

STREET AND SIDEWALK OCCUPANCY POLICY

I. Purpose

1. The purpose of this policy is to:
 - a. Establish the City's policies and procedures for Contractors, business owners, and residents to follow when occupying areas in the City's Rights of Way when performing work or occupying space in the street, shoulders, parking spaces, alley ways, or sidewalks. For applicants wishing to occupy streets or sidewalks for the purpose of setting up tables, chairs, benches or merchandise, please note Chapter 66, Section 66-36 of the City of Lewiston Code of Ordinances.
 - b. Establish the minimum safety and signage requirements for Contractors and Others working with in the City's Right of Way.
 - c. To ensure the safety of motorists or pedestrians while passing through the work zone.
 - d. To provide a Fee Schedule to Contractors and Owners with a need to occupy a City Street, Sidewalk or Alleyway while performing maintenance or other work on private property.

II. Definitions

2. Unless otherwise expressly stated, the following words for the purpose of this policy shall have the meaning herein indicated:
 - a. City shall mean the City of Lewiston or its designated official or employee.
 - b. The Director shall mean the Director of Public Works
 - c. Engineer shall mean the City Engineer or a duly authored representative.
 - d. Applicant shall mean Contractor, Business or Property Owner applying for the permit to occupy the City Right of Way.
 - e. City Business Office shall mean the Business Office at Lewiston City Hall located at 27 Pine St Lewiston, Maine.
 - f. MUTCD shall mean the latest version of the Manual for Uniform Traffic Control Devices

III. Occupancy Policy

3. The policy regarding Street and Sidewalk Occupancy Permits shall be administered by the Public Works Department as follows:

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- a. The Applicant shall initiate a Street or Sidewalk Occupancy request by submitting a completed Street Occupancy form (available at City Hall) to the City Business Office located at the Lewiston City Hall.
- b. The City Business Office will electronically forward the request along with any required traffic plans to the Public Works, Fire and Police Departments for approval.
- c. When the work impacts a travel lane, sidewalk, alley way or parking area or any area within the City Right of Way, the Applicant shall submit a written traffic plan to the City Business Office with the Occupancy Application. The Traffic Plan shall clearly show how traffic and pedestrians shall be routed through the work zone. The traffic plan shall include all signage, cones, barricades or other traffic control devices planned for use. All traffic control devices and the traffic plan used on the project shall comply with the most recent version of the MUTCD. Particular attention should be paid to the Americans with Disabilities Act.
- d. When obtaining an Occupancy Permit the Applicant shall furnish evidence of satisfactory insurance coverage prior to being issued the Occupancy Permit by the Business Office. Said insurance coverage shall be in force the entire period covered by the permit. The minimum acceptable coverage shall be as follows:

Bodily Injury Liability	\$500,000	Combined Single Limit
Property Damage Liability	\$100,000	Combined Single Limit
- e. The Applicant shall take all responsibility for the accessibility and safety of the occupied area taking all precautions to prevent injuries to persons and damage to property.
- f. All Street or Sidewalk Occupancy Permits shall be submitted to the Business Office at Lewiston City Hall a minimum of forty-eight (48) hours prior to the required start date of the project. Failure to do so may result in a refusal of permit and of a fine if area is occupied without a permit.
- g. Approved Permits to Occupy the City of Lewiston Rights of Way shall be picked up in person by the Applicant prior to the start of work.
- h. The fee schedule is located in Appendix A of this policy.
- i. The Applicant shall be current in all financial obligations to the City before any permit shall be issued.

IV. Street Closures

4. If an Occupancy Request requires the closure of a city street, parking space or alley the following procedure shall apply.

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- a. The Applicant shall submit the required application for approval, along with a detailed traffic control plan, complete with detailed detours, if applicable, in accordance with the current standards of the MUTCD.
- b. All Closure Permits shall be submitted to the Business Office at Lewiston City Hall a minimum of forty-eight (48) hours prior to the required start date of the project. Failure to do so may result in a refusal of permit and or fine of \$100 per day if area is occupied without a permit.
- c. All closures shall be submitted to the Business Office at City Hall, and will be distributed to Fire, Police and Public Works Departments for approval.
- d. Applicants shall be instructed by the City Business Office to call the 911 Dispatcher on the Non-Emergency number any time a street or alley is to be opened or closed.
- e. The Applicant shall be responsible for coordinating with businesses in the vicinity of this work that may be impacted by the closure or occupancy.
- f. Applicants are responsible for keeping a clean and safe work zone at all times.

V. Sidewalk Closures

5. If an Occupancy Request requires the closure of a city sidewalk the following procedure shall apply.
 - a. The Applicant shall submit the required application for approval, along with a detailed pedestrian traffic control plan, complete with detailed detours, if applicable, in accordance with the current standards of the MUTCD.
 - b. All Sidewalk Closure Permits shall be submitted to the Business Office at Lewiston City Hall a minimum of forty-eight (48) hours prior to the required start date of the project. Failure to do so may result in a refusal of permit or fine of \$100 per day if area is occupied without a permit.
 - c. All closures shall be submitted to the Business Office at City Hall and will be distributed to Fire, Police, and Public Works for approval.
 - d. The applicant is responsible for coordinating with businesses in the vicinity of this work that may be impacted by the closure or occupancy.
 - e. Applicants are responsible for keeping a clean and safe workspace at all times.

VI. Protection of the Public

6. The Applicant shall make adequate provisions for safe passage of vehicular and pedestrian traffic through the work zone.

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- a. When the Applicant is performing work in the aerial area directly above a sidewalk, the sidewalk below shall be closed. The Applicant will also be responsible for protecting pedestrians passing through the work area in accordance with OSHA Standards.
- b. When a sidewalk is to be closed, the closure shall be at nearest street crosswalk with a tip down ramp at both approaches to the project. Pedestrians shall have access to buildings between the crosswalk and the work zone. A pedestrian traffic control plan must be a minimum of forty-eight (48) hours prior to work commencing.
- c. The Applicant shall provide signage to inform pedestrians of the closure and any potential hazards, as well as details on the detour through the work area.
- d. When working or occupying any part of the road for an extended period of time the Applicant shall provide signage in compliance with the most recent version of the MUTCD, as well as keep a minimum accessibility path of forty-eight (48") inches as required by ADA.
- e. When necessary the Applicant shall provide cones, barrels barricades, signage or other traffic control devices in compliance with the latest version of the MUTCD.
- f. The Director may require flaggers, or a Uniformed Police Officer if deemed necessary. Additionally the Director may require night work, or the work may have to be completed on the weekend. The Applicant is responsible for all extra charges associated with this requirement.
- g. Day work shall be performed between 7AM and 7PM unless prior approval has been obtained from the Director.

VII. Right to Revoke

7. The City shall have the right to revoke any Occupancy, or Street Closure Permit for any of the following reasons:
 - a. If the Applicant is not in compliance with any Federal, State or city permit requirement.
 - b. If the Applicant is performing his or her work in an unsafe manner causing unnecessary danger to vehicles or pedestrians or if the Applicant is not following the procedures and or conditions approved by the City in his or her Application.
 - c. If the Applicant has not paid for or picked up his or her permit prior to the start of the project.
 - d. If the Closure of Occupancy is not kept in a clean and safe manner at all times.

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VIII. Penalties

8. a. Applicants planning to occupy parts of a street, parking space, alley way, or sidewalk within the City Right of Way shall be required to follow the procedures within the City’s Street and Sidewalk Occupancy Policy. Failure of an applicant to follow the standards outlined in this Policy shall result in a \$100 fine for a first offense. If the Applicant fails to follow these standards within one (1) year of the first fine, he or she shall receive a \$500.00 fine for the second offense, with a \$500.00 fine each day consequently until the violation is rectified, If the Applicant fails to follow these standards within one (1) year of the second offense, a fine of \$2500 can be accessed at the discretion of the Public Works Director or Lewiston Police Department, with a \$500 fine for each day consequently until violation is rectified. Potential offenses could be, but are not limited to improper signage, improper cone placement, no police detail when required, no flaggers when required, or anything outside the guidelines of the M.U.T.C.D..
- b. Applicants desiring to close a street shall complete an application for road closure, and submit a traffic control/detour plan for approval at least forty-eight (48) hours prior to the road closure. Failure of an applicant to follow the standards outlined in this Policy shall result in a \$100 fine for a first offense. If the Applicant fails to follow these standards within one (1) year of the first fine, he or she shall receive a \$500.00 fine for the second offense, with a \$500.00 fine each day consequently until the violation is rectified, If the Applicant fails to follow these standards within one (1) year of the second offense, a fine of \$2500 can be accessed at the discretion of the Public Works Director or Lewiston Police Department, with a \$500 fine for each day consequently until violation is rectified. Potential offenses could be, but are not limited to improper signage, improper cone placement, no police detail when required, no flaggers when required, or anything outside the guidelines of the M.U.T.C.D..

Appendix A Street Occupancy Fee Schedule

Type of Permit	Permit Origination Fee	Permit Fee per day
Sidewalk Occupancy Only	\$40.00	\$2.50
Road Shoulder (no sidewalk or Street)	\$40.00	\$2.50
Sidewalk & Non Metered Spaces	\$40.00	\$5.00 per space
Alleyway Occupancy	\$50.00	\$5.00
Sidewalk & Metered Parking	\$50.00	\$10.00 per space

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Street Occupancy includes shoulder	\$75.00	\$5.00 per space
Street Occupancy non metered parking	\$75.00	\$5.00 per space
Street Occupancy Metered Parking	\$75.00	\$10.00 per space
Maximum Occupancy Fee	\$325.00 per month	

IX. Police Detail

9. All work on certain major arterials, as listed below shall be performed at night or on weekends with approval from the Director. Any minor work that the Director may approve for day work shall not be performed between the hours of 5:00 A.M. and 9:00 a.m. or 3:00 p.m. to 7:00 p.m. All work done on the following streets, including work done on intersecting streets, that may impact the flow of traffic at the intersection, must be accompanied by a Lewiston Police Department police detail for traffic control measures. Police detail shall be scheduled directly with the Lewiston Police Department at least 48 hours prior to work commencing.

Canal St. – Police Discretion
Cedar St – Police Discretion
Lincoln St. – Police Discretion
Lisbon St.
Main St.
Sabattus St.
Russell St.
East Avenue – Lisbon to Russell