

**PROPERTY MAINTENANCE
ORDINANCE
FOR THE TOWN OF DIXMONT
DRAFT 6/15/2026**

Section 1. Purpose

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

Section 2. Authority

This ordinance is enacted pursuant to State law, Title 30-A Section 3001.

Section 3. Applicability

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

Section 4. Maintenance Standards

I. Grounds: All grounds or parts thereof shall be maintained to prevent unsafe, unsanitary and/or nuisance conditions and avoid adverse effects on the adjoining properties. (Examples of items, which in excess or when improperly managed can create such conditions include, uncontained and/or voluminous refuse, household trash, human waste, or other conditions that foster an excessive vermin population. If any of the above conditions exist, the Select Board, CEO, or Health Officer shall use discretion to determine whether any of the following conditions on the property are additional contributing factors impacting public health and safety of Dixmont residents: Junkyards and automobile graveyards, tires, household debris, scrap metals, wood & discarded lumber or plastic, and any other item that may cause a health and or safety concern.) Nuisance shall be defined according to the nuisance definition found in State law Title 17, Section 2802 and as defined in the Appendix of this ordinance.

II. Buildings: All building structures (i.e. houses, sheds, barns, shacks, garages) that are collapsing and dilapidated with broken/missing windows, holes in the roof and/or exterior walls or having excessive vermin living in the structure or building will be required to be made safe and that hazards to the public health and safety are eliminated.

Section 5. Placement of Fill

Fill that consists of non-natural materials including hazardous materials, metals, plastics, batteries, solid waste, garbage or any other materials that are not included in the definition of clean fill shall be prohibited. The placement of any prohibited fill shall be deemed a violation of the Ordinance and shall be removed from the site under the direction of the Code Enforcement Officer (CEO).

Section 6. Responsibilities

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

Section 7. Recreation Vehicles and Temporary Dwellings

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 an approved, licensed Campground.

Section 8. Enforcement & Penalties

The Code Enforcement Officer (CEO) of the Town of Dixmont shall enforce the provisions of this ordinance.

I. The code enforcement officer, building official, local plumbing inspector and/or health officer may enter any property when legally authorized to do so upon information indicating the likelihood of a violation of this ordinance. The CEO shall investigate the facts, document his/her findings and shall serve written notice to the owner, by USPS certified mail. The CEO shall first seek voluntary cooperation from the violator, allowing no more than 30 days for the completion of corrective action.

II. The Board of Selectmen may enter into administrative consent agreements in the name of the Town for the purposes of voluntarily eliminating violations and recovering penalties without court action.

III. If appropriate action to correct the violations has not been taken within the period established, the CEO, Selectboard, and/or the Town Attorney may initiate appropriate court proceedings to prevent, correct and/or abate the violation(s) after approval from the Board of Selectmen.

- i. Such court proceedings may include the initiation of a land use complaint pursuant to Rule 80-K of the Maine Rules of Civil Procedure. If a violation is not corrected within the time allowed, the Town shall pursue all remedies and relief at law and/or in equity for land use ordinances, including without limitation the remedies and relief provided in 30-A MRSA Section 4452 (attorney and attorney office staff fees, expert witness fees and all court filing costs) as well as a violation of the Junkyards and Automobile Graveyards law in 30-A M.R.S. chapter 183.
- ii. The Town shall retain all penalties set forth in these ordinances. Additionally, the Board of Selectmen may also bring a dangerous building proceeding under 17 M.R.S. § 2851 to seek the abatement or disposal of a dangerous or nuisance building.
- iii. 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 seek approval from the Board of Selectmen.
- iv. The CEO may offer one (1) special extension to abate the violation without court action 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 – April 1) and if winter weather prevents the correction of a violation an extension may be given before presented to the Board of Selectmen for possible legal proceedings. 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 will require a Compliance Order.

Section 9. Severability

If any section, subsection, clause, paragraph, phrase or portion of this ordinance 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 10. Effective Date

This ordinance shall be effective upon adoption by the Town of Dixmont and may be amended in accordance with Town requirements for amending ordinances.

Appendix: Definitions

Fill: Fill means soil material, including soil from road ditching and sand from winter sand cleanup; stone and rock; bricks; crushed clean glass or porcelain; and cured concrete; that are not mixed with other solid or liquid waste, and are nor derived form an ore mining material.

Grounds: The part of a property not covered by structures, including driveways, pathways, flowers, trees, and lawn.

Nuisance Condition: This item has been defined by Title 17 M.R.S. Section 2802. It reads as follows: "The erection, continuance or use of any building or place for the exercise of a trade, employment or manufacture which, by noxious exhalations, offensive smells, or any other annoyances, become injurious and dangerous to the health, comfort or property of individuals, or of the public; causing or permitting abandoned wells or tin mining shafts to remain unfilled or uncovered to the injury or prejudice of others; causing or suffering any offal, filth or noisome substance to collect, or to remain in any place to the prejudice of others; obstructing or impeding, without legal authority, the passage of any navigable river, harbor or collection of water; corrupting or rendering unwholesome or impure the water of a river, stream, pond or aquifer; unlawfully diverting it from its natural course or state, to the injury or prejudice of others; and the obstructing or encumbering by fences, buildings or otherwise, of highways, private ways, streets, alleys, commons, common landing places or burying grounds are nuisances within the limitations and exceptions mentioned. Any places where one or more old, discarded, worn out or junked motor vehicles as defined in Title 29-A, section 101, subsection 42, or parts thereof, are gathered together, kept, deposited, or allowed to accumulate, in such manner or in such location or situation, either within or without the limits of any highway, as to be unsightly, detracting from the natural scenery or injurious to the comfort and happiness of individuals and the public, and injurious to property rights, are declared to be public nuisances."

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 mortgage in possession, regardless of how such possession was obtained.

Property: For this ordinance 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) intended for the purposes of temporary sleeping or living quarters for one or more persons, and which may include, but is not limited to, a pick-up camper, travel trailer, tent trailer, camp trailer, or motorhome. 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' ft), higher than thirteen feet, six inches (13'-6"), nor wider than one-hundred, eight inches (108") exclusive of any slide-out room, awning or canopy that must be retracted for over-the-road transport.

Structure: Anything built or constructed and permanently affixed on a property that cannot be considered grounds or landscaping. It especially includes residential, commercial or industrial buildings with usable interior space. It also refers to auxiliary buildings such as storage sheds or garages.