

Memo

To: Berlin City Council
From: Jim Wheeler, City Manager
Date: 5/17/2021
Re: City Manager's Report

1. The private property transfers for the month of April are attached.
2. Per **Sec. 13-112. Operation of OHRV's** of the City's Ordinances:

"The Berlin OHRV Connector Trail and the City of Berlin's roadways will be closed to OHRV riders when the Bureau of Trails declares that the snow machine trails are no longer useable. The connector trail will re-open on May 23, or a reopen date set by the State Trails Bureau. Berlin's roadways will reopen accordingly. (Ord. 4/02/2012)(Ord. 5/04/2015)"

3. Over the last couple of weeks Angela Martin-Giroux, Health Office, Peter Donovan Ass.t Fire Chief and Michel Salek, Code Enforcement Office have been working on the health status of property at 40 Spring Street. Their work has culminated in an order for all persons to vacate the property and for the property to be secured (see attached order).



**The City of Berlin
Health Dept.**

Angela Martin-Giroux, 168 Main Street, Berlin, NH 03570
603-752-1272, fax 603-752-5238, email:
amartingiroux@berlinnh.gov

Notice

May 5, 2021

Berlin District Court
Clerk of the Court
220 Main St.
Berlin, NH 03570

To whom it may concern:

On April 29, 2021 an Administrative Warrant was obtained from the Berlin District Court and a code inspection was conducted at 8:45am on May 3, 2021 at 40 Spring St.(map-128 lot 156) in Berlin, NH. During the inspection it became apparent that there were numerous serious violations of NH RSA 48-A:14; RSA 540-A:1; RSA 147:8; the Berlin CH 8 Housing Code; Berlin CH 7 Health Code; and The New Hampshire State Fire Code.

The condition of the premises constituted a clear imminent danger to the life or health of any occupants. Using the authority granted under RSA 147:16-a, the Berlin Health Dept. along with the Fire Dept. and Code Enforcement officer posted the building as a dangerous building and ordered the building vacated at 12:00pm 5/5/2021. Any and all tenants have (48) hours to vacate the premises.

Part of the requirements of RSA 147:16-a is that this office notify the local District Court in which the property is located. I am forwarding a copy of the order to your office. The heir(s)/owner(s) of the building were served via registered mail and standard US Postal Service.

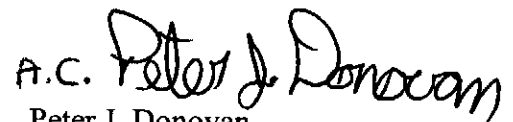
Sincerely,



Michel Salek
Code Enforcement Officer



Angela Martin-Giroux
Health Officer

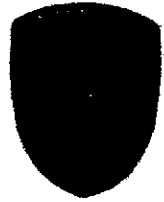


A.C. Peter J. Donovan
Peter J. Donovan
Assistant Fire Chief

Cc: 40 Spring St. File
Berlin Fire, Police, Code Dept.
City Mngr. Office
Berlin Water Works Dept.



The City of Berlin Code Enforcement & Life Safety



Michel Salek
168 Main Street, Berlin, NH 03570
603-752-1630, fax 603-752-2620
msalek@berlinnh.gov

Assistant Chief Peter Donovan
263 Main Street, Berlin, NH 03570
603-752-3135, fax 603-752-8583
pdonovan@berlinnh.gov

Angela Martin-Giroux
168 Main Street, Berlin NH 03570
603-752-1272, 603-752-5238
amartingiroux@berlinnh.gov

Return of Administrative Warrant Inspection Issued April 28, 2021

Property Address: 40 Spring Street		Occupancy: <input checked="" type="checkbox"/> Single Family <input type="checkbox"/> Two-Family <input type="checkbox"/> Muti-family	
Inspector: Assistant Chief Peter Donovan		Inspection Date: 5/3/2021	Time: 08:45 am
Owner: Nadine & William Buyer (Deceased)		<input type="checkbox"/> C of C Renewal <input checked="" type="checkbox"/> Initial	
Additional Contact Accompanied By: Chief Jay Watkins , Health Officer Angela Martin-Giroux, Code Enforcement Michel Salek and Police Officer Joe Priest			

<u>Inspection/Re-Inspection/no-show</u>	<u>Date Performed</u>	<u>Fees Due</u>
Inspection	May 3, 2021	N/A
Total Due: N/A		

Health and Life Safety Violations

The specific statutes, rules and/or ordinances with which this property does not comply are as follows:

- Section 8-104. Public Nuisance of Berlin City Ordinance: No owner, operator, or occupant shall cause or let a property to become a Public Nuisance. For purposes of this Chapter, "public nuisance" shall mean: (e) any premises from which the plumbing, heating, and/or facilities required in this chapter have been disconnected, destroyed, removed, or rendered ineffective, or the required precautions against trespassers have not been provided. NH RSA 147, et seq Nuisances; Toilets; Drains; Rubbish; and waste Section 147:1 "the health officers of towns may make regulations for the prevention and removal of nuisances, and such other regulations relating to the public health as in their judgment the health and safety of the people require, which shall take effect when approved by the selectmen, recorded by the town clerk, and published in some newspaper printed in the town, or when copies have been posted in 2 or more public places in the town. NH RSA 48-A: 14 Minimum standards Established.-No landlord, as defined by RSA 540-A: 1.
- No Required Facilities IMPC Sec. 502 , Dwelling Unit 502.1, NH RSA 147:8**
Workable shower or tub.
No running water.
Broken drain pipe in basement currently mended with duct tape.
Plumbing facilities needs to be evaluated by a NH Licensed Master Plumber.
- No working CO/Smoke detectors in the house. NFPA 101: 24.3.4, Bulletin 2020-05 & -06**

4. All electrical systems must be evaluated by a NH Master Licensed Electrician.

Dangerous Conditions

Exterior: Chapter 8 Housing, Sec. 8-104(G) & (H), Chapter 7 Health Sec. 7-26(7) Nuisance

1. Back of house has combustibles and rubbish stacked in a pile.
2. Porch on the C and D side has grills, combustibles blocking porch and egress off of kitchen.
3. The A side (front) of the building had three garbage cans full of rubbish.
4. The driveway side entrance roof structure and covering is collapsing.
5. Hole into the side of the house above the collapsing roof.
6. Tires being improperly stored (unusable tires need to be properly disposed.) Chapter 7 Health Sec. 7-30, 7-31 and 7-25.

Living Room Off Of Kitchen

1. One door blocked to egress using blanket and couch. NFPA 101: 24.2.2.2

Kitchen

1. Hole in the dry wall being used for a kitty litter box. NH RSA 147:8, City of Berlin, Chapter 7: Section 7-17

The exit out of the backroom

1. A temporary support holding up the ceiling and roof structure from the collapsing. If it were to collapse. It could block an exit. NFPA 101: 24.2.2.2., Chapter 8 Housing, Sec. 8-104(H)
2. A live wire hanging from the collapse ceiling/roof where water has been leaking through. NFPA 70, IMPC 2000 Sec. 604

Basement

1. Exposed live wires hanging from ceiling and open light sockets hanging from the ceiling. NFPA 70, IMPC 2000 Sec. 604
2. Electrical panel does not have proper clearances for access. NFPA 70
3. Wood stove hooked up to the same flue as oil furnace. NFPA 31
4. Oil furnace has no current service tag. NFPA 31 Recommend heating system be evaluated before for proper operation

Second Floor

1. Several outlets without proper covers. NFPA 70, NFPA 1
2. First bedroom at the top left side had feces and an extremely putrid and offensive odor believed to be caused by something other than the small amount of feces found on the floor.
3. Pad locks on the second bedroom on the left. NFPA 101: 31.2.2.2.1
4. Bedroom on the right side of hallway had left over food/garbage. Chapter 7 Health Sec.7-25; Sec.7-26.
5. No detection in the hallways or in any of the bedrooms. NFPA 101: 24.3.4, Bulletin 2020-05 & 06

NOTE: Pursuant to the City of Berlin Chapter 8 Housing Code, Div. 5, all rental properties are required to obtain a Certificate of Compliance. A re-inspection is required to be conducted at your property located at 40 Spring Street, Berlin, NH, 03570 to verify compliance prior to any occupancy. Call to schedule.

NOTE: This inspection was performed as a "visual only inspection". As the non-compliant issues are addressed, additional code violations and non-compliant items may be identified which will need to be fixed in accordance with applicable codes.

Issue Date: N/A

Expiration Date: N/A

Health Officer: *Angela Martin-Giroux*

Code Inspector: *Michel Salek*

Fire Inspector: *Peter Donovan*

Re-Inspection Date: Prior to any occupancy

City of Berlin

HEALTH DEPARTMENT

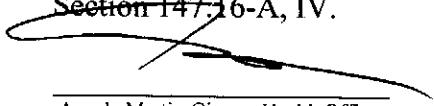
NOTICE OF ORDER TO VACATE

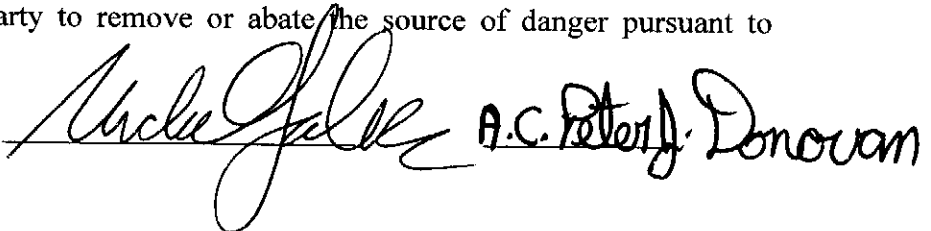
In accordance with RSA 595-B, Angela Martin-Giroux, Health Officer, City of Berlin, on Monday, May 3rd, 2021, conducted an inspection of a dwelling located at 40 Spring Street, Berlin, New Hampshire 03570. Based on reasonable information and belief, the condition of such premises constitutes a clear and imminent danger to the life or health of occupants or other persons and that protection of life or health requires vacating the premises. A copy of the inspection report is annexed hereto.

Based upon these findings, any and all tenants and occupants are hereby ordered to vacate **40 Spring Street, Berlin, NH 03570** no later than **12:00 PM on Friday, the 7th day of May, 2021** and is/are ordered to secure the subject dwelling within 48 hours of receipt of this order.

DANGER. THIS BUILDING IS UNSAFE BECAUSE OF THE DANGEROUS CONDITIONS DETAILED ON THE ACCOMPANYING INSPECTION REPORT. EFFECTIVE MAY 4, 2021 at 4:00 PM, OCCUPANCY IS PROHIBITED BY ORDER OF THE CITY OF BERLIN HEALTH OFFICER, CITY OF BERLIN CODE ENFORCEMENT OFFICER, AND/OR THE CITY OF BERLIN FIRE INSPECTOR UNDER AUTHORITY OF RSA 147:16-a. DETAILS OF THIS VIOLATION ARE ON FILE AT THE CITY OF BERLIN CITY OFFICES, AND ALSO SET OUT IN THE ATTACHED INSPECTION PREPORT. ANYONE ENTERING THIS BUILDING (AT 40 SPRING STREET, BERLIN, NH WITHOUT PERMISSION OF THE CITY OFFICIALS SET OUT BELOW OR ANYONE REMOVING THIS NOTICE SHALL BE GUILTY OF A MISDEMEANOR. PERSONS AGGRIEVED BY THIS ORDER MAY REQUEST A HEARING IN THE 1st CIRCUIT COURT – DISTRICT DIVISION - BERLIN, AND MAY ASK THE COURT TO DIRECT THE RESPONSIBLE PARTY TO REMOVE OR ABATE THE DANGEROUS CONDITION.

Any person aggrieved by this order may file a written request with the Clerk of the 1st Circuit Court – District Division - Berlin for a hearing to contest the order or to have the court consider whether to direct the responsible party to remove or abate the source of danger pursuant to Section 147:16-A, IV.


Angela Martin-Giroux, Health Officer
Michel Salek, Code Enforcement Officer
Peter Donovan, Asst. Fire Chief


A.C. Peter J. Donovan

Section 147:13 Offensive Matter

ANYONE ENTERING THE PREMISES WITHOUT PERMISSION OF THE HEALTH OFFICER, OR ANYONE REMOVING THIS NOTICE SHALL BE GUILTY OF A MISDEMEANOR. PERSONS AGGRIEVED BY THIS

ORDER MAY REQUEST A HEARING IN THE (NAME OF COUNTY) DISTRICT COURT, AND MAY ASK THE COURT TO DIRECT THE RESPONSIBLE PARTY TO REMOVE OR ABATE THE DANGEROUS CONDITION.

ATTACHMENT: Inspection Report

cc: Melissa Mulligan, Cory Dickenson, Tiffany & Randy Digatano, et al, Occupants
Estate of Nadine & William Buyer & Heirs Owner(s) c/o Shelly Thompson and Morgan Buyer (Heirs) 46
Washington Street, Ashland, NH 03217
Kimberly Goldstein, 6 Palmer Street, Gorham, NH
Michel Salek, Building Inspector, City of Berlin
Peter Donovan, Assistant Fire Chief, City of Berlin
Angela Martin-Giroux, Health Officer, City of Berlin
J. Priest, Police Officer, City of Berlin
Health Officer Liaison, Division of Public Health Services, State of New Hampshire