

TOWN OF MILO

6 PLEASANT STREET
MILO, MAINE 04463

207-943-2202 -OFFICE
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Property Maintenance Ordinance of the Town of Milo, Maine

ARTICLE 1 GENERAL

1.1 TITLE

This Ordinance shall be known and cited as *Property Maintenance Ordinance of the Town of Milo, Maine* and will be referred to herein as "this Ordinance".

1.2 AUTHORITY AND PURPOSE

This Ordinance is intended to establish minimum conditions for the maintenance of structures and exterior property appearances.

1.3 VALIDITY AND SEVERABILITY

In the event that any article, section, subsection or other provisions of this Ordinance is held or becomes invalid or void, by virtue of any decision of any court of competent jurisdiction, or by virtue of any applicable Federal, or State Law, the remaining portions of this Ordinance shall continue to be valid and remain in full force and effect.

1.4 CONFLICT WITH OTHER ORDINANCES

This Ordinance shall govern the minimum acceptable conditions and responsibilities for maintenance of structures and exterior property. This Ordinance shall not repeal, annul, or in any way impair or remove the necessary of full compliance with any rule, by-law, regulation, permit or ordinance of the Town of Milo. Whenever regulations or restrictions imposed by this Ordinance are more restrictive than regulations or restrictions imposed by the State of Maine or United States, the regulations or restrictions which are less restrictive or impose a lower standard, shall govern. In event there are no applicable State or Federal regulations or restrictions the provisions of this Ordinance are to be applied to any regulated structure, property or activity.

1.5 SCOPE

All property owners and tenants in possession shall cause their properties, occupied or unoccupied, to be maintained to meet the standards set forth in this Ordinance.

1.6 EFFECTIVE DATE

This Ordinance shall be effective thirty (30) days after enactment.

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1.7 ENFORCEMENT

1.7.1 This Ordinance shall be enforced by the Code official. Any person, firm, or corporation violating any of the provisions of this Ordinance shall be liable for a civil violation under Title 30-A MRSA Section 4452.3

1.7.2 Each day a violation continues after issuance of a Notice of Violation, pursuant to 1.8.2 shall constitute a separate offense.

1.8 VIOLATIONS

- 1.8.1 Unlawful acts – It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.
- 1.8.2 Notice of Violation – The Code official shall serve a notice of violation or order in accordance with Section 1.9.
- 1.8.3 Prosecution of violation – Any person failing to comply with a notice of violation or order served in accordance with Section 1.9 shall be liable to a civil penalty. If the notice of violation is not complied with, the Code official shall institute the appropriate proceedings at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto.
- 1.8.4 Abatement of violation – The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.
- 1.8.5 Any person who violates any provision of this ordinance, or fails to comply with any of its requirements, shall, upon conviction thereof, be fined a minimum of one hundred dollars (\$100.00) and a maximum of twenty five hundred dollars (\$2,500.00). Each day such violation continues shall constitute a separate offense.

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1.9 NOTICE AND ORDERS

1.9.1 Notice to person responsible- Whenever the Code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Section 1.8 to the person responsible for the violation as specified in this code.

1.9.2 Form – Such notice prescribed in Section 1.8

1. Be in writing;
2. Include a description of the real estate sufficient for identification;
3. Include a statement of the violation or violations and why the notice is being issued;
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.

1.9.3 Method of Service – Such a notice shall be deemed to be properly served if a copy is:

1. Delivered personally;
2. Sent by certified or first class mail addresses to the last known address; or
3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such order.

1.9.4 Transfer of ownership – It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the Code official and shall furnish to the Code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

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ARTICLE 2 EXTERIOR PROPERTY MAINTENANCE

- 2.1 SANITATION - Exterior property shall be maintained in a clean, safe, and sanitary manner
- 2.2 Grading and drainage – All premises shall be maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon or within any structure located thereon.
Exception: Approved retention areas and drainage easement areas
- 2.3 Rodent harborage – All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by an approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate re-infestation.

OWNER - The owner of any property shall be responsible for extermination

SINGLE OCCUPANCY - The occupant of a single dwelling unit or of a nonresidential structure shall be responsible for extermination of or on the property

MULTIPLE OCCUPANCY - The owner of a two or more dwelling unit, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and shall be responsible for extermination of the exterior property.

- 2.4 Motor vehicles – No more than 2 unlicensed, unserviceable motor vehicles shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicle is prohibited unless conducted inside an approved spray booth.

EXCEPTION: a vehicle of any type may undergo major overhaul, including body work as long as the work is performed inside a structure or enclosed area designed and approved for such purpose

ARTICLE 3 RUBBISH AND GARBAGE

- 3.1 The interior of all structures and the exterior of all properties shall be free from any accumulation of garbage and rubbish.
- 3.2 Refrigerators – refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.

ARTICLE 4 YARD SALES

- 4.1 No yard sale may be conducted for more than three (3) consecutive days
- 4.2 No person, firm, corporation or other entity shall conduct more than two (2) yard sales from any residential premises or location in any one (1) calendar year.
- 4.3 Signs designating yard sales shall not exceed four (4) square feet. Signs shall not obstruct traffic Views and shall be removed immediately after the sale has ended.
- 4.4 Non-profit organizations are exempt from the provisions of Article 4.

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ARTICLE 5 DEFINITIONS

Basement:	The portion of a structure either partly or totally below grade
Exterior property:	Open space on any property
Extermination:	The control and elimination of insects, rodents, and other pests by eliminating nesting places; removing or eliminating access to food sources; by poison spraying, trapping or utilizing any other approved pest control and elimination methods
Garbage:	Waste resulting from the cooking and consumption of food
Infestation:	The presence of insects, rats, rodents, vermin or other pests within a structure or on the property
Let for Occupancy Or let:	To allow occupancy by a person or persons other than the legal owner of record to occupy or possess a dwelling, a dwelling unit, rooming unit, building or structure pursuant to a written or unwritten lease agreement or pursuant to a recorded or unrecorded agreement of contract for the sale of property
Occupant:	Anyone living, sleeping or possessing space in a building
Operator:	Any person in charge or control of a structure which is let or offered for occupancy
Owner:	Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in official State, County or Municipal records as holding title to the property or otherwise having control of the property; including guardians of the estate of any such person and the executor or administrator of the estate of such person if ordered to take possession of real property by a Court
Person:	An individual, corporation, partnership, or other group acting as a unit
Property:	Shall mean the lot or parcel of land, including any and all structures thereon

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Public nuisance includes the following:

1. The physical condition or occupancy of any property regarding as a public nuisance by common law
2. Abandoned wells, shafts, basements, excavations, unsafe fences or structures, among other nuisance conditions which might attract children
3. Property with unsafe or unsanitary plumbing facilities
4. Property designated as unfit for human habitation
5. Property determined to be a fire hazard; or determined to be unsafe or unsecured and a threat to human life or limb
6. Property where plumbing, heating or other facilities required by Town of Milo Ordinances have been removed; or from which utilities have been disconnected, destroyed, removed or caused to be ineffective; or no precautions were taken to prevent trespassing
7. Property that is unsanitary or littered with rubbish or garbage or has an uncontrolled growth of weeds
8. Any dilapidated, deteriorating or decaying structure. Any structure of faulty construction, any structure which is overcrowded, open, vacant or abandoned. Any fire damaged structure to the extent that it cannot provide shelter, is in danger of collapse or failure and poses a potential danger to anyone on or near the property

Rubbish: Includes: combustible and non-combustible materials excluding garbage; residue from the burning of wood, coal, and other combustible materials; paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust and other similar materials

Yard Sale: The sale of goods from a residential premises, whether advertised in local media, by otherwise as a yard sale, barn sale, garage sale, household sale, moving sale, or other sale, whether accomplished by direct sale or auction; or the sale at the seller's place of residence, of all or part of the household goods, whether accomplished by direct sale or auction; or sales conducted by civic groups, school groups, church groups, charitable or fraternal organizations and other non-profit organizations if such sale is held on the organization's premises or within the Town of Milo.

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Adoption Process and Effective Date

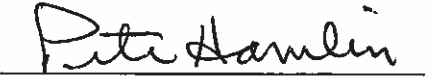
Date of Adoption by the Milo Select Board:


4/4/2017

Effective Date of Ordinance:

5/4/2017


Leland Mcmannus, Chairman


Peter Hamlin, Secretary, Selectman


Isabelle Warren, Selectman


Tony Hamlin, Selectman


Paula Copeland, Selectman