



GARDINER CITY COUNCIL AGENDA ITEM INFORMATION SHEET



Meeting Date	10/14/2020	Department	Code Enforcement
Agenda Item	4.c Second Read and Possible Approval of Proposed Amendments to the City Code: Title 17 Chapter 5 Property Maintenance		
Est. Cost	n/a		

Background Information

As the city's Comprehensive Plan was prepared there was a lot of discussion regarding the need to give the City an avenue to work with property owners on property maintenance. The Comprehensive Plan recommended that the City adopt such an ordinance.

Attached are the proposed amendments for a Property Maintenance Ordinance that have been reviewed by the Ordinance Review Committee and the City Solicitor. This would be a new Chapter in Title 17 Nuisances of the Code of Ordinances.

Please see attached memo from the Ordinance Review Committee.

Requested Action	'I move to adopt the proposed amendments to the City Code: Title 17 Chapter 5 Property Maintenance and to waive publication of the ordinance in the newspaper as allowed by City Charter Article II, Section 9.'
City Manager and/or Finance Review	The City Manager recommends the above action.
Council Vote/ Action Taken	
Departmental Follow-Up	City must update the ordinance and website on effective date (10 days after approval). City Clerk must publish ad per Charter Article II Section 9 unless waived.

City Clerk Use Only	1 st Reading <u>09/16/2020</u>	Advertised <u>09/09/2020</u>	EFFECTIVE DATE <u>11/13/2020</u>
	2 nd Reading <u>10/14/2020</u>	Advertised <u>10/29/2020</u> w/in 15 Days	
	Final to Dept <u></u>	Updated Book <u></u> Online <u></u>	

To: City Council
From: Ordinance Review Committee
Subject: Property Maintenance Standards
Date: August 7, 2020

During the preparation of the City's Comprehensive Plan there was considerable discussion about the need for a property maintenance code to allow the City to work with property owners to assure reasonable maintenance of their properties. As a result of those discussions a recommendation was included in the Comprehensive Plan that the City adopt property maintenance requirements. City staff developed a draft of property maintenance requirements and these were reviewed by the Ordinance Review Committee. The draft of the proposed ordinance provisions were reviewed and revised by Jon Pottle. Based on Jon's input and further review by staff and the ORC, the ORC developed the attached proposal. The proposal creates a new chapter in Title 17 Nuisances of the Code of Ordinances. The new section establishes standards for the upkeep of property in the City and sets up procedures for the Code Enforcement Officer to work with owners to assure that all properties are maintained.

July 13, 2020

**Proposed Amendments to the CITY OF GARDINER CODE
To Create Property Maintenance Provisions**

Amend Title 17 Nuisances of the Code of Ordinances to create a new Chapter 5 Property Maintenance to read as follows:

CHAPTER 5

Property Maintenance

1750. Purpose

1751. Authority

1752. Minimum Maintenance Standards

1753. Enforcement

1754. Penalties

1756. Administrative Appeals

1757. Severability

Section 1750. Purpose.

The intent of this chapter is to establish minimum standards for the condition and maintenance of all residential and nonresidential properties including, without limitation, all buildings and structures, the premises surrounding said buildings and structures, and any premises that does not contain any buildings and/or structures, in order to protect public health, safety, and to prevent nuisance conditions.

Section 1751. Authority.

This chapter is adopted pursuant to the City of Gardiner's home rule authority and pursuant to 30-A M.R.S. § 3001.

Section 1752. Minimum Maintenance Standards.

1752.1. The following items will stand as the minimum maintenance standards that all properties in the City of Gardiner must meet or exceed.

1. All premises and yard areas shall be maintained in a safe and sanitary condition. If any such area or object constitutes a danger to health or safety, it shall be repaired, replaced, removed, or otherwise remedied. All buildings and structures, and all parts thereof, shall be maintained in a safe, sanitary, and non-hazardous manner. All means of egress shall be kept in good working order and clear of debris. Without limiting the generality of the foregoing, the following are examples of minimum maintenance standards:

- a. All exterior wall and roof surfaces of any structure used for human occupancy shall be protected so as to prevent wind, rain, and snow from entering.
 - b. Basement foundations shall be enclosed so as to prevent entry of vermin.
 - c. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.
2. All yards or lots shall be kept free of accumulations of trash, garbage, refuse, junk, or other material, which may cause a fire hazard, health or safety hazard, or may act as a breeding place for vermin.
 3. All yards or lots shall be kept free of junk/unregistered vehicles. A maximum of 2 unregistered vehicles are allowed on a lot, unless otherwise licensed or permitted by the City of Gardiner.
 4. Weeds and grass shall be kept from becoming overgrown to an extent where it causes either a fire hazard or conditions that attract rats or other vermin.
 5. Minimum conditions shall be maintained in all residential dwellings including a functional heating system, sanitary facilities including toilet, sink or basin and shower or bathtub, sanitary conditions free from mold, filth and leaks, and a basic level of security including locking doors and windows.

1752.2. If a casualty event causes damage to property or any building or structure thereon, the owner or occupant shall cause or contract to remedy the damaged areas within a period of ninety (90) days after the casualty. For the purposes of this provision, casualty shall mean any unforeseeable unintended accident, weather, or similar event affecting the property and causing damage. "Cause or contract" shall include the initiation of an insurance claim, contracting of a construction/repair business, or substantial preparation for self-repair work. The Code Enforcement Officer, for good cause shown, may issue an extension of this 90-day remedial period.

Section 1753. Enforcement.

The Code Enforcement Officer shall enforce the provisions of this chapter. If the Code Enforcement Officer shall find that any provision of this chapter is being violated, the Code Enforcement Officer shall notify in writing the property owner, mortgagee, and/or other party responsible for the violation, serving a written notice by certified mail or hand delivering it in person. The Code Enforcement Officer shall indicate the nature of the violation and order the action necessary to correct it. The Code Enforcement Officer shall set a reasonable period of time (not to exceed thirty (30) days) for the violation to be corrected.

If the violation is not corrected within the required time allowed, the property owner, mortgagee, and/or other responsible party shall be subject to penalties as set forth in Section 1754.

Section 1754. Penalties.

Any person who violates any provision of this chapter commits a civil violation punishable by a civil penalty of \$25 for each day the violation continues beyond the allotted correction period as referenced in Section 1753. In addition, the City may pursue all remedies and relief available at law and/or in equity, including without limitation the remedies and relief provided 30-A MRSA §4452.

Nothing contained in this chapter shall limit any other right or remedy available to the City of Gardiner.

Section 1755. Administrative Appeals.

Any decision by the Code Enforcement Officer may be appealed within thirty (30) days of its issuance to the Board of Appeals. Such appeals shall be de novo and the proceedings shall be consistent with 30-A M.R.S. § 2691 and applicable City ordinance provisions regarding proceedings before the Board of Appeals.

Section 1756. Severability.

If any clause, sentence, paragraph, section, or part of this chapter is adjudged by any court of competent jurisdiction to be invalid, such judgement shall not affect impair or invalidate the remainder therefor but shall be confined in its operation to the clause, sentence, paragraph, or section, or part therefore directly involved in the controversy in which such judgement shall have been rendered.