

Sec. 12-54. Street, way or grounds specifications.

- (a) *Design and methods specifications.* Any change in grade of any such street, way or grounds, or of any sidewalk of any such street, way or grounds, or the width of any such sidewalk, including, without limitation, by installing, constructing, maintaining, repairing, replacing, reconstructing installing a sidewalk and/or a driveway opening, or in any manner alter the grade, width or direction of any curbstone of such sidewalk, including when undertaken by the department of public services itself, shall be undertaken in compliance with both this section and also the "Construction and Traffic Standard Details" promulgated by the department of public services.
- (1) For the purposes of clarification, neither the Clipper City Rail Trail nor the Harbor Walk constitute sidewalks under the meaning of this section.
 - (2) The department of public services may amend its Construction and Traffic Standard Details, from time to time, provided, however, that no such amendment shall take effect until a copy has first been posted on the city website for a period of thirty (30) calendar days to solicit comment from interested parties, including other city departments, and has been approved by order of the city council.
- (b) *Sidewalk materials.*
- ~~(1) —Brick or cement surfaces only~~Required and permitted materials. At the time of installation, construction, maintenance, repair, replacement, or reconstruction of any sidewalk located in the city and open to public travel, whether such sidewalks are located on public or private land, the surface material shall be either brick or cement, and no other materials, as follows:
- a. *Downtown.* Brick shall be the required surface material for all sidewalks located within the Downtown Overlay District, established under section XXVIII of the zoning ordinance.
 - b. *Historic areas outside of downtown.* Brick shall be the encouraged surface material for all sidewalks located outside of the Downtown Overlay District but within the Newburyport Historic District, which was listed on the National Register of Historic Places and the State Register of Historic Places on August 2, 1984, and both brick and cement shall be permitted therein.
 - c. *All other areas.* Cement shall be the required surface material for all sidewalks located outside of the Newburyport Historic District.
 - d. Asphalt may be used as an alternative material anywhere in the City upon obtaining a waiver granted by City Council Order.
 - e. Asphalt or stone dust as a sidewalk material to go over tree roots anywhere in the City where it is deemed that such material would ensure the continued good health of the tree.
- (2) *Existing nonconforming sidewalk surfaces.* Any sidewalk open to public travel whose surface does not comply with this section as of its effective date may remain in such noncompliance until such time as it is maintained, repaired, replaced, and reconstructed, at which time it shall be brought into compliance.
 - (3) *Temporary asphalt surfaces.* Notwithstanding anything in this section to the contrary, the department of public services may, in its discretion, permit the temporary use of asphalt surface material for sidewalks: (A) for a period no than two (2) months, tolled from November 1 through April 30; and/or (B) for sidewalks abutting undeveloped parcels until issuance of a certificate of occupancy. The department shall specify in writing the time by which brick or cement surface material, as the case may be, shall replace the temporary asphalt material.
- (c) *City supervision.* In all cases, any work subject to this section 12-54 shall be performed by the department or a licensed contractor of the city supervised by the department.