

PORTLAND MAINE

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*Lee Urban- Director of Planning and Development
Michael J. Nugent- Inspections Division Director*

February 17, 2006

APPLEBEES NORTHEAST INC
PO BOX 816368
DALLAS, TX 75381

CBL: 263A A004002
Located at 1032 BRIGHTON AVE

Certified Mail 7005116000047871481

Dear Dear Property Owner,

The City has received a complaint that you did not remove the snow accumulation on the public sidewalk in front of your property. This condition is a violation of Section 25-173 of the Code of Ordinances of the City of Portland, Removal of Snow and Ice.

This is a notice of violation pursuant to the Ordinance. A four foot path must be properly cleared the length of your frontage along the public street (s) within 24 hours of the date of this notice. A re-inspection of the premises will occur, at which time compliance is 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.

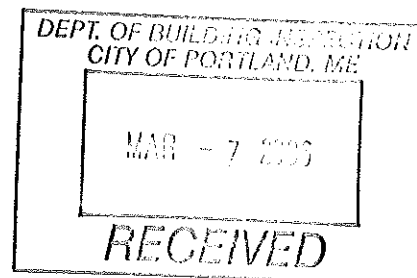
If a property owner fails to clear their sidewalks 24 hours after receiving a notice of violation, the City can clear the sidewalk and bill the property owner the cost of doing so plus a 10% administrative charge.

This constitutes an appealable decision pursuant to Section 25-204 of the Code.

Enclosed is a copy of an informational brochure that outlines Property owner's responsibility with regard to the removal of snow and ice from the public sidewalk in front of the property. Please review the material and feel free to contact me at 874-8693 if you have questions.

Sincerely,

Mike Nugent @ (207) 874-8700
Inspections Division Director



ARTICLE VIII. REMOVAL OF SNOW AND ICE*

*Editor's note--Ord. No. 132A-93, adopted Nov. 15, 1993, repealed former Art. VIII, §§ 25-171--25-179, of this chapter, relative to snow, ice and litter removal, and added similar new provisions in lieu thereof as herein set out. Formerly, such provisions derived from §§ 705.10 and 706.1--706.7 of the city's 1968 Code as amended by the following legislation:

Ord. No.	Section	Date	Ord. No.	Section	Date
752-74	1	11-18-74	251-88		12-12-88
165-75		2-19-75	123-89		10- 2-89
31-76	1	1- 5-76	96-91		8-19-91
574-80		3-19-80	97-91		8-19-91
530-84	1--5	4-18-84	98-91		8-19-91
250-88		12-12-88			

Sec. 25-171. Purpose.

The purpose of this article is to regulate the removal of snow and ice both from the business-pedestrian district, as defined herein, and also from all other areas in the city.
(Ord. No. 132A-93, 11-15-93)

Sec. 25-172. Definitions.

For the purposes of this article, the following words shall have the meanings set forth below:

Business-pedestrian district shall be coterminous with the Portland Downtown Improvement District as established by order # 0306 (3/16/92) of the city council, as amended by order # 0185

dollars (\$250.00). If the city removes the snow or arranges for its removal, a commercial property owner shall also be charged the cost of removal of the snow, plus a ten (10%) percent charge for administration. A separate bill for each such removal 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 owner* - the following provisions apply to residential property owners and their properties:

- (1) Residential property owners, or the manager or any person having the responsibility for any residential property building or lot of land which abuts a street where there is a sidewalk shall remove snow from the sidewalk in such a manner as to clear a path four (4) feet wide within twenty-four (24) hours after snow has ceased to fall or within twenty-four (24) hours after the city conducts its last snow clearing for that storm on the adjacent street whichever is later. In cases where a sidewalk is less than four (4) feet wide the entire sidewalk shall be cleared.
- (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 a second offense shall be fifty dollars (\$50.00). The penalty for a third offense shall be one hundred dollars (\$100.00). The penalty for any subsequent offense shall be two hundred dollars (\$200.00). If the city removes the snow or arranges for its removal such owner shall also be charged the cost of removal of the snow, plus a ten (10%) percent charge for administration. A separate bill for each such removal 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.

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

width of four (4) feet. In cases where a sidewalk is less than four (4) feet wide, ice on the entire sidewalk shall be cleared or covered.

- (2) Either the director of parks, director of public works, or the head of the building inspections department, or their respective designee, may arrange for the removal or covering of ice which exists in violation of the provisions of subsection (1) above.
- (3) The penalty for a second offense shall be fifty dollars (\$50.00). The penalty for a third offense shall be one hundred dollars (\$100.00). The penalty for any subsequent offense shall be two hundred dollars (\$200.00). 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.

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

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

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

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

- (1) When an accumulation of snow or ice on a building poses the threat of falling onto streets or sidewalks, it shall be the duty of the commercial property owner to remove such accumulations in order to make a passage along the streets and sidewalks safe and convenient.
- (2) Such removal shall begin either: (i) whenever a threatening condition occurs; or (ii) within four (4) hours after the head of building inspections or his or her designee has verbally or in writing notified the owner of the condition and ordered the owner to remove such accumulations, whichever occurs first. Whenever snow or ice accumulates in such a manner as to hang over a street

When snow is to be plowed or removed from privately owned or operated expansive parking, storage or other open areas, such as, but not limited to, filling stations, parking lots, used car lots, hospitals and truck terminals, no such snow shall be placed within the area reserved for sidewalk or street purposes. All snow plowed or removed from such areas shall either be stored within the boundaries of the premises for which it is plowed or removed or hauled to the city snow dump or other location suitable to the public works authority.

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

Sec. 25-176. Snow removal provided by city; when and under what conditions.

In the business-pedestrian district and in other areas where snow is removed and hauled away by the city, the city will move any and all snow removed from private property, except in the cases covered by section 25-175, which has been placed within the street area from curb to curb, provided that such snow has not piled in one (1) spot or area but spread evenly within such street area abutting property from which it was removed before removal operations by the city are commenced. On those portions of streets from which the city removes snow by loading and hauling away, snow may be removed from roofs of buildings or sidewalks and deposited evenly with the street area where it shall be accessible for removal by the city, provided that such depositing is done prior to commencement of removal operations by the city and provided that such snow is spread in the manner provided above.

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

Sec. 25-177. Snow not to be stored within street and sidewalk areas; exception.

In all cases, after a street area has been plowed or cleared of snow, no snow shall be placed therein beyond the windrowed accumulation along the curblines, and in those areas where snow is removed by the city, no snow shall be deposited within the street or sidewalk purposes. In cases of driveways which do not come within the street or sidewalk area after completion of removal operations by the city. Snow removed from driveways shall be stored within the boundaries of the premises from which it is removed and shall not be plowed into or deposited in the area reserved for street or sidewalk purposes. In cases of driveways which do not come within the provisions of section 25-175 hereof and where there is no room on the premises for such storage, snow plowed or removed therefrom may be spread in the street area along the curb frontage of the premises