

**AN ORDINANCE PERTAINING TO EROSION**

**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**

**ARTICLE III. INTERNATIONAL PROPERTY MAINTENANCE CODE**

**Sec. 18-52 Amendments to the property maintenance code.**

**CHAPTER 3**

**GENERAL REQUIREMENTS**

**302.10 Erosion and sediment control.** When determined by the code official that soil erosion is occurring or is likely to occur beyond the premises or into a protected natural resource as defined by M.R.S.A, Title 38 § 480-B erosion and sediment control measures shall be installed in accordance with the Maine Erosion and Sedimentation Control BMPs Pub. No. DEPLW0588, published by the Maine Department of Environmental Protection, Bureau of Land and Water Quality, (March 2003). Erosion control measures where required must be maintained until the site is permanently stabilized. Permanent erosion and sediment control measures shall be achieved with topsoil spread at a minimum compacted depth of 4 inches in keeping with the applicable best management practices as per the above referenced document. Lawfully established agricultural fields shall be exempt from this section.

**Exception:**

The code official may waive the requirement for the use of topsoil as the permanent soil stabilization method when determined that some other permanent soil stabilization best management practices method would be more appropriate for a given premises. Any such waiver must be requested in writing.

**302.10.1 Demolition.** On any premises located in the Downtown Residential District, the Neighborhood Conservation “B” District, the Centreville District, and the Riverfront District, the following provisions shall apply to demolition activity commencing on or after March 31, 2014 resulting in vacant premises:

Temporary erosion and sediment control measures in keeping with the applicable best management practices as per the above referenced document shall be in place on premises in these districts as necessary during and after the completion of demolition activity.

Permanent erosion and sediment control measures shall be in place within thirty days after the completion of demolition activity in these districts and shall be achieved with topsoil spread at a minimum compacted depth of 4 inches in keeping with the applicable best management practices as per the above referenced document.

Premises shall be barricaded within thirty days after the completion of demolition with boulders one cubic yard or larger placed around the entire perimeter of the premises at intervals of not less than six feet apart. The purpose for this provision is to discourage the unlawful use of any vacant premises for parking, storage, or related activity; however, such uses may be established subject to permitting.

**Exceptions:**

1. The code official may waive the requirement for the use of topsoil as the permanent soil stabilization method when determined that some other permanent soil stabilization best management practices method would be more appropriate for a given premises. Any such waiver must be requested in writing.
  
2. The code official may extend the thirty day provision for the installation of topsoil as the permanent soil stabilization method when determined that the redevelopment of the subject premises will likely occur within twelve months after the completion of demolition or when it is impractical due to fall and winter conditions. Any such waiver must be requested in writing.
  
3. The code official may waive the requirement for the placement of boulders in whole or in part when it can be demonstrated that structures on adjoining premises, topography, existing or proposed permanent fences, or other barriers are of such a nature to achieve the purpose of this section. Any such waiver must be requested in writing.

Note: Additions are underlined; deletions are ~~struck out~~.