

South Portland City Council
Position Paper of the City Manager

Subject:

ORDER #161-13/14 – Setting June 16, 2014 as the date of the public hearing on a public nuisance complaint relating to property at 35 Mildred Street. Passage requires majority vote.

Position:

This item is brought forward to set June 16, 2014 as the date of the public hearing on the public nuisance complaint made by residents of Mildred Street relating to property at 35 Mildred (Tax Map 25, Lot 144) owned by Christopher T. Muse.

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 #161-13/14.


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 #161-13/14**

WHEREAS, pursuant to Sec. 16-3(b) of the Code of Ordinances of the City of South Portland, the residents of Mildred Street have filed with the City Council a complaint of public nuisance conditions affecting public health and safety at the property located at 35 Mildred Street (Tax Map 25, Lot 144).

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 June 16, 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: June 2, 2014

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