# DISORDERLY BUILDING ORDINANCE

## Disorderly Buildings Prohibited

(a)    No person shall let any dwelling, dwelling unit, rooming house, or rooming unit (hereinafter jointly and severally "building") which is Disorderly as defined herein for any period of time other than that which may be required by landlord tenant or other applicable federal, state or local law.

(b)    A "Disorderly Building" is any building which:

(1)    The police have visited a minimum number of times in any thirty (30) day period, as set forth in paragraph (3) below, in response to situations which are created by the owner, tenants, or owner's or tenants' cohabitees, guests or invitees (hereinafter jointly "responsible parties" and severally "responsible party"), and which would have a tendency to unreasonably disturb the community, the neighborhood or an ordinary individual in the vicinity of said building, through means including but not limited to the presence, occurrence or existence of the following: unreasonably loud music; unreasonably boisterous parties; sounds emanating from within the structure which are unreasonably audible outside the building; loud arguments or fights within the building or in its vicinity involving the responsible parties of the building (excluding incidents involving domestic violence); the responsible parties being intoxicated on public ways in the vicinity of the building; and other similar activities in or outside the building; For purposes of this ordinance, unreasonably shall be defined to equate with any instance of the foregoing behavior or actions which results in action by the Town of Berwick Police Department including or more serious than issuance of a written warning; or

(2)    The police have visited three (3) or more times in any thirty (30) day period in response to situations which are created by the responsible parties and involve the arrest of any responsible party for activities which constitute either a crime or civil infraction under state or local law, or which create a reasonable suspicion that illegal drug use or drug sales under 17-A M.R.S.A. chapter 45, or prostitution or public indecency under 17-A M.R.S.A. chapter 35, have occurred.

per incident in excess of the minimum number needed to establish a building's status as a Disorderly Building, as defined above, and all legal and processing expenses incurred by the Town.

If the same building should be classified as a Disorderly Building on a subsequent occasion within three (3) years, then the Town may proceed directly with a complaint to District Court without additional notification to the owner other than that required by law, in order to seek all relief permitted by this ordinance or any other law.

## Cost of service for responses to buildings deemed disorderly

(a)   Whenever the police department is required to respond to a situation at a building that has been deemed disorderly by the Town, as defined hereinabove, and such response both stems from an action or occurrence which is itself grounds for a finding of a disorderly building as described herein and also constitutes at least the third (3rd) such response in any thirty (30) day period, the owner of the Disorderly Building shall be deemed to have refused or failed to take or implement effective measures to address the Disorderly Building, and shall be subject to immediate action in District Court as outlined above. In such instances, the owner shall, furthermore, pay the cost of service for each such response as follows:

(1)   For each such response for service the owner shall pay one hundred dollars ($100.00) which shall be in addition to any court imposed penalty arising under this ordinance or any other law.

(2)   Failure to pay the cost of service within thirty (30) days after demand therefor has been made shall subject the owner to an additional $25.00 fee, which shall recur every additional thirty (30) day time period thenceforth until the initial fee is paid.

(3)   After sixty (60) days of non-payment, any charges imposed under this section (a) shall be treated as liens on the property.