

**TOWN OF DOVER-FOXCROFT
VACANT AND ABANDONED BUILDINGS ORDINANCE**

July 14, 2020

ENACTED: _____

Date

EFFECTIVE: _____

Date

CERTIFIED BY: _____

Name

Title

TOWN OF DOVER-FOXCROFT
VACANT AND ABANDONED BUILDINGS ORDINANCE
Public Hearing Draft (5/28/2020)

Section 1 Authority

This Ordinance is established under the authority of Title 30-A M.R.S. §3001 *et seq.*

Section 2 Purposes

- A. The purpose of this Ordinance is to provide a just, equitable and practicable method for responding to issues associated with vacant and abandoned buildings and structures. This Ordinance is intended to prevent or mitigate dangers to health, safety and welfare, promote responsible management, provide safe neighborhoods for residents, safeguard property values, expedite building repairs, and provide for prompt contact with owners or managers by police, fire, and code enforcement when issues or emergencies develop.
- B. Vacant or abandoned properties create and pose significant and costly problems for the Town. These properties can drain Town budgets, impede 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.
- C. A significant obstacle to addressing vacant or abandoned 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.
- D. Certain categories of vacant properties, such as homes of members of the armed forces including the National Guard and Reserve that are actively deployed are less likely to cause problems and accompanying Town costs and are exempt from this Ordinance.

Section 3 Definitions

- A. If a term is not defined in this Ordinance or the Dover-Foxcroft Land Use Ordinance, it shall have its customary dictionary meaning.
- B. For the purpose of interpreting this Ordinance, the following terms, phrases, words and their derivations shall have following meanings:

Abandoned Building:

- 1. Any building or structure that is vacant and is under a current notice of default; under a current notice of trustee's sale; pending a Tax Assessor's lien sale; any property that has been the subject of a foreclosure sale where the title was retained by the beneficiary of a deed of trust involved in the foreclosure; and any property transferred under a deed in lieu of foreclosure/sale, or any property where the owner cannot be identified.
- 2. Any building that meets one or more of the conditions cited in 14 M.R.S. § 6326, subsection 2, paragraphs A through I, as may be amended, for establishing abandonment by statute, or any building the meets one or more of the following:

- a. The Code Enforcement Officer or other public official has made a determination or finding that the premises are abandoned or unfit for occupancy.
- b. Doors and windows on the premises are continuously boarded up, broken, or unlocked.
- c. Rubbish, trash, or debris has observably accumulated on the premises.
- d. The premises are deteriorating so as to constitute a threat to public health or safety.
- e. A mortgagee has changed the locks on the mortgaged premises and neither the mortgagor nor anyone on the mortgagor's behalf has requested entrance to, or taken other steps to gain entrance to, the mortgaged premises.
- f. Reports of trespassers, vandalism or other illegal acts being committed on the premises have been made to local law enforcement authorities.
- g. The owner is deceased and there is no evidence that an heir or personal representative has taken possession of the mortgaged premises.
- h. Other reasonable indicia of abandonment.

Code Enforcement Officer (CEO): Code Enforcement Officer for the Town of Dover-Foxcroft

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 60 days, excepting permitted garages or accessory buildings.

Section 4 Applicability

- A. This Ordinance applies to vacant buildings that have been abandoned and are located within the Town of Dover-Foxcroft. (See definitions for “vacant building” and “abandoned building”)
- B. This Ordinance does not apply to primary residences of members of the armed forces, including the National Guard and Reserve that are actively deployed.

Section 5 Registration

- A. The owner of a vacant building that has been abandoned must obtain a vacant building registration permit for the period during which the building is vacant.
- B. When an abandoned building 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 CEO 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 Ordinance, and is adequately protected from intrusion by trespassers and from deterioration by the weather.
 2. A standard vacant building registration permit is valid for one (1) year from the date of approval.
- D. Interim vacant building inspection permit.
 1. If a vacant building that has been abandoned is inspected and determined not to meet one or more of the maintenance standards listed in Section 8, the CEO shall issue an order for any work needed to:

- a. Adequately protect the building and property from intrusion by trespassers and from deterioration by weather by bringing it into compliance with the vacant building maintenance standards set forth in this Ordinance; 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, above, the CEO 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 Ordinance must be done in compliance with the applicable Town codes and ordinances.
- E. 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 CEO and renew the permit within 10 days of expiration. All permit renewals shall be subject to all conditions and obligations imposed by this Ordinance and any previous permits unless expressly exempted therefrom.

Section 6 Permit Application

- A. Application by the owner of a vacant building that has been abandoned for a vacant building registration permit must be made on a form provided by the CEO. Applicants must disclose all measures to be taken to ensure that the building will be kept weathertight and secure from trespassers, safe for entry of the CEO, police, fire, and public health and safety officials 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.
- 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 Ordinance, 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.
 1. The application shall include the following:
 - a. The name, street address, telephone number, and e-mail address of the owner of the vacant building that has been abandoned, and the same for any individual designated by the owner or owners 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 Ordinance regarding the vacant building.
 - b. 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.

- c. 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.
 2. If any contact information required under this Ordinance changes or becomes out-of-date, the owner must notify the CEO in writing within 30 days of such change.
- E. A fee as specified in the Town's Fee Schedule, or the cost of all materials, staff time, and other expenses of the Town related to administering and enforcing this Ordinance, whichever is greater, shall be charged for a vacant building registration permit or interim permit. 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. Any unpaid fees and expenses incurred by the Town in administering and enforcing this Ordinance must be repaid to the Town by the owner within 30 days after demand, or the Town may take action to recoup those unpaid fees and expenses through any means allowed under state statute, such as through 17 M.R.S. Section 2851 (4).

Section 7 Inspection

- A. Upon and at the time of application, the owner of a vacant building that has been abandoned shall arrange for an inspection of the premises by the CEO. The purpose of such inspection is to determine and ensure compliance with the vacant building maintenance standards. The CEO may bring on the inspection such other government officials as they deem prudent to ensure compliance with standards and the safety of the building, including but not limited to police, fire and public health officials.
- B. If the CEO 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, the CEO, police, fire and public health officials have the authority to enter and inspect the vacant building that has been abandoned and premises upon which it stands without notification or warrant being required.

Section 8 Vacant Building Maintenance Standards

- A. An owner of a vacant building that has been abandoned must adequately protect the building 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:
 1. Exterior doors, windows, areaways and other openings must be weathertight 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.
 2. The roof shall be structurally sound such that there is not a threat of collapse or deterioration of the roof, the walls and other structural members due to rain, snow or moisture that may result in unsafe conditions.
 3. The building storm drainage system shall be functional and installed in an approved manner, to allow discharge in an approved manner.
 4. 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.

5. All structural members shall be free of deterioration and capable of safely bearing imposed dead and live loads.
6. 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, shall be free from open cracks and breaks, shall be free from leaks, and shall be animal proof and rat proof.
7. The exterior walls shall be free of holes, breaks, and loose or rotting materials.
8. 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.
9. Chimneys, cooling towers, smokestacks, and similar appurtenances shall be structurally safe and in good repair.
10. Walkways shall be safe for pedestrian travel.
11. 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.
12. The premises upon which the structure or building is located shall be clean, safe, and sanitary, free from waste, rubbish, debris, and shall not pose a threat to the public health or safety.

Section 9 Violations and Penalties

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

Section 10 Conflicts, Validity and Severability

- A. Where the provisions in one part of this Ordinance conflict with those in any other part of this Ordinance, the more restrictive provision shall apply except where expressly provided otherwise.
- B. Nothing in this Ordinance shall be interpreted to supersede the provisions of a more restrictive local, state, or federal law, rule, ordinance or regulation.
- C. Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

Section 11 Effective Date

This Ordinance and any subsequent amendments take effect upon enactment by the legislative body of the Town of Dover-Foxcroft, unless otherwise specified.

Section 12 Amendments

This Ordinance may be amended by a majority vote of the citizens of Dover-Foxcroft.