon adoption by the Town of Phillips, and may be amended in accordance with Town requirements in the Zoning Ordinance.

Section 10. Definitions:

Casualty - Any unforeseeable, unintended event affecting Property.

Debris - The fragments or remnants of something destroyed or broken.

Garbage - Discarded animal or vegetable waste, resulting from handling, preparation, cooking, and/or consumption of food.

Property - For the purpose of this Ordinance, the term Property shall be defined as all grounds and structures.

Inoperative Vehicle - An Inoperative Vehicle is defined as any motor vehicle or trailer that is not in operating condition or which lacks the display of either valid license plates or a valid inspection decal.

Occupant - Any person living, sleeping, or having actual possession of a dwelling or Property, or part thereof, with or without the knowledge or consent of the Owner.

Owner - Any person who, alone or jointly or severally with others, 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.

Rubbish - Combustible and non-combustible waste materials, except garbage. The term rubbish shall include, but is not limited to, the residue from burning wood, coal, coke, and other combustible materials, paper, rags, cartons, cardboard, boxes, wood, excelsior, rubber, leather, tin cans, metals, mineral matter, glass, plastic, crockery, and other similar materials.

Structure - Anything built or constructed for the support, shelter, or enclosure of persons, animals, goods, possessions, or property of any kind, with anything constructed or erected with a fixed location on or in the ground, exclusive of fences, poles, wiring, and other aerial equipment normally associated with service drops, as well as guying and guy anchors. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes.