

Chapter 13 Property Maintenance Standards

Table of Contents

		Page
SECTION 1	PURPOSE	2
SECTION 2	AUTHORITY	2
SECTION 3	APPLICABILITY	2
SECTION 4	SEVERABILITY AND CONFLICT	2
SECTION 5	ADMINISTRATION	2
SECTION 6	PROPERTY MAINTENANCE STANDARDS	3
SECTION 7	DEMOLITION STANDARDS	5
SECTION 8	RESERVED	7
SECTION 9	NUISANCES	7
SECTION 10	ENFORCEMENT	7
SECTION 11	APPEALS	8
SECTION 12	WAIVERS	8
SECTION 13	DEFINITIONS	9

Chapter 13 Property Maintenance

SECTION 1 PURPOSE

- 1.1 The purpose of this chapter is to provide minimum standards to protect the environment, municipal services, property values and the health, safety and welfare of the public insofar as they may be affected by the maintenance of any existing building, structure or property, and to provide administration and enforcement of those standards.

SECTION 2 AUTHORITY

- 2.1 The Code Enforcement Officer (CEO) is hereby authorized and directed by the Municipal Officers to administer and enforce all the provisions of this chapter.
- 2.2 The Municipal Officers shall have the authority to require an environmental site assessment and a performance bond or irrevocable letter of credit in accordance with the applicable provisions of this chapter.

SECTION 3 APPLICABILITY

- 3.1 This chapter applies to the maintenance of all existing buildings, structures and properties in the Town of Bucksport.

SECTION 4 SEVERABILITY AND CONFLICT

- 4.1 If a court finds any provision of this chapter to be invalid, the court's decision may not invalidate any other provision of this chapter.
- 4.2 If any provision of this chapter conflicts with another provision of this chapter or any other chapter, ordinance, regulation or statute, the more restrictive provision governs.

SECTION 5 ADMINISTRATION

- 5.1 The CEO shall administer the provisions of this chapter.
- 5.2 The administrative provisions of the Maine Uniform Building and Energy Code shall apply to any permitting that may be required to maintain any building or property.
- 5.3 A demolition permit is required prior to demolishing any structure, except for the following structures:
1. A residential accessory structure.
 2. A commercial or noncommercial accessory structure with a footprint of 500 square feet or less.
 3. A structure ordered to be demolished by the town.
 4. A structure with no floor area.
 5. A structure owned by the town of Bucksport.
 6. A mobile home.
- 5.3.1 A demolition permit may not be issued until all applicable prerequisites identified in this section have been met.

- 5.3.2 A demolition permit may not be issued for any structure until all real estate taxes due for that structure have been paid in full.
- 5.3.3 A demolition permit may not be issued for any structure used to house equipment assessed with a personal property tax until all personal property taxes due for the equipment have been paid in full. This requirement shall apply whether or not the equipment is located in the structure when a permit application is submitted.
- 5.3.4 A demolition permit may not be issued until payment of the required permit fee has been made. The required fee shall be as identified in the Schedule of Fees adopted by the Town.
- 5.4 To ensure the protection of the environment and the public health, safety and welfare, the Town Council may require an environmental site assessment of a property where a demolition or site improvement is proposed, if that property is occupied or was previously occupied with a commercial land use involving the use, handling or disposal of hazardous substances, petroleum products, special wastes, hazardous wastes, or similar types of materials. If environmental hazards are identified, a remediation plan approved by the Town Council shall be required.
- 5.5 To ensure the protection of the environment and the public health, safety and welfare, the Town Council may require an irrevocable letter of credit or a performance bond to guarantee the satisfactory completion of the removal of identified environmental hazards on a property where a demolition or site improvement has been proposed. An irrevocable letter of credit or a performance bond may also be required to guarantee the satisfactory completion of the removal of demolished structures and site restoration.
- 5.5.1 Whenever the demolition or removal of material is reasonably anticipated to exceed 1,000 cubic yards, an irrevocable letter of credit or performance bond shall be required.
- 5.5.2 A required irrevocable letter of credit or a performance bond shall be issued in an amount equivalent to 110% of the cost to complete all required remediation and permitted demolition work.

SECTION 6 PROPERTY MAINTENANCE STANDARDS

- 6.1 WATER, LAND AND VEGETATION
- 6.1.1 Surface water run-off and subsurface drainage from any property must be contained or diverted to the extent necessary to prevent water from entering any public street or sidewalk and causing a public safety hazard, or entering any property or building and flooding or damaging that property or building.
- 6.1.1.1 No surface or subsurface water may be drained to the public sewer system.
- 6.1.2 No fill containing hazardous materials, junk, garbage or refuse may be deposited on any property, except in a landfill licensed to accept such fill.
- 6.1.2.1 Disturbed soils must be stabilized in accordance with best management practices for erosion and sedimentation control.
- 6.1.3 Open shafts, wells, tanks, and other subterranean cavities that present a fall hazard must be removed, filled, covered, barricaded or otherwise protected to prevent a public safety hazard.

- 6.1.4 Vegetated landscaping is not required to be maintained, except that no vegetated landscaping on any abandoned property in the Compact Area may be uncared for to the extent that a public safety concern is identified by the CEO for any of the following reasons:
1. Overgrown vegetation has become a fire risk to buildings or structures.
 2. Overgrown vegetation has become a habitat or cover for wildlife that may cause injury, disease or property damage.
 3. Overgrown vegetation provides cover for unauthorized use or illegal activity.
- 6.2 ROADS [*RESERVED*]
- 6.3 OUTDOOR STORAGE
- 6.3.1 No unserviceable, discarded, worn out or junked motor vehicle or vehicle parts may be stored outside on any property in the Compact Area.
- 6.3.2 No more than two unserviceable, discarded, worn out or junked motor vehicles may be stored outside on any property outside the Compact Area, except in a licensed automobile graveyard.
- 6.3.3 No accumulation of discarded, worn-out or junked items may be allowed outside on any property, except in a licensed junkyard. Discarded, worn-out or junked items include any physical objects that are no longer maintained for their intended purpose and which are rotting or rusting, or otherwise in a state of decay, disintegration, delamination, deformation, degradation, damage or deterioration.
- 6.3.4 No mobile home may be permanently stored on any property. A mobile home is considered permanently stored if it remains on a property for one year without being permitted and approved for occupancy.
- 6.3.5 All refuse and garbage must be stored in a sanitary manner in closed bags, cans or receptacles with covers, or in structures or containers intended for waste storage.
- 6.3.5.1 Refuse or garbage may not be stored in any manner or quantity that causes the attraction of animals or emits foul odor.
- 6.3.5.2 Waste containers may not be filled over capacity.
- 6.3.6 Waste containers in the Compact Area may not be emptied or moved on or off site by a commercial hauler between the hours of 10:00 p.m. and 7:00 a.m. on any day.
- 6.3.7 Waste containers contracted for regular waste disposal must be screened from ordinary view by pedestrians on the Waterfront Walkway, and by pedestrians and motorists on Main Street or Route 1. This requirement applies to one or more container with a total or combined volume of one cubic yard or greater.
- 6.3.7.1 Screening may be provided by:
1. Natural or altered topographical features such as hills, gullies or embankments that are stable and vegetated;
 2. Vegetation such as trees and shrubs that effectively provide screening at all times;
 3. Stone, brick or concrete walls; or
 4. Buildings, fencing or other structures, except motor vehicles, box trailers or similar structures.
- 6.3.7.2 All buildings, fences and other structures providing screening in accordance with Section 6.3.7.1 must be structurally sound, free of rot and decay and properly maintained.

- 6.3.7.3 All fencing utilized for screening must be designed and installed to resist damage from the force of wind and to remain stable and plumb in frozen soil.
- 6.3.7.4 The exterior surface of fencing utilized for screening must be uniform in appearance and comprised of materials customarily used for fence installations. The material used may be wood, metal, vinyl, composite, stone or masonry. For the purposes of this section, “exterior surface” means the side facing a street or an abutting property.

6.4 BUILDINGS AND STRUCTURES

- 6.4.1 All buildings and structures and appurtenances attached thereto must be maintained in good repair and free of defects, dilapidation and decay.
- 6.4.2 All vacant structures must be secured to the extent necessary to prevent unauthorized entry.
- 6.4.3 No building intended for human occupancy may have any opening that allows the entry of wild animals into or under the building.
- 6.4.4 No exterior wall may remain without finish siding for more than one year.
- 6.4.5 No roof may remain without finish roofing for more than one year.
- 6.4.5.1 No roof on a building in the Compact Area may be finished or refinished with wood roofing material. An existing roof finished with wood roofing material may be repaired with like material.
- 6.4.6 All interior surfaces must be kept in good repair, clean, and free of mold and chipping or flaking lead-based paint. Asbestos-containing material must be maintained to the extent necessary to prevent the release of asbestos fibers into the air.
- 6.4.6.1 All removal of lead-based paint and asbestos-containing material must be conducted in accordance with state law.
- 6.4.7 All exits and secondary means of escape for a building must be kept clear of obstructions and in operating condition.
- 6.4.8 All required lighting must be maintained in operating condition.
- 6.4.9 All mechanical, heating, ventilation and electrical equipment installations must be maintained in operating condition.
- 6.4.9.1 All chimneys, smoke stacks, and similar appurtenances must be maintained structurally safe and sound, and in good repair.
- 6.4.9.2 No exhaust fan may be vented into an attic or through an eave soffit panel.
- 6.4.10 All plumbing and septic system installations must be maintained in a sanitary and operating condition.
- 6.4.11 All required smoke and carbon monoxide detectors must be maintained in operating condition.
- 6.4.12 All required sprinkler systems must be maintained in operating condition.
- 6.4.13 All required fire alarm systems must be maintained in operating condition.
- 6.4.14 All required radon mitigation systems must be maintained in operating condition.

SECTION 7 DEMOLITION STANDARDS

- 7.1 Demolitions must be screened from view to the greatest practical extent from any public street, public recreational area, and navigable waters. This requirement may be waived by the CEO for demolitions of short duration, or when site constraints make the installation of screening impractical or unreasonable.

- 7.1.2 Adequate measures must be taken to prevent unauthorized entry into any demolition site containing or suspected of containing environmental hazards, unsanitary conditions or other risks to the public health and safety.
- 7.2 Exterior lighting required for any demolition activity is subject to compliance with the requirements of Appendix K Land Use Ordinance, Section 12.17.
- 7.3 Noise from demolition activity involving the use of crushers, blasting or similar high-decibel generating equipment is subject to compliance with the applicable Maine Department of Environmental Protection noise regulations in Chapter 375.10.
- 7.4 Smoke and dust from any demolition activity is subject to compliance with the requirements of Appendix K Land Use Ordinance, Section 12.21.
- 7.5 Vibration from any demolition activity is subject to compliance with the requirements of Appendix K Land Use Ordinance, Section 12.22.
- 7.6 The disposal of all debris and other wastes from any demolition activity is subject to compliance with the requirements of Appendix K Land Use Ordinance, Section 12.27.
 - 7.6.1 Universal wastes must be recycled in accordance with state law.
 - 7.6.2 Burial of demolition debris must be conducted in accordance with state law.
 - 7.6.3 Burning of demolition debris may only be conducted with permission from the Fire Department.
- 7.7 Demolitions are subject to compliance with all applicable fire, safety and building codes.
- 7.8 Any utility connection to a public system must be appropriately terminated and disconnected prior to the commencement of any demolition affecting such connection.
 - 7.8.1 Abandoned septic tanks are subject to compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules.
- 7.9 Demolitions may not cause the pollution or contamination of soils, water or air with any hazardous material. Removal of hazardous materials is subject to compliance with applicable state or federal rules, laws and regulations.
- 7.10 All holes in the ground remaining after the removal of below-ground structures must be filled with appropriate backfill material, except when new construction is permitted for the site.
 - 7.10.1 All disturbed soils must be graded to provide proper drainage, and stabilized in accordance with best management practices for erosion and sedimentation control.
- 7.11 Demolition and any related activity including, but not limited to, crushing, compacting, sorting, moving, loading or removing demolished material, and truck traffic to and from a demolition site, may only be conducted between the hours of 7:00AM and 7:00PM, Monday through Friday. This section shall not apply to any demolition that is exempt from permitting.
- 7.12 No trucks or equipment may be parked or stored on any public street, except as may be temporarily necessary to do so for loading or unloading purposes.
 - 7.12.1 Appropriate measures must be taken to prevent the accumulation of mud or debris on a public street from trucks exiting a demolition site.

SECTION 8 *RESERVED***SECTION 9** **NUISANCES**

- 9.1 A building, structure or property that is in violation of any provision of this chapter is deemed to be a nuisance. A building, structure or property identified as a nuisance is deemed to be a dangerous nuisance if it poses a risk of incapacitating injury or death for any person.
- 9.1.1 The CEO may determine that a risk of incapacitating injury or death exists if any of the following conditions is present or imminent:
1. A structural failure.
 2. An explosion.
 3. A fire.
 4. A fire-damaged structure.
 5. An electrical hazard.
 6. Poisonous contamination or biological infection of water, air or the physical environment.
 7. A precipitous fall hazard.
 8. Catastrophic damage.
- 9.2 Any identified nuisance condition is subject to enforcement in accordance with the provisions of Section 10.

SECTION 10 **ENFORCEMENT**

- 10.1 The CEO shall enforce the provisions of this chapter and shall make every reasonable effort to obtain voluntary compliance when a nuisance condition is identified.
- 10.2 Where it is necessary to make an inspection to enforce the provisions of this chapter, or whenever the CEO has reasonable cause to believe that there exists in a structure or upon a property a violation of this chapter, the CEO may enter the structure or premises at reasonable times to inspect the structure or property, provided that if such structure or property is occupied, the CEO shall present credentials to the occupant and request entry. If such structure or property is unoccupied, the CEO shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or property and request entry. If entry is refused, the CEO shall have recourse to the remedies provided by law to secure entry.
- 10.3 A formal enforcement action taken by the CEO shall require a written Notice of Violation issued to the property owner and violator, if different, containing the following information:
1. Name and address of the property owner/violator
 2. Location of the property, and map and lot number
 3. Date that the violation was observed
 4. Description of the violation
 5. Corrective order and time allowed to comply
 6. Penalty statement
 7. Date of the notice and the CEO's signature

- 10.4 Notice of Violations shall be delivered via First Class United States Mail. When delivery by mail is not accepted or not possible, in hand delivery shall be made by a local law enforcement officer, or by a sheriff or sheriff's deputy pursuant to Rule 4 of the Maine Rules of Civil Procedure.
- 10.5 When compliance with the corrective order of the Notice of Violation is not accomplished within the allotted time, the property owner or violator may submit a written request to the CEO for a one-time extension. An extension may be allowed if a reasonable hardship can be shown.
- 10.6 Prior to issuing a formal violation notice, the CEO may order the occupants of any building or property deemed to be a dangerous nuisance to immediately vacate the building or property and not return until the building or property is approved for occupancy.
- 10.6.1 The CEO shall post a written notice of a dangerous nuisance on the property as soon as possible after the dangerous nuisance has been identified. The CEO shall order the owner or owner's agent to secure the building or property to prevent unauthorized entry and to address any immediate public safety hazard.
- 10.6.2 If action is not taken as ordered by the CEO to address the dangerous nuisance, the CEO 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, and ordering adjacent structures to be vacated.
- 10.6.3 The owner shall be ordered to repay all expenses incurred by the town to secure the dangerous premises and protect the public safety within 30 days after demand. If the owner fails to comply, a special tax may be assessed against the property and collected in the same manner as other municipal taxes are collected.
- 10.7 In the event that a building demolition is ordered by the CEO and the owner fails to comply with the demolition order, the Town Council may take action in accordance with Title 17 §2851 et seq.
- 10.8 The Town Attorney, with the assistance of the CEO, may take an enforcement action to District Court when authorized to do so by the Municipal Officials.

SECTION 11 APPEALS

- 11.1 An aggrieved party may take an administrative appeal from any decision, action or non-action of the CEO to the Bucksport Board of Appeals.
- 11.1.1 A Notice of Violation may not be appealed.
- 11.2 An application for appeal must be received at the Bucksport Town Office no later than 30 days after the date of the decision, action or non-action being appealed.
- 11.3 An appeal of a decision of the Board of Appeals may be taken to Superior Court in accordance with the provisions of Title 30-A §2691.

SECTION 12 WAIVERS

- 12.1 The CEO may grant a waiver of any specific requirement of this chapter, provided that:
1. No waiver has the effect of nullifying the intent and purpose of the Comprehensive Plan and this chapter;

2. Extraordinary and unnecessary hardships may result from strict compliance with the requirement or there are special circumstances of a particular plan; and
 3. The health, safety and welfare of the public are protected.
- 12.2 The CEO may set conditions to any granted waiver as necessary to protect the purposes of this chapter.
- 12.3 The following provisions of this chapter may not be waived:
1. Required permits.
 2. Required fees.
 3. Town Council orders.

SECTION 13 DEFINITIONS

Building: Any structure used or intended for supporting or sheltering any use or occupancy.

Commercial Hauler: One who is in the business of emptying or moving solid waste containers.

Compact Area: Any area in Bucksport that is in the public sewer or water service area.

Finish Roofing: Any building product specifically designed for finish weather protection on a building roof including, but not limited to, roll roofing, asphalt shingles, fiberglass shingles, slate shingles, wood shingles, clay tiles, metal panels and any other material designed for use as finish roofing.

Finish Siding: Any building product specifically designed for finish weather protection on a building's exterior wall surface including, but not limited to, wood clapboards, wood shakes, vinyl siding, aluminum siding, stone, brick, stucco, composite materials and any other material designed for use as finish siding.

Garbage: The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Junk: Discarded, worn-out or junked plumbing, heating supplies, electronic or industrial equipment, household appliances, or furniture. Discarded, scrap and junked lumber. Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and all scrap iron, steel and other scrap ferrous or nonferrous material.

Operating condition: Working as designed and expected, without defect.

Ordinary view: Seen or observed without the aid of magnification provided by binoculars, telescopes or similar optical equipment.

Person: An individual, corporation, partnership or any other group acting as a unit.

Public safety hazard: Any condition of a property, building or structure that poses a risk of injury or death for any person.

Refuse: Combustible and noncombustible waste materials, except garbage.

Structure: That which is built or constructed.

Unserviceable: Not ready for use or presently useable.