

**LEWISTON CITY COUNCIL AGENDA  
CITY COUNCIL CHAMBERS  
FEBRUARY 3, 2015**

**6:00 p.m. Workshop - Lisbon Street Improvement Project**

**7:00 p.m. Regular Meeting**

Pledge of Allegiance to the Flag.  
Moment of Silence.

Acceptance of minutes of the meeting of January 20, 2015.

Public Comment period - Any member of the public may make comments regarding issues pertaining to Lewiston City Government (maximum time limit is 15 minutes for all comments)

ALL ROLL CALL VOTES FOR THIS MEETING WILL BEGIN WITH THE COUNCILOR OF WARD 4.

CONSENT AGENDA: All items with an asterisk (\*) are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.

- \* 1. Order authorizing execution of a Municipal Quitclaim Deed for Real Estate located at 47 Autumn Lane.
- \* 2. Order authorizing execution of a Municipal Quitclaim Deed for Real Estate located at 97 Googin Street.
- \* 3. Order authorizing execution of a Municipal Quitclaim Deed for Real Estate located at 378 Pinewoods Road.

REGULAR BUSINESS:

- 4. Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for Sea Asian Bistro, 40 East Avenue.
- 5. Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for the Franco-American Heritage Center, 46 Cedar Street.
- 6. Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for The Cage, 97 Ash Street.
- 7. Public Hearing and First Passage regarding an amendment to the Buildings and Building Regulations ordinance regarding the Building Code and the Residential Code.
- 8. Public Hearing and First Passage regarding an amendment to the Buildings and Building Regulations ordinance regarding the Electrical Code.
- 9. Public Hearing for the Fiscal Year 2016 Lewiston Capital Improvement Program.
- 10. Resolve authorizing the City Administrator to execute a Letter of Understanding between the City of Lewiston and Friends of Pettingill Park and authorizing the Friends to solicit and raise funds for Pettingill Park.
- 11. Reports and Updates.
  - a. Update on State Budget from Senator Libby
- 12. Any other City Business Councilors or others may have relating to Lewiston City Government.

LEWISTON CITY COUNCIL  
WORKSHOP AGENDA  
TUESDAY, FEBRUARY 3, 2015  
6:00 P.M.  
CITY COUNCIL CHAMBERS, LEWISTON CITY HALL

1. Lisbon Street Improvement Project

Funding is available for resurfacing Lisbon Street and replacing older sidewalks for the stretch between Chestnut and Main Street. In addition, staff has solicited and considered other improvements/amenities for the area. A number of public meetings have been held to allow interested parties to review and comment on the plan. Prior to finalizing the design, we would like to review what is currently proposed, including the addition of a bike lane, overall lane assignments, and various related improvements. I anticipate that some stakeholders who attended the meetings organized by staff will also be present.

**LEWISTON CITY COUNCIL**  
**MEETING OF FEBRUARY 3, 2015**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 1**

**SUBJECT:**

Order Authorizing execution of a Municipal Quitclaim Deed for Real Estate located at 47 Autumn Lane.

**INFORMATION:**

The Council is asked to approve a municipal quitclaim deed for the property located at 47 Autumn Lane. The quitclaim deed will release any interest the City may have by virtue of undischarged real estate tax liens or utility liens on this property.

Please see the memorandum from Finance Director Heather Hunter for additional information.

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

The City Administrator recommends approval of the requested action.

*EAB/kmm*

**REQUESTED ACTION:**

|   |   |   |   |   |   |   |   |
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|---|---|---|---|---|---|---|---|

To approve the Order authorizing execution of a municipal quitclaim deed for real estate located at 47 Autumn Lane.



**City of Lewiston Maine  
City Council Order  
February 3, 2015**

**Order, Authorizing Execution of a Municipal Quitclaim Deed – Real Estate Located at 47 Autumn Lane.**

**WHEREAS**, the owners, Countryside Management and Harry Darling Heirs, failed to pay their real estate tax bills on a timely basis for 47 Autumn Lane (Tax Map 38, Lot 003, Parcel 90-013433); and

**WHEREAS**, a tax lien was filed on June 13, 2012 (Book 8417 Page 73), and matured on December 13, 2013, in the amount of \$612.16; and

**WHEREAS**, a tax lien was filed on June 19, 2013 (Book 8699 Page 173), and matured on December 19, 2014, in the amount of \$732.25; and

**WHEREAS**, payment was received in full on January 6, 2015;

**NOW, THEREFORE, BE IT ORDERED by the CITY COUNCIL of the CITY of LEWISTON**, that a quitclaim be issued for 47 Autumn Lane to release the City's interest in the property to the owner.



## Finance Department

Heather Hunter  
Director of Finance/Treasurer  
hhunter@lewistonmaine.gov



**TO:** Mayor Robert E. Macdonald  
And Members of the City Council

**FROM:** Heather Hunter, Finance Director/Treasurer

**SUBJECT:** **Quitclaim Deeds**

**DATE:** January 28, 2015

One of the most powerful collection tools in a municipality's arsenal is the ability to lien properties for delinquent taxes (real and special only), water and sewer balances, and most recently stormwater balances. Once a lien is recorded, eighteen months must lapse without payment before the lien matures. Prior to maturity, the City Council may waive the right to foreclose on a maturing lien as you have done in the past. If the lien is permitted to mature, the municipality may elect to foreclose on the property or, if subsequent payment is received, return the property to its owner via a quitclaim deed.

In the past, quitclaim deeds were processed at the department level; more recently this action has been moved to the City Council level as it coincides with other property disposition authority. Therefore, all quitclaim deeds will be placed on the City Council agenda as consent items.

At your February 3<sup>rd</sup> meeting, there will be a number of quitclaim deeds requiring your action dealing with matured tax liens that have since been paid by the owners. At this time, I am requesting your approval of the quitclaim orders for those accounts so the properties can be released from the City to the owners.

Please feel free to contact me with any questions or concerns you may have. I will also be available at the meeting to address comments.

**LEWISTON CITY COUNCIL  
MEETING OF FEBRUARY 3, 2015**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 2**

**SUBJECT:**

Order Authorizing execution of a Municipal Quitclaim Deed for Real Estate located at 97 Googin Street.

**INFORMATION:**

The Council is asked to approve a municipal quitclaim deed for the property located at 97 Googin Street. The quitclaim deed will release any interest the City may have by virtue of undischarged real estate tax liens or utility liens on this property.

Please see the memorandum from Finance Director Heather Hunter for additional information.

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

The City Administrator recommends approval of the requested action.

*EAB/kmm*

**REQUESTED ACTION:**

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|---|---|---|---|---|---|---|---|

To approve the Order authorizing execution of a municipal quitclaim deed for real estate located at 97 Googin Street.



**City of Lewiston Maine  
City Council Order  
February 3, 2015**

**Order, Authorizing Execution of a Municipal Quitclaim Deed – Real Estate Located at 97 Googin Street.**

**WHEREAS**, the owner, Carrie Lynn B. Wood, failed to pay her real estate tax bills on a timely basis for 97 Googin Street (Tax Map 171, Lot 194, Parcel 00-010640); and

**WHEREAS**, a tax lien was filed on June 18, 2008 (Book 7461 Page 343), and matured on December 18, 2009, in the amount of \$1,843.23; and

**WHEREAS**, a tax lien was filed on June 17, 2009 (Book 7721 Page 269), and matured on December 17, 2010, in the amount of \$1,681.32; and

**WHEREAS**, a tax lien was filed on June 16, 2010 (Book 7953 Page 135), and matured on December 16, 2011, in the amount of \$1,648.64; and

**WHEREAS**, a tax lien was filed on June 17, 2011 (Book 8182 Page 28), and matured on December 17, 2012, in the amount of \$1,728.51; and

**WHEREAS**, a tax lien was filed on June 13, 2012 (Book 8418 Page 134), and matured on December 13, 2013, in the amount of \$1,740.02; and

**WHEREAS**, a tax lien was filed on June 19, 2013 (Book 8700 Page 221), and matured on December 19, 2014, in the amount of \$1,734.29; and

**WHEREAS**, a tax lien was filed on June 18, 2014 (Book 8935 Page 138), in the amount of \$1,780.74; and

**WHEREAS**, payment was received in full on January 15, 2015;

**NOW, THEREFORE, BE IT ORDERED** by the **CITY COUNCIL** of the **CITY of LEWISTON**, that a quitclaim be issued for 97 Googin Street to release the City's interest in the property to the new owner.

# LEWISTON CITY COUNCIL

## MEETING OF FEBRUARY 3, 2015

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 3**

**SUBJECT:**

Order Authorizing execution of a Municipal Quitclaim Deed for Real Estate located at 378 Pinewoods Road.

**INFORMATION:**

The Council is asked to approve a municipal quitclaim deed for the property located at 378 Pinewoods Road. The quitclaim deed will release any interest the City may have by virtue of undischarged real estate tax liens or utility liens on this property.

Please see the memorandum from Finance Director Heather Hunter for additional information.

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

The City Administrator recommends approval of the requested action.

*EAB/kmm*

**REQUESTED ACTION:**

|   |   |   |   |   |   |   |   |
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|---|---|---|---|---|---|---|---|

To approve the Order authorizing execution of a municipal quitclaim deed for real estate located at 378 Pinewoods Road.



**City of Lewiston Maine  
City Council Order  
February 3, 2015**

**Order,** Authorizing Execution of a Municipal Quitclaim Deed – Real Estate Located at 378 Pinewoods Road.

**WHEREAS,** the owners, Marie Saucier and Dora and John Clerk, failed to pay their real estate tax bills on a timely basis for 378 Pinewoods Road (Tax Map 49, Lot 013, Parcel 00-012882); and

**WHEREAS,** a tax lien was filed on June 13, 2012 (Book 8418 Page 61), and matured on December 13, 2013, in the amount of \$2,969.01; and

**WHEREAS,** a tax lien was filed on June 19, 2013 (Book 8700 Page 133), and matured on December 19, 2014, in the amount of \$2,972.41; and

**WHEREAS,** payment was received in full on January 15, 2015; and

**NOW, THEREFORE, BE IT ORDERED by the CITY COUNCIL of the CITY of LEWISTON,** that a quitclaim be issued for 378 Pinewoods Road to release the City's interest in the property to the owner.

**LEWISTON CITY COUNCIL**  
**MEETING OF FEBRUARY 3, 2015**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 4**

**SUBJECT:**

Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for Sea Asian Bistro, 40 East Avenue.

**INFORMATION:**

We have received a renewal application for a Special Amusement Permit for Live Entertainment from Sea Asian Bistro, 40 East Avenue.

The Police Department has reviewed and approved the application.

There was no reference to this business or property address in the Council Constituent Concern log, as maintained by the Administrator's Office.

The business owners have been notified of the public hearing and requested to attend.

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

The City Administrator recommends approval of the requested action.

*EATB/Kmm*

**REQUESTED ACTION:**

|   |   |   |   |   |   |   |   |
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To grant a Special Amusement Permit for Live Entertainment to Sea Asian Bistro, 40 East Avenue.

**CITY OF LEWISTON  
APPLICATION FOR SPECIAL AMUSEMENT PERMIT**

Date of Application: Jan 20 2015

Expiration Date: 02/16/2016

- Class A - \$125.00 - restaurants with entertainment, which **does not have dancing**
- Class B - \$125.00 - lounges/bars with entertainment, which **does not have dancing**
- Class C - \$150.00 - either restaurants or lounges/bars with entertainment, including dancing
- Class D - \$150.00 - function halls with entertainment, including dancing
- Class E - \$150.00 - dance hall or nightclub that admits persons under the age of 21
- Class F - \$150.00 - "chem-free" dance hall or nightclub for patrons aged 18 yrs and older, with no liquor

**Renewal Applicants: Has any or all ownership changed in the 12 months?**  Yes  No

\*\*\*\*PLEASE PRINT\*\*\*\*

**Business Name:** Sea Asian Bistro **Business Phone:** 207 795 6888

**Location Address:** 40 East Ave Lewiston ME 04240

(If new business, what was formerly in this location: \_\_\_\_\_)

**Mailing Address:** Same

**Email address:** sea4ome@email.com

**Contact Person:** Franki Tam **Phone:** 917 969 6306

**Owner of Business:** Sei Qi Doug **Date of Birth:** \_\_\_\_\_

**Address of Owner:** 36 Pine Street Lewiston ME 04240

**Manager of Establishment:** Franki Tam **Date of Birth:** 11/25/77

**Owner of Premises (landlord):** \_\_\_\_\_

**Address of Premises Owner:** \_\_\_\_\_

Does the issuance of this license directly or indirectly benefit any City employee(s)?  Yes  No  
If yes, list the name(s) of employee(s) and department(s): \_\_\_\_\_

Have any of the applicants, including the corporation if applicable, ever held a business license with the City of Lewiston?  Yes  No If yes, please list business name(s) and location(s): \_\_\_\_\_

Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of the law? \_\_\_\_ Yes  No If yes, please explain: \_\_\_\_\_

CORPORATION APPLICANTS: Please attach a list of all principal officers, date of birth & town of residence

Corporation Name: \_\_\_\_\_

Corporation Mailing Address: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone: \_\_\_\_\_

Do you permit dancing on premises? \_\_\_\_ Yes  No (If yes, you must first obtain a dance hall permit from the State Fire Marshall's Office) If yes, do you permit dancing or entertainment after 1:00 AM? \_\_\_\_ Yes  No

What is the distance to the nearest residential dwelling unit both inside and outside the building from where the entertainment will take place? \_\_\_\_\_

Please describe the type of proposed entertainment:

- dancing
- music by DJ
- live band/singers
- stand up comedian
- karaoke
- magician
- piano player
- other, please list \_\_\_\_\_
- other, please list \_\_\_\_\_

If new applicant, what is your opening date?: \_\_\_\_\_

\*\*\*\*\*

Applicant, by signature below, agrees to abide by all laws, orders, ordinances, rules and regulations governing the above licensee and further agrees that any misstatement of material fact may result in refusal of license or revocation if one has been granted. Applicant agrees that all taxes and accounts pertaining to the premises will be paid prior to issuance of the license.

It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect thereto.

I/We hereby authorize the release of any criminal history record information to the City Clerk's Office or licensing authority. I/We hereby waive any rights to privacy with respect thereto.

Signature: [Signature] Title: Manager Date: Jan 20 2015  
Printed Name: Frauld Tam

\*\*\*\*\*

Hearing Date: 2/3/15

STATE OF MAINE  
**Liquor Licensing & Inspection Unit**  
 164 State House Station  
 Augusta, Maine 04333-0164  
 Tel: (207) 624-7220 Fax: (207) 287-3424

**SUPPLEMENTARY QUESTIONNAIRE FOR CORPORATE APPLICANTS, LIMITED LIABILITY COMPANIES AND LIMITED PARTNERSHIPS**

1. Exact Corporate Name: \_\_\_\_\_

Business D/B/A Name: Sea Asian Bistro LLC

2. Date of Incorporation: Dec 10 2010

3. State in which you are incorporated: Maine

4. If not a Maine Corporation, date corporation was authorized to transact business within the State of Maine: \_\_\_\_\_

5. List the name and addresses for previous 5 years, birth dates, titles of officers, director and not directors below.

| Name         | Address Previous 5 Years                | Birth Date | % of Stock | Title |
|--------------|---|------------|------------|-------|
| SAI QIN DONG | 36 Pineland Street<br>Lewiston ME 04240 | 4/15/83    | 100        | owner |
|              |   |            |            |       |
|              |   |            |            |       |
|              |   |            |            |       |
|              |   |            |            |       |

6. What is the amount of authorized stock? 100% Outstanding Stock? \_\_\_\_\_

7. Is any principal officer of the corporation a law enforcement official? ( ) YES (X) NO

8. Has applicant(s) or manager ever been convicted of any violation of the law, other than a minor traffic violation(s), of the United States? ( ) YES (X) NO.

9. If yes, please complete the following: Name: \_\_\_\_\_

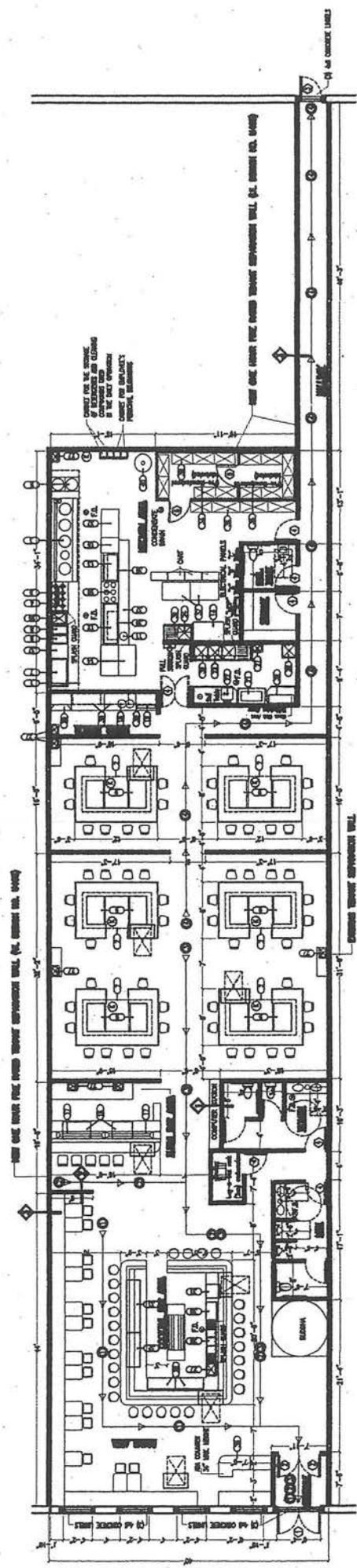
Date of Conviction: \_\_\_\_\_ Offense: \_\_\_\_\_

Location: \_\_\_\_\_ Disposition: \_\_\_\_\_

Dated at: \_\_\_\_\_ City/Town On: \_\_\_\_\_ Date

Sai Qin Dong Date: \_\_\_\_\_  
 Signature of Duly Authorized Officer

SAI QIN DONG  
 Print Name of Duly Authorized Officer



FLOOR PLAN  
SCALE 1/8" = 1'-0"

SEA ASIAN BISTRO  
40 EAST AVE.  
LEWISTON, ME 04240



## ***POLICE DEPARTMENT***

Michael J. Bussiere  
Chief of Police



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TO: Kelly Brooks, Deputy City Clerk

FR: Lt. Adam D. Higgins, Support Services

DT: November 20, 2014

RE: Liquor License/Special Amusement Permit – **Sea Asian Bistro Inc.**

We have reviewed Liquor License/Special Amusement Permit Application and have no objections to the following establishment;

**Sea Asian Bistro**  
**40 east Ave.**



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# LEWISTON CITY COUNCIL

## MEETING OF FEBRUARY 3, 2015

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 5**

**SUBJECT:**

Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for the Franco-American Heritage Center, 46 Cedar Street.

**INFORMATION:**

We have received a renewal application for a Special Amusement Permit for Live Entertainment from the Franco-American Heritage Center, 46 Cedar Street.

The Police Department has reviewed and approved the application.

There was no reference to this business or property address in the Council Constituent Concern log, as maintained by the Administrator's Office.

The business owner has been notified of the public hearing and requested to attend.

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

The City Administrator recommends approval of the requested action.

*EAB/Kmm*

**REQUESTED ACTION:**

|   |   |   |   |   |   |   |   |
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To grant a Special Amusement Permit for Live Entertainment to the Franco-American Heritage Center, 46 Cedar Street.

CITY OF LEWISTON  
APPLICATION FOR SPECIAL AMUSEMENT PERMIT

Date of Application: 1/20/15

Expiration Date: 2-17-16

- Class A - \$125.00 - restaurants with entertainment, which **does not have dancing**  
 Class B - \$125.00 - lounges/bars with entertainment, which **does not have dancing**  
 Class C - \$150.00 - either restaurants or lounges/bars with entertainment, including dancing  
 Class D - \$150.00 - function halls with entertainment, including dancing  
 Class E - \$150.00 - dance hall or nightclub that admits persons under the age of 21  
 Class F - \$150.00 - "chem-free" dance hall or nightclub for patrons aged 18 yrs and older, with no liquor

Renewal Applicants: Has any or all ownership changed in the 12 months?  Yes  No

\*\*\*\*PLEASE PRINT\*\*\*\*

Business Name: FRANCO CENTER Business Phone: 783-1585

Location Address: 46 CEDAR St. LEWISTON, ME 04210

(If new business, what was formerly in this location: \_\_\_\_\_)

Mailing Address: 46 CEDAR St. LEWISTON, ME 04210

Email address: \_\_\_\_\_

Contact Person: EDMOND GAY Phone: 783-6942

Owner of Business: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Address of Owner: \_\_\_\_\_

Manager of Establishment: EDMOND L GAY Date of Birth: 05.24.1942

Owner of Premises (landlord): \_\_\_\_\_

Address of Premises Owner: \_\_\_\_\_

Does the issuance of this license directly or indirectly benefit any City employee(s)?  Yes  No

If yes, list the name(s) of employee(s) and department(s): \_\_\_\_\_

Have any of the applicants, including the corporation if applicable, ever held a business license with the City of Lewiston?  Yes  No If yes, please list business name(s) and location(s): \_\_\_\_\_

Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of the law? \_\_\_ Yes  No If yes, please explain: \_\_\_\_\_

CORPORATION APPLICANTS: Please attach a list of all principal officers, date of birth & town of residence

Corporation Name: FRANCO AMERICAN HERITAGE CENTER @ ST. MARY'S

Corporation Mailing Address: 46 CEDAR ST LEWISTON ME 04240

Contact Person: EDMOND L GAY Phone: 203-1535

Do you permit dancing on premises?  Yes \_\_\_ No (If yes, you must first obtain a dance hall permit from the State Fire Marshall's Office) If yes, do you permit dancing or entertainment after 1:00 AM? \_\_\_ Yes  No

What is the distance to the nearest residential dwelling unit both inside and outside the building from where the entertainment will take place? \_\_\_\_\_

Please describe the type of proposed entertainment:

- dancing
- music by DJ
- live band/singers
- stand up comedian
- karaoke
- magician
- piano player
- other, please list ORCHESTRA CLASSICAL
- other, please list \_\_\_\_\_

If new applicant, what is your opening date?: \_\_\_\_\_

\*\*\*\*\*

Applicant, by signature below, agrees to abide by all laws, orders, ordinances, rules and regulations governing the above licensee and further agrees that any misstatement of material fact may result in refusal of license or revocation if one has been granted. Applicant agrees that all taxes and accounts pertaining to the premises will be paid prior to issuance of the license.

It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect thereto.

I/We hereby authorize the release of any criminal history record information to the City Clerk's Office or licensing authority. I/We hereby waive any rights to privacy with respect thereto.

Signature: Ed Gay Title: DIRECTOR of OPERATIONS Date: 1.20.15

Printed Name: EDMOND L. GAY

\*\*\*\*\*

Hearing Date: 2/3/15



## ***POLICE DEPARTMENT***

Michael J. Bussiere  
Chief of Police



TO: Kelly Brooks, Deputy City Clerk

FR: Lt. Adam D. Higgins, Support Services

DT: November 20, 2014

RE: Liquor License/Special Amusement Permit – **Franco American Heritage Center**

We have reviewed Liquor License/Special Amusement Permit Application and have no objections to the following establishment;

**Franco American Heritage Center  
46 Cedar St.**



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# LEWISTON CITY COUNCIL

## MEETING OF FEBRUARY 3, 2015

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 6**

**SUBJECT:**

Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for The Cage, 97 Ash Street.

**INFORMATION:**

We have received a renewal application for a Special Amusement Permit for Live Entertainment from The Cage, 97 Ash Street.

The Police Department has reviewed and approved the application.

There was no reference to this business or property address in the Council Constituent Concern log, as maintained by the Administrator's Office.

The business owner has been notified of the public hearing and requested to attend.

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

The City Administrator recommends approval of the requested action.

**REQUESTED ACTION:**

|   |   |   |   |   |   |   |   |
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To grant a Special Amusement Permit for Live Entertainment to The Cage, 97 Ash Street.

**CITY OF LEWISTON  
APPLICATION FOR SPECIAL AMUSEMENT PERMIT**

Date of Application: 1-20-16

Expiration Date: 1-25-2016

- Class A - \$125.00 - restaurants with entertainment, which **does not have dancing**
- Class B - \$125.00 - lounges/bars with entertainment, which **does not have dancing**
- Class C - \$150.00 - either restaurants or lounges/bars with entertainment, including dancing
- Class D - \$150.00 - function halls with entertainment, including dancing
- Class E - \$150.00 - dance hall or nightclub that admits persons under the age of 21
- Class F - \$150.00 - "chem-free" dance hall or nightclub for patrons aged 18 yrs and older, with no liquor

**Renewal Applicants: Has any or all ownership changed in the 12 months?**  Yes  No

\*\*\*\*PLEASE PRINT\*\*\*\*

**Business Name:** The Cage **Business Phone:** 783-0668

**Location Address:** 97-99 Ash St. Lewiston

(If new business, what was formerly in this location: \_\_\_\_\_)

**Mailing Address:** 97 Ash St

**Email address:** \_\_\_\_\_

**Contact Person:** Randall Collins **Phone:** 576-3668

**Owner of Business:** The Cage Inc. **Date of Birth:** \_\_\_\_\_

**Address of Owner:** 97 Ash St. Lewiston

**Manager of Establishment:** Randall Collins **Date of Birth:** 2-24-52

**Owner of Premises (landlord):** RDP INC.

**Address of Premises Owner:** 97 Ash St. Lewiston

Does the issuance of this license directly or indirectly benefit any City employee(s)?  Yes  No  
If yes, list the name(s) of employee(s) and department(s): \_\_\_\_\_

Have any of the applicants, including the corporation if applicable, ever held a business license with the City of Lewiston?  Yes  No If yes, please list business name(s) and location(s): \_\_\_\_\_

The Cage Inc + RDP INC Same AS ABOVE

Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of the law? Yes  No  If yes, please explain: \_\_\_\_\_

CORPORATION APPLICANTS: Please attach a list of all principal officers, date of birth & town of residence

Corporation Name: The Cage Inc

Corporation Mailing Address: 97 Ash St. Lewiston, Maine 04246

Contact Person: Randall J. Collins Phone: 576-3668

Do you permit dancing on premises?  Yes  No (If yes, you must first obtain a dance hall permit from the State Fire Marshall's Office) If yes, do you permit dancing or entertainment after 1:00 AM?  Yes  No

What is the distance to the nearest residential dwelling unit both inside and outside the building from where the entertainment will take place? Up stairs + 10-20 feet away

Please describe the type of proposed entertainment:

- dancing
- stand up comedian
- piano player
- music by DJ
- karaoke
- other, please list \_\_\_\_\_
- live band/singers
- magician
- other, please list \_\_\_\_\_

If new applicant, what is your opening date?: \_\_\_\_\_

\*\*\*\*\*

Applicant, by signature below, agrees to abide by all laws, orders, ordinances, rules and regulations governing the above licensee and further agrees that any misstatement of material fact may result in refusal of license or revocation if one has been granted. Applicant agrees that all taxes and accounts pertaining to the premises will be paid prior to issuance of the license.

It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect thereto.

I/We hereby authorize the release of any criminal history record information to the City Clerk's Office or licensing authority. I/We hereby waive any rights to privacy with respect thereto.

Signature: Randall J. Collins Title: President Date: 1-20-15

Printed Name: Randall J. Collins

\*\*\*\*\*

Hearing Date: 2/3/15



## ***POLICE DEPARTMENT***

Michael J. Bussiere  
Chief of Police



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TO: Kelly Brooks, Deputy City Clerk

FR: Lt. Adam D. Higgins, Support Services

DT: November 20, 2014

RE: Liquor License/Special Amusement Permit – **The Cage**

We have reviewed Liquor License/Special Amusement Permit Application and have no objections to the following establishment;

**The Cage**  
**97-99 Ash St.**



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# LEWISTON CITY COUNCIL

## MEETING OF FEBRUARY 3, 2015

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 7**

**SUBJECT:**

Public Hearing and First Passage regarding an amendment to the Buildings and Building Regulations ordinance regarding the Building Code and the Residential Code.

**INFORMATION:**

The Planning and Code Enforcement Department staff are recommending the City repeal the City's Building Code and Residential Code and replace them with the Maine Uniform Building and Energy Code (MUBEC). Maine law requires municipalities of 4,000 or more to enforce MUBEC and adopting MUBEC as the City's building and residential codes will help with the enforcement of these state codes.

Please reference the attached memorandum from Gil Arsenault, Director of Planning and Code Enforcement, for additional information.

Note: Underlines are additions and strike-outs are ~~deletions~~.

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

The City Administrator recommends approval of the requested action.

*EAB/kmm*

**REQUESTED ACTION:**

|   |   |   |   |   |   |   |   |
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To repeal Sections 18-26, 18-27, 18-200 and 18-201 of the current City Code, and that the proposed amendment to the City Code of Ordinances, Chapter 18 "Buildings and Building Regulations", Article II, "Building Code", Section 18-26 "Building Code" and Article VI "Residential Code", Section 18-200 "Residential Code", receive first passage by a roll call vote and the public hearing on said ordinance be continued to the next regular City Council meeting.

# MEMORANDUM

TO: Mayor Robert E. Macdonald  
Members of the City Council

FR: Gildace J. Arsenault, Director of Planning and Code Enforcement

RE: Maine Uniform Building and Energy Code

DT: January 26, 2015

Maine Law requires municipalities of 4,000 or more in population to enforce the Maine Uniform Building and Energy Code (MUBEC) pursuant to Title 10, chapter 1103 and Title 25, chapters 313 and 314 of the Maine Statutes and 16-642 CMR chapters 1-6 of the Maine Department of Public Safety rules. In keeping with Maine Law the City of Lewiston has enforced MUBEC since September 28, 2011.

The proposed amendments to Chapter 18, Article II, and Article VI of the Code of Ordinances of the City of Lewiston are housekeeping measures. These amendments repeal the former building and residential codes and adopt MUBEC; however, the adoption of MUBEC is not required by Law.

I will be in attendance at the February 3, 2015 public hearing on this matter to answer any questions that you may have.

Thank you.

**AN ORDINANCE PERTAINING TO BUILDING CODES**

**THE CITY OF LEWISTON HEREBY ORDAINS:**

Chapter 18 of the Code of Ordinances of the City of Lewiston, Maine is hereby amended as follows:

**CHAPTER 18**

**BUILDINGS AND BUILDING REGULATIONS**

**ARTICLE II. BUILDING CODE**

**~~Sec. 18-26. Adoption of building code.~~**

~~There is hereby adopted by the city for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition and insurance coverage, use and occupancy, equipment, location and maintenance of building and structures, including permits and penalties, that certain building code known as the 2003 International Building Code, save and except such portions as are in this article deleted, modified or amended. No fewer than three (3) copies of such code have been and now are filed in the office of the city clerk and such copies are hereby adopted and incorporated as fully as if set out at length in this article.~~

**Section 18-26. Building code.**

The City of Lewiston administers and enforces the provisions of the Maine Uniform Building and Energy Code pursuant to Title 10, chapter 1103 and Title 25, chapters 313 and 314 of the Maine statutes and 16-642 CMR chapters 1-6 of the Maine Department of Public Safety agency rules.

Section 18-27 is repealed in its entirety.

**~~Sec. 18-27. Amendments to the building code.~~**

~~—The building code adopted in section 18-26 is amended and changed as follows:~~

~~Chapter 1 is repealed in its entirety.~~

~~**Chapter 1 ADMINISTRATION.** is enacted to read as follows:~~

**Chapter 1  
ADMINISTRATION**

**SECTION 101**

## GENERAL

~~101.1 Title.~~ These regulations shall be known as the *Building Code* of the City of Lewiston, Maine, hereinafter referred to as “this code.”

~~101.2 Scope.~~ The provisions of the code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use, and occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

~~—Exceptions:~~

- ~~1.~~ Detached one and two family dwellings and attached single family dwellings (town houses) not more than three stories above grade in height with a separate means of egress and their accessory structures shall comply with the *International Residential Code*.

~~101.2.1 Appendices.~~ Provision in the appendices shall not apply unless specifically adopted.

~~101.3 Intent.~~ The purpose of this code is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.

~~101.4 Referenced codes.~~ The other codes listed in Section 101.4.1 through 101.4.7 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.

~~101.4.1 Electrical.~~ The provisions of the Chapter 18, Article V. ELECTRICAL CODE of the Code of Ordinances of the City of Lewiston shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto. All references to the ICC *Electrical Code* are hereby deleted in favor of the applicable section(s) of the *National Electrical Code* as adopted.

~~101.4.2 Gas.~~ The provisions of Chapter 38, Article II FIRE PREVENTION CODE of the aforementioned Code of Ordinances shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. All references to the *International Gas Code* are hereby deleted in favor of the applicable section(s) of the *National Fire Codes* as adopted.

~~101.4.3 Mechanical.~~ The provisions of the *International Mechanical Code* shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators and other energy-related systems.

~~101.4.4 Plumbing.~~ The provisions of Chapter 18, Article IV. PLUMBING CODE of the aforementioned Code of Ordinances shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewerage system. The provisions of the *Maine Subsurface Waste Water Disposal Rules* shall apply to private sewage disposal systems. All references to the *International Plumbing Code* and *International Private Sewage Disposal Code* are hereby deleted in favor of the applicable section(s) of these regulations.

~~101.4.5 Property maintenance.~~ The provisions of Chapter 18, Article III. PROPERTY MAINTENANCE CODE of the aforementioned Code of Ordinances shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures. All references to the *International Property Maintenance Code* shall be deemed to reference the applicable section(s) of the currently adopted property maintenance code.

~~101.4.6 Fire prevention.~~ The provisions of Chapter 38, Article II FIRE PREVENTION CODE of the aforementioned Code of Ordinances shall apply to matters affecting or related to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation. All references to the *International Fire Code* are hereby deleted in favor of the applicable section(s) of the *National Fire Codes* as adopted.

~~101.4.7 Energy.~~ The provisions of the *Maine Guide to Energy Efficient Construction: A Manual of Accepted Practice* (third edition) shall apply to all habitable residential buildings and structures. The provisions of ASHRAE 90B shall be applicable to all occupiable nonresidential buildings and structures. All references to the *International Energy Conservation Code* are hereby deleted.

## **SECTION 102 APPLICABILITY**

~~102.1 General.~~ Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, shall be applicable.

~~102.2 Other Laws.~~ The provisions of this code shall not be deemed to nullify any provisions of local, state and federal law.

~~102.3 Application of references.~~ References to chapter or section numbers, or to provisions specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

~~102.4 Referenced codes and standards.~~ The codes and standards referenced in this code shall be considered part of the requirements of this code to be prescribed extent of each such reference. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

~~102.5 Partial invalidity.~~ In the event any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts of the provisions.

~~102.6 Existing structures.~~ The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the currently adopted *Property Maintenance Code*, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

### **SECTION 103 DEPARTMENT OF CODE ENFORCEMENT**

~~103.1 Building official.~~ The code enforcement division is hereby charged with the administration and enforcement of this code. The director of code enforcement and the building inspector, acting under the direction of the director of code enforcement, shall be designated as the municipal building officials for the purpose of administration and enforcement of the code.

~~103.2 Qualifications of building official.~~ To be eligible for appointment, the candidate for the position shall have had experience as an architect, structural engineer, building inspector, foreman or superintendent of building construction. He shall be in good health, physically capable of making the necessary examinations and inspections. He shall not have any interest whatever, directly or indirectly, in the sale or manufacture of any material, process, or device entering into or used in or in connection with building construction, alteration, removal and demolition.

~~103.3 Deputies.~~ In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the director of code enforcement shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official.

### **SECTION 104 DUTIES AND POWERS OF BUILDING OFFICIALS**

~~104.1 General.~~ The building official is hereby authorized and directed to enforce the provisions of this code. The building official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the applications of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

~~**104.2 Applications and permits.** The building officials shall receive applications, review construction documents and issue permits for the erection, and alteration, demolition and moving of building and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.~~

~~**104.3 Notices and orders.** The building official shall issue all necessary notices and orders to ensure compliance with this code.~~

~~**104.4 Inspections.** The building official shall make all of the required inspections, or the building official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.~~

~~**104.5 Identification.** The building official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.~~

~~**104.6 Right of entry.** Where it is necessary to make an inspection to enforce the provisions of this code, or where the building official has reasonable cause to believe that there exists in a structure or upon premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises be unoccupied, the building official shall first make reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by the law to secure entry.~~

~~**104.7 Department records.** The building official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records.~~

~~**104.8 Liability.** The building official or other employee or appointee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.~~

~~104.9 Approved materials and equipment.~~ Materials, equipment and devices approved by the building official shall be constructed and installed in accordance with such approval.

~~104.9.1 Used materials and equipment.~~ The use of used materials which meet the requirements of this code for new materials is permitted. Used equipment and devices shall not be reused unless approved by the building official.

~~104.10 Modifications.~~ Wherever there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases, upon application of the owner or the owner's representative, provided the building official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code at that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department of building safety.

~~104.11 Alternative materials, design and methods of construction and equipment.~~ The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

~~104.11.1 Research reports.~~ Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

~~104.11.2 Test.~~ Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified or by other recognized and accepted test standards. In the absence of recognized and accepted test methods, the building official shall approve the test procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records.

## SECTION 105 PERMITS

~~105.1 Required.~~ Any owner or authorized agent who intends to construct, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permits.

**105.2 Work exempt from permit.** Exemptions from permit requirements for this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

- ~~1. Repairs, in accordance with Section 105.2.2.~~
- ~~2. Re-roofing, where no structural repairs or improvements are involved.~~
- ~~3. Siding of existing buildings or structures, where no structural repairs or improvements are involved.~~
- ~~4. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.~~
- ~~5. Temporary motion picture, television and theater stage sets and scenery.~~
- ~~6. Prefabricated swimming pools, accessory to a Groups R-2 and R-3 occupancies, which have less than 36 inches (915 mm) of water depth capacity and are installed entirely above ground.~~
- ~~7. Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.~~
- ~~8. Swings and other playground equipment accessory to one and two-family dwellings.~~
- ~~9. Window awnings supported by an exterior wall of Group R-3, as applicable in Section 101.2, and Group U occupancies.~~
- ~~10. Movable cases, counters and partitions not over 5 feet 9 inches (1753 mm) in height.~~

**105.2.1 Emergency repairs.** When equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.

**105.2.2 Repairs.** Application or notice to the building official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements.

**105.3 Application for permit.** To obtain a permit, the applicant shall first file an application thereof in writing on a form furnished by the department of building safety for that purpose. Such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required in Section 106.3.
5. State the valuation of the proposed work.

6. Be signed by the applicant, or the applicant's authorized agent. —
7. Give such other data and information as required by the building official. —

~~105.3.1 Action on application.~~ The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject such application in writing, stating the reasons therefor. If the building official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the building official shall issue a permit therefor as soon as practicable.

~~105.3.2 Time limitation of application.~~ An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

~~105.4 Validity of permit.~~ The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.

~~105.5 Expiration.~~ Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

~~105.6 Suspension or revocation.~~ The building official is authorized to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

~~105.7 Placement of permit.~~ The building permit or copy shall be kept on the site of the work until the completion of the project.

## SECTION 106 CONSTRUCTION DOCUMENTS

**106.1 Submittal documents.** Construction documents, special inspection and structural observation programs, and other data shall be submitted in one or more sets with each application for a permit. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

**Exception:** The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this code.

**106.1.1 Information on construction documents.** Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official.

**106.1.1.1 Fire protection system shop drawings.** Shop drawings for the fire protection system(s) shall be submitted to indicate conformance with this code and the construction documents and shall be approved prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9.

**106.1.2 Means of egress.** The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of this code. In other than occupancies in Groups R-2 and R-3 as applicable in Section 101.2 and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

**106.1.3 Exterior wall envelope.** Construction documents for all building shall describe the exterior wall envelope in sufficient detail to determine compliance with this code. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves, or parapets, means of drainage, water resistive membrane, and details around openings.

Construction documents shall include manufacturing installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system which was tested, where applicable, as well as the test procedure used.

**106.2 Site plan.** The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the

~~proposed finished grades, as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.~~

~~**106.3 Examination of documents.**—The building official shall examine or cause to be examined the accompanying construction documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.~~

~~**106.3.1 Approval of construction documents.**—When the building official issues a permit, the construction documents shall be approved, in writing or by stamp, as “Reviewed for Code Compliance.” One set of construction documents so reviewed shall be retained by the building official. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the building official or his authorized representative.~~

~~**106.3.2 Previous approvals.**—The code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction or which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.~~

~~**106.3.3 Phased approval.**—The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided the adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder’s own risk with the building operation and without assurance that a permit for the entire structure will be granted.~~

~~**106.3.4 Design professional in responsible charge.**~~

~~**106.3.4.1 General.**—When it is required that documents be prepared by a registered design professional, the building official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The building official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties.~~

~~The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.~~

~~Where structural observation is required by Section 1709, the inspection program shall name the individual or firms who are to perform structural observation and describe the stages of construction at which structural observation is occur. See also duties specified in Section 1704.~~

~~**106.3.4.2 Deferred submittals.** For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the building official within a specified period.~~

~~Deferral of any submittal items shall have the prior approval of the building official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the building official.~~

~~Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and that they have been found to be in general conformance with the design of the building. The deferred submittal items shall not be installed until their design and submittal documents have been approved by the building official.~~

~~**106.4 Amended construction documents.** Work shall be installed in accordance with the reviewed construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.~~

~~**106.5 Retention of construction documents.** One set of approved construction documents shall be retained by the building official for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws.~~

## **SECTION 107**

### **TEMPORARY STRUCTURES AND USES**

~~**107.1 General.** The building official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The building official is authorized to grant extensions for demonstrated cause.~~

~~**107.2 Conformance.** Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure the public health, safety and general welfare.~~

~~**107.3 Temporary power.** The building official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the ICC *Electrical Code*.~~

~~107.4 Termination of approval.~~ The building official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued.

## **SECTION 108 FEES**

~~108.1 Payment of fees.~~ A permit shall not be valid until the fees prescribed by law have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

~~108.2 Schedule of permit fees.~~ On buildings, structures, or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority.

~~108.3 Building permit valuations.~~ The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the building official, the valuation is underestimated on the application, final building permit valuation shall be set by the building official utilizing *Means Square Foot Costs* or similar documents, unless the applicant can show detailed estimates to meet the approval of the building official.

~~108.4 Work commencing before permit issuance.~~ Any person who commences any work on a building or structure, before obtaining the necessary permit, shall be subject to an additional fee established by the building official that shall be in addition to the required permit fees.

~~108.5 Related fees.~~ The payment of the fee for the construction, alteration, removal or demolition for work done in connection with or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

~~108.6 Refunds.~~ The building official is authorized to establish a refund policy.

## **SECTION 9 INSPECTIONS**

~~109.1 General.~~ Construction or work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

~~**109.2 Preliminary inspection.** Before issuing a permit, the building official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.~~

~~**109.3 Required inspections.** Upon notification in accordance with 109.5 or upon his own volition, the building official shall from time to time conduct inspections of the work for which the permit has been issued. These may include, but are not limited to, the inspections set forth in Sections 109.3.1 and 109.3.10.~~

~~**109.3.1 Footing or foundation inspection.** Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.~~

~~**109.3.2 Concrete slab or under floor inspection.** Concrete slab and under floor inspections shall be made after in slab or under floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.~~

~~**109.3.3 Lowest floor elevation.** In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in Section 1612.5 shall be submitted to the building official.~~

~~**109.3.4 Frame inspection.** Framing inspections shall be made after the roof deck or sheathing, all framing, fire blocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.~~

~~**109.3.5 Lath or gypsum board inspection.** Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or before gypsum board joints and fasteners are taped and finished.~~

~~— **Exception:** Gypsum board that is not part of a fire resistive assemble or a shear assembly.~~

~~**109.3.6 Fire-resistant penetrations.** Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved.~~

~~**109.3.7 Other inspections.** In addition to the inspections specified above, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the department of building safety.~~

~~**109.3.8 Special inspections.** For special inspections, see Section 1704.~~

~~109.3.9 Final inspection.~~ The final inspection shall be made after all work required by the building permit is completed.

~~109.4 Inspection agencies.~~ The building official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

~~109.5 Inspection requests.~~ It shall be the duty of the holder of the building permit or their duly authorized agent to notify the building official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspection of such work for any inspections that are required by this code.

~~109.6 Approval required.~~ Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.

## **SECTION 110 CERTIFICATE OF OCCUPANCY**

~~110.1 Use and occupancy.~~ No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy there for as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

~~110.2 Change in use.~~ Changes in the character or use of an existing structure shall not be made except as specified in Chapter 34.

~~110.3 Certificate issued.~~ After the building official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the department of building safety, the building official shall issue a certificate of occupancy that shall contain the following:

- ~~1. The building permit number.~~
- ~~2. The address of the structure.~~
- ~~3. The name and address of the owner.~~
- ~~4. A description of that portion of the structure for which the certificate is issued.~~
- ~~5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.~~
- ~~6. The name of the building official.~~
- ~~7. The edition of the code under which the permit was issued.~~
- ~~8. The use and occupancy, in accordance with the provisions of Chapter 3.~~

- ~~9. The type of construction as defined in Chapter 6.—~~
- ~~10. The design occupant load.—~~
- ~~11. If an automatic sprinkler system is provided, whether the sprinkler system is required.—~~
- ~~12. Any special stipulations and conditions of the building permit.—~~

~~**110.4 Temporary occupancy.** The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid.~~

~~**110.5 Revocation.** The building official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or any regulation or any of the provisions of this code.~~

## ~~SECTION 111~~ ~~SERVICE UTILITIES~~

~~**111.1 Authority to disconnect service utilities.** The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the codes referenced in case of emergency where necessary to eliminate an immediate hazard to life or property. The building official shall notify the serving utility, and wherever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.~~

## ~~SECTION 112~~ ~~BOARD OF APPEALS~~

~~**112.1 General.** The board of appeals hearing matters related to the building code shall be the board of appeals established by Article IV, Section 4.06 of the City Charter. The rules and regulations governing said board shall apply.~~

## ~~SECTION 113~~ ~~VIOLATIONS~~

~~**113.1 Unlawful acts.** It shall be unlawful for any person, firm, or corporation to erect, construct, alter, extend, repair, remove, demolish, use, or occupy any building or structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.~~

~~113.2 Notice of violation.~~ The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition, or occupancy of a building or structure in violation of the provisions of this code, or in violation of a detail statement or a plan approved thereunder, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

~~113.2.1 Service of notice of violation.~~ A notice of violation or order may be served in hand to the violator or left with a person of suitable age and discretion at the residence place of business of the violator or mailed by certified mail, return receipt requested, to the last known address. If the return receipt is not returned, the notice shall be conclusively presumed to have been served if it is also sent by regular mail, postage prepaid, which is not returned as undeliverable by the postal service.

~~113.2.2 Request for appeal.~~ Any person served an order, pursuant to this section, may request a hearing before the board of appeals by filing a written petition for said hearing at the code enforcement office within ten (10) days of the date of service for the order. The board of appeals may sustain, modify, or withdraw such order. The decision of the board of appeals may be further appealed pursuant to the provisions of Rule 80B of the Maine Rules of Civil Procedure.

~~113.3 Prosecution of violation.~~ If the notice of violation is not complied with promptly, the building official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

~~113.4 Violation penalties.~~ Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof, or shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the building official, or of a permit or certificate issued under the provisions of this Code, shall be liable for a fine as set forth in Chapter 1, Section 1-8 and Chapter 50, Section 50-36 of the Code of Ordinances of the City of Lewiston.

## **SECTION 114 STOP WORK ORDER**

**114.1 Authority.** Whenever the building official finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the building official is authorized to issue a stop work order.

**114.2 Issuance.** The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order

shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

**114.3 Unlawful continuance.**—Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

## **SECTION 115 UNSAFE STRUCTURES AND EQUIPMENT**

**115.1 Conditions.**—Structures or existing equipment that are or hereafter become unsafe, unsanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or which involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

**115.2 Record.**—The building official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

**115.3 Notice.**—If an unsafe condition is found, the building official shall serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the building official acceptance or rejection of the terms of the order.

**115.4 Method of service.**—Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

**115.5 Restoration.**—The structure or equipment determined to be unsafe by the building official is permitted to be restored to a safe condition. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of Section 105.2.2 and Chapter 34.

## **CHAPTER 2**

## **DEFINITIONS**

**SECTION 201**  
**GENERAL**

Section 201.3 is hereby deleted:

— Section 201.3 is hereby created as follows:

— ~~**201.3 Terms defined in other codes.** Where conflicts exist regarding definitions of like terms in this chapter and other chapters of this code of ordinances, each definition shall be applied only within the scope of each chapter and shall not be construed to be contradictory. Terms not defined in this code and are defined in other codes shall have the meanings ascribed to them as in those codes.~~

~~**305.2 Day care.** The use of a building or structure, or portion thereof, for educational, supervision or personal care services for more than five two children older than 2 ½ years of age, which is not accessory to a residential use, shall be classified as a Group E occupancy.~~

~~**308.2 Group I-1.** This occupancy shall include buildings, structures or parts thereof housing more than 16 eight persons, on a 24-hour bases, who because of age, mental disability or other reasons, live in a supervised residential environment that provides personal care services. The occupants are capable of responding to an emergency situation without physical assistance from staff. This group shall include, but not be limited to, the following:~~

- Residential board and care facilities
- Assisted living facilities
- Halfway houses
- Group homes
- Congregate care facilities
- Social rehabilitation facilities
- Alcohol and drug centers
- Convalescent facilities

— A facility such as the above with five eight or fewer persons shall be classified as a Group R-3 Residential Group R or shall comply with the *International Residential Code* on accordance with Section 101.2. A facility such as above, housing at least six and not more than 16 persons, shall be classified as Group R-4.

— ~~**308.3 Group I-2** This occupancy shall include buildings and structures used for medical, surgical, psychiatric, nursing or custodial care on a 24-hour basis of more than five persons who are not capable of self preservation. This group shall include, but not be limited to, the following:~~

- Hospitals
- Nursing homes (both intermediate care facilities and skilled nursing facilities)
- Mental hospitals
- Detoxification facilities

~~— A facility such as the above with five or fewer persons shall be classified as Group R-3 or shall comply with the *International Residential Code* in accordance with Section 101.2.~~

~~— **308.5 Group I-4, day care facilities.** This group shall include buildings and structures occupied by persons of any age who receive custodial care for less than 24 hours by individuals other than parents or guardians, relatives by blood, marriage or adoption, and in a place other than the home of the person cared for. A facility such as the above with five or fewer persons accessory to a dwelling unit shall be classified as a Group R-3 residential use or shall comply with the *International Residential Code* in accordance with Section 101.2. Places of worship during religious functions are not included.~~

~~**308.5.1 Adult care facility.** A facility that provides accommodations for less than 24 hours for more than five unrelated adults and provides supervision and personal care services shall be classified as Group I-4.~~

~~**Exception:** A facility where occupants are capable of responding to an emergency situation without physical assistance from the staff shall be classified as Group A-3.~~

~~**308.5.2 Child care facility.** A facility that provides supervision and personal care on less than a 24-hour basis for more than five children 2 ½ to 15 years of age or less shall be classified as Group I-4.~~

~~**Exception:** A child day care facility that provides care for more than five but no more than 100 children 2 ½ to 15 years of age or less of age, when the rooms where such children are cared for are located on the level of exit discharge and each of these child care rooms has an exit door directly to the exterior, shall be classified as Group E.~~

## **SECTION 310 RESIDENTIAL GROUP R**

~~— **310.1 Residential Group R.** Residential Group R includes, among others, the use of a building or structure, or a portion thereof, for sleeping purposes when not classified as an Institutional Group I. Residential occupancies shall include the following:~~

~~— **R-1** Residential occupancies where the occupants are primarily transient in nature including:~~

- ~~— Boarding houses (transient)~~
- ~~— Hotels (transient)~~
- ~~— Motels (transient)~~

~~— **R-2** Residential occupancies containing sleeping units or more than two dwelling units where the occupants are primarily permanent in nature, including:~~

- ~~— Apartment houses~~
- ~~— Boarding houses (not transient)~~
- ~~— Convents~~

- ~~———— Dormitories~~
- ~~———— Fraternities and sororities~~
- ~~———— Monasteries~~
- ~~———— Vacation timeshare properties~~
- ~~———— Hotels (not transient)~~
- ~~———— Motels (not transient)~~

~~**R-3** Residential occupancies where the occupants are primarily permanent in nature and not classified~~

- ~~———— as R-1, R-2, R-4, or I and where buildings do not contain more than two dwelling units as applicable in Section 101.2, or adult and child care facilities that provide accommodations for five twelve or fewer persons of any age for less than 24 hours. Adult and child care facilities that are within a single family home are permitted to comply with the *International Residential Code* in accordance with Section 101.2.~~

~~**R-4** Residential occupancies shall include buildings arranged for occupancy as residential care/assisted living facilities including not more than five eight but not more than 16 occupants, excluding staff.~~

- ~~———— Group R-4 occupancies shall meet the requirements for construction as defined in Group R-3 except as otherwise provided for in this code or shall comply with the *International Residential Code* in accordance with Section 101.2.~~

## **SECTION 312**

### **UTILITY AND MISCELLANEOUS GROUP U**

~~**312.1 General.** Buildings and structures of an accessory character and miscellaneous structures not classified in any specific occupancy shall be constructed, equipped and maintained to conform to the requirements of this code commensurate with the fire and life hazard incidental to their occupancy. Group U shall include, but not be limited to, the following:~~

- ~~———— Agricultural buildings~~
- ~~———— Aircraft hangars, accessory to a one or two family residence (see Section 412.3)~~
- ~~———— Barns~~
- ~~———— Carports~~
- ~~———— Fences more than 6 feet (1829 mm) high~~
- ~~———— Grain silos, accessory to a residential occupancy~~
- ~~———— Greenhouses~~
- ~~———— Livestock shelters~~
- ~~———— Private garages~~
- ~~———— Retaining walls~~
- ~~———— Sheds~~
- ~~———— Stables~~
- ~~———— Swimming pools~~
- ~~———— Tanks~~
- ~~———— Towers~~

~~CHAPTER 11 ACCESSIBILITY~~ is hereby deleted.

~~CHAPTER 11  
ACCESSIBILITY~~

~~SECTION 1101  
GENERAL~~

~~1101.1 Applicable standard.~~ The standard for accessible buildings and facilities shall be the Maine Human Rights Act, Title 5 MRSA Section 4551 et seq, and applicable building and facilities shall be constructed in accordance with ANSI A117.1—1986 for residential uses and the Americans with Disabilities Act Accessibility Guidelines for non-residential uses.

~~CHAPTER 12  
INTERIOR ENVIRONMENT~~

~~SECTION 1204 TEMPERATURE CONTROL~~ is hereby deleted.

~~CHAPTER 13 ENERGY EFFICIENCY~~ is hereby deleted.

~~SECTION 1805  
FOOTINGS AND FOUNDATIONS~~

~~1805.2 Depth of footing.~~ The minimum depth of footings below the undisturbed ground surface shall be 12 inches (305 mm). Where applicable, the depth of footings shall also conform to Sections 1805.2.1 through 1805.2.3.

~~1805.2.1 Frost protection.~~ Except where otherwise protected from frost, foundation walls, piers and other permanent supports of buildings and structures shall be protected from frost by one or more of the following methods:

- ~~1. Extending at least four feet to the bottom of the footing/ pier;~~
- ~~2. Constructing in accordance with ASCE 32; or~~
- ~~3. Erecting on solid rock.~~

~~Footings shall not bear on frozen soil unless such frozen condition is of a permanent character.~~

~~**Exception:** Free standing buildings meeting all of the following conditions shall not be required to be protected be permitted to be constructed on a monolithic slab with integral footing:~~

- ~~1. Classified in Importance Category I or II;~~
- ~~2. Classified as Use Group B, F, M, H, S, or U;~~

- ~~3. Be of Type V construction;~~
- ~~4. Be one story and not more than 20 feet in height, measured to the eave; and~~
- ~~5. Be not more than 2500 square feet in area;~~

~~Where permitted, the slab installation shall conform to the following:~~

- ~~a. Structural loads shall be uniformly distributed along the length of the slab.~~
- ~~b. Unless the existing soil is of a similar porosity as the required fill, original such as crushed stone or gravel.~~
- ~~c. The minimum width of the integral footing shall be 12 inches and exterior~~
- ~~d. The minimum slab thickness shall be 4 inches.~~
- ~~e. A row of # 4 rebar shall be placed in the lower and upper third of the exterior footing, not less than 3 inches from the surface of the footing. The slab shall be reinforced with either 6" x 6" wire mesh or fiber reinforcement.~~
- ~~f. Finish grade shall be a minimum of 6 inches below the top of the slab.~~

~~CHAPTER 27 ELECTRICAL is hereby deleted.~~

~~CHAPTER 28 MECHANICAL SYSTEMS is hereby deleted.~~

~~CHAPTER 29 PLUMBING SYSTEMS is hereby deleted.~~

~~CHAPTER 32 ENCROACHMENTS INTO THE PUBLIC RIGHT-OF-WAY is hereby deleted.~~

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## **SECTION 3109**

### **SWIMMING POOL ENCLOSURES AND SAFETY DEVICES**

~~**3109.2 Definition.** The following word and term shall, for the purposes of this section and as used elsewhere in this code, have the meaning shown herein.~~

~~**SWIMMING POOLS.** Any structure intended for swimming, recreational bathing or wading that contains water over 24 inches (610 mm) 36 inches (915) deep. This includes in-ground, above-ground and on-ground pools; hot tubs; spas and fixed in-place wading pools.~~

## **CHAPTER 33**

## **SAFEGUARDS DURING CONSTRUCTION**

### **SECTION 3303 DEMOLITION**

~~3304.4 Vacant lot.~~ Where a structure has been demolished or removed, the vacant lot shall be filled to grade with sand, gravel, or other approved inert fill material and the entire site shall be stabilized to prevent wind and water erosion. Any existing curb cuts shall be barricaded to prevent vehicular access.

~~3303.7 Insurance coverage.~~ No permit for the demolition, destruction, or wrecking of any building or structure shall be issued unless the building official shall have first been furnished with satisfactory evidence of the fact that the applicant has secured a policy of liability insurance indemnifying the applicant for any liability incurred arising out of said demolition, destruction, or wrecking of a building or structure.

~~3303.7.1 Insurance limits.~~ This insurance policy shall be in the amount of five hundred thousand dollars (\$500,000.00) per occurrence and one million dollars (\$1,000,000.00) aggregate.

~~3303.7.2 Waiver.~~ The building official may waive the insurance requirements hereunder, provided that after personal inspection, the building official determines that there is located within twenty (20) feet of the public street or sidewalk.

### **SECTION 3305 SANITATION**

~~3305.1 Facilities required.~~ Sanitary facilities shall be provided during construction, remodeling or demolition activities in accordance with Title 29, Part 1926, Section 51 of the Code of Federal Regulations (29 CFR 1926.51).

### ~~[EB] SECTION 3401 GENERAL~~

~~3401.3 Compliance with other codes.~~ Alterations, repairs, additions and changes of occupancy shall comply with the provisions for alterations, repairs, additions and changes of occupancy in the currently adopted editions of the following: *National Fire Codes, State of Maine Internal Plumbing Rules, BOCA/ICC Property Maintenance Code, Maine Subsurface Waste Water Disposal Rules, and National Electrical Code.*

~~[EB] SECTION 3409 ACCESSIBILITY FOR EXISTING BUILDINGS~~ is hereby deleted.

### ~~[EB] SECTION 3409 ACCESSIBILITY FOR EXISTING BUILDINGS~~

~~3409.1 Applicable standard.~~ Accessibility requirements for existing buildings and facilities shall be determined by the Maine Human Rights Act, Title 5 MRSA Section 4551 et seq, and

~~applicable building and facilities shall be constructed in accordance with ANSI A117.1-1986 for residential uses and the Americans with Disabilities Act Accessibility Guidelines for non-residential uses.~~

### **REASON FOR PROPOSED AMENDMENT**

Maine Law requires municipalities of 4,000 or more in population to enforce the Maine Uniform Building and Energy Code (MUBEC) pursuant to Title 10, chapter 1103 and Title 25, chapters 313 and 314 of the Maine Statutes and 16-642 CMR chapters 1-6 of the Maine Department of Public Safety rules. In keeping with Maine Law the City of Lewiston has enforced MUBEC since September 28, 2011.

The proposed amendments to Chapter 18, Article II of the Code of Ordinances of the City of Lewiston are housekeeping measures. These amendments repeal the former building code and adopt MUBEC; however, the adoption of MUBEC is not required by Law.

**AN ORDINANCE PERTAINING TO BUILDING CODES**

**THE CITY OF LEWISTON HEREBY ORDAINS:**

Chapter 18 of the Code of Ordinances of the City of Lewiston, Maine is hereby amended as follows:

**CHAPTER 18**

**BUILDINGS AND BUILDING REGULATIONS**

**ARTICLE VI. RESIDENTIAL CODE**

**~~Sec. 18-200. Adoption of residential code.~~**

~~There is hereby adopted by the city for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition and insurance coverage, use and occupancy, equipment, location and maintenance of building and structures, including permits and penalties, that certain residential building code known as the *2003 International Residential Code for One and Two Family Dwellings*, save and except such portions as are in this article deleted, modified or amended. No fewer than three copies of such code have been and now are filed in the office of the city clerk and such copies are hereby adopted and incorporated as fully as if set out at length in this article.~~

**Sec. 18-200. Residential code.**

The City of Lewiston administers and enforces the provisions of the Maine Uniform Building and Energy Code pursuant to Title 10, chapter 1103 and Title 25, chapters 313 and 314 of the Maine statutes and 16-642 CMR chapters 1-6 of the Maine Department of Public Safety agency rules.

Sec. 18.201 is repealed in its entirety.

**~~Sec. 18-201. Amendments to the residential code.~~**

~~—The residential code adopted in section 18-26 is amended and changed as follows:  
Chapter 1 is repealed in its entirety.~~

**Chapter 1 ADMINISTRATION.** is enacted to read as follows:

**CHAPTER 1  
ADMINISTRATION**

**SECTION R101  
GENERAL**

~~**R101.1 Title.** These provisions shall be known as the *Residential Code for One and Two-Family Dwellings* of the City of Lewiston, Maine, and shall be cited as such and will be referred to herein as “this code.”~~

~~**R101.2 Scope.** The provisions of the *International Residential Code for One and Two-Family Dwellings* shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use, and occupancy, location, removal, and demolition of detached one and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with a separate means of egress and their accessory structures.~~

~~**R101.3 Purpose.** The purpose of this code is to provide minimum requirements to safeguard the public safety, health and general welfare, through affordability, structural strength, means of egress facilities, stability, sanitation, light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment.~~

## **SECTION R102 APPLICABILITY**

~~**R102.1 General.** Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, The specific requirement shall be applicable.~~

~~**R102.2 Other Laws.** The provisions of this code shall not be deemed to nullify any provisions of local, state and federal law.~~

~~**R102.3 Application of references.** References to chapter or section numbers, or to provisions specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.~~

~~**R102.4 Referenced codes and standards.** The codes and standards referenced in this code shall be considered part of the requirements of this code to be prescribed extent of each such reference. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.~~

~~**R101.4 Referenced codes.** The other codes listed in Section 101.4.1 through 101.4.7 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.~~

~~——— **Exception:** Where the enforcement of a code provision would violate the conditions of  
——— the listing of the equipment or appliance, the conditions of the listing and  
manufacturer’s instructions shall apply.~~

~~**R101.4.1 Electrical.** The provisions of the Chapter 18, Article V. ELECTRICAL CODE of the Code of Ordinances of the City of Lewiston shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings~~

and appurtenances thereto. All references to the ICC *Electrical Code* are hereby deleted in favor of the applicable section(s) of the *National Electrical Code* as adopted.

~~**R101.4.2 Gas.** The provisions of Chapter 38, Article II FIRE PREVENTION CODE of the aforementioned Code of Ordinances shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. All references to the *International Gas Code* are hereby deleted in favor of the applicable section(s) of the *National Fire Codes* as adopted.~~

~~**R101.4.3 Mechanical.** The provisions of the *International Mechanical Code* shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators and other energy-related systems.~~

~~**R101.4.4 Plumbing.** The provisions of Chapter 18, Article IV. PLUMBING CODE of the aforementioned Code of Ordinances shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewerage system. The provisions of the *Maine Subsurface Waste Water Disposal Rules* shall apply to private sewage disposal systems. All references to the *International Plumbing Code* and *International Private Sewage Disposal Code* are hereby deleted in favor of the applicable section(s) of these regulations.~~

~~**R101.4.5 Energy.** The provisions of the *Maine Guide to Energy Efficient Construction: A Manual of Accepted Practice* (third edition) shall apply to all habitable residential buildings and structures. The provisions of ASHRAE 90B shall be applicable to all occupiable nonresidential buildings and structures. All references to the *International Energy Conservation Code* are hereby deleted.~~

~~**R102.5 Appendices.** Provision in the appendices shall not apply unless specifically referenced on the adopting ordinance.~~

~~**R102.6 Partial invalidity.** In the event any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts of the provisions.~~

~~**R102.7 Existing structures.** The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the currently adopted *Property Maintenance Code*, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.~~

~~**R102.7.1 Additions, alterations, or repairs.** Additions, alterations, or repairs to any structure shall conform to that required for a new structure without requiring the existing structure to comply with all the requirements to this code, unless otherwise stated. Additions, alterations, and repairs shall not cause an existing structure to become unsafe or adversely affect the performance of the building.~~

**SECTION R103**  
**DEPARTMENT OF CODE ENFORCEMENT**

**R103.1 Building official.** ~~The code enforcement division is hereby charged with the administration and enforcement of this code. The director of code enforcement and the building inspector, acting under the direction of the director of code enforcement, shall be designated as the municipal building officials for the purpose of administration and enforcement of the code.~~

**R103.2 Qualifications of building official.** ~~To be eligible for appointment, the candidate for the position shall have had experience as an architect, structural engineer, building inspector, foreman or superintendent of building construction. He shall be in good health, physically capable of making the necessary examinations and inspections. He shall not have any interest whatever, directly or indirectly, in the sale or manufacture of any material, process, or device entering into or used in or in connection with building construction, alteration, removal and demolition.~~

**R103.3 Deputies.** ~~In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the director of code enforcement shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official.~~

**SECTION R104**  
**DUTIES AND POWERS OF BUILDING OFFICIALS**

**R104.1 General.** ~~The building official is hereby authorized and directed to enforce the provisions of this code. The building official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the applications of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.~~

**R104.2 Applications and permits.** ~~The building officials shall receive applications, review construction documents and issue permits for the erection, and alteration, demolition and moving of building and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.~~

**R104.3 Notices and orders.** ~~The building official shall issue all necessary notices and orders to ensure compliance with this code.~~

**R104.4 Inspections.** ~~The building official shall make all of the required inspections, or the building official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.~~

**R104.5 Identification.** ~~The building official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.~~

~~**R104.6 Right of entry.** Where it is necessary to make an inspection to enforce the provisions of this code, or where the building official has reasonable cause to believe that there exists in a structure or upon premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises be unoccupied, the building official shall first make reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by the law to secure entry.~~

~~**R104.7 Department records.** The building official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records.~~

~~**R104.8 Liability.** The building official or other employee or appointee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.~~

~~**R104.9 Approved materials and equipment.** Materials, equipment and devices approved by the building official shall be constructed and installed in accordance with such approval.~~

~~**R104.9.1 Used materials and equipment.** The use of used materials which meet the requirements of this code for new materials is permitted. Used equipment and devices shall not be reused unless approved by the building official.~~

~~**R104.10 Modifications.** Wherever there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases, upon application of the owner or the owner's representative, provided the building official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code at that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department of building safety.~~

~~**R104.10.1 Areas prone to flooding.** The building official shall not grant modifications to any provision related to areas prone to flooding as established by Table R301.2(1) without the granting of a variance to such provisions by the board of appeals.~~

~~**R104.11 Alternative materials, design and methods of construction and equipment.** The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.~~

~~**R104.11.1 Test.** Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized and accepted test standards. In the absence of recognized and accepted test methods, the building official shall approve the test procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records.~~

## **SECTION R105 PERMITS**

~~**R105.1 Required.** Any owner or authorized agent who intends to construct, enlarge, alter, repair, remove, move, demolish, or change the occupancy of a building or structure, or erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permits.~~

~~**R105.2 Work exempt from permit.** Exemptions from permit requirements for this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:~~

- ~~1. Repairs, in accordance with Section 105.2.2.~~
- ~~2. Re roofing, where no structural repairs or improvements are involved.~~
- ~~3. Siding of existing buildings or structures, where no structural repairs or improvements are involved.~~
- ~~4. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.~~
- ~~5. Prefabricated swimming pools, accessory to one and two family dwellings, which have less than 36 inches (915 mm) of water depth capacity and are installed entirely above ground.~~
- ~~6. Swings and other playground equipment accessory to one and two family dwellings.~~
- ~~7. Window awnings supported by an exterior wall of one and two family dwellings.~~

~~**R105.2.1 Emergency repairs.** When equipment replacement and building repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.~~

~~**R105.2.2 Repairs.** Application or notice to the building official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements.~~

~~**R105.3 Application for permit.** To obtain a permit, the applicant shall first file an application thereof in writing on a form furnished by the department of building safety for that purpose. Such application shall:~~

- ~~1. Identify and describe the work to be covered by the permit for which application is made. —~~
- ~~2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work. —~~
- ~~3. Indicate the use and occupancy for which the proposed work is intended. —~~
- ~~4. Be accompanied by construction documents and other information as required in Section 106.1. —~~
- ~~5. State the valuation of the proposed work. —~~
- ~~6. Be signed by the applicant, or the applicant's authorized agent. —~~
- ~~7. Give such other data and information as required by the building official. —~~

~~**R105.3.1 Action on application.** The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the building shall reject such application in writing, stating the reasons therefor. If the building official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the building official shall issue a permit therefor as soon as practicable.~~

~~**R105.3.1.1 Substantially improved or substantially damaged existing buildings and structures.** For applications for reconstruction, rehabilitation, addition or other improvement of existing buildings or structures located in a area prone to flooding as established by Table R301.2(1), the building official shall examine or cause to be examined the construction documents and shall prepare a finding with regard to the value of the proposed work. For buildings that have sustained damage of any origin, the value of the proposed work shall include the cost to repair the building or structure to its predamage condition. If the building official finds that the value of the proposed work equals or exceeds 50 percent of the market value of the building or structure, the building or structure shall be brought into conformance with the requirements of Article XII, Section 4 of Appendix A — Zoning and Land Use Code of the City of Lewiston.~~

~~**R105.3.2 Time limitation of application.** An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.~~

~~**R105.4 Validity of permit.** The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.~~

~~**R105.5 Expiration.** Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.~~

~~**R105.6 Suspension or revocation.** The building official is authorized to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code or other municipal ordinance.~~

~~**R105.7 Placement of permit.** The building permit or copy shall be kept on the site of the work until the completion of the project.~~

~~**R105.8 Responsibility.** It shall be the duty of every person who performs work for the installation, construction, or repair of a building or structure, for which this code is applicable, to comply with this code.~~

## **SECTION R106 CONSTRUCTION DOCUMENTS**

~~**R106.1 Submittal documents.** Construction documents, special inspection and structural observation programs, and other data shall be submitted in one or more sets with each application for a permit. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.~~

~~**Exception:** The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this code.~~

~~**R106.1.1 Information on construction documents.** Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are~~

~~permitted to be submitted when approval by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official.~~

~~**R106.1.2 Manufacturer's installation instructions.** Manufacturer's installation instructions, as required by this code, shall be available on the job site at the time of inspection.~~

~~**R106.1.3 Information for construction in areas prone to flooding.** For buildings and structures in the flood hazard areas as established by Table 301.2(1), construction documents shall include:~~

- ~~1. Delineation of flood hazard areas, floodway boundaries, and flood zones, and the design flood elevation, as appropriate;~~
- ~~2. The elevation of the proposed lowest floor, including basement; in areas of shallow flooding (AO zones), the height of the proposed lowest floor, including basement, above the highest adjacent grade; and~~
- ~~3. If design flood elevations are not included on the community's Flood Insurance Rate Map (FIRM), the building official and the applicant shall obtain and reasonably utilize any design flood elevation and floodway data available from other sources.~~

~~**R106.2 Site plan.** The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site and distances from lot lines. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.~~

~~**R106.3 Examination of documents.** The building official shall examine or cause to be examined construction documents for code compliance.~~

~~**R106.3.1 Approval of construction documents.** When the building official issues a permit, the construction documents shall be approved, in writing or by stamp, as "Reviewed for Code Compliance." One set of construction documents so reviewed shall be retained by the building official. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the building official or his authorized representative.~~

~~**R106.3.2 Previous approvals.** The code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.~~

~~**R106.3.3 Phased approval.** The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided the adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.~~

~~**R106.4 Amended construction documents.** Work shall be installed in accordance with the reviewed construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.~~

~~**R106.5 Retention of construction documents.** One set of approved construction documents shall be retained by the building official as required by state or local laws.~~

## **SECTION R107 TEMPORARY STRUCTURES AND USES**

~~**R107.1 General.** The building official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The building official is authorized to grant extensions for demonstrated cause.~~

~~**R107.2 Conformance.** Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure the public health, safety and general welfare.~~

~~**R107.3 Temporary power.** The building official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the ICC *Electrical Code*.~~

~~**R107.4 Termination of approval.** The building official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued.~~

## **SECTION R108 FEES**

~~**R108.1 Payment of fees.** A permit shall not be valid until the fees prescribed by law have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, has been paid.~~

~~**R108.2 Schedule of permit fees.** On buildings, structures, or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority.~~

~~**R108.3 Building permit valuations.** The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas,~~

~~mechanical, plumbing equipment and permanent systems. If, in the opinion of the building official, the valuation is underestimated on the application, final building permit valuation shall be set by the building official utilizing *Means Square Foot Costs* or similar documents, unless the applicant can show detailed estimates to meet the approval of the building official.~~

~~**R108.4 Work commencing before permit issuance.** Any person who commences any work on a building or structure, before obtaining the necessary permit, shall be subject to an additional fee established by the building official that shall be in addition to the required permit fees.~~

~~**R108.5 Related fees.** The payment of the fee for the construction, alteration, removal or demolition for work done in connection with or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.~~

~~**R108.6 Refunds.** The building official is authorized to establish a refund policy.~~

## **SECTION R109 INSPECTIONS**

~~**R109.1 Types of construction.** For on site Construction, from time to time the building official, upon notification from the permit holder or hid agent, shall make or cause to be made any necessary inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or his or her agent wherein the same fails to comply with this code.~~

~~**R109.1.1 Foundation inspection.** Inspection of the foundation shall be made after poles or piers are set or trenches or basement areas are excavated and any required forms erected and any required reinforcing steel is in place and prior to the placing of concrete. The foundation inspection shall include excavations for thickened slabs for the support of bearing walls, partitions, structural supports, or equipment and special requirements for wood foundations.~~

~~**R109.1.2 Plumbing, mechanical, gas, and electrical systems inspection.** Rough inspection of plumbing, mechanical, gas, and electrical systems shall be made prior to covering and concealment, before fixtures or appliances are set or installed, and prior to framing inspections.~~

~~—— **Exception:** Ground source heat pump loop systems tested in accordance with Section M2105.1 shall be permitted to be backfilled prior to inspection.~~

~~**R109.1.3 Floodplain inspection.** For construction permitted in areas prone to flooding as established by Table R301.2(1), upon placement of the lowest floor, including basement, and prior to further vertical construction, the building official shall require submission of documentation, prepared and sealed by a registered design professional, of the elevation of the lowest floor, including basement, as required in Section R323.~~

~~**R109.1.4 Frame and masonry inspection.** Inspection of framing and masonry construction shall be made after the roof, masonry, all framing, firestopping,~~

~~draftstopping, and bracing are in place and after the plumbing, mechanical, and electrical rough inspections are approved.~~

~~**R109.1.5 Other inspections.** In addition to the called inspections above, the building department may make or require any other inspections to ascertain compliance with this code and other laws enforced by the building department.~~

~~**R109.1.5.1 Fire resistance-rated construction inspections.** Where fire resistance-rated construction is required between dwelling units or due to location on property, the building official shall require an inspection of such construction after all lathing and/or wallboard is in place, but before any plaster is applied, or before wallboard joints and fasteners are taped and finished.~~

~~**R109.1.6 Final inspection.** Final inspection shall be made after all the permitted work is complete and prior to occupancy.~~

~~**R109.2 Inspection agencies.** The building official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.~~

~~**R109.3 Inspection requests.** It shall be the duty of the person doing the work authorized by a permit to notify the building official that such work is ready for inspection. It shall be the duty of the person requesting any inspections required by this code to provide access to and means for inspection of such work for any inspections that are required by this code.~~

~~**R109.4 Approval required.** Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.~~

## **SECTION R110 CERTIFICATE OF OCCUPANCY**

~~**R110.1 Use and occupancy.** No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy there for as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.~~

~~**R110.2 Change in use.** Changes in the character or use of an existing structure shall not be made except as specified in Sections 3405 and 3406 of the *International Building Code*.~~

~~**R110.3 Certificate issued.** After the building official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the~~

department of building safety, the building official shall issue a certificate of occupancy that shall contain the following:

1. ~~The building permit number.~~
2. ~~The address of the structure.~~
3. ~~The name and address of the owner.~~
4. ~~A description of that portion of the structure for which the certificate is issued.~~
5. ~~A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.~~
6. ~~The name of the building official.~~
7. ~~The edition of the code under which the permit was issued.~~
8. ~~The use and occupancy —~~
9. ~~The type of construction —~~
10. ~~Any special stipulations and conditions of the building permit. —~~

**~~R110.4 Temporary occupancy.~~** ~~The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid.~~

**~~R110.5 Revocation.~~** ~~The building official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or any regulation or any of the provisions of this code.~~

## **~~SECTION R111~~** **~~SERVICE UTILITIES~~**

**~~111.1 Authority to disconnect service utilities.~~** ~~The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the codes referenced in case of emergency where necessary to eliminate an immediate hazard to life or property. The building official shall notify the serving utility, and wherever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.~~

## **~~SECTION R112~~** **~~BOARD OF APPEALS~~**

**~~112.1 General.~~** ~~The board of appeals hearing matters related to the residential code shall be the board of appeals established by Article IV, Section 4.06 of the City Charter. The rules and regulations governing said board shall apply.~~

## **~~SECTION R113~~** **~~VIOLATIONS~~**

~~**R113.1 Unlawful acts.** It shall be unlawful for any person, firm, or corporation to erect, construct, alter, extend, repair, move, remove, demolish, or occupy any building, structure, or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.~~

~~**R113.2 Notice of violation.** The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition, or occupancy of a building or structure in violation of the provisions of this code, or in violation of a detail statement or a plan approved thereunder, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.~~

~~**R113.2.1 Service of notice of violation.** A notice of violation or order may be served in hand to the violator or left with a person of suitable age and discretion at the residence or place of business of the violator or mailed by certified mail, return receipt requested, to the last known address. If the return receipt is not returned, the notice shall be conclusively presumed to have been served if it is also sent by regular mail, postage prepaid, which is not returned as undeliverable by the postal service.~~

~~**R113.2.2 Request for appeal.** Any person served an order, pursuant to this section, may request a hearing before the board of appeals by filing a written petition for said hearing at the code enforcement office within ten (10) days of the date of service of the order. The board of appeals may sustain, modify, or withdraw such order. The decision of the board of appeals may be further appealed pursuant to the provisions of Rule 80B of the Maine Rules of Civil Procedure.~~

~~**R113.3 Prosecution of violation.** If the notice of violation is not complied with in the time prescribed by such notice, the building official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceedings at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.~~

~~**R113.4 Violation penalties.** Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof, or shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the building official, or of a permit or certificate issued under the provisions of this Code, shall be liable for a fine as set forth in Chapter 1, Section 1-8 and Chapter 50, Section 50-36 of the Code of Ordinances of the City of Lewiston.~~

#### **SECTION R114**

#### ~~**STOP WORK ORDER**~~

~~**R114.1 Notice to owner.** Upon notice from the building official that work on any building or structure is being prosecuted contrary to the provisions of this code or in an unsafe and dangerous manner, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to~~

the person doing the work; and shall state the conditions under which work will be permitted to resume.

~~**R114.2 Unlawful continuance.** Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.~~

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## ~~CHAPTER 2 DEFINITIONS~~

~~**R201.3 Terms defined in other codes.** Where conflicts exist regarding definitions of like terms in this chapter and other chapters of this code of ordinances, each definition shall be applied only within the scope of each chapter and shall not be construed to be contradictory. Terms not defined in this code that are defined in other referenced codes shall have the meanings ascribed to them as in those codes.~~

## ~~CHAPTER 3 BUILDING PLANNING~~

### ~~Climatic and Geographic Design Criteria~~

|   |                           |
|---|---------------------------|
| <del>Ground Snow Load</del>   | <del>70 psf</del>         |
| <del>Wind Speed</del>   | <del>90 mph</del>         |
| <del>Seismic Design Category</del>  | <del>B</del>              |
| <del>Subject to Damage from:</del>  |                           |
| <del>    Weathering</del>   | <del>Severe</del>         |
| <del>    Frost Line Depth</del>   | <del>4" 0"</del>          |
| <del>    Termites</del>   | <del>None to Slight</del> |
| <del>    Decay</del>  | <del>None to Slight</del> |
| <br>  |                           |
| <del>Winter Design Temperature</del>  | <del>5</del>              |
| <del>Ice Shield Underlayment Required</del>                                     | <del>Yes</del>            |
| <del>Flood Hazards:</del>   |                           |
| <del>    a. Date of adoption of 1<sup>st</sup> flood management ordinance</del> | <del>10/31/1972</del>     |
| <del>    b. Date of currently effective FIRM map</del>                          | <del>9/28/1979</del>      |
| <del>Air Freezing Index</del>   | <del>1500</del>           |
| <del>Mean annual temperature</del>  | <del>45.8 degrees</del>   |

### ~~Part IV — Energy Conservation~~

~~Chapter 11 ENERGY EFFICIENCY is hereby deleted.~~

### ~~Part VI — Fuel Gas~~

~~Chapter 24 FUEL GAS is hereby deleted.~~

### ~~Part VII — Plumbing~~

~~Chapter 25 PLUMBING ADMINISTRATION is hereby deleted.~~

~~Chapter 26 GENERAL PLUMBING REQUIREMENTS is hereby deleted.~~

~~Chapter 27 PLUMBING FIXTURES is hereby deleted.~~

~~Chapter 28 WATER HEATERS is hereby deleted.~~

~~Chapter 29 WATER SUPPLY AND DISTRIBUTION is hereby deleted.~~

~~Chapter 30 SANITARY DRAINAGE is hereby deleted.~~

~~Chapter 31 VENTS is hereby deleted.~~

~~Chapter 32 TRAPS is hereby deleted.~~

~~*Part VIII—Electrical*~~

~~CHAPTER 33 GENERAL REQUIREMENTS is hereby deleted.~~

~~**E3301.1 Applicability.** The provisions of the currently adopted edition of the *National Electrical Code (NFPA 70)* shall cover the installation of electrical systems, equipment and components indoors and outdoors that are within the scope of the aforementioned *Electrical Code*, including services, power distribution systems, fixtures, appliances, devices and appurtenances.~~

~~CHAPTER 34 ELECTRICAL DEFINITIONS is hereby deleted.~~

~~CHAPTER 35 SERVICES is hereby deleted.~~

~~CHAPTER 36 BRANCH CIRCUIT AND FEEDER REQUIREMENTS is hereby deleted.~~

~~CHAPTER 37 WIRING METHODS is hereby deleted.~~

~~CHAPTER 38 POWER AND LIGHTING DISTRIBUTION is hereby deleted.~~

~~CHAPTER 39 DEVICES AND LUMINAIRES is hereby deleted.~~

~~CHAPTER 40 APPLIANCE INSTALLATION is hereby deleted.~~

~~CHAPTER 41 SWIMMING POOL is hereby deleted.~~

~~CHAPTER 42 CLASS 2 REMOTE CONTROL, SIGNALING AND POWER-LIMITED CIRCUITS is hereby deleted.~~

REASON FOR PROPOSED AMENDMENT

No. 15-  
Effective:

Maine Law requires municipalities of 4,000 or more in population to enforce the Maine Uniform Building and Energy Code (MUBEC) pursuant to Title 10, chapter 1103 and Title 25, chapters 313 and 314 of the Maine Statutes and 16-642 CMR chapters 1-6 of the Maine Department of Public Safety rules. In keeping with Maine Law the City of Lewiston has enforced MUBEC since September 28, 2011.

The proposed amendments to Chapter 18, Article VI of the Code of Ordinances of the City of Lewiston are housekeeping measures. These amendments repeal the former residential code and adopt MUBEC; however, the adoption of MUBEC is not required by Law.

# LEWISTON CITY COUNCIL

## MEETING OF FEBRUARY 3, 2015

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 8**

**SUBJECT:**

Public Hearing and First Passage regarding an amendment to the Buildings and Building Regulations ordinance regarding the Electrical Code.

**INFORMATION:**

The City's Planning and Code Enforcement Department is recommending the repeal of the City's currently adopted Electrical Code. Currently, the City has adopted the 2011 edition as the local code. State law is now requiring that all electrical installations in the state follow the 2014 edition of the National Electrical Code and City staff is recommending changes to the City Code of Ordinances to reflect this new requirement.

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

The City Administrator recommends approval of the requested action.

*ERB/kmm*

**REQUESTED ACTION:**

|   |   |   |   |   |   |   |   |
|---|---|---|---|---|---|---|---|
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|---|---|---|---|---|---|---|---|

That the proposed amendments to the City Code of Ordinances, Chapter 18 "Buildings and Building Regulations", Article V, "Electrical Code", receive first passage by a roll call vote and the public hearing on said ordinance be continued to the next regular City Council meeting.

## AN ORDINANCE PERTAINING TO ELECTRICAL CODES

### THE CITY OF LEWISTON HEREBY ORDAINS:

Chapter 18 of the Code of Ordinances of the City of Lewiston, Maine is hereby amended as follows:

#### CHAPTER 18

#### BUILDINGS AND BUILDING REGULATIONS

#### ARTICLE V. ELECTRICAL CODE

#### DIVISION 3. PERMITS AND INSPECTIONS

##### **Sec. 18-148. Prerequisites for electrical installations.**

~~One licensed apprentice electrician or one licensed helper electrician (licensed by the electricians examining board pursuant to 32 M.R.S.A. § 1101 et seq., as amended) may only perform electrical work covered under this article with, in the presence of, and under the supervision of each master electrician, journeyman electrician or limited license electrician.~~  
Electrical work must be performed in accordance with Title 32, chapter 17 § 1101 et seq. of the Maine Statutes. When the electrical inspector finds that electrical work is being performed contrary to this requirement he shall issue a stop work order pursuant to section 18-126 and shall notify the permit holder that future violations of this section shall result in the issuance of a citation pursuant to section 50-36 et seq. and/or the initiation of a land use complaint pursuant to rule 80-K of the Maine Rules of Civil Procedure and 30-A M.R.S.A. § 4452 et seq., as amended.

#### DIVISION 4. STANDARDS

##### **Sec. 18-171. Installations.**

All electrical installations shall be in conformity with the provisions of this article and the approved standards for safety to life and property. Unless otherwise provided by this article, conformity with NFPA 70 (National Fire Protection Association), National Electrical Code, ~~2011~~ 2014 Edition shall be deemed as conforming with approved standards for safety to life and property with the following amendments:

215.12 Identification of for Feeders.

~~(C) Ungrounded Conductors. Where the premises wiring system has feeders supplied from more than one nominal voltage system, each ungrounded conductor of a feeder shall be identified by phase or line and system at all termination, connection, and splice points. The means of identification shall be permitted to be by separate color coding, marking tape, tagging, or other approved means. The method utilized for conductors originating within each feeder panelboard or similar feeder distribution equipment or shall be permanently posted at each feeder panelboard or similar feeder distribution equipment.~~

(C) Identification of Ungrounded Conductors.

(1) Feeders Supplied from More Than One Nominal Voltage System.

(b) Posting of Identification Means. The method utilized for conductors originating within each feeder panel board or similar feeder distribution equipment shall be permanently posted at each branch-circuit panel board or similar branch-circuit distribution equipment.

**~~Sec. 18-175. Installation of rigid conduit.~~**

~~Rigid metallic or rigid nonmetallic conduit shall be installed for service entrances and for any wiring installed to conduct electricity near surfaces of metal, masonry, brick, cement or cinder blocks, stucco, stone or similar synthetics and must be approved by the electrical inspector.~~

~~Sec. 18-175. Reserved.~~

### REASON FOR PROPOSED AMENDMENT

On August 1, 2014 the State of Maine Electricians Examining Board adopted the National Fire Protection Association, National Electrical Code, 2014 Edition. Electrical installations in the State of Maine must comply with this Code as adopted. Therefore, the proposed amendments to Chapter 18, Article V of the Code of Ordinances of the City of Lewiston repeals the 2011 Edition of the National Electrical Code and adopts the 2014 Edition with amendments.

# MEMORANDUM

TO: Mayor Robert E. Macdonald  
Members of the City Council

FR: Gildace J. Arsenault, Director of Planning and Code Enforcement

RE: Adoption of 2014 National Electrical Code

DT: January 26, 2015

On August 20, 2014, the State of Maine Electricians Examining Board adopted the National Fire Protection Association, National Electrical Code, 2014 Edition. Electrical installations in the State of Maine must comply with this Code as adopted. Therefore, the proposed amendments to Chapter 18, Article V of the Code of Ordinances of the City of Lewiston repeals the 2011 Edition of the National Electrical Code and adopts the 2014 Edition with amendments.

I will be in attendance at the February 3, 2015 public hearing on this matter to answer any questions that you may have.

Thank you.

# LEWISTON CITY COUNCIL

## MEETING OF FEBRUARY 4, 2014

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 9**

**SUBJECT:**

Public Hearing for the Fiscal Year 2016 Lewiston Capital Improvement Program.

**INFORMATION:** The municipal Capital Improvement Program (LCIP) is required by State Law and the City Charter. The LCIP is an important and necessary planning tool for the City's consideration in financial and development issues. It is a working document, and adoption does not constitute approval and/or funding of the various projects within the program. Each project will require funding approval from the City Council at a later date. The complete LCIP booklet was distributed to Council around January 15 for review. Prior to acting on the City's five year capital plan, the Council must hold a public hearing on it. In addition to the public hearing, the Council will also receive comments on the plan from the Finance Committee and the Planning Board; staff anticipates that these processes will be completed prior to the Council's February 17 meeting, at which time the Council will be asked to adopt the Plan.

This agenda item is for a Public Hearing to receive citizen input and comment regarding the contents of the Plan. Adoption of the LCIP is scheduled for the February 17 City Council meeting.

Copies of the Plan are available on the City's website at <http://www.ci.lewiston.me.us/Archive.aspx?AMID=39&Type=Recent> or by using the Financial Reports link on the Finance Department's home page. The City Administrator's Message summarizing the plan and a spreadsheet with all proposed projects is attached.

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

Receiving input from the residents is an important part of the LCIP process.

*EAB/kmm*

**REQUESTED ACTION:**

|   |   |   |   |   |   |   |   |
|---|---|---|---|---|---|---|---|
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|---|---|---|---|---|---|---|---|

To conduct a public hearing to receive citizen input and comment regarding the Fiscal Year 2016 Lewiston Capital Improvement Program.

(No action or vote is required by the City Council.)



## City of Lewiston Executive Department

EDWARD A. BARRETT  
City Administrator

PHIL NADEAU  
Deputy City Administrator



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January 7, 2015

Honorable Mayor Robert E. Macdonald  
Lewiston City Council Members  
City Building  
Lewiston, Maine 04240

RE: Proposed FY2016 Capital Improvement Program

Dear Mayor and Councilors:

The proposed FY2016 Lewiston Capital Improvement Program (LCIP) is hereby submitted for your review in accordance with the provisions of the City Charter.

The purpose of developing and annually updating a five-year capital plan is to ensure that policy makers are aware of both current and future capital needs and can take these into account during the annual budget process. It assists in setting priorities for addressing the City's infrastructure needs and in planning for and managing the City's overall debt.

At the same time, a capital plan is not and cannot be carved in stone. It must be a living and flexible document that, while informing judgments, does not predetermine them. While the plan serves as a guide to decision making, other factors must be weighed and balanced. These include: the overall economic and fiscal climate; the City's debt position; the availability of non-city funding sources; unexpected emergencies or development opportunities; public requests or expectations; and the ability of the City's operating budget to directly fund projects through normal City revenues.

Under our charter and procedures, this plan is also submitted to the Planning Board and the Finance Committee for their review, comments, and recommendations. The Council is required to hold a public hearing on this plan and to adopt it as it may be changed or modified at least four months prior to the end of the current fiscal year.

In addition to various summaries, each project is described and justified in the attached project detail sheets. Potential sources of funding are suggested such as federal or state grants, our operating budget, or general obligation bonds.

While a five-year time frame is appropriate for planning purposes, the focus of immediate attention will be on those projects scheduled for the coming fiscal year and, more specifically, those requiring either operating support or debt authorization. A summary of such projects can be found below.

**OVERALL SUMMARY**

The five-year capital plan calls for approximately \$135 million in projects of which \$60.9 million are supported by City resources including our various operating budgets or general obligation or enterprise revenue supported bonds. The following chart summarizes the proposed use of local resources for the first year of the plan (FY2016) and the total over the full five year period:

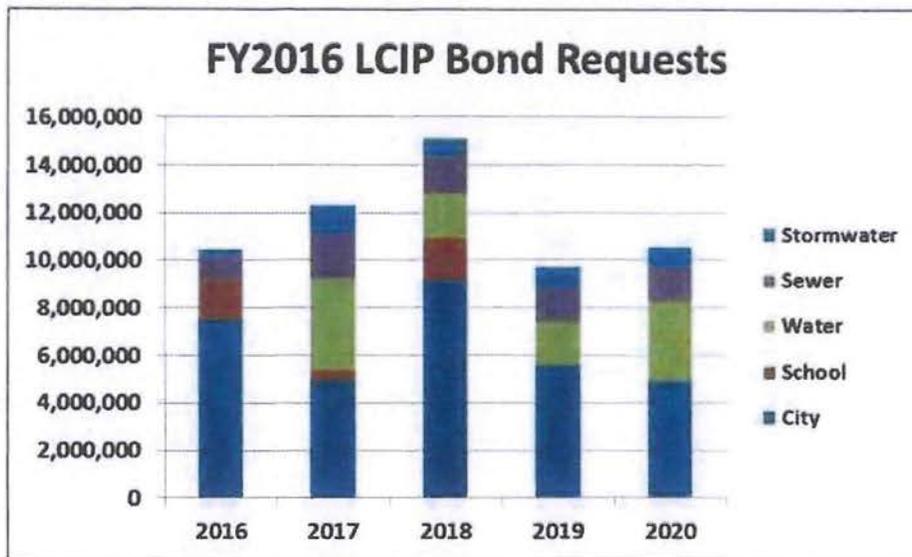
| <b>AREA</b>                  | <b>FY2016</b>       | <b>FY2016-FY2020</b> |
|------------------------------|---------------------|----------------------|
| City Bond Issue              | \$7,445,800         | \$32,126,600         |
| City Operating Budget        | 587,313             | 2,016,688            |
| School Bond Issue            | 1,798,903           | 4,061,051            |
| Sewer Bond Issue             | 1,000,000           | 7,460,000            |
| Sewer Operating Budget       | 75,000              | 560,000              |
| Sewer Impact Fees            | 50,000              | 250,000              |
| Water Bond Issue             |                     | 10,983,775           |
| Water Operating Budget       | 315,000             | 1,520,000            |
| Storm Water Operating Budget | 194,000             | 386,000              |
| Storm Water Bond Issue       | <u>200,000</u>      | <u>3,550,000</u>     |
| <b>TOTAL</b>                 | <b>\$11,666,016</b> | <b>\$62,914,114</b>  |

The significant changes from last year include an increase of \$1 million in the size of the proposed City bond issue from last year’s proposed \$6 million. The biggest single reason for this increase is the City’s share of two joint agency projects: the 9-1-1 radio replacement at \$1.025 million and the \$350,000 airport parking lot project. Proposed School projects increased by \$655,000, largely attributed to the Montello School roof replacement. Prior years’ surplus bond proceeds significantly reduced the utility funds’ borrowing needs. The Water Fund will not be borrowing in 2016 and the Sewer and Stormwater Funds are reducing their borrowing needs by \$642,000 and \$659,100 respectively.

**PROPOSED BOND ISSUES**

The following chart and accompanying graph summarizes the amount of bonded debt proposed for the City’s General Fund and each of its Enterprise Funds over the next five years.

| <b>Fund</b>  | <b>2016</b>       | <b>2017</b>       | <b>2018</b>       | <b>2019</b>      | <b>2020</b>       | <b>Total</b>      |
|--------------|-------------------|-------------------|-------------------|------------------|-------------------|-------------------|
| City         | 7,445,800         | 4,918,000         | 9,190,800         | 5,612,000        | 4,960,000         | 32,126,600        |
| School       | 1,798,903         | 499,485           | 1,762,663         |                  |                   | 4,061,051         |
| Water        |                   | 3,856,250         | 1,912,500         | 1,858,150        | 3,356,875         | 10,983,775        |
| Sewer        | 1,000,000         | 1,960,000         | 1,500,000         | 1,500,000        | 1,500,000         | 7,460,000         |
| Stormwater   | <u>200,000</u>    | <u>1,100,000</u>  | <u>750,000</u>    | <u>750,000</u>   | <u>750,000</u>    | <u>3,550,000</u>  |
| <b>TOTAL</b> | <b>10,444,703</b> | <b>12,333,735</b> | <b>15,115,963</b> | <b>9,720,150</b> | <b>10,566,875</b> | <b>58,181,426</b> |



## OVERALL FISCAL AND ECONOMIC CLIMATE

During and subsequent to the recent great recession, capital funding financed by our operating budget declined. In recent years, we took some modest steps to increase the operating capital budget. This progress was reversed in FY14 as a result of a significant additional reduction in state revenue sharing. Projects that preferably should be funded through current revenues continue to be proposed for bond funding or through use of fund balance. This includes equipment replacement, annual street paving, and proposed funding for some smaller projects.

While significant pressure remains on the City's operating budget due to the after effects of the economic downturn and the continuing deprecations of the state as it raids local funding, staff will closely evaluate the potential to fund all or portions of some of the proposed bond projects through the operating budget. Funding recurring and on-going capital expenses from operations should continue to be our long-term goal.

## DEBT POSTURE

At the present time, the City's outstanding issued and authorized debt for all funds and purposes is \$166,965,672. The following chart provides greater detail by fund and purpose:

### Outstanding Debt Issued & Authorized as of 12/31/14

|                         |                    |
|-------------------------|--------------------|
| City                    | 51,117,734         |
| Pension                 | 7,200,000          |
| School                  | 43,335,755         |
| Water                   | 19,711,903         |
| Sewer                   | 13,588,437         |
| Stormwater              | 12,172,463         |
| Special Revenue         | 2,556,522          |
| Authorized and Unissued | <u>12,371,650</u>  |
| <b>TOTAL</b>            | <b>162,054,464</b> |

While considered manageable by bond rating agencies, we should continue to work toward reducing tax supported debt. The current year's debt service budget of approximately \$8,761,850 represents approximately 20.4% of the City's operating budget exclusive of schools. The City Council has recently reaffirmed our goal of reducing this percentage over time to a more sustainable level. This will be a major challenge given continuing economic constraints on our operating budget and reductions in state and federal funding.

While significant strategic investments have been required to address major changes occurring in the local economy in recent decades, these investments have come at a cost, and we must carefully manage our debt position moving forward. Our current approach to debt management involves a four part strategy. First, we must begin to move certain capital expenditures back into our operating budget or find other sources of funding. Generally, those projects that are on-going or fairly predictable from year to year should be supported by annual revenues. This includes such items as street overlay and fleet replacement. Second, we have closely monitored capital markets and refinanced outstanding bonds at lower interest rates whenever possible. Given the extent of the refinancings over the past few years, this option is just about exhausted. Third, the City has eliminated its past budgetary practice of using one-time revenues and fund balance to support our operating budget and has adopted a fund balance policy. Under that policy, once certain targets are met, preference is given to using amounts over the target for capital expenditures, relieving the need to borrow. Finally, in 2011, the Council lowered the amount of debt that can be authorized in any one year from 97% of the average amount of principal retired over the last three years to 80%. To exceed this amount, an affirmative vote of five Councilors is required. Over time, these approaches will allow the city to gradually reduce its outstanding debt and the percentage of the operating budget devoted to debt service.

Unfortunately, reducing our outstanding debt will not result in an immediate significant reduction in the City's debt service payment schedule. Much of the City's current debt is structured on an equal annual payment basis, similar to a home mortgage. An alternative approach is to make equal annual principal payments, resulting in a declining payment schedule over time as principal is paid off. This approach, which we are now pursuing, requires higher payments in the early years after debt is issued. The Finance Director has also made a strategic decision to amortize the City's debt at a rapid pace, which results in higher annual principal payments but reduces overall debt burden and interest cost over the term of the issue.

The City's General Fund debt service requirements for the current year and the next five fiscal years, exclusive of authorized but as yet unissued debt are:

| <b>FISCAL YEAR</b> | <b>PRINCIPAL AND INTEREST PAYMENT</b> |
|--------------------|---------------------------------------|
| FY15 (Current)     | \$8,757,333                           |
| FY16               | 8,519,302                             |
| FY17               | 7,835,109                             |
| FY18               | 7,522,103                             |
| FY19               | 7,092,922                             |
| FY20               | 6,728,627                             |

Given these required payments and the additional borrowing that will occur over this time, annual

principal is likely to continue to increase throughout this period; however, the City will experience a reduction in interest.

**ENTERPRISE FUNDS**

The majority of the projects in our water, sewer, and stormwater funds are directly related to either addressing old and deteriorating infrastructure or responding to state and federal mandates related to clean water. In all of these utilities, debt service costs are a major factor driving future rate increases. In order to better plan for and manage such increases, we continue to develop multi-year revenue and expense projections to ensure that policy makers are aware of the impact of capital projects on the financial stability and rates of these utilities.

**PROPOSED FY2016 CAPITAL IMPROVEMENT PROGRAM**

Recognizing that one of the major purposes of a capital plan is to inform the City’s annual budget process, this section briefly summarizes the projects identified for potential funding through local resources (our operating budgets or by issuing bonds) during FY2016.

| PROJECT  | TOTAL<br>COST | CITY<br>RESOURCES |
|--|---------------|-------------------|
| <b>AIRPORT:</b>  |               |                   |
| Airport Landside Terminal Parking Lot                        | 700,000       | 350,000           |
| Small Community Air Service Development Grant                | 700,000       | 50,000            |
| Terminal Aircraft Parking Ramp Construction & Reconstruction | 620,000       | 15,500            |
|  | 2,020,000     | 415,500           |
| <b>EMERGENCY 9-1-1:</b>                                      |               |                   |
| Radio Replacement  | 2,050,000     | 1,025,000         |
| <b>GREAT FALLS TV:</b>                                       |               |                   |
| Video Equipment Upgrades                                     | 23,426        | 11,713            |
| <b>TRANSIT COMMITTEE:</b>                                    |               |                   |
| Replacement Buses  | 400,000       | 40,000            |
| <b>ECONOMIC &amp; COMMUNITY DEVELOPMENT:</b>                 |               |                   |
| Comprehensive Plan Implementation                            | 100,000       | 100,000           |
| Acquisition/Demolition Fund                                  | 350,000       | 300,000           |
|  | 450,000       | 400,000           |
| <b>MIS DEPARTMENT:</b>                                       |               |                   |
| Telephone System   | 500,000       | 500,000           |
| Hardware Replacement of Storage Units                        | 90,000        | 90,000            |
| Wireless Managed Switch & Audit Controls                     | 54,250        | 54,250            |
|  | 644,250       | 644,250           |
| <b>FIRE DEPARTMENT:</b>                                      |               |                   |
| Central Station Paving Project                               | 48,000        | 48,000            |
| <b>PUBLIC WORKS - BUILDINGS:</b>                             |               |                   |
| Vehicle/Equipment Wash Facility                              | 35,000        | 35,000            |
| City Hall Bldg Second Floor Interior Restoration             | 120,000       | 120,000           |
| Parking Garage Way Finding Signs Improvement                 | 100,000       | 100,000           |

|  |            |           |
|--|------------|-----------|
|  | 255,000    | 255,000   |
| <b>PUBLIC WORKS - HIGHWAY:</b>                               |            |           |
| Bates Street - Bus Station Area                              | 20,000     | 20,000    |
| Lincoln Street Alley Bridge Removal                          | 30,000     | 30,000    |
| Street Maintenance   | 1,005,000  | 1,005,000 |
| Road Rehabilitation  | 720,000    | 720,000   |
| City Street Amenities  | 250,000    | 250,000   |
| Exit 80 Interchange Improvements                             | 9,800,000  |           |
| Bartlett Street Rehab.                                       | 1,350,000  |           |
| TIP Signal Upgrades  | 450,000    |           |
| Lisbon Street Highway Preservation Paving                    | 400,000    | 40,000    |
| Main Street Highway Preservation Paving                      | 931,000    |           |
| River Road Highway Reconstruction                            | 1,125,000  | 225,000   |
| Lisbon Street Highway Preservation Paving                    | 880,000    |           |
| Cedar Street Safety Improvements                             | 100,000    | 10,000    |
|  | 17,061,000 | 2,300,000 |
| <b>PUBLIC WORKS - STREET LIGHTING:</b>                       |            |           |
| Replace Mercury Street Lighting                              | 35,100     | 35,100    |
| <b>PUBLIC WORKS - OPEN SPACES:</b>                           |            |           |
| Riverfront Island Implementation                             | 500,000    | 500,000   |
| Lionel Potvin Park Improvements                              | 100,000    | 100,000   |
| Field Lights - Upper Franklin                                | 302,500    | 302,500   |
| Kennedy Park Master Plan                                     | 372,000    | 372,000   |
|  | 1,274,500  | 1,274,500 |
| <b>PUBLIC WORKS - MUNICIPAL GARAGE:</b>                      |            |           |
| P/W Municipal Garage Vehicle & Equipment Replacement         | 1,790,300  | 1,790,300 |
| <b>PUBLIC WORKS - SOLID WASTE:</b>                           |            |           |
| Landfill Paved Road Maintenance                              | 120,000    | 120,000   |
| Solid Waste Facility Security System                         | 75,000     | 75,000    |
| Solid Waste Facility - Detention Basin                       | 80,000     | 80,000    |
|  | 275,000    | 275,000   |
| <b>SCHOOL DEPARTMENT:</b>                                    |            |           |
| Middle School Clock Tower                                    | 62,000     | 62,000    |
| High School Electrical/Network Upgrade                       | 246,300    | 246,300   |
| State Funded New School                                      | 3,187,051  | 159,353   |
| Playground Upgrades  | 260,000    | 260,000   |
| Montello School Roof Replacement                             | 670,000    | 670,000   |
|  | 4,425,351  | 1,397,653 |
| <b>PUBLIC WORKS - WATER DIVISION:</b>                        |            |           |
| Equipment Replacement Program                                | 85,000     | 85,000    |
| Lake Auburn Watershed Protection Commission Land Acquisition | 140,000    | 70,000    |
| Meter Replacement/Testing Program                            | 160,000    | 160,000   |
|  | 385,000    | 315,000   |
| <b>PUBLIC WORKS - SEWER DIVISION:</b>                        |            |           |
| Rehabilitation of Old Sanitary Sewer Mains                   | 1,000,000  | 1,000,000 |
| Equipment Replacement  | 75,000     | 75,000    |
| Inflow/Infiltration Removal                                  | 50,000     | 50,000    |

|  |                          |                          |
|--|--------------------------|--------------------------|
|  | 1,125,000                | 1,125,000                |
| <b>PUBLIC WORKS - STORMWATER DIVISION:</b>   |                          |                          |
| Storm Drain for Road Rehabilitation Projects | 114,000                  | 114,000                  |
| Hart Brook Water Quality Restoration         | 200,000                  | 200,000                  |
|  | <u>314,000</u>           | <u>314,000</u>           |
| <b>Grand Total</b>                           | <b><u>32,575,927</u></b> | <b><u>11,666,016</u></b> |

### FY2016 MUNICIPAL BOND PROJECTS

Given the focus and concern regarding the City's debt posture, the following projects are proposed for bond funding in FY16:

| <u>Project</u>                                   | <u>Amount</u>           |
|--|-------------------------|
| <b>City:</b>                                     |                         |
| Airport Landside Terminal Parking Lot            | 350,000                 |
| 9-1-1 Radio Replacement                          | 1,025,000               |
| Comprehensive Plan Implementation                | 100,000                 |
| Telephone System                                 | 250,000                 |
| Hardware Replacement of Storage Units            | 90,000                  |
| Wireless Managed Switch & Audit Controls         | 54,250                  |
| Central Station Paving Project                   | 48,000                  |
| City Hall Bldg Second Floor Interior Restoration | 120,000                 |
| Parking Garage Way Finding Signs Improvement     | 100,000                 |
| Street Maintenance                               | 1,005,000               |
| Road Rehabilitation                              | 720,000                 |
| City Street Amenities                            | 250,000                 |
| River Road Highway Reconstruction                | 225,000                 |
| Riverfront Island Implementation                 | 500,000                 |
| Lionel Potvin Park Improvements                  | 100,000                 |
| Field Lights - Upper Franklin                    | 151,250                 |
| Kennedy Park Master Plan                         | 372,000                 |
| P/W Garage Vehicle & Equipment Replacement       | 1,790,300               |
| Landfill Paved Road Maintenance                  | 120,000                 |
| Solid Waste Facility Security System             | 75,000                  |
|  | <u>7,445,800</u>        |
| <b>School:</b>                                   |                         |
| Middle School Clock Tower                        | 62,000                  |
| High School Electrical/Network Upgrade           | 246,300                 |
| Telephone System                                 | 250,000                 |
| State Funded New School                          | 159,353                 |
| Playground Upgrades                              | 260,000                 |
| Montello School Roof Replacement                 | 670,000                 |
| Field Lights - Upper Franklin                    | 151,250                 |
|  | <u>1,798,903</u>        |
| <b>Grand Total</b>                               | <b><u>9,244,703</u></b> |

Given the proposed bond projects, the 80% limit of \$7,642,255 would be exceeded by \$1,102,448.<sup>1</sup>

As we move through the budget process, it is my hope that we will be able to reduce the proposed amount of borrowing to below the 80% limit. This can be accomplished by deferring projects and/or funding certain of them from either the City's operating budget or unallocated fund balance. Toward this end, the goal of reducing next year's bond issue should remain in our minds as we work on the FY2016 operating budget.

## **CONCLUSION**

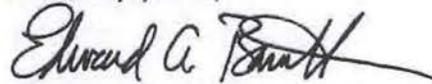
The LCIP is an important planning tool to assist policy makers as they consider financial and development issues. However, the LCIP is only a "tool," not a funded budget.

The City Council has the final authority over which projects are funded and which are not. In these economic times and given the City's overall debt and fiscal posture, it may be difficult to either afford or fully fund all of the scheduled LCIP projects, including those proposed for inclusion in the General Fund operating budget. As a result, these projects will require that we carefully prioritize what must and should be done. These are issues that will be fully discussed and evaluated during the upcoming budget process.

I would like to express my thanks to the members of City staff who contributed to developing this plan, especially our department directors, our Finance Director, Heather Hunter, and Norm Beauparlant, our Director of Budget and Purchasing. Without their efforts, this document could not have been produced in a timely fashion.

I look forward to the opportunity of reviewing this plan with you, the Planning Board, and the Finance Committee over the coming months.

Sincerely yours,



Edward A. Barrett  
City Administrator

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<sup>1</sup> Note that this includes the early payment of the Colisee bond this year. The additional principal payment equals \$3,475,000. Without this payment, the 80% limit would be \$6,715,588.

**FY 2016 Lewiston Capital Imp. Project Summary**  
by Department /Agency

| PROJECT   | PAGE | FY2016    |       | FY2017  |       | FY2018    |       | FY2019  |       | FY2020    |
|---|------|-----------|-------|---------|-------|-----------|-------|---------|-------|-----------|
| <b>AIRPORT:</b>   |      |           |       |         |       |           |       |         |       |           |
| Airport Landside Terminal Parking Lot                         | 12   | 350,000   | CBI   |         |       |           |       |         |       |           |
|   |      | 350,000   | Other |         |       |           |       |         |       |           |
| Small Community Air Svc Development Grant Local Share Funding | 13   | 600,000   | F/S   |         |       |           |       |         |       |           |
|   |      | 50,000    | COB   |         |       |           |       |         |       |           |
|   |      | 50,000    | Other |         |       |           |       |         |       |           |
| Terminal Aircraft Parking Ramp Construction & Reconstruction  | 14   | 589,000   | F/S   |         |       |           |       |         |       |           |
|   |      | 15,500    | COB   |         |       |           |       |         |       |           |
|   |      | 15,500    | Other |         |       |           |       |         |       |           |
| Wildlife Control Equipment                                    | 15   |           |       | 145,000 | CBI   |           |       |         |       |           |
|   |      |           |       | 145,000 | Other |           |       |         |       |           |
| Grind and Overlay of Taxiway B                                | 16   |           |       | 356,250 | F/S   |           |       |         |       |           |
|   |      |           |       | 9,375   | COB   |           |       |         |       |           |
|   |      |           |       | 9,375   | Other |           |       |         |       |           |
| <b>EMERGENCY 9-1-1:</b>                                       |      |           |       |         |       |           |       |         |       |           |
| Radio Replacement   | 18   | 1,025,000 | CBI   |         |       |           |       |         |       |           |
|   |      | 1,025,000 | Other |         |       |           |       |         |       |           |
| <b>GREAT FALLS TV:</b>  |      |           |       |         |       |           |       |         |       |           |
| Video Equipment Upgrades (Lewiston & Auburn City Hall)        | 19   | 11,713    | COB   |         |       |           |       |         |       |           |
|   |      | 11,713    | Other |         |       |           |       |         |       |           |
| <b>TRANSIT COMMITTEE:</b>                                     |      |           |       |         |       |           |       |         |       |           |
| Replacement Buses   | 20   | 320,000   | F/S   | 320,000 | F/S   | 320,000   | F/S   | 320,000 | F/S   | 320,000   |
|   |      | 40,000    | COB   | 40,000  | COB   | 40,000    | COB   | 40,000  | COB   | 40,000    |
|   |      | 40,000    | Other | 40,000  | Other | 40,000    | Other | 40,000  | Other | 40,000    |
| <b>ECONOMIC &amp; COMMUNITY DEVELOPMENT:</b>                  |      |           |       |         |       |           |       |         |       |           |
| Comprehensive Plan Implementation                             | 21   | 100,000   | CBI   |         |       | 100,000   | CBI   |         |       |           |
| Acquisition/Demolition Fund                                   | 22   | 50,000    | F/S   | 50,000  | F/S   | 50,000    | F/S   | 50,000  | F/S   | 50,000    |
|   |      | 300,000   | COB   | 300,000 | COB   | 300,000   | COB   | 300,000 | COB   | 300,000   |
| Acquisition of Lewiston Steam Substation                      | 23   |           |       | 253,000 | CBI   |           |       |         |       |           |
| <b>MIS DEPARTMENT:</b>  |      |           |       |         |       |           |       |         |       |           |
| Telephone System  | 24   | 250,000   | CBI   |         |       |           |       |         |       |           |
|   |      | 250,000   | COB   |         |       |           |       |         |       |           |
| Hardware Replacement of Storage Units                         | 25   | 90,000    | CBI   |         |       |           |       |         |       |           |
| Wireless Managed Switch & Audit Controls                      | 26   | 54,250    | CBI   |         |       |           |       |         |       |           |
| Final Module of the Tyler Technologies Suite                  | 27   |           |       | 150,000 | CBI   |           |       |         |       |           |
| <b>FIRE DEPARTMENT:</b>                                       |      |           |       |         |       |           |       |         |       |           |
| Central Station Paving Project                                | 28   | 48,000    | CBI   |         |       |           |       |         |       |           |
| Fire Department Pumper/Aerial                                 | 29   |           |       |         |       |           |       | 950,000 | CBI   |           |
| <b>PUBLIC WORKS - BUILDINGS:</b>                              |      |           |       |         |       |           |       |         |       |           |
| Fire Station Evaluation Study                                 | 31   |           |       | 150,000 | CBI   |           |       |         |       |           |
| Vehicle/Equipment Wash Facility                               | 32   | 35,000    | COB   |         |       | 500,000   | CBI   |         |       |           |
| City Hall Bldg Second Floor Interior Restoration              | 33   | 120,000   | CBI   | 100,000 | CBI   |           |       |         |       |           |
| Parking Meter Replacement Program                             | 34   |           |       | 120,000 | CBI   |           |       |         |       |           |
| Main Street Fire Station Expansion & Rehabilitation           | 36   |           |       |         |       | 600,000   | CBI   |         |       |           |
| Parking Garage Way Finding Signs Improvement                  | 37   | 100,000   | CBI   |         |       |           |       |         |       |           |
| City Buildings Security System                                | 38   |           |       | 50,000  | CBI   |           |       |         |       |           |
| Police Department Building Expansion                          | 39   |           |       | 50,000  | CBI   | 2,500,000 | CBI   |         |       |           |
| City Hall Building Window Replacement                         | 40   |           |       |         |       |           |       | 400,000 | CBI   |           |
| Library Elevator Control Replacement                          | 41   |           |       |         |       | 100,000   | CBI   |         |       |           |
| Central Fire Station Roof Replacement                         | 42   |           |       |         |       | 140,000   | CBI   |         |       |           |
| Sabattus Street Fire Station Relocation or Rehabilitation     | 43   |           |       |         |       |           |       |         |       | 1,000,000 |
| Lisbon Street Fire Station Expansion & Rehabilitation         | 44   |           |       |         |       |           |       |         |       | 500,000   |
| <b>PUBLIC WORKS - HIGHWAY:</b>                                |      |           |       |         |       |           |       |         |       |           |
| Birch Street Road & Sidewalk Rehabilitation                   | 45   |           |       |         |       | 925,000   | CBI   |         |       |           |
| Canal Street Project  | 46   |           |       |         |       | 490,000   | CBI   |         |       |           |
| Bates Street - Bus Station Area                               | 47   | 20,000    | COB   |         |       |           |       |         |       |           |
| Lincoln Street Alley Bridge Removal                           | 49   | 30,000    | COB   |         |       |           |       |         |       |           |
| Park Street Mill & Fill                                       | 50   |           |       | 360,000 | CBI   |           |       |         |       |           |

**FY 2016 Lewiston Capital Imp. Project Summary**

**by Department /Agency**

| PROJECT  | PAGE | FY2016    |       | FY2017    |       | FY2018     |       | FY2019    |       | FY2020    |       |
|--|------|-----------|-------|-----------|-------|------------|-------|-----------|-------|-----------|-------|
| Street Maintenance   | 51   | 1,005,000 | CBI   | 910,000   | CBI   | 830,000    | CBI   | 885,000   | CBI   | 910,000   | CBI   |
| Road Rehabilitation (Non-CDBG eligible)                      | 53   | 720,000   | CBI   | 740,000   | CBI   | 720,000    | CBI   | 735,000   | CBI   | 720,000   | CBI   |
| City Street Amenities  | 55   | 250,000   | CBI   | 150,000   | CBI   | 100,000    | CBI   |           |       |           |       |
| <b>PUBLIC WORKS - MDOT PROJECTS:</b>                         |      |           |       |           |       |            |       |           |       |           |       |
| MTA Exit 80 Interchange Improvements                         | 56   | 9,800,000 | FIS   |           |       |            |       |           |       |           |       |
| MDOT 1 WIN 18580 Bartlett St Rehab                           | 57   | 1,350,000 | FIS   |           |       |            |       |           |       |           |       |
| MDOT 2 TIP Signal Upgrades                                   | 58   | 450,000   | FIS   |           |       |            |       |           |       |           |       |
| MDOT 3 Lisbon St Highway Preservation Paving                 | 59   | 40,000    | COB   |           |       |            |       |           |       |           |       |
|  |      | 360,000   | FIS   |           |       |            |       |           |       |           |       |
| MDOT 5 WIN 022532 Sabbatus St Highway Preservation Paving    | 61   |           |       | 550,000   | FIS   |            |       |           |       |           |       |
| MDOT 6 WIN 022535 Main St Highway Preservation Paving        | 61   | 931,000   | FIS   |           |       |            |       |           |       |           |       |
| MDOT 8 WIN 011599 30 River Road Highway Reconstruction       | 62   | 225,000   | CBI   |           |       |            |       |           |       |           |       |
|  |      | 900,000   | FIS   |           |       |            |       |           |       |           |       |
| MDOT 9 WIN 20285 Lisbon St Highway Preservation Paving       | 63   | 880,000   | FIS   |           |       |            |       |           |       |           |       |
| MDOT 10 Cedar Street Safety Improvements                     | 64   | 90,000    | FIS   |           |       |            |       |           |       |           |       |
|  |      | 10,000    | COB   |           |       |            |       |           |       |           |       |
| <b>PUBLIC WORKS - ATRC:</b>                                  |      |           |       |           |       |            |       |           |       |           |       |
| ATRC - 2 River Road Highway Reconstruction                   | 65   |           |       |           |       | 150,000    | CBI   |           |       |           |       |
|  |      |           |       |           |       | 1,350,000  | FIS   |           |       |           |       |
| ATRC - 3 Lincoln Street Bike/Pedestrian Path                 | 66   |           |       |           |       |            |       | 124,000   | CBI   |           |       |
|  |      |           |       |           |       |            |       | 496,000   | FIS   |           |       |
| ATRC - 4 Stetson Road (Main St to College St) Rehabilitation | 67   |           |       |           |       | 31,300     | CBI   |           |       |           |       |
|  |      |           |       |           |       | 281,700    | FIS   |           |       |           |       |
| ATRC - 6 Scribner Blvd. (Pleasant St to Webster St) Rehab    | 68   |           |       |           |       |            |       | 120,000   | CBI   |           |       |
|  |      |           |       |           |       |            |       | 1,080,000 | FIS   |           |       |
| ATRC - 8 South Ave (Lisbon St to Lincoln St) Rehabilitation  | 69   |           |       |           |       | 20,000     | COB   | 200,000   | CBI   |           |       |
|  |      |           |       |           |       | 180,000    | FIS   | 1,800,000 | FIS   |           |       |
| <b>PUBLIC WORKS - STREET LIGHTING:</b>                       |      |           |       |           |       |            |       |           |       |           |       |
| Replace Mercury Street Lighting                              | 70   | 35,100    | COB   |           |       |            |       |           |       |           |       |
| <b>PUBLIC WORKS - OPEN SPACES:</b>                           |      |           |       |           |       |            |       |           |       |           |       |
| Riverfront Island Implementation                             | 71   | 500,000   | CBI   | 500,000   | CBI   | 500,000    | CBI   | 500,000   | CBI   |           |       |
| Lionel Potvin Park Improvements                              | 72   | 100,000   | CBI   |           |       |            |       |           |       |           |       |
| Field Lights - Upper Franklin                                | 74   | 151,250   | CBI   |           |       |            |       |           |       |           |       |
|  |      | 151,250   | COB   |           |       |            |       |           |       |           |       |
| Kennedy Park Master Plan                                     | 75   | 372,000   | CBI   | 160,000   | CBI   | 308,000    | CBI   | 503,000   | CBI   | 422,000   | CBI   |
| <b>PUBLIC WORKS - MUNICIPAL GARAGE:</b>                      |      |           |       |           |       |            |       |           |       |           |       |
| Fleet Tracking System  | 77   |           |       |           |       | 40,000     | COB   |           |       |           |       |
| P/W Municipal Garage Vehicle & Equipment Replacement         | 78   | 1,790,300 | CBI   | 1,080,000 | CBI   | 1,196,500  | CBI   | 1,195,000 | CBI   | 1,158,000 | CBI   |
| <b>PUBLIC WORKS - SOLID WASTE:</b>                           |      |           |       |           |       |            |       |           |       |           |       |
| Landfill Paved Road Maintenance                              | 82   | 120,000   | CBI   |           |       |            |       |           |       |           |       |
| Solid Waste Facility Security System                         | 84   | 75,000    | CBI   |           |       |            |       |           |       |           |       |
| Solid Waste Facility - Detention Basin                       | 85   | 80,000    | SWOB  |           |       |            |       |           |       |           |       |
| Landfill Intermediate Cover Requirements                     | 86   |           |       |           |       |            |       |           |       | 250,000   | CBI   |
| <b>SCHOOL DEPARTMENT:</b>                                    |      |           |       |           |       |            |       |           |       |           |       |
| Middle School Clock Tower                                    | 87   | 62,000    | SCHE  |           |       |            |       |           |       |           |       |
| High School Electrical/Network Upgrade                       | 88   | 246,300   | SCHE  |           |       |            |       |           |       |           |       |
| State Funded New School                                      | 89   | 3,027,698 | FIS   | 9,490,215 | FIS   | 33,940,587 | FIS   |           |       |           |       |
|  |      | 159,353   | SCHE  | 499,485   | SCHE  | 1,762,663  | SCHE  |           |       |           |       |
| Playground Upgrades  | 90   | 260,000   | SCHE  |           |       |            |       |           |       |           |       |
| Montello School Roof Replacement                             | 91   | 670,000   | SCHE  |           |       |            |       |           |       |           |       |
| <b>PUBLIC WORKS - WATER DIVISION:</b>                        |      |           |       |           |       |            |       |           |       |           |       |
| Distribution Water Main Replacement/Rehabilitation           | 92   |           |       | 1,726,250 | WBI   | 1,762,500  | WBI   | 1,708,150 | WBI   | 1,708,875 | WBI   |
| Equipment Replacement Program                                | 97   | 85,000    | WOB   | 85,000    | WOB   | 46,000     | WOB   | 75,000    | WOB   | 79,000    | WOB   |
| Lake Auburn Watershed Protection Commission Land Acquisition | 99   | 70,000    | WOB   | 70,000    | WOB   | 70,000     | WOB   | 70,000    | WOB   | 70,000    | WOB   |
|  |      | 70,000    | Other | 70,000    | Other | 70,000     | Other | 70,000    | Other | 70,000    | Other |
| Lewiston-Auburn Water Emergency Treatment Program            | 100  |           |       | 1,150,000 | WBI   | 150,000    | WBI   | 150,000   | WBI   | 150,000   | WBI   |
|  |      |           |       | 1,150,000 | Other | 150,000    | Other | 150,000   | Other | 150,000   | Other |
| Meter Replacement/Testing Program                            | 101  | 160,000   | WOB   | 160,000   | WOB   | 160,000    | WOB   | 160,000   | WOB   | 160,000   | WOB   |
| Transmission Main Replacement                                | 103  |           |       | 980,000   | WBI   |            |       |           |       | 1,500,000 | WBI   |

**FY 2016 Lewiston Capital Imp. Project Summary**

**by Department /Agency**

| PROJECT                                      | PAGE         | FY2016            |      | FY2017            |      | FY2018            |      | FY2019            |      | FY2020            |      |
|--|--------------|-------------------|------|-------------------|------|-------------------|------|-------------------|------|-------------------|------|
| <b>PUBLIC WORKS - SEWER DIVISION:</b>        |              |                   |      |                   |      |                   |      |                   |      |                   |      |
| CSO Separation                               | 104          |                   |      | 500,000           | SBI  | 500,000           | SBI  | 500,000           | SBI  | 500,000           | SBI  |
|  |              |                   |      | 500,000           | SWBI | 500,000           | SWBI | 500,000           | SWBI | 500,000           | SWBI |
| Rehabilitation of Old Sanitary Sewer Mains   | 105          | 1,000,000         | SBI  |
| Equipment Replacement                        | 108          | 75,000            | SOB  | 75,000            | SOB  | 98,000            | SOB  | 120,000           | SOB  | 85,000            | SOB  |
| Sewer Main Inspection                        | 110          |                   |      | 265,000           | SBI  |                   |      |                   |      |                   |      |
| Inflow/Infiltration Removal                  | 114          | 50,000            | SIF  |
| Pump Stations                                | 116          |                   |      | 195,000           | SBI  | 27,000            | SOB  | 40,000            | SOB  | 40,000            | SOB  |
| <b>PUBLIC WORKS - STORMWATER DIVISION:</b>   |              |                   |      |                   |      |                   |      |                   |      |                   |      |
| Storm Drain for Road Rehabilitation Projects | 118          | 114,000           | SWOB | 54,500            | SWOB | 55,500            | SWOB | 42,500            | SWOB | 39,500            | SWOB |
| Hart Brook Water Quality Restoration         | 120          | 200,000           | SWBI | 600,000           | SWBI | 250,000           | SWBI | 250,000           | SWBI | 250,000           | SWBI |
| <b>TOTALS</b>                                |              | <b>32,575,927</b> |      | <b>25,358,450</b> |      | <b>52,404,750</b> |      | <b>14,623,650</b> |      | <b>12,060,375</b> |      |
| <b>City Bond Issue</b>                       | <b>CBI</b>   | 7,445,800         |      | 4,918,000         |      | 9,190,800         |      | 5,612,000         |      | 4,960,000         |      |
| City Operating Budget                        | <b>COB</b>   | 587,313           |      | 349,375           |      | 400,000           |      | 340,000           |      | 340,000           |      |
| Community Development Block Grant            | <b>CDG</b>   | 50,000            |      | 50,000            |      | 50,000            |      | 50,000            |      | 50,000            |      |
| Federal/State Funding                        | <b>FSF</b>   | 19,297,698        |      | 10,716,465        |      | 36,072,287        |      | 3,696,000         |      | 320,000           |      |
| Other Agency/Municipality                    | <b>Other</b> | 1,562,213         |      | 1,414,375         |      | 260,000           |      | 260,000           |      | 260,000           |      |
| <b>School Bond Issue</b>                     | <b>SCBI</b>  | 1,798,903         |      | 499,485           |      | 1,762,663         |      |                   |      |                   |      |
| <b>Water Bond Issue</b>                      | <b>WBI</b>   |                   |      | 3,856,250         |      | 1,912,500         |      | 1,858,150         |      | 3,356,875         |      |
| Water Operating Budget                       | <b>WOB</b>   | 315,000           |      | 315,000           |      | 276,000           |      | 305,000           |      | 309,000           |      |
| Sewer Operating Budget                       | <b>SOB</b>   | 75,000            |      | 75,000            |      | 125,000           |      | 160,000           |      | 125,000           |      |
| <b>Sewer Bond Issue</b>                      | <b>SBI</b>   | 1,000,000         |      | 1,960,000         |      | 1,500,000         |      | 1,500,000         |      | 1,500,000         |      |
| Sewer Impact Fees                            | <b>SIF</b>   | 50,000            |      | 50,000            |      | 50,000            |      | 50,000            |      | 50,000            |      |
| Stormwater Operating Budget                  | <b>SWOB</b>  | 194,000           |      | 54,500            |      | 55,500            |      | 42,500            |      | 39,500            |      |
| Stormwater Bond Issue                        | <b>SWBI</b>  | 200,000           |      | 1,100,000         |      | 750,000           |      | 750,000           |      | 750,000           |      |
| <b>TOTAL</b>                                 |              | <b>32,575,927</b> |      | <b>25,358,450</b> |      | <b>52,404,750</b> |      | <b>14,623,650</b> |      | <b>12,060,375</b> |      |
| <b>Bond Issues:</b>                          |              | <b>10,444,703</b> |      | <b>12,333,735</b> |      | <b>15,115,963</b> |      | <b>9,720,150</b>  |      | <b>10,566,875</b> |      |
| <b>20 Year</b>                               |              |                   |      |                   |      |                   |      |                   |      |                   |      |
| CBI (City Bond Issue)                        |              | 2,750,000         |      | 1,650,000         |      | 6,565,000         |      | 2,020,000         |      | 3,130,000         |      |
| SCBI (School Bond Issue)                     |              | 829,353           |      | 499,485           |      | 1,762,663         |      |                   |      |                   |      |
| WBI (Water Bond Issue)                       |              |                   |      | 3,856,250         |      | 1,912,500         |      | 1,858,150         |      | 3,356,875         |      |
| SBI (Sewer Bond Issue)                       |              | 1,000,000         |      | 1,000,000         |      | 1,000,000         |      | 1,000,000         |      | 1,000,000         |      |
| SWBI (Stormwater Bond Issue)                 |              |                   |      |                   |      |                   |      |                   |      |                   |      |
| subtotal                                     |              | 4,579,353         |      | 7,005,735         |      | 11,240,163        |      | 4,878,150         |      | 7,486,875         |      |
| <b>15 Year</b>                               |              |                   |      |                   |      |                   |      |                   |      |                   |      |
| CBI (City Bond Issue)                        |              | 3,237,300         |      | 2,193,000         |      | 2,144,500         |      | 3,148,000         |      | 1,830,000         |      |
| SCBI (School Bond Issue)                     |              |                   |      |                   |      |                   |      |                   |      |                   |      |
| WBI (Water Bond Issue)                       |              |                   |      | 765,000           |      | 500,000           |      | 500,000           |      | 500,000           |      |
| SBI (Sewer Bond Issue)                       |              |                   |      | 1,100,000         |      | 500,000           |      | 500,000           |      | 500,000           |      |
| SWBI (Stormwater Bond Issue)                 |              |                   |      |                   |      |                   |      |                   |      |                   |      |
| subtotal                                     |              | 3,237,300         |      | 4,058,000         |      | 3,144,500         |      | 4,148,000         |      | 2,830,000         |      |
| <b>10 Year</b>                               |              |                   |      |                   |      |                   |      |                   |      |                   |      |
| CBI (City Bond Issue)                        |              | 1,046,250         |      | 460,000           |      | 350,000           |      | 444,000           |      |                   |      |
| SCBI (School Bond Issue)                     |              | 907,550           |      |                   |      |                   |      |                   |      |                   |      |
| WBI (Water Bond Issue)                       |              |                   |      |                   |      |                   |      |                   |      |                   |      |
| SBI (Sewer Bond Issue)                       |              |                   |      | 195,000           |      |                   |      |                   |      |                   |      |
| SWBI (Stormwater Bond Issue)                 |              | 200,000           |      |                   |      | 250,000           |      | 250,000           |      | 250,000           |      |
| subtotal                                     |              | 2,153,800         |      | 655,000           |      | 600,000           |      | 694,000           |      | 250,000           |      |
| <b>5 Year</b>                                |              |                   |      |                   |      |                   |      |                   |      |                   |      |
| CBI (City Bond Issue)                        |              | 412,250           |      | 615,000           |      | 131,300           |      |                   |      |                   |      |
| SCBI (School Bond Issue)                     |              | 62,000            |      |                   |      |                   |      |                   |      |                   |      |
| WBI (Water Bond Issue)                       |              |                   |      |                   |      |                   |      |                   |      |                   |      |
| SBI (Sewer Bond Issue)                       |              |                   |      |                   |      |                   |      |                   |      |                   |      |
| SWBI (Stormwater Bond Issue)                 |              |                   |      |                   |      |                   |      |                   |      |                   |      |
| subtotal                                     |              | 474,250           |      | 615,000           |      | 131,300           |      |                   |      |                   |      |
| <b>Total Bond Issues</b>                     |              | <b>10,444,703</b> |      | <b>12,333,735</b> |      | <b>15,115,963</b> |      | <b>9,720,150</b>  |      | <b>10,566,875</b> |      |

**LEWISTON CITY COUNCIL**  
**MEETING OF FEBRUARY 3, 2015**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 10**

**SUBJECT:**

Resolve authorizing the City Administrator to execute a Letter of Understanding between the City of Lewiston and Friends of Pettingill Park and authorizing the Friends to solicit and raise funds for Pettingill Park.

**INFORMATION:**

Residents of the neighborhood in the area of the former Pettingill School would like to continue their work to raise funds to develop a park, with green space and playground equipment, at the site of the former school. They would like to enter into an Agreement with the City that outlines the respective responsibilities for the construction and maintenance of the Park. Pledges and donations for the project will be collected by the city's Finance Director and deposited into a dedicated account.

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

The City Administrator recommends approval of the requested action.

*EAB/kmm*

**REQUESTED ACTION:**

|   |   |   |   |   |   |   |   |
|---|---|---|---|---|---|---|---|
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|---|---|---|---|---|---|---|---|

To approve the Resolve authorizing the City Administrator to execute a Letter of Understanding between the City of Lewiston and Friends of Pettingill Park and authorizing the Friends to solicit and raise funds for Pettingill Park.



## COUNCIL RESOLVE

**Resolve,** Authorizing the City Administrator to Execute a Letter of Understanding between the City of Lewiston and Friends of Pettingill Park and Authorizing the Friends to Solicit and Raise Funds for Pettingill Park.

**WHEREAS,** the Council has supported retaining a playground and green space on the former Pettingill School property; and

**WHEREAS,** residents of the neighborhood have organized the Friends of Pettingill Park for the purpose of developing a park; and

**WHEREAS,** the Friends have been working to develop a master plan for the park; and

**WHEREAS,** it is likely that elements of the master plan may be implemented this year; and

**WHEREAS,** at this point, it is appropriate that the City and Friends enter into an agreement that outlines the respective responsibilities of each for construction and maintenance of the park; and

**WHEREAS,** the previous permission granted to the Friends to solicit funds for the park expired on January 15, 2015 and they wish to continue to do so;

**Now, therefore, be it Resolved by the City Council of the City of Lewiston that**

The City Administrator is hereby authorized to execute a letter of understanding between the City of Lewiston and Friends of Pettingill Park in a form substantially as attached hereto.

**Be it Further Resolved, that** the Friends of Pettingill are hereby authorized to continue to solicit and raise donations for the purpose of establishing a park and playground on this property. This authorization shall remain valid until January 1, 2016 and may be further extended by the City Administrator during any period that the Friends continue to actively pursue development of a park, abide by its agreements with the City, and adhere to the City's general requirements for soliciting funds for City projects. Pledges and donations for this purpose shall be made to the City of Lewiston and shall be deposited in a separate account established by the Finance Director for this purpose. The Finance Director shall provide all donors with receipts recognizing their contribution. If, for any reason, this project is not completed, the Finance Director shall return any donations actually received by the City to the donor.

December 10, 2014

Edward Barrett, City Manager  
Lewiston City Hall  
27 Pine Street  
Lewiston, Maine 04240

RE: Letter of Understanding between the City of Lewiston and Friends of Pettingill

Dear Mr. Barrett,

It is my understanding that the City of Lewiston and Friends of Pettingill have agreed as follows concerning Pettingill School Park:

1. The City of Lewiston shall be responsible for the safety and maintenance of the existing playground. The parties will meet from time to time regarding maintenance and improvements and will communicate and work cooperatively regarding resolution of these issues as they arise. The City will notify the Friends of Pettingill in a timely manner should any piece of playground equipment be scheduled for removal.

2. The City of Lewiston shall be responsible for the safety and maintenance of the new park to the same extent as for other parks in the city. City services shall include, but not be limited to, mowing and trash pick-up, subject to annual City Council appropriation of the funds required for such maintenance. City shall assume ownership of any fixtures or other objects installed in Park by Friends after approval and acceptance of such installation by City. City shall inform and consult with Friends in regard to any City construction activity within the Park.

3. Friends of Pettingill shall be responsible for the acquisition of amenities for the park such as benches, paths, trees and shrubs, signage and the like. The choice and placement of all such amenities shall be subject to the approval of the City Administrator or designee.

4. Installation of said amenities may be done either by the City or by Friends of Pettingill. If installation is by the City, then Friends of Pettingill shall pay the cost incurred by the City unless otherwise agreed. If installation is by Friends of Pettingill, it is subject to approval by the City. Should the Friends enter into an agreement with a company or entity to perform such work, the agreement must include insurance and indemnification language approved by the City's Director of Budget and Purchasing.

5. The City shall maintain liability insurance with respect to use of the park and shall indemnify and hold Friends of Pettingill harmless from any and all liability arising out of the City's use or occupancy of the park.

6. City approval will be required for events held at the park if the event will require sole use of the park, or sole use of part of the park.

Yours,

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Friends of Pettingill  
December 10, 2014

Edward Barrett, City Manager  
Lewiston City Hall  
27 Pine Street  
Lewiston, Maine 04240

Re: Wood Chips for Pettingill School Park

Dear Ed,

This letter memorializes an agreement made between Friends of Pettingill and Megan Bates and David Jones regarding the replacement of the wood chips on the Pettingill School Park playground.

1. It is understood that currently, the wood chips must be replaced.
2. It is further understood that replacement of the wood chips involves not only the purchase of the materials, but considerable labor costs in removing and replacing the wood chips.
3. Ms. Bates agrees to determine the cost of the replacement wood chips.
4. Assuming that the removal of the current wood chips can take place in April or May of 2015, Friends of Pettingill agrees to find Bates college students or other volunteers to remove the wood chips, so as to defray the costs of labor.
5. The new wood chips will be included in the budget and, if approved, purchased in time to replace them in July of 2015. Likewise, volunteers will be located to replace the wood chips at the playground..
6. During the period when wood chips are not in place, the playground will be fenced off as unsafe.

Yours,

Judith Andrucki,  
Friends of Pettingill