

STATE OF MAINE  
CUMBERLAND, ss.

NINTH DISTRICT COURT  
CIVIL ACTION  
Docket Nos. POR-CV-02-667  
POR-CV-02-876

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

Plaintiff )

V. )

CLIFFORD A. RIDLON )

Defendant )

CONSOLIDATED  
CONSENT DECREE

1. Description of Property.

This Consent Decree relates to property owned by the Defendant and situated at 6-8 Clinton Street in Portland.

JUNKED MOTOR VEHICLES

2. Code Violations.

The Defendant is in violation of the following provisions of Portland's Land Use Code: (i) junked motor vehicles Sections 12-75 to 12-82; and (ii) rodent and vermin habitation Sections 22-1 to 22-21.

3. Admission of Violations.

The Defendant admits the violations. Accordingly, pursuant to 30-A M.R.S.A. §4452, he agrees: (i) to bring the property into compliance within fifteen (15) days from the date of this Order; and (ii) to pay to the City the following amounts:

Filing Fee	\$ 100.00
Civil Penalty	\$1,000.00
Attorney's Fees	\$ 495.00
TOTAL	\$1,595.00

ZONING VIOLATIONS

4. Code Violations.

The Defendant is in violation of the following provisions of Portland's Land Use Code: (i) dead storage Section 14-335(c); and (ii) construction requirements Section 14-430.

5. Admission of Violations.

The Defendant admits the violations. Accordingly, pursuant to 30-A M.R.S.A. §4452, he agrees: (i) to bring the property into compliance within fifteen (15) days from the date of this Order; and (ii) to pay to the City the following amounts:

Filing Fee	\$ 100.00
Civil Penalty	\$2,250.00
Attorney's Fees	<u>\$1,380.00</u>
TOTAL	\$3,730.00

6. Payment.

The Defendant agrees to pay the City \$5,325.00 exclusive of interest. The Defendant will pay the City \$110.93 per month, for ~~forty eight (48)~~ <sup>ten (10)</sup> months, with the first payment due on November 1, 2002, and on the first day of each month thereafter until the amount has been paid in full. *at Cal*

If the Defendant: (i) should fail to make any two consecutive payments or (ii) be found to be in violation of any of the violations described in paragraphs 2 and 4 after the deadline, then the balance owed at that time, together with interest as authorized by 14 M.R.S.A. §1602-A, shall become immediately due and payable in full. *at Cal*

*Payment of the balance will be suspended unless the Defendant should be adjudged guilty of Future Violations (19) when the balance, with interest, shall be immediately become due and payable.*

Cure of Violations by Deadline: immediately become due and payable.

The Defendant is ordered to correct all the violations described in paragraphs 2 and 4 within fifteen (15) days from the date of this Order, except as noted below. He will not be required to comply with the "Construction Requirements" of Section 14-340, however, provided he reduces the number of vehicles parked on the subject premises to six (6) or less, within the fifteen (15) day period prescribed herein, and thereafter, faithfully observes the requirement that no more than six (6) vehicles be parked on the premises. If the Defendant should determine to comply with the said construction requirements, then he may not park more than six (6) vehicles on the premises until he has received a certificate of occupancy from the City of Portland authorizing him to do so.

At any time when the Defendant has six vehicles parked on the subject premises, he may not park vehicles on Clinton Street or Forest Avenue in the vicinity of the subject property (i.e., within one thousand (1,000) feet) without being in violation of this Order.

8. Zoning Validation.

Notwithstanding the foregoing, the Defendant agrees to seek a certificate of occupancy to validate his current use and occupancy of the premises within 30 days from the date of this order. In the alternative, if the Defendant believes that his current use is grandfathered, then he may appeal the September 11, 2002 determination of the Zoning Administrator, provided he does so within the time set forth in her letter.

If the Defendant should fail or neglect to take either of the steps outlined above, then on and after thirty-one (31) days from the date of this order, his use and occupancy of the property will be subject to the following conditions:

- (i) no more than four vehicles, including not more than one commercial vehicle may be parked or stored on the premises; and
- (ii) no motor vehicles or other machinery may be repaired on the premises; and
- (iii) at any time when the Defendant has four (4) vehicles parked on the subject premises, he may not park vehicles on Clinton Street or Forest Avenue in the vicinity of the subject property (i.e., within 1,000 feet) without being in violation of the Order.

9. Violations Existing After Deadline.

For each violation of any of the Ordinances described in paragraphs 2 and 4 which exist after the deadline, the Defendant will be required to pay a civil penalty in the amount of Fifteen Hundred Dollars (\$1,500.00) per day for each day each such violations exist.

10. Contempt.

In addition to the imposition of civil penalties referred to above, the Defendant may be found in contempt for any violation of this Order.

11. Attorney's Fees and Costs.

The Defendant will also be liable to pay attorney's fees and costs, pursuant to 30-A M.R.S.A. §4452(3)(D), related to any action taken by the City of Portland to enforce this Order.

12. Access to Property.

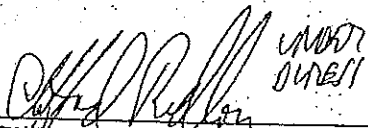
The Defendant will provide City Inspectors with full and free access to the property which is the subject of this Order for forty-eight (48) months from the date hereof so that they may verify compliance with its terms and conditions.

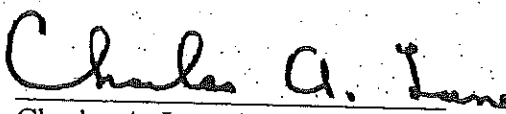
13. Binding Effect.

This Consent Decree shall be binding upon the Defendant, his agents, servants, employees and all persons in active concert or participation with them, including, but not limited to his son, Mark Ridlon.

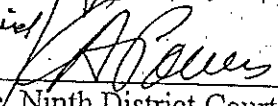
14. Submission to Court.

This Consent Decree is submitted to the Court by the parties jointly so that the Court may adopt it as its own order.

  
Clifford A. Ridlon, pro se.

  
Charles A. Lane, Esq., Bar No 1040.  
Associate Corporation Counsel  
Attorney for Plaintiff

The foregoing Consent Decree is hereby adopted as the Order of the Court this 1st day of October, 2002. *Def knows what he is doing and asks the court to approve their agreement after the court explained to Defendant that he need not consent and can go to trial.*

  
Judge, Ninth District Court