

Order 28-12/13
Given first reading on 7/16/12
Deadlocked on 8/6/12 with a vote of 4-4
Postponed on 9/5/12
Passage on 9/19/12 5-4 (Donoghue, Marshall, Suslovic, Brennan)

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
CHERYL A. LEEMAN (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

JOHN R. CO...
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JILL C. DUSON (A/L)
NICHOLAS M. MAVODONES (A/L)

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AMENDMENT TO PORTLAND CITY CODE
CHAPTER 25, ARTICLE VIII. REMOVAL OF SNOW AND ICE

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,
MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:**

1. *That Chapter 25, Article VIII (Removal of Snow and Ice) of the Portland City Code is hereby amended by adding a new section as follows:*

Sec. 25-177.5. Rules and regulations.

(a) Prior to October 1, 2012, the public works authority (now referred to as public services) shall establish rules and regulations governing exceptions to the requirement for residential property owners to clear the sidewalk abutting their property under 25-173(b)(1). Such exceptions shall take into account pedestrian safety, the city's priority snow removal areas, and whether the property is on a street where sidewalks are to be plowed by the city on at least one side.

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(b) No less than 7 days before promulgating any rules or regulations under paragraph (a) above, the public works authority shall notify the public through notice to the media, posting on the city website, facebook and other available electronic media, that the public works authority will be promulgating such rules, that a copy of the proposed rules or amendments may be obtained at the public works authority office and on the city website, and that a public hearing will be held at a specified date, time and place. A copy of the rules shall be placed upon the city council agenda as a communication after such public hearing. The rules will take effect within 15 days after being placed on the council agenda, unless disapproved or amended by the city council.

(c) The director shall review any rules promulgated under paragraph (a) annually and shall ensure that the city council and the public are notified of the rules through the media, website, facebook and e-mail lists prior to November 1 of each year. Any amendments to such rules shall be promulgated in the same manner as provided in paragraph (b) above by October 1 of such year.

2. *That Chapter 25, Article VIII, Section 25-178(b) (Enforcement) is amended by adding a new paragraph as follows:*

Sec. 25-178. Enforcement.

(a) This article shall be enforced by the director of public services, or the head of the building inspections division or their respective designees.

(b) A written warning shall be given for each violation except that no warning is required for a violation of section 25-174. 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 twenty-four (24) hours after the time that the warning is given for a violation and bill the property owner the costs for such service plus a ten (10%) percent charge for administration. A written warning posted on the property containing the required information shall be sufficient to meet the requirements of this section.

Such written warning shall include contact information whereby the property owner may appeal the warning to the director of public services on the basis that the property owner is unable to remove the snow or ice due to its weight, composition or height. The director shall make a determination as to such appeal prior to any further enforcement action. The director's determination shall be final.