

**South Portland City Council**  
***Position Paper of the City Manager***

***Subject:***

**ORDER #140-12/13 – Setting June 3, 2013 as the date of the public hearing on a public nuisance complaint relating to property at 119 and 125 Wythburn Road. Passage requires majority vote.**

***Position:***

This item is brought forward to set June 3, 2013 as the date of the public hearing on the public nuisance complaint made by the Code Enforcement Officer relating to property at 119 Wythburn Road (Tax Map 53, Lot 143) owned by Craig S. Patterson and 125 Wythburn Road (Tax Map 53, Lots 142) owned by the Nataleen A. Patterson Family Trust.

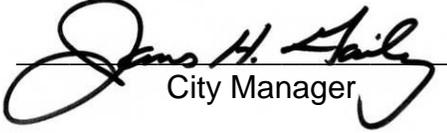
Sec. 16-3 of the Code of Ordinances provides that the City Council may declare conditions at a property to be a public nuisance and order the owner(s) to abate the nuisance. This process can be commenced by a complaint by any city official or department head or by a petition signed by ten real estate taxpayers of record within 500 feet of the subject property. In this case, the Code Enforcement Officer has 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 owners 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 Code Enforcement Officer's complaint will be provided to the City Council in advance of the public hearing.)

***Requested Action:***

Council passage of ORDER #140-12/13.

  
City Manager



CITY OF SOUTH PORTLAND

THOMAS E. BLAKE  
Mayor

JAMES H. GAILEY  
City Manager

SUSAN M. MOONEY  
City Clerk

SALLY J. DAGGETT  
Jensen Baird Gardner & Henry

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District Two  
PATRICIA A. SMITH

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District Three  
MELISSA E. LINSKOTT

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District Four  
LINDA C. COHEN

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District Five  
GERARD A. JALBERT

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At Large  
ALAN R. LIVINGSTON

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At Large  
THOMAS E. BLAKE

**IN CITY COUNCIL  
ORDER #140-12/13**

**WHEREAS**, pursuant to Sec. 16-3(b) of the Code of Ordinances of the City of South Portland, the Code Enforcement Officer has filed with the City Council a complaint of public nuisance conditions affecting public health and safety at property located at 119 Wythburn Road (Tax Map 53, Lot 143) and 125 Wythburn Road (Tax Map 53, Lot 142) (collectively the "Premises");

**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 Premises constitute a public nuisance is hereby set for the Council meeting of June 3, 2013 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 owners of the Premises not less than five (5) days before the date of the hearing as set forth above.

Fiscal Note: Less than \$1,000

Dated: May 6, 2013