MEMORANDUM:

TO: City Council
    William Bridgeo, City Manager

FROM: Matt Nazar, Director of Development Services

DATE: March 11, 2019

RE: Campers on private property

A concern has been expressed with respect to people living either part-time or full-time in registered motorhomes or tow-behinds. Under Augusta’s current ordinances, there are no prohibitions on how long a person may do this, provided the RV owner has permission of the property owner and is managing their waste appropriately. But there are situations where neighboring property owners are unhappy with a situation like this.

Situations where campers or RVs are located on a property for extended periods of time are relatively common throughout the city for a variety of reasons. Because RVs and motorhomes are regulated as vehicles, they are not regulated as structures that must meet land use regulations. There are lots surrounding the lakes in the city where the property owner has created an RV pad with a septic system and well hookup, allowing them to live on-site in their RV for extended periods and even year round, if they chose to. City staff are aware of locations in the city where a property owner allows relatives to park their RV on their property for months at a time and live in the RV while using the facilities in the house that’s on the property. It’s a way for retired individuals to stay in Maine part of the year and elsewhere for the rest of the year. We are also aware of property owners who use RVs or campers as a “bonus room” for their house, connecting it to electricity and using it daily as extra space to enjoy on their property without having to construct a building. None of these situations mentioned operate as “RV Parks” or “Campgrounds”. They are typically one RV or camper on a property either with or without a house also on the property.

Other municipalities in the state do regulate this activity and limit the amount of time someone can live in an RV, regardless of whether or not they are properly dealing with their waste. The challenge with an ordinance like this is enforcement. The city does not have the staff to check a site daily to determine if a user is meeting the ordinance standard, since it’s a situation that can change every day. The City of Bangor ordinance on the topic is attached and limits the use of trailers such as this to 30 days in any 12 month period. Bangor’s ordinance regulates all types of camping within the city, including tents. Given the situations mentioned above, including the lake properties, a limit like that would seem to have a major impact on Augusta property owners. If this were to move forward, there should be some discussion about what length of time usage is appropriate.
Chapter 281. Temporary Camping Vehicles

§ 281-1. Purpose.

The purpose and intent of this chapter is to ensure that the temporary occupancy of campers and recreational vehicles within the corporate limits of the City of Bangor shall be conducted in a manner that protects public health and safety, ensures the safe and legal disposal of human waste and wastewater, restricts the use of nonstandard electrical power sources and portable heating devices, protects surface and subsurface water quality, minimizes fire exposures and overcrowding, preserves property values, and prohibits the creation of substandard permanent housing stock.

§ 281-2. Definitions.

For the purpose of this chapter, the following definitions shall apply:

CAMPGROUND  
Any premises established for overnight use for the purpose of temporary camping, and for which a fee is charged.

CAMPING TRAILER  
A trailer constructed with collapsible partial side walls that fold for towing by another vehicle and unfold at a campsite to provide temporary living quarters for recreational, camping or travel use.

CITY  
The City of Bangor.

MOTOR HOME  
A motor vehicle designed to provide temporary living quarters for recreational, camping or travel use that contains at least four of the following as permanently installed independent systems that meet the National Fire Protection Association standard for recreational vehicles:

A. A cooking facility with an on-board fuel source;

B. A potable water supply system that includes at least a sink, a faucet and a water tank with an exterior service supply connection;

C. A toilet with exterior evacuation;

D. A gas or electric refrigerator;

E. A heating or air-conditioning system with an on-board power or fuel source separate from the vehicle engine; and
F. A 110-volt to 125-volt electric power supply.

PERSON
Natural persons, partnerships, associations and all other bodies corporate or public.

RECREATIONAL VEHICLE
A vehicle that is either self-propelled or towed by a consumer-owned tow vehicle, is primarily designed to provide temporary living quarters for recreational, camping or travel use, complies with all applicable federal vehicle regulations and does not require special highway movement permits to legally use the highways. Recreational vehicles include motor homes, travel trailers, fifth-wheel trailers and camping trailers.

SEWAGE
Sewage shall mean all liquids and water waste from sinks, bathing, washing, and toilet facilities.

STRUCTURE
Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground, including but not limited to mobile homes, buildings, walls, billboards, signs, piers and floats, but excluding fences and retaining walls.

TEMPORARY CAMPING VEHICLES
A camping trailer, motor home, or recreational vehicle, or a bus, truck trailer, or other motor vehicle that has been converted to accommodate sleeping and/or living quarters. In order to be considered a temporary camping vehicle and not a structure, the unit must remain with its tires on the ground, and must be registered with a state division of motor vehicles or similar agency.

TEMPORARY SHELTER
A physical shelter having form and substance, which is not permanently affixed to a foundation, and whose supplies, if any, of potable water, sewage disposal, electrical current, and other utility services are not permanently attached or incorporated into the design of the shelter in accord with applicable state or local codes. For the purposes of this chapter, tents shall be considered temporary shelters, but pop-up tent trailers shall be classified as temporary camping vehicles.

§ 281-3. Occupancy limitations.

A. Storage of temporary camping vehicles. Temporary camping vehicles may be parked or stored on private property within the City, provided that:

1. The temporary camping vehicles are not used for living or sleeping purposes during the time they are stored or parked on the property;

2. The temporary camping vehicles are not stored or parked within any setback area required by the Land Development Code,[1] and are not stored or parked on a vegetated area; and

[1] Editor's Note: See Ch. 165, Land Development.

3. The stored or parked temporary camping vehicle does not constitute a nuisance to the public or a fire hazard.
B. Occupancy.

(1) Residential properties. Persons may occupy a temporary camping vehicle or a temporary shelter located on a residential property, provided that:

(a) The occupants are not charged a fee for use of the temporary camping vehicle or temporary shelter;

(b) Persons occupying the dwelling unit on the property have granted permission to the occupants of the temporary camping vehicle or temporary shelter to use the dwelling unit’s toilet and washing facilities;

(c) No more than one temporary camping vehicle or temporary shelter is so occupied on the property at one time;

(d) The period of time during which any temporary camping vehicles and temporary shelters are occupied does not exceed 30 days in total within a twelve-month period; and

(e) For temporary camping vehicles, the temporary camping vehicle is not parked within a setback area required by the Land Development Code,[2] and is not parked on a vegetated area.

[2] Editor’s Note: See Ch. 165, Land Development.

(2) Business properties. No temporary camping vehicle or temporary shelter located on a nonresidential property shall be occupied, with the following exceptions:

(a) If a legal residential dwelling unit is located on the property, the standards of § 281-3B(1) shall apply.

(b) In the S&PS and GC&S districts, with the permission of the property owner or manager, temporary camping vehicles may be parked and occupied overnight, so long as each vehicle is parked on the property for no more than one night in a row. Slideouts and awnings may not be extended, and automatic levellers may not be used.

(c) In the Bass Park District, temporary camping vehicles may be parked and occupied as an accessory use to harness racing or the Bangor State Fair.

C. Construction. Notwithstanding § 281-3B, the owner of a property who is engaged in a construction or renovation project on the property, and who has obtained all necessary building and other permits for the project from the City and state, may occupy a temporary camping vehicle or a temporary shelter located on the property for a period not to exceed 60 days in total within a twelve-month period, provided that all other requirements of § 281-3B are met.

D. Special events. In order to accommodate family reunions, weddings, and other special events, the Code Enforcement Officer may grant permission for persons to exceed the use and density limitations cited in § 281-3B, subject to the following limitations:

(1) Maximum duration. No special event shall exceed one week in duration, nor shall a single property host more than three special events in any twelve-month period.

(2)
Sanitary facilities. Permittees shall provide adequate sanitary facilities, in the form of portable restrooms and wash facilities, to accommodate the projected demand as determined by the Maine Plumbing Code and the City Code Enforcement Officer.

E. Licensing and code requirements.

(1) All temporary camping vehicles used for temporary occupancy shall meet all municipal and state registration, insurance, and inspection requirements.

(2) The wheels or similar devices for transportation of any temporary camping vehicle shall not be removed except for repairs lasting no more than 10 days.

(3) Any temporary shelter constructed on a fixed foundation on the ground, or any temporary camping vehicle with its wheels removed, shall be deemed a structure and subject to the standards of the Bangor Land Development Code,[3] the Maine Plumbing Code, and the Maine Uniform Building and Energy Code.

[3] Editor's Note: See Ch. 165, Land Development.

F. Boats. Boats may not be used for living or sleeping purposes while stored or parked on land.

G. Use for living or sleeping purposes of any physical shelter or vehicle not meeting the definition of structure, temporary shelter, or temporary camping vehicle is prohibited.

§ 281-4. Sewage.

The occupancy of temporary camping vehicles and temporary shelters shall be subject to the following sanitary standards:

A. Temporary camping vehicle holding tanks. No toilet, sink, shower or other plumbing fixture contained in a temporary camping vehicle shall be used unless it discharges into a holding tank built into the temporary camping vehicle, or into an on-site subsurface wastewater disposal system approved and maintained in accordance with all City and state laws and regulations. Holding tanks built into a temporary camping vehicle must be emptied regularly by discharging their contents into a campground dumping station or other lawful dumping station or by delivering their contents to a wastewater hauler for lawful disposal.

B. Storage of sewage in auxiliary containers. Sewage and wastewater shall not be discharged or stored in auxiliary buckets or containers external to a temporary camping vehicle.

C. Illegal sewage discharge. No sewage or wastewater from temporary camping vehicle or temporary shelters shall be discharged into pits or privies, onto the surface of the ground, or into surface waters such as wetlands, streams, or other water bodies.

D. Special events sanitation. Sanitary facilities provided for special events shall meet the requirements of § 281-3D(2).

§ 281-5. Exemptions.

The following uses shall be exempt from the requirements of this chapter:
A. Campgrounds. Any temporary camping vehicle or temporary shelter located in a public or private campground that was approved by the City of Bangor Planning Board and currently meets all standards of the Bangor Code of Ordinances and state law.

B. Tents and tree houses. Tents and tree houses located on a residential lot and used primarily and sporadically for overnight accommodations by the occupants of the principal dwelling unit on the same lot.

§ 281-6. Violations and penalties.

A. When any violation of any provision of this chapter shall be found to exist, the Code Enforcement Officer is hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, that may be appropriate or necessary to enforce the provisions of this chapter in the name of the City, in accordance with 30-A M.R.S.A. § 4452.

B. Any person, including but not limited to a landowner, his or her agent or invitee, or a contractor, who violates a provision of this chapter shall be liable for penalties as set forth in 30-A M.R.S.A. § 4452. Each day a violation is continued shall constitute a separate violation.
MEMORANDUM:

TO: City Council
    William Bridgeo, City Manager

FROM: Matt Nazar, Director of Development Services
       Rob Overton, Director of Code Enforcement

DATE: March 11, 2019

RE: Code Enforcement and dilapidated buildings

At the upcoming Council meeting, we intend to provide the Council with a presentation on the duties of the Code Enforcement Officers (CEOs) and show you some photos of their daily work. We’re hoping to give a clear picture of the wide variety of duties they have and the significant workload it all entails to help the Council and public better understand how the CEOs assist the public every day. One of the CEOs duties that has been a topic of Council discussion in past years is property maintenance and specifically dilapidated buildings. This can be a complex issue, but here’s a brief outline that will be discussed in more detail on Thursday.

A dilapidated building is not a singular state of a building, the same for every building labelled this way. The first step for CEOs is to assess the problems with a building when they are informed of a possible problem. The following steps are a normal course of action, but variations can occur depending on the situation:

1. Assess the nature of the violation.
   a. If the violation poses an immediate hazard to public safety, immediate action must be taken to protect the public. This may mean immediate demolition or could mean the building simply cannot be occupied until corrections are made.
   b. If there is no immediate hazard to public safety, corrective actions can take an agreed upon time to address.

2. Work with owner to address the violation. The easiest, least expensive, and most appropriate way to address violations of codes on private property is to work with a cooperative owner to set out a timeline to correct violations. This may be days, weeks, or months depending on the violation and the time of year.

3. Issue official notices of violation to uncooperative owners and start an official enforcement procedure. This is the first step to a court action and often gets owner’s attention. If they cooperate and show progress on corrections, we work with them.

4. Forward official notice of violation and failure to correct the violation to Corporation Counsel. Usually the first step for Corporation Counsel is to send the property owner a letter essentially mirroring the CEO letter. Often a letter from the City Attorney is enough of a nudge to get a landowner to start making corrections to the violations, and we will work with them.
MEMO

TO: City Manager Bill Bridgeo, Augusta City Council, Mayor Dave Rollins, Matt Nazar
FROM: Keith P. Luke
DATE: 3/11/2019
RE: Disposition of Tax Acquired Property

In March of 2018 the City of Augusta took ownership of the Leighton Road property at Tax Map 9, Lot 36 for nonpayment of taxes. The lot is 1.25 acres with 240 feet of frontage on Leighton Road in the Rural Residential (RR) zone. There are no dwellings or outbuildings on the property.

On July 14, 2015 former City Clerk Barbara Wardell had a conversation with Justine Marks, widow to the estate who related her desire to have the city take over the property.

Staff is suggesting that the City list property with its designated broker. The broker has suggested a listing price of $10,000.

Leighton Road (Tax Map 9/Lot 36) – a 1.25 acre lot in the RR zone with an assessed value of $28,800 and a suggested listing price of $10,000.

I have attached both the relevant tax maps for the properties with the subject lot circled in red, along with the Vision Appraisal property tax card for the property.
LEIGHTON ROAD

Location LEIGHTON ROAD
Mblu 9/ 36// /

Acct# 606781
Owner AUGUSTA CITY OF

Assessment $28,800
PID 2835

Building Count 1

Current Value

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Owner of Record

Owner AUGUSTA CITY OF
Co-Owner
Address 16 CONY ST
AUGUSTA, ME 04330
Sale Price $0
Certificate
Book & Page 0000/0000
Sale Date 03/31/2018
Instrument 1W

Ownership History

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Living Area: 

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3/11/2019
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