

Town of Hartland

Building and Property Maintenance Ordinance

DRAFT

Adopted May 6, 2023

SECTION 1. Legislative Authority

This ordinance is enacted pursuant to Maine Uniform Building and Energy Code (MUBEC) 10 M.R.S. §9721, *et seq.* and the State Legislature and pursuant to 30-A M.R.S.A. § 3001.

SECTION 2. Purpose/Scope

The purpose of this ordinance is to recognize the application of the Maine Uniform Building and Energy Code (MUBEC) in the Town of Hartland in accordance with state law and to set a minimum standard for the maintenance of the grounds of property in order to protect public health, public safety, property values, and to prevent nuisance conditions.

SECTION 3. Application of MUBEC and Other Codes or Ordinances

All building construction in Maine, with some exceptions, is governed by the Maine Uniform Building and Energy Code (MUBEC). New construction, repairs, additions, relocations and placement of trailers, modular homes, mobile homes or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Maine Uniform Building & Energy Code, Maine Uniform Plumbing Code (32 M.R.S. §3403-B) and the National Electric Code (32 M.R.S. §1153-A). Additional codes in effect in conjunction are listed in Chapter 1 of the MUBEC – Administration Procedures.

Shoreland Zoning Ordinance for the Town of Hartland: Properties within the shoreland zone also adhere to the Shoreland Zoning Ordinance. In cases of differ or conflict, the provision imposing the greater restriction shall control.

SECTION 4. Certificate of Occupancy

The Town of Hartland does *not* currently issue certificates of occupancy. It is strongly recommended for property/home owners to communicate with their lender on their requirements for a certificate of occupancy. A letter stating that the town does *not* issue a certificate of occupancy can be obtained through the Code Enforcement Officer (CEO).

If population and/or law changes that require the town to issue a certificate of occupancy, a third-party inspector option will be utilized for issuance. The owners will be responsible to hire and pay directly to the third-party inspector for their own inspection fees performed. The third-party inspector would provide an inspection report and a written request to the CEO for issuance of a certificate of occupancy. The town or CEO has no obligation *nor* will it review the inspection report.

SECTION 5. Building Permits

Before the placement, construction, alteration, relocation, repair or replacement of any building or part thereof, the owner or lessee or other architect, contractor or builder employed by such owner or lessee shall submit a completed building permit application. Applicant(s) will be notified if an application is incomplete and the specified material that is needed to make the application complete. The Code Enforcement Officer (CEO) and/or Planning Board shall request more information, approve, approve with conditions or deny an application request within 35 days of receiving a completed application.

SECTION 5. Building Permits (continued)

However, if the Planning Board has a waiting list of applications, a decision shall occur within 35 days after the first available date on the Planning Board's agenda following the receipt of the completed application, or within 35 days of a public hearing.

Permits must be approved and paid in full prior to the start of any work. All fees are non-refundable and non-transferable. "After the fact" building permit fees will be doubled. Building permits are valid for 12 months from the date of approval. Construction must begin within the 12 months from approval. Applicants may request a one-time 12-month extension with no additional fees *prior* to expiration or a new application must be submitted if the 12-month period has lapsed. New zoning or other changes may affect projects that do not begin within 12 months. Current fees are provided on the building permit application and may be adjusted over time by the Board of Selectmen.

SECTION 6. Lot Size and Setbacks

Existing lot sizes are accepted. All new lot sizes *not* included in the shoreland zone will *not* be less than twenty thousand (20,000) square feet and possess a minimum of one-hundred (100) feet of frontage. Required frontage- All lots herein created after the effective date of this ordinance shall possess a minimum frontage (1) on a road or (2) on a deeded private right-of-way, however that for backlots not part of a subdivision, this road frontage requirement shall not apply if a minimum twenty-five (25) feet wide access from a road to the backlot is provided by a deeded private right-of-way.

All new lots within the shoreland zone follow the Shoreland Zoning Ordinance.

Setbacks: All new buildings, structures with an exception for fences, well (water) and subsurface sewage disposal system shall be set at least twenty (20) feet away from *any* adjoining and road/front lot lines. The road/front setback of twenty (20) feet will apply for fences. The road/front setback allows for road work and improvements and will be measured from the nearest *edge* of the town road (state owned roads may differ and should be followed), right-of-way or applicable subdivision road (public or private). Driveways and parking areas shall be set back a minimum of twenty (20) feet from the side or rear lot lines.

Dwelling/Living/Residential Structure Setbacks: All dwelling/living/residential structures shall require fifty (50) feet separation from another dwelling/living/residential structure. Accessory buildings such as a garage (with no living space) or shed do *not* require a 50 feet separation.

On lots which *only* a residential structure/home exists, and it is *not* possible to place an accessory structure meeting the required setback, the CEO may issue a permit to place a single accessory structure for storage purposes only. Such accessory structure shall not exceed 80 square feet* and located as far back as practical. *Shoreland zone properties may differ.

SECTION 7. Tiny Homes (on wheels/frame/chassis) and Recreational Vehicles/Campers

Tiny Homes: Section 16 defines “tiny home” (29-A MRSA §101, sub §80-C). Tiny homes shall be setback in accordance with Section 6. A tiny home placed on-site and occupied for more than one hundred and twenty (120) calendar 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 or served by public sewage facilities and connected to an approved water and power supply.

Note: Any residential structure/home under 400 square feet also commonly referred to as a “tiny home” which does not meet classification as a recreational vehicle that is built on site *or* does *NOT* have a title by the Secretary of State falls under typical building code jurisdiction and follows MUBEC.

Recreational Vehicles/Campers: Recreational vehicles shall be setback in accordance with Section 6. A recreational vehicle placed on-site and occupied for more than one hundred and twenty (120) calendar 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 or served by public sewage facilities and connected to an approved water and power supply. *Shoreland zone properties may differ.

SECTION 8. Required Grounds Maintenance Standards

All grounds or parts thereof shall be maintained to prevent unsafe, unsanitary and/or nuisance conditions (according to the nuisance definition found in 17 M.R.S.A. §2802) and to avoid any adverse effect on the value of adjoining properties. Grounds also include vacant land, vacant structures, accessory and appurtenant structures such as garages, sheds and fences. Unsafe or unsanitary conditions may include but not limited to: refuse, household trash, junk, discarded plumbing and heating supplies, old or scrap copper, brass, rope, rags, batteries, paper trash, rubber, waste and all scarp iron, steel, other ferrous or nonferrous material, debris, scrap lumber, inoperable machinery or part thereof, glass, unused and inoperable appliances, worn and unused furniture, and junked, unused and unserviceable vehicle(s).

SECTION 9. Rodent Harborage

All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by an approved process which will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.

SECTION 10. Weeds; Vegetation

All premises and exterior property that is normally maintained, shall be maintained free from weeds or plant growth in excess of eight (8) inches. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this section shall not include cultivated flowers, gardens, agricultural areas or fields. Shoreland zone properties may differ.

SECTION 11. Maintenance After Casualty Damage

Within a period of ninety (90) days after casualty 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 (CEO) may grant an extension under certain hardship conditions.

SECTION 12. Demolition; Repair

The CEO may order the owner of any premises upon which is located any structure, which after review is deemed deteriorated, or dilapidated and become out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure. A detailed action plan is submitted to the CEO in cases of a structure capable of being made safe or sanitary by repairs with options to temporarily board up and hold for future repair or to demolish. Where there has been a cessation of normal construction of any structure for a period of more than two years, the CEO may order the owner to demolish and remove such structure. Boarding up for future repair shall not extend beyond one year, unless approved by the CEO.

SECTION 13. Transfer of Ownership

It shall be unlawful for the owner of any property who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such property to another until the provisions of the compliance order or notice of violation have been complied with, or the owner shall furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the CEO. The owner shall then furnish to the CEO a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation. The new owner shall have the right to continue an appeal timely commenced by the prior owner or to commence an appeal in the new owner's name, provided the time within which to appeal has not expired.

SECTION 14. Liability for Violations and Corrective Actions

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

SECTION 15. Enforcement; Violations and Penalties; Extensions

The Code Enforcement Officer (CEO), 30-A MRSA §4451 (2-A) defines a Code Enforcement Officer (CEO) as an individual who is employed by a municipality and is certified to enforce all applicable laws and ordinances in the following areas: shoreland zoning, land use regulation, internal plumbing, external plumbing, or building standards.

SECTION 15. Enforcement; Violations and Penalties; Extensions (continued)

The Code Enforcement Officer (CEO), or his or her designee, shall notify the violator, serving a written notice. Such notices shall be deemed to be properly served if a copy thereof is:

1. A copy of the notice left at the individual's dwelling house or usual place of abode with some person of suitable age and discretion then residing therein;
2. Sent by certified or first-class mail addressed to the last known address; or
3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

The notice shall explain the nature of the violation and require corrective action within thirty (30) calendar days from the date of the notice to correct the violation, seven (7) days (maximum) for a health and or safety violation as determined by the CEO. The violator may appeal the CEO's decision to the Board of the Selectmen. Appeals must be made within three (3) working days of notification by the CEO of the violation. If the Board determines a violation to be true, the number of days given for compliance shall start after the Board of Selectmen has heard the appeal.

1. If a violation is not corrected within the time allowed, the Town may 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. In addition, the Town may 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 Town Manager and Board of Selectmen.
2. The Code Enforcement Officer (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.

SECTION 16. Definitions

CASUALTY– Any unforeseeable, unintended damage affecting a property.

CODE ENFORCEMENT OFFICER (CEO)- The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

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

INFESTATION- The presence of an unusually large number of insects, rats, vermin or animals in a place, typically so as to cause damage or disease.

INOPERABLE- Not able to be operated; unworkable.

INOPERABLE/UNSERVICEABLE MOTOR VEHICLE- A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power. For the purposes of this Ordinance, 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 or being serviced.”

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

MORTGAGEE - The bank or lending institution providing the funds to purchase a home or refinance. An entity that lends money to a borrower for the purpose of purchasing real estate.

MORTGAGE HOLDER- The owner of an indebtedness or of an interest in the indebtedness that is secured by the mortgage; the holder of any mortgage.

MOTOR VEHICLE- Defined in Title 29-A, section 101, subsection 42.

MUBEC - Maine Uniform Building and Energy Code.

NUISANCE CONDITION- This term is defined by 17 M.R.S.A. §2802.

OCCUPANCY- The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT- Any individual living or sleeping in a building, or having possession of a space within a building.

OWNER- Any *person* having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property.

SECTION 16. Definitions (continued)

RECREATIONAL VEHICLE- A recreational vehicle, often abbreviated as RV, is a motor vehicle or trailer that includes living quarters designed for accommodation. Types of RVs include motorhomes, campervans, coaches, caravans (also known as travel trailers and camper trailers), fifth-wheel trailers, popup campers, and truck campers.

RESIDENTIAL STRUCTURE- any structure which is designed or constructed or intended for people to live in. Commonly also referred to as a “home.”

SHORELAND ZONE- The land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond or river; within 250 feet of the upland edge of a freshwater wetland, or within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream.

STRUCTURE- Anything constructed or erected with a fixed location on or in the ground, or attached to something having a fixed location on or in the ground, including, but not limited to, buildings, mobile homes, retaining walls, billboards, signs, piers and floats. It does not include a wharf, fish weir or trap that may be licensed under Title 38, chapter 9. Anything built or constructed and permanently affixed on a property that cannot be considered grounds or landscaping.

TENANT- A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof.

THIRD-PARTY INSPECTOR - A person certified by the Office of State Fire Marshal to conduct inspections under 30-A M.R.S. §4451, for compliance with MUBEC.

TINY HOME- "Tiny home" means a living space permanently constructed on a frame or chassis and designed for use as permanent living quarters that:

- A. Complies with American National Standards Institute Standard A 119.5 on plumbing, propane, fire and life safety and construction or National Fire Protection Association standard 1192 on plumbing, propane and fire and life safety for recreational vehicles.
- B. Does not exceed 400 square feet in size.
- C. Does not exceed any dimension allowed for operation on a public way under this Title; and
- D. Is a vehicle without motive power.

"Tiny home" does not include a trailer, semitrailer, camp trailer, recreational vehicle or manufactured housing.

SECTION 17. Severability Clause

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 18. 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.

SECTION 19. Effective Date

This ordinance shall be effective when approved by the voters of the Town of Hartland.

Signatures:

/s/ _____	Mark Brooks	{	The Hartland
/s/ _____	Jerry Martin	{	Board of
/s/ _____	John Hikel	{	Selectmen

Approved by Annual Town Meeting Dated: May 6, 2023

Attest: _____ Town Clerk

Date: _____

