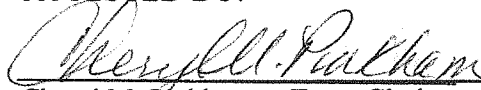


Town of Damariscotta, Maine

**Condominium Conversion Notification
ORDINANCE**

Enacted at Special Town Meeting on February 6, 2008.

ATTESTED BY:



Cheryl M. Pinkham, Town Clerk

Date: 2-6-2008

CONDOMINIUM CONVERSION NOTIFICATION ORDINANCE
Town of Damariscotta, Maine

Section 1. AUTHORITY

- A. This Ordinance is enacted pursuant to the authority given the Town in M.R.S.A. Title 30-A, Section 3001. This Ordinance is also enacted pursuant to Section 1604-111(f) of the Maine Condominium Act.
- B. In addition to all the provisions of the Maine Condominium Act, this Ordinance establishes additional notification and timeline requirements for any person who does a condominium conversion of rental dwelling-units into condominium (ownership) dwelling-units pursuant to the Act.

Section 2. PURPOSE

The purpose of this Ordinance is to assure that tenants of residential dwelling-units are notified in a timely fashion when a condominium conversion is to happen. This Ordinance also assures that the declarant informs the tenants of their rights under the State Condominium Act and this Ordinance.

Section 3. APPLICABILITY

This Ordinance shall apply to all condominium conversion buildings. This Ordinance is in addition to any land use ordinances of the Town of Damariscotta that may also apply to a conversion of residential rental dwelling-units to residential condominium dwelling-units.

Section 4. EFFECTIVE DATE

The effective date of this Ordinance is the day after the date it is adopted by a regular or special Town meeting.

Section 5. AVAILABILITY

A certified copy of this Ordinance shall be filed with the Town Clerk and shall be accessible to any member of the public. Copies shall be made accessible to the public at reasonable cost at the expense of the person making the request. Notice of availability of this Ordinance shall be posted.

Section 6. SEVERABILITY

If any section or provision of this Ordinance is declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

Section 7. CONFLICTS WITH OTHER ORDINANCES

Whenever a specific provision of this Ordinance conflicts with or is inconsistent with another specific provision of this Ordinance or of any specific provision of any other Damariscotta ordinance, State regulation or statute, the more restrictive specific provision shall apply.

Section 8. AMENDMENTS

This Ordinance may be amended by majority vote at any regular or special town meeting of the Town of Damariscotta.

Section 9. ADDITIONAL NOTICE REQUIRED

The notice of conversion described in Title 33 M.R.S.A. Section 1604-111(a) shall be 150 days instead of 120 days. In addition, the notice shall be hand delivered to the unit or sent by certified mail, return receipt requested. In all other respects the provisions of Section 1604-111(a) shall apply.

Section 10. ADDITIONAL TIME REQUIRED

The time for offer and purchase described in Title 33 M.R.S.A. Section 1604-111(b) shall be 90 days instead of 60 days. In all other respects the provisions of Section 1604-111(b) shall apply.

Section 11. PROOF OF COMPLIANCE REQUIRED

Within 30 days after delivery or mailing of the notice required by Section 9, the declarant shall submit proof of compliance with this Ordinance to the Code Enforcement Officer in the form of (1) a copy of each such notice, (2) proof of delivery or mailing of each such notice, and (3) the public offering statement. Within 7 days thereafter, the Code Enforcement Officer shall determine, in writing, whether the declarant has complied with this Ordinance. If the Code Enforcement Officer determines that the declarant has failed to comply, or if the declarant fails to submit proof of compliance as required by this section, a new notice of conversion meeting the requirements of Section 9 is required. The determination of the Code Enforcement Officer may be appealed in writing by any person aggrieved, within the applicable appeal period, to the Board of Appeals, which may reverse the Code Enforcement Officer's determination if it finds that the determination was based on a misinterpretation of this Ordinance.

Section 12. CONSTRUCTION PROHIBITED DURING NOTICE PERIOD

The declarant shall not cause or permit any substantial construction, reconstruction or renovation to occur on the premises during the period of the notice required by Section 9, provided nothing herein shall prohibit routine maintenance or repair of any unit, including, in any vacant unit, the replacement of carpeting, flooring, electrical or plumbing fixtures, or painting.

Section 13. ENFORCEMENT

A. Nuisances

Any violation of this Ordinance shall be deemed to be a nuisance.

B. Code Enforcement Officer

1. The CEO shall investigate all complaints brought to her/him that state in writing the circumstances of the alleged violations of this Ordinance. The CEO shall keep a complete record of all essential transactions in the office, including copies of public offerings submitted, certified letters to rental tenants, complaints-in-writing, appeals, court actions, violations investigated, violations found and fees collected. If the CEO shall find that any provision of this Ordinance is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including submittal of required notification documents, discontinuance of illegal use of land, buildings or structures, or work being done, and abatement of nuisance conditions. A copy of such notices shall be submitted to the Municipal Officers and be maintained as a permanent record.
2. The CEO shall be responsible for administering the provisions of this ordinance, including interpreting the provisions hereof. Any person who believes that the CEO has made an error in the interpretation or application of the provisions of this ordinance may appeal, within the time limits for such appeals, such determination to the Board of Appeals as an administrative appeal. If the Appeals Board finds that the CEO erred in her/his interpretation of the ordinance, it shall modify or reverse the action accordingly.

C. Legal Actions

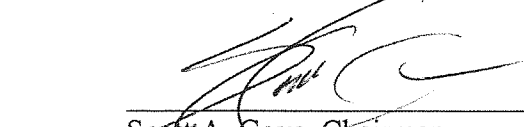
When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the CEO, are hereby directed to institute any and all action and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Town.

1. **Timeline Start Date.** Any person, including but not limited to a declarant, a landowner, a landowner's agent or a contractor, who orders or conducts any activity in violation of this Ordinance may be penalized by being required to commence the waiting periods specified by this Ordinance (Sections 9 & 10) at the date when all the required submittals (Section 11) have been made, acknowledged and recorded by the CEO.
2. **Fines.** Any person, including but not limited to a declarant, a landowner, a landowner's agent or a contractor, who orders or conducts any activity in violation of this Ordinance may be penalized in accordance with Title 30-A, MRSA, Section 4452.

Section 14. LANDLORD RIGHTS

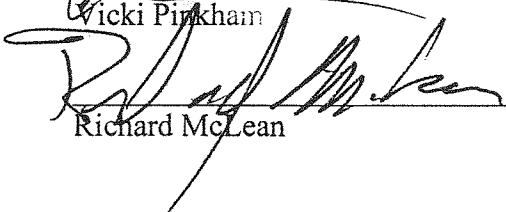
Nothing in this Ordinance shall be construed to prohibit a landlord from terminating a tenancy on any of the grounds identified in 14 M.R.S.A. Section 6002(1) including, but not limited to, an arrearage in the payment of rent or causing substantial damage to the rental premises.

Town of Damariscotta, Condominium Conversion Notification Ordinance, enacted
February 6, 2008.



Scott A. Gove, Chairman

Joshua Pinkham

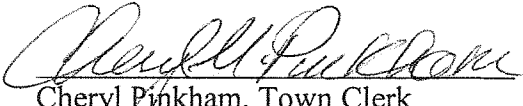
Vicki Pinkham

Richard McLean

David Wilbur

**Board of Selectmen
Town of Damariscotta**

Attest: A true copy of an ordinance entitled "Condominium Conversion Notification Ordinance," as certified to me by the municipal officers of Damariscotta, Maine on the 6th day of February, 2008.



Cheryl Pinkham, Town Clerk
Damariscotta, Maine