

Chapter 201

PROPERTY MAINTENANCE

§201-1. Authority

This Ordinance is enacted pursuant to Title 30-A M.R.S.A. Section 3001.

§201-2. Purpose

The purpose of this Ordinance is to set a minimum standard for the maintenance of the grounds of property in order to protect public health, public safety, and to prevent nuisance conditions.

§201-3. Applicability

This Ordinance shall apply to all residential properties.

§201-4. Effective Date

This Ordinance shall be effective upon adoption by the Town of Damariscotta.

§201-5. Definitions

CASUALTY: Any unforeseeable, unintended accident affecting a property.

CAUSE OR CONTRACT: For this Ordinance, "cause or contract" 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.

GARBAGE: The animal or vegetable waste resulting from handling, preparing, cooking and consumption of food.

GROUNDS: The part of a property not covered by structures, including driveways, pathways, flowers, trees, and lawn.

NUISANCE CONDITION: The erection, continuance or use of a building or place which, by noxious exhaust, offensive smells, or other annoyances, are injurious and dangerous to the health, comfort or property of individuals, or of the public; 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 places where three or more unregistered or un-inspected motor vehicles or parts thereof, are gathered together, kept, deposited or allowed to accumulate.

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.

OWNER: Any person who, alone or jointly or severally with each other, shall have legal or equitable title to any property (land or structures), 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 shall include but is not limited to the residue from burning wood, coal, coke and other combustible materials, paper, rags, cartons, cardboard, plastic, boxes, wood, rubber, leather, tin cans, metals, mineral matter, glass, plastic crockery and other similar materials.

STRUCTURE: Anything built or constructed and permanently affixed on a property that cannot be considered grounds or landscaping.

UNSERVICEABLE: Not ready to use or presently unusable.

§201-6. Maintenance Standards

The grounds of all residential property shall be kept in good repair and free of unsafe, unsanitary or nuisance conditions. Examples of items which create such conditions include: garbage, rubbish, junk, debris, tires, scrap lumber or metal, inoperable machinery or parts thereof, unused and inoperable appliances, worn and unused furniture, and three or more unserviceable, uninspected or unregistered vehicles.

§201-7. Maintenance after Casualty Damage

(a) 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.

(b) Violators may submit a written request to the CEO (CEO) a one time extension of time to correct the violation/s. The CEO may grant one special extension per Owner/per violation of up to 180 days under certain hardship or 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 given.

Cases of disability or financial hardship shall also be grounds for the consideration of an extension. Violators requesting an extension for financial hardship shall be required to prove hardship through financial documentation such as tax returns and proof of expenses. These extensions for seasonal, disability, or financial hardship shall be at the reasonable discretion of the CEO, and such discretion shall be exercised consistently in all instances. The CEO shall issue a written decision stating the factual basis for his/her decision to grant or deny an extension.

§201-8. Responsibilities

Owners, operators, and occupants of properties in violation of this Ordinance shall be jointly and severally liable for violations and for corrective actions required.

§201-9. Enforcement & Penalties

The CEO shall enforce the provisions of this Ordinance. 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. The CEO may initiate any and all actions 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. Any person, including but not limited to an Owner or the Owner's agent or contractor who orders or conducts any activity in violation of this Ordinance shall be penalized in accordance with Title 30-A M.R.S.A. Section 4452.

§201-10. Appeal

The Board of Appeals shall have jurisdiction to hear and decide appeals brought pursuant to the enforcement of this Ordinance according to its authority as set forth in Board of Appeals Ordinance Section 5(A)(1). Any person aggrieved by the action of the CEO or any other municipal official in their administration of this Ordinance shall have the right of appeal to the Board of Appeals. Such appeal shall be taken pursuant to the procedures set forth in the Board of Appeals Ordinance. The Board of Appeals shall sit in its capacity as an appellate board, utilizing and applying its procedures as set forth in Section 5 and such other rules and procedures of the Board as they may apply. Any person aggrieved by the decision of the Board of Appeals shall have the right to appeal to Superior Court.

§201-11. Severability

Each provision of this Ordinance shall be deemed independent of all other provisions herein. If any provision of this Ordinance is declared invalid all other provisions thereof shall remain valid and enforceable.

Board of Selectmen

Robin Mayer
Robin Mayer

George Parker
George Parker

Mark Hagar
Mark Hagar

Ronn Orenstein
Ronn Orenstein

James Cosgrove
James Cosgrove

Attest: A true copy of an Ordinance entitled: "Property Maintenance." Enacted June 14, 2017,
as certified to me by the Municipal Officers of Damariscotta, Maine on the 14th day of June,
2017.

Michelle Cameron
Michelle Cameron, Town Clerk
Damariscotta, Maine

Legislative History

Enacted June 12, 2013, effective June 12, 2013
Revised June 14, 2017, effective June 14, 2017

