(1) TITLE: This Ordinance shall be known as The Town of Fairfield Tax Acquired Property Ordinance.

(2) AUTHORITY: This Ordinance is enacted pursuant to Title 30-A ss 3001, and Title 36, ss 941-943.

(3) PURPOSE: The purpose of this Ordinance is to provide the Town Council authority and guidance regarding properties acquired by the Town for non-payment of taxes, sewer bills, costs of abatement of dangerous buildings, or malfunctioning waste water disposal units.

(4) RETENTION OF PROPERTY: The Town Council may retain property for the benefit of the Town, if they deem it in the best interest of the Town to do so. By way of example, but not of limitation, the Town Council might deem it in the best interest of the Town to retain property where:

   1) The property has or will have recreational value or economic value to the Town.
   
   2) The property has or will have potential for a public facility or additions to public facilities.
   
   3) Retention of the property will provide a residence for an individual or individuals who otherwise will require public assistance from the Town.

(4a) If the property is retained for public use, the Town Council may pursue an action for equitable relief in accordance with the provisions of Title 35 MRSA Section 946, as amended, as a means of securing clear title to the property.

(4b) The Town Council may cause the tax-acquired property retained for public use to be managed and insured as it would any other municipal property.

(5) REPURCHASE: If the Town Council determines that a property should not be retained under Section 4, that property, at the discretion of the Town Council, MAY be offered to the taxpayer(s) who lost the property. Also, at the sole discretion of the Town Council, this may include the taxpayers’ heirs or successors. Upon the decision that the property may be repurchased, the taxpayer(s) must pay all outstanding debts to the Town, including, but not limited to, taxes, sewer, and personal property bills, interest and costs relating to these bills, the estimated taxes for the current municipal fiscal year if the conveyance is after April 1, and the amount of any taxes or other charges that would have been assessed had the property not become tax acquired.
(5a) The Treasurer shall notify the taxpayer(s) of their option to repurchase the property, by certified mail, return receipt requested, to their last known address. Full payment shall be required within 30 days of the date of the certified notice.

(5b) The Town will issue a Quitclaim Deed at the next regularly scheduled meeting following receipt of payment.

(6) SALE: If a property is not retained by the Town Council under Section 4, and if the property is not repurchased under Section 5, the property shall be sold by sealed bid or any other method approved by the Town Council which, in the sole judgment of the Town Council, maximizes the return to the Town. The Town Council reserves the right to accept or reject bids in any bid process. A notice of intent to sell the property shall be published in a local newspaper, and shall be posted in those areas where warrants are posted. The notice shall specify the time and date bids are due and the general terms of the bid.

(6a) Unless the Town Council stipulates otherwise, the minimum bid for any tax acquired property shall be the total of all outstanding taxes, Interest, and costs, including estimated taxes for the current year if the conveyance to the grantee is after April 1.

(6b) The Town Council shall have the authority to retain any part of a property for Town benefit and sell the remainder.

(6c) Any conveyance by the Town may be subject to such covenants or conditions as the Council may deem advisable.

(6d) The Town Manager shall review all bids and make recommendations to the Town Council. The Town Council shall determine the successful bidder.

(6e) If the Town Council rejects all bids, the Council shall have the right to negotiate, at their option, with any of the bidders a mutually agreed upon buying price.

Dated: June 18, 1996.

Amended: October 1, 2008  ATTEST: Tracey L. Stevens, Town Clerk
Signed:

Fairfield Town Council