

# CITY OF NEWBURYPORT



IN CITY COUNCIL

**ORDERED:**

**AN ORDINANCE REGARDING ALTERATION AND MAINTENANCE OF THE PUBLIC RIGHT-OF-WAY INCLUDING, BUT NOT LIMITED TO STREETS AND SIDEWALKS**

Be it ordained by the City Council of the City of Newburyport as follows:

**THE** Code of Ordinances, City of Newburyport, Massachusetts, is amended to add the following:

**Chapter 12 – Streets, Sidewalks, and Other Public Places**

**Article VII – Alterations and Maintenance**

**Section 12-200 – Purpose.**

The intent of this section to create a transparent process for street and sidewalk projects.

**Section 12-201 – Definitions.**

The following definitions allow to this Article VII:

- 1) **“Alteration”** shall be defined consistently with applicable U.S. Department of Justice and U.S. Department Transportation regulations to mean a change that affects or could affect the usability of all or part of a public street, sidewalk, or within the right-of-way. Alterations include activities such as construction, reconstruction, rehabilitation, resurfacing, widening, grade changes, and projects of similar scale and effect. Some examples of alterations include but are not limited to:
  - a) Street resurfacing or reconstruction, curb and sidewalk installation or reconstruction, drainage and utility installation or reconstruction;
  - b) Crosswalk changes, intersection improvements, complete streets projects or traffic calming retrofits;
  - c) Changes in signage, signals, pavement markings, or anything that changes traffic flow or on-street parking patterns done in the context of an alteration.
  
- 2) **“Maintenance”** shall be defined consistently with applicable U.S. Department of Justice and U.S. Department Transportation regulations to mean as activities on public streets, sidewalks, or within the right-of-way that do not significantly affect the public's access to or usability of the road. Maintenance includes smaller scale repairs such as emergency work, pavement patching, crack filling and sealing,

sidewalk or curb repairs, minor drainage and utility repairs, re-painting of existing markings, and projects of similar scale and effect. Some examples of maintenance include but are not limited to:

- a) Sidewalk or curb reconstruction as part of the city sidewalk partnership replacement program;
- b) Right-of-way, utility, trench work or driveway opening permits approved separately by the Department of Public Services;
- c) Emergency work as determined by the Director of the Department of Public Services;
- d) Changes in signage, signals, pavement markings, or anything that changes traffic flow or on-street parking patterns done in the context of a maintenance.

#### **Section 12-202 – Approval required.**

- a) Alteration of a public street, sidewalk, or right-of-way requires approval by an Order by the City Council.
- b) Maintenance of a public street, sidewalk or within the right-of-way does not require City Council approval.

#### **Section 12-203 – ~~Approval Process~~ Submittal Requirements.**

Prior to any alteration of a public street, sidewalk or within the right-of-way, the applicant (including, without limitation, when a City agency or officer is the applicant) shall submit in writing to the City Council the following:

- a) Scope of work, sketch, approximate project schedule, project manager;
- b) Project cost estimates and funding sources;
- c) Construction abutter notification and public communication methods;
- d) Construction staging areas, pedestrian safety, detour routes, and police details;
- e) Location of proposed curb, sidewalk, limits of paving, materials, pavement markings, crosswalks, ADA ramps, signage, traffic-calming elements, complete streets elements, and utilities (if applicable);
- f) Trees being removed or planted

#### **Section 12-204 – Annual Reporting and Planning.**

By February 1<sup>st</sup> of each year, the Department of Public Services, the Planning Department, and any other applicable city department shall submit in writing to the City Council the following information:

- a) A list of street and sidewalk projects completed in the preceding fiscal year (including funds expended broken down by source);
- b) Any request-for-proposals and bid documents generated during the preceding fiscal year;
- c) Any grant submissions or award documents generated or received during the preceding fiscal year;
- d) An up-to-date, street and sidewalk project list for the current calendar year and proposed for the next calendar year that includes approximate scope, costs, and funding sources.

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Councillor Christine Wallace, Ward 4

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Councillor James McCauley, Ward 5

**In City Council January 10, 2022:**

Motion to refer to Neighborhood & City Services by Councillor Wallace, seconded by Councillor McCauley. Roll call vote. 11 yes. Motion passes.

**In City Council January 9, 2023:**

Motion to refer to Public Works & Safety by Councillor Wallace, seconded by Councillor Zeid. So voted.