

Code Enforcement Officer
Inspection Services
Michael J. Nugent
Manager
Director



Department of Urban Development
Joseph E. Gray, Jr.

CITY OF PORTLAND

Ms. Jennifer Dervis,
2 Arlington St.
Cambridge, Ma. 02140

Re: 66 Kellogg St. CBL# ^{17-B-005} ~~013-D-001~~
Portland, ME.

Certified # 7099 3400 0019 5716 1035

Dear Ms. Dervis,

As the listed owner of the above referenced property, I am advising you that said property has been in violation of Sect. 12.21 of the Municipal Code on 6/7/01, 6/8/01 and 6/11/01. (Waste Placement for collection;) Collection day for the above location is Wednesday of each week.

You are hereby notified that any future violation of the Code will be referred to the City of Portland Corporation Council for appropriate legal action and possible Civil penalties and/or special Collection Fees as provided under Sections 12-27 and 12-28 of the Code.

Also, our records indicate that as a property owner, you are in Violation of Article VI Sections 6-15 & 6-152 (Disclosure of building ownership)

Compliance with Article VI may be complied with by telephone if that is more convenient for you. If you wish to discuss these matters further please feel free to contact me at 207-874-8708.

Sincerely,

Kevin W. Carroll
Code Enforcement Officer

(d) For waste collected by the city, the council shall establish the cost per bag in the administrative fees order enacted as part of the annual budget.
(Ord. No. 157-98, 11-16-98)

Sec. 12-19. Waste not to accumulate except in suitable storage containers.

(a) The occupants and/or owners of all residential properties shall place or cause to be placed all solid waste and recyclable material in suitable containers and shall not permit any accumulation or deposit of such substances in or about the premises except in such suitable containers.

(b) Any person owning, operating or being in charge of any commercial property shall require that solid waste and recyclable material be stored in suitable containers.
(Ord. No. 157-98, 11-16-98)

Sec. 12-20. Condition of containers.

(a) All containers used for storage or disposal of solid waste and recyclable material shall be kept clean.

(b) Containers provided in accordance with provisions of this article shall not be removed, destroyed, mutilated or utilized for any purpose other than holding solid waste or recyclable material.
(Ord. No. 157-98, 11-16-98)

Sec. 12-21. Placement for collection; scavenging prohibited.

(a) *Municipal collection.* Suitable containers for collection shall be placed at the curb or on the esplanade between the sidewalk and the gutter not prior to 3:00 p.m. of the day before scheduled municipal collection. Containers placed in the public way on and after such time shall be considered as being intended for collection and, as such, shall be collected by none other than the authorized collector of the public works authority. All emptied containers shall be removed prior to 8:00 p.m. on the day of collection. Such suitable containers shall be covered or securely tied as to prevent spillage, wind-blown littering, or the ingress or egress of flies, rats or other vermin. No person except a legal occupant, owner of the premises, or their authorized agents, or the public works authority shall remove, take or otherwise disturb the waste matter, or any portion thereof so placed for removal.

(b) *Nonmunicipal collection.* The occupants, owners or authorized agents of every building shall place such suitable containers in a place convenient for the removal of the contents by the persons authorized to collect the same. Such occupants, owners or authorized agents shall place such containers only on the premises occupied or owned by them. No other person except the occupants, the owner of the premises or authorized agent, or an authorized collector shall remove, take or otherwise disturb the waste matter, or any portion thereof so placed for removal.

(Ord. No. 157-98, 11-16-98)

Sec. 12-22. Prohibited wastes.

No person shall place any of the following wastes on the street for municipal collection:

- (1) Hazardous waste: All hazardous waste as defined by federal and state regulatory agencies;
 - (2) Hospital waste: All contaminated hospital waste as defined by federal and state laws, i.e., "red bag" pathological anatomical waste;
 - (3) Infectious waste: Wastes which are hazardous by reason of their contamination with infectious materials, i.e., "red bag" waste body parts, pathology lab waste, etc.
 - (4) Human and animal fecal waste;
 - (5) Flammable liquids;
 - (6) Powder and liquid pesticides, herbicides and fungicides;
 - (7) Paint waste and pigments;
 - (8) Construction and demolition debris as defined in section 12-101 of this Code;
 - (9) Electrical capacitors: Contain oils that may contain P.C.B.'s;
 - (10) Special waste as defined by state law, including, but not limited to, asbestos;
 - (11) Laboratory chemicals;
 - (12) Biohazard materials;
 - (13) Plated metal parts;
 - (14) Electrical transformers or parts; and
 - (15) Hot ashes.
- (Ord. No. 157-98, 11-16-98)

Sec. 12-23. Waste not to be thrown in public places; misuse of litter baskets.

No person shall throw or deposit any garbage or waste matter, or cause the same to be thrown or deposited upon any street, alley, gutter, park, or other public way, or throw or deposit the same in or upon any premises or vacant lot or in any water, or to store or keep the same except in suitable containers as required by this article or in litter baskets as supplied by the city. Where the city has supplied litter baskets, no person shall use the litter baskets for the disposal of large volumes of solid waste.

(Ord. No. 157-98, 11-16-98)

Sec. 12-24. Collection vehicles to be covered.

No person shall transport any garbage or putrescible waste over any public way, street or place within the limits of the city except in properly constructed, watertight vehicles or in suitable containers. Vehicles and containers used to transport solid waste shall be so

deposited, the building authority shall arrange to have the waste material removed and shall provide written notice of such removal to the owner of record. The owner of record shall be responsible for the fee for collecting the waste material as described in section 12-28 of this article.

(Ord. No. 157-98, 11-16-98)

Sec. 12-28. Collection fee.

After the issuance of three (3) oral orders or written notices of removal given under section 12-27 in any twelve-month period, the fee or charge for collecting waste material remaining on the street after the expiration of the period of time for compliance with the order shall be one hundred dollars (\$100.00) for up to one (1) cubic yard. In the event waste deposited exceeds one (1) cubic yard, the fee shall be one hundred dollars (\$100.00) plus the cubic yard cost to collect and dispose of this waste at an approved facility. Such fees shall be charged each time that the city removes the waste material deposited in violation of this article from the streets or sidewalks abutting the property, whether or not additional notice has been given.

Charges assessed pursuant to this article shall be enforceable by lien for the benefit of the city pursuant to section 1-16 of this Code.

(Ord. No. 157-98, 11-16-98)

Sec. 12-29. Responsibilities hereunder not transferable.

No contract or agreement between the owner or operator and occupant relating to compliance with the terms of this article shall be effective in relieving any person of the responsibility for compliance with the provisions of this article as set forth herein.

(Ord. No. 157-98, 11-16-98)

Sec. 12-30. Violations.

Whoever violates any provisions of this article shall be guilty of an offense. The penalty for said offense, in addition to any other fees imposed by this article shall be as follows:

First violation: Fifty dollars (\$50.00).

Second violation: One hundred dollars (\$100.00).

Third violation and above: One hundred fifty dollars (\$150.00)

plus attorney's fees and costs.

(Ord. No. 157-98, 11-16-98)

Secs. 12-31—12-45. Reserved

ARTICLE VI. DISCLOSURE OF BUILDING OWNERSHIP**Sec. 6-150. Purpose.**

The proliferation of real estate proprietorships, partnerships, and trusts having undisclosed, anonymous or otherwise unidentifiable principals, owning large numbers of multiunit residential properties, sometimes managed through unresponsive property management companies, has impeded the proper enforcement of this chapter, chapter 12 and other ordinances of the city. This article is intended to require the disclosure of the ownership of such property and to make owners and persons responsible for the maintenance of property more accessible and accountable with respect to the premises.

(Ord. No. 443-89, 6-7-89; Ord. No. 53-89, 7-17-89)

Sec. 6-151. Registration required.

(a) *Registration of ownership.* The owner or owners of all buildings containing three (3) or more dwelling units, rooming units, or any combination thereof within the city shall register their ownership interest, address and telephone number and the name, address and telephone number of the person or entity responsible for managing the property, or cause such interest to be registered, with the building authority as provided in section 6-152 within ninety (90) days of the effective date of this article or within thirty (30) days of purchase of the property and/or building, whichever occurs later.

The registration required hereunder shall be updated or withdrawn within thirty (30) days of transfer of ownership, change in management or change in registered agent as provided in section 6-152. Each and every owner of the property shall be responsible for the filing of the registration and for updating prior filings as required.

(b) *Registration of management companies.* Any individual, firm, corporation or purchaser under a land installment contract pursuant to Title 13 M.R.S.A. § 481 et seq. as may be amended from time to time, managing property subject to the registration requirements of subsection (a) shall register with the building authority its management responsibility within thirty (30) days of the effective date of this article or within thirty (30) days of assuming management responsibility. Any filing shall be updated, at least annually, if there are any changes whatsoever with regard to the information supplied.

(Ord. No. 443-89, 6-7-89; Ord. No. 53-89, 7-17-89; Ord. No. 246-97, 4-9-97)

Sec. 6-152. Registration form; information.

The building authority shall provide forms to be completed by the owners and managers of properties subject to registration under this article and shall maintain a file containing all registrations made under this article.

- (1) The registration form for owners shall include, at a minimum, the following:
 - a. The street address of the building;
 - b. The assessor's chart, block and lot of the property on which the building is located;

- c. The names, addresses and telephone numbers of all individual persons having any ownership interest in the property including, without limitation, all partners, all officers or trustees of any real estate trusts; and including the residential street address and home phone number of at least one (1) such individual person;
 - d. The name, address and telephone number of the manager of the property or the person or persons responsible for its regular maintenance or repair;
 - e. The name and address of a person designated as the agent of the owner for the service of notices and civil process by the city. Service of notice and process upon the person so designated shall be deemed conclusive service upon the owner or owners designating that person in any litigation pertaining to the premises.
- (2) The registration form for managers of property shall include, at a minimum, the following:
- a. The name, address and local telephone number of the management company and of at least one (1) such individual, including the residential street address and home telephone number of that individual; and
 - b. A list of all buildings for which the person or firm is responsible, including the street address and chart, block and lot description of the property and the name of the owner of that building.

(Ord. No. 443-89, 6-7-89; Ord. No. 53-89, 7-17-89)

Sec. 6-153. Violations.

Any person failing to file the required registration, failing to file any required update to the registration or filing a false statement on any registration shall be guilty of an offense. It shall also be a violation of this article for any owner or manager to rent any apartment or other portion of any building subject to registration, not registered under this article, or to permit the occupancy of such premises. No certificate of occupancy shall be issued for property subject to the registration requirements which is not registered in accordance with this article. Each day's continuing failure to file such a registration, to update such registration or permitting the continued occupancy of such premises shall be a separate offense.

(Ord. No. 443-89, 6-7-89; Ord. No. 53-89, 7-17-89)