

**Property Maintenance Ordinance  
Town of Paris, Maine**

**Section 1. Purpose**

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

**Section 2. Authority**

This ordinance is enacted pursuant to State law, Title 30-A Section 3001.

**Section 3. Required Maintenance**

I. All grounds or parts thereof shall be maintained to prevent unsafe, unsanitary and/or nuisance conditions (according to the nuisance definition found in State law Title 17, Section 2802 and as defined in the Appendix) and to avoid any adverse effect on the adjoining properties.

II. Abandoned buildings (sheds, barns, shacks, garages) that are collapsing and dilapidated with broken/missing windows, holes in the roof and/or exterior walls or having excessive vermin living in the structure or building will be required to be made safe and that hazards to the public health and safety are eliminated.

**Section 4. Grounds Maintenance Standards**

The grounds of any property shall be kept in good repair and free of unsafe or unsanitary conditions. Examples of items which may create such conditions include: Junkyards and Automobile Graveyards, tires, household debris, scrap metals, wood & discarded lumber or plastic, refuse, household trash, human waste and any item that may cause a health and or safety concern.

I. Yard sales limited to three consecutive days only. After expiration, objects and product for sale must be removed or relocated to secure location free from view of street or view of neighbors.

**Section 5. Placement of Fill**

Fill that consists of non-natural materials including hazardous materials, metals, plastics, batteries, solid waste, garbage or any other materials that are not included in the definition of clean fill shall be prohibited. The placement of any prohibited fill shall be deemed a violation of the Ordinance and shall be removed from the site under the direction of the Code Enforcement Officer.

**Section 6. Responsibilities**

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

## **Section 7. Enforcement & Penalties**

The Code Enforcement Officer (CEO) of the Town of Paris shall enforce the provisions of this ordinance.

I. The code enforcement officer, building official, local plumbing inspector and/or health officer may enter any property when legally authorized to do so upon information indicating the likelihood of a violation of this ordinance. The CEO shall investigate the facts, document his/her findings and shall serve written notice, first by USPS priority mail and then USPS certified mail if there has been no action or follow up from the business or person(s) legally responsible for the land and property. As with other enforcement matters, the CEO shall first seek voluntary cooperation from the violator, allowing no more than 30 days for the completion of corrective action.

II. The Board of Selectmen may enter into administrative consent agreements in the name of the Town for the purposes of voluntarily eliminating violations and recovering penalties without court action.

III. If appropriate action to correct the violations has not been taken within the period established, the CEO and/or the Town Attorney may initiate appropriate court proceedings to prevent, correct and/or abate the violation(s) after consultation with the Town Manager and approval from the Board of Selectmen. Such court proceedings may include the initiation of a land use complaint pursuant to Rule 80-K of the Maine Rules of Civil Procedure.

If a violation is not corrected within the time allowed, the Town shall pursue all remedies and relief at law and/or in equity for land use ordinances, including without limitation the remedies and relief provided in 30-A M.R.S. Section 4452 (attorney and attorney office staff fees, expert witness fees and all court filing costs) as well as a violation of the Junkyards and Automobile Graveyards law in 30-A M.R.S. chapter 183. The Town shall retain all penalties set forth in these ordinances. Additionally, the Board of Selectmen may also bring a dangerous building proceeding under 17 M.R.S. § 2851 to seek the abatement or disposal of a dangerous or nuisance building.

The CEO may represent the Town in District Court, pursuant to Rule 80-K. However, should the services of the Town Attorney be required, in litigation in a higher court of law for example, the CEO shall first seek approval from the Board of Selectmen.

The CEO may offer one (1) special extension to abate the violation without court action per person/per incident of up to 180 days to violators of this ordinance 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 before presented to the Board of Selectmen for possible legal proceedings. 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. These extensions for seasonal, disability, or financial hardship shall be at the discretion of the CEO and will require a Compliance Order.

## Section 8. Severability

If any section, subsection, clause, paragraph, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed to be a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

## Section 9. Effective Date

This ordinance shall be effective upon adoption by the Town of Paris and may be amended in accordance with Town requirements for amending ordinances.

## Appendix: Definitions

**Cause or Contract:** For this ordinance, “cause or contract” as it appears in Section 6 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.

**Fill:** Fill means soil material, including soil from road ditching and sand from winter sand cleanup; stone and rock; bricks; crushed clean glass or porcelain; and cured concrete; that are not mixed with other solid or liquid waste, and are not derived from an ore mining material.

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

**Nuisance Condition:** ~~This item has been defined by – 17 M.R.S. Section 2802. It reads as follows: “The erection, continuance or use of any building or place for the exercise of a trade, employment or manufacture which, by noxious exhalations, offensive smells, or any other annoyances, become injurious and dangerous to the health, comfort or property of individuals, or of the public; causing or permitting abandoned wells or tin-mining shafts to remain unfilled or uncovered to the injury or prejudice of others; causing or suffering any offal, filth or noisome substance to collect, or to remain in any place to the prejudice of others; obstructing or impeding, without legal authority, the passage of any navigable river, harbor or collection of water; 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 the obstructing or encumbering by fences, buildings or otherwise, of highways, private ways, streets, alleys, commons, common landing places or burying grounds are nuisances within the limitations and exceptions mentioned. Any places where one or more old, discarded, worn out or junked motor vehicles as defined in Title 29-A, section 101, subsection 42, or parts thereof, are gathered together, kept, deposited, or allowed to accumulate, in~~

~~such manner or in such location or situation, either within or without the limits of any highway, as to be unsightly, detracting from the natural scenery or injurious to the comfort and happiness of individuals and the public, and injurious to property rights, are declared to be public nuisances.”~~

### **Outdoor Maintenance Requirements**

It is the responsibility of the owner of any property, improved or unimproved, to maintain the outdoor areas of the property and adjacent rights of way in a manner that complies with the following requirements:

- A. Holes, tanks, and child traps** – Remove, or fill where filling will abate the nuisance, all holes, cisterns, open cesspools, open or unsanitary septic tanks, excavations, open foundations, refrigerators, freezers, or iceboxes with unlocked attached doors and any other similar substance, material or condition which may endanger neighboring property or health or safety of the public or the occupants of the property.
- B. Unsecured structures** – Board over or otherwise secure, and keep boarded over or otherwise secured, all open or broken exterior doors, windows, or apertures of any structure so as to prevent access by unauthorized persons through such openings.
- C. Rodent control** – Remove or repair, and keep removed or repaired, any conditions that provides a place where rodents gain shelter, feed, or breed.
- D. Emergency access routes** – Remove and keep removed all brush, vines, overgrowth and other vegetation located within 5 feet of a structure or within 5 feet of a property line which is likely to obstruct or impede the necessary passage of fire or other emergency personnel.
- E. Trash and debris** – Remove, and keep removed, unless specifically authorized by ordinance to do otherwise:
  1. All garbage, dead animals, animal and human waste, and waste materials, except items within a dumpster or a covered garbage container (3 maximum at residence);
  2. Accumulations of litter, glass, scrap materials (such as wood, metal, paper, and plastics), junk, combustible materials, stagnant water, or trash;
  3. All dead bushes, dead trees, and stumps with the exception of such material which;
    - a. Is being maintained as part of a naturescaped property;
    - b. Does not result in a nuisance as otherwise defined and;
    - c. Is located on property which is otherwise substantially
  4. All trees which are dead, dying or dangerous and are determined by a private certified arborist to require removal in order to safeguard people or property;
  5. Accumulations of dead organic matter and yard debris, with the exception of small accumulations of such material in a maintained compost area on the property and only if such material does not result in a nuisance, such as creating rodent control, as otherwise defined in this ordinance; and
  6. Accumulations of clothing and any other items not designed for outdoor storage.
- F. Storage of non-trash items** – Remove, and keep removed, unless specifically authorized by ordinance to do otherwise:
  1. Accumulations of wood pallets.
  2. Any woody debris from trees and all firewood that is not stacked and useable. “Useable” firewood has more wood than rot and is cut to lengths that will fit an approved fireplace or wood stove on the property.
  3. Accumulations of vehicle parts or tires.

4. All construction materials, except those that are stored in a manner to protect their utility and prevent deterioration and are reasonable expected to used at the site.
  5. All appliances or appliance parts except for storage of appliances that are reasonably expected to be used at the site and are stored in a manner to protect their utility and prevent deterioration.
  6. All indoor furniture except that which is stored in a manner to protect its utility and prevent deterioration and is reasonably expected to be used at the property.
  7. All recycling materials except for reasonable accumulations (amounts consistent with a policy of regular removal) that are stored in a well-maintained manner.
  8. All other non-trash items which:
    - a. Are of a type or quantity inconsistent with normal and usual use; or
    - b. Are likely to obstruct or impede the necessary passage of fire or other emergency personnel.
- G. Disabled vehicles** – Neither store nor permit the storing of a disabled vehicle for more than 7 days unless the vehicle is enclosed with a legally permitted building or unless it is stored by a licensed business enterprise dealing in junked vehicles lawfully conducted with the Town.
- H. Obstructions to sidewalks, streets, and other rights of way** – Keep the adjacent rights of way free of anything that obstruct or interferes with the normal flow of pedestrian or vehicular traffic, unless specifically authorized by permit or ordinance to do otherwise. This responsibility includes, but is not limited to, removal of earth, rock, and other debris, as well as projecting or overhanging bushes and limbs that may obstruct or render unsafe the passage of persons or vehicles.

### **Other Endangering Conditions**

It is the responsibility of the owner to any property, improved or unimproved, to remove or repair:

- A. Any damage to or failure of an on-site sewage disposal system, private or common private sewer lines, rain drain system, or non-conforming sewers, and
- B. Any other substance, material or condition that is determined by the CEO to endanger neighboring property, the health or safety of the public, or the occupants of the property.

### **Nuisance Defined, Summary Abatement Authorized**

All conditions in violation of this ordinance shall constitute a nuisance. Any person whose duty it is to correct such conditions and who fails to do so shall be subject to the enforcement and penalties clause of this ordinance.

**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, 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 or the estate or as a mortgage in possession, regardless of how such possession was obtained.

**Property:** For this ordinance the term shall be defined as any lot, plot, or parcel of land.

**Structure:** Anything built or constructed and permanently affixed on a property that cannot be considered grounds or landscaping. It especially includes residential, commercial or industrial buildings with usable interior space. It also refers to auxiliary buildings such as storage sheds or garages.

Adopted Date: October 26, 2020

Updated: \_\_\_\_\_, 2022

DRAFT