

Chapter 74

Article V Property Maintenance Code

Sec. 74-121 **Adopted.**

~~[Ord. No. 34-1996, § 1, 3-19-1996]~~

~~A certain document, designated as the BOCA National Property Maintenance Code, fifth edition, 1996, as published by the Building and Code Administrators International, Inc., is hereby adopted as the property maintenance code of the City, for the control of buildings and structures as provided in this article, and each and all of the regulations, provisions, penalties, conditions and terms of such BOCA National Property Maintenance Code are hereby referred to, adopted, and made a part of this article as if fully set out in this article, with the additions, insertions, deletions and changes, if any, prescribed in section 74-122. One copy is on file in the office of the City Clerk, code enforcement officer and City manager.~~

A certain document designated as the 2021 International Property Maintenance published by the International Code Council, Inc., is hereby adopted as the property maintenance code of the City of Belfast, for the control of buildings and structures as provided in this article, and each and all of the regulations, provisions, penalties, conditions and terms of such ICC 2021 International Property Maintenance Code are hereby referred to, adopted, and made a part of this article as if fully set out in this article, with the additions, insertions, deletions and changes, if any, prescribed in section **74-122**. One copy is on file in the office of the City Clerk, code enforcement officer and City manager.

Sec. 74-122 **Amendments.**

~~[Ord. No. 34-1996, § 3, 3-19-1996; Ord. No. 25-2005, 12-7-2004] *[new reference?]*~~

The property maintenance code adopted in section **74-121** is amended as follows:

~~Chapter 1 (section 100.0), Administration, is amended to read as follows:~~

~~Section PM-101.0. Scope.~~

~~PM-101.1. Title. These regulations shall be known as the Property Maintenance Code of the City of Belfast, hereinafter referred to as "this code."~~

~~PM-101.2. Scope. This code is to protect the public health, safety and welfare in all existing structures, residential and nonresidential, and on all existing premises by establishing minimum requirements and standards for premises, structures, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance, fixing the responsibility of owners, operators, property managers and occupants, regulating the occupancy of existing structures and premises, and providing for administration, enforcement and penalties.~~

~~PM-101.3. Intent. This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of~~

~~structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.~~

~~PM 101.4. Referenced standards. The standards referenced in this code and listed in chapter 8 shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced standards, the provisions of the more restrictive code shall apply.~~

~~PM 101.5. Existing remedies. The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary.~~

~~PM 101.6. Workmanship. All repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner.~~

~~PM 101.7. Application of other codes. Any repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the building, plumbing and mechanical codes and NFPA 70 listed in chapter 8.~~

~~Section PM 102.0. Validity.~~

~~PM 102.1. Validity. If any section, subsection, paragraph, sentence, clause or phrase of this code shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this code, which shall continue in full force and effect, and to this end the provisions of this code are hereby declared to be severable.~~

~~PM 102.2. Saving clause. This code shall not affect violations of any other ordinance, code or regulation existing prior to the effective date hereof, and any such violations shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.~~

~~Section PM 103.0. Maintenance.~~

~~PM 103.1. Required. All equipment, systems, devices and safeguards required by this code or a previous statute or code for the structure or premises when erected or altered shall be maintained in good working order. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures.~~

~~Section PM 104.0. Approval.~~

~~PM 104.1. Approved materials and equipment. All materials, equipment and devices approved by the code official shall be constructed and installed in accordance with such approval.~~

~~PM 104.2. Modifications. When there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the right to change or modify such provisions upon application of the owner or the owner's representative, provided that the spirit and intent of the law is observed and that the public health, safety and welfare is ensured.~~

~~PM 104.2.1. Records. The application for modification and the final decision of the code official shall be in writing and shall be officially recorded with the application for the permit in the permanent records of the department of building inspection.~~

~~PM 104.3. Material and equipment reuse. Materials, equipment and devices shall not be reused unless such~~

~~elements have been reconditioned, tested and placed in good and proper working condition and approved.~~

~~PM 104.4. Alternative materials and equipment. The provisions of this code are not intended to prevent the installation of any material or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved when the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material and methods of work offered are, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.~~

~~PM 104.5. Research and investigations. Sufficient technical data shall be submitted to substantiate the proposed installation of any material or assembly. If it is determined that the evidence submitted is satisfactory proof of performance for the proposed installation, the code official shall approve such alternative subject to the requirements of this code.~~

~~Section PM 105.0. Duties and powers of the code official.~~

~~PM 105.1. General. The code official shall enforce all of the provisions of this code.~~

~~PM 105.2. Notices and orders. The code official shall issue all necessary notices or orders to ensure compliance with the code.~~

~~PM 105.3. Right of entry. The code official is authorized to enter the structure or premises at reasonable times to inspect, subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the code official is authorized to pursue recourse as provided by law.~~

~~PM 105.4. Access by owner or operator. Every occupant of a structure or premises shall the give the owner or operator thereof, or his agent or employee, access to any part of such structure or its premises at reasonable times for the purpose of making such inspection, maintenance, repairs or alterations as are necessary to comply with the provisions of this code.~~

~~PM 105.5. Identification. The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.~~

~~PM 105.6. Coordination of enforcement. Inspection of premises, the issuance of notices and orders and enforcement thereof shall be the responsibility of the code official so charged by the jurisdiction. Whenever inspections are necessary by any other department, the code official shall make reasonable effort to arrange for the coordination of such inspection so as to minimize the number of visits by inspectors, and to confer with the other departments for the purpose of eliminating conflicting orders before they are issued. A department shall not, however, delay the issuance of any emergency orders.~~

~~PM 105.7. (Deleted.)~~

~~PM 105.8. Organization. The code official shall appoint such number of officers, technical assistants, inspectors and other employees as shall be necessary for the administration of this code and as authorized by the appointing authority. The code official is authorized to designate an employee as deputy, who shall exercise all the powers of the code official during the temporary absence or disability of the code official.~~

~~PM 105.9. Restriction of employees. Any official or employee connected with the enforcement of this code, except one whose only connection is that of a member of the zoning board of appeals established under the provisions of section PM 121.0, shall not be engaged in, or directly or indirectly connected with, the furnishing of labor, material or appliances for the construction, alteration or maintenance of a building, or the preparation of construction documents therefor, unless that person is the owner of the building, nor shall such~~

~~officer or employee engage in any work that conflicts with official duties or with the interests of the department.~~

~~PM 105.10. Relief from personal responsibility. The code official, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage occurring to persons or property as a result of any act required or permitted in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in any action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the department of building inspection, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.~~

~~PM 105.11. Official records. An official record shall be kept of all business and activities of the department specified in the provisions of this code, and all such records shall be open to public inspection at all appropriate times and according to reasonable rules to maintain the integrity and security of such records.~~

~~Section PM 106.0. Violations:~~

~~PM 106.1. Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, remove, demolish or occupy any building or structure or equipment regulated by this code, or cause such acts to be done, in conflict with or in violation of any of the provisions of this code.~~

~~PM 106.2. Notice of violation. The code official shall serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, removal, demolition or occupancy of a building or structure in violation of the provisions of this code or in violation of a detail statement or a plan approved thereunder, or in violation of a permit or a certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and abatement of the violation.~~

~~PM 106.3. Prosecution of violation. If the notice of violation is not complied with promptly, the code official shall request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.~~

~~Section PM 107.0. Notices and orders:~~

~~PM 107.1. Notice to owner or to person or persons responsible. Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given to the owner, the property manager or the person or persons responsible therefor in the manner prescribed in sections PM 107.2 and PM 107.3. Notices for condemnation procedures shall also comply with section PM 108.3.~~

~~PM 107.2. Form. Such notice prescribed in section PM 107.1 shall:~~

- ~~1. Be in writing;~~
- ~~2. Include a description of the real estate sufficient for identification;~~
- ~~3. Include a statement of the reason or reasons why the notice is being issued; and~~

~~4. Include a correction order allowing a reasonable time for the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.~~

~~PM 107.3. Method of service. Such notice shall be deemed to be properly served if a copy thereof is (a) delivered to the owner or property manager personally, or (b) sent by certified or registered mail addressed to the owner at the last known address with return receipt requested. If the certified or registered letter 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. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.~~

~~PM 107.4. Penalties. Penalties for noncompliance with orders and notices shall be as set forth in section PM 116.4.~~

~~PM 107.5. Transfer of ownership. It shall be unlawful for the owner of any dwelling unit or structure 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 dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee, or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official 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.~~

~~Section PM 108.0. Unsafe structures and equipment.~~

~~PM 108.1. General. When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.~~

~~PM 108.1.1. Unsafe structure. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is likely.~~

~~PM 108.1.2. Unsafe equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid container or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.~~

~~PM 108.1.3. Structure unfit for human occupancy. A structure is unfit for occupancy whenever the code official finds that such structure is unsafe, is unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.~~

~~PM 108.1.4. Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or which was erected, altered or occupied contrary to law.~~

~~PM 108.2. Closing of vacant structures. If the structure is vacant, is unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of~~

~~condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner and/or property manager to close up the premises within the time specified in the order, the code official shall cause the premises to be closed through any available public agency or by contract or arrangement by private persons, and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.~~

~~PM 108.3. Notice. Whenever the code official has condemned a structure or equipment under the provision of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner and/or property manager or the person or persons responsible for the structure or equipment in accordance with section PM 107.3. The notice shall be in the form prescribed in section PM 107.2.~~

~~PM 108.4. Placarding. Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises, or on defective equipment, a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.~~

~~PM 108.5. Prohibited occupancy. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner and/or property manager or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment, shall be liable for the penalties provided by this code.~~

~~PM 108.6. Removal of placard. The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code.~~

~~Section PM 109.0. Emergency measures.~~

~~PM 109.1. Imminent danger. When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure or any part thereof which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure is Unsafe and its Occupancy has been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition, or demolishing the structure.~~

~~PM 109.2. Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe, whether or not the legal procedure herein described has been instituted, and shall cause such other action to be taken as the code official deems necessary to meet such emergency.~~

~~PM 109.3. Closing streets. When necessary for the public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit them from being utilized.~~

~~PM 109.4. Emergency repairs. For the purposes of this section, the code official shall employ the necessary~~

labor and materials to perform the required work as expeditiously as possible.

~~PM 109.5. Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid from the treasury of the jurisdiction on approval of the code official. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.~~

~~PM 109.6. Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the zoning board of appeals, be afforded a hearing as described in the process for an administrative appeal, chapter 102, Zoning, article II, Administration, division 4, Appeals and Variances.~~

~~Section PM 110.0. Demolition.~~

~~PM 110.1. General. The code official shall order the owner of any premises upon which is located any structure which, in the code official's judgment, is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy that it is unreasonable to repair such structure, to raze and remove such structure; or, if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to raze and remove at the owner's option; or, where there has been a cessation of normal construction of any structure for a period of more than two years, to raze and remove such structure.~~

~~PM 110.2. Order. All notices and orders shall comply with section PM 107.0.~~

~~PM 110.3. Failure to comply. If the owner of any premises fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be razed and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such razing and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.~~

~~PM 110.4. Salvage materials. When any structure has been ordered razed and removed, the governing body or other designated officer under the contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such razing and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.~~

~~Section 121.0. Means of appeal.~~

~~121.1. Application for appeal. Any person shall have the right to file an administrative appeal of a decision of the code enforcement officer to the zoning board of appeals as established in article VI, section 11 of the Charter, and in accordance with provisions stipulated in chapter 102, Zoning, article II, Administration, division 4, Appeals and Variances.~~

~~121.2. Provision is deleted.~~

~~121.3. The zoning board of appeals is specifically prohibited from giving consideration to the granting of a variance from the provisions of this code.~~

~~121.4. Provisions is deleted.~~

(b)——Section PM 301.2, Responsibility, is amended as follows: insert after "premises" in the first line: "and the property manager."

~~(c) — Section PM 302.1, Definitions, is amended by adding the following:~~

~~PERSON — An individual, partnership, property owner, property manager or any other group acting as a unit.~~

~~PROPERTY MANAGER — Shall be a person, corporation, partnership or any other group acting as a unit that receives compensation or anything of value on an ongoing basis, for providing services in whole or in part related to the maintenance, operation, safety, repair, collection of rents, or procurement of and/or removal of tenants relating to rental units which are rented within the City. This shall not relate to independent contractors or workmen employed solely for providing sporadic maintenance services.~~

~~(d) — Section PM 304.15 is amended by inserting "May 1 to September 10."~~

~~(e) — Section PM 602.2.1 is amended by inserting "October 1 to May 15."~~

~~(f) — Section PM 602.3 is amended by inserting "October 1 to May 15."~~

1. Generally in all sections.

Delete “International Plumbing Code”

Insert “The plumbing code adopted pursuant to 32 M.R.S. §3403-B”**Delete** “ICC Electrical Code”

Insert “Electrical standards adopted pursuant to 32 M.R.S. §1153-A.”

Delete “International Fire Code”

Insert “NFPA #1; Fire codes and standards adopted pursuant to Title 25 M.R.S §§ 2452 and 2465”

2. Chapter 1, Part 1- Scope and Application, Section 101 Scope and General Requirements, is amended to read as follows:

[A] 101.1 Title. These regulations shall be known as the *Property Maintenance Code* of The City of Belfast, hereinafter referred to as “this code.”

[A] 102.3 Application of other codes is amended as follows:

Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Maine Uniform Building and Energy Code as adopted in Title 10, MRSA Chapter 1103, et. sec.

The following codes, standards, rules and their amendments, listed in this section, shall remain in full force and effect in their entirety and are not affected by the operation of this Code.

- A. Electrical standards adopted pursuant to 32 M.R.S. §1153-A.
- B. The plumbing code adopted pursuant to 32 M.R.S. §3403-B.
- C. Oil and solid fuel burning equipment standards adopted pursuant to 32 M.R.S. §2353.
- D. Propane and natural gas equipment standards adopted pursuant to 32 M.R.S. §14804.
- E. Boiler and pressure vessel standards adopted pursuant to 32 M.R.S. §15104-A.
- F. Elevator standards adopted pursuant to 32 M.R.S. §15206.

Nothing in this code shall be construed to cancel, modify or set aside any provision of the City of *Belfast Code of Ordinances*.

3. Delete Section 103 and 104 in their entirety without substitution.

4. Delete Section 107 Means of Appeal contents and replace with:

Section 107 Means of Appeal

[A] 107.1 Application for appeal. Any person shall have the right to file an administrative appeal of a decision of the code enforcement officer to the zoning board of appeals as established in article VI, section 11 of the Charter, and in accordance with provisions stipulated in chapter 102, Zoning, article II, Administration, division 4, Appeals and Variances.

[A] 107.2 The zoning board of appeals is specifically prohibited from giving consideration to the granting of a variance from the provisions of this code.

5. Delete Section 108 in its entirety without replacement.

6. Delete Section 111 in its entirety and replace with:

7. Chapter 2 Definitions. Section 202 General Definitions is amended by adding the following:

PROPERTY MANAGER — Shall be a person, corporation, partnership or any other group acting as a unit that receives compensation or anything of value on an ongoing basis, for providing services in whole or in part related to the maintenance, operation, safety, repair, collection of rents, or procurement of and/or removal of tenants relating to rental units which are rented within the City. This shall not relate to independent contractors or workmen employed solely for providing sporadic maintenance services.

8. Section 302.4 Weeds is amended to read:

All premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice violation, they shall be subject to prosecution in accordance with Section 107 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

9. Section 304.14 Insect Screens shall be amended to read:

304.14 Insect screens. During the period from May 1 to September 10, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition. **Exception:** Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

10. *Section PM-602.3* is amended by deleting [Date] to [Date] and inserting "October 1 to May 15."
11. *Section PM-602.4* is amended by deleting [Date] to [Date] and inserting "October 1 to May 15."