

Chapter 139

Property Maintenance

139-1 Scope.

The provisions of this chapter shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance; the responsibility of owners, an owner's authorized agent, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

139-2 General.

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this chapter and any referenced standards, the provisions of this chapter shall apply. Where, in a specific case, different sections of Code of the City of Augusta specify different requirements, the most restrictive shall govern.

139-3 Maintenance.

Equipment, systems, devices and safeguards required by this chapter shall be maintained in good working order. No owner, owner's authorized agent, operator or occupant shall cause any service, facility, equipment or utility that is required under this, or by any, code to be removed from, shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this chapter are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's authorized agent shall be responsible for the maintenance of buildings, structures and premises.

139-4 Application of other codes.

Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of applicable local, state, and federal codes.

139-5 Existing remedies.

The provisions in this chapter 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 that is dangerous, unsafe and insanitary.

139-6 Workmanship.

Repairs, maintenance work, alterations or installations that are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's instructions.

139-7 Grading, vegetating, and drainage.

Premises shall be graded, loamed, seeded, and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon, with the exception of approved retention areas and reservoirs. Loaming and seeding shall be of particular importance on sites where demolition of a building occurs and a new building is not immediately constructed.

139-8 Sidewalks and driveways.

Privately owned sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

139-9 Weeds.

This section applies only to land within the MaineDOT Urban Compact area of Augusta. Premises and exterior property shall be maintained free from weeds or plant growth in excess of ten (10) inches. 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. Hayfields and pastures shall be permitted where the owner demonstrates that the affected area is actively managed. Premises and exterior property that is open lawn or field on lots in excess of ½ acre may be allowed to re-forest through an actively managed process that includes replanting and seeding by the owner. This section does not apply to coastal or floodplain wetlands as those terms are defined in 38 M.R.S.A. Section 480-B.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with provisions of this Code and state law 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.

139-10 Rodent harborage.

Structures and exterior property shall be kept free from rodent harborage and infestation. Where rodent infestation is found, it shall be promptly exterminated by approved processes that will not be

injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.

139-11 Exhaust vents.

Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

139-12 Accessory structures.

Accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

139-13 General.

The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

A. Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
5. Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects;
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
7. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;

8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;
9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects;
10. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects; or
13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. Where substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted where approved by the code official.

139-14 Structural members.

Structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

139-15 Foundation walls.

Foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

139-16 Roofs and drainage.

The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

139-17 Decorative features.

Cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

139-18 Overhang extensions.

Overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. Where required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

139-19 Stairways, decks, porches and balconies.

Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

139-20 Chimneys and towers.

Chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. Exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

139-21 Handrails and guards.

Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

139-22 Doors.

Exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units shall tightly secure the door. Locks on means of egress doors shall be in accordance with applicable codes.

139-23 Window and skylights.

Windows may not be boarded up. Every window and skylight shall be kept in sound condition, good repair and be weather tight. Within 30 days of the effective date of this ordinance all existing boarded up windows must be brought into compliance with this provision. Owners of such buildings may comply by contacting the office of code enforcement and submitting a reasonable plan of remediation and date by which compliance will be achieved.

139-24 Basement hatchways.

Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

139-25 Building security.

Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

139-26 Refrigerators. Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises. If left out for pickup, pickup must occur within 48 hours, the refrigerator must be upright with the doors removed, and removal of any refrigerant must be in accordance with all state and federal regulations.

139-27 Fencing and Setback of Swimming Pools – See Chapter 207-13

139-28 Unregistered Motor Vehicles – See Chapter 207-24

139-29 Sanitation – See Chapter 229

139-30 Solid Waste Storage and Disposal – See Chapter 237

Amend Chapter 207-13 Fencing and setback of Swimming Pools

Any person owning or being in the possession of an outdoor swimming pool in the City shall keep the same adequately fenced or adequately covered at all times by the owner, tenant or lessee while not in use. Such fence shall be at least four ~~five~~-feet high. All outdoor swimming pools, regardless of size or depth shall meet the same setback requirements as a structure for the zoning district in which the pool is located.

Amend Chapter 207-24 Unregistered Motor Vehicles

A. Motor vehicles that have not been registered and inspected for one year ~~two consecutive years~~ may not be stored within 150 feet of a public right-of-way unless the vehicle or vehicles are garaged or fully buffered from public view by evergreen plantings or properly installed wooden fences.

B. Exceptions to this section are antique autos pursuant to Title 29-A of the Maine Revised Statutes, vehicle dealers licensed pursuant to Title 29-A of the Maine Revised Statutes, documented illness or a documented absence from the City for at least one year by the owner or owners of the property on which the vehicle or vehicles are located.

C. No court action to enforce the provisions of this section may be taken by the City until and unless the owner or owners of the property on which the vehicle or vehicles are located have received a thirty-day notice in writing from the City advising said owner or owners of a violation of this section.