

Vacant Building Ordinance

§ 256-1 Findings and purpose.

A.

Vacant 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 a 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 Town ordinances or other applicable laws, as they relate to a property owner's responsibilities for vacant buildings, is the inability to contact the owners of vacant properties. These buildings are often also the subjects of foreclosure actions by lienholders, which take considerable time to resolve.

C.

Certain categories of vacant properties, such as homes of seasonal residents or members of the armed forces on active-duty deployment, are exempt from the registry requirements of this chapter.

D.

The purpose of this chapter is to provide a just, equitable and practicable method for identifying, managing, and responding to the numerous issues associated with vacant buildings. This chapter 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.

§ 256-2 Definitions.

A.

If a term is not defined in this chapter, it shall have its customary dictionary meaning.

B.

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 and/or unmaintained for 90 days or more or is found to be occupied by any unauthorized persons. Buildings owned by parties identified in § 256-1C above are not included in this definition.

§ 256-3Applicability.

A.

This chapter applies to all vacant buildings located within the Town of Mexico.

B.

Notwithstanding any portion of this chapter, this chapter does not apply to primary residences of members of the armed forces on active duty, or residences of persons on extended vacations or seasonal living arrangements with the intention to make use of the property, unless the property is not maintained to the maintenance standard in § 256-7.

C.

Commercial properties which are code-compliant and are maintained in accordance with § 256-7 shall be exempt from the registration process.

§ 256-4Registration 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 as defined in this chapter, the owner of the building must apply for and obtain a vacant building registration permit and pay any fee within 90 days of the building becoming vacant.

C.

Upon transfer of ownership of any vacant building, a new vacant building registration permit must be obtained pursuant to § 256-5.

D.

Standard vacant building registration permit.

(1)

The Code Enforcement Officer 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 chapter.

(2)

A standard vacant building registration permit is valid for one year from date of approval

(3)

The Code Enforcement Officer, upon issuance of any permit in this chapter shall provide a copy of the permit to the Police Chief and Fire Chief of the Town.

E.

Interim vacant building registration permit.

(1)

If a vacant building is inspected and determined not to meet one of more of the maintenance standards in this chapter, the Code Enforcement Officer shall issue an order for any work needed to bring the property into compliance with this chapter.

(2)

When issuing orders under Subsection E (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 six months.

(3)

All work done pursuant to this chapter must be done in compliance with the applicable building, fire prevention, fire and life safety and zoning codes.

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 Code Enforcement Officer, 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 chapter and any previous permits unless expressly exempted.

§ 256-5 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 Officer. 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 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 (as set forth below in §256-7 and other codes adopted by the Town of Mexico.

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 chapter and a plan and timeline for the lawful occupancy, rehabilitation, 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 email address of an individual designated by the owner or owners of the vacant building as the 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 chapter, regarding the vacant building.

(b)

The name of any 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/lienholder with an interest in the property and its contact information, including the mailing address of the bank/lender/lienholder.

(2)

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, as established by the Board of Selectpersons in the Schedule of License, Permit and Application Fees, shall be charged for a vacant building registration permit or interim permit. No fee shall be charged upon the renewal of such permits. A fee must be paid at the time of application. No permit shall be issued prior to payment of the permit 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.

256-6 Inspection.

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 inspection is to determine and ensure compliance with vacant building maintenance standards in § 256-7. The Code Enforcement Officer may bring fire officials on the inspection.

§ 256-7 Vacant building 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 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 materials which are weather-protected and tightly fitted and secured to the opening. Bare or unprotected wood is not permissible. Weather protection shall be achieved through painting, siding, shingles, etc. Plastic sheeting and/or tarps shall not be permitted as a means of protecting openings.

B.

Roofs. The roof and flashings shall appear to be structurally sound and tight. Roofs must be weathertight and structurally sound to support expected loads.

C.

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

D.

Public health. The building and premises shall be free from excessive vegetation, vermin, debris, rubbish, and garbage, including, but not limited to, any combustible waste and refuse. The building shall be sanitary.

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 so as not to pose a threat to public health and safety and shall be capable of supporting the load which normal use may cause to be placed thereon.

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.

H.

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.

I.

Chimneys and towers. Chimneys, cooling towers, smokestacks and similar appurtenances shall be structurally safe and in good repair.

J.

Walkways. Walkways shall be safe for pedestrian travel.

K.

Accessory and appurtenant structures. Accessory and appurtenant structures

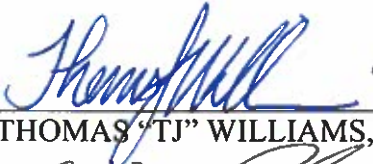
such as garages, sheds and fences shall be free from safety, health, and fire hazards and shall comply with these vacant building maintenance standards.

L.

The owner of a vacant building or structure must comply with all building, fire, life safety, zoning and other applicable codes, ordinances, or state and federal law and must apply for any building, fire prevention, fire, and life safety and zoning permits necessary to perform work required by this chapter. A sole failure to comply with these standards shall not be grounds for a work order or denial of an application if the other standards of this chapter are met.

§ 256-8 Violations and penalties.

Any person who is found to be in violation of any provision or requirement of this chapter shall be subject to a civil penalty as set forth in 30-A M.R.S. § 4452. Fines shall be no less than \$100 and no more than \$2,500 for each offense. Each violation of a separate provision of this chapter and each day of violation shall constitute a separate offense



THOMAS "TJ" WILLIAMS, CHAIRMAN


RITCHIE

RITCHIE PHILBRICK, VICE-CHAIR


RANDAL CANWELL
CLIFF STEWART
PETER MERRILL

11-15-22
DATE ADOPTED