

TOWN OF CANAAN

PROPERTY MAINTENANCE ORDINANCE

SECTION I. Legislative authority

This ordinance is enacted pursuant to 30-A M.R.S.A. § 3001.

SECTION II. Purpose

The purpose of this chapter is to set a minimum standard for the maintenance of the grounds of property in order to protect public health, public safety and property values.

SECTION III. Applicability

The provisions of this ordinance shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for the maintenance of structures and the grounds of property.

SECTION IV. Required Maintenance

All grounds or parts thereof shall be maintained to prevent unsafe and unsanitary conditions to avoid any adverse effect on the value of adjoining properties. Grounds include accessory and appurtenant structures such as garages, and sheds, etc.

SECTION V. Grounds maintenance standards

The grounds of any property shall be kept in good repair and free of unsafe or unsanitary conditions. Such conditions may include but is not limited to: refuse, household trash, junk, discarded plumbing, heating supplies, rope, rags, batteries, paper trash, rubber, waste and, debris, scrap lumber, unused and inoperable appliances, worn and unused furniture, and three or more junked and/or unserviceable vehicle(s). Materials intended for the private use of the property owner may be stored on the property as long as such material is screened from the public way and from abutting properties and is not in violation with state laws. Operable routine machinery and equipment for primarily residential private use is allowed to be stored on a property. Private use does not include resale.

SECTION VI. Maintenance after casualty damage

Within a period of 90 days after casualty (see Definitions) damage to property grounds or structures, the owner shall cause or contract for the repair or restoration of damaged areas and the demolition of any areas not to be repaired and the removal of all debris connected therewith. The Code Enforcement Officer (where after known as CEO) may grant an extension under certain hardship conditions as in Section X(3).

SECTION VII. Recreation vehicles.

When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities or approved licensed campground.

SECTION VIII. Change of Use

A change of use of property shall result in an inspection from the Code Enforcement Officer (CEO) to determine compliance with the relevant provisions of this Ordinance.

SECTION IX. Liability for violations and corrective actions

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

SECTION X. Enforcement; violations and penalties; extensions

1. The CEO, or his or her designee, shall notify the violator, serving a written notice by mail or by hand delivery. Said notice shall explain the nature of the violation and require corrective action within 30 calendar days from the date of the notice to correct the violation, ten days (maximum) for a health and/or safety violation as determined by the CEO. The violator may appeal the CEO's decision to the Selectboard. Appeals must be made within ten working days of notification by the CEO of a violation or at the next scheduled Selectboard meeting, whichever comes first. The number of days given for compliance shall start after the Selectboard has heard the appeal.

2. If a violation is not corrected within the time allowed, the Town shall pursue all remedies, including pursuit of a judge's order to abate the property and remove the material in violation at the property owner's expense provided in 30-A M.R.S.A. § 3758-A(4)(C). In addition, the Town shall pursue relief available by law and/or in equity for land use ordinances, including, without limitation, the remedies and relief provided in 30-A M.R.S.A. § 4452, currently including, without limitation, a penalty of \$100 to \$2,500 per day for a specific violation, injunctive relief and reasonable attorney fees, expert witness fees and costs. The Town shall retain all penalties set forth in this chapter. 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 review the case with the Selectboard.

3. The CEO may offer one special extension 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 to April 1) and if winter weather prevents the correction of a violation, an extension may be given. 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/or the Selectboard.

SECTION XI. Definitions

CASUALTY— Any unforeseeable, unintended damage affecting a property.

CAUSE or CONTRACT — 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.

CEO- Code Enforcement Officer

GROUNDS — The part of a property not covered by permanent structures.

JUNK — For this chapter, the term "junk" refers to dilapidated or discarded material or objects as determined by the CEO.

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

PROPERTY — For this chapter, the term shall be defined as any lot, plot, or parcel of land.

RECREATIONAL VEHICLES: A vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons and which may include a pick-up camper, travel trailer, tent trailer, camp trailer and motor home. In order to be considered as a vehicle and not as a structure, subject to the requirements of this ordinance, the vehicle must: 1). remain with its tires on the ground; 2). possess current registration sticker or plate from any State Division of Motor Vehicles; 3). not be longer than forty-five feet (45'), higher than thirteen feet six inches (13'6"), nor wider than one hundred and eight inches (108"), exclusive of any slide-out room, awning or canopy that must be retracted for the over-the-road transport.

STRUCTURES- Anything built or constructed and permanently affixed on a property that cannot be considered grounds or landscaping.

UNSERVICABLE- For the purposes of this chapter, the Town will rely on a Maine Supreme Court decision (Town of Pownal v. Emerson, 639 A.2d 619) (Me 1994); (Town of Mt. Desert v. Smith, 2000ME 88, 751 A.2.d. 445) which includes the following: "unserviceable means not ready for use or presently usable" as opposed to "incapable of being serviced."

SECTION XII. Severability

If any section, subsection, clause, paragraph, phrase or portion of this chapter 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 XIII. Conflict with other laws

Whenever a provision of this chapter conflicts with or is inconsistent with another provision of this chapter or any other ordinance, regulation or statute, the provision imposing the greater restriction shall control. The newest version of this ordinance shall be the one that is enforced.

SECTION XIV. Effective Date

This chapter shall be effective when approved by the voters of the Town of Canaan.

**ENACTED
MARCH 25, 2024
AT ANNUAL TOWN MEETING**