

**PROPOSED ORDINANCE TO ADOPT THE RENUMBERED  
CODE OF THE CITY OF AUGUSTA, MAINE**

**November 2015**

**GENERAL CODE  
781 Elmgrove Road  
Rochester, New York 14624**

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AN ORDINANCE TO REVISE AND CODIFY THE ORDINANCES OF THE CITY OF AUGUSTA, COUNTY OF KENNEBEC, STATE OF MAINE; PROVIDING FOR THE MAINTENANCE OF SAID CODE; REPEALING AND SAVING FROM REPEAL CERTAIN ORDINANCES NOT INCLUDED THEREIN; AND ESTABLISHING A PENALTY FOR ALTERING OR TAMPERING WITH THE CODE

Be it ordained and enacted by the City Council of the City of Augusta, County of Kennebec, State of Maine, as follows:

**Chapter 1  
GENERAL PROVISIONS**

**ARTICLE I  
Adoption of Code**

**§ 1-1. Legislative intent.**

In accordance with 30-A M.R.S.A. § 3004, the ordinances of the City of Augusta, as codified by General Code, LLC, and consisting of Chapters 1 through 300, shall be known collectively as the "Code of Ordinances, City of Augusta, Maine," hereafter termed the "Code." Wherever reference is made in any of the ordinances contained in the Code of Ordinances, City of Augusta, Maine to any other ordinances appearing in said Code, such reference shall be changed to the appropriate chapter title, chapter number, article number or section number appearing in the Code as if such ordinances had been formally amended to so read.

**§ 1-2. Continuation of existing provisions.**

The provisions of the Code, insofar as they are substantively the same as those of the 1990 Code and ordinances in force immediately prior to the enactment of the Code by this ordinance, are intended as a continuation of such 1990 Code and ordinances and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior Code and ordinances. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the City of Augusta, and it is the intention of the City Council that each such provision contained within this Code is hereby reaffirmed as it appears in said Code.

**§ 1-3. Enactments saved from repeal; matters not affected.**

The adoption of this Code shall not affect the following classes of ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any right or liability established, accrued or incurred under any legislative provision of the City of Augusta prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.
- B. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision of the City of Augusta or any penalty, punishment or forfeiture which may result therefrom.

- C. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance brought pursuant to any legislative provision of the City of Augusta.
- D. Any agreement entered into or any franchise, license, right, easement or privilege heretofore granted or conferred by the City of Augusta.
- E. Any ordinance of the City of Augusta providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place within the City of Augusta or any portion thereof.
- F. Any ordinance of the City of Augusta appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the City of Augusta or other instruments or evidence of the City's indebtedness.
- G. Ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract or obligation.
- H. The levy or imposition of special assessments or charges.
- I. The annexation or dedication of property or approval of preliminary or final subdivision plats or site plans.
- J. Any ordinances adopting or amending a zoning map or otherwise rezoning property.
- K. Any ordinances relating to salaries.
- L. Personnel policies of the City.
- M. Any ordinance or portion of an ordinance establishing a specific fee amount for any license, permit or service obtained from the City.

#### **§ 1-4. Severability.**

If any clause, sentence, paragraph, section, article, chapter or part of this ordinance or of any ordinances included in this Code now or through supplementation shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, article, chapter or part thereof directly involved in the controversy in which such judgment shall have been rendered. If any provision of this Code or the application thereof to any person or circumstance is held invalid, the remainder of this Code and the application of such provision to other persons or circumstances shall not be affected thereby.

#### **§ 1-5. Amendments to Code.**

Any and all additions, deletions, amendments or supplements to any of the ordinances known collectively as the "Code of Ordinances, City of Augusta, Maine" or any new ordinances, when enacted or adopted in such form as to indicate the intention of the City Council to be a part thereof, shall be deemed to be

incorporated into such Code so that reference to the Code shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or supplements to the Code shall be enacted or adopted, they shall thereafter be inserted in said Code as amendments and supplements thereto. Nothing contained in this ordinance shall affect the status of any ordinances contained herein, and such ordinances may be amended, deleted or changed from time to time as the City Council deems desirable.

**§ 1-6. Code to be kept up-to-date.**

- A. It shall be the duty of the Bureau of the City Clerk to keep up-to-date the certified copy of the Code of Ordinances, City of Augusta, Maine. All changes in said Code and all ordinances adopted by the City Council subsequent to the enactment of this ordinance in such form as to indicate the intention of the City Council to be a part of said Code shall, when finally enacted or adopted, be included therein by temporary attachment of copies of such changes or ordinances until such changes or ordinances are included as supplements to said Code.
- B. When preparing a supplement to this Code, the codifier (the person, agency or organization authorized to prepare the supplement) may make formal nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:
- (1) Organize the ordinance material into appropriate subdivisions.
  - (2) Provide appropriate headings and titles for sections and subsections of the Code printed in the supplement, and makes changes in such titles.
  - (3) Assign appropriate numbers and/or letters to sections and subsections to be inserted in the Code and, where necessary to accommodate new material, change existing section or subsection numbers and/or letters.
  - (4) Change the words “this ordinance” or words of the same meaning to “this chapter,” “this article,” “this section,” etc., as appropriate.
  - (5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code.

**§ 1-7. Penalties for tampering with Code.**

Any person who changes or amends, by additions or deletions, any part or portion of the Code of Ordinances, City of Augusta, Maine or who alters or tampers with such Code in any manner whatsoever which will cause the ordinances of the City of Augusta to be misrepresented thereby or who violates any other provision of this ordinance shall be guilty of an offense and shall, upon conviction thereof, be punishable as set forth in Chapter 1, Article III, General Penalty, of the Code.

**§ 1-8. Incorporation of provisions into Code.**

The provisions of this ordinance are hereby made Article I of Chapter 1 of the Code of Ordinances, City of Augusta, Maine, such ordinance to be titled "General Provisions, Article I, Adoption of Code," and the sections of this ordinance shall be numbered §§ 1-1 to 1-8, inclusive.

## Chapter 6. Property Maintenance.

### Article I. Vacant and Abandoned Building Registration

#### § 6-92. Purpose.

A. Vacant or abandoned properties create and pose significant and costly problems for the City. These properties often become a drain on the City budget and detract from the quality of life of the neighborhood and the City as a whole. Vacant buildings are an impediment to neighborhood redevelopment and rehabilitation, decrease property values, and prevent neighborhood stabilization. These structures are unsightly, often structurally unsound or otherwise dangerous, attract criminal activity, and otherwise create a threat to public health, safety, and welfare of neighboring properties and the general public.

B. A significant obstacle in providing effective and prompt enforcement of the current City Codes, as they relate to vacant buildings, is the inability to contact the owners of abandoned properties. These buildings are often also the subject of foreclosure actions by lien holders, which take considerable time to resolve.

C. Certain categories of vacant properties, such as homes of "snowbirds", members of the armed forces, including the National Guard on deployment, or those who have moved into assisted living facilities, or homes that are actively on the market, managed, or undergoing renovation, are less likely to cause problems and accompanying City costs and are exempt from this article.

D. The purpose of this article is to provide a just, equitable and practicable method for identifying, managing and responding to the numerous issues associated with vacant buildings that have been abandoned. This article is intended to prevent or mitigate dangers to health, safety and welfare, promote responsible management, provide a safe neighborhood for residents, safeguard property values, expedite housing repairs, and provide for prompt contact with owners or managers by Police, Fire, and Code Enforcement when issues or emergencies develop.

#### § 6-93. Definitions.

A. If a term is not defined in this article or the Land Use Ordinance, it shall have its customary dictionary meaning.

B. For the purpose of interpreting this chapter, the following terms, phrases, words and their derivations shall have following meanings:

#### OWNER

Any person, agent, firm, corporation or other legal entity having a legal or equitable interest in a vacant building that has been abandoned, including but not limited to a mortgagee in possession, the beneficiary of a trust, or the holder of a life estate.

#### PROPERTY MANAGER

A Maine-based entity, corporation, or individual or the designee of the owner that is responsible for maintaining, securing, and inspecting vacant buildings.

#### VACANT BUILDING

Any building or other structure that is unoccupied by a person or occupied by unauthorized persons for 60 days, excepting permitted garages or accessory buildings.

#### ABANDONED BUILDING

Any building or structure that is vacant and is under a current notice of default; under a current notice of trustee's sale; pending a tax assessor's lien sale; any property that has been the subject of a foreclosure sale where the title was retained by the beneficiary of a deed of trust involved in the foreclosure; and any property transferred under a deed in lieu of foreclosure/sale.

Any building that meets one or more of the conditions cited in MRSA Title 14 §6326 Section 2, Parts A-I, and as may be amended, for establishing abandonment by statute:

- A. Doors and windows on the mortgaged premises are continuously boarded up, broken or left unlocked;
- B. Rubbish, trash or debris has observably accumulated on the mortgaged premises;
- C. Furnishings and personal property are absent from the mortgaged premises;
- D. The mortgaged premises are deteriorating so as to constitute a threat to public health or safety;
- E. A mortgagee has changed the locks on the mortgaged premises and neither the mortgagor nor anyone on the mortgagor's behalf has requested entrance to, or taken other steps to gain entrance to, the mortgaged premises;
- F. Reports of trespassers, vandalism or other illegal acts being committed on the mortgaged premises have been made to local law enforcement authorities;
- G. A code enforcement officer or other public official has made a determination or finding that the mortgaged premises are abandoned or unfit for occupancy;
- H. The mortgagor is deceased and there is no evidence that an heir or personal representative has taken possession of the mortgaged premises; and
- I. Other reasonable indicia of abandonment.

§ 6-94. Applicability.

A. This article applies to all vacant buildings that have been abandoned located within the City of Augusta.

B. This article does not apply to primary residences of members of the armed forces, including the National Guard on deployment, vacation or resort facilities, or residences of persons on extended vacations or alternative living arrangements with the intention to return to the property and live (e.g., "snowbirds" or those in assisted living facilities), or residences that are actively on the market, managed, or undergoing renovation.

§ 6-95. Registration required.

A. The owner of a vacant building that has been abandoned must obtain a vacant building registration permit for the period during which it is vacant.

B. When an abandoned building becomes vacant, the owner of the building must apply for and obtain a vacant building registration permit and pay the fee within 60 days of the building becoming vacant.

C. Standard vacant building registration permit.

(1) The Code Enforcement Division shall issue a standard vacant building registration permit upon being satisfied that the building has been inspected and is in compliance with the vacant building standards set forth in this article, and is adequately protected from intrusion by trespassers and from deterioration by the weather.

(2) A standard vacant building registration permit is valid for six months from the date of approval.

D. Interim vacant building inspection permit.

(1) If a vacant building that has been abandoned is inspected and determined not to meet one or more local or state life safety codes, the Code Enforcement Division shall issue an order for any work needed to:

(a) Adequately protect the building and property (i.e., swimming pools, hot tubs, children's equipment including "jungle gyms") from intrusion by trespassers and from deterioration by weather by bringing it into compliance with all existing local and state life safety codes; and

(b) Ensure that allowing the building to remain will not be detrimental to the public health, safety and welfare, will not unreasonably interfere with the reasonable and lawful use and

enjoyment of other premises within the neighborhood, and will not pose an extraordinary hazard to police officers or firefighters entering the premises in times of emergency.

(2) When issuing orders under Subsection D(1), the Code Enforcement Division shall specify the time for completion of the work. The order will act as an interim vacant building registration permit, the duration of which will be for the time set forth in the order. No interim registration permit may be effective for a period of more than 90 days.

(3) All work done pursuant to this article must be done in compliance with the applicable building, fire prevention, life safety and zoning codes.

E. After the vacant building registration permit is issued, the Code Enforcement Division shall add the property to a registry maintained by the City of Augusta and made available for public inspection. This registration data shall include - but not be limited to - the name, address, phone number and email address of the owner or its agent, and contact information of the designated property management company.

F. Upon the expiration of a vacant building registration permit, if the building or structure is still vacant, the owner must arrange for an inspection of the building and premises with the appropriate Code Enforcement, Police, Fire, Public Health and Safety Officials, and renew the permit within 10 days of expiration. All permit renewals shall be subject to all conditions and obligations imposed by this article and any previous permits unless expressly exempted therefrom.

#### § 6-96. Permit application.

A. Application by the owner of a vacant building that has been abandoned for a vacant building registration permit must be made on a form provided by the Code Enforcement Division. Applicants must disclose all measures to be taken to ensure that the building will be kept weather-tight and secure from trespassers, safe for entry of Code Enforcement, Police, Fire, Public Health and Safety Officials in times of exigent circumstances or emergency, and together with its premises be free from nuisance and in good order in conformance with life safety, and other codes adopted by the City of Augusta.

B. The application shall include a "statement of intent." The statement of intent shall include information as to the expected period of vacancy (including the date of vacancy), the plan for regular maintenance during the vacancy to comply with the life safety code requirements and a plan and timeline for the lawful occupancy, rehabilitation, or removal or demolition of the structure.

C. The application shall include a list of persons authorized to be present in the building, along with a statement that any persons not listed shall be considered trespassers. The owner shall update the authorized person list as needed.

D. Contact information. The application shall include the following:

(1) The name, street address, telephone number, and e-mail address of an individual designated by the owner or owners of the vacant building that has been abandoned as their authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding in connection with the enforcement of this Code regarding the vacant building.

(2) The name of at least one property manager responsible for management and maintenance of the property, along with their twenty-four-hour-a-day contact information.

(3) The name of any bank/lender/lien holder with an interest in the property and its contact information, including the mailing address of the bank/lender/lien holder.

(4) If any contact information required under this subsection changes or becomes out-of-date, the owner must notify the Code Enforcement Department in writing within 15 days of such change.

E. A fee of \$200 for commercial entities (banks or financial service companies) or \$100 for individuals (individual owners of single-occupancy dwellings) shall be charged for a vacant building registration permit or interim permit. This fee shall also be charged upon the renewal of such permits. The fee must be paid at the time of application or renewal. No permit shall be issued prior to payment of the permit or renewal fee. If an owner has undertaken the demolition permitting process, no fee will be required.

#### § 6-97. Inspection.

A. Upon and at the time of application, the owner of a vacant building that has been abandoned shall arrange for an inspection of the premises by staff of the Code Enforcement Division. The purpose of such inspections is to determine and ensure compliance with existing life safety codes and security of the premises. The Code Enforcement Division may bring on the inspection such other government officials as it deems prudent to ensure the safety of the building and the Code Enforcement Division, including but not limited to Police, Fire and Public Health Officials.

B. If Code Officials have reason to believe that an emergency or imminent danger exists tending to create an immediate danger to the health, welfare, or safety of the general public, Code, Police and Fire Officials have the authority to enter and inspect the vacant building that has been abandoned and premises upon which it stands without notification or warrant being required.

§ 6-98. Vacant Building Maintenance Standards.

An owner of a vacant building that has been abandoned must adequately protect it from intrusion by trespassers and from deterioration by the weather. A vacant building shall be deemed adequately protected from intrusion by trespassers and from deterioration by the weather if it satisfies the following vacant building maintenance standards:

A. Building openings. Doors, windows, areaways and other openings must be weathertight and secured against entry by birds, vermin and trespassers. Missing or broken doors, windows and other such openings must be covered by glass or other rigid transparent materials which are weather protected and tightly fitted and secured to the opening.

B. The owner of a vacant building must comply with all building, fire, life safety, zoning, and other applicable codes or ordinances and must apply for any building, fire prevention, and zoning permits necessary to perform work required by this article.

§ 6-99. Violations and penalties.

Any person who is found to be in violation of any provision or requirement of this article shall be subject to a civil penalty, including the city's attorney's fees and other remedies as set forth in 30-A M.R.S.A. § 4452. Each violation of a separate provision or requirement, and each day of violation, shall constitute a separate offense.

City of Augusta  
 DOWNTOWN TIF  
 Estimated Cash Flow  
 FY 2016-2021

	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
DOWNTOWN	295,018	295,018	295,018	295,018	295,018	295,018
MKT PLACE	896,949	896,949	896,949	896,949	896,949	896,949
COMMUNITY NATURAL GAS	0	0	0	0	0	0
AUGUSTA EAST REDEVELOPMENT	3,999	3,999	3,999	3,999	3,999	3,999
222-232 WATER ST	0	2,333	2,333	2,333	2,333	2,333
TOTAL REVENUES	1,195,966	1,198,299	1,198,299	1,198,299	1,198,299	1,198,299
PARKING GARAGE DEBT	173,281	168,437	163,438	158,438	153,438	148,438
Downtown WI- FI	18,371	18,600	18,833	19,068	19,307	19,548
Downtown Events	64,661	66,278	67,935	69,633	71,374	73,158
Water St Memorial Cir. to Green St	21,500					
Front St Retaining Wall	68,000					
Waterfront Park Gazebo Repairs	5,000					
Mill Park Brick Building Drainage & A & E	40,000					
LED Lighting Bridge St - Northern Ave.	40,000					
Downtown Revolving Loan	10,000					
GAUD CSO	750,000	750,000	750,000	750,000	750,000	750,000
	1,190,813	1,003,315	1,000,206	997,140	994,119	991,145
SURPLUS (DEFICIT)	5,153	194,984	198,093	201,159	204,180	207,155
CASH ON HAND	78,414	273,398	471,491	672,650	876,831	1,083,985

DOWNTOWN TIF	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
DOWNTOWN	295,018	295,018	295,018	295,018	295,018	295,018	295,018
MKT PLACE	896,949	896,949	0	0	0	0	0
COMMUNITY NATURAL GAS	0	250,000	250,000	250,000	250,000	250,000	250,000
AUGUSTA EAST REDEVELOPMEN	3,999	3,999	3,999	3,999	3,999	3,999	3,999
222-232 WATER ST	2,333	7,777	7,777	7,777	7,777	7,777	7,777
TOTAL REVENUES	1,198,299	1,453,743	556,794	556,794	556,794	556,794	556,794
PARKING GARAGE DEBT	143,359	138,203	132,969	127,656			
WI- FI	19,792	20,040	20,290	20,544	20,801	21,061	21,324
DOWNTOWN EVENTS	74,987	76,862	78,784	80,753	82,772	84,841	86,962
GAUD CSO	735,000	735,000	735,000	735,000	735,000	735,000	735,000
	973,139	970,105	967,043	963,953	838,573	840,902	843,286
SURPLUS (DEFICIT)	225,160	483,638	(410,249)	(407,159)	(281,779)	(284,108)	(286,493)
CASH ON HAND	1,309,145	1,792,784	1,382,534	975,375	693,596	409,487	122,995

FY 2029      FY 2030      FY 2031      DOWNTOWN TIF      FY 2032

295,018	295,018	295,018	DOWNTOWN	295,018
0	0	0	MKT PLACE	0
250,000	250,000	250,000	COMMUNITY NATURAL GAS	250,000
3,999	3,999	3,999	AUGUSTA EAST REDEVELOPMENT	3,999
7,777	7,777	7,777	222-232 WATER ST	7,777
556,794	556,794	556,794	TOTAL REVENUES	556,794

21,591	21,860	22,134	WI- FI	22,410
89,136	91,365	93,649	DOWNTOWN EVENTS	95,990

735,000	735,000		GAUD CSO	0
845,727	848,225	115,783		118,401
(288,933)	(291,432)	441,011	SURPLUS (DEFICIT)	438,393
-165,939	-457,370	-16,359	CASH ON HAND	422,034