

Chapter 6. Property Maintenance.

Article I. Vacant and Abandoned Building Registration

§ 6-92. Purpose.

A. Vacant or abandoned properties create and pose significant and costly problems for the City. These properties often become a drain on the City budget and detract from the quality of life of the neighborhood and the City 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 the current City Codes, as they relate to vacant 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.

C. Certain categories of vacant properties, such as homes of "snowbirds", members of the armed forces, including the National Guard on deployment, or those who have moved into assisted living facilities, or homes that are actively on the market, managed, or undergoing renovation, are less likely to cause problems and accompanying City costs and are exempt from this article.

D. The purpose of this article is to provide a just, equitable and practicable method for identifying, managing and responding to the numerous issues associated with vacant buildings that have been abandoned. This article 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.

§ 6-93. Definitions.

A. If a term is not defined in this article or the Land Use Ordinance, 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 that has been abandoned, 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.

ABANDONED BUILDING

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.

Any building that meets one or more of the conditions cited in MRSA Title 14 §6326 Section 2, Parts A-I, and as may be amended, for establishing abandonment by statute:

- A. Doors and windows on the mortgaged premises are continuously boarded up, broken or left unlocked;
- B. Rubbish, trash or debris has observably accumulated on the mortgaged premises;
- C. Furnishings and personal property are absent from the mortgaged premises;
- D. The mortgaged 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 mortgaged premises have been made to local law enforcement authorities;
- G. A code enforcement officer or other public official has made a determination or finding that the mortgaged premises are abandoned or unfit for occupancy;
- H. The mortgagor is deceased and there is no evidence that an heir or personal representative has taken possession of the mortgaged premises; and
- I. Other reasonable indicia of abandonment.

§ 6-94. Applicability.

A. This article applies to all vacant buildings that have been abandoned located within the City of Augusta.

B. This article does not apply to primary residences of members of the armed forces, including the National Guard on deployment, vacation or resort facilities, or residences of persons on extended vacations or alternative living arrangements with the intention to return to the property and live (e.g., "snowbirds" or those in assisted living facilities), or residences that are actively on the market, managed, or undergoing renovation.

§ 6-95. Registration required.

A. The owner of a vacant building that has been abandoned must obtain a vacant building registration permit for the period during which it 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 Code Enforcement Division 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 standards set forth in this article, and is adequately protected from intrusion by trespassers and from deterioration by the weather.

(2) A standard vacant building registration permit is valid for six months 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 local or state life safety codes, the Code Enforcement Division shall issue an order for any work needed to:

(a) Adequately protect the building and property (i.e., swimming pools, hot tubs, children's equipment including "jungle gyms") from intrusion by trespassers and from deterioration by weather by bringing it into compliance with all existing local and state life safety codes; 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), the Code Enforcement Division 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 article must be done in compliance with the applicable building, fire prevention, life safety and zoning codes.

E. After the vacant building registration permit is issued, the Code Enforcement Division shall add the property to a registry maintained by the City of Augusta and made available for public inspection. This registration data shall include - but not be limited to - the name, address, phone number and email address of the owner or its agent, and contact information of the designated property management company.

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 appropriate Code Enforcement, Police, Fire, Public Health and Safety Officials, and renew the permit within 10 days of expiration. All permit renewals shall be subject to all conditions and obligations imposed by this article and any previous permits unless expressly exempted therefrom.

§ 6-96. 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 Code Enforcement Division. Applicants must disclose all measures to be taken to ensure that the building will be kept weather-tight and secure from trespassers, safe for entry of Code Enforcement, Police, Fire, 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 life safety, and other codes adopted by the City of Augusta.

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 life safety code requirements 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. The application shall include the following:

(1) The name, street address, telephone number, and e-mail address of an individual designated by the owner or owners of the vacant building that has been abandoned 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 Code regarding the vacant building.

(2) 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.

(3) 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.

(4) If any contact information required under this subsection changes or becomes out-of-date, the owner must notify the Code Enforcement Department in writing within 15 days of such change.

E. A fee of \$200 for commercial entities (banks or financial service companies) or \$100 for individuals (individual owners of single-occupancy dwellings) shall be charged for a vacant building registration permit or interim permit. This fee shall also be charged upon the renewal of such permits. The fee must be paid at the time of application or renewal. No permit shall be issued prior to payment of the permit or renewal fee. If an owner has undertaken the demolition permitting process, no fee will be required.

§ 6-97. 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 staff of the Code Enforcement Division. The purpose of such inspections is to determine and ensure compliance with existing life safety codes and security of the premises. The Code Enforcement Division may bring on the inspection such other government officials as it deems prudent to ensure the safety of the building and the Code Enforcement Division, including but not limited to Police, Fire and Public Health Officials.

B. If Code Officials have 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, Code, Police and Fire 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.

§ 6-98. Vacant Building Maintenance Standards.

An owner of a vacant building that has been abandoned 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 transparent materials which are weather protected and tightly fitted and secured to the opening.

B. The owner of a vacant building must comply with all building, fire, life safety, zoning, and other applicable codes or ordinances and must apply for any building, fire prevention, and zoning permits necessary to perform work required by this article.

§ 6-99. Violations and penalties.

Any person who is found to be in violation of any provision or requirement of this article shall be subject to a civil penalty, including the city's attorney's fees and other remedies as set forth in 30-A M.R.S.A. § 4452. Each violation of a separate provision or requirement, and each day of violation, shall constitute a separate offense.