

## **TOWN OF MACHIAS VACANT BUILDING ORDINANCE**

### **Purpose**

**A.** Vacant or abandoned properties, particularly residential properties, create and pose significant and costly problems for the Town. These properties often become a drain on the Town budget and detract from the quality of life of the neighborhood and the Town as a whole. Vacant buildings are an impediment to neighborhood redevelopment and rehabilitation, decrease property values, and prevent neighborhood stabilization. These structures are unsightly, often structurally unsound or otherwise dangerous, attract criminal activity, and otherwise create a threat to public health, safety, and welfare of neighboring properties and the general public.

**B.** A significant obstacle in providing effective and prompt enforcement of the current Town Codes, as they relate to vacant buildings, is the inability to contact the owners of abandoned properties. These buildings are often also the subject of foreclosure actions by lien holders, which take considerable time to resolve.

**C.** Certain categories of vacant properties, such as homes of "snowbirds" or members of the armed forces on active duty deployment, are less likely to cause problems and accompanying Town costs.

**D.** The purpose of this article is to provide a just, equitable and practicable method for identifying, managing and responding to the numerous issues associated with vacant buildings. This article is intended to prevent or mitigate dangers to health, safety and welfare, promote responsible management, provide a safe neighborhood for residents, safeguard property values, expedite housing repairs, and provide for prompt contact with owners or managers by Police, Fire, and Code Enforcement when issues or emergencies develop.

### **Definitions**

**A.** For the purpose of interpreting this chapter, the following terms, phrases, words and their derivations shall have following meanings:

#### **OWNER**

Any person, agent, firm, corporation or other legal entity having a legal or equitable interest in a vacant building, including but not limited to a mortgagee in possession, the beneficiary of a trust, or the holder of a life estate.

#### **PROPERTY MANAGER**

A Maine-based entity, corporation, or individual or the designee of the owner that is responsible for maintaining, securing, and inspecting vacant buildings.

#### **VACANT BUILDING**

Any building or other structure that is unoccupied by a person or occupied by unauthorized persons for 90 days, excepting permitted garages or accessory buildings.

### **Applicability**

**A.** This article applies to all vacant buildings located within the Town of Machias.

**B.** Notwithstanding Subsection **A**, this article do not apply to primary residences of members of the armed forces on active duty, vacation or resort facilities, or residences of persons on extended vacations or alternative living arrangements with the intention to return to the property and live (e.g., "snowbirds"). Owners of vacant buildings qualifying under one of these exemptions are required to have the property maintained by a property manager and to provide the Town with a valid emergency contact number for the owner or the property manager.

**Registration required**

**A.** The owner of a vacant building must obtain a vacant building registration permit for the period during which it is vacant.

**B.** When a building or structure becomes vacant, the owner of the building must apply for and obtain a vacant building registration permit and pay the fee within 60 days of the building becoming vacant.

**C.** Standard vacant building registration permit

(1) The Code Enforcement Division shall issue a standard vacant building registration permit upon being satisfied that the building has been inspected and is in compliance with the vacant building maintenance standards set forth in this article, and is adequately protected from intrusion by trespassers and from deterioration by the weather.

(2) A standard vacant building registration permit is valid for six months from the date of approval.

**D.** Interim vacant building inspection permit

(1) If a vacant building is inspected and determined not to meet one or more of the maintenance standards listed in \_\_\_\_\_, the Code Enforcement Officer shall issue an order for any work needed to:

(a) Adequately protect the building from intrusion by trespassers and from deterioration by weather by bringing it into compliance with the vacant building maintenance standards set forth in this article; and

(b) Ensure that allowing the building to remain will not be detrimental to the public health, safety and welfare, will not unreasonably interfere with the reasonable and lawful use and enjoyment of other premises within the neighborhood, and will not pose an extraordinary hazard to police officers or firefighters entering the premises in times of emergency.

(2) When issuing orders under Subsection **D (1)**, the Code Enforcement Officer shall specify the time for completion of the work. The order will act as an interim vacant building registration permit, the duration of which will be for the time set forth in the order. No interim registration permit may be effective for a period of more than 90 days.

**(3)** All work done pursuant to this article must be done in compliance with the applicable building, fire prevention, life safety, and zoning codes.

**E.** After the vacant building registration permit is issued, a placard provided by the Code Enforcement Officer shall be posted on the property by the owner or its agent or property manager. This placard shall be posted on the front door and shall include, but not be limited to, the name, address and phone number of the owner or its agent, and the twenty-four-hour-a-day contact information of the property management company.

**F.** Upon the expiration of a vacant building registration permit, if the building or structure is still vacant, the owner must arrange for an inspection of the building and premises with the appropriate Code Enforcement, Police and Fire Officials, and renew the permit within 10 days of expiration. All permit renewals shall be subject to all conditions and obligations imposed by this article and any previous permits unless expressly exempted there from.

**Permit application**

**A.** Application by the owner of a vacant building or structure for a vacant building registration permit must be made on a form provided by the Code Enforcement Office. Applicants must disclose all measures to be taken to ensure that the building will be kept weather tight and secure from trespassers, safe for entry of police officers and firefighters in times of exigent circumstances or emergency, and together with its premises be free from nuisance and in good order in conformance with vacant building maintenance standards, and other codes adopted by the Town of Machias.

**B.** The application shall include a "statement of intent." The statement of intent shall include information as to the expected period of vacancy (including the date of vacancy), the plan for regular maintenance during the vacancy to comply with the maintenance safety requirements of this subsection, and a plan and timeline for the lawful occupancy, rehabilitation, or removal or demolition of the structure.

**C.** The application shall include a list of persons authorized to be present in the building, along with a statement that any persons not listed shall be considered trespassers. The owner shall update the authorized person list as needed.

**D.** Contact information. The application shall include the following:

**(1)** The name, street address, telephone number, and e-mail address of a designated individual designated by the owner or owners of the vacant building as their authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding in connection with the enforcement of this Code regarding the vacant building.

**(2)** The name of at least one property manager responsible for management and maintenance of the property, along with their twenty-four-hour-a-day contact information.

(3) The name of any bank/lender/lien holder with an interest in the property and its contact information, including the mailing address of the bank/lender/lien holder.

(4) If any contact information required under this subsection changes or becomes out-of-date, the owner must notify the Code Enforcement Officer in writing within 30 days of such change.

E. A fee of \$250 or the cost of all materials, staff time, and other expenses of the Town related to administering and enforcing this article, whichever is greater, shall be charged for a vacant building registration permit or interim permit. This fee shall also be charged upon the renewal of such permits. The fee must be paid at the time of application or renewal. No permit shall be issued prior to payment of the permit or renewal fee. If an owner has secured all the duly required permits to demolish the building or structure, no fee is required if the building or structure is in fact demolished within 90 days of becoming vacant; should this ninety-day period expire, the fee becomes due immediately.

### **Inspection**

A. Upon and at the time of application, the owner of a vacant building or structure shall arrange for an inspection of the premises by the Code Enforcement Officer. The purpose of such inspections is to determine and ensure compliance with vacant building maintenance standards. The Code Enforcement Officer may bring on the inspection such other government officials as it deems prudent to ensure compliance with standards and the safety of the building including but not limited to the Town Manager, the Police and Fire Officials.

B. If the Code Officer has reason to believe that an emergency or imminent danger exists tending to create an immediate danger to the health, welfare, or safety of the general public, Code, Police and Fire Officials have the authority to enter and inspect the vacant building and premises upon which it stands without notification or warrant being required.

### **Maintenance standards**

An owner 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. Doors, windows, areaways and other openings must be weather tight and secured against entry by birds, vermin and trespassers. Missing or broken doors, windows and other such openings must be covered by glass or other rigid transparent materials which are weather protected and tightly fitted and secured to the opening.

B. Roofs. The roof and flashings shall be sound and tight, admit no moisture and have no defects which might admit moisture, rain or roof drainage, and allow for drainage to prevent dampness or deterioration in the interior walls or interior of the building.

C. Drainage. The building storm drainage system shall be functional and installed in an approved manner, and allow discharge in an approved manner.

**D. Building structure and sanitation.** The building shall be maintained in good repair, structurally sound and free from debris, rubbish and garbage, including but not limited to any combustible waste and refuse. The building shall be sanitary. The building shall not pose a threat to the public health and safety.

**E. Structural members.** The structural members shall be free of deterioration and capable of safely bearing imposed dead and live loads.

**F. Foundation walls.** The foundation walls shall be structurally sound and in a sanitary condition so as not to pose a threat to public health and safety, shall be capable of supporting the load which normal use may cause to be placed thereon, and shall be free from open cracks and breaks, free from leaks, and animal proof and ratproof.

**G. Exterior walls.** The exterior walls shall be free of holes, breaks, and loose or rotting materials. Exposed metal, wood, or other surfaces shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

**H. Decorative features.** The cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be safe, anchored, and in good repair. Exposed metal, wood, or other surfaces shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

**I. Overhanging extensions.** All balconies, canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar features shall be in good repair, anchored, safe and sound. Exposed metal and wood surfaces shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

**J. Chimneys and towers.** Chimneys, cooling towers, smokestacks, and similar appurtenances shall be structurally safe and in good repair. Exposed metal and wood surfaces shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

**K. Walkways.** Walkways shall be safe for pedestrian travel.

**L. Accessory and appurtenant structures.** Accessory and appurtenant structures such as garages, sheds, and fences shall be free from safety, health, and fire hazards and shall comply with these vacant building maintenance standards.

**M. Premises.** The premises upon which the structure or building is located shall be clean, safe, and sanitary, free from waste, rubbish, debris or excessive vegetation, and shall not pose a threat to the public health or safety.

N. The owner of a vacant building or structure must comply with all 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.

**Violations and penalties**

Any person who is found to be in violation of any provision or requirement of this article shall be subject to a civil penalty as set forth in 30-A M.R.S.A. § 4452. Each violation of a separate provision or requirement, and each day of violation, shall constitute a separate offense.

Adopted: \_\_\_\_\_

Signature of Planning Board members:

\_\_\_\_\_  
William Thompson

\_\_\_\_\_  
David Barker

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Arthur McCurdy

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Ed Pellon

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Joseph Gurney