

**LEWISTON CITY COUNCIL AGENDA
CITY COUNCIL CHAMBERS
FEBRUARY 17, 2015**

6:00 p.m. Workshop - Lewiston Mill & Water Power Historic District - 20 minutes

6:20 p.m. Executive Session - To discuss Real Estate Negotiations of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

7:00 p.m. Regular Meeting

Pledge of Allegiance to the Flag.
Moment of Silence.

Lewiston Youth Advisory Council Update

Acceptance of minutes of the meeting of February 3, 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 5.

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 63 Farwell Street.
- * 2. Appointment to the Lewiston Auburn Water Pollution Control Authority.

REGULAR BUSINESS:

- 3. Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for Elks Lewiston Lodge #371, 1675 Lisbon Street.
- 4. Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for Bernie's Bar & Grill, 1065 Sabattus Street.
- 5. Public Hearing and Final Passage regarding an amendment to the Buildings and Building Regulations ordinance regarding the Electrical Code.
- 6. Public Hearing and First Passage regarding an amendment to the Buildings and Building Regulations ordinance regarding the Building Code and Residential Code.
- 7. Amendments to the Facility Use Policy.
- 8. Resolve regarding the Adoption of Fiscal Year 2016 City of Lewiston Five-Year Capital Improvement Program.
- 9. Order authorizing the sale of 154 Blake Street.
- 10. Resolve approving the Preliminary Design of the MaineDOT Lisbon Street Resurfacing Project - Chestnut to Main (WIN 20309.00) and authorizing the transfer of funds necessary to implement certain project amenities.

11. Order authorizing staff to negotiate an Option Agreement with Bates Mill LLC regarding Bates Mill #5.
12. Resolve stating the position of the Lewiston City Council on certain proposals included in the Governor's Proposed State Budget.
13. Reports and Updates.
14. Any other City Business Councilors or others may have relating to Lewiston City Government.

LEWISTON CITY COUNCIL

MEETING OF FEBRUARY 17, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 6:20pm

SUBJECT:

Executive Session to discuss Real Estate Negotiations of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

INFORMATION:

The Maine State Statutes, Title 1, section 405, define the permissible grounds and subject matters of executive sessions for public meetings.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To enter into an Executive Session, pursuant to MRSA Title 1, section 405(6)(c), to discuss Real Estate Negotiations, of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

LEWISTON CITY COUNCIL

MEETING OF FEBRUARY 17, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 1

SUBJECT:

Order Authorizing execution of a Municipal Quitclaim Deed for Real Estate located at 63 Farwell Street.

INFORMATION:

The Council is asked to approve a municipal quitclaim deed for the property located at 63 Farwell 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:

1	2	3	4	5	6	7	M
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To approve the Order authorizing execution of a municipal quitclaim deed for real estate located at 63 Farwell Street.



**City of Lewiston Maine
City Council Order
February 17, 2015**

Order, Authorizing Execution of a Municipal Quitclaim Deed – Real Estate Located at 63 Farwell Street.

WHEREAS, the owner, Doris Picard, failed to pay her real estate tax bills on a timely basis at 63 Farwell Street (Tax Map 147, Lot 228, Parcel 00-008216); and

WHEREAS, a tax lien was filed on June 18, 2007, (Book 7170 Page 173) and matured on December 18, 2008, in the amount of \$1,339.62; and

WHEREAS, a tax lien was filed on June 18, 2008 (Book 7461 Page 205), and matured on December 18, 2009, in the amount of \$1,535.68; and

WHEREAS, a tax lien was filed on June 17, 2009 (Book 7721 Page 137), and matured on December 17, 2010, in the amount of \$1,547.29; and

WHEREAS, a tax lien was filed on June 16, 2010 (Book 7953 Page 015), and matured on December 16, 2011, in the amount of \$1,515.91; and

WHEREAS, a tax lien was filed on June 17, 2011 (Book 8182 Page 213), and matured on December 17, 2012, in the amount of \$1,594.39; and

WHEREAS, a tax lien was filed on June 13, 2012 (Book 8418 Page 008), and matured on December 13, 2013, in the amount of \$1,603.74; and

WHEREAS, a tax lien was filed on June 19, 2013 (Book 8700 Page 078), and matured on December 19, 2014, in the amount of \$1,598.08; and

WHEREAS, payment was received in full on February 09, 2015;

NOW, THEREFORE, BE IT ORDERED by the **CITY COUNCIL** of the **CITY of LEWISTON**, that a quitclaim be issued for 63 Farwell Street to release the City's interest in the property to the new 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: February 10, 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 17th meeting, there will be a quitclaim deed requiring your action dealing with matured tax liens that have since been paid by the owner. At this time, I am requesting you approve the quitclaim order for that account so the property can be released from the City to the owner.

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 17, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 2

SUBJECT:

Appointment to the Lewiston Auburn Water Pollution Control Authority.

INFORMATION:

Deputy City Administrator Phil Nadeau staffs the Lewiston Auburn Water Pollution Control Authority board and the Board is recommending the re- appointment of Lewiston resident Normand Lamie. The Mayor has nominated Mr. Lamie for this position. LAWPCA supports this appointment and Council confirmation is requested.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

ERB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To appoint Normand R. Lamie of 234 Montello Street to serve as a member of the Lewiston Auburn Water Pollution Control Authority, said term to expire December 31, 2016.



The Office of
Deputy City Administrator
Phil Nadeau
MEMORANDUM

TO: Mayor and City Council
FR: Phil Nadeau
CC:
RE: Reappointment to LAWPCA Board – Norm Lamie
DT: 2/12/15

The LAWPCA Board is seeking the reappointment of Norm Lamie (his two year term just expired) to the LAWPCA Board in accordance with Section 14 of the Authority's Charter which reads: "The Mayor of Lewiston shall appoint, subject to confirmation of the city council, a qualified voter of the City of Lewiston to serve for a 2-year term on the board of the authority and thereafter until a successor takes office."

As some of you may already know, Norm Lamie, who currently serves as the Drinking Water Coordinator for the State of Maine, served on the Board for some twenty-five years (in his capacity as Lewiston's Public Works Director and as Superintendent of the Auburn Water & Sewer District) and as its Chair for approximately nine of those twenty-five years. Norm is also a long-time Lewiston resident.

We ask for your support of his reappointment on the Board.

LEWISTON CITY COUNCIL

MEETING OF FEBRUARY 17, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 3

SUBJECT:

Public Hearing on the renewal of a Special Amusement Permit for Live Entertainment for Elks Lewiston Lodge #371, 1675 Lisbon Street.

INFORMATION:

We have received a renewal application for a Special Amusement Permit for Live Entertainment from Elks Lewiston Lodge #371, 1675 Lisbon 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:

1	2	3	4	5	6	7	M
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To grant a Special Amusement Permit for Live Entertainment to Elks Lewiston Lodge #371, 1675 Lisbon Street.

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

Date of Application: 2-2-15

Expiration Date: 1-25-15

- 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: ELKS, LEWISTON LODGE #371 Business Phone: 784-4801

Location Address: 1675 LISBON ST. LEWISTON ME 04240

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

Mailing Address: SAME

Email address: LEWISTON ELKS@ROADRUNNER.COM

Contact Person: MARGE CARTER (TREASURER UNTIL 3/31/15) phone: 740-2305

Owner of Business: Benevolent Protective Order of Elks Date of Birth: _____

Address of Owner: _____

Manager of Establishment: NONE Date of Birth: _____

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): SAME

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? HALF MILE

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?: N/A

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: Marguerite Carter Title: Treasurer Date: 1-26-15

Printed Name: MARGUERITE CARTER

Hearing Date: 2-17-15



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 – **Elks, BPOE #371**

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

Elks, BPOE #371
1675 Lisbon Street



171 Park St • Lewiston, Maine • 04240 • Phone 207-513-3137 • Fax 207-795-9007
www.lewistonpd.org



Professionalism

Integrity

Compassion

Dedication

Pride

Dependability

LEWISTON CITY COUNCIL
MEETING OF FEBRUARY 17, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 4

SUBJECT:

Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for Bernie's Bar & Grill, 1065 Sabattus Street.

INFORMATION:

We have received a renewal application for a Special Amusement Permit for Live Entertainment from Bernie's Bar & Grill, 1065 Sabattus 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:

1	2	3	4	5	6	7	M
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To grant a Special Amusement Permit for Live Entertainment to Bernie's Bar & Grill, 1065 Sabattus Street.

CITY OF LEWISTON
APPLICATION FOR SPECIAL AMUSEMENT PERMIT

\$150.00

Date of Application: 2/9/15 Expiration Date: 3/2/2016 License fee: [REDACTED]

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

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

****PLEASE PRINT****

Business Name: BARNIE'S BAR & GRILL Business Phone: 786-3006

Location Address: 1065 SABATHUS ST, LEWISTON, ME

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

Mailing Address: SAME

Contact Person: ROSEANN KNIGHTLY Home Phone: 576-9627

Owner of Business: BARNIE'S BAR & GRILL Date of Birth: _____

Address of Owner: 1065 SABATHUS ST, LEWISTON, ME 04240

Manager of Establishment: ROSEANN KNIGHTLY Date of Birth: _____

Owner of Premises (landlord): VICDOT LLC

Address of Premises Owner: 401 COLLEGE RD, LEWISTON 04236

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): _____

BARNIE'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: BARNIE'S B.M. & GRILL INC.

Corporation Mailing Address: 1065 SABBATHS ST, LEWISTON, ME

Contact Person: ROSEANN KNIGHTLY Phone: 576-9627

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? 200'

Please describe the type of proposed entertainment:

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

If new applicant, what is your opening date?: N/A

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: Pres. Date: 2/11/15

Printed Name: JOHN CONDR

Sent to Code Enforcement: _____ Need reply by: _____ Approved: _____

Sent to Police & Fire: _____

Hearing Date: 2-17-15 Approved by Council: _____ Vote No: _____

CITY OF LEWISTON, MAINE

Department of City Clerk

Supplementary Questionnaire for Corporate Applicants

1. Exact corporate name: BARNIE'S BAR & Grill, INC
2. Date of incorporation: 2/06
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 names, addresses previous 5 years, birth dates, title of all officers, directors, and % of stock owned:

NAME	ADDRESS PREVIOUS 5 YEARS	BIRTH DATE	% OF STOCK	TITLE
<u>ROSEANN KNIGHTLY</u>	<u>LEWISTON</u>	<u>11/17/59</u>	<u>50</u>	<u>Treasurer</u>
<u>JOHN CONDS</u>	<u>LEWISTON</u>	<u>03/27/52</u>	<u>50</u>	<u>Pres.</u>

6. What is the amount of authorized stock? 1000 Outstanding stock? _____
7. Is any principal officer of the corporation a law enforcement official?
NO

Dated at Lewiston on 2-9-15
City or Town Date

Roseann Knightly
SIGNATURE OF DULY AUTHORIZED OFFICER



POLICE DEPARTMENT

Michael J. Bussiere
Chief of Police



TO: Kelly Brooks, Deputy City Clerk

FR: Lt. Mark S. Cornelio, CID

DT: February 12, 2015

RE: Liquor License/Special Amusement Permit – **Barnie's Bar and Grill**

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

Barnie's Bar and Grill
1065 Sabattus Street



171 Park St • Lewiston, Maine • 04240 • Phone 207-513-3137 • Fax 207-795-9007
www.lewistonpd.org



Professionalism

Integrity

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LEWISTON CITY COUNCIL
MEETING OF FEBRUARY 17, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 5

SUBJECT:

Public Hearing and Final 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.

EAR/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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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 final passage by a roll call vote.

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 17, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 6

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) as well as incorporate language for local provisions for permitting and enforcement. 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.

EA/B/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To repeal Sections 18-26, 18-27, 18-200 and 18-201 of the current City Code, and to adopt the proposed amendments to the City Code of Ordinances, Chapter 18 "Buildings and Building Regulations", Article II, "Building Codes", Section 18-26 "Building Codes" Section 18-27 "Permits Required", Section 18-28 "Fees", and Section 18-29 "Violations", for 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: February 11, 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 and continues to enforce MUBEC; however, Maine law does not require municipalities of 4,000 or more in population to adopt MUBEC.

The proposed amendments to Chapter 18, Article II and Article IV of the Code of Ordinances repeals the former building and residential codes, and adopts MUBEC along with local provisions for permitting and enforcement. The permitting and enforcement provisions are comparable to our current provisions.

I will be in attendance at the February 17, 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 Article II. Building codes

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 codes.

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. 18-27. 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 violations 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 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. If 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 eight 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 twelve 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 eight 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 two children 2 ½ 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 two but no more than 100 children 2 ½ 15 years 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.~~

~~Footing 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.~~

~~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.~~

Section 18-27. Permits Required

Any owner or authorized agent who intends to construct, enlarge, alter, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by the Maine Uniform Building and Energy Code, or cause any such work to be done, shall first make application to the building official and obtain the required permit.

Section 18-28. Fees

(A) Payment of fees. A permit shall not be valid until the fees prescribed by the Lewiston City Council have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

(B) 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 Lewiston City Council.

(C) 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.

(D) 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 a belated fee established by the Lewiston City Council that shall be in addition to the required permit fees.

(E) 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 ordinance or law.

(F) Refunds. The building official is authorized to establish a refund policy.

Section 18-29. VIOLATIONS

(A) 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 the Maine Uniform Building and Energy Code, or cause same to be done, in conflict with or in violation of any of the provisions of this Code.

(B) 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 the Maine Uniform Building and Energy 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.

(C) 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.

(D) 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 planning and code enforcement department 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.

(C) Violation penalties. Any person who shall violate a provision of the Maine Uniform Building and Energy 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 one or more citations 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. In lieu of or in addition to the issuance of citations, the building official may initiate a land use complaint pursuant to Rule 80K of the Maine Rules of Civil Procedure and 30-A M.R.S. § 4452 et seq. as amended.

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 and continues to enforce MUBEC; however, Maine law does not require municipalities of 4,000 or more in population to adopt MUBEC.

The proposed amendments to Chapter 18, Article II of the Code of Ordinances repeal the former building code, adopt MUBEC along with local provisions for permitting and enforcement. The permitting and enforcement provisions are comparable to our current provisions.

AN ORDINANCE PERTAINING TO BUILDING CODES

THE CITY OF LEWISTON HEREBY ORDAINS:

Chapter 18 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. 18.201 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 e

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 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.~~

~~**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~~
- ~~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~~

~~**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 his 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~~

~~**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 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.~~

**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

Ground Snow Load	70 psf
Wind Speed	90 mph
Seismic Design Category	B
Subject to Damage from:	
 Weathering	Severe
 Frost Line Depth	4" 0"
 Termites	None to Slight
 Decay	None to Slight

Winter Design Temperature	5
Ice Shield Underlayment Required	Yes
Flood Hazards:	
a. Date of adoption of 1st flood management ordinance	10/31/1972
b. Date of currently effective FIRM map	9/28/1979
Air Freezing Index	1500
Mean annual temperature	45.8 degrees

~~*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

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 and continues to enforce MUBEC; however, Maine law does not require municipalities of 4,000 or more in population to adopt MUBEC.

This proposed amendment repeals the Residential Code for one and two-family dwellings. The Maine Uniform Building and Energy Code is proposed to be adopted via Chapter 18, Article II of the Code of Ordinances of the City of Lewiston; therefore, the residential code and related regulations are to be contained in Chapter 18, Article II, of said Code.

LEWISTON CITY COUNCIL

MEETING OF FEBRUARY 17, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 7

SUBJECT:

Amendments to the Facilities Use Policy.

INFORMATION:

Subsequent to the adoption of this year's budget, the Council approved a modification to the City's Facilities Use Policy which extended the requirement to pay an application fee to all organization's using City facilities (primarily the Library and Armory) including various non-profit organizations that previously had been exempt. The revised policy inadvertently extended this requirement to the City of Lewiston itself as well as state and federal agencies. I was subsequently contacted by a member of our state legislative delegation. The delegation has regularly used the Couture Room at the Library to meet with constituents during the legislative session and exempting this use from the application fee was requested. As a result, I would recommend that the policy be amended to eliminate the requirement to pay the application fee to the following: the State of Maine, the United States, their departments, agencies or committees, the City of Lewiston, and groups of which the City is a member or sponsor. In addition, the proposed amendment increases the fees that are charged for the use of Callahan Hall to the same amounts charged for the gym at the Armory. This change was recommended by the Library Director in light of the additional staff time required to assist in organizing and monitoring events at that location. Finally, an additional charge for use of the hall is established for instances where Library staff are required to be present after normal operating hours.

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.

EARB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the proposed amendments to the Facilities Use Policy, Policy Manual Number 28, as recommended by the Library Director and the City Administrator.

(Note - Full copy of the amendments are attached.)



COUNCIL RESOLVE

Resolve, Amending the Facility Use Policy – Master Policy 28

Whereas, subsequent to the adoption of this year's budget, the City Council approved a modification to the City's Facility Use Policy which extended the requirement to pay an application fee to all organization's using City facilities (primarily the Library and Armory), including various non-profit organizations that previously had been exempt; and

Whereas, the revised policy inadvertently extended this requirement to the City of Lewiston itself as well as state and federal agencies where the state and federal meetings were open to the public and on topics of interest to Lewiston residents; and

Whereas, certain governmental meetings are in the public interest and the use of City facilities for them should not be restricted unnecessarily; and

Whereas, the Library Director has recommended an increase in the fees charged for the use of Callahan Hall to bring them in line with those charged for the gym at the Armory and in recognition of the additional staff time required to assist in organizing and monitoring these events; and

Whereas, an additional hourly fee is also recommended to cover City costs when Library personnel are required to be on duty to monitor and assist events in Callahan Hall after normal duty hours;

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

The attached amended version of the Facility Use Policy, Master Policy 28, is hereby approved.

FACILITY USE POLICY

Application must be signed and returned no later than thirty (30) business days prior to the date of the event and a \$50 non-refundable application processing fee must accompany the application except where exempted elsewhere in this policy.

Field

This Policy is designed to govern the use of City-owned facilities by other individuals, groups, and/or organizations that are not directly associated with the City of Lewiston. The Policy governs all city owned property, even if such property is not specifically listed within the Policy.

The following rules and regulations have been adopted with the intent to better serve those who have occasion to use the facilities while protecting the public's interest.

Section 1 - Definitions

Public Use Facility: Any City-owned property that has been designated by policy to be available for use by individuals, groups, or other organizations that are not directly associated with the City of Lewiston, Maine.

Facility: Any City-owned property

Director:

1. Assistant Director of Public Works for Recreation or his/her designee when referring to use of the Armory.
2. Library Director or his/her designee when referring to use of the Library or Hartley Center.

Armory: City of Lewiston Memorial Armory

Hartley Center: Marsden Hartley Cultural Center

Library: Lewiston Public Library

Committee: Facilities Use Review Committee

Section 2 - Definition of Facility Use

The City, by this Policy, defines the following facilities as public use facilities, subject to the regulations, restrictions and other requirements that are established.

- A. The Memorial Armory, 65 Central Avenue
- B. Certain athletic and public parks, subject to the other policies and ordinances that have been, or may in the future, be adopted to govern those specific locations.
 1. Chapter 54 of the City Code of Ordinances regarding Public Park usage.

FACILITY USE POLICY

2. City Policy Manual, Policy Number 3, regarding use of the Athletic Fields.

C. Lewiston Public Library and Marsden Hartley Cultural Center, 200 Lisbon Street

Unless otherwise listed above, all other City-owned facilities are not available, and henceforth defined as public use facilities. However, on occasion, such properties may be used for private purposes, subject to Section 11 of this Policy.

Section 3 - Application Process

All individuals and/or organizations desiring to use a City-owned facility must complete an application for use.

All inquiries concerning the Armory should be directed to the attention of the Director of Recreation, Memorial Armory, 65 Central Avenue, Lewiston, Maine 04240, Tel.: 513-3005.

All inquiries concerning the Library or the Hartley Center should be directed to the attention of the Library Director, Lewiston Public Library, 200 Lisbon Street, Lewiston, Maine 04240, Tel: 513-3004.

All applications for the use of a facility shall be returned to the Director for review. The Director shall within ten (10) business days of receipt of a completed application either:

- A. Approve it;
- B. Conditionally approve it; (See Section 6c)
- C. Disapprove it; or
- D. Refer it to the Facilities Use Review Committee for further review.

The Director shall then notify an applicant of the disposition of the application.

Should the Director conclude that an application requests a use which is appropriate for review by additional City officials, approval must be obtained from the Facilities Use Review Committee.

Section 4 - Facilities Use Review Committee

A. Purpose and Organization

Since the Memorial Armory and Library are public facilities, the City of Lewiston is concerned that they be used for proper purposes and in a manner consistent with the public interest. The Director may forward an application to the Committee for further review. The Committee shall be comprised of the following City staff members or their representatives.

- 1. City Clerk
- 2. Police Chief
- 3. Fire Chief
- 4. Director of Recreation or his/her designee
- 5. Deputy City Administrator

FACILITY USE POLICY

B. When Use Application Referred to Committee

Proposed uses for which the Director may require approval by the Committee include, but are not limited to:

1. Entertainment events (i.e. concerts, live performances, circuses);
2. Events which require a state or municipal license or permit;
3. Events which impose age restrictions for admission;
4. Events to which the general public is invited;
5. Events or organizations which request free use of the facility.

C. Action on Application

If an application is forwarded to the Committee for approval, the Committee shall, within five (5) business days, either approve, conditionally approve, or disapprove it. The Committee shall report its decision to the Director who shall then inform the applicant.

Section 5 - Criteria for Approval of Use Applications

- A. In approving any application which comes before the Committee or the Director, the following may be considered:
 1. Time of day event is to be held;
 2. Number of days event is to be held;
 3. Number of people expected to attend;
 4. Age of people admitted or expected to attend;
 5. Whether liquor is to be available at the event;
 6. Purpose of event (i.e. fund raising, profit making, etc.);
 7. Whether the event is appropriate for a publicly-owned and managed facility;
 8. Whether the use may disturb the peace or cause excessive traffic congestion;
 9. Whether the use is likely to burden the fire or police departments or present safety hazards;
 10. Whether the use may adversely affect the facility or neighboring property.
- B. The primary use of Callahan Hall at the Lewiston Public Library is for City and Library sponsored programs that fit the following purposes:
 1. Cultural and arts events.
 2. Programs which celebrate ethnic diversity and promote inter-cultural communication.
 3. Educational programs, lectures, workshops and seminars.

All applications for the use of Callahan Hall must fit under one of the three purposes above. In order to assure the availability of Callahan Hall for its primary uses, no application may be made more than 60 days in advance of such use.

FACILITY USE POLICY

Section 6 - Conditional Approval

Should an application be conditionally approved, the following conditions may be imposed:

- A. A requirement that the applicant provide adequate security for the event (depending on type of event, number of people expected, etc.);
- B. A requirement that the applicant post a security deposit in case of damage to City property or costs are incurred by the City as a result of breach of the agreement;
- C. A requirement that the applicant post a fee to defray additional public costs which include, but are not limited to:
 - 1. Police - traffic direction or protection;
 - 2. Municipal inspection of special electrical equipment needed for events;
 - 3. Cleaning - events which result in excessive debris from event or attendees;
 - 4. Electrical - events which result in excessive use of electrical power.
- D. A requirement that the applicant provide insurance pursuant to Section 9 of this policy.

Licensees will be required to sign a Facility Use Fee Agreement which sets forth all costs involved, prior to final approval.

Section 7 - Licensee Privileges and Responsibilities

- A. The licensee may be allowed, with approval of the Director, access to the facility for the purpose of setting up decorations, installing booths and other equipment (during normal operating hours). The licensee may be allowed, with approval of the Director, access to the facility on the forenoon next following the rental date for the purpose of removing decorations, booths, and so forth, provided that the facility is not booked or occupied for said time.
- B. Any licensee requiring additional electrical hookup in the facility will obtain the services of a qualified electrician in order that all such electrical work will meet the City of Lewiston code requirements. Additional information concerning electrical work to be done may be obtained by contacting the City of Lewiston Director of Code Enforcement or his representative.
- C. No licensee shall be allowed to store any equipment, paraphernalia, or other items in the facility without prior permission from the Director.
- D. No animals will be kept in the facility overnight.
- E. Nothing shall be nailed, screwed, fastened, or otherwise attached to the walls,

FACILITY USE POLICY

ceilings, or floor surfaces.

- F. The Memorial Armory and Library are public buildings and therefore smoking is not allowed. It shall be the responsibility of the licensee to monitor and enforce these regulations.
- G. If the licensee plans to handle food of any kind for any reason when utilizing the facilities, it is its responsibility to contact the Lewiston City Clerk's Office at City Hall to obtain the proper permit(s). This permit must be displayed in a prominent place in the facility during the event or program. Licensee must provide a copy of the permit to the Director prior to the event.
- H. The licensee shall be responsible for all other licenses, permits, and/or approvals required by the State of Maine and the City of Lewiston. Failure to obtain said licenses and permits may be just cause for cancellation of the event or program and withholding of any deposits or fees collected by the City of Lewiston. Licensee must provide a copy of all licenses/permits to the Director prior to the event.

Section 8 - City Requirements and Responsibilities

- A. Tentative holds on dates will be allowed for only a period of seven (7) calendar days. After this period has expired, the tentative hold may be canceled at any time.
- B. No refund shall be made upon cancellation of any booking unless such cancellation is made at least thirty (30) days prior to the scheduled event.
- C. The Director shall inform both the Police Chief and the Fire Chief in writing of all major scheduled events following the signing of a contract.
- D. It shall be the responsibility of the Chief of Police and Chief of Fire, in cooperation with the Director, to determine how many police officers and fire guards and what, if any, additional private security will be required for the scheduled event. Certain events will require the services of a representative of the Fire Marshall's Office. The determination shall be made by the person or persons acting on the application, and the fee for this service shall be the responsibility of the licensee.
- E. Public dances, primarily for high school students, or other such events will not operate beyond 10:30 p.m. without special permission from the Director.
- F. Similar type competitive events will not be allowed within seven (7) days of a contracted booking. The decision as to whether or not an event is considered to be a competitive event shall be made by the Director.
- G. The Director may waive any provisions or requirements of this policy, except for fees, with prior approval of the City Administrator's Office or the Facility Use Review Committee.

FACILITY USE POLICY

Section 9 - Liability

- A. The licensee shall be liable for any damages to the building or to any contents owned by the City during the period of use, whether such damage is caused by licensee or its agents, servants or employees, or by any invitees, licensees, or trespassers.
- B. The City of Lewiston shall not be liable for any damage or loss to any property of the licensee from any cause whatsoever while said property is located on the premises for storage purposes or otherwise.
- C. The licensee agrees to defend, indemnify, and hold harmless the City of Lewiston, its departments and their representatives, officers, agents or employees from and against all claims of any nature whatsoever for damages, including damages or loss to personal property, personal injuries and death resulting there from the licensee's use of the Lewiston Memorial Armory or Library. However, nothing contained herein shall be construed as rendering the licensee liable for acts of the City of Lewiston, its departments, or their agents or employees.
- D. The Director or the Committee is authorized to require that the licensee file a certificate of insurance with the City. When requested to do so, the licensee shall provide comprehensive general liability insurance with minimum limits of liability of \$1,000,000 combined single limit for each occurrence. The City shall be named additionally insured under the policy. Additional coverage may be requested when deemed necessary.

Section 10 - General Use

The general use fee (See Sec. 12) covers usual building services such as "house" lights, heat, water, lobby areas, concession, ticket booths, stage, balcony and gymnasium. (See below)

- A. The fee does **not** include the setting up or knocking down of chairs, bleachers, tables, booths, ramps, staging, lighting, etc. The arrangement, performance, and costs of these services shall be sole responsibility of the licensee.
- B. Additional custodial and cleaning services shall be charged to the licensee for any overtime required, as determined by the Director, by regular custodial staff at the rate which will cover the cost of overtime salaries including fringe benefits and administration. This charge shall cover all hours which the custodial staff is required to be on duty, including hours worked prior, during, and after the event.
- C. The building must be left in the same condition it was when the licensee took occupancy. Floors must be clear of all chairs, tables, booths, decorations, debris, etc., by noon of the day following the event. If the day following is a Sunday, arrangements must be made to have a custodian on duty. If additional personnel are needed to clean up after an event, in order to prepare the building for the next day's

FACILITY USE POLICY

use, the licensee will be responsible for the extra cost involved. The need for additional cleaning personnel will be left to the discretion of the Director.

- D. None of the services and equipment described in this policy are available for non-City use and/or rental outside of the Memorial Armory, Library or other City property and/or facilities.

Section 11 - Special Exceptions to Use Other Facilities

Upon application to the City Administrator's Office, the City Council by specific vote, may allow other individuals and/or organizations to utilize other City-owned facilities on a case by case basis, subject to the following:

- A. City Administrator's Endorsement: The City Administrator's Office shall endorse the request.
- B. Consistent with Policy: The applicant must follow all other sections of this policy, except that which has been specifically exempted by the City Council.
- C. Additional Restrictions: The City Council may place any additional restrictions that are deemed appropriate as a condition of approval, for requests that would be considered exceptions to the Policy.

This section is specifically designed to address such events as the various festivals, special events, and other types of requests that are deemed to have broad public benefit to the inhabitants of the City of Lewiston. It is not intended to allow private individuals and/or organizations the opportunity to use such public property not otherwise available for functions that do not meet the requirement of broad public benefit.

Locations that receive approval to be used by others, consistent with this section, does not change the designations established by Section 2 of this Policy.

Section 12 - Fee Policy

- A. For the purposes of this policy, the following user classifications have been developed:

CLASSIFICATION DEFINITIONS

GROUP	DEFINITION
Commercial (Revenue Producing) A	Defined as any type of commercial event where admission is charged, donation accepted, sales made, or other income derived.

FACILITY USE POLICY

Commercial (Non-revenue Producing)
B

Defined as any type of commercial event where no admission is charged or donation accepted, nor any sales made, nor other income derived.

Non-Profit (Revenue Producing)
A

Defined as church groups, civic groups, political organizations, fraternal groups, social organizations, conventions, or any other non-profit groups or activities sponsored by such groups where admission is charged, donations accepted, sales made, or other income derived.

Non-Profit (Non-revenue Producing)
B

Defined same as non-profit (revenue producing), except that no admission is charged or donation accepted, nor any sales made, nor any other income derived.

Exempt (Lewiston Non-Profit, ~~Government~~)
*\$50 non-refundable application fee will not be waived.

Defined as non-profit groups or organizations located in the City of Lewiston (and not classified as non-profit revenue), also the governments of the ~~City of Lewiston~~, State of Maine and United States, their departments, agencies or committees when the nature of the meeting does not meet the standards of the exempt classification.

Exempt (Government)
*\$50 non-refundable application fee will be waived

Defined as the governments of the State of Maine and the United States and their departments, agencies, committees, or officials when the meeting is open to the public and on a topic of interest to the residents of Lewiston and the City of Lewiston for any purpose.

- B. Determination of which classification an applicant is charged fees shall be made by the Director based on information furnished, in writing, by the applicant.
- C. Applications must be signed and returned no later than thirty (30) business days prior to the date of the event and a \$50 non-refundable application processing fee must accompany the application. Upon approval, a licensee must sign a Use Agreement, pay the total use fee (no personal checks), and satisfy all other conditions within fifteen (15) business days of the date of the Use Agreement.
- D. Should an applicant fail to comply in any material aspect with the terms of the application or Use Agreement, the Director may immediately terminate said agreement. In that event, the applicant shall not be entitled to the use of the facility

FACILITY USE POLICY

or the refund of any fees paid in connection with the application.

- E. Organizations that wish to hold an event in either the Memorial Armory or Library to which the general public is invited and where there is to be no admission fee charged, donations accepted, or other income derived, may make application in writing to the City Administrator for free use of the facilities (does not include overtime, floor covering, set-up, take down, etc.). Allocation of the facilities for free use will be approved or rejected by the City Administrator or may be referred to the Facilities Use Review Committee for further investigation.
- F. Rental Rate Schedule (See Appendix A Attached)

Section 13 - Copyright

Licensee assumes full responsibility for any copyright infringements, charges, or royalties that may occur on account of activities at the facility pursuant to this Agreement. Licensee warrants that all copyrighted material to be performed has been duly licensed or authorized by the copyright owners or their legal representatives and agrees to indemnify and hold the City harmless from any and all claims, losses or expenses incurred with regard thereto, including legal fees. Licensee, upon request, shall provide the City with written proof prior to the start time of rental that all copyright provisions and laws have been satisfied by Licensee or some other party. The City reserves the rights to contact owners of copyrights to inform them of the impending event and to inquire whether appropriate copyright(s) fees have been paid. If these fees have not been paid and the City is informed of a claim which could or will result from the event contemplated by Licensee in this Agreement, then the City or the City Contractor shall have the right to withhold from the box office receipts a sum of money sufficient to satisfy any such claims and shall have the right to pay such amount to the holder(s) of the copyright(s).

APPENDIX A

RENTAL RATE SCHEDULE - ARMORY AND LIBRARY

FACILITY ROOM	COMMERCIAL (Revenue)	COMMERCIAL (Non Revenue)	ALL NON-PROFIT (Revenue)	OTHER NON-PROFIT (Non Revenue)	EXEMPT* (Lewiston NP, Govt)
ARMORY	DAY				
Gymnasium	1 st \$ 465.00	\$ 345.00	\$ 230.00	\$ 175.00	N/C
	2 nd 345.00	290.00	205.00	145.00	N/C
	3 rd 290.00	230.00	175.00	115.00	N/C
	Hour 60.00	60.00	25.00	25.00	N/C
	Up to 3 hrs.				
Meeting Rooms (2 - 4)	60.00	45.00	35.00	25.00	N/C
Activity Room 1	145.00	115.00	90.00	60.00	N/C
Seniors Room	115.00	90.00	60.00	45.00	N/C
LIBRARY					N/C
Callahan Hall	Day: 465.00	345.00	230.00	175.00	Lewiston City Gov. only**
	Hour: 60.00	60.00	25.00	25.00	
	Up to 3 hours				
Computer Lab	315.00	210.00	210.00	160.00	N/C
Jeanne Couture Room	65.00	55.00	35.00	30.00	N/C
Conference Room	65.00	55.00	35.00	30.00	N/C

***No charge applies only during normal operating hours and does not include janitorial or other fees.**

****For Callahan Hall, Lewiston Exempt non-profit rate will apply to all Exempts except Lewiston City Government.**

Additional Fees and Charges

Public Address System \$ 50.00 per session
 Tables \$ 5.00 each
Library after Hours Staff \$ 40.00 per hour or part thereof

Additional Fees and Charges Continued

Chairs (0 - 25) N/C
 (26 - 50) \$ 20
 (51 - 100) \$ 35
 (101 - 150) \$ 45
 (151 - 250) \$ 65
 (251+) \$100

Floor Cover & Tape \$225.00

LEWISTON CITY COUNCIL

MEETING OF FEBRUARY 17, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 8

SUBJECT:

Resolve regarding the Adoption of the FY2016 City of Lewiston Five-Year Capital Improvement Program.

INFORMATION:

The Lewiston 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 earlier for review and a workshop and public hearing have also been held on this issue.

The Planning Board and Finance Committee recommendations regarding the LCIP are attached.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The FY2016 program is limited to those projects which are important to the continued maintenance and development of the City. Each project will be reviewed prior to receiving funding.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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That pursuant to Article VI, Section 6.07(d) of the City Charter, the City Council hereby approves the Resolve adopting the FY2016 City of Lewiston Five-Year Capital Improvement Program, as prepared by the City Administrator.

(Note - Copy of full Resolve is attached.)



**City of Lewiston Maine
City Council Resolve
February 17, 2015**



Resolve, Adopting the FY2016 City of Lewiston Five-Year Capital Improvement Program

Whereas, the City Charter requires that a capital improvement program be prepared annually for review by the Planning Board, Finance Committee, and City Council and be adopted by the City Council at least four months prior to the end of the current fiscal year; and

Whereas, the intent of such a program is to outline a five year plan to address the community's infrastructure and other capital improvement needs and, more specifically, to outline those projects anticipated for the coming year in advance of consideration of the annual budget; and

Whereas, as proposed, the plan calls for \$138,078,152 in projects, \$63,125,114 of which would be supported from City resources including \$36,398,651 in tax supported general obligation bonds and \$21,993,775 in enterprise supported bonds; and

Whereas, the plan proposes authorizing \$9,244,703 in general obligation bonds and \$1,200,000 in enterprise bonds during Fiscal Year 2016; and

Whereas, the total amount of proposed FY16 general obligation bonds exceed the \$7,642,255 ordinance limitation on annual bond authorizations by \$1,602,448, and authorization of this full amount would require a two-thirds vote of the Council; and

Whereas, adopting this plan will provide guidance to the Council and staff but does not constitute formal authorization to proceed with the projects included, the funding for which must be separately authorized by the City Council;

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

the FY2016 City of Lewiston Five-Year Capital Improvement Program is hereby adopted.



City of Lewiston Maine
City Council Resolve
February 17, 2015



Resolve, Adopting the FY2016 City of Lewiston Five-Year Capital Improvement Program

Whereas, the City Charter requires that a capital improvement program be prepared annually for review by the Planning Board, Finance Committee, and City Council and be adopted by the City Council at least four months prior to the end of the current fiscal year; and

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Whereas, adopting this plan will provide guidance to the Council and staff but does not constitute formal authorization to proceed with the projects included, the funding for which must be separately authorized by the City Council;

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

the FY2016 City of Lewiston Five-Year Capital Improvement Program is hereby adopted.



City of Lewiston Executive Department

EDWARD A. BARRETT
City Administrator

PHIL NADEAU
Deputy City Administrator



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:

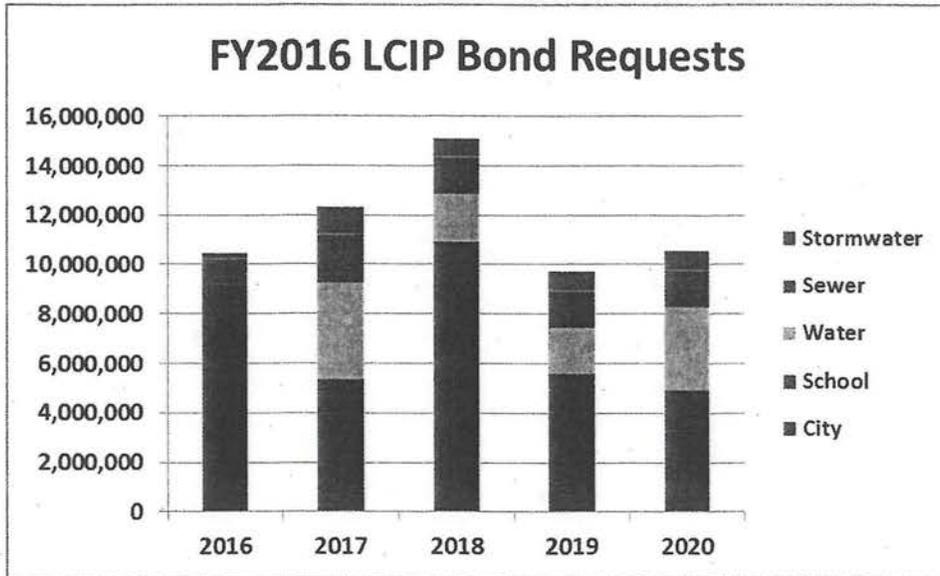
<u>AREA</u>	<u>FY2016</u>	<u>FY2016-FY2020</u>
City Bond Issue	\$7,445,800	\$32,126,600
City Operating Budget	587,313	2,016,688
School Bond Issue	1,798,903	4,061,051
Sewer Bond Issue	1,000,000	7,460,000
Sewer Operating Budget	75,000	560,000
Sewer Impact Fees	50,000	250,000
Water Bond Issue		10,983,775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

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.

<u>Fund</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>Total</u>
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>
TOTAL	10,444,703	12,333,735	15,115,963	9,720,150	10,566,875	58,181,426



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 depredations 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>
TOTAL	162,054,464

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:

FISCAL YEAR	PRINCIPAL AND INTEREST PAYMENT
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 COST	CITY RESOURCES
AIRPORT:		
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
EMERGENCY 9-1-1:		
Radio Replacement	2,050,000	1,025,000
GREAT FALLS TV:		
Video Equipment Upgrades	23,426	11,713
TRANSIT COMMITTEE:		
Replacement Buses	400,000	40,000
ECONOMIC & COMMUNITY DEVELOPMENT:		
Comprehensive Plan Implementation	100,000	100,000
Acquisition/Demolition Fund	350,000	300,000
	450,000	400,000
MIS DEPARTMENT:		
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
FIRE DEPARTMENT:		
Central Station Paving Project	48,000	48,000
PUBLIC WORKS - BUILDINGS:		
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
PUBLIC WORKS - HIGHWAY:		
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
	<u>17,061,000</u>	<u>2,300,000</u>
PUBLIC WORKS - STREET LIGHTING:		
Replace Mercury Street Lighting	35,100	35,100
PUBLIC WORKS - OPEN SPACES:		
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
	<u>1,274,500</u>	<u>1,274,500</u>
PUBLIC WORKS - MUNICIPAL GARAGE:		
P/W Municipal Garage Vehicle & Equipment Replacement	1,790,300	1,790,300
PUBLIC WORKS - SOLID WASTE:		
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
	<u>275,000</u>	<u>275,000</u>
SCHOOL DEPARTMENT:		
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
	<u>4,425,351</u>	<u>1,397,653</u>
PUBLIC WORKS - WATER DIVISION:		
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
	<u>385,000</u>	<u>315,000</u>
PUBLIC WORKS - SEWER DIVISION:		
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
PUBLIC WORKS - STORMWATER DIVISION:		
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>
Grand Total	<u>32,575,927</u>	<u>11,666,016</u>

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>
City:	
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
PW 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>
School:	
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>
Grand Total	<u>9,244,703</u>

Given the proposed bond projects, the 80% limit of \$7,642,255 would be exceeded by \$1,102,448.¹

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

¹ 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	
AIRPORT:											
Airport Landside Terminal Parking Lot	12	350,000	CBI								
		350,000	Other								
Small Community Air Srvc 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						
EMERGENCY 9-1-1:											
Radio Replacement	18	1,025,000	CBI								
		1,025,000	Other								
GREAT FALLS TV:											
Video Equipment Upgrades (Lewiston & Auburn City Hall)	19	11,713	COB								
		11,713	Other								
TRANSIT COMMITTEE:											
Replacement Buses	20	320,000	F/S	320,000	F/S	320,000	F/S	320,000	F/S	320,000	F/S
		40,000	COB	40,000	COB	40,000	COB	40,000	COB	40,000	COB
		40,000	Other	40,000	Other	40,000	Other	40,000	Other	40,000	Other
ECONOMIC & COMMUNITY DEVELOPMENT:											
Comprehensive Plan Implementation	21	100,000	CBI			100,000	CBI				
Acquisition/Demolition Fund	22	50,000	CD	50,000	CD	50,000	CD	50,000	CD	50,000	CD
		300,000	COB	300,000	COB	300,000	COB	300,000	COB	300,000	COB
Acquisition of Lewiston Steam Substation	23			253,000	CBI						
MIS DEPARTMENT:											
Telephone System	24	250,000	CBI								
		250,000	SCHBI								
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						
FIRE DEPARTMENT:											
Central Station Paving Project	28	48,000	CBI								
Fire Department Pumper/Aerial	29							950,000	CBI		
PUBLIC WORKS - BUILDINGS:											
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	CBI
Lisbon Street Fire Station Expansion & Rehabilitation	44									500,000	CBI
PUBLIC WORKS - HIGHWAY:											
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						
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				
PUBLIC WORKS - MDOT PROJECTS:											

FY 2016 Lewiston Capital Imp. Project Summary

by Department /Agency

PROJECT	PAGE	FY2016		FY2017		FY2018		FY2019		FY2020	
MTA Exit 80 Interchange Improvements	56	9,800,000	F/S								
MDOT 1 WIN 18580 Bartlett St. Rehab.	57	1,350,000	F/S								
MDOT 2 TIP Signal Upgrades	58	450,000	F/S								
MDOT 3 Lisbon St. Highway Preservation Paving	59	40,000	COB								
		360,000	F/S								
MDOT 5 WIN 022532 Sabbatus St. Highway Preservation Paving	61			550,000	F/S						
MDOT 6 WIN 022535 Main St. Highway Preservation Paving	61	931,000	F/S								
MDOT 8 WIN 011599.30 River Road Highway Reconstruction	62	225,000	CBI								
		900,000	F/S								
MDOT 9 WIN 20285 Lisbon St. Highway Preservation Paving	63	880,000	F/S								
MDOT 10 Cedar Street Safety Improvements	64	90,000	F/S								
		10,000	COB								
MDOT 11 Bikeway/Pedestrian Path Gully Brook to Boat Ramp	NEW							496,000	F/S		
								124,000	CBI		
MDOT 12 Simard Payne Bike/Pedestrian Path	NEW					348,000	F/S				
						87,000	CBI				
PUBLIC WORKS - ATRC:											
ATRC - 2: River Road Highway Reconstruction	65					150,000	CBI				
						1,350,000	F/S				
ATRC - 3: Lincoln Street Bike/Pedestrian Path	66							124,000	CBI		
								496,000	F/S		
ATRC - 4: Stetson Road (Main St. to College St) Rehabilitation	67					31,300	CBI				
						281,700	F/S				
ATRC - 6: Scribner Blvd. (Pleasant St. to Webster St.) Rehab.	68							120,000	CBI		
								1,080,000	F/S		
ATRC - 8: South Ave. (Lisbon St. to Lincoln St.) Rehabilitation	69					20,000	COB	200,000	CBI		
						180,000	F/S	1,800,000	F/S		
PUBLIC WORKS - STREET LIGHTING:											
Replace Mercury Street Lighting	70	35,100	COB								
PUBLIC WORKS - OPEN SPACES:											
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	SCHBI								
Kennedy Park Master Plan	75	372,000	CBI	160,000	CBI	308,000	CBI	503,000	CBI	422,000	CBI
PUBLIC WORKS - MUNICIPAL GARAGE:											
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
PUBLIC WORKS - SOLID WASTE:											
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
SCHOOL DEPARTMENT:											
Middle School Clock Tower	87	62,000	SCHBI								
High School Electrical/Network Upgrade	88	246,300	SCHBI								
State Funded New School	89	3,027,698	F/S	9,490,215	F/S	33,940,587	F/S				
		159,353	SCHBI	499,485	SCHBI	1,762,663	SCHBI				
Playground Upgrades	90	260,000	SCHBI								
Montello School Roof Replacement	91	670,000	SCHBI								
PUBLIC WORKS - WATER DIVISION:											
Distribution Water Main Replacement/Rehabilitation	92			1,726,250	WBI	1,762,500	WBI	1,708,150	WBI	1,706,875	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
PUBLIC WORKS - SEWER DIVISION:											
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

FY 2016 Lewiston Capital Imp. Project Summary

by Department /Agency

PROJECT	PAGE	FY2016		FY2017		FY2018		FY2019		FY2020	
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
PUBLIC WORKS - STORMWATER DIVISION:											
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
TOTALS		32,575,927		25,358,450		52,839,750		15,243,650		12,060,375	138,078,152
City Bond Issue	CBI	7,445,800		4,918,000		9,277,800		5,736,000		4,960,000	32,337,600
City Operating Budget	COB	587,313		349,375		400,000		340,000		340,000	2,016,688
Community Development Block Grant	CD	50,000		50,000		50,000		50,000		50,000	250,000
Federal/State Funding	F/S	19,297,698		10,716,465		36,420,287		4,192,000		320,000	70,946,450
Other Agency/Municipality	Other	1,562,213		1,414,375		260,000		260,000		260,000	3,756,588
School Bond Issue	SCBI	1,798,903		499,485		1,762,663					4,061,051
Water Bond Issue	WBI			3,856,250		1,912,500		1,858,150		3,356,875	10,983,775
Water Operating Budget	WOB	315,000		315,000		276,000		305,000		309,000	1,520,000
Sewer Operating Budget	SOB	75,000		75,000		125,000		160,000		125,000	560,000
Sewer Bond Issue	SBI	1,000,000		1,960,000		1,500,000		1,500,000		1,500,000	7,460,000
Sewer Impact Fees	SIF	50,000		50,000		50,000		50,000		50,000	250,000
Stormwater Operating Budget	SWOB	194,000		54,500		55,500		42,500		39,500	386,000
Stormwater Bond Issue	SWBI	200,000		1,100,000		750,000		750,000		750,000	3,550,000
TOTAL		32,575,927		25,358,450		52,839,750		15,243,650		12,060,375	138,078,152
Bond Issues:		10,444,703		12,333,735		15,202,963		9,844,150		10,566,875	58,392,426
20 Year											
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	
15 Year											
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)											
SBI (Sewer Bond Issue)				765,000		500,000		500,000		500,000	
SWBI (Stormwater Bond Issue)				1,100,000		500,000		500,000		500,000	
subtotal		3,237,300		4,058,000		3,144,500		4,148,000		2,830,000	
10 Year											
CBI (City Bond Issue)		1,046,250		460,000		437,000		568,000			
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		687,000		818,000		250,000	
5 Year											
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		-		-	
Total Bond Issues		10,444,703		12,333,735		15,202,963		9,844,150		10,566,875	58,392,426
For Public Hearing Ad		FY2016		FY2017		FY2018		FY2019		FY2020	
Local Funding Amounts		11,666,016	-	13,177,610	-	16,109,463	-	10,741,650	-	11,430,375	



City of Lewiston, Maine

Finance Committee



February 9, 2015

The Honorable Robert Macdonald, Mayor
And Members of the City Council
City Hall
Lewiston, Maine 04240

Dear Mayor and Members of City Council:

At a meeting of the Finance Committee held on February 9, 2015 the Committee took the following action relative to recommendation of the FY2016 Capital Improvement Program:

On motion of Councilor Lachance, seconded by Mr. Peters it was voted to send the following recommendation:

VOTED:

The Finance Committee has reviewed the Fiscal Year 2016 Lewiston Capital Improvement Program. The Finance Committee recognizes that this document is a long term planning tool utilized by the City Council and Administration, and that all projects are subject to the scrutiny of the budget process. If projects as requested are approved, including the Administrator's recommendation and School Department recommendations, the proposed FY16 bond authorization amount would exceed the 80% bond issue authorization limitation as established by City Ordinance (Chapter 2, Article II, Section 2-34: Council action on bond authorization).

The purpose of the 80% limit is to aggressively reduce our heavy long term debt while minimizing the impact on the current year. We urge the Council to hold the line this year as we have seen multiple years of exceeding the intent of the 80% limits.

Further, the Committee expresses concern about the level of debt service carried in each of the Enterprise Funds as the rate and fee structures impact the personal budgets of Lewiston residents as much as the General Fund does with its mil rate and tax structure and the school side borrowing to be carried by the property taxpayers of the City of Lewiston. Therefore, we would recommend that City Ordinance (Chapter 2, Article II, Section 2-34: Council action on bond authorization) be revised to include provisions aimed at reducing debt separately in each category: municipal debt, school debt supported by the property tax, and Enterprise Fund debt.

In addition, we believe a further deeper review of the LCIP should be considered to eliminate those items listed whose appreciable life of use will likely be less than the borrowing period of the funds used to acquire them. Last year this committee showed the City Council an area where saw blades and other items that should have been purchased as part of an annual supply budget line but were included in a larger purchase, meaning the city and its taxpayers would be paying principal and interest for at least ten years on items that have a usable life of less than one season. The current LCIP includes a pickup truck and potentially other items which fall into this category but would be better placed in the annual budget. We also ask the City Council to provide further guidance as to how these should be addressed should they come before the Finance Committee for approval as they would be considered non-capital items purchased from a capital only budget. We also have a deep concern regarding the continued placement of staff wages into capital project expenditures. Paying wages out of anything but the operating budget is one of the largest reasons our overall debt is now so significant and hangs over the heads of every Lewiston property tax payer and renter. The most glaring example of this is in placing significant

portions of our City Engineering wages into various projects thus ensuring we will pay much more over time. We cannot support this process moving forward.

Finally, specific to the LCIP proposed budget, we recommend the following items be removed from the FY16 LCIP request (as well as comments you may find helpful);

Planning \$100,000 – It makes no sense to capitalize a consultant review and related expenses for the New Comprehensive plan. Capitalize the projects that may follow but not the time spent now.

MIS \$90,000 “to replace current hardware purchased 5 years ago” ...why would we replace items that only last 5 years with a bond that will likely last more than 10 years?

PW \$100,000 – Signage for Parking Garages –in our current economic situation we cannot justify this amount when the majority of people using the garages already know where they are. Most special events have signage and maps in programs of their making that help also explain where parking is allowed.

PW \$63,500 – Field Mower -10 years bond to save \$500 in ongoing maintenance does not make sense even with the current one time additional expenditure.

PW 182,000 – Telescoping Truck –Given the cost, additional interest on the bonding, and over time repairs, maintenance and other issues, AND the fact that rentals may at times still be required it makes no financial sense to purchase this item. Rentals paid for from the current year budget is the fiscally prudent manner of addressing the need.

PW \$129,000 – Street Sweeper – the average cost of repairs makes it a better option to keep the current equipment and extend the useful life.

PW - \$17,000 Message Board – if the message board was damaged by a car striking it, why is there no insurance coverage to pay for the replacement? Can a portable sign be rented for those few times when our city departments require one?

The Finance Committee wishes to commend the staff and administration of the City for the continued work in refinancing the outstanding debt as had been recommended in past LCIP reviews. We urge the City to continue those efforts as the opportunities present themselves. We also recommend the utilization of the unallocated balances in future bonds should first be used to reduce the principal outstanding before considering additional purchases not previously requested or indicated. We also ask that scrutiny be given to the amounts requested as we often see significant changes in estimates versus actual purchases, creating many of these unallocated fund balances.

We encourage City management to be prudent in spending of funds and focus on core services and those items deemed necessary at this time. Exceptions should be made where continued use of existing property would be more expensive in terms of operations and maintenance than the cost of purchasing new.

The Committee voted 5-0 in support of the recommendation.

Sincerely,

*Robert Reed, Chairman
Finance Committee*



City of Lewiston
Planning & Code Enforcement
Gil Arsenault, Director



MEMORANDUM

To: Ed Barrett, City Administrator
City Clerk's Office
City Council Members

From: David Hediger

Date: February 11, 2015

Subject: Planning Board Action

The Planning Board took the following action at their public meeting held on February 9, 2015 regarding the adoption of the FY 2016 Lewiston Capital Improvement Program.

The following motion was made:

MOTION: by **Paul Madore** pursuant to Article VII, Section 4(e) of the Zoning and Land Use Code to send a favorable recommendation for the City Council's consideration the adoption of the FY 2016 Lewiston Capital Improvement Program, subject to the following reductions and reallocations in effort reduce the proposed bonded debt of \$1,602,448 projected to exceed the 80% limit of average amount of annual debt being retired over the three previous fiscal years:

1. Field lights-Upper Franklin: FY16 reduction of \$50,000
2. Lionel Potvin Park Improvements: FY16 reduction of \$100,000
3. PW Municipal Garage Vehicle and Equipment Replacement: FY 16 reduction of \$550,500 including:
 - a. Field mower: \$63,500
 - b. 1 ton 4 x 4 pickup with cap and air compressor: \$49,000
 - c. Telescopic bucket truck: \$182,000
 - d. Two ½ pickup trucks (buy only one): \$29,000
 - e. 1 ton dump truck: \$45,000
 - f. Six wheeled sander w/plow (move to FY17): \$182,000
4. Kennedy Park Master Plan: FY 16 reduction of \$372,000 (amount to be moved and split in FY17 and FY18)
5. Street Maintenance: FY16 reduction of \$70,000 involving:
 - a. FY16 Lincoln Street: move \$180,000 to FY17
 - b. FY18 Acadia Avenue: move \$110,000 to FY16
6. City Parking Garage Wayfinding Signs: FY16 reduction of \$100,000 (move to FY17)

7. City Street Amenities: FY16 reduction of \$250,000 (move to FY17)
8. City Hall Building Second Floor Interior Restoration: reduction of \$120,000 (move to FY17 to complete all proposed improvements as one project)

For a total FY16 recommended bond reduction of \$1,612,500.

Also, to reduce from the proposed city operating budget as referenced in the FY 2016 Lewiston Capital Improvement Program the following:

1. Acquisition/Demolition Fund: FY16 reduction of \$150,000.
2. Public Works Building/Equipment Wash Facility: FY16 reduction of \$35,000
3. MDOT 10 Cedar Street Safety Improvements: FY16 reduction of \$10,000

For a total FY16 city operating budget reduction of \$195,000.

Second by **Kevin Morissette**.

VOTED: 6-0 (Passed).

Note: the Charter and the Zoning and Land Use Code require the Planning Board to review and provide a recommendation on Lewiston's Capital Improvement Plan.

c: Planning Board Members

LEWISTON CITY COUNCIL

MEETING OF FEBRUARY 17, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 9

SUBJECT:

Order Authorizing the Sale of 154 Blake Street.

INFORMATION:

In 1994, the City condemned and demolished the building at 154 Blake Street and one of the abutters is interested in purchasing the remaining land to develop a parking area for his tenants in the building next door. The City Council authorized the City Administrator to put the property out to bid and one bid was received for \$7,500. At their February 9 meeting, the Planning Board recommended the property be sold.

Please see the attached material for additional information.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

ERB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Order authorizing the sale of 154 Blake Street.



COUNCIL ORDER

Order, Authorizing the Sale of 154 Blake Street

Whereas, the City acquired the property at 154 Blake Street in 1994 through a tax lien foreclosure and subsequently demolished the four story eight unit structure on the property; and

Whereas, the City has been approached by an abutting property owner seeking to purchase the property; and

Whereas, on December 2, 2014, the City Council authorized the City Administrator to offer the property for disposition through the formal bid process and to sell the property to the successful bidder subject to a positive recommendation of the Planning Board; and

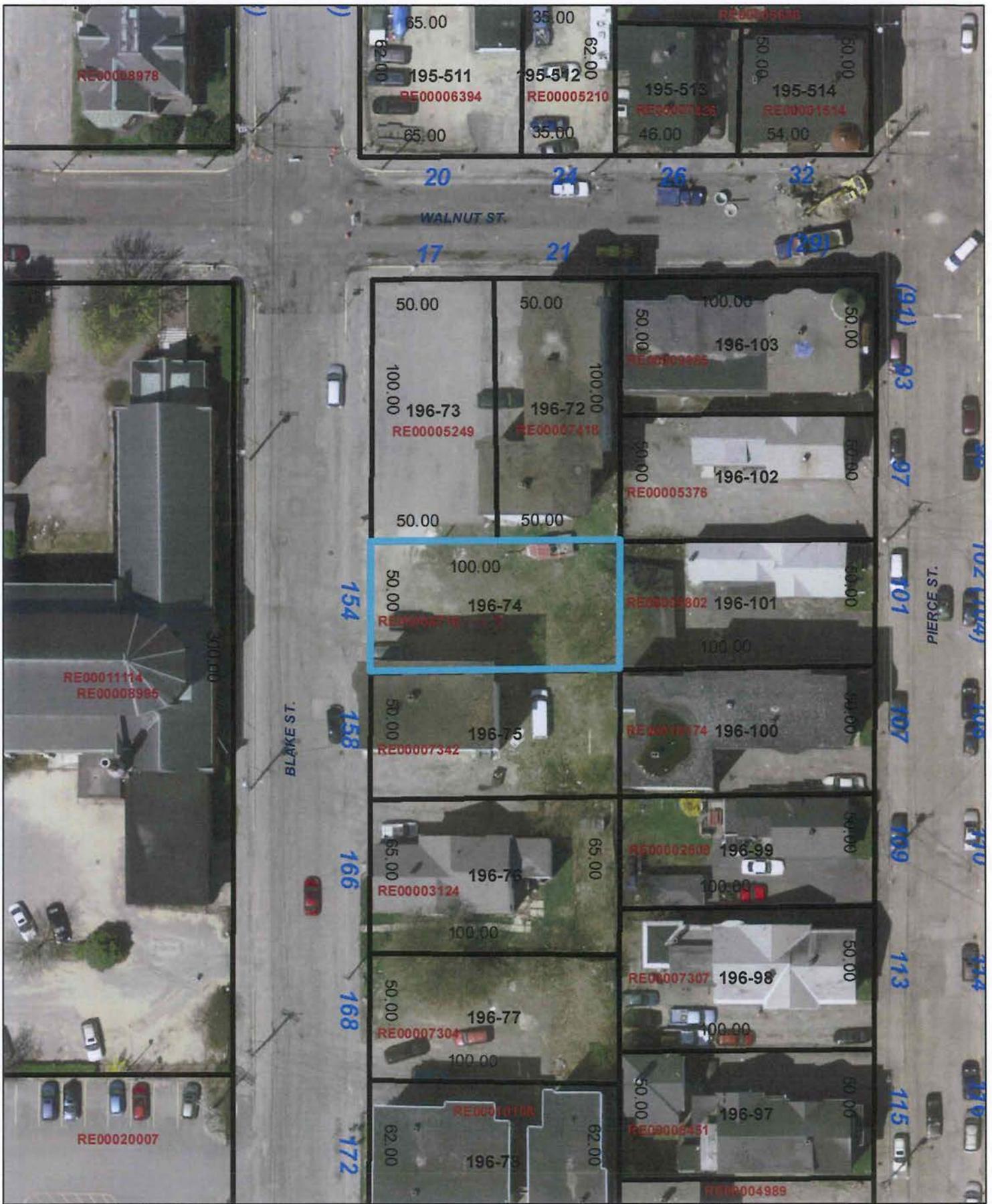
Whereas, the City received one proposal from the abutter offering \$7,500 for the property and proposing its reuse for parking and green space; and

Whereas, on February 9, 2015, the Planning Board recommended that the property be sold;

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

The City Administrator is authorized to take the necessary steps to convey the property to the successful bidder, Shukri Abasheikh for \$7,500, subject the following or other negotiated conditions designed to ensure appropriate use and reuse of the property:

1. If no development activity is to occur within 180 days of the sale, the lot must be loamed, seeded, and barricaded with rocks and or permanent fencing;
2. If development is to occur within 180 days, permits must be obtained within 180 days of the sale and development must be completed in 2015;
3. Any land area not supporting development must be loamed and seeded;
4. All requisite codes must be met and satisfied.



154 Blake St
Aerial Photo Taken April 2013



1 inch = 50 feet

11/25/2014



CITY OF LEWISTON

Department of Planning & Code Enforcement



TO: City Council
FROM: David Hediger, City Planner
DATE: February 10, 2015
RE: Disposition of 154 Blake Street

On December 2, 2014 the City Council authorized the City Administrator to offer the property at 154 Blake Street for disposition through the formal bid process and to sell the property to the successful bidder subject to a positive recommendation of the Planning Board.

Pursuant to Article VII, Section 4(h) of the Zoning and Land Use Code, the Planning Board shall review and make a recommendation to the city council with regard to the acquisition and disposition of all public ways, lands, buildings and other municipal facilities.

This vacant lot of 5,000 square feet with 50' frontage is located in the Downtown Residential (DR) district. The lot is developable upon meeting the space and bulk requirements of the DR district. The site previously contained a four story, eight unit structure that the city acquired and demolished 1994 through a tax lien foreclosure.

The City received one proposal from the abutter at 158 Blake Street looking for parking, greenspace, and potentially a new four story structure. Staff has since met with bidder Shukri Abasheikh to explain the zoning and parking requirements that would apply to the redevelopment of this site. It was explained that the use of this site for parking accessory to her property at 158 Blake Street is an allowed use and that four parking spaces may be constructed on the site upon issuance of a driveway/parking lot permit (given existing impervious areas). Staff explained that no more than 25% of the lot may be impervious and that construction of more than four spaces may raise concerns with respect to stormwater, drainage, and likely require development review approval. She was also advised that the proposal for the construction of a four story structure will likely not be allowed due to City parking requirements. Given the current requirements, the site is unable to accommodate both a structure and parking for three residential units and retail space. Upon explaining the zoning and land use requirements, the bidder remains interested in purchasing the property.

On February 9, 2015 the Planning Board reviewed the sole bid proposal and voted 5-1 to send a favorable recommendation to the City Council for the disposition of the 154 Blake Street.

CITY OF LEWISTON, MAINE

SALE & REUSE OF 154 BLAKE STREET

PROPOSAL DUE DATE: December 30, 2014 by 4:00 PM

PROPOSAL FORM

TO: Norman Beauparlant, Director of Budget/Purchasing
City of Lewiston
City Hall, 27 Pine Street
Lewiston ME 04240

Dear Sir:

The undersigned hereby declares that he/she has carefully examined the proposed Sale and Reuse of City Owned land items and that he/she proposes and agrees, if the proposal is accepted, to complete the transaction on the item(s) proposed.

Location Address	154 Blake Street
Price Offered	\$ 7,500
Reuse of Property (use separate sheet if applicable)	(See Attachment)

Bid Deposit Amount: \$ 750 (minimum 10% of the total amount of bid) include appropriate **Certified Check, Cashier's Check or Bond** (personal or business checks **will not be accepted**). Sign the proposal form in ink before returning it to the Director of Budget/Purchasing. Please return in a clearly marked sealed envelope with Bid Name and Number on the front.

NOTE: Minimum bid of \$7,500 has been set by the City.

The City Council reserves the right to accept or reject any and all proposals.

NAME	Shukri Abasheikh
SIGNATURE	Abasheikh
PRINTED/TYPED NAME	SHUKRI ABASHEIKH
TITLE	Owner of 158 Blake Street
LEGAL ADDRESS	240 Lisbon st. Lewiston, Maine 04240
MAILING ADDRESS	240 Lisbon st Lewiston, Maine 04240
DATE	12-29-14
TELEPHONE #	207-786-8754
FAX #	207-333-3391
E-MAIL ADDRESS	shukri63@aol.com / mmhamud@student.gsu.edu

Shukri Abasheikh
240 Lisbon Street
Lewiston ME 04240
Home: (207)786-8754
Work: (207)777-7757
shukri63@aol.com

December 29, 2014

Norman Beauparlant, Director of Budget/Purchasing
City of Lewiston
City Hall, 27 Pine Street
Lewiston ME 04240

Dear Mr. Beauparlant,

The short term use of the property at 154 Blake Street is to use it as a parking lot area for our tenants at 158 Blake Street. Also, we would also like to possibly grow a small garden or field of grass for our tenants' children to play in. In our residential building at 158 Blake Street, there are four floors, and on each floor there are four bedrooms. Only two parking spaces are available to the tenants now, so more parking space would be quite beneficial to our tenants, to say the least. The length we are planning to keep it a parking lot area ranges from 12-18 months, or until we have reached sufficient funds to build on our long term use for the land.

The long term use for the property will be to build a four story residential building, with a business on the first floor, and rentable units on the floors above.

Sincerely,



Shukri Abasheikh

OFFICIAL CHECK



10290166-7

RE: MOGADISHU STORE

DATE: 12/30/2014

52-0133
112

PAY TO THE ORDER OF City of Lewiston
Seven Hundred Fifty AND 00/100

\$750.00



DRAWER: TD BANK, N.A.

[Handwritten Signature]



AUTHORIZED SIGNATURE

⑈ 102901667⑈ ⑆ 011201335⑆ 6265009101⑈

Bid Name: Sale/Reuse of 154 Blake Streets
Bid Number:
Bid Due Date: Tuesday, December 30, 2014 by 4:00 P.M.
Mandatory Pre-Bid: none
Advertised Date: Monday, December 8, 2014
Requesting Dept: Finance
Submittal Location: Lewiston City Hall, Purchasing Dept., 27 Pine Street, Lewiston ME 04240

Contractor	Address	City	State	Zip Code	Telephone	E-Mail
Abasheikh Shudkris	240 Lisbon Street	Lewiston	ME	04240		
Agora LLC	1 Walnut Street	Lewiston	ME	04240		
Allen Don Corporation Inc	38 Walnut Street	Lewiston	ME	04240		
Allen, Paul & Maire	138 Blake Street	Lewiston	ME	04240		
Arel, Donald & Celine	50 Old Farm Road	Lewiston	ME	04240		
Bates Street Senior Housing Assoc.	17 Market Square	So. Paris	ME	04281		
Carbonneau, Daniel & Ronda	109 Pierce Street	Lewiston	ME	04240		
Casbo Bay Housing Co LLC	50 Portland Pier Ste 400	Portland	ME	04101		
D & D Apartments LLC	P O Box 100	Lewiston	ME	04240		
Detnorske LLC	7 John Adams Court	Naples	ME	04055		
Dobson, Stanley	280 Presumpscot Street	Portland	ME	04103		
Double Eagle Properties LLC	P O Box 737	Auburn	ME	04212		
Eastman, Brian	P O Box 385	Lisbon Falls	ME	04252		
Gilbert, Denis	50 Shawmut Street	Lewiston	ME	04240		
Girsch, Robert & Dawn	29 Belfield	Portland	ME	04103		
Jones, Henry H	166 Blake Street	Lewiston	ME	04240		
Kilimanjaro LLC	P O Box 256	Auburn	ME	04210		
Kirouac Properties LLC	30 Acadia Avenue	Lewiston	ME	04240		
Marsh, Donald & Pauline	85 Pierce Street	Lewiston	ME	04240		
McDonough, Halsey William	61 Winter Street	Gardiner	ME	04345		
New Beginnings Inc	436 Main Street	Lewiston	ME	04240		
Six Sigma Property LLC	10 Higgins Lane	So. Portland	ME	04106		
St. Laurent, Phyllis	91 Dyer Road	Lewiston	ME	04240	576-9393	pst47@roadrunner.com
St. Mary's Regional Medical Center	P O Box 291	Lewiston	ME	04240		
Tierney, Doris	36 Fifth Street	Auburn	ME	04210		



City of Lewiston
Finance Department

Norman Beauparlant, Director of Budget/Purchasing



Sale & Reuse of 154 Blake Street
December 8, 2014

Sir/Madam:

Sealed proposals will be received in the office of the Purchasing Agent on **Tuesday, December 30, 2014** until **4:00 p.m.** for the **Sale & Reuse of 154 Blake Street.**

The Lewiston City Council reserves the right to accept or reject any and all proposals.

Please use a clearly marked envelope with "Sale & Reuse of 154 Blake Street" when submitting your proposal. **Only sealed proposals will be accepted. Faxed proposals will not be considered.**

Sincerely,

Norman J. Beauparlant
Director of Budget/Purchasing

NJB/syt

CITY OF LEWISTON, MAINE

SALE & REUSE OF 154 BLAKE STREET

PROPOSAL DUE DATE: December 30, 2014 by 4:00 PM

This is an invitation for proposals to purchase and reuse property at 154 Blake Street owned by the City of Lewiston. The property is being offered for sale and reuse by the City as a means to enhance in the area.

Background:

The City recently took possession of the property at 154 Blake Street. The property consists of approximately .11 acres and is located in the Downtown Residential District (DR). The Assessor has assigned a current value of \$19,130 on the land only.

SECTION I: GENERAL INSTRUCTIONS

- 1.1 A complete written purchase and reuse proposal shall be submitted to the City of Lewiston, attention of the Director of Budget/Purchasing, City Hall, 27 Pine Street, Lewiston, Maine 04240, not later than **4:00 p.m. on Tuesday, December 30, 2014**. Proposals received after that time and date shall not be accepted.
- 1.2 The City of Lewiston City Council will review and award or reject proposals within sixty (60) days of their submission.
- 1.3 Each proposal submitted shall be accompanied by a **certified check, cashier's check or bond** made payable to the City of Lewiston in the amount of **ten (10%) percent** of the total amount offered. The required proposal deposit shall be applied to the purchase price for the successful proposal or shall be returned within ten (10) days of the selection of a proposal. If any proposer fails to abide by his/her proposal, the bid security will be forfeited to the City.
- 1.4 The City has established a minimum bid of \$7,500.
- 1.5 Each proposal shall include the legal name of the prospective purchaser and a statement whether the prospective purchaser is a sole proprietor, a partnership, or a corporation. If a corporation, the corporation shall also give the state of incorporation and have a corporate seal affixed.
- 1.6 Each proposal shall be signed by the person or persons legally authorized to bind the prospective purchaser to a contract.
- 1.7 The prospective purchaser, in his/her proposal, shall signify that he/she has read and understands all conditions concerning the reuse of the site, as outlined in this invitation for proposals and that his/her proposal is made in accordance with the invitation.

- 1.8 The prospective purchasers, in submitting the proposal, shall agree and so state in the proposal that no person acting for or employed by the City of Lewiston has a direct or indirect financial interest in the proposal or in any portion of the profits which may be derived therefrom.
- 1.9 No prospective purchaser will be permitted to withdraw a proposal for a period of sixty (60) days. All proposals will remain valid and binding for that period of time.
- 1.10 For questions regarding proposal requirements contact Norman Beauparlant, Director of Budget/Purchasing at Telephone: (207) 513-3040; Fax (207) 784-2959; or e-mail nbeauparlant@lewistonmaine.gov.
- 1.11 The City of Lewiston reserves the right to select a proposal and sell the subject property based upon its determination of the highest and best use of the property. **The City Council reserves the right to refuse any and all proposals.**

SECTION II: INFORMATION FOR DEVELOPERS

- 2.1 The parcel being offered for sale is described as follows:

Property:	154 Blake Street
Approximate Acreage	.11 acres
Map/Lot	196-74
Zoning	DR (Downtown Residential)
Minimum Bid	\$7,500.00
- 2.2 The proposed reuse for the subject property will be a consideration in judging what the City deems to be the most acceptable proposal.
- 2.3 Closing on all sales transactions will be within 90 days of award unless otherwise requested and approved by the City prior to award of bid.
- 2.4 If prospective purchasers require additional contact:

Norman Beauparlant, Director of Budget/Purchasing
City Hall, 27 Pine Street
Lewiston, Maine 04240
Tel. #: 207-513-3040
Fax #: 207-784-2959
e-mail: nbeauparlant@lewistonmaine.gov

Questions will be answered or confirmed in writing. Proposers should not rely on any statements, oral or written, which are not made as an addendum to this "Request for Proposals".

SECTION III: CONTENTS OF THE PROPOSAL

- 3.1 The proposal shall contain the price being offered for the purchase of this property.

- 3.2 Submitted proposals shall provide specific details on the proposed reuse of this site. The provision of additional data, exhibits, statements, drawings, etc. are recommended to insure a total understanding and proper evaluation of each proposal by the City.

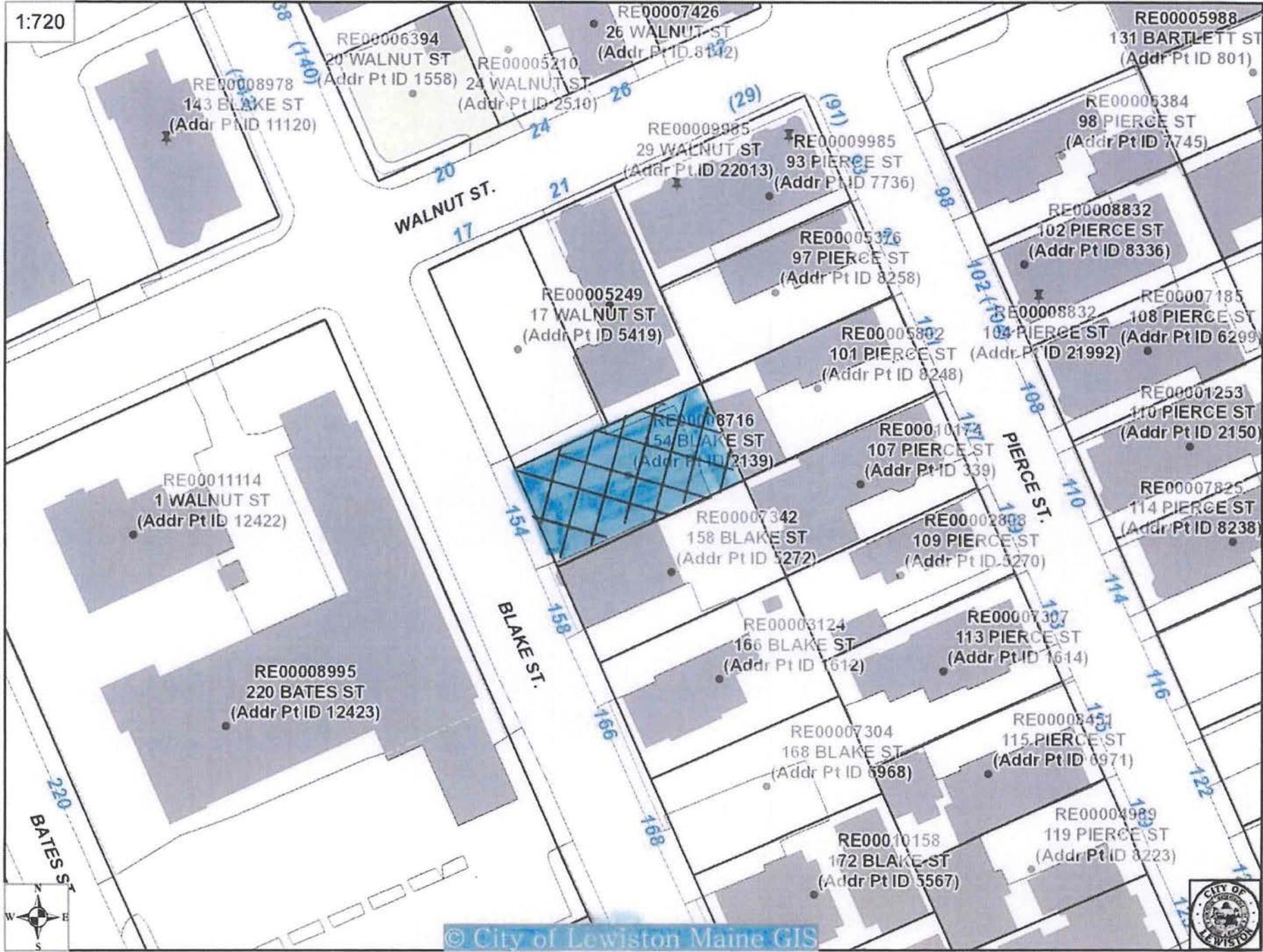
SECTION IV: NEGOTIATION AND EXECUTION OF CONTRACT

- 4.1 Negotiation is intended to result in a contract for the sale and subsequent reuse of the site deemed to be most beneficial to the public and in the best interest of the City.
- 4.2 The contract for the sale and reuse of this site will be executed only after final approval by the Lewiston City Council. The successful bidder will be required to undergo Development Review before the Lewiston Planning Board or Development Review Committee as a condition of conveyance of the property.
- 4.3 **At closing, the City will deliver a Municipal Release Deed with conditions, if applicable,** which will cover negotiated requirements. There may also be a covenant which establishes the time period for the project to be completed.
- 4.4 The City will require as part of the deed a permanent easement to allow for access to the sewer main that crosses the property at the rear of said property. The exact location of the sewer main has not been determined at this time. Before any permanent improvements are done or constructed (excluding landscaping or paving), the sewer will need to be located and avoided.

SECTION V: RESERVATION OF RIGHTS

- 5.1 The City reserves the right to waive or disregard any informality, irregularity or deficiency in any proposal received.
- 5.2 The City reserves the right to accept or reject any or all proposals received.

1:720



CITY OF LEWISTON, MAINE

SALE & REUSE OF 154 BLAKE STREET

PROPOSAL DUE DATE: December 30, 2014 by 4:00 PM

PROPOSAL FORM

TO: Norman Beauparlant, Director of Budget/Purchasing
City of Lewiston
City Hall, 27 Pine Street
Lewiston ME 04240

Dear Sir:

The undersigned hereby declares that he/she has carefully examined the proposed Sale and Reuse of City Owned land items and that he/she proposes and agrees, if the proposal is accepted, to complete the transaction on the item(s) proposed.

Location Address	154 Blake Street
Price Offered	\$
Reuse of Property (use separate sheet if applicable)	

Bid Deposit Amount: \$ _____ (minimum 10% of the total amount of bid) include appropriate **Certified Check, Cashier's Check or Bond** (personal or business checks **will not be accepted**). Sign the proposal form in ink before returning it to the Director of Budget/Purchasing. Please return in a clearly marked sealed envelope with Bid Name and Number on the front.

NOTE: Minimum bid of \$7,500 has been set by the City.

The City Council reserves the right to accept or reject any and all proposals.

NAME	
SIGNATURE	
PRINTED/TYPED NAME	
TITLE	
LEGAL ADDRESS	
MAILING ADDRESS	
DATE	
TELEPHONE #	
FAX #	
E-MAIL ADDRESS	

LEWISTON CITY COUNCIL

MEETING OF FEBRUARY 17, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 10

SUBJECT:

Resolve approving the Preliminary Design of the MaineDOT Lisbon Street Resurfacing Project - Chestnut to Main (WIN 20309.00) and Authorizing the Transfer of Funds Necessary to Implement Certain Project Amenities.

INFORMATION:

The City Council is asked to approve the preliminary design of the MDOT Lisbon Street Resurfacing project from Chestnut St to Main Street. Work to be funded with federal, state and local funds include milling and repaving the road surface, restriping Lisbon St to establish a single through lane from Cedar to Pine, eliminating turn lanes at Pine and Ash, establish a bike lane from Spruce to near Main St, utilize multi-colored concrete for sidewalks, refinish bollards and decorative light bases, install brick paver accent strips within the sidewalks and installing brick paver border along building frontages. Additional work to be funded with local sources include rewiring existing street lights, upgrading the Plaza next to Mother India, adding decorative bike racks, accent lighting at crosswalks, street trees and raised landscaping.

Please see attached material from Public Works Director David Jones 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 adopt the Resolve approving the Preliminary Design of the MaineDOT Lisbon Street Resurfacing Project - Chestnut to Main (WIN 20309.00) and Authorizing the Transfer of Funds Necessary to Implement Certain Project Amenities.



Department of Public Works

David A. Jones, P.E.
Director



February 17, 2015

RESOLVE, Approving the Preliminary Design of the MaineDOT Lisbon Street Resurfacing Project – Chestnut to Main (WIN 20309.00) – and Authorizing the Transfer of Funds Necessary To Implement Certain Project Amenities.

Whereas, MaineDOT is participating in the resurfacing of Lisbon Street from Chestnut Street to Main Street, with a funding split of 90% Federal/State funds and 10% local funds; and

Whereas, the City of Lewiston Engineering Division will administer the project on behalf of the MaineDOT; and

Whereas, the project will mill and pave the roadway between Chestnut Street and Main Street and stripe the roadway to adjust lane assignments and include a bike lane; and

Whereas, the existing sidewalks will be reconstructed utilizing reinforced cast in place colored concrete; and

Whereas, the existing sidewalk ramps will be reconstructed to meet current ADA standards including adjusting curbs and installing tactile warning plates; and

Whereas, MaineDOT will participate in funding certain project amenities provided the bids do not exceed the approved budget; and

Whereas, the Base Bid amenities will include the following items at the below estimated costs provided adequate funds exist in the MaineDOT budget:

• Paver Building Border	\$50,000
• Brick Paver Accent Stripes	\$ 5,000
• Multi Colored Concrete	\$25,000
• Refinishing Bollards and Light Bases	<u>\$ 5,000</u>
Total Estimate	\$85,000

Whereas, given the importance of Lisbon Street as the heart of our downtown, staff recognized that there was interest in additional amenities over and above those that the state would participate in funding; and

AN EQUAL OPPORTUNITY EMPLOYER

The City of Lewiston is an EOE. For more information, please visit our website @ www.lewistonmaine.gov and click on the Non-Discrimination Policy.

Department of Public Works • 103 Adams Ave • Lewiston, ME • 04240 • Voice Tel. 207-513-3003 • Fax 207-784-5647 • TTY/TDD 207-513-3007 – www.lewistonmaine.gov

Whereas, MaineDOT categorizes certain improvements as non-participating and will not fund any portion of these amenities; and

Whereas, as part of the public process required for this project, the required public hearing was held, staff met on two separate occasions with interested stakeholders including representatives of businesses located on Lisbon Street, and discussed the project on numerous occasions with the Lewiston Auburn Bike Ped Committee, during which meetings specific requests for additional amenities were received; and

Whereas, based on public comment and staff review, the following non-participating amenities will be included in the project at the below estimated prices:

• Rewiring Existing Street Lights	\$100,000
• Plaza Upgrades beside Mother India	\$ 30,000
• Decorative Bike Racks	\$ 10,000
• Decorative Fencing	<u>\$ 30,000</u>
Total Estimate	\$170,000

Whereas, additional non-participating amenities shall be added to the project at the below estimated prices:

• Accent Lighting at Crosswalks	\$30,000
• New Street Trees	\$10,000
• Raised Landscaping	<u>\$25,000</u>
Total Estimate	\$65,000

Whereas, the above listed amenities shall be funded utilizing funds previously allocated for the Walnut Street Rehabilitation (704 7047430).

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

The preliminary design of the Lisbon Street resurfacing project from Chestnut to Main is hereby approved to include as elements of the base project to be funded through a combination of federal/state/local funds:

- Milling and repaving the road surface;
- Restriping Lisbon Street to establish a single through lane from Cedar to Pine;
- Eliminating turn lanes at Pine and Ash; and
- Establishing a bike lane from Spruce to near Main Street
- Utilizing multi-colored concrete for sidewalks
- Refinishing bollards and decorative light bases
- Installing brick paver accent strips within the sidewalks
- Installing a brick paver border along building frontages.

AN EQUAL OPPORTUNITY EMPLOYER

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Department of Public Works • 103 Adams Ave • Lewiston, ME • 04240 • Voice Tel. 207-513-3003 • Fax 207-784-5647 • TTY/TDD 207-513-3007 – www.lewistonmaine.gov

Be it further Resolved, that

The following amenities, which shall be funded solely from local sources, are also approved:

- Rewiring Existing Street Lights
- Upgrading the Plaza adjacent to Mother India
- Adding decorative bike racks
- Accent lighting at crosswalks
- Additional street trees
- Raised Landscaping

Be it further resolved, that

There is hereby authorized the transfer of funds from Walnut Street Rehabilitation to Lisbon Street Amenities for use on these amenities as follows:

• Walnut Street Rehabilitation	\$324,681
• Non-Participating Amenities	(\$170,000)
• Additional Non-Participating Amenities	<u>(\$ 65,000)</u>
Remaining Estimated Balance	\$ 89,681
• Base Bid Amenities ¹	<u>(\$ 85,000)</u>
Remaining Estimated Balance	\$ 4,681

¹ Base Bid Amenities included in case sufficient funds do not exist in the MaineDOT project.

AN EQUAL OPPORTUNITY EMPLOYER

The City of Lewiston is an EOE. For more information, please visit our website @ www.lewistonmaine.gov and click on the Non-Discrimination Policy.

Department of Public Works • 103 Adams Ave • Lewiston, ME • 04240 • Voice Tel. 207-513-3003 • Fax 207-784-5647 • TTY/TDD 207-513-3007 – www.lewistonmaine.gov

February 3, 2015
City of Lewiston Council Workshop

Lisbon Street Resurfacing and
Sidewalk Reconstruction and Traffic
Signal Improvements

MaineDOT

020309.00 and 020557.00



Presenters

- Richard C. Burnham, PE
- Ryan Barnes, PE

Outline

- Background
- DOT LPA
- Public Process
- Project Description
- Design Elements
- Amenities
- Cost

Background

- Lisbon Street Last Reconstruction By MaineDOT in 1983
 - One Lane, One Way with Cobble Rumble Strips and Colored Pavement Crosswalks
 - Concrete Paver Sidewalks with Granite Curb and Bulb Outs
 - Glass Canopies and Globe Cantilevered Lighting
 - Turning Lanes at Intersections
 - Amenities were Funded by HUD and Other Local Sources

MaineDOT LPA

- These Two Projects are Being Administered and Constructed under MaineDOT's Local Project Administration Program
- Lewiston Public Works, Engineering Division will be Designing, Bidding, and Providing Construction Engineering for Both Projects

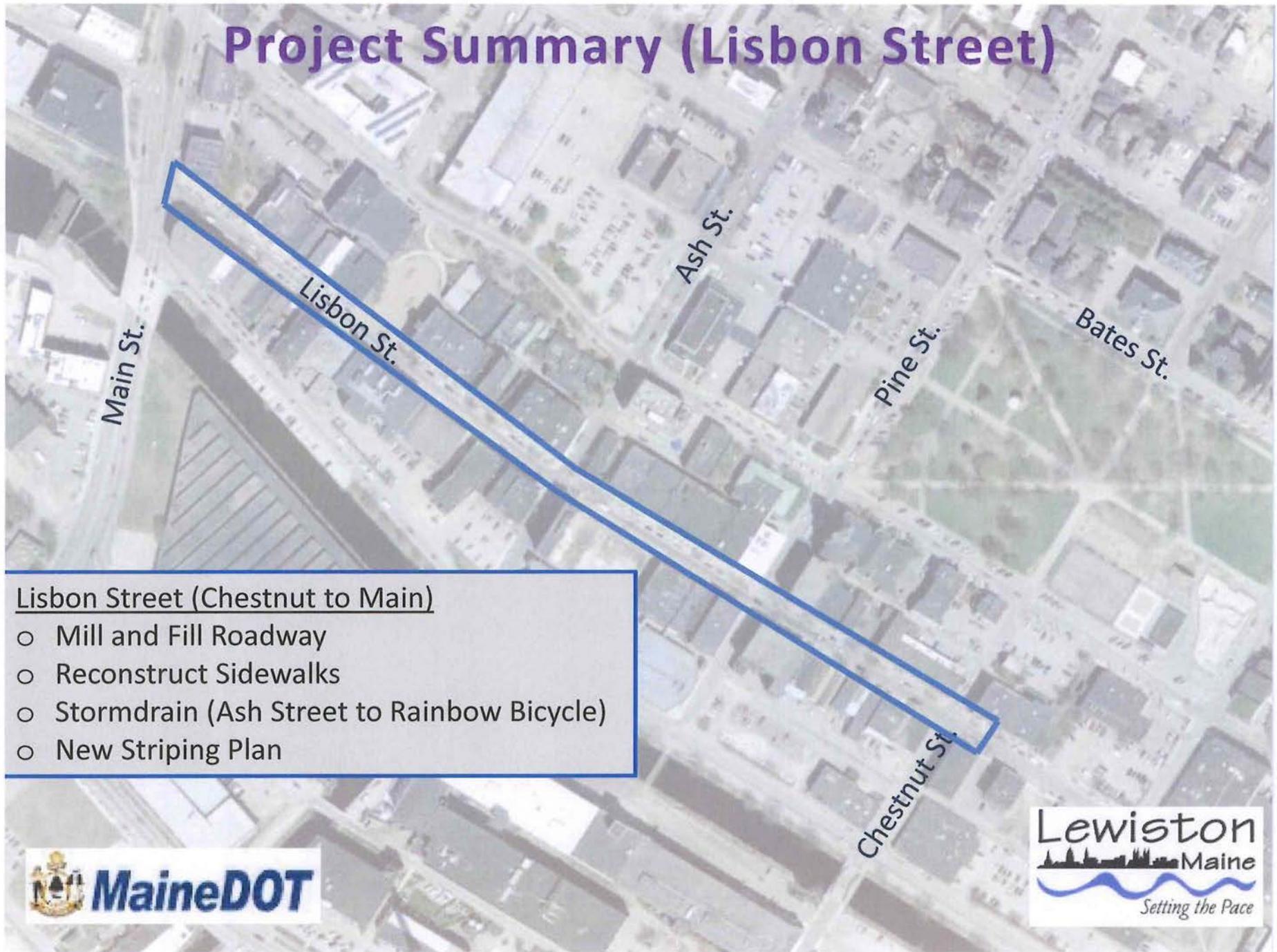
Public Process

- All of the Work Under these Projects are Subject to State and Federal Laws and Guidelines.
- The Public Process to Date has Included:
 - Lewiston Auburn Joint Bicycle Pedestrian Committee
 - One on One Notification of Businesses
 - Newspaper and Internet Notification
 - Public Hearing
 - Council Workshop Tonight
 - Continued Information During Construction

Project Descriptions

- Lisbon Street Resurfacing #02309.00 from Chestnut Street to Main Street
 - Remove Existing Cobble Stones
 - Mill (Grind) off 1.5”s of Existing Pavement Between Both Curb Lines – no Curb Line Changes
 - Shim (Level), and Repave with 1.5”s of Surface Pavement
 - Stripe for 8’ Parking Lanes, 11’ Travel Lane, 5’ Bike Lane, and Buffer Strip
 - Handicapped Accessibility Updated, Crosswalks shall be High Visibility Continental Style
 - Existing Sidewalk Concrete Pavers will be Removed and the Existing Sidewalk Constructed of Placed Colored Concrete

Project Summary (Lisbon Street)



Lisbon Street (Chestnut to Main)

- Mill and Fill Roadway
- Reconstruct Sidewalks
- Stormdrain (Ash Street to Rainbow Bicycle)
- New Striping Plan



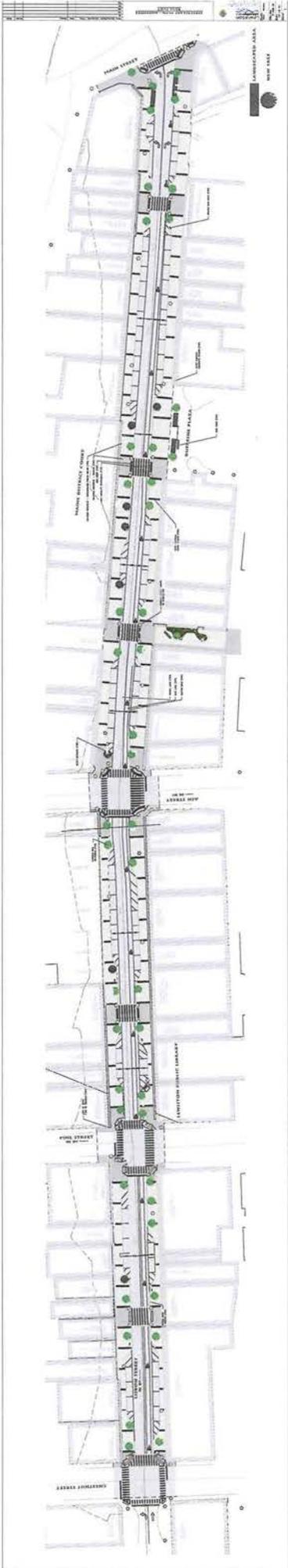
Project Summary (Intersection Improvements)

Intersection Improvements
Lisbon @ Ash/Pine/Chestnut
Bates @ Ash/Pine
Canal @ Chestnut

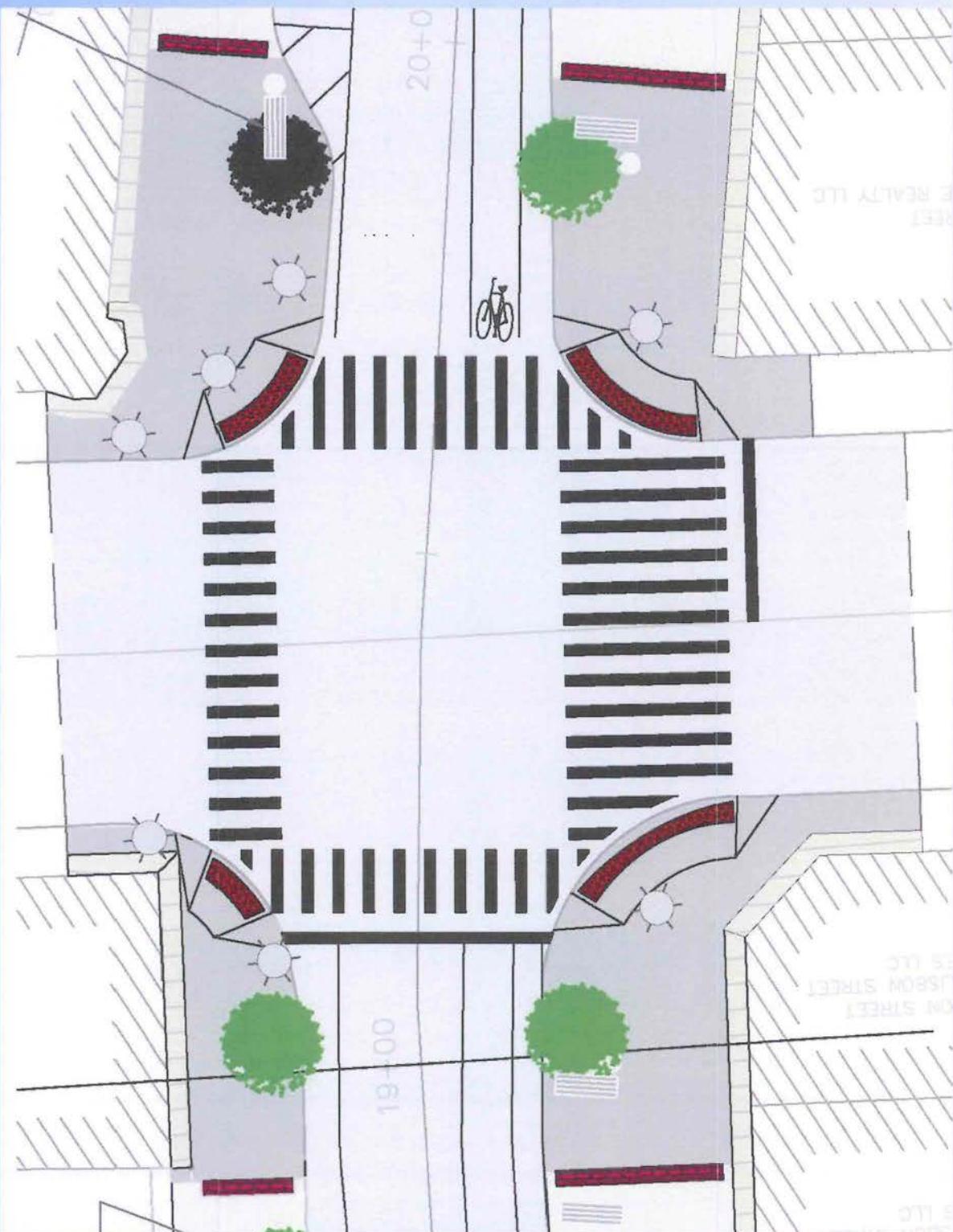
- Upgrade Traffic Signals
- Add Vehicle Detection
- Improve Signal Timing/Coordination
- ADA Upgrades



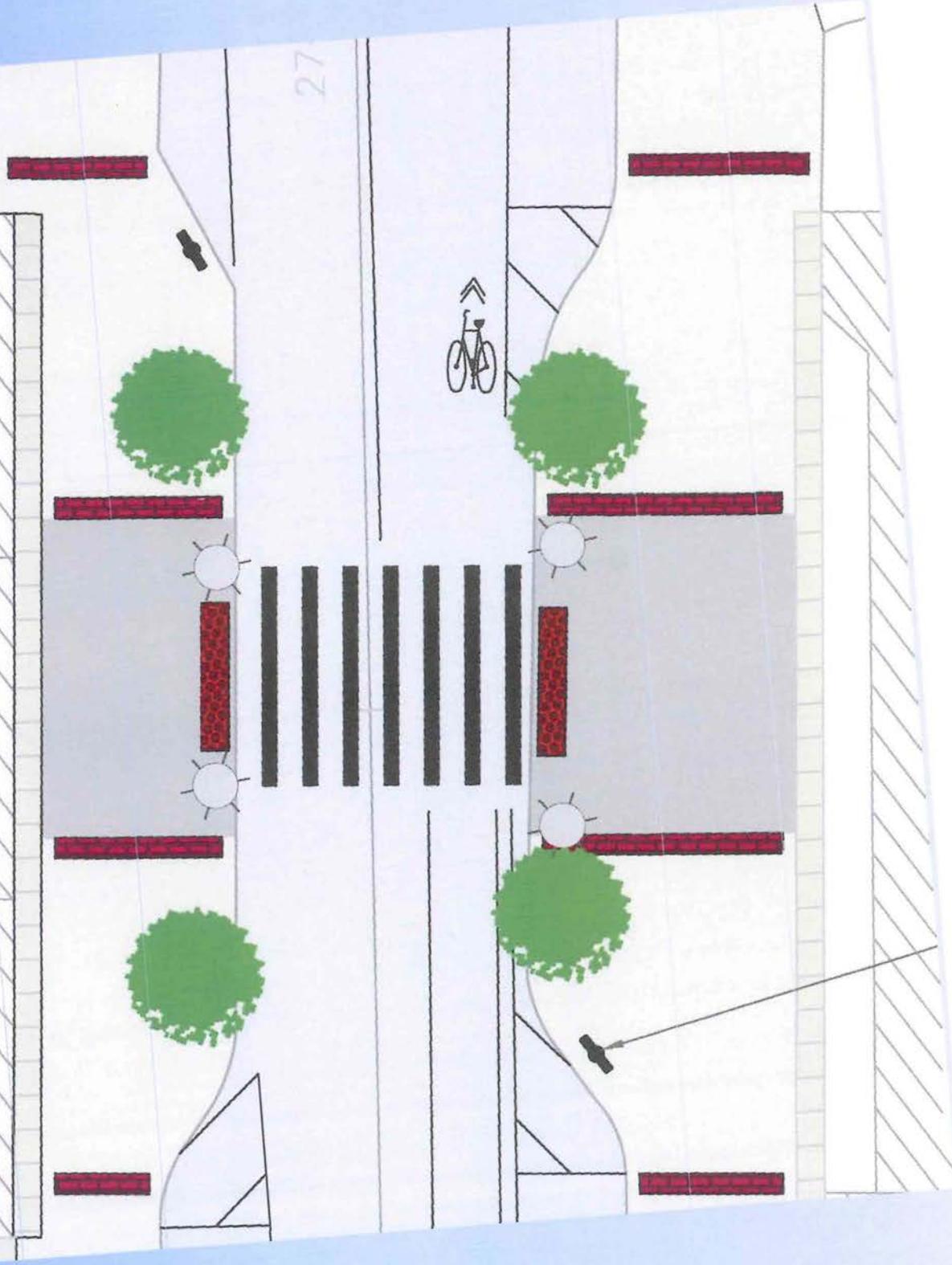
Map of Project



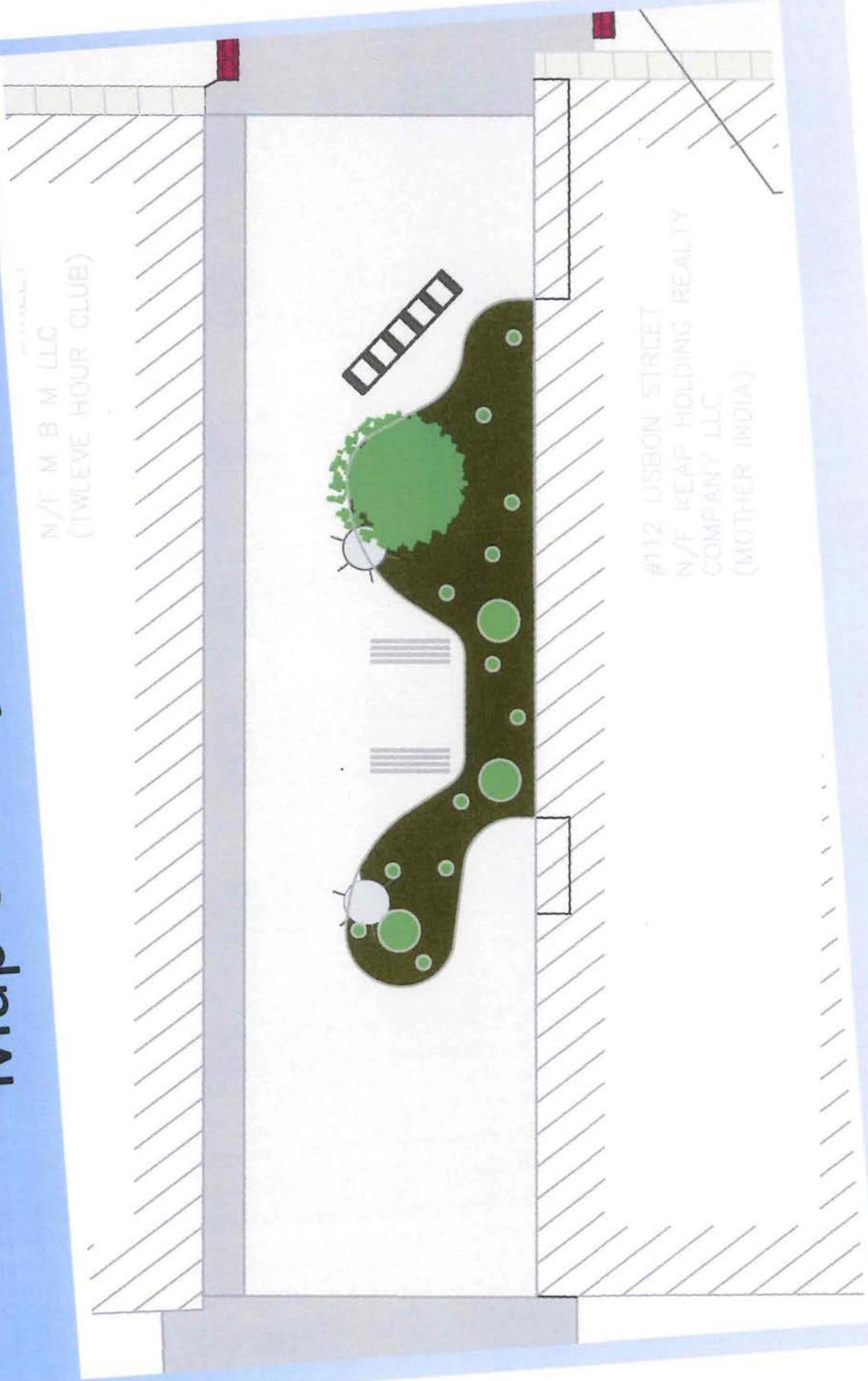
Map of Project-Intersection Treatment



Map of Project – Midblock Crossings



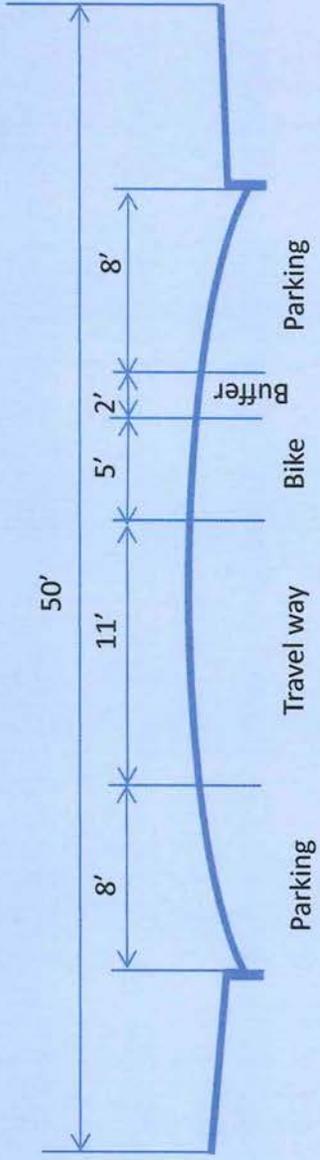
Map of Project - Plaza



N/F M B M LLC
(TWLEVE HOUR CLUB)

#112 LISBON STREET
N/F KEAP HOLDING REALTY
COMPANY LLC
(MOTHER INDIA)

Street Cross Section



Turning Lanes (With Signal Improvements)

	Existing Queue	Proposed Queue	Additional Cars in Queue
Lisbon @ Chestnut	161	220	6
Lisbon @ Pine	129	197	4
Lisbon @ Ash	118	131	1

Amenities in DOT Project

- Paver Building Border \$50,000
 - Brick Paver Accent Stripes \$ 5,000
 - Multi Colored Concrete \$25,000
 - Refinishing Bollards and Light Bases \$ 5,000
 - **Provided Adequate Funding is Available**
- \$85,000

Colored Concrete



SANDSTONE
0.75 LB 6237



CANYON
0.5 LB 160



SANTA FE
0.75 LB 1117



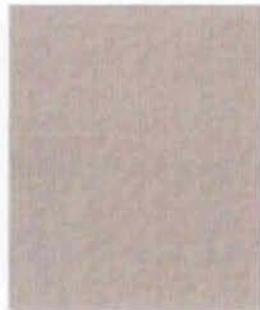
MOCHA
1 LB 6058



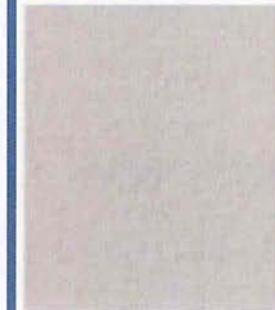
RUSTIC BROWN
2 LBS 6058



PEBBLE
0.5 LB 641



DUNE
0.5 LB 6058



OUTBACK
0.5 LB 677



SEQUOIA SAND
1 LB 641



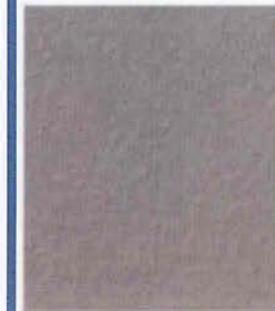
YOSEMITE BROWN
2 LBS 641

***Color name,
number and
dose-rate to
mix with each
94 lb. sack
of cement.***

***(Dry dose rates shown,
liquid dose rates higher)***



SILVERSMOKE



LIGHT GRAY



OMAHA TAN



HARVEST GOLD

Non Participating Amenities

- Rewiring Existing Street Lights \$100,000
 - Plaza Upgrades Beside Mother India \$ 30,000
 - Decorative Bike Racks \$ 10,000
 - Decorative Fencing \$ 30,000
- \$170,000

Public Input Amenities

- Accent Lighting at Crosswalks \$30,000
 - New Street Trees \$10,000
 - Raised Landscaping \$25,000
 - **Planters**
 - **Resetting Cobble Stones in Bike Lane**
- \$65,000

Financials

- Available Funding
 - \$1,800,000 City Share = \$180,000
- Cost Estimate Base Project
 - \$1,789,000 City Share = \$178,900
- Planned Amenities
 - \$170,000 City Share = \$170,000
- Additional Amenities
 - \$65,000 City Share = \$ 65,000

Additional City Share = \$235,000

LEWISTON CITY COUNCIL

MEETING OF FEBRUARY 17, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 11

SUBJECT:

Order authorizing staff to negotiate an Option Agreement with Bates Mill LLC regarding Bates Mill #5.

INFORMATION:

The City owns the Bates Mill #5 mill building which has been vacant for many years. Grow L + A is a local non-profit citizens group with goals for promoting sustainable and socially responsible development and they have been working to redevelop Mill 5 rather than have it demolished. They have been working with Bates Mill LLC regarding engineering and architecture work as well as other related structural design work regarding the building. There have been some discussions with potential building tenants and more time is needed to continue the dialogs and securing financing for redevelopment. The Resolve is seeking Council permission for city staff to negotiate an Option Agreement with Bates Mill LLC regarding the transfer of title to Bates Mill #5.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Order authorizing staff to negotiate an Option Agreement with Bates Mill LLC regarding Bates Mill #5.



City of Lewiston Maine
City Council Resolve
February 17, 2015



**Order, Authorizing Staff to Negotiate an Option Agreement with
Bates Mill LLC regarding Bates Mill #5**

- WHEREAS,** the City of Lewiston owns Bates Mill #5; and
- WHEREAS,** the building has long been vacant, and past efforts to find a suitable tenant or qualified developer to redevelop the building have not been successful; and
- WHEREAS,** Grow L+A, a non-profit citizen's group dedicated to promoting responsible development that is economically sound, sustainable, socially responsible and that supports a health community has dedicated significant time and resources to articulating a vision, promoting discussion, and generating interest in a redeveloped Bates Mill #5 as the preferred alternative to demolition of the structure; and
- WHEREAS,** Grow L+A's efforts resulted in adequate tenant and developer interest to make further exploration of redevelopment costs worthwhile; and
- WHEREAS,** Thomas Platz (dba Bates Mill LLC) has engaged in engineering, architectural and other due diligence related to redevelopment of the building for use by a variety of commercial tenants, and has engaged in initial discussions with several of those tenants regarding needs and possible leasing of space within the building; and
- WHEREAS,** Bates Mill LLC has previously had an Option with the City to acquire Bates Mill #5 which was allowed to expire because of the level of commitment of tenants for the building, and
- WHEREAS,** discussions with and design work for prospective tenants have continued unabated, resulting in an increase in both the level and size of tenant interest and commitment to the project, and
- WHEREAS,** more time is needed to fully develop concepts and costs associated with redevelopment so that lease commitments can be made, architectural design work completed, and redevelopment financing secured;

NOW THEREFORE, Be It Ordered by the City Council of the City of Lewiston that staff is hereby authorized to negotiate an Option Agreement with Bates Mill LLC regarding the transfer of title to Bates Mill #5.

Economic and Community Development

Lincoln Jeffers

Director



To: Honorable Mayor and Members of the City Council
From: Lincoln Jeffers
RE: Bates Mill #5 Option Agreement
Date: February 12, 2015

The City of Lewiston entered into an Option Agreement with Tom Platz (dba Bates Mill LLC) in November 2013. It was a six month option that was renewable at the council's discretion, so long as adequate evidence was provided to the council of progress toward redevelopment of the mill, including but not limited to architectural plans, cost estimates, financing and tenant commitments. The City Attorney and staff had developed a draft Joint Development Agreement, and discussions were begun on working through the details of the public/private partnership needed to see the building redeveloped.

The renewal date for the option was May 18, 2014. Mr. Platz noted at that time that he was actively working the project, had engineering studies conducted, had developed a variety of architectural concept plans for a variety of tenants, and that discussions were ongoing with several potential tenants. However, he did not have any tenant commitments, and suggested that the legal documentation with the city be taken back up when tenant interest in the project became firmer.

That time has come.

Mr. Platz has continued to work with a variety of potential tenants. Most are the same tenants first interested in the project. No lease commitments have yet been signed, but discussions with those tenants continue. Part of the challenge with redevelopment of Bates Mill #5 is that being 360,000 s.f. in size, a firm commitment for 20,000 s.f. from a single user is not enough to go forward with the project. Mr. Platz has indicated that 180,000 s.f. to 200,000 s.f. of commitments need to be in place to be able to secure financing. When those commitments are in place Bates Mill LLC will move forward with full design plans and pursue financing for redevelopment of the building. The shell, roof and structural work for the entire project need to be done in their entirety before tenant fit out is done for individual tenants.

While no leases have been signed, Mr. Platz is actively working toward agreements for 110,000 s.f. combined for health club/medical rehabilitation space, and 20,000 s.f. for a grocery store. Discussions are also underway with two tenants with a combined need for 55,000 s.f. of space. That space needs to be delivered within the next 18 – 20 months. If those tenants commit within the next few months, they can be accommodated at Bates Mill #5.

The Option is attached. The Option price is \$1. The purchase price for Bates Mill #5 will be \$1. The term of the Option is for one year. The Option references the need to develop a Joint Development Agreement and gives the city the option of terminating the Purchase Option if a Joint Development Agreement has not been developed and approved by July 31, 2015.

The City Council is being asked to approve the Option Agreement, authorize the City Administrator to execute the document, and authorize staff to negotiate a Joint Development Agreement with the Developer. The Joint Development agreement will be brought to the Council for approval.

Your approval of this action is recommended.

OPTION AGREEMENT

THIS AGREEMENT made as of this _____ day of February, 2015
BETWEEN the **CITY OF LEWISTON** with a mailing address of 27 Pine Street,
Lewiston, ME 04240, City of Lewiston, hereinafter referred to as Seller, **AND BATES
MILL, LLC**, with a mailing address of 2 Great Fall Plaza, Auburn, ME 04210,
hereinafter referred to as Buyer.

RECITALS

A. Seller is the owner of the land and buildings and improvements thereon known as Bates Mill # 5 and which is described in Exhibit A (hereinafter referred to as the "real estate").

B. Seller is desirous of granting to Buyer an option to purchase the real estate.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants, agreements, and undertakings hereinafter expressed, the parties agree as follows:

Section 1: Option. Seller hereby grants to Buyer the exclusive option of purchasing the real estate under the terms and conditions set forth herein.

Section 2: Term. This Option will remain in effect until five o'clock (5:00) p.m., prevailing time, February 18, 2016 ("Initial Term"). The Option may be extended for six months ("Renewal Term"), at the sole discretion of the Seller, based upon Buyer's providing Seller evidence of possible development of the real estate, including but not limited to architectural plans, cost estimates, financing and tenant commitments.

Section 3: Option Price. The option price is One (\$1.00) Dollar, receipt of which is hereby acknowledged. All monies paid on account of the option price are not refundable except in the case of a failure of title as set forth below.

Section 4: Exercise. This option shall be exercised for the real estate by giving written notice thereof, at any time during the Initial Term or Renewal Term, to Seller at the following address:

Edward Barrett
City Administrator
City of Lewiston
27 Pine Street
Lewiston, Maine 04240

Such notice may be sent first class mail, postage prepaid, or delivered by hand.

Section 5: Purchase Price. The purchase price for the acquisition of the real estate shall be One (\$1.00) Dollar.

Section 6: Closing. The Closing, whether on a Lot or on all or the remainder of the real estate, shall take place at Buyer's election but not later than five o'clock (5:00) p.m., prevailing time, at 10:00 am on the 30th day following the day upon which the notice of exercise of the option is received, at the offices of Brann & Isaacson, 184 Main Street, Lewiston, Maine. If the 30th day is not a business day, then the closing shall take place on the next business day thereafter.

Section 7: Conveyance and Payment.

7.1. Warranties and Title. Conveyance shall be made by quitclaim deed with covenants conveying good marketable title to said real estate, as defined by the standards adopted by the Maine Bar Association, free and clear of encumbrances, except for conventional utility easements and such restrictions as would not make the title unmarketable. The title shall also be insurable by any reputable title insurance company licensed to do business in the State of Maine. Seller will execute such affidavits as may appropriately be required by the applicable title insurance company to cause the deletion of the standard mechanics lien exception from the to-be-issued title insurance policy.

7.2. The Maine real estate transfer tax shall be paid by Seller and Buyer in accordance with 36 M.R.S.A. § 4641-A.

Section 8: Taxes.

8.1. Real estate taxes due the City of Lewiston, Maine, during the term of this Option on all of the real estate shall not be paid by Buyer.

8.2. Real estate taxes and costs of utilities shall be prorated as of the closing date.

Section 9: Succession. This Agreement and the provisions herein shall be binding on the respective heirs, personal representatives, successors and assigns of Seller and Buyer.

Section 10: Miscellaneous.

10.1. Joint Development Agreement: During the Initial Term the parties shall use good faith efforts to negotiate a Joint Development Agreement, which would be effective in the event that Buyer exercises its option. Said Joint Development Agreement will be negotiated and executed by both the

Field Code Changed

Buyer and Seller by July 31, 2015. If a mutually agreeable Joint Development Agreement has not been executed by that time; Seller, at its sole discretion, may terminate this Option.

10.2. Legal Fees. All reasonable legal fees including, without limitation, the preparation of documents, review of documents and attendance at closing, incurred by Seller in connection with the sale of the real estate or any one or more of the Lots shall be paid by Buyer at Closing.

10.3. Entry. Buyer shall have the right to enter upon the real estate at reasonable times for the purpose of making studies for Buyer's development of the real estate. All of said studies shall be done in a good and workmanlike manner, done in accordance with all applicable laws, regulations, ordinances, governmental permits and approvals, and done at the sole expense of Buyer.

10.4. Possession. At the time of each Closing, Seller will deliver over exclusive possession of the real estate to Buyer.

10.5. Brokers. Neither party has retained a real estate broker in this transaction.

10.6. Eminent Domain. In the event that the real estate or any portion of it is taken by condemnation after exercise of the option on the real estate or on one of the Lots affected by said taking prior to the Closing, Seller will, at the Closing, deliver to Buyer all condemnation awards stemming from such loss or condemnation received by Seller pertaining to said real estate or Lot, as the case may be, and will assign to Buyer Seller's rights to receive all of same, whichever is pertinent, and, to that end, Seller will cooperate with Buyer in the preparation of all statements of loss, provisions of loss, and such other documents as may be required by the condemning authority.

10.7. Time. Time is of the essence in all matters relating to this Agreement.

10.8. "As Is" Condition. The real estate will be sold in "as is" physical condition, and Seller makes no representations to Buyer whatsoever as to the physical state of same. This limitation shall prevail through the Closing, and no further writing shall be necessary with respect thereto. Seller represents to Buyer, which representation shall remain in effect through the Closing, that Seller has not been advised by any governmental agency or authority that the real estate is in violation of any law, statute or regulation.

10.9. Title Exceptions. Buyer shall examine the title to the real estate and report in writing any valid objections (hereafter "exceptions") thereto based on the Standards adopted by the Maine State Bar Association within sixty (60) days of the date of this Option Agreement. If Buyer objects to any

exceptions to the title, Seller shall use all due diligence to remove such exceptions at Seller's own expense within thirty (30) days thereafter. But if, notwithstanding Seller's due diligence, exceptions cannot be removed within the said thirty (30) day time period, or such additional period as Buyer, in Buyer's sole discretion, may allow, Buyer may elect to terminate the exercise of the option on the real estate. Buyer shall notify Seller of such election, in which case the option price shall be returned to Buyer and the obligations of all parties under this Agreement shall thereupon terminate. Alternatively, Buyer may elect to purchase the real estate or any of the Lots as provided under the provisions of this Agreement subject to any such title exceptions which cannot be removed.

10.10. Governing Law. This Agreement and the transaction contemplated by it shall be governed by the laws of the State of Maine.

10.11. Notices. Any notices required by or useful under the terms of this Agreement shall be given, in the case of Seller, to:

Edward Barrett
City Administrator
City of Lewiston
27 Pine Street
Lewiston, Maine 04240

and, in the case of Buyer, to:

Bates Mill, LLC
2 Great Falls Plaza
Auburn, ME 04210

or such other persons and addresses as the appropriate party may hereafter designate. All such notices shall be sent first class mail, prepaid, or delivered in hand.

10.12. Entire Agreement. This Agreement contains the entire and only agreement between the parties and no oral statements or representations or prior written matter not contained in this Agreement shall have any force and effect.

Section 11: Short Form for Recording. Buyer may wish to give notice of this Option through a recordation in the Androscoggin County Registry of Deeds. Seller and Buyer agree that the entire contents of this Option need not be made public through such recording. Accordingly, a reduced version of this Option may be executed simultaneously with the execution of this Option, and Seller agrees that only the reduced version shall be so recorded. The reduced version of this Option when recorded shall serve as notice to all of the contents of the complete version of this Option Agreement.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals on the day and year first above written.

Witness

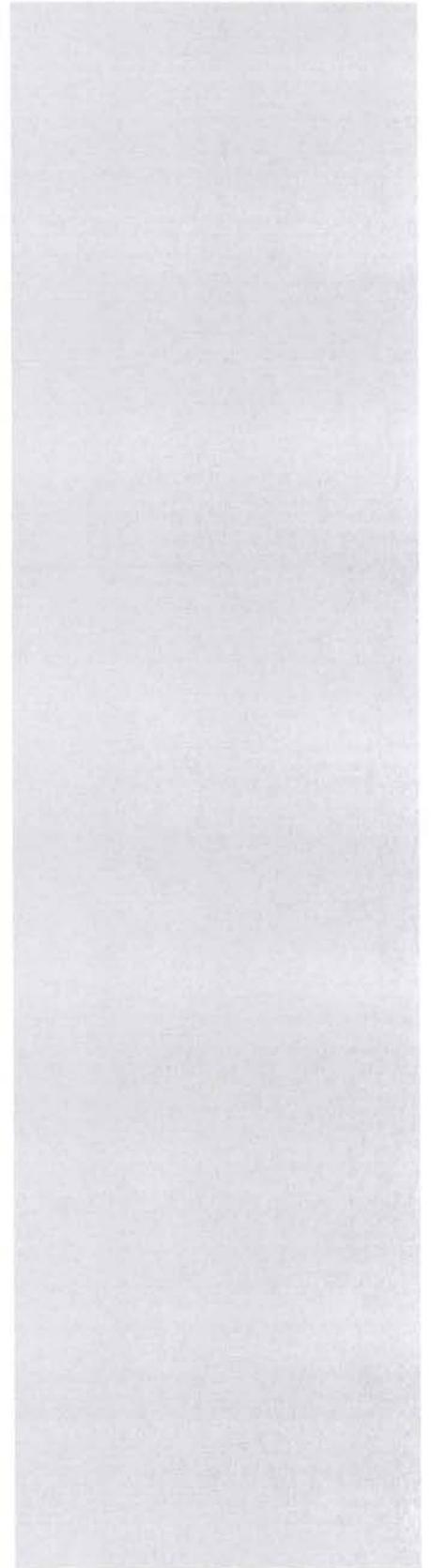
City of Lewiston

By: _____
Title: _____

Witness

Buyer: _____

By: _____
Title: _____



LEWISTON CITY COUNCIL

MEETING OF FEBRUARY 17, 2015

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 12

SUBJECT:

Resolve Stating the Position of the Lewiston City Council on certain proposals included in the Governor's Proposed State Budget.

INFORMATION:

The Council recently held a workshop to receive information from Senator Libby regarding the Governor's state budget proposal. Following his presentation, the City Administrator outlined the anticipated impacts the state budget changes will have on the Lewiston municipal budget. At the workshop the Council indicated their support for adopting and presenting a Council Resolve to the Legislature regarding the impacts of the state budget. The Policy Paper is still being drafted and will be presented on Tuesday evening.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To adopt the Resolve Stating the Position of the Lewiston City Council on certain proposals included in the Governor's Proposed State Budget.



COUNCIL RESOLVE

Resolve, Stating the Position of the Lewiston City Council on Certain Proposals Included in the Governor's Proposed State Budget

Whereas, The Governor has proposed a state budget for the coming biennium that includes proposals likely to have a significant impact on the City and its residents; and

Whereas, the legislature will soon begin the process of evaluating these proposals and developing a final state budget; and

Whereas, it is essential that the state be made aware of the position and concerns of the City regarding those elements of the budget likely to impact Lewiston and particularly those that might impact the property tax burden of our community; and

Whereas, the Governor's proposals are wide ranging and comprehensive, affecting all major areas of the state's tax structure, and include elements worthy of support as well as items of concern;

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

The attached City of Lewiston Policy Paper on the Proposed State Budget is hereby approved and ratified.

CITY OF LEWISTON POLICY PAPER ON PROPOSED STATE BUDGET.

To be provided on or before the Meeting of February 17, 2015.