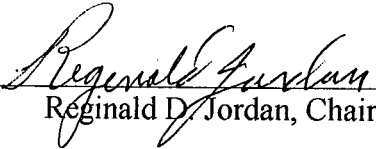


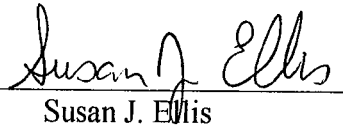
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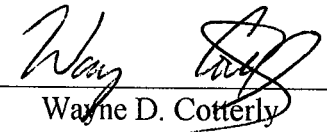
December 16, 1997

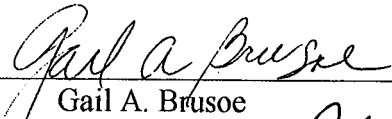
To: Judith A. Akers, Town Clerk

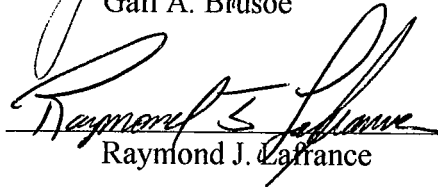
A certified copy of a proposed ordinance entitled Citation System of Code Enforcement for the Municipality of Poland, Maine, consisting of 5 pages and Schedule A, to be submitted for voter approval at a special Town Meeting to be held on January 3, 1998.

  
Reginald D. Jordan, Chairman

  
Susan J. Ellis

  
Wayne D. Cotterly

  
Gail A. Brusoe

  
Raymond J. LaFrance

Selectmen of Poland

ENACTED

JAN. 03 1998



CITATION SYSTEM OF CODE ENFORCEMENT  
ORDINANCE FOR THE MUNICIPALITY OF  
POLAND, MAINE

Article

13.0 Citation System of Code Enforcement Ordinance for the Municipality of Poland  
Maine

13.1 Short Title

This Ordinance shall be known and may be cited as the "Citation System Ordinance for the Town of Poland, Maine", and will be referred to herein as the "Ordinance".

13.2 Purpose and Applicability

13.2.1 Purpose

The purpose of this "Ordinance" is to provide additional and alternative methods and processes to enforce the provisions of the Town of Poland, Maine's Land Use Ordinances in a just, speedy and inexpensive manner, to improve compliance with the provisions of these Land Use Ordinances, and thereby to protect, preserve and enhance the public health, safety and general welfare of the inhabitants of the Town of Poland, Maine.

13.2.2 Applicability

This "Ordinance" shall provide a method for enforcing and securing compliance with various provisions of the Town of Poland, Maine's Land Use Ordinances, which is in addition to those methods otherwise contained in these Land Use Ordinances. Any and all Inspectors and enforcement officials under the various provisions of this "Ordinance" are referred to in this article collectively as enforcement officials.

13.3 Authority

The "Ordinance" has been prepared in accordance with MRSA Title 30-A, Section 4452 and Section 3001, or as amended.

13.4 Effective Date of this Ordinance

The Effective date of this "Ordinance" shall be the date on which it is adopted by a majority vote at an annual or special Poland, Maine Town Meeting.

13.5 Availability

A certified copy of this "Ordinance" shall be filed with the Town Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at a reasonable cost at the expense of the person making the request. Notice of availability of this "Ordinance" shall be posted.

### 13.6 Severability

Should any section or provision of this "Ordinance" be declared by a court of competent jurisdiction to be invalid, such decision shall not invalidate any other section or provision of this "Ordinance".

### 13.7 Conflicts with other Ordinances

Whenever a provision of this "Ordinance" conflicts with, or is inconsistent with, another provision of this "Ordinance" or any other ordinance, regulation or statute, the more restrictive provision shall control.

This "Ordinance" does not supersede or repeal any other provision of the Poland Ordinances, nor preclude the initiation of any Ordinances.

### 13.8 Amendments

This "Ordinance" may be amended by majority vote of the Town Meeting. For Amendment procedures see the Land Zoning or Shoreland Zoning Ordinance, for the Municipality of Poland, Maine.

- a. Other legal proceeding which may be provided by applicable State or Federal Law.

### 13.9 Investigations

Upon receipt of information indicating the likelihood of a violation of any provision of the Town of Poland Ordinances, the enforcement official shall investigate the facts and may make an inspection of the premises when legally authorized to do so in MRSA Title 30-A, Section 4452-(1-A)(1-B).

### 13.10 Notice of Violation(s)

If an investigation reveals that code violation(s) has occurred, the enforcement official shall give written notice of such violation(s) to the person ( hereafter known as "violation") having control of any land, building, structure, sign, license or permitted business or operation which is in violation(s), verbal notice to the person(s) performing the work, and order that the violation(s) be corrected.

#### 13.10.1 Serving of Violation(s) Notice

- a. Notice of the violation(s) may be served in hand to the "violation" by the enforcement official.
- b. Notice of the violation(s) may be sent by certified mail, return receipt requested, to the "violators" last known address.
- c. If the enforcement official finds that the violation(s) is one which requires correction to protect the public health and safety, he may provide notice under this article by means of the telephone or facsimile transmission to the "violation" or to a place of business of the "violation".

### 13.10.2 Contents Of Violation(s) Notice

Any notice under this article shall describe the violation(s) including a reference to the Ordinance section violated, specify what corrective action must be taken, and within what time period the violation(s) must be corrected. The notice must state the potential consequence if the violation(s) is not corrected. The notice shall also advise the "violation" of any rights to appeal to the Board of Appeals, with respect to the enforcement official's determination that a violation(s) exists for which the "violation" is responsible.

### 13.11 Civil Proceedings

If the violation has not been corrected within the period established in the notice, the enforcement official or Town attorney may initiate appropriate legal proceedings to compel the "violation" to correct the violation and seek whatever other relief to which the Town may be entitled. Such legal proceeding may include the initiation of a land use complaint pursuant to rule 80 K of the Maine Rules of Civil Procedure and MRSA Title 30-A Section 4452 and/or as amended.

### 13.12 Issuance of Citation(s)

If the violation has not been corrected within the time period established in the notice, the enforcement official may issue, as an alternative to initiating a civil proceeding pursuant to Section 13. 11 (Civil Proceeding) a Citation to the "violation".

#### 13.12.1 Content of Citation Notice

The Citation shall be in writing, describe the nature of the violation(s), including the ordinance(s) section(s) violated, state the date by which the violation(s) must be corrected, what corrective action must be taken and that a civil penalty as provided for in Schedule A , is imposed for the violation(s), the date by which the penalty must be paid and to whom , and the consequence of failing to pay the penalty within the period stated.

#### 13.12.1. a Further Citation Criteria

The Citation shall state the penalties which may be imposed if the violation(s) is/are not corrected within the time period set forth in the first Citation and shall also state the penalties which may be imposed if an additional Citation(s) must be issued for the same violation(s). The Citation shall also state that all additional penalties are cumulative.

#### 13.12.2 Serving of Citation Notice

A Citation may be served upon the "violation" by giving the Citation to the "violation" in hand by the enforcement official. A Citation may be mailed by certified mail, return receipt requested, to the violator's" last known address.

### 13.13 Citation Notice

The time period specified in a citation by the enforcement official, within which a violation must be corrected, shall be reasonable in consideration of:

- a. The threat posed by such violation(s) to the health, safety and welfare of the public;
- b. The nature of the work required to correct the violation(s); and
- c. Any notice period given to the "violator" in a previous citation for the same violation(s) or pursuant to Section 13.10 (Notice of Violation(s)).

### 13.14 Penalties

Civil Penalties Shall be imposed for the issuance of a citation in accordance with the Schedule contained in Schedule A of this Ordinance.

The Poland Board of Selectmen is authorized to establish and modify the Schedule of Penalties contained in Schedule A of this Ordinance, after giving notice, and conducting a Public Hearing to consider the establishment or modification of Penalties contained in Schedule A.

### 13.15 Further Violations

If the violation(s) has not been corrected within the time specified in the first Citation, the enforcement official may issue a second Citation.

#### 13.15.1 Contents of Second Citation

The second Citation shall contain the same information set forth in the first Citation regarding the nature of the violation(s) but may do so by reference to the first Citation. The second Citation shall also state that, in addition to the civil penalty imposed for the first Citation, a civil penalty as set forth in Schedule A has been imposed for the second citation. Further, the second Citation shall also state that the continued failure to correct the violation(s) may result in the issuance of further Citations and shall indicate the penalties provided for the issuance of subsequent Citations.

#### 13.15.2 Time Limits for Correcting the Second Citation Violation(s) Notice

The time limits specified for correcting the violation(s) may be the same as that allowed in the first Citation or may be altered if there has been a change in circumstances.

#### 13.15.3 Subsequent Citation

The same procedure shall be followed with regard to the issuance of subsequent Citations.

## 13.16 Collection Proceedings of Penalty for Nonpayment

### 13.16.1 Payment Date

All civil penalties imposed by Citation shall be due within five (5) days after the date by which the violation(s) was ordered to be corrected.

Penalties payable to Town of Poland, Maine.

### 13.16.2 Interest on Penalties

All civil penalties not paid when due shall bear interest at the rate of eighteen percent ( 18% ) per annum, or as set by the Selectmen.

### 13.16.3 Consequence of Failure to Pay Penalties

The failure to pay when due any civil penalties imposed for violation(s) of any of the laws, ordinance or rules set forth in MRSA Title 30-A Section 4452 (5) and/or as amended, shall itself constitute a violation of such law, ordinance or rule for which the "violator" shall be liable for the penalties provided for in MRSA Title 30-A Section 4452 (3) and/or as amended.

### 13.16.4 Initiation of Proceedings for Collection of Penalties

The enforcement official or Town attorney may initiate appropriate proceedings to collect any civil penalties which are not timely paid together with all interest thereon. Such legal action may include proceedings pursuant to MRSA Title 30 Section 4452 and /or as amended.

## 13.17 Repeat Violation(s)

If a "violator" has been previously served with a notice of violation(s) with regard to a specific violation, the "violator" shall not be entitled to received any further notice of the same violation(s) if it is repeated within twelve calendar months of the date of the first violation.

### 13.17.1 Repeat Violation(s) Procedure

If a "violator" has been previously served with a notice of violation(s) with regard to a specific violation, within the past twelve calendar months, the enforcement official may proceed in accordance with Section 13.12 (Issuance of Citation(s) without further notice.

## 13.18 Appeals

Appeals from a determination by the enforcement official that a violation of the Poland Land Use Ordinance(s) has been committed may be taken to the Poland Board of Appeals in accordance with the specific provisions of the particular ordinance alleged to have been violated. The Appeals procedure for the particular ordinance alleged to have been violated shall be followed in making an Appeal.

13.19 Citation Ordinance Schedule A

Penalties

The following civil penalties shall be imposed for the issuance of a Citation:

- |                    |           |
|--------------------|-----------|
| a. First Citation  | \$ 100.00 |
| b. Second Citation | \$ 200.00 |
| c. Third Citation  | \$ 400.00 |
| d. Fourth Citation | \$ 800.00 |

The civil penalties are cumulative.