

South Portland City Council
Position Paper of the City Manager

Subject:

ORDER #6-14/15 – Setting August 4, 2014 as the date of the public hearing on a public nuisance complaint relating to property at 29 Willard Street. Passage requires majority vote.

Position:

This item is brought forward to set August 4, 2014 as the date of the public hearing on the public nuisance complaint made by residents of Willard Street relating to property at 29 Willard (Tax Map 2, Lot 12) owned by, The Mary Giggey Trust, Neil Cullen, Trustee.

Sec. 16-3 of the Code of Ordinances provides that the City Council may declare conditions at a property to be a public nuisance and order the owner(s) to abate the nuisance. This process can be commenced by a complaint by any city official or department head or by a petition signed by ten real estate taxpayers of record within 500 feet of the subject property. In this case, residents within 500-feet of 35 Mildred have submitted a complaint to the City Council.

Following the receipt of the complaint, Sec. 16-3(b) of the Code of Ordinances requires the City Council to, by order, establish a date, time and place for a public hearing in order to determine whether such condition is a public nuisance. The ordinance also requires the City Clerk to notify the owner of the property of the public hearing by both first class and certified mail, return receipt requested, at least five days before the hearing.

Accordingly, this Order sets the date, time and place for a public hearing on the complaint and orders the City Clerk to so notify the property owners in the manner and within the time period specified. (More information on the complaint will be provided to the City Council in advance of the public hearing.)

Requested Action:

Council passage of ORDER #6-14/15.


City Manager



CITY OF SOUTH PORTLAND

GERARD A. JALBERT
Mayor

JAMES H. GAILEY
City Manager

SUSAN M. MOONEY
City Clerk

SALLY J. DAGGETT
Jensen Baird Gardner & Henry

**IN CITY COUNCIL
ORDER #6-14/15**

District One
MICHAEL R. POCK

District Two
PATRICIA A. SMITH

District Three
MELISSA E. LINSKOTT

District Four
LINDA C. COHEN

District Five
GERARD A. JALBERT

At Large
MAXINE R. BEECHER

At Large
THOMAS E. BLAKE

WHEREAS, pursuant to Sec. 16-3(b) of the Code of Ordinances of the City of South Portland, the residents of Willard Street have filed with the City Council a complaint of public nuisance conditions affecting public health and safety at the property located at 29 Willard Street (Tax Map 2, Lot 12).

WHEREAS, upon the City Council's receipt of such a complaint, Sec. 16-3(b) of the Code of Ordinances requires the City Council, by order, to establish a date, time and place for a public hearing to determine whether such conditions constitute a public nuisance;

NOW, THEREFORE, IT IS ORDERED, that a public hearing pursuant to Sec. 16-3(d) of the Code of Ordinances on whether the conditions located at the Premise constitute a public nuisance is hereby set for the Council meeting of August 4, 2014 at 7:00 p.m. in Council Chambers, South Portland City Hall; and

BE IT FURTHER ORDERED, that the City Clerk be, and hereby is, ordered to mail a notice of the public hearing, by both first class and certified mail, return receipt requested, to the owner of the Premise not less than five (5) days before the date of the hearing as set forth above.

Fiscal Note: Less than \$1,000

Dated: July 21, 2014

PETITION

We request that the city of South Portland prevent the burning of trash in the home of 29 Willard Street. The fumes from burning household trash (plastics, meat trays, etc.) from the fireplace in this residence, releases noxious fumes causing the air quality in our neighborhood to be a major health hazard. The fumes from this chimney, blows over the properties near this residence and enters homes through open windows causing nausea, headaches and disorientation. We ask that the city protect our air quality and stop this practice permanently!

- * 1 Al Thomas 45 Willard St. AM. THOMAS
- ✓ 2 Terry Reagen 43 Willard St. Terry REAGER
- * 3 Winifred Bloomer 14 Henry St Winifred Bloomer
- * 4 Campbell Chatman 47 Willard St C. Chatman
- * 5 Jane Cook 51 Willard St Jane Cook
- * 6 Jerry Izzo 35 Willard St J IZZO
- * 7 Alex E. Pratt 38 Willard St. A. Pratt
- * 8 Robert Pratt 38 Willard St. Robert Pratt
- ✓ 9 ^{SARAH B. EMERSON} Mark Emerson 56 Willard St SARAH EMERSON
- ✓ 10 Bobby Shaddock 56 Willard St Bobby Shaddock
- * 11 Pon Bishop 18 Willard St Pon Bishop
- * 12 Glyn Williams 11 HENRY ST Glyn Williams
- * 13 Joseph Copenito 3 Henry St
- * 14 Tom Rogess 61 Willard St Tom Rogess
- ✓ 15 Laura W. Thomas 45 Willard St Laura W. Thomas

* Home owners

✓ RENTERS