

SUMMARY SHEET

This summary sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by the Maine Rules of Court or by law. This form is required for the use of the Clerk of Court for the purpose of initiating or updating the civil docket. (SEE INSTRUCTIONS ON REVERSE)

I. County of Filing or District Court Jurisdiction: Cumberland County, Portland District Court

II. CAUSE OF ACTION (Cite the primary civil statutes under which you are filing, if any.) *Pro se* plaintiffs: If unsure, leave blank.
80K Complaint, Land Use Violations

III. NATURE OF FILING

- Initial Complaint
- Third-Party Complaint
- Cross-Claim or Counterclaim
- If Reinstated or Reopened case, give original Docket Number _____
(If filing a second or subsequent Money Judgment Disclosure, give docket number of first disclosure)

IV. TITLE TO REAL ESTATE IS INVOLVED

V. MOST DEFINITIVE NATURE OF ACTION. (Place an X in one box only) *Pro se* plaintiffs: If unsure, leave blank.

GENERAL CIVIL (CV)

- | | | |
|---|---|---|
| <p>Personal Injury Tort</p> <ul style="list-style-type: none"> <input type="checkbox"/> Property Negligence <input type="checkbox"/> Auto Negligence <input type="checkbox"/> Medical Malpractice <input type="checkbox"/> Product Liability <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Domestic Torts <input type="checkbox"/> Other Negligence <input type="checkbox"/> Other Personal Injury Tort <p>Non-Personal Injury Tort</p> <ul style="list-style-type: none"> <input type="checkbox"/> Libel/Defamation <input type="checkbox"/> Auto Negligence <input type="checkbox"/> Other Negligence <input type="checkbox"/> Other Non-Personal Injury Tort | <p>Contract</p> <ul style="list-style-type: none"> <input type="checkbox"/> Contract Declaratory/Equitable Relief <input type="checkbox"/> General Injunctive Relief <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Other Equitable Relief Constitutional/Civil Rights <input type="checkbox"/> Constitutional/Civil Rights Statutory Actions <input type="checkbox"/> Unfair Trade Practices <input type="checkbox"/> Freedom of Access <input type="checkbox"/> Other Statutory Actions Miscellaneous Civil <input type="checkbox"/> Drug Forfeitures | <ul style="list-style-type: none"> <input type="checkbox"/> Other Forfeitures/Property Libels <input checked="" type="checkbox"/> Land Use Enforcement (80K) <input type="checkbox"/> Administrative Warrant <input type="checkbox"/> HIV Testing <input type="checkbox"/> Arbitration Awards <input type="checkbox"/> Appointment of Receiver <input type="checkbox"/> Shareholders' Derivative Actions <input type="checkbox"/> Foreign Deposition <input type="checkbox"/> Pre-action Discovery <input type="checkbox"/> Common Law Habeas Corpus <input type="checkbox"/> Prisoner Transfers <input type="checkbox"/> Foreign Judgments <input type="checkbox"/> Minor Settlements <input type="checkbox"/> Other Civil |
|---|---|---|

CHILD PROTECTIVE CUSTODY (PC)

- Non-DHS Protective Custody

SPECIAL ACTIONS (SA)

- Money Judgment**
- Money Judgment Request Disclosure

REAL ESTATE (RE)

- | | | | | | | | | | | |
|--|--|---|---|-----------------------------------|---|--|------------------------------------|-----------------------------------|---|--|
| <p>Title Actions</p> <ul style="list-style-type: none"> <input type="checkbox"/> Quiet Title <input type="checkbox"/> Eminent Domain <input type="checkbox"/> Easements <input type="checkbox"/> Boundaries | <p>Foreclosure</p> <ul style="list-style-type: none"> <input type="checkbox"/> Foreclosure (ADR exempt) <input type="checkbox"/> Foreclosure (Diversion eligible) <input type="checkbox"/> Foreclosure - Other | <p>Misc. Real Estate</p> <table border="0" style="width: 100%;"> <tr> <td><input type="checkbox"/> Equitable Remedies</td> <td><input type="checkbox"/> Nuisance</td> </tr> <tr> <td><input type="checkbox"/> Mechanics Lien</td> <td><input type="checkbox"/> Abandoned Roads</td> </tr> <tr> <td><input type="checkbox"/> Partition</td> <td><input type="checkbox"/> Trespass</td> </tr> <tr> <td><input type="checkbox"/> Adverse Possession</td> <td><input type="checkbox"/> Other Real Estate</td> </tr> </table> | <input type="checkbox"/> Equitable Remedies | <input type="checkbox"/> Nuisance | <input type="checkbox"/> Mechanics Lien | <input type="checkbox"/> Abandoned Roads | <input type="checkbox"/> Partition | <input type="checkbox"/> Trespass | <input type="checkbox"/> Adverse Possession | <input type="checkbox"/> Other Real Estate |
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| <input type="checkbox"/> Mechanics Lien | <input type="checkbox"/> Abandoned Roads | | | | | | | | | |
| <input type="checkbox"/> Partition | <input type="checkbox"/> Trespass | | | | | | | | | |
| <input type="checkbox"/> Adverse Possession | <input type="checkbox"/> Other Real Estate | | | | | | | | | |

APPEALS (AP) (To be filed in Superior Court) (ADR exempt)

- | | | |
|--|--|--|
| <input type="checkbox"/> Governmental Body (80B) | <input type="checkbox"/> Administrative Agency (80C) | <input type="checkbox"/> Other Appeals |
|--|--|--|

VI. M.R.Civ.P. 16B Alternative Dispute Resolution (ADR):

- I certify that pursuant to M.R.Civ.P. 16B(b), this case is exempt from a required ADR process because:
 - It falls within an exemption listed above (i.e., an appeal or an action for non-payment of a note in a secured transaction).
 - The plaintiff or defendant is incarcerated in a local, state or federal facility.
 - The parties have participated in a statutory prelitigation screening process with _____
 - The parties have participated in a formal ADR process with _____ (name of neutral) on _____ (date).
 - This is a Personal Injury action in which the plaintiff's likely damages will not exceed \$30,000, and the plaintiff requests an exemption from ADR.

VII. (a) PLAINTIFFS (Name & Address including county)
or Third-Party, Counterclaim or Cross-Claim Plaintiffs
 The plaintiff is a prisoner in a local, state or federal facility.

City of Portland
389 Congress Street
Portland, ME 04101
Cumberland County

(b) Attorneys (Name, Bar number, Firm name, Address, Telephone Number) If all counsel listed do NOT represent all plaintiffs,
(If *pro se* plaintiff, leave blank) specify who the listed attorney(s) represent.

Anne Torregrossa, Esq. (Bar No. 4374)
389 Congress Street, Rm 211
Portland, ME 04101
207-874-8480

VIII. (a) DEFENDANTS (Name & Address including county)
and/or Third-Party, Counterclaim or Cross-Claim Defendants
 The defendant is a prisoner in a local, state or federal facility.

Timothy Gray and Angela Miller-Gray
107 Grant Street
Portland, Maine 04021

(b) Attorneys (Name, Bar number, Firm name, Address, Telephone Number)
(If known)

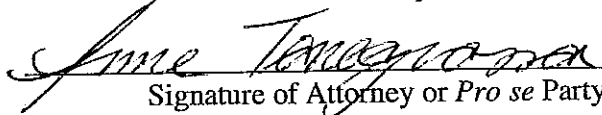
If all counsel listed do NOT represent all
defendants, specify who the listed attorney(s)

IX. RELATED CASE(S) IF ANY _____
Assigned Judge/Justice _____ Docket Number _____

Date: 10/2/2017

Anne M. Torregrossa

Name of Lead Attorney of Record or *Pro se* Party


Signature of Attorney or *Pro se* Party

STATE OF MAINE
CUMBERLAND, ss

DISTRICT COURT
Location: Portland
Docket No. CV-17-_____

CITY OF PORTLAND,)
)
Plaintiff,)
)
v.)
)
TIMOTHY GRAY, and)
ANGELA MILLER-GRAY,)
)
Defendants.)

**LAND USE CITATION AND
COMPLAINT
M.R. Civ. P. 80K**

To: Timothy Gray
107 Grant Street
Portland, Maine 04021

Angela Miller-Gray
107 Grant Street
Portland, Maine 04021

CITATION

You are hereby summoned to appear in District Court at the location and date indicated below to answer to the enclosed complaint. IN THE EVENT YOU FAIL TO APPEAR AND STATE YOUR DEFENSE ON THE COURT DATE SPECIFIED, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU. You are advised to call the District Court to verify the date and time of your appearance.

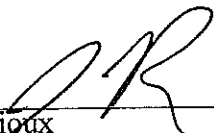
Time and Place of Appearance:

Court: Ninth District Court
Address: Cumberland County Courthouse
205 Newbury Street
Portland, Maine
Date: November 13, 2017
Time: 8:30 a.m.

Signature of Complainant:

I have reasonable grounds to believe that the violations described herein were committed because I personally observed these violations.

Date: September 20, 2017



Jonathan Rioux
Inspections Director
City of Portland

COMPLAINT

1. Defendants Timothy Gray and Angela Miller-Gray (together, “Defendants”) own the property located at 107 Grant Street in Portland, Maine, which is further described in the Warranty Deed recorded in the Cumberland County Registry of Deeds at Book 21623, Page 262, and is also shown on the City of Portland Tax Maps at CBL 048 A024001 (the “Property”).
2. The Property’s legal use is as a multi-unit residential property.
3. The Property has a long history of violations, with the most recent group of violations stemming back more than two years.
4. On July 17, 2015, the City conducted an inspection of the Property in response to concerns about the safety of the porches.
5. On July 20, 2015 the City issued a Notice of Violation (“NOV I”), finding that the porches were unsafe (the “Violations”). A copy of NOV I is attached as Exhibit A.
6. NOV I ordered that the porches be demolished or repaired, and that they remain totally vacated and secured until that time.
7. The Violations are significant code violations pursuant to the City of Portland Code of Ordinances (“City Code”) §§ 6-1(a)(2)(a) and (a)(2)(f).
8. A follow-up inspection on July 24, 2017 revealed that the Violations had not been corrected, and a second NOV issued on November 13, 2015 (“NOV II”), again requiring that Defendants bring the Property into compliance. A copy of NOV II is attached as Exhibit B.
9. Another follow-up inspection on March 2, 2016 revealed that the Violations remained outstanding, but that Defendants had begun work on the porches, but without the required permits.

10. Defendants were notified by telephone of the requirement to obtain a building permit and complete work on the porches.

11. Additional inspections occurred on June 20, 2016, September 15, 2016, April 27, 2017, and May 18, 2017, yet the Violations still had not been remedied.

12. The Property remains in violation of the following sections of the City Code:

- a. Section 6-116(b), which requires every dwelling unit and every rooming unit to have safe, unobstructed means of egress leading to safe and open spaces at ground level in accordance with applicable statutes, regulations and ordinances; and
- b. Section 6-108(d), which requires every inside and outside stairway, stairwell, stairs, and porch and any appurtenances thereto to be structurally sound, in good repair, and safe to use.

A copy of the relevant City Code sections are attached as Exhibit C.

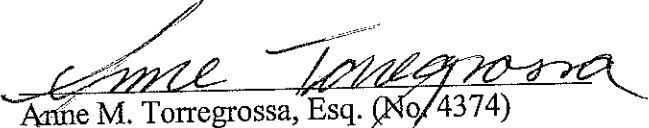
13. The Porch Violations were first observed on July 17, 2015, and continue, unabated.

WHEREFORE, the City of Portland respectfully requests that this Court grant judgment in its favor as follows:

- A. Order Defendants to remedy the violations at the Premises, pursuant to 30-A M.R.S. § 4452(3)(C) and City Code §§ 6-1(a)(4), 6-130;
- B. Order Defendant to pay a civil penalty in the minimum amount of \$500 per violation per day, pursuant to 30-A M.R.S. § 4452(3)(B) and City Code § 6-1(a)(2);
- C. Order Defendant to pay the City its reasonable costs and fees pursuant to 30-A M.R.S. § 4452(3)(D) and City Code § 6-1(a)(5); and

- C. Order Defendant to pay the City its reasonable costs and fees pursuant to 30-A M.R.S. § 4452(3)(D) and City Code § 6-1(a)(5); and
- D. Grant such other relief as this Court deems just and proper.

Dated: September 20, 2017


Anne M. Torregrossa, Esq. (No. 4374)
Associate Corporation Counsel
City of Portland
389 Congress Street, Room 211
Portland, Maine 04101
(207)874-8480

July 20, 2015

GRAY TIMOTHY S &
107 GRANT ST
PORTLAND, ME 04102

CERTIFIED MAIL: 70101870000281368176

CBL 048 A024001
Located At: 107 Grant St.

Notice of Violation/ Tenant Notification

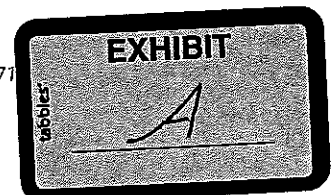
Dear Timothy Gray:

An evaluation of the above-referenced property with Officials from the City's Inspections Division on 07/17/2015 revealed that the structure fails to comply with § 6-108 (d) and § 6-116 (b), of the Housing Code of the City of Portland. Specifically, the damaged and decayed portions of the building and front and rear three (3) level exterior porches must be demolished, and or repaired in accordance with the City of Portland Building Code (MUBEC). Furthermore, the 1st through 3rd Floor front and rear (non-egress) porches must remain vacated and secured from tenant use, and the stored items in the interior hallways and stairwells must be removed immediately.

Given the present circumstances of this Property:

1. The building's exterior porches must remain totally vacated and properly secured from tenant use.
2. Submit a building permit electronically, for the demolition, or repair of the exterior porches and interior rear stairwell to the Building Inspections Office by 08/03/2015.
 - a. Note: The City may require the building Owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. The design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.
3. Follow all inspection requirements outlined in each permit issued by the City.

No tenant(s) may occupy the exterior rear porches until further notice from the City. A re-evaluation and inspection of the property will occur on 07/24/2015.





The City's Corporation Counsel's Office has been alerted to the existence of this matter and intends to pursue legal action including injunctive relief and civil penalties, as provided for in § 1-15 of the Portland City Code and in Title 30-A of M.R.S.A § 4452.

This letter constitutes a decision from which you may appeal pursuant to § 6-127 of the Portland City Code and Rule 80B of the Maine Rules of Civil Procedure.

If you have any questions, concerns or require emergency repair permits- please contact me at 207-874-8701.

Sincerely,

A handwritten signature in black ink, appearing to read 'JR' with a stylized flourish.

Jonathan Rioux
Deputy Director of Inspections

cc: Tenants of 107 Grant St. via Hand Delivery
Adam R. Lee, Associate Corporation Counsel
Keith Gautreau, Assistant Chief of Fire Prevention and Community Outreach

**CITY OF PORTLAND
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT**

389 Congress Street
Portland, Maine 04101

Inspection Violations

Owner/Manager GRAY TIMOTHY S &		Inspector Doug Morin	Inspection Date 7/17/2015
Location 107 GRANT ST	CBL 048 A024001	Status Violations Exist	Inspection Type Complaint-Inspection

Code	Int/Ext	Floor	Unit No.	Area	Compliance Date
-------------	----------------	--------------	-----------------	-------------	------------------------

1) 6-109.5.(d)	Exterior			Deck	
Violation:	STAIRWAYS, STAIRS, & PORCHES.; Stairways, stairs, porches. Every outside stairway, stairwell, stairs and porch and any appurtenances thereto shall be structurally sound, in good repair and safe to use. Every outside stairway, stairwell, stairs and porch and any appurtenances thereto shall be structurally sound, in good repair and safe to use.				
Notes:	Rear deck/porches are deteriorated, guards are fallinhg off, upright supports are bowed and decks sagging. Front decks appear to be detriorating as well. Dececk boards are lifting up, gurads look weak and entire structure should be evaluated.				

2) 6-116.(b)	Interior			Stairways	
Violation:	EGRESS; EVERY DWELLING UNIT AND EVERY ROOMING UNIT SHALL HAVE SAFE, UNOBSTRUCTED MEANS OF EGRESS LEADING TO SAFE AND OPEN SPACES AT GROUND LEVEL IN ACCORDANCE WITH APPLICABLE STATUTES, REGULATIONS AND ORDINANCES.				
Notes:	Tenants blocking the stairway by storing belongings outside of apartment.				

Comments: Unsafe Decks. See Violations

Portland, Maine



Yes. Life's good here.

Planning & Urban Development Department

*Director of Planning and Urban Development
Jeff Levine*

*Inspection Services, Director
Tammy M. Munson*

November 13, 2015

GRAY TIMOTHY S &
107 GRANT ST
PORTLAND, ME 04102

CBL: 048 A024001
Located at: 107 GRANT ST

Certified Mail 70101870000281368114

Dear Gray Timothy S & ,

SECOND NOTICE OF VIOLATION - BILLING NOTIFICATION

An evaluation of the above-referenced property on 07/24/2015 revealed that the structure remains non-compliant with the Housing Code of the City of Portland.

Attached is a list of the violations.

This is a **SECOND** notice of violation pursuant to Section 6-118 of the Code. All referenced violations shall be corrected. A re-inspection will occur on 11/20/2015, at which time compliance will be required. Failure to comply will result in this office referring the matter to the City of Portland Corporation Counsel for legal action and possible civil penalties, as provided for in Section 1-15 of the Code and in Title 30-A M.R.S.A ss 4452.

Please be advised that because this is the second inspection and there are repeat violations, Section 6.2 of the Code requires that you pay a \$150.00 re-inspection fee. This must be paid prior to re-inspection. Failure to pay the assessed fee within 30 days shall cause the City to assess lien against the property pursuant to Section 1-16 of the Code. Please feel free to contact me at (207) 874-8703 you wish to discuss this matter further or have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Doug Morin".

Doug Morin
Code Enforcement Officer
(207) 874-8705

EXHIBIT

B

CITY OF PORTLAND
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT
389 Congress Street
Portland, Maine 04101

INVOICE FOR FEES

Applicant:	Gray Timothy S &
Location:	107 GRANT ST
CBL:	048 A024001
Invoice Date:	11/13/2015

<u>Fee Description</u>	<u>Fee Charge</u>
07/24/2015 HOUSING REINSPECTION	\$150.00
Amount Due Now:	\$150.00

Detach and remit with payment

Bill to: Gray Timothy S &

CBL 048 A024001
Invoice Date: 11/13/2015
Invoice No: 3017
Total Amt Due: \$150.00
Payment Amount:

Make checks payable to the *City of Portland*, Inspections Division, Room 315, 389 Congress Street, Portland, ME 04101.

Portland, Maine



Yes. Life's good here.

Planning & Urban Development Department

July 20, 2015

GRAY TIMOTHY S &
107 GRANT ST
PORTLAND, ME 04102

CERTIFIED MAIL: 70101870000281368176

CBL 048 A024001
Located At: 107 Grant St.

Notice of Violation/ Tenant Notification

Dear Timothy Gray:

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3. Follow all inspection requirements outlined in each permit issued by the City.

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Portland, Maine



Yes. Life's good here.

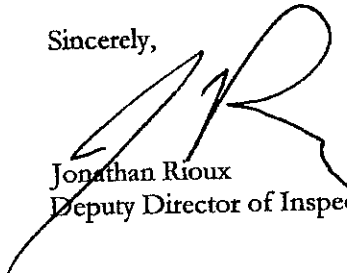
Planning & Urban Development Department

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This letter constitutes a decision from which you may appeal pursuant to § 6-127 of the Portland City Code and Rule 80B of the Maine Rules of Civil Procedure.

If you have any questions, concerns or require emergency repair permits- please contact me at 207-874-8701.

Sincerely,



Jonathan Rioux
Deputy Director of Inspections

cc: Tenants of 107 Grant St. via Hand Delivery
Adam R. Lee, Associate Corporation Counsel
Keith Gautreau, Assistant Chief of Fire Prevention and Community Outreach

CITY OF PORTLAND
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT

389 Congress Street
 Portland, Maine 04101

Inspection Violations

Owner/Manager GRAY TIMOTHY S &		Inspector Doug Morin	Inspection Date 7/17/2015
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Notes:	Rear deck/porches are deteriorated, guards are falling off, upright supports are bowed and decks sagging. Front decks appear to be deteriorating as well. Deck boards are lifting up, guards look weak and entire structure should be evaluated.				
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Notes:	Tenants blocking the stairway by storing belongings outside of apartment.				
Comments:	Unsafe Decks. See Violations				

STATE OF MAINE
CUMBERLAND, ss

DISTRICTCOURT
Location: Portland
DOCKET NO.:

CITY OF PORTLAND, a body politic)
and Corporate, located in the County of)
Cumberland, State of Maine,)

Plaintiff,)

v.)

TIMOTHY GRAY, and)
ANGELA MILLER-GRAY ,)

Defendants.)
)
)
)
)
)
)
)
)
)
)

**AFFIDAVIT OF PORTLAND CITY
CLERK KATHERINE JONES**

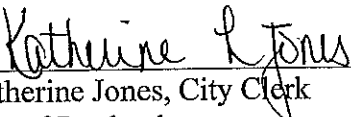
I, Katherine Jones, being duly sworn do depose and state as follows:

My name is Katherine Jones and I am the City Clerk for the City of Portland. The statements contained in this Affidavit are true and based upon my personal knowledge.

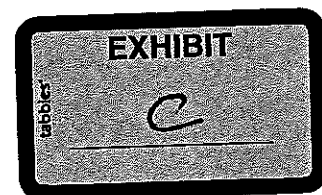
Exhibit A attached hereto contains true and accurate copies of the following:

- Portland City Code, § 6-1;
- Portland City Code, § 6-108;
- Portland City Code, § 6-116; and
- Portland City Code, § 6-130

Dated this 4th day of October, 2017



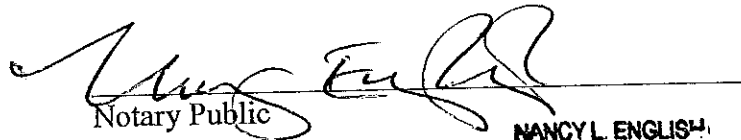
Katherine Jones, City Clerk
City of Portland



STATE OF MAINE
CUMBERLAND, ss.

Dated: October 4, 2017

Personally appeared before me, the above-named Katherine Jones in her capacity as City Clerk for the City of Portland and gave oath that the foregoing statements made by her are true to and based upon her own personal knowledge.



Notary Public

Print Name:

NANCY L. ENGLISH
Notary Public, Maine

Commission Expires: My Commission Expires October 19, 2017

EXHIBIT A

Sec. 6-1. Penalties.

(a) *Penalties.* Monetary penalties shall be assessed on a per-day basis for each day on which a violation exists:

1. The minimum penalty for a specific significant code violation is two hundred dollars (\$200.00) per day, and the maximum penalty is two thousand five hundred dollars (\$2,500.00) per day. The minimum penalty for failure to correct such significant code violation after written notice by the city to do so is five hundred (\$500.00) per day, and the maximum penalty is five thousand dollars (\$5,000.00) per day. The minimum penalty for failure to correct such significant code violation after a second written notice by the city is one thousand five hundred dollars (\$1,500.00) per day, and the maximum penalty is ten thousand dollars (\$10,000.00) per day.
2. The penalty for violating the occupant load limit, as determined under MUBEC or Chapter 10 of this Code, is \$250.00 for the first violation; \$500 for the second violation; \$1,000 for the third and subsequent violations. Violations shall be calculated on a rolling twelve-month basis.
3. The minimum penalty for a specific violation other than a violation described in paragraph 2 is one hundred dollars (\$100.00) per day, and the maximum penalty is two thousand five hundred dollars (\$2,500.00) per day.
4. In addition to penalties, the violator may be ordered to correct or abate the violations. When violations occur in a shoreland area, as defined in section 14-447, or when the court finds that the violation was willful, the violator shall be ordered to correct or abate the violation unless the abatement or correction results in:
 - a. A threat or hazard to public health or safety;

- b. Substantial environmental damage; or
 - c. A substantial injustice.
5. If the city is the prevailing party in any legal action to enforce this chapter, the municipality must be awarded reasonable attorney fees, expert witness fees and costs, unless the court finds that special circumstances make the award of these fees and costs unjust.
6. In setting a penalty, the following shall be considered:
- a. Prior violations by the same party;
 - b. The degree of environmental damage that cannot be abated or corrected;
 - c. The extent to which the violation continued following a city order to stop; and
 - d. The extent to which the city contributed to the violation by providing the violator with incorrect information or by failing to take timely action.
7. The maximum penalty may exceed the limits described in paragraphs 1, 2 and 3, but may not exceed twenty-five thousand dollars (\$25,000.00) per day, when it is shown that there has been a previous violation or judgment against the same party within the past two (2) years for a violation of the same law or ordinance.
8. If the economic benefit resulting from the violation exceeds the applicable penalties under this subsection, the maximum penalties may be increased. The maximum penalty under this paragraph may not exceed an amount equal to twice the economic benefit resulting from the violation. Economic benefit includes, but is not limited to, the costs avoided or enhanced value accrued at the time of the violation as a result of the violator's noncompliance with the applicable legal requirements.

9. In addition to the other penalties in this section, the building authority or his or her designee designated by the city manager may suspend a contractor's, owner's, or developer's right to obtain building permits or work on any project in the city if the building authority or a housing safety official designated by the city manager determines that a contractor's, owner's, or developer's violation or violations of any provision in articles II, III, or IV of this chapter create such a threat to life or safety that a structure must be posted against occupancy or that the violation or violations render a structure uninhabitable. The suspension authorized by this subparagraph shall be lifted when the building authority or his or her designee determines that the violation or violations have been fixed.

(b) Penalties assessed pursuant to this section shall be paid to the city.

...

Sec. 6-108. Minimum standards for structural elements.

No person shall occupy as owner-occupant or shall allow another to occupy any dwelling, dwelling unit, rooming house, rooming unit, or a combination of the same, which does not comply with the following minimum standards:

(a) *Foundations, basements, cellars, exterior walls, roofs.* Every foundation, basement, cellar, exterior wall, and roof shall be substantially weathertight, watertight, and vermin proof; shall be structurally sound and in good repair; and shall be safe for the intended use as well as capable of supporting whatever load normal use may cause to be placed thereon. Every exterior wall or portion thereof shall be painted or stained. Insulation shall be installed and maintained so as not to present a health or safety hazard to occupants. Water from roofs shall be so drained and conveyed therefrom as not to cause repeatedly wet floors, walls, or ceilings, or hazard to adjacent buildings or the occupants thereof.

(b) *Interior floors, walls, ceilings and doors.* Every floor, wall, ceiling, and door shall be in a structurally sound condition and in good repair and shall be substantially vermin proof.

(c) *Exterior windows, doors and skylights.* Every window or door, including basement or cellar door and hatchway, and skylight shall be substantially weathertight, watertight, and vermin proof and shall be kept in sound working condition and good repair.

Every exterior window shall include storm sash with screens or an alternative equally effective for heat retention and ventilation purposes, all in operable condition.

(d) *Stairways, stairwells, stairs and porches.* Every inside and outside stairway, stairwell, stairs, and porch and any appurtenances thereto shall be structurally sound, in good repair, and safe to use.

(e) *Chimneys, flues and vent.* Every chimney and every flue, vent, and smokepipe and any attachments thereto shall be structurally sound, in good repair, and safe to use.

(f) *Required equipment and utilities.* Every supplied facility, piece of equipment, or utility which is required under this article shall be so constructed and installed that it will function safely and effectively and shall be maintained in good working condition.

...

Sec. 6-116. Minimum standards for safety.

No person shall occupy as owner-occupant or shall allow another to occupy any dwelling, dwelling unit, rooming house, or rooming unit which does not comply with Chapter 10 of this code, including but not limited to the following minimum standards for safety from fire.

(a) No dwelling unit or rooming unit shall be located within a building containing any establishment handling, dispensing, storing or producing flammable liquids, toxic gas vapors or fibrous materials, such

as asbestos, which may endanger the lives or safety of the occupants.

- (b) Every dwelling unit and every rooming unit shall have safe, unobstructed means of egress leading to safe and open spaces at ground level in accordance with applicable statutes, regulations and ordinances.
- (c) Every hallway, stairway, corridor, exit, fire escape door or other means of egress shall be kept clear of obstructions at all times.
- (d) Storage rooms and storage lockers shall not be used for storage of refuse, rubbish or waste.
- (e) Every dwelling, dwelling unit, rooming house and rooming unit shall comply with the applicable provisions of the most current edition of the National Fire Protection Association Life Safety Code, and with all other applicable state statutes and regulations.
- (f) When the health or building authority or his or her designee determines that a dwelling contains friable asbestos material in an amount and/or location which presents an unacceptable health hazard to the occupants and/or the general public, the owner of the dwelling, upon notification from the health or building authority or a housing safety official designated by the city manager, shall remove that material or encapsulate it. Removal or encapsulation shall be conducted in accordance with all applicable federal, state and local laws and regulations.

...

Sec. 6-130. Violations.

(a) Any owner, occupant, or operator of a building, structure, or premises shall be guilty of an offense and subject to the penalties and remedies provided in section 6-2 of this Chapter and 30-A M.R.S. § 4452 if that person does any of the following:

1. Violates a provision of this Article, or any codes adopted pursuant to this Article;
2. Allows a violation to occur or remain at any building, structure, or premises that he or she owns, occupies,

or controls; or

3. Fails to comply with any lawful order issued pursuant to this Article.

(b) The imposition of a penalty for a violation does not excuse that violation or allow it to continue.

**ACKNOWLEDGEMENT OF RECEIPT OF
LAND USE CITATION AND COMPLAINT**

I hereby confirm that I have received notice of the upcoming Court appearance to be conducted at the Ninth District Court located at the Cumberland County Courthouse, 205 Newbury Street, Courtroom 3, in Portland, Maine on **Monday, November 13, 2017 at 8:30 a.m.** This notice was delivered to me in-hand.

I understand that my signature below does not constitute any sort of admission, but only that I have received proper notice of the violation and court date/time.

Date: _____, 2017

Print Name:

STATE OF MAINE

CUMBERLAND COUNTY

On _____ (date) I served the Citation and Complaint upon Defendant

Timothy Gray by delivering a copy of same at the following address:

to: _____

by (manner of service): _____

Date: _____, 2017

Print Name:

Title:

**ACKNOWLEDGEMENT OF RECEIPT OF
LAND USE CITATION AND COMPLAINT**

I hereby confirm that I have received notice of the upcoming Court appearance to be conducted at the Ninth District Court located at the Cumberland County Courthouse, 205 Newbury Street, Courtroom 3, in Portland, Maine on **Monday, November 13, 2017 at 8:30 a.m.** This notice was delivered to me in-hand.

I understand that my signature below does not constitute any sort of admission, but only that I have received proper notice of the violation and court date/time.

Date: _____, 2017

Print Name:

STATE OF MAINE

CUMBERLAND COUNTY

On _____ (date) I served the Citation and Complaint upon Defendant
Angela Miller-Gray by delivering a copy of same at the following address:

to: _____

by (manner of service): _____

Date: _____, 2017

Print Name:

Title:

SUMMARY SHEET

This summary sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by the Maine Rules of Court or by law. This form is required for the use of the Clerk of Court for the purpose of initiating or updating the civil docket. (SEE INSTRUCTIONS ON REVERSE)

I. County of Filing or District Court Jurisdiction: Cumberland County, Portland District Court

II. CAUSE OF ACTION (Cite the primary civil statutes under which you are filing, if any.) *Pro se plaintiffs: If unsure, leave blank.*
80K Complaint, Land Use Violations

III. NATURE OF FILING

Initial Complaint
 Third-Party Complaint
 Cross-Claim or Counterclaim
 If Reinstated or Reopened case, give original Docket Number _____
 (If filing a second or subsequent Money Judgment Disclosure, give docket number of first disclosure)

IV. TITLE TO REAL ESTATE IS INVOLVED

V. MOST DEFINITIVE NATURE OF ACTION. (Place an X in one box only) *Pro se plaintiffs: If unsure, leave blank.*

GENERAL CIVIL (CV)

<p>Personal Injury Tort</p> <input type="checkbox"/> Property Negligence <input type="checkbox"/> Auto Negligence <input type="checkbox"/> Medical Malpractice <input type="checkbox"/> Product Liability <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Domestic Torts <input type="checkbox"/> Other Negligence <input type="checkbox"/> Other Personal Injury Tort <p>Non-Personal Injury Tort</p> <input type="checkbox"/> Libel/Defamation <input type="checkbox"/> Auto Negligence <input type="checkbox"/> Other Negligence <input type="checkbox"/> Other Non-Personal Injury Tort	<p>Contract</p> <input type="checkbox"/> Contract Declaratory/Equitable Relief <input type="checkbox"/> General Injunctive Relief <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Other Equitable Relief Constitutional/Civil Rights <input type="checkbox"/> Constitutional/Civil Rights Statutory Actions <input type="checkbox"/> Unfair Trade Practices <input type="checkbox"/> Freedom of Access <input type="checkbox"/> Other Statutory Actions Miscellaneous Civil <input type="checkbox"/> Drug Forfeitures	<input type="checkbox"/> Other Forfeitures/Property Libels <input checked="" type="checkbox"/> Land Use Enforcement (80K) <input type="checkbox"/> Administrative Warrant <input type="checkbox"/> HIV Testing <input type="checkbox"/> Arbitration Awards <input type="checkbox"/> Appointment of Receiver <input type="checkbox"/> Shareholders' Derivative Actions <input type="checkbox"/> Foreign Deposition <input type="checkbox"/> Pre-action Discovery <input type="checkbox"/> Common Law Habeas Corpus <input type="checkbox"/> Prisoner Transfers <input type="checkbox"/> Foreign Judgments <input type="checkbox"/> Minor Settlements <input type="checkbox"/> Other Civil
---	---	---

<p>CHILD PROTECTIVE CUSTODY (PC)</p> <input type="checkbox"/> Non-DHS Protective Custody	<p>SPECIAL ACTIONS (SA)</p> <p>Money Judgment</p> <input type="checkbox"/> Money Judgment Request Disclosure
---	--

REAL ESTATE (RE)

<p>Title Actions</p> <input type="checkbox"/> Quiet Title <input type="checkbox"/> Eminent Domain <input type="checkbox"/> Easements <input type="checkbox"/> Boundaries	<p>Foreclosure</p> <input type="checkbox"/> Foreclosure (ADR exempt) <input type="checkbox"/> Foreclosure (Diversion eligible) <input type="checkbox"/> Foreclosure - Other	<p>Misc. Real Estate</p> <input type="checkbox"/> Equitable Remedies <input type="checkbox"/> Mechanics Lien <input type="checkbox"/> Partition <input type="checkbox"/> Adverse Possession <input type="checkbox"/> Nuisance <input type="checkbox"/> Abandoned Roads <input type="checkbox"/> Trespass <input type="checkbox"/> Other Real Estate
--	--	---

APPEALS (AP) (To be filed in Superior Court) (ADR exempt)

<input type="checkbox"/> Governmental Body (80B)	<input type="checkbox"/> Administrative Agency (80C)	<input type="checkbox"/> Other Appeals
--	--	--

VI. M.R.Civ.P. 16B Alternative Dispute Resolution (ADR):

I certify that pursuant to M.R.Civ.P. 16B(b), this case is exempt from a required ADR process because:

It falls within an exemption listed above (i.e., an appeal or an action for non-payment of a note in a secured transaction).

The plaintiff or defendant is incarcerated in a local, state or federal facility.

The parties have participated in a statutory prelitigation screening process with _____

The parties have participated in a formal ADR process with _____ (name of neutral) on _____ (date).

This is a Personal Injury action in which the plaintiff's likely damages will not exceed \$30,000, and the plaintiff requests an exemption from ADR.

VII. (a) PLAINTIFFS (Name & Address including county)
or Third-Party, Counterclaim or Cross-Claim Plaintiffs
 The plaintiff is a prisoner in a local, state or federal facility.

City of Portland
389 Congress Street
Portland, ME 04101
Cumberland County

(b) Attorneys (Name, Bar number, Firm name, Address, Telephone Number) If all counsel listed do NOT represent all plaintiffs,
(If *pro se* plaintiff, leave blank) specify who the listed attorney(s) represent.

Anne Torregrossa, Esq. (Bar No. 4374)
389 Congress Street, Rm 211
Portland, ME 04101
207-874-8480

VIII. (a) DEFENDANTS (Name & Address including county)
and/or Third-Party, Counterclaim or Cross-Claim Defendants
 The defendant is a prisoner in a local, state or federal facility.

Timothy Gray and Angela Miller-Gray
107 Grant Street
Portland, Maine 04021

(b) Attorneys (Name, Bar number, Firm name, Address, Telephone Number)
(If known)

If all counsel listed do NOT represent all
defendants, specify who the listed attorney(s)

IX. RELATED CASE(S) IF ANY _____

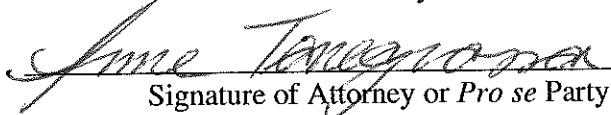
Assigned Judge/Justice _____

Docket Number _____

Date: 10/2/2017

Anne M. Torregrossa

Name of Lead Attorney of Record or *Pro se* Party


Signature of Attorney or *Pro se* Party

STATE OF MAINE
CUMBERLAND, ss

DISTRICT COURT
Location: Portland
Docket No. CV-17-_____

CITY OF PORTLAND,)
)
Plaintiff,)
)
v.)
)
TIMOTHY GRAY, and)
ANGELA MILLER-GRAY,)
)
Defendants.)

**LAND USE CITATION AND
COMPLAINT
M.R. Civ. P. 80K**

**To: Timothy Gray
107 Grant Street
Portland, Maine 04021**

**Angela Miller-Gray
107 Grant Street
Portland, Maine 04021**

CITATION

You are hereby summoned to appear in District Court at the location and date indicated below to answer to the enclosed complaint. IN THE EVENT YOU FAIL TO APPEAR AND STATE YOUR DEFENSE ON THE COURT DATE SPECIFIED, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU. You are advised to call the District Court to verify the date and time of your appearance.

Time and Place of Appearance:

Court: Ninth District Court
Address: Cumberland County Courthouse
205 Newbury Street
Portland, Maine
Date: November 13, 2017
Time: 8:30 a.m.

Signature of Complainant:

I have reasonable grounds to believe that the violations described herein were committed because I personally observed these violations.

Date: September 20, 2017



Jonathan Rioux
Inspections Director
City of Portland

COMPLAINT

1. Defendants Timothy Gray and Angela Miller-Gray (together, “Defendants”) own the property located at 107 Grant Street in Portland, Maine, which is further described in the Warranty Deed recorded in the Cumberland County Registry of Deeds at Book 21623, Page 262, and is also shown on the City of Portland Tax Maps at CBL 048 A024001 (the “Property”).

2. The Property’s legal use is as a multi-unit residential property.

3. The Property has a long history of violations, with the most recent group of violations stemming back more than two years.

4. On July 17, 2015, the City conducted an inspection of the Property in response to concerns about the safety of the porches.

5. On July 20, 2015 the City issued a Notice of Violation (“NOV I”), finding that the porches were unsafe (the “Violations”). A copy of NOV I is attached as Exhibit A.

6. NOV I ordered that the porches be demolished or repaired, and that they remain totally vacated and secured until that time.

7. The Violations are significant code violations pursuant to the City of Portland Code of Ordinances (“City Code”) §§ 6-1(a)(2)(a) and (a)(2)(f).

8. A follow-up inspection on July 24, 2017 revealed that the Violations had not been corrected, and a second NOV issued on November 13, 2015 (“NOV II”), again requiring that Defendants bring the Property into compliance. A copy of NOV II is attached as Exhibit B.

9. Another follow-up inspection on March 2, 2016 revealed that the Violations remained outstanding, but that Defendants had begun work on the porches, but without the required permits.

10. Defendants were notified by telephone of the requirement to obtain a building permit and complete work on the porches.

11. Additional inspections occurred on June 20, 2016, September 15, 2016, April 27, 2017, and May 18, 2017, yet the Violations still had not been remedied.

12. The Property remains in violation of the following sections of the City Code:

- a. Section 6-116(b), which requires every dwelling unit and every rooming unit to have safe, unobstructed means of egress leading to safe and open spaces at ground level in accordance with applicable statutes, regulations and ordinances; and
- b. Section 6-108(d), which requires every inside and outside stairway, stairwell, stairs, and porch and any appurtenances thereto to be structurally sound, in good repair, and safe to use.

A copy of the relevant City Code sections are attached as Exhibit C.

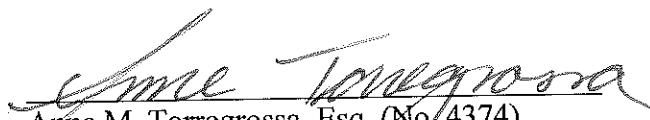
13. The Porch Violations were first observed on July 17, 2015, and continue, unabated.

WHEREFORE, the City of Portland respectfully requests that this Court grant judgment in its favor as follows:

- A. Order Defendants to remedy the violations at the Premises, pursuant to 30-A M.R.S. § 4452(3)(C) and City Code §§ 6-1(a)(4), 6-130;
- B. Order Defendant to pay a civil penalty in the minimum amount of \$500 per violation per day, pursuant to 30-A M.R.S. § 4452(3)(B) and City Code § 6-1(a)(2);
- C. Order Defendant to pay the City its reasonable costs and fees pursuant to 30-A M.R.S. § 4452(3)(D) and City Code § 6-1(a)(5); and

- C. Order Defendant to pay the City its reasonable costs and fees pursuant to 30-A M.R.S. § 4452(3)(D) and City Code § 6-1(a)(5); and
- D. Grant such other relief as this Court deems just and proper.

Dated: September 20, 2017


Anne M. Torregrossa, Esq. (No. 4374)
Associate Corporation Counsel
City of Portland
389 Congress Street, Room 211
Portland, Maine 04101
(207)874-8480

July 20, 2015

GRAY TIMOTHY S &
107 GRANT ST
PORTLAND, ME 04102

CERTIFIED MAIL: 70101870000281368176

CBL 048 A024001
Located At: 107 Grant St.

Notice of Violation/ Tenant Notification

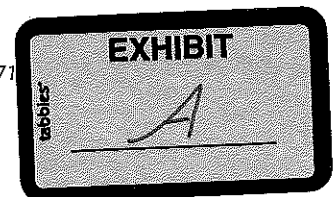
Dear Timothy Gray:

An evaluation of the above-referenced property with Officials from the City's Inspections Division on 07/17/2015 revealed that the structure fails to comply with § 6-108 (d) and § 6-116 (b), of the Housing Code of the City of Portland. Specifically, the damaged and decayed portions of the building and front and rear three (3) level exterior porches must be demolished, and or repaired in accordance with the City of Portland Building Code (MUBEC). Furthermore, the 1st through 3rd Floor front and rear (non-egress) porches must remain vacated and secured from tenant use, and the stored items in the interior hallways and stairwells must be removed immediately.

Given the present circumstances of this Property:

1. The building's exterior porches must remain totally vacated and properly secured from tenant use.
2. Submit a building permit electronically, for the demolition, or repair of the exterior porches and interior rear stairwell to the Building Inspections Office by 08/03/2015.
 - a. Note: The City may require the building Owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. The design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.
3. Follow all inspection requirements outlined in each permit issued by the City.

No tenant(s) may occupy the exterior rear porches until further notice from the City. A re-evaluation and inspection of the property will occur on 07/24/2015.





The City's Corporation Counsel's Office has been alerted to the existence of this matter and intends to pursue legal action including injunctive relief and civil penalties, as provided for in § 1-15 of the Portland City Code and in Title 30-A of M.R.S.A § 4452.

This letter constitutes a decision from which you may appeal pursuant to § 6-127 of the Portland City Code and Rule 80B of the Maine Rules of Civil Procedure.

If you have any questions, concerns or require emergency repair permits- please contact me at 207-874-8701.

Sincerely,

A handwritten signature in black ink, appearing to read 'JR' with a large flourish extending to the right.

Jonathan Rioux
Deputy Director of Inspections

cc: Tenants of 107 Grant St. via Hand Delivery
Adam R. Lee, Associate Corporation Counsel
Keith Gautreau, Assistant Chief of Fire Prevention and Community Outreach

CITY OF PORTLAND
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT

389 Congress Street
 Portland, Maine 04101

Inspection Violations

Owner/Manager GRAY TIMOTHY S &		Inspector Doug Morin	Inspection Date 7/17/2015
Location 107 GRANT ST	CBL 048 A024001	Status Violations Exist	Inspection Type Complaint-Inspection

Code	Int/Ext	Floor	Unit No.	Area	Compliance Date
------	---------	-------	----------	------	-----------------

1) 6-109.5.(d)	Exterior			Deck	
Violation: STAIRWAYS, STAIRS, & PORCHES.; Stairways, stairs, porches. Every outside stairway, stairwell, stairs and porch and any appurtenances thereto shall be structurally sound, in good repair and safe to use. Every outside stairway, stairwell, stairs and porch and any appurtenances thereto shall be structurally sound, in good repair and safe to use.					
Notes: Rear deck/porches are deteriorated, guards are falling off, upright supports are bowed and decks sagging. Front decks appear to be deteriorating as well. Deck boards are lifting up, guards look weak and entire structure should be evaluated.					

2) 6-116.(b)	Interior			Stairways	
Violation: EGRESS; EVERY DWELLING UNIT AND EVERY ROOMING UNIT SHALL HAVE SAFE, UNOBSTRUCTED MEANS OF EGRESS LEADING TO SAFE AND OPEN SPACES AT GROUND LEVEL IN ACCORDANCE WITH APPLICABLE STATUTES, REGULATIONS AND ORDINANCES.					
Notes: Tenants blocking the stairway by storing belongings outside of apartment.					

Comments: Unsafe Decks. See Violations

Portland, Maine



Yes. Life's good here.

Planning & Urban Development Department

Director of Planning and Urban Development
Jeff Levine

Inspection Services, Director
Tammy M. Munson

November 13, 2015

GRAY TIMOTHY S &
107 GRANT ST
PORTLAND, ME 04102

CBL: 048 A024001
Located at: 107 GRANT ST

Certified Mail 70101870000281368114

Dear Gray Timothy S & ,

SECOND NOTICE OF VIOLATION - BILLING NOTIFICATION

An evaluation of the above-referenced property on 07/24/2015 revealed that the structure remains non-compliant with the Housing Code of the City of Portland.

Attached is a list of the violations.

This is a **SECOND** notice of violation pursuant to Section 6-118 of the Code. All referenced violations shall be corrected. A re-inspection will occur on 11/20/2015, at which time compliance will be required. Failure to comply will result in this office referring the matter to the City of Portland Corporation Counsel for legal action and possible civil penalties, as provided for in Section 1-15 of the Code and in Title 30-A M.R.S.A ss 4452.

Please be advised that because this is the second inspection and there are repeat violations, Section 6.2 of the Code requires that you pay a \$150.00 re-inspection fee. This must be paid prior to re-inspection. Failure to pay the assessed fee within 30 days shall cause the City to assess lien against the property pursuant to Section 1-16 of the Code. Please feel free to contact me at (207) 874-8703 you wish to discuss this matter further or have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Doug Morin".

Doug Morin
Code Enforcement Officer
(207) 874-8705

EXHIBIT

tabbles

B

CITY OF PORTLAND
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT

389 Congress Street
Portland, Maine 04101

INVOICE FOR FEES

Applicant: Gray Timothy S &
Location: 107 GRANT ST
CBL: 048 A024001
Invoice Date: 11/13/2015

Fee Description	Fee Charge
07/24/2015 HOUSING REINSPECTION	\$150.00
Amount Due Now:	\$150.00

Detach and remit with payment

Bill to: Gray Timothy S &

CBL 048 A024001
Invoice Date: 11/13/2015
Invoice No: 3017
Total Amt Due: \$150.00
Payment Amount:

Make checks payable to the *City of Portland*, Inspections Division, Room 315, 389 Congress Street, Portland, ME 04101.

Portland, Maine



Yes. Life's good here.

Planning & Urban Development Department

July 20, 2015

GRAY TIMOTHY S &
107 GRANT ST
PORTLAND, ME 04102

CERTIFIED MAIL: 70101870000281368176

CBL 048 A024001
Located At: 107 Grant St.

Notice of Violation/ Tenant Notification

Dear Timothy Gray:

An evaluation of the above-referenced property with Officials from the City's Inspections Division on 07/17/2015 revealed that the structure fails to comply with § 6-108 (d) and § 6-116 (b), of the Housing Code of the City of Portland. Specifically, the damaged and decayed portions of the building and front and rear three (3) level exterior porches must be demolished, and or repaired in accordance with the City of Portland Building Code (MUBEC). Furthermore, the 1st through 3rd Floor front and rear (non-egress) porches must remain vacated and secured from tenant use, and the stored items in the interior hallways and stairwells must be removed immediately.

Given the present circumstances of this Property:

1. The building's exterior porches must remain totally vacated and properly secured from tenant use.
2. Submit a building permit electronically, for the demolition, or repair of the exterior porches and interior rear stairwell to the Building Inspections Office by 08/03/2015.
 - a. Note: The City may require the building Owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. The design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.
3. Follow all inspection requirements outlined in each permit issued by the City.

No tenant(s) may occupy the exterior rear porches until further notice from the City. A re-evaluation and inspection of the property will occur on 07/24/2015.

Portland, Maine



Yes. Life's good here.

Planning & Urban Development Department

The City's Corporation Counsel's Office has been alerted to the existence of this matter and intends to pursue legal action including injunctive relief and civil penalties, as provided for in § 1-15 of the Portland City Code and in Title 30-A of M.R.S.A § 4452.

This letter constitutes a decision from which you may appeal pursuant to § 6-127 of the Portland City Code and Rule 80B of the Maine Rules of Civil Procedure.

If you have any questions, concerns or require emergency repair permits- please contact me at 207-874-8701.

Sincerely,

A handwritten signature in black ink, appearing to read "JR", written over the typed name and title.

Jonathan Rioux
Deputy Director of Inspections

cc: Tenants of 107 Grant St. via Hand Delivery
Adam R. Lee, Associate Corporation Counsel
Keith Gautreau, Assistant Chief of Fire Prevention and Community Outreach

**CITY OF PORTLAND
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT**

389 Congress Street
Portland, Maine 04101

Inspection Violations

Owner/Manager GRAY TIMOTHY S &		Inspector Doug Morin	Inspection Date 7/17/2015
Location 107 GRANT ST	CBL 048 A024001	Status Violations Exist	Inspection Type Complaint-Inspection

Code	Int/Ext	Floor	Unit No.	Area	Compliance Date
1) 6-109.5.(d)	Exterior			Deck	
Violation:	STAIRWAYS, STAIRS, & PORCHES.; Stairways, stairs, porches. Every outside stairway, stairwell, stairs and porch and any appurtenances thereto shall be structurally sound, in good repair and safe to use. Every outside stairway, stairwell, stairs and porch and any appurtenances thereto shall be structurally sound, in good repair and safe to use.				
Notes:	Rear deck/porches are deteriorated, guards are fallinhg off, upright supports are bowed and decks sagging. Front decks appear to be detriorating as well. Dececk boards are lifting up, gurads look weak and entire structure should be evaluated.				
2) 6-116.(b)	Interior			Stairways	
Violation:	EGRESS; EVERY DWELLING UNIT AND EVERY ROOMING UNIT SHALL HAVE SAFE, UNOBSTRUCTED MEANS OF EGRESS LEADING TO SAFE AND OPEN SPACES AT GROUND LEVEL IN ACCORDANCE WITH APPLICABLE STATUTES, REGULATIONS AND ORDINANCES.				
Notes:	Tenants blocking the stairway by storing belongings outside of apartment.				
Comments:	Unsafe Decks. See Violations				

STATE OF MAINE
CUMBERLAND, ss

DISTRICTCOURT
Location: Portland
DOCKET NO.:

CITY OF PORTLAND, a body politic)
and Corporate, located in the County of)
Cumberland, State of Maine,)

Plaintiff,)

v.)

TIMOTHY GRAY, and)
ANGELA MILLER-GRAY,)

Defendants.)
)
)
)
)
)
)
)
)
)
)

**AFFIDAVIT OF PORTLAND CITY
CLERK KATHERINE JONES**

I, Katherine Jones, being duly sworn do depose and state as follows:

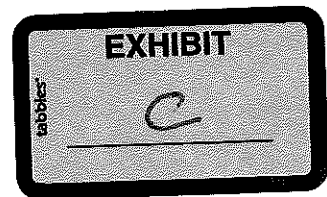
My name is Katherine Jones and I am the City Clerk for the City of Portland. The statements contained in this Affidavit are true and based upon my personal knowledge.

Exhibit A attached hereto contains true and accurate copies of the following:

- Portland City Code, § 6-1;
- Portland City Code, § 6-108;
- Portland City Code, § 6-116; and
- Portland City Code, § 6-130

Dated this 4th day of October, 2017

Katherine L Jones
Katherine Jones, City Clerk
City of Portland



STATE OF MAINE
CUMBERLAND, ss.

Dated: October 4, 2017

Personally appeared before me, the above-named Katherine Jones in her capacity as City Clerk for the City of Portland and gave oath that the foregoing statements made by her are true to and based upon her own personal knowledge.



Notary Public
Print Name:

NANCY L. ENGLISH
Notary Public, Maine

Commission Expires: My Commission Expires October 19, 2017

EXHIBIT A

Sec. 6-1. Penalties.

(a) *Penalties.* Monetary penalties shall be assessed on a per-day basis for each day on which a violation exists:

1. The minimum penalty for a specific significant code violation is two hundred dollars (\$200.00) per day, and the maximum penalty is two thousand five hundred dollars (\$2,500.00) per day. The minimum penalty for failure to correct such significant code violation after written notice by the city to do so is five hundred (\$500.00) per day, and the maximum penalty is five thousand dollars (\$5,000.00) per day. The minimum penalty for failure to correct such significant code violation after a second written notice by the city is one thousand five hundred dollars (\$1,500.00) per day, and the maximum penalty is ten thousand dollars (\$10,000.00) per day.
2. The penalty for violating the occupant load limit, as determined under MUBEC or Chapter 10 of this Code, is \$250.00 for the first violation; \$500 for the second violation; \$1,000 for the third and subsequent violations. Violations shall be calculated on a rolling twelve-month basis.
3. The minimum penalty for a specific violation other than a violation described in paragraph 2 is one hundred dollars (\$100.00) per day, and the maximum penalty is two thousand five hundred dollars (\$2,500.00) per day.
4. In addition to penalties, the violator may be ordered to correct or abate the violations. When violations occur in a shoreland area, as defined in section 14-447, or when the court finds that the violation was willful, the violator shall be ordered to correct or abate the violation unless the abatement or correction results in:
 - a. A threat or hazard to public health or safety;

- b. Substantial environmental damage; or
 - c. A substantial injustice.
5. If the city is the prevailing party in any legal action to enforce this chapter, the municipality must be awarded reasonable attorney fees, expert witness fees and costs, unless the court finds that special circumstances make the award of these fees and costs unjust.
6. In setting a penalty, the following shall be considered:
- a. Prior violations by the same party;
 - b. The degree of environmental damage that cannot be abated or corrected;
 - c. The extent to which the violation continued following a city order to stop; and
 - d. The extent to which the city contributed to the violation by providing the violator with incorrect information or by failing to take timely action.
7. The maximum penalty may exceed the limits described in paragraphs 1, 2 and 3, but may not exceed twenty-five thousand dollars (\$25,000.00) per day, when it is shown that there has been a previous violation or judgment against the same party within the past two (2) years for a violation of the same law or ordinance.
8. If the economic benefit resulting from the violation exceeds the applicable penalties under this subsection, the maximum penalties may be increased. The maximum penalty under this paragraph may not exceed an amount equal to twice the economic benefit resulting from the violation. Economic benefit includes, but is not limited to, the costs avoided or enhanced value accrued at the time of the violation as a result of the violator's noncompliance with the applicable legal requirements.

9. In addition to the other penalties in this section, the building authority or his or her designee designated by the city manager may suspend a contractor's, owner's, or developer's right to obtain building permits or work on any project in the city if the building authority or a housing safety official designated by the city manager determines that a contractor's, owner's, or developer's violation or violations of any provision in articles II, III, or IV of this chapter create such a threat to life or safety that a structure must be posted against occupancy or that the violation or violations render a structure uninhabitable. The suspension authorized by this subparagraph shall be lifted when the building authority or his or her designee determines that the violation or violations have been fixed.

(b) Penalties assessed pursuant to this section shall be paid to the city.

...

Sec. 6-108. Minimum standards for structural elements.

No person shall occupy as owner-occupant or shall allow another to occupy any dwelling, dwelling unit, rooming house, rooming unit, or a combination of the same, which does not comply with the following minimum standards:

(a) *Foundations, basements, cellars, exterior walls, roofs.* Every foundation, basement, cellar, exterior wall, and roof shall be substantially weathertight, watertight, and vermin proof; shall be structurally sound and in good repair; and shall be safe for the intended use as well as capable of supporting whatever load normal use may cause to be placed thereon. Every exterior wall or portion thereof shall be painted or stained. Insulation shall be installed and maintained so as not to present a health or safety hazard to occupants. Water from roofs shall be so drained and conveyed therefrom as not to cause repeatedly wet floors, walls, or ceilings, or hazard to adjacent buildings or the occupants thereof.

(b) *Interior floors, walls, ceilings and doors.* Every floor, wall, ceiling, and door shall be in a structurally sound condition and in good repair and shall be substantially vermin proof.

(c) *Exterior windows, doors and skylights.* Every window or door, including basement or cellar door and hatchway, and skylight shall be substantially weathertight, watertight, and vermin proof and shall be kept in sound working condition and good repair.

Every exterior window shall include storm sash with screens or an alternative equally effective for heat retention and ventilation purposes, all in operable condition.

(d) *Stairways, stairwells, stairs and porches.* Every inside and outside stairway, stairwell, stairs, and porch and any appurtenances thereto shall be structurally sound, in good repair, and safe to use.

(e) *Chimneys, flues and vent.* Every chimney and every flue, vent, and smokepipe and any attachments thereto shall be structurally sound, in good repair, and safe to use.

(f) *Required equipment and utilities.* Every supplied facility, piece of equipment, or utility which is required under this article shall be so constructed and installed that it will function safely and effectively and shall be maintained in good working condition.

...

Sec. 6-116. Minimum standards for safety.

No person shall occupy as owner-occupant or shall allow another to occupy any dwelling, dwelling unit, rooming house, or rooming unit which does not comply with Chapter 10 of this code, including but not limited to the following minimum standards for safety from fire.

(a) No dwelling unit or rooming unit shall be located within a building containing any establishment handling, dispensing, storing or producing flammable liquids, toxic gas vapors or fibrous materials, such

as asbestos, which may endanger the lives or safety of the occupants.

- (b) Every dwelling unit and every rooming unit shall have safe, unobstructed means of egress leading to safe and open spaces at ground level in accordance with applicable statutes, regulations and ordinances.
- (c) Every hallway, stairway, corridor, exit, fire escape door or other means of egress shall be kept clear of obstructions at all times.
- (d) Storage rooms and storage lockers shall not be used for storage of refuse, rubbish or waste.
- (e) Every dwelling, dwelling unit, rooming house and rooming unit shall comply with the applicable provisions of the most current edition of the National Fire Protection Association Life Safety Code, and with all other applicable state statutes and regulations.
- (f) When the health or building authority or his or her designee determines that a dwelling contains friable asbestos material in an amount and/or location which presents an unacceptable health hazard to the occupants and/or the general public, the owner of the dwelling, upon notification from the health or building authority or a housing safety official designated by the city manager, shall remove that material or encapsulate it. Removal or encapsulation shall be conducted in accordance with all applicable federal, state and local laws and regulations.

...

Sec. 6-130. Violations.

(a) Any owner, occupant, or operator of a building, structure, or premises shall be guilty of an offense and subject to the penalties and remedies provided in section 6-2 of this Chapter and 30-A M.R.S. § 4452 if that person does any of the following:

1. Violates a provision of this Article, or any codes adopted pursuant to this Article;
2. Allows a violation to occur or remain at any building, structure, or premises that he or she owns, occupies,

or controls; or

3. Fails to comply with any lawful order issued pursuant to this Article.

(b) The imposition of a penalty for a violation does not excuse that violation or allow it to continue.

**ACKNOWLEDGEMENT OF RECEIPT OF
LAND USE CITATION AND COMPLAINT**

I hereby confirm that I have received notice of the upcoming Court appearance to be conducted at the Ninth District Court located at the Cumberland County Courthouse, 205 Newbury Street, Courtroom 3, in Portland, Maine on **Monday, November 13, 2017 at 8:30 a.m.** This notice was delivered to me in-hand.

I understand that my signature below does not constitute any sort of admission, but only that I have received proper notice of the violation and court date/time.

Date: _____, 2017

Print Name:

STATE OF MAINE

CUMBERLAND COUNTY

On _____ (date) I served the Citation and Complaint upon Defendant

Timothy Gray by delivering a copy of same at the following address:

to: _____

by (manner of service): _____

Date: _____, 2017

Print Name:
Title:

SUMMARY SHEET

This summary sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by the Maine Rules of Court or by law. This form is required for the use of the Clerk of Court for the purpose of initiating or updating the civil docket. (SEE INSTRUCTIONS ON REVERSE)

I. County of Filing or District Court Jurisdiction: Cumberland County, Portland District Court

II. CAUSE OF ACTION (Cite the primary civil statutes under which you are filing, if any.) *Pro se* plaintiffs: If unsure, leave blank.
80K Complaint, Land Use Violations

III. NATURE OF FILING

- Initial Complaint
- Third-Party Complaint
- Cross-Claim or Counterclaim
- If Reinstated or Reopened case, give original Docket Number _____
(If filing a second or subsequent Money Judgment Disclosure, give docket number of first disclosure)

IV. **TITLE TO REAL ESTATE IS INVOLVED**

V. MOST DEFINITIVE NATURE OF ACTION. (Place an X in one box only) *Pro se* plaintiffs: If unsure, leave blank.

GENERAL CIVIL (CV)

Personal Injury Tort

- Property Negligence
- Auto Negligence
- Medical Malpractice
- Product Liability
- Assault/Battery
- Domestic Torts
- Other Negligence
- Other Personal Injury Tort

Non-Personal Injury Tort

- Libel/Defamation
- Auto Negligence
- Other Negligence
- Other Non-Personal Injury Tort

Contract

- Contract
- Declaratory/Equitable Relief**
- General Injunctive Relief
- Declaratory Judgment
- Other Equitable Relief

Constitutional/Civil Rights

- Constitutional/Civil Rights
- Statutory Actions**

- Unfair Trade Practices
- Freedom of Access
- Other Statutory Actions

Miscellaneous Civil

- Drug Forfeitures

- Other Forfeitures/Property Liabls
- Land Use Enforcement (80K)
- Administrative Warrant
- HIV Testing
- Arbitration Awards
- Appointment of Receiver
- Shareholders' Derivative Actions
- Foreign Deposition
- Pre-action Discovery
- Common Law Habeas Corpus
- Prisoner Transfers
- Foreign Judgments
- Minor Settlements
- Other Civil

CHILD PROTECTIVE CUSTODY (PC)

- Non-DHS Protective Custody

SPECIAL ACTIONS (SA)

- Money Judgment
- Money Judgment Request Disclosure

REAL ESTATE (RE)

Title Actions

- Quiet Title
- Eminent Domain
- Easements
- Boundaries

Foreclosure

- Foreclosure (ADR exempt)
- Foreclosure (Diversion eligible)
- Foreclosure - Other

Misc. Real Estate

- Equitable Remedies
- Mechanics Lien
- Partition
- Adverse Possession
- Nuisance
- Abandoned Roads
- Trespass
- Other Real Estate

APPEALS (AP) (To be filed in Superior Court) (ADR exempt)

- Governmental Body (80B)
- Administrative Agency (80C)
- Other Appeals

VI. M.R.Civ.P. 16B Alternative Dispute Resolution (ADR):

- I certify that pursuant to M.R.Civ.P. 16B(b), this case is exempt from a required ADR process because:
 - It falls within an exemption listed above (i.e., an appeal or an action for non-payment of a note in a secured transaction).
 - The plaintiff or defendant is incarcerated in a local, state or federal facility.
 - The parties have participated in a statutory prelitigation screening process with _____
 - The parties have participated in a formal ADR process with _____ (name of neutral) on _____ (date).
 - This is a Personal Injury action in which the plaintiff's likely damages will not exceed \$30,000, and the plaintiff requests an exemption from ADR.

VII. (a) PLAINTIFFS (Name & Address including county)
or Third-Party, Counterclaim or Cross-Claim Plaintiffs
 The plaintiff is a prisoner in a local, state or federal facility.

City of Portland
389 Congress Street
Portland, ME 04101
Cumberland County

(b) Attorneys (Name, Bar number, Firm name, Address, Telephone Number) If all counsel listed do NOT represent all plaintiffs,
(If *pro se* plaintiff, leave blank) specify who the listed attorney(s) represent.

Anne Torregrossa, Esq. (Bar No. 4374)
389 Congress Street, Rm 211
Portland, ME 04101
207-874-8480

VIII. (a) DEFENDANTS (Name & Address including county)
and/or Third-Party, Counterclaim or Cross-Claim Defendants
 The defendant is a prisoner in a local, state or federal facility.

Timothy Gray and Angela Miller-Gray
107 Grant Street
Portland, Maine 04021

(b) Attorneys (Name, Bar number, Firm name, Address, Telephone Number)
(If known)

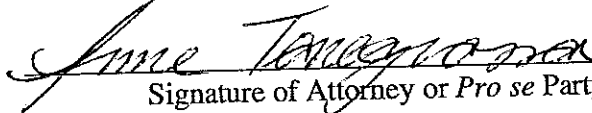
If all counsel listed do NOT represent all
defendants, specify who the listed attorney(s)

IX. RELATED CASE(S) IF ANY _____
Assigned Judge/Justice _____ Docket Number _____

Date: 10/2/2017

Anne M. Torregrossa

Name of Lead Attorney of Record or *Pro se* Party



Signature of Attorney or *Pro se* Party

STATE OF MAINE
CUMBERLAND, ss

DISTRICT COURT
Location: Portland
Docket No. CV-17-_____

CITY OF PORTLAND,)

Plaintiff,)

v.)

TIMOTHY GRAY, and)
ANGELA MILLER-GRAY,)

Defendants.)

**LAND USE CITATION AND
COMPLAINT
M.R. Civ. P. 80K**

To: Timothy Gray
107 Grant Street
Portland, Maine 04021

Angela Miller-Gray
107 Grant Street
Portland, Maine 04021

CITATION

You are hereby summoned to appear in District Court at the location and date indicated below to answer to the enclosed complaint. **IN THE EVENT YOU FAIL TO APPEAR AND STATE YOUR DEFENSE ON THE COURT DATE SPECIFIED, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU.** You are advised to call the District Court to verify the date and time of your appearance.

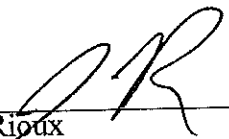
Time and Place of Appearance:

Court: Ninth District Court
Address: Cumberland County Courthouse
205 Newbury Street
Portland, Maine
Date: November 13, 2017
Time: 8:30 a.m.

Signature of Complainant:

I have reasonable grounds to believe that the violations described herein were committed because I personally observed these violations.

Date: September 20, 2017


Jonathan Rioux
Inspections Director
City of Portland

COMPLAINT

1. Defendants Timothy Gray and Angela Miller-Gray (together, “Defendants”) own the property located at 107 Grant Street in Portland, Maine, which is further described in the Warranty Deed recorded in the Cumberland County Registry of Deeds at Book 21623, Page 262, and is also shown on the City of Portland Tax Maps at CBL 048 A024001 (the “Property”).
2. The Property’s legal use is as a multi-unit residential property.
3. The Property has a long history of violations, with the most recent group of violations stemming back more than two years.
4. On July 17, 2015, the City conducted an inspection of the Property in response to concerns about the safety of the porches.
5. On July 20, 2015 the City issued a Notice of Violation (“NOV I”), finding that the porches were unsafe (the “Violations”). A copy of NOV I is attached as Exhibit A.
6. NOV I ordered that the porches be demolished or repaired, and that they remain totally vacated and secured until that time.
7. The Violations are significant code violations pursuant to the City of Portland Code of Ordinances (“City Code”) §§ 6-1(a)(2)(a) and (a)(2)(f).
8. A follow-up inspection on July 24, 2017 revealed that the Violations had not been corrected, and a second NOV issued on November 13, 2015 (“NOV II”), again requiring that Defendants bring the Property into compliance. A copy of NOV II is attached as Exhibit B.
9. Another follow-up inspection on March 2, 2016 revealed that the Violations remained outstanding, but that Defendants had begun work on the porches, but without the required permits.

10. Defendants were notified by telephone of the requirement to obtain a building permit and complete work on the porches.

11. Additional inspections occurred on June 20, 2016, September 15, 2016, April 27, 2017, and May 18, 2017, yet the Violations still had not been remedied.

12. The Property remains in violation of the following sections of the City Code:

- a. Section 6-116(b), which requires every dwelling unit and every rooming unit to have safe, unobstructed means of egress leading to safe and open spaces at ground level in accordance with applicable statutes, regulations and ordinances; and
- b. Section 6-108(d), which requires every inside and outside stairway, stairwell, stairs, and porch and any appurtenances thereto to be structurally sound, in good repair, and safe to use.

A copy of the relevant City Code sections are attached as Exhibit C.

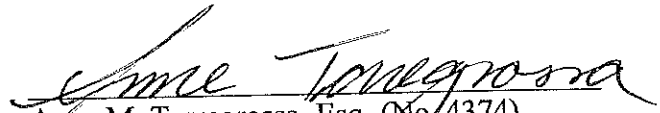
13. The Porch Violations were first observed on July 17, 2015, and continue, unabated.

WHEREFORE, the City of Portland respectfully requests that this Court grant judgment in its favor as follows:

- A. Order Defendants to remedy the violations at the Premises, pursuant to 30-A M.R.S. § 4452(3)(C) and City Code §§ 6-1(a)(4), 6-130;
- B. Order Defendant to pay a civil penalty in the minimum amount of \$500 per violation per day, pursuant to 30-A M.R.S. § 4452(3)(B) and City Code § 6-1(a)(2);
- C. Order Defendant to pay the City its reasonable costs and fees pursuant to 30-A M.R.S. § 4452(3)(D) and City Code § 6-1(a)(5); and

- C. Order Defendant to pay the City its reasonable costs and fees pursuant to 30-A M.R.S. § 4452(3)(D) and City Code § 6-1(a)(5); and
- D. Grant such other relief as this Court deems just and proper.

Dated: September 20, 2017


Anne M. Torregrossa, Esq. (No. 4374)
Associate Corporation Counsel
City of Portland
389 Congress Street, Room 211
Portland, Maine 04101
(207)874-8480

July 20, 2015

GRAY TIMOTHY S &
107 GRANT ST
PORTLAND, ME 04102

CERTIFIED MAIL: 70101870000281368176

CBL 048 A024001
Located At: 107 Grant St.

Notice of Violation/ Tenant Notification

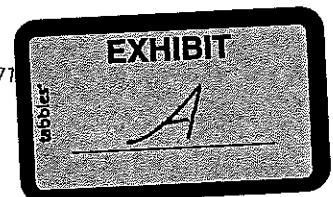
Dear Timothy Gray:

An evaluation of the above-referenced property with Officials from the City's Inspections Division on 07/17/2015 revealed that the structure fails to comply with § 6-108 (d) and § 6-116 (b), of the Housing Code of the City of Portland. Specifically, the damaged and decayed portions of the building and front and rear three (3) level exterior porches must be demolished, and or repaired in accordance with the City of Portland Building Code (MUBEC). Furthermore, the 1st through 3rd Floor front and rear (non-egress) porches must remain vacated and secured from tenant use, and the stored items in the interior hallways and stairwells must be removed immediately.

Given the present circumstances of this Property:

1. The building's exterior porches must remain totally vacated and properly secured from tenant use.
2. Submit a building permit electronically, for the demolition, or repair of the exterior porches and interior rear stairwell to the Building Inspections Office by 08/03/2015.
 - a. Note: The City may require the building Owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. The design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.
3. Follow all inspection requirements outlined in each permit issued by the City.

No tenant(s) may occupy the exterior rear porches until further notice from the City. A re-evaluation and inspection of the property will occur on 07/24/2015.





The City's Corporation Counsel's Office has been alerted to the existence of this matter and intends to pursue legal action including injunctive relief and civil penalties, as provided for in § 1-15 of the Portland City Code and in Title 30-A of M.R.S.A § 4452.

This letter constitutes a decision from which you may appeal pursuant to § 6-127 of the Portland City Code and Rule 80B of the Maine Rules of Civil Procedure.

If you have any questions, concerns or require emergency repair permits- please contact me at 207-874-8701.

Sincerely,

A handwritten signature in black ink, appearing to be 'JR' with a large flourish extending to the right.

Jonathan Rioux
Deputy Director of Inspections

cc: Tenants of 107 Grant St. via Hand Delivery
Adam R. Lee, Associate Corporation Counsel
Keith Gautreau, Assistant Chief of Fire Prevention and Community Outreach

CITY OF PORTLAND
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT

389 Congress Street
 Portland, Maine 04101

Inspection Violations

Owner/Manager GRAY TIMOTHY S &		Inspector Doug Morin	Inspection Date 7/17/2015
Location 107 GRANT ST	CBL 048 A024001	Status Violations Exist	Inspection Type Complaint-Inspection

Code	Int/Ext	Floor	Unit No.	Area	Compliance Date
1) 6-109.5.(d)	Exterior			Deck	
Violation:	STAIRWAYS, STAIRS, & PORCHES.; Stairways, stairs, porches. Every outside stairway, stairwell, stairs and porch and any appurtenances thereto shall be structurally sound, in good repair and safe to use. Every outside stairway, stairwell, stairs and porch and any appurtenances thereto shall be structurally sound, in good repair and safe to use.				
Notes:	Rear deck/porches are deteriorated, guards are falling off, upright supports are bowed and decks sagging. Front decks appear to be deteriorating as well. Deck boards are lifting up, guards look weak and entire structure should be evaluated.				
2) 6-116.(b)	Interior			Stairways	
Violation:	EGRESS; EVERY DWELLING UNIT AND EVERY ROOMING UNIT SHALL HAVE SAFE, UNOBSTRUCTED MEANS OF EGRESS LEADING TO SAFE AND OPEN SPACES AT GROUND LEVEL IN ACCORDANCE WITH APPLICABLE STATUTES, REGULATIONS AND ORDINANCES.				
Notes:	Tenants blocking the stairway by storing belongings outside of apartment.				
Comments:	Unsafe Decks. See Violations				

Portland, Maine



Yes. Life's good here.

Planning & Urban Development Department

*Director of Planning and Urban Development
Jeff Levine*

*Inspection Services, Director
Tammy M. Munson*

November 13, 2015

GRAY TIMOTHY S &
107 GRANT ST
PORTLAND, ME 04102

CBL: 048 A024001
Located at: 107 GRANT ST

Certified Mail 70101870000281368114

Dear Gray Timothy S & ,

SECOND NOTICE OF VIOLATION - BILLING NOTIFICATION

An evaluation of the above-referenced property on 07/24/2015 revealed that the structure remains non-compliant with the Housing Code of the City of Portland.

Attached is a list of the violations.

This is a **SECOND** notice of violation pursuant to Section 6-118 of the Code. All referenced violations shall be corrected. A re-inspection will occur on 11/20/2015, at which time compliance will be required. Failure to comply will result in this office referring the matter to the City of Portland Corporation Counsel for legal action and possible civil penalties, as provided for in Section 1-15 of the Code and in Title 30-A M.R.S.A ss 4452.

Please be advised that because this is the second inspection and there are repeat violations, Section 6.2 of the Code requires that you pay a \$150.00 re-inspection fee. This must be paid prior to re-inspection. Failure to pay the assessed fee within 30 days shall cause the City to assess lien against the property pursuant to Section 1-16 of the Code. Please feel free to contact me at (207) 874-8703 you wish to discuss this matter further or have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Doug Morin".

Doug Morin
Code Enforcement Officer
(207) 874-8705

EXHIBIT

tabbles

B

CITY OF PORTLAND
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT
389 Congress Street
Portland, Maine 04101

INVOICE FOR FEES

Applicant: Gray Timothy S &
Location: 107 GRANT ST
CBL: 048 A024001
Invoice Date: 11/13/2015

Fee Description	Fee Charge
07/24/2015 HOUSING REINSPECTION	\$150.00
Amount Due Now:	\$150.00

Detach and remit with payment

Bill to: Gray Timothy S &

CBL 048 A024001
Invoice Date: 11/13/2015
Invoice No: 3017
Total Amt Due: \$150.00
Payment Amount:

Make checks payable to the *City of Portland*, Inspections Division, Room 315, 389 Congress Street, Portland, ME 04101.

Portland, Maine



Yes. Life's good here.

Planning & Urban Development Department

July 20, 2015

GRAY TIMOTHY S &
107 GRANT ST
PORTLAND, ME 04102

CERTIFIED MAIL: 70101870000281368176

CBL 048 A024001
Located At: 107 Grant St.

Notice of Violation/ Tenant Notification

Dear Timothy Gray:

An evaluation of the above-referenced property with Officials from the City's Inspections Division on 07/17/2015 revealed that the structure fails to comply with § 6-108 (d) and § 6-116 (b), of the Housing Code of the City of Portland. Specifically, the damaged and decayed portions of the building and front and rear three (3) level exterior porches must be demolished, and or repaired in accordance with the City of Portland Building Code (MUBEC). Furthermore, the 1st through 3rd Floor front and rear (non-egress) porches must remain vacated and secured from tenant use, and the stored items in the interior hallways and stairwells must be removed immediately.

Given the present circumstances of this Property:

1. The building's exterior porches must remain totally vacated and properly secured from tenant use.
2. Submit a building permit electronically, for the demolition, or repair of the exterior porches and interior rear stairwell to the Building Inspections Office by 08/03/2015.
 - a. Note: The City may require the building Owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. The design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.
3. Follow all inspection requirements outlined in each permit issued by the City.

No tenant(s) may occupy the exterior rear porches until further notice from the City. A re-evaluation and inspection of the property will occur on 07/24/2015.

Portland, Maine



Yes. Life's good here.

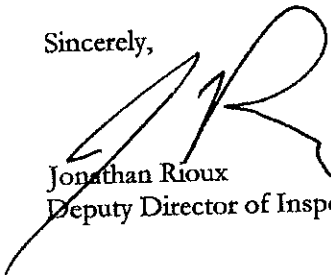
Planning & Urban Development Department

The City's Corporation Counsel's Office has been alerted to the existence of this matter and intends to pursue legal action including injunctive relief and civil penalties, as provided for in § 1-15 of the Portland City Code and in Title 30-A of M.R.S.A § 4452.

This letter constitutes a decision from which you may appeal pursuant to § 6-127 of the Portland City Code and Rule 80B of the Maine Rules of Civil Procedure.

If you have any questions, concerns or require emergency repair permits- please contact me at 207-874-8701.

Sincerely,



Jonathan Rioux
Deputy Director of Inspections

cc: Tenants of 107 Grant St. via Hand Delivery
Adam R. Lee, Associate Corporation Counsel
Keith Gautreau, Assistant Chief of Fire Prevention and Community Outreach

CITY OF PORTLAND
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT

389 Congress Street
 Portland, Maine 04101

Inspection Violations

Owner/Manager GRAY TIMOTHY S &		Inspector Doug Morin	Inspection Date 7/17/2015
Location 107 GRANT ST	CBL 048 A024001	Status Violations Exist	Inspection Type Complaint-Inspection

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Notes:	Rear deck/porches are deteriorated, guards are falling off, upright supports are bowed and decks sagging. Front decks appear to be deteriorating as well. Dececk boards are lifting up, gurads look weak and entire structure should be evaluated.				
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Violation:	EGRESS; EVERY DWELLING UNIT AND EVERY ROOMING UNIT SHALL HAVE SAFE, UNOBSTRUCTED MEANS OF EGRESS LEADING TO SAFE AND OPEN SPACES AT GROUND LEVEL IN ACCORDANCE WITH APPLICABLE STATUTES, REGULATIONS AND ORDINANCES.				
Notes:	Tenants blocking the stairway by storing belongings outside of apartment.				
Comments:	Unsafe Decks. See Violations				

STATE OF MAINE
CUMBERLAND, ss

DISTRICTCOURT
Location: Portland
DOCKET NO.:

CITY OF PORTLAND, a body politic)
and Corporate, located in the County of)
Cumberland, State of Maine,)

Plaintiff,)

v.)

TIMOTHY GRAY, and)
ANGELA MILLER-GRAY ,)

Defendants.)
)
)
)
)
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**AFFIDAVIT OF PORTLAND CITY
CLERK KATHERINE JONES**

I, Katherine Jones, being duly sworn do depose and state as follows:

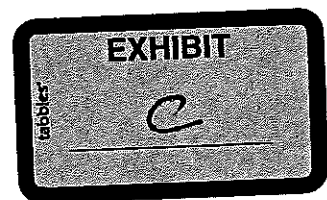
My name is Katherine Jones and I am the City Clerk for the City of Portland. The statements contained in this Affidavit are true and based upon my personal knowledge.

Exhibit A attached hereto contains true and accurate copies of the following:

- Portland City Code, § 6-1;
- Portland City Code, § 6-108;
- Portland City Code, § 6-116; and
- Portland City Code, § 6-130

Dated this 4th day of October, 2017

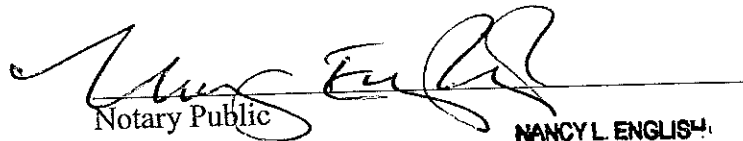
Katherine L Jones
Katherine Jones, City Clerk
City of Portland



STATE OF MAINE
CUMBERLAND, ss.

Dated: October 4, 2017

Personally appeared before me, the above-named Katherine Jones in her capacity as City Clerk for the City of Portland and gave oath that the foregoing statements made by her are true to and based upon her own personal knowledge.



Notary Public

Print Name:

NANCY L. ENGLISH
Notary Public, Maine

Commission Expires: My Commission Expires October 19, 2017

EXHIBIT A

Sec. 6-1. Penalties.

- (a) *Penalties.* Monetary penalties shall be assessed on a per-day basis for each day on which a violation exists:
1. The minimum penalty for a specific significant code violation is two hundred dollars (\$200.00) per day, and the maximum penalty is two thousand five hundred dollars (\$2,500.00) per day. The minimum penalty for failure to correct such significant code violation after written notice by the city to do so is five hundred (\$500.00) per day, and the maximum penalty is five thousand dollars (\$5,000.00) per day. The minimum penalty for failure to correct such significant code violation after a second written notice by the city is one thousand five hundred dollars (\$1,500.00) per day, and the maximum penalty is ten thousand dollars (\$10,000.00) per day.
 2. The penalty for violating the occupant load limit, as determined under MUBEC or Chapter 10 of this Code, is \$250.00 for the first violation; \$500 for the second violation; \$1,000 for the third and subsequent violations. Violations shall be calculated on a rolling twelve-month basis.
 3. The minimum penalty for a specific violation other than a violation described in paragraph 2 is one hundred dollars (\$100.00) per day, and the maximum penalty is two thousand five hundred dollars (\$2,500.00) per day.
 4. In addition to penalties, the violator may be ordered to correct or abate the violations. When violations occur in a shoreland area, as defined in section 14-447, or when the court finds that the violation was willful, the violator shall be ordered to correct or abate the violation unless the abatement or correction results in:
 - a. A threat or hazard to public health or safety;

- b. Substantial environmental damage; or
 - c. A substantial injustice.
5. If the city is the prevailing party in any legal action to enforce this chapter, the municipality must be awarded reasonable attorney fees, expert witness fees and costs, unless the court finds that special circumstances make the award of these fees and costs unjust.
6. In setting a penalty, the following shall be considered:
- a. Prior violations by the same party;
 - b. The degree of environmental damage that cannot be abated or corrected;
 - c. The extent to which the violation continued following a city order to stop; and
 - d. The extent to which the city contributed to the violation by providing the violator with incorrect information or by failing to take timely action.
7. The maximum penalty may exceed the limits described in paragraphs 1, 2 and 3, but may not exceed twenty-five thousand dollars (\$25,000.00) per day, when it is shown that there has been a previous violation or judgment against the same party within the past two (2) years for a violation of the same law or ordinance.
8. If the economic benefit resulting from the violation exceeds the applicable penalties under this subsection, the maximum penalties may be increased. The maximum penalty under this paragraph may not exceed an amount equal to twice the economic benefit resulting from the violation. Economic benefit includes, but is not limited to, the costs avoided or enhanced value accrued at the time of the violation as a result of the violator's noncompliance with the applicable legal requirements.

9. In addition to the other penalties in this section, the building authority or his or her designee designated by the city manager may suspend a contractor's, owner's, or developer's right to obtain building permits or work on any project in the city if the building authority or a housing safety official designated by the city manager determines that a contractor's, owner's, or developer's violation or violations of any provision in articles II, III, or IV of this chapter create such a threat to life or safety that a structure must be posted against occupancy or that the violation or violations render a structure uninhabitable. The suspension authorized by this subparagraph shall be lifted when the building authority or his or her designee determines that the violation or violations have been fixed.

(b) Penalties assessed pursuant to this section shall be paid to the city.

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Sec. 6-108. Minimum standards for structural elements.

No person shall occupy as owner-occupant or shall allow another to occupy any dwelling, dwelling unit, rooming house, rooming unit, or a combination of the same, which does not comply with the following minimum standards:

(a) *Foundations, basements, cellars, exterior walls, roofs.* Every foundation, basement, cellar, exterior wall, and roof shall be substantially weathertight, watertight, and vermin proof; shall be structurally sound and in good repair; and shall be safe for the intended use as well as capable of supporting whatever load normal use may cause to be placed thereon. Every exterior wall or portion thereof shall be painted or stained. Insulation shall be installed and maintained so as not to present a health or safety hazard to occupants. Water from roofs shall be so drained and conveyed therefrom as not to cause repeatedly wet floors, walls, or ceilings, or hazard to adjacent buildings or the occupants thereof.

(b) *Interior floors, walls, ceilings and doors.* Every floor, wall, ceiling, and door shall be in a structurally sound condition and in good repair and shall be substantially vermin proof.

(c) *Exterior windows, doors and skylights.* Every window or door, including basement or cellar door and hatchway, and skylight shall be substantially weathertight, watertight, and vermin proof and shall be kept in sound working condition and good repair.

Every exterior window shall include storm sash with screens or an alternative equally effective for heat retention and ventilation purposes, all in operable condition.

(d) *Stairways, stairwells, stairs and porches.* Every inside and outside stairway, stairwell, stairs, and porch and any appurtenances thereto shall be structurally sound, in good repair, and safe to use.

(e) *Chimneys, flues and vent.* Every chimney and every flue, vent, and smokepipe and any attachments thereto shall be structurally sound, in good repair, and safe to use.

(f) *Required equipment and utilities.* Every supplied facility, piece of equipment, or utility which is required under this article shall be so constructed and installed that it will function safely and effectively and shall be maintained in good working condition.

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Sec. 6-116. Minimum standards for safety.

No person shall occupy as owner-occupant or shall allow another to occupy any dwelling, dwelling unit, rooming house, or rooming unit which does not comply with Chapter 10 of this code, including but not limited to the following minimum standards for safety from fire.

(a) No dwelling unit or rooming unit shall be located within a building containing any establishment handling, dispensing, storing or producing flammable liquids, toxic gas vapors or fibrous materials, such

as asbestos, which may endanger the lives or safety of the occupants.

- (b) Every dwelling unit and every rooming unit shall have safe, unobstructed means of egress leading to safe and open spaces at ground level in accordance with applicable statutes, regulations and ordinances.
- (c) Every hallway, stairway, corridor, exit, fire escape door or other means of egress shall be kept clear of obstructions at all times.
- (d) Storage rooms and storage lockers shall not be used for storage of refuse, rubbish or waste.
- (e) Every dwelling, dwelling unit, rooming house and rooming unit shall comply with the applicable provisions of the most current edition of the National Fire Protection Association Life Safety Code, and with all other applicable state statutes and regulations.
- (f) When the health or building authority or his or her designee determines that a dwelling contains friable asbestos material in an amount and/or location which presents an unacceptable health hazard to the occupants and/or the general public, the owner of the dwelling, upon notification from the health or building authority or a housing safety official designated by the city manager, shall remove that material or encapsulate it. Removal or encapsulation shall be conducted in accordance with all applicable federal, state and local laws and regulations.

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Sec. 6-130. Violations.

(a) Any owner, occupant, or operator of a building, structure, or premises shall be guilty of an offense and subject to the penalties and remedies provided in section 6-2 of this Chapter and 30-A M.R.S. § 4452 if that person does any of the following:

1. Violates a provision of this Article, or any codes adopted pursuant to this Article;
2. Allows a violation to occur or remain at any building, structure, or premises that he or she owns, occupies,

or controls; or

3. Fails to comply with any lawful order issued pursuant to this Article.

(b) The imposition of a penalty for a violation does not excuse that violation or allow it to continue.