

) for such storage, snow plowed or removed therefrom may be spread in the street area along the curb frontage of the premises from which it is plowed or removed, provided that such storage is done before the city has plowed or cleared the street. Such snow must be spread along the curb outside of the sidewalk area in such manner as not to impede traffic and must not be pushed or moved into or across the street to the opposite curb.

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

Sec. 25-178. Enforcement.

This article shall be enforced by the director of parks, the director of public works, or the head of the building inspections department or their respective designees.

(Ord. No. 132A-93, 11-15-93; Ord. No. 31-04/05, 10-4-04)

Sec. 25-179. Penalties and liens.

In addition to other collection methods authorized by law, and the penalties provided herein and in section 1-15, charges assessed pursuant to this article shall be enforceable by lien for the benefit of the city pursuant to section 1-16 of this code.

) A written warning shall be given for the first violation except that no warning is required for a violation of section 25-174.5. Such warning must inform the property owner or the resident manager or person having the responsibility for the removal of snow or ice or the covering of ice that the city has the authority to remove the snow or ice or cover the ice within twenty-four (24) hours after the time that the warning is given for a first violation and bill the property owner the costs for such service plus a ten (10%) percent charge for administration. The warning shall also state that the city can take the same action in relation to any subsequent violations without providing any written notice; however, snow or ice removal costs, including ten (10%) percent administrative cost, shall be assessed in all cases where the city removed or arranged for the removal of snow or ice or the covering of ice. Once a written warning has been given, no other warning is required for any acts prohibited by the specific section or sections originally violated as long as a copy of the section or sections is attached to the warning.

For the purpose of determining whether a violation or offense is a first or subsequent violation or offense, only violations or offenses occurring in the same fiscal year shall be counted.

) (Ord. No. 132A-93, 11-15-93; Ord. No. 194-77, § 3; 2-3-97; Ord. No. 139-00, § 1, 1-3-00; Ord. No. 31-04/05, 10-4-04)

or sidewalk, such a condition shall constitute prima facie evidence that the condition is a threatening condition. A determination by the building inspector or his or her designee that an accumulation of snow or ice is a threatening condition shall be conclusive and not subject to challenge or appeal until after the building owner has removed the snow or ice. Notice shall be given to the owner or to an owner's agent who has maintenance responsibility for such building.

- (3) The head of building inspections or his or her designee may arrange for the removal of snow and ice accumulations which exist in violation of subsection (2) above.
- (4) The penalty for an offense shall be two hundred fifty dollars (\$250.00), plus attorney's fees and costs. When the city removes or arranges for the removal of snow or ice accumulations the owner shall also be charged the costs of removal, plus a ten (10%) percent charge for administration. A separate bill for each such removal shall be submitted to the record owner of the building as soon as practicable after the charges have been incurred. The record owner of each such building shall be deemed to be the owner as of April 1st that year as designated in the office of the city tax assessor.
- (5) Pursuant to 30-A M.R.S.A. § 3007, after a building owner or lessee has been given one (1) notice and order under subsection (2) above and failed to comply and the city has removed the snow or ice, or when a building has been the subject of three (3) or more notices within an eighteen-month period, the head of building inspections or his or her designee may require the owner of a building to install roof guards, or take other measures approved by the building inspector or his or her designee, at the owner's expense to prevent the fall of snow or ice.

(b) *Residential Property:*

- (1) This section (25-174.5) shall not apply to residential property owners or residential property.

(Ord. No. 194-77, § 2, 2-3-97; Ord. No. 31-04/05, 10-4-04)

Sec. 25-175. Regulations relating to snow storage and removal from specified areas.

Cross reference(s)-Uniform procedures for collecting assessments, § 1-16.

Sec. 25-174. Ice to be removed from sidewalks.

(a) *Commercial property* - the following provisions apply to commercial property owners and commercial property:

- (1) Whenever the sidewalk or any part thereof adjoining any building or lot of land on any street shall be encumbered with ice for six (6) hours or more during the daytime, it shall be the duty of the commercial property owners and any person having the responsibility for such building or lot to cause such sidewalk to be made safe and convenient by removing the ice therefrom or by covering the same with sand or some other suitable substance.
- (2) Either the director of parks, the director of public works, or the head of the building inspections department or their respective designees, may arrange for the removal or covering of ice which exists in violation of the provisions of subsection (1) above.
- (3) The penalty for an offense shall be two hundred fifty dollars (\$250.00). If the city removes the ice or arranges for its removal such owner shall also be charged the cost of removal or covering of the ice, plus a ten (10%) percent charge for administration. A separate bill for each such removal or covering shall be submitted to the record owner of the abutting property as soon as practicable after the charges are incurred. The record owner of each such abutting property shall be the owner of record as of April 1st of that year as designated in the office of the city tax assessor.

(b) *Residential property* - the following provisions apply to residential property owners and residential properties:

- (1) Whenever the sidewalk or any part thereof adjoining any building or lot of land on any street shall be encumbered with ice for twenty-four (24) hours or more during the daytime, it shall be the duty of the residential property owner and any person having the responsibility for such building or lot to cause such sidewalk to be made safe and convenient by removing the ice therefrom or by covering the same with sand or some other suitable substance, so that the sidewalk is suitable for pedestrian use, to a

(2/22/95), as it may be further amended from time to time, and the map and related descriptions of that district kept on file in the city clerk's office which are hereby incorporated by reference.

Charges means penalties, fees, fines, costs or other financial levies.

Commercial property owner shall mean the owner of any real property other than a residential property owner.

Residential property owner shall mean the owner of property that contains a building with 1 to 4 residential dwelling units or a vacant lot that is in an R-zone.

Sidewalk means the entire paved surface, intended primarily for use by pedestrians, between the boundaries of a street's public right-of-way and the curb, including any curb ramps and the area that crosses a driveway.

Street means all public ways or easements and includes courts, lanes, alleys or squares.
(Ord. No. 132A-93, 11-15-93; Ord. No. 194-77, § 1, 2-3-97; Ord. No. 31-04/05, 10-4-04)

Cross reference(s)- Definitions and rules of construction generally, § 1-2.

Sec. 25-173. Snow to be removed from sidewalks.

(a) Commercial property - the following provisions apply to commercial property owners and commercial property:

(1) Commercial property owners, or the manager or any person having responsibility for any commercial building or lot of land which abuts any street where there is a sidewalk within twelve (12) hours after snow has ceased to fall and shall thereafter keep the sidewalk clear of snow from that storm including snow placed on the sidewalk as a result of subsequent snow removed by the city from the adjacent street.

(2) Either the director of parks, the director of public works, or the head of the building inspections department, or their respective designees, may arrange for the removal of snow which exists in violation of the provisions of subsection (1) above.

(3) The penalty for an offense shall be two hundred fifty

