

CHAPTER 6

SUBCHAPTER II – STREETS AND SIDEWALKS

DIVISION D – SNOW REMOVAL

**SECTION 6-273 DEPOSITING OF SNOW INTO STREETS AND SIDEWALKS
PROHIBITED**

Snow shall not be plowed, pushed, dumped, shoveled or otherwise moved into or deposited within the right-of-way of any road ~~or~~ street or sidewalk. Any person who violates this ordinance or who contracts with or employs another who violates this ordinance shall be subject to the penalty provisions of Section 1-109 of this code. [Derivation: Section 20-129, 1973 Revised Code of Ordinances]

SECTION 6-275 SNOW OR ICE THREATENING USE OF SIDEWALKS

When in the assessment of the City’s Police Department, Public Works Foreman or Code Enforcement Department, or their respective designees, an accumulation of snow or ice on a building or sidewalk poses risk or impediment to the public, the abutting property owner shall within 48-hours of notice cause such accumulations to be removed in order to make a passage along the streets and sidewalks safe and convenient.

A Enforcement; Penalties.

1. Notice of Violation. A written warning shall be given for each violation. Such warning shall inform the commercial property owner that the City has the authority to abate the snow or ice conditions pursuant to subsection B, below, and shall inform the commercial property owner of its right of appeal pursuant to subsection C, below. A written warning posted on the affected property containing the required information shall be sufficient to meet the notice requirements of this subsection.
2. Suspension of Enforcement. The City Manager, or his or her designee, may declare a suspension of enforcement of this Section. Such a declaration shall be for the purpose of giving commercial property owners additional time to abate snow or ice conditions, or for other good cause stated in the declaration. Any such declaration shall be reduced to writing as soon as practicable thereafter, stating the reasons therefor. Such declaration shall be communicated to such representatives of the communications media as the City Manager may direct.
3. Penalties and Liens. Any commercial property owner who is found in violation of this Section shall be subject to the provisions of Section 1-109 of this Code, except that the

minimum fine for each offense shall be \$250.00. In addition to the penalties provided herein, in Section 1-109, and any other collection methods authorized by law, penalties assessed pursuant to this Section shall be enforceable by lien for the benefit of the City pursuant to the following collection procedures:

- a. Assessment. Persons invoiced for penalties under this Section shall have 30 days from the date of mailing, or from the date of the Director's appeal determination pursuant to subsection B, below, whichever is later, to pay the penalty. If the invoice remains unpaid at the end of the payment period, the invoice shall be deemed an assessment against the property.
- b. Appeal. An appeal to the City Manager may be taken by any person aggrieved by the assessment by filing a written notice of appeal stating the basis for the appeal to the City Manager within 30 days of the mailing of the invoice. The City Manager or his/her designee, acting as the hearing officer, shall provide the appellant with an opportunity to be heard and to provide evidence as to why the property is not subject to the assessment. Notice of the hearing shall be mailed to the appellant at least 7 days in advance of the hearing date. Within 30 days of the close of the hearing, the hearing officer shall issue a written decision affirming, modifying, or vacating the assessment. Any person aggrieved by a decision of the hearing officer may appeal to the Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.
- c. Collection. No earlier than three months after the assessment or three months after the decision of the hearing officer, whichever is later, the City shall give notice to the person against whom a charge is assessed, by certified mail, return receipt requested to his/her last-known address, stating the amount due, describing the real estate upon which the charge is assessed, alleging that a lien is claimed on the real estate to secure payment of the charges and demanding payment within 30 days after service or mailing of the notice. After expiration of the 30 days, and within one year thereafter, the City shall record in the Kennebec County Registry of Deeds a lien certificate, signed by the City Manager, setting forth the amount of the assessment, a description of the real estate on which the charge was assessed and allegations that a lien is claimed on the real estate to secure the payment of the charge, that a demand for payment has been made, and that the assessment remains unpaid. At the time of filing, the City Manager shall provide a copy of the lien to the City Treasurer and shall mail a copy of the lien certificate, certified mail, return receipt requested, to all known record owners of the property at their last-known addresses.
- d. Notice of Foreclosure. The costs to be paid by the property owner shall be the sum of the assessment, interest to be computed in the same manner as provided for real estate taxes, costs of recording the lien and costs for certified mail notices. If the amount due pursuant to the lien, including interest and costs, is not paid within 18 months after the date of the filing of the lien certificate in the registry of deeds, the lien shall be deemed to have been foreclosed and any right of redemption expired. Except where state law provides otherwise, the foreclosure shall not affect the rights of persons with interests of record in the real estate recorded prior to the interest of the City or having priority

under state law. Where state law provides that the City's lien has priority, the City shall notify the party named on the lien and each known record holder of a mortgage on the real estate in accordance with 36 M.R.S.A. § 943.

B. Snow Removal by City. Notwithstanding subsection F, above, the City may, at its option and in its sole discretion, arrange for the abatement of snow and ice conditions that exist in violation of this Section. If the City makes such an arrangement, the commercial property owner shall be assessed an amount equal to the City's actual cost of removal of the snow or ice. A separate invoice and order for payment for each such abatement event shall be submitted to the record owner of the abutting property, as designated by the City tax assessor as of April 1st of the year of the violation.

C Appeals. A commercial property owner may appeal a notice of violation issued under this Section by filing a written notice of appeal to the Director of Public Works within 7 days of posting of the written warning. The Director shall make a determination as to such appeal prior to any further enforcement action. The Director's determination shall be final.