

CHAPTER 30 - HOUSING CODE

ARTICLE 1

SECTION 101. ENACTMENT. Pursuant to the authority granted under the Constitution of the State of Maine, Brewer City Charter, and Title 30-A, M.R.S.A., Section 3003, and acts amendatory thereto.

"The BOCA National Property Maintenance Code, Fourth Edition, (1993)", as published by Building Officials and Code Administrators (BOCA) International, Inc. of which one copy is on file in the office of the Clerk of the City of Brewer and was posted for at least thirty (30) days prior to the City Council's consideration of this Housing Code, be and hereby is adopted by reference...under said authority, as the Housing Code for the City of Brewer in every respect except that the following sections shall be deleted:

PM 101.1	PM 111.2.2	PM 111.6
PM 101.7		
PM 105.8	PM 111.2.3	PM 111.6.1
PM 106.2	PM 111.2.4	PM 111.6.2
PM 107.3	PM 111.2.5	PM 111.7
		PM 202 Definition of Code Officer
		PM 303.4 (#1)
	PM 111.2.6	PM 304.2
		PM 304.12
	PM 111.3	PM 403.1
PM 111.1	PM 111.4	PM 602.2.1
PM 111.2	PM 111.4.1	PM 602.3
		PM 604.2
PM 111.2.1	PM 111.5	PM 706.1
		PM 707.1

The following sections shall be enacted in addition to those not specifically excluded above:

SECTION PM 101.1 TITLE. This Code shall be known and may be cited as "The Brewer Housing Code" or "The Property Maintenance Code" of the City of Brewer.

SECTION PM 101.2 APPLICATION OF OTHER CODES. Any repairs, additions, or alterations to a structure, or changes of occupancy shall be done in accordance with the procedures and provisions of the Codes and Ordinances listed in this Chapter.

Brewer City Ordinances
Chap. 30
Sec. PM 101.3-PM 101.8

SECTION PM 101.3 AGENT FOR THE CODE ENFORCEMENT OFFICER. Upon the recommendation of the Code Enforcement Officer of the City of Brewer, the City Manager may appoint one or more Assistant Code Enforcement Officers to help in the enforcement of this Chapter. The specific authority give an Assistant Code Enforcement Officer under this Chapter and the codes incorporated herein shall be enumerated in the letter of appointment, which shall be issued by the City Manager to the Assistant Code Enforcement Officer.

SECTION PM 101.4 PENALTIES. Each violation of this Ordinance or any regulation, order or ruling promulgated hereunder shall be punishable in accordance with 30-A M.R.S.A., Section 4452, or as the same may be amended from time to time.

SECTION PM 101.5 METHOD OF SERVICE. Notices may be served in hand to the party the notice is addressed to or by mailing the notice to the party to whom the notice is addressed by first class United States Mail, postage prepaid. In the event the notice cannot be served in hand or by mail, notice may be given by publishing the notice in a newspaper, which has general circulation in Penobscot County for three successive weeks. Notice by in hand service shall be deemed given when served. Notice by mail shall be deemed served three days after it is mailed. Finally, a notice by publication shall be deemed served when the notice is published the third time in the newspaper as hereinbefore provided.

SECTION PM 101.6 EMERGENCY REPAIRS. For the purpose of this section, the Code Enforcement Official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

SECTION PM 101.7 COST OF EMERGENCY REPAIRS. Costs incurred in the performance of emergency work shall be paid from the treasury of the jurisdiction on approval of the Code Enforcement Official. The legal counsel of the City of Brewer shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs, reasonable attorney fees, and the costs for recovering the cost of repairs.

SECTION PM 101.8 APPLICATION FOR APPEAL. Any person affected by a decision of the Code Enforcement Official or a notice or order issued under this Code shall have the right to appeal to the Board of Appeals, provided that a written application for appeal

is filed within twenty (20) days after the decision, notice or order was served, as provided in Chapter 34 of the City of Brewer Charter, Codes and Ordinances.

SECTION PM 101.9 APPEALS. The Board of Appeals, referred to heretofore, shall be the Board of Appeals of the City of Brewer, as constituted under Chapter 34 of the Charter, Codes and Ordinances of the City of Brewer, and shall have all the powers set forth in this Ordinance and in Chapter 34.

SECTION PM 101.10 CODE OFFICER. The Code Officer shall mean the Code Enforcement Officer of the City of Brewer as established under Chapter 29 of the Charter, Codes and Ordinances of the City of Brewer or a duly appointed assistant.

SECTION 101.11 STREET NUMBERS. Each structure to which a street number has been assigned shall, in accordance with Chapter 21, Article 6, Naming of Streets, Roads and Ways under the E-911 System, of the Charter, Codes and Ordinances of the City of Brewer, post street numbers as required therein.

SECTION 101.12 INSECT SCREENS. During the period from April 1 to November 1, every door, window and other outside opening utilized or required for ventilation purposes serving any structure containing habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than sixteen (16) mesh per inch and every swinging door shall have a self-closing device in good working condition.

SECTION PM 101.13 HABITABLE ROOMS. Every habitable room, except basement and cellar areas, used exclusively for game rooms, shall have at least one (1) window of approved size, facing directly to the outdoors or to a court. The minimum total window area, measured between stops, for every habitable room shall be eight (8) percent of the floor area of such room except in kitchens when artificial light may be provided in accordance with the provisions of the Building Code. Whenever walls or other portions of a structure face a window of any room and such obstructions are located less than three (3) feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

SECTION PM 101.14 HEAT SUPPLY. Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either express or implied, to furnish heat to the occupants thereof shall supply sufficient heat during the period from October 1 to May 15 to maintain the room temperatures specified in this Section during the hours between 6:30 a.m. and 10:30 p.m. of each day and not less than sixty (60) degrees Fahrenheit (sixteen [16] degrees Celsius) during other hours.

SECTION 101.15 NONRESIDENTIAL STRUCTURES. Every enclosed occupied work space shall be supplied with sufficient heat during the period from October 1 to May 15 to maintain a temperature of not less than sixty five (65) degrees Fahrenheit (eighteen [18] degrees Celsius) during all working hours.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

SECTION 101.16 SERVICE. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the Following:

City of Brewer Building Code
State of Maine Plumbing Code
The Life Safety Code for the City of Brewer
City of Brewer Electrical Code

Every dwelling shall be served by a main service that is not less than sixty (60) amperes, three (3) wires.

SECTION 101.17. REFERENCED STANDARDS. This Chapter lists the standards that are referenced in various sections of this Ordinance:

City of Brewer Building Code
State of Maine Plumbing Code
The Life Safety Code for the City of Brewer
City of Brewer Electrical Code

Brewer City Ordinances
Chap. 30 - Art. 2
Sec. PM 101.18

SECTION 101.18 Weed and Grass Control (#1)

All premises and exterior property shall be maintained free from weeds or plant growth in excess of 6 inches (154.2mm). All 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. Notwithstanding anything hereinafter provided, any person or entity aggrieved by the decision of the Code Enforcement Officer pursuant to this Section shall appeal to the Brewer Board of Appeals within five (5) City business days as of the Code Enforcement Officers written notification to the occupant and owner(s) of a violation of this Section. If the owner(s) or occupants(s) fail to appeal as hereinbefore proved, or if the appeal is denied by the Board of Appeals or Court of competent jurisdiction, then, unless provided by law, the City's agents shall enter upon the property, remove the violation and surcharge the property owner(s) or occupant(s) for the City's cost of labor, equipment and material, with a minimum charge for said labor, equipment and material at the rate of \$100.00 for the first hour and \$75.00 per partial hour, along with City's reasonable attorney fees and costs if the City is requested to collect the cost of said labor, material and equipment to comply with this Section if the owner(s) or occupant(s) fail to promptly pay the same after being presented with a bill for any work undertaken by the City in accordance with this Section.

**ARTICLE 2. ORDINANCE RELATING TO
PERSONAL PROPERTY LEFT ON PUBLIC PROPERTY.**

SECTION 200. PURPOSE. The purpose of this Ordinance is to promote the health, safety and public welfare of the citizens of the City of Brewer.

SECTION 201. ENACTMENT. This Ordinance is enacted pursuant to the Home Rule provision of the State of Maine Constitution and Title 30-A M.R.S.A., Section 3001, et seq.

SECTION 202. PERSONAL PROPERTY. It shall be unlawful for any person, partnership, corporation, or other legal entity to place any personal property on any public property without the consent of the City.

SECTION 203. NOTIFICATION. The Code Enforcement Officer shall notify the party alleged to have placed the personal property on public property without permission to remove said property within seven (7) days. The notice shall be in writing and shall be sent by either regular United States Mail, postage prepaid, or shall be delivered in hand.

END OF CHAPTER NOTATIONS

1. Enacted 09/19/2016, Effective 09/24/2016 (2016-C009) Article 1