



TOWN OF WINSLOW, MAINE

PHONE: (207) 872-2776
FAX: (207) 872-1999

114 BENTON AVENUE
WINSLOW, ME 04901

WWW.WINSLOW-ME.GOV

Public Hearing: December 11, 2023

TOWN COUNCIL

ORDINANCE NO. 11-2023

AN ORDINANCE

Providing for: An Amendment to Ordinance No. 18-2022 **Ordinance for Property Maintenance** amending section 6. Enforcement; Violations and Penalties; extensions by adding the underlined language in the attached document.

BE IT ORDAINED by the Town Council of the Town of Winslow as follows:

WHEREAS, the Town established the Ordinance for Property Maintenance with ordinance No. 18-2022; and

WHEREAS, the Town Attorney is proposing to amend section 6. Enforcement; Violations and Penalties; extensions by adding an enforcement language; therefore.

BE IT ENACTED by the Town Council of the Town of Winslow that Ordinance No. 18-2022 be amended by adding the underlined language in the attached section.

SPONSORED BY: Administration

IN THE TOWN COUNCIL

December 11, 2023

January ¹⁵ 8, 2024

First Reading,	<u>6</u>	<u>1</u>
	accepted	rejected
Second Reading,	<u>6</u>	<u>0</u>
	adopted	rejected

Audra Henry
Town Clerk

APPROVED: January 15 2024

CHAIRMAN: [Signature]
CM de Joseph
[Signature]
[Signature]

[Signature]
[Signature]

Property Maintenance

1. Purpose.

The purpose of this ordinance is to set minimum standards for the maintenance of structures and yard areas to protect public health and safety, property values, and to prevent nuisance conditions.

2. Structure maintenance standards.

All structures shall be maintained in a safe, sanitary, and non-hazardous condition. **Examples of items which may violate these standards include but are not limited to: refuse, household trash, junk, debris, scrap lumber or metal, inoperable machinery or parts thereof, glass, unused or inoperable appliances, and worn or unused furniture.** All means of egress shall be kept in good working order and clear of debris.

Each property owner and mortgagee shall keep all exterior components of every principal and accessory structure in good repair, including but not limited to, walls, roofs, chimneys, cornices, gutters, porches, fire escapes, exterior stairs, windows, doors, and storefronts.

All surfaces shall be maintained free from deterioration, including but not limited to, broken glass, loose, or missing shingles or siding, crumbling brick, stone and mortar, and peeling, scaling, or deteriorated paint.

3. Yard area maintenance standards.

Yard areas include all areas of a lot not covered by a structure. Yard areas shall be maintained in a safe, sanitary, and non-hazardous condition, including but not limited to, steps, walks, driveways, fences, retaining walls, trees, shrubs, and lawn. If any such area or object constitutes a danger to health or safety, it shall be repaired, replaced, or removed. All fences, retaining walls or similar structures shall be firmly anchored in the ground and maintained in good structural repair. **Examples of items which may violate these standards include but are not limited to: refuse, household trash, junk, debris, scrap lumber or metal, inoperable machinery or parts thereof, glass, unused or inoperable appliances, worn or unused furniture, two or more unregistered, or uninspected vehicles (including campers/RVs), and any unserviceable vehicles (including campers/RVs).**

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 any other part of this chapter or state laws. Private use does not include resale.

A. Grass and Weeds

Premises and exterior property shall be maintained free from grass or weed growth in excess of 10 inches for residential properties and 6 inches for commercial properties. "Weeds" shall be defined as all grasses, annual plants, and vegetation, other than trees or shrubs; provided, however, that this term shall not include cultivated flowers and gardens. Hayfields and pastures shall be permitted where the owner demonstrates that the affected area is actively managed. Premises and exterior property that is open lawn or field on lots in excess of 1/2 acre may be allowed to reforest through an actively managed process that includes replanting and seeding by the owner.

1. The grass height maintenance standards shall only apply to properties within the area described below:

Beginning at the Winslow/Waterville Bridge heading north along the east side of the Kennebec River to the Winslow/Benton Town line. Then, East along the Winslow/Benton Town line to the Seabastcook River. Then, South following the west

side of the Sebasticook River, then, continuing south along the west side of the Outlet Stream, commonly known as Mile Brook, to the north side of Veteran Dr. Then, West along the north side of Veteran Dr. and Dunbar Rd. to the intersection of Augusta Road and Carter Memorial Dr. Then, Continuing west to the Kennebec River's east side. Then, North along the Kennebec River to the Winslow/Waterville bridge. In addition to the outlined region, all properties along both sides of the entire length of Augusta Rd. to the Winslow/Vassalboro Town line are included.

B. Rodent Harborage

Structures and yard areas shall be kept free from rodent harborage and infestation. Where rodent infestation is found, it shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

C. Composting

On properties less than one acre in size, all composting shall be confined to approved composting containers. Composting containers must be placed to meet the required property line setbacks for structures based on the zoning in which they are located.

4. Maintenance after casualty damage.

Any building damaged or destroyed by fire or other causes shall be made secure within 24 hours and a permit for demolition or reconstruction shall be obtained within ninety (90) days from the date of the fire or other casualty. Work to either remove or restore a damaged or destroyed building must begin no later than one hundred twenty (120) days from the date of the fire or other casualty. Should the fire or other casualty require further investigation by authorized agencies an extension may be granted by the CEO.

5. Liability for violations and corrective actions.

Owners of properties in violation of this chapter shall be liable for violations and for corrective actions required.

6. Enforcement; violations and penalties; extensions.

- A. The CEO, or his or her designee, shall notify the violator, serving a written notice by certified mail or by hand delivery. Said notice shall explain the nature of the violation and require corrective action within 7 to 30 calendar days from the date of the receipt of the notice dependent upon the nature of the violation as determined by the CEO. For health and safety violations, corrective action must be taken within 7 calendar days. Examples of health and safety violations include but are not limited to: trash/debris containing used medical supplies or drug paraphernalia, rodent harborage, discarded appliances or containers which a child could become trapped in, sharp or otherwise dangerous objects, and any hazardous waste or chemicals. Grass and weed violations must also be corrected within 7 days. Upon request, the CEO may grant an extension of time for compliance due to extenuating circumstances.
- B. The violator may appeal any violation to the Board of Appeals. Appeals must be made within 3 business days of notification by the CEO of a violation. The number of days given for compliance shall start after the Board of Appeals has heard the appeal. The hearing shall be "de novo" and heard within 45 days of the filing of the appeal.
- C. If a violation is not corrected within the time allowed, the Town may pursue all relief available in law or equity. This relief includes a civil penalty of \$100 to \$2,500 per violation, which cannot be suspended, injunctive relief, and abatement. Each day a

violation occurs is a separate violation. If the Town is the prevailing party, it shall be awarded its reasonable attorney's fees, expert witness fees, and costs.

In addition, if the violation is not corrected within the time allowed, the Town may abate the violation, and the property owner will be responsible for the cost of abatement. For health and safety violations, abatement by the Town will be permitted during the pendency of any appeal. In any action to recover the cost of abatement, the Town shall be awarded its reasonable attorney's fees and costs.

Enforcement:

"Enforcement of this ordinance will be based on receipt of a complaint or observation of a violation. The Town will make reasonable efforts to obtain voluntary compliance before initiating an enforcement action."

7. 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.

8. 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 chapter shall be the one that is enforced.