

Inspection Services
Michael J. Nugent
Manager



Department of Urban Development
Joseph E. Gray, Jr.
Director

CITY OF PORTLAND

February 8, 2001

Albert Palacci
190 Dyckman Street
New York, NY 10040

RE: 49 Exchange Street
C/B/L: 032-E-004

CERTIFIED MAIL: 70001670000030722346

Dear Mr. Palacci:

An evaluation of your property at 49 Exchange Street on February 7, 2001 at 9:45 a.m. revealed that the structure fails to comply with section 25-174.5 of the Municipal Code of the City of Portland.

Section 25-174.5a(1): *In the business-pedestrian district, when an accumulation of snow or ice on a building poses the threat of falling onto streets or sidewalks, it shall be the duty of the owner to remove such accumulations on order to make passage along the streets and sidewalks safe and convenient.*

This is a notice of violation pursuant to section 25.174.5 of the code. All referenced violations shall be corrected within 4 hours of receipt of this notice. A reinspection of the premises will occur on 2-08-01 at which time compliance will be required. Failure to comply will result in this office referring the matter to the City of Portland Corporate Council for legal action and possible civil penalties, as provided for in Section 25.1745.5(a)(4) of the Code and in Title 30-A M.R.S.R.A. § 4452. Attached you will find the above referenced code.

If you have any questions or wish to discuss this matter I may be reached at 207-874-8708.

Sincerely,

Kevin W. Carroll
Code Enforcement Officer

Cc/central file



CITY OF PORTLAND

February 8, 2001

Albert Palacci
190 Dyckman Street
New York, NY 10040

RE: 49 Exchange Street
C/B/L: 032-E-004

CERTIFIED MAIL: 70001670000030722346

Dear Mr. Palacci:

An evaluation of your property at 49 Exchange Street on February 7, 2001 at 9:45 a.m. revealed that the structure fails to comply with section 25-174.5 of the Municipal Code of the City of Portland.

Section 25-174.5a(1): In the business-pedestrian district, when an accumulation of snow or ice on a building poses the threat of falling onto streets or sidewalks, it shall be the duty of the owner to remove such accumulations on order to make passage along the streets and sidewalks safe and convenient.

This is a notice of violation pursuant to section 25.174.5 of the code. All referenced violations shall be corrected within 4 hours of receipt of this notice. A reinspection of the premises will occur on 2-08-01 at which time compliance will be required. Failure to comply will result in this office referring the matter to the City of Portland Corporate Council for legal action and possible civil penalties, as provided for in Section 25.1745.5(a)(4) of the Code and in Title 30-A M.R.S.R.A. § 4452. Attached you will find the above referenced code.

If you have any questions or wish to discuss this matter I may be reached at 207-874-8708.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin W. Carroll".

Kevin W. Carroll
Code Enforcement Officer

Cc/central file

sidewalk to be made safe and convenient by removing the ice therefrom or by covering the same with sand or some other suitable substance, so that the sidewalk is suitable for pedestrian use, to a width of four (4) feet.

(Ord. No. 132A-93, 11-15-93)

Cross reference—Uniform procedures for collecting assessments, § 1-16.

Sec. 25-174.5. Snow or ice threatening use of streets or sidewalks.

(a) *In the business-pedestrian district:*

- (1) In the business-pedestrian district, when an accumulation of snow or ice on a building poses the threat of falling onto streets or sidewalks, it shall be the duty of the owner to remove such accumulations in order to make passage along the streets and sidewalks safe and convenient.
- (2) Such removal shall begin either: (i) whenever a threatening condition occurs; or (ii) within four (4) hours after the director of building inspections or his or her designee has verbally or in writing notified the owner of the condition and ordered the owner to remove such accumulations, whichever occurs first. Whenever snow or ice accumulates in such a manner as to hang over a street or sidewalk, such a condition shall constitute prima facie evidence that the condition is a threatening condition. A determination by the building inspector or his or her designee that an accumulation of snow or ice is a threatening condition shall be conclusive and not subject to challenge or appeal until after the building owner has removed the snow or ice. Notice shall be given to the owner or to an owner's agent who has maintenance responsibility for such building.
- (3) The director of building inspections or his or her designee may arrange for the removal of snow and ice accumulations which exist in violation of subsection (2) above.
- (4) In the business-pedestrian district, the penalty for an offense shall be two hundred fifty dollars (\$250.00), plus attorney's fees and costs. When the city removes or arranges for the removal of snow or ice accumulations the owner shall also be charged the costs of removal, plus a ten (10) percent charge for administration. A separate bill for each such removal shall be submitted to the record owner of the building as soon as practicable after the charges have been incurred. The record owner of each such building shall be deemed to be the owner as of April first of that year as designated in the office of the city tax assessor.
- (5) Pursuant to 30-A M.R.S.A. § 3007, after a building owner or lessee has been given one (1) notice and order under subsection (2) above and failed to comply and the city has removed the snow or ice, or when a building has been the subject of three (3) or more notices within an eighteen-month period, the director of building inspections or his or her designee may require the owner of a building to install roof guards, or take other measures approved by the building inspector or his or her designee, at the owner's expense to prevent the fall of snow or ice.

(b) *In areas other than the business-pedestrian district:*

- (1) In areas other than the business-pedestrian district, this section (25-174.5) shall not apply.

(Ord. No. 194-77, § 2, 2-3-57)

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only. No Insurance Coverage Provided)

| | |
|---|--|
| Postage \$ | |
| Certified Fee | |
| Return Receipt Fee (Endorsement Required) | |
| Restricted Delivery Fee (Endorsement Required) | |
| Total Postage & Fees \$ | |

Postmark
Date

Recipient's Name (Please Print Clearly) (to be completed by mailer)

Street, Apt. No., or PO Box No.

City, State, ZIP+4

PS Form 3800, January 2000 See Reverse for Instructions

7000 1970 0000 3072 2346