

**Revised Policy on use of the City Right-of-Ways During Construction:
April 2010**

Purpose:

To establish general guidelines regulating the use of City streets, sidewalks, and alleys as staging areas, material storage areas, or other purposes *including portable onsite storage units (PODS) by residents, property owners or private contractors.*

History:

In the past, contractors were routinely allowed use of up to one third of the width of a city street adjacent to the project property during construction. This was based on guidance from the Building Code. As the amount of development in the Town increased, particularly “in-fill” development and large projects requiring year round construction, the impacts of this policy became a nuisance. The impacts include the loss of on street parking, traffic congestion, pedestrian movement and emergency equipment access restrictions. As a result of these problems, the policy was modified and each request for street usage is reviewed and approved on a case-by-case basis by the Engineering Department.

The “case by case” approach significantly reduced the impacts of construction street use. However, problems with the practice continue and there is confusion and uncertainty among contractors as to what amount of right-of-way, if any, they will be permitted to utilize on any given project.

Policy:

Activities requiring Permits and Permitting Authority:

Any Closure of all or a portion of any City street, sidewalk, public parking space, or alley for the purposes of construction, construction staging, material storage or other related use by anyone other than local, State or Federal government employees or contractors in their employ shall require a permit from the Town of Ocean City.

Public utilities or contractors in their employ (gas, electric, phone CATV) do not require a permit provided the work in question is related to the installation, maintenance, or repair of the public utility itself in accordance with the appropriate franchise agreement and not for improvements or new service to a specific customer.

Permits for closures in complete compliance with this policy may be issued directly by the City Engineer.

Requests for exceptions to this policy require approval from the Ocean City Engineering Department, and concurrence by the Mayor and City Council.

General Requirements:

Nothing in this policy is intended to indicate that any person has a right to the use of streets, alleys, or sidewalks during construction. The use of the City right-of-way should be considered as a last resort only after the possibility of onsite storage and staging or use of adjacent properties has been considered and eliminated. *Failure to comply with the requirements of the permit will result in a “stop work order”, loss of the permit, traffic fines or all of the above.*

Applicants must possess a current valid Ocean City Building Permit. Use of the Right-of-Way shall be confined to the duration of construction. All material within the right-of-way shall be removed prior to the issuance of a Certificate of Occupancy.

The developer is responsible for all necessary safety measures required by local, state, and Federal regulations including Chapter 33 of the International Building Code and NFPA 241 within the right-of-way during construction such as fencing, barricades, overhead protection, flagmen, arrow boards, etc.

No obstructions shall be placed within 15’ of any fire hydrant or fire protection system Siamese connection. Access from the street to fire hydrants and Siamese connection shall be maintained at all times per NFPA 241 7.5.8.1 (2000)

One entrance a maximum of 22’ in width may be maintained into the site at all times.

Use of the Right-of-Way for more than 72 Hours shall require that a Certificate of Liability Insurance shall be submitted to Engineering Department naming the Mayor and City Council as additional insured in the amount of \$1,000,000.00.

The developer shall repair any damage caused by the use of the right-of-way to City Standards at the developers cost.

Maximum closures September 1 thru May 14

Streets with paved widths 30’ or less:

No Materials or unmanned equipment may be placed on any portion of the street.

A maximum width of 12’ of street adjacent to the site may be closed to thru traffic or parking removed and utilized for mobile manned equipment (cranes, lifts, concrete pumps, etc.).

Equipment placed in the right-of-way shall be manned at all times.

Streets with paved widths greater than 30’

A clear pavement width of at least 20’ shall be maintained at all times

A maximum width of 12’ of street adjacent to the site may be utilized for materials storage, manned, or unmanned equipment.

Sidewalks Adjacent to the site may be closed, fenced off, and used for construction staging.

Maximum closures May 15 thru August 31:

Streets with paved widths 30' or less:

No Materials or unmanned equipment may be placed on any portion of the street.

A maximum width of 12' of street adjacent to the site may be closed to thru traffic or parking removed and utilized for mobile manned equipment (cranes, lifts, concrete pumps, etc) between the hours of 10:00 am to 2:00 pm. Monday thru Friday excluding holidays.

Equipment placed in the right-of-way shall be manned at all times.

Streets with paved widths greater than 30'

A clear pavement width of at least 20' shall be maintained at all times.

A maximum width of 12' of street adjacent to the site may be closed to thru traffic or parking removed and utilized for mobile manned equipment (cranes, lifts, concrete pumps, etc) between the hours of 10:00 am to 2:00 pm, Monday thru Friday excluding holidays.

A maximum area of 10' x 20' of street adjacent to the site may be utilized for materials storage, manned, or unmanned equipment.

Sidewalks: Adjacent to the site must be open with overhead protection as required by the Building code.

PODS: PODS shall be located in a legal parking space in front of the applicant's property. PODS shall not be placed on any public street or alley from June 1 until September 15 of each year.

Application Fees and Other Costs:

The fee for a permit to use the City Right-of-Way is \$50.

All costs incurred by the City as a result of right-of-way use during construction, including but not limited to : labor, equipment and materials for installation and removal of no parking and other signage, loss of revenue from parking meters removed during construction, re-striping of streets, etc shall be paid by the permit holder prior to the issuance of any certificate of occupancy.

Violations:

Failure to comply with the conditions of the permit will result in the following actions:

1st Offense – Verbal Warning – after 24 hours then:

2nd Offense – Written Warning

3rd Offense – Municipal Infraction and fine

4th Offense – Revocation of permit

After the 4th offense – towing and impoundment of materials and equipment, stop work order will be enforced.

Placing materials or equipment in the right-of-way without a permit will result in immediate full enforcement of all applicable code violations, including fines, towing, impoundment and stop work orders.