

# CITY OF NEWBURYPORT



IN CITY COUNCIL

**ORDERED:**

March 14, 2022

## AN AMENDMENT TO AN ORDINANCE ON SIDEWALKS SPECIFYING SIDEWALK MATERIALS

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

Chapter 12: Streets, Sidewalks, and Other Public Places  
Article III: Sidewalks  
Sec. 12-54(b): Sidewalk Materials

**Delete the Existing Sec. 54(b) Sidewalk Materials**

**Insert a new Sec. 12-54(b) Sidewalk Materials as follows:**

(b) *Sidewalk materials.*

- (1) *Required and permitted materials.* At the time of installation, construction, substantial repair, replacement, or reconstruction of any sidewalk located in the city and open to public travel, whether such sidewalks open to public travel, the surface material shall be as follows:
  - a. *Downtown.* Brick shall be the required surface material for all sidewalks open to public travel located within the Downtown Overlay District, established under section XXVIII of the zoning ordinance.
  - b. *Historic areas outside of downtown.* Brick and concrete shall be the permitted surface material for all sidewalks open to public travel 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.
  - c. *All other areas.* Brick, Concrete shall be permitted for all sidewalks open to public travel located outside of the Newburyport Historic District. Asphalt may be used as an alternative material upon obtaining a waiver from the City Council.
- (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 patched, substantially repaired, replaced, and reconstructed, at which time it shall be brought into compliance.

For the purposes of this section, "patches" shall mean repairs that involve 25 sq ft. of sidewalk area or less. Generally, patches are intended to address immediate public safety and accessibility issues.

Patches shall not be performed together on the same block face so avoid the requirements of a non-substantial repair.

For the purposes of this section, non-substantial repairs shall constitute repairs of a continuous stretch of sidewalk where the linear distance of the repair is no more than thirty-five (35) feet in length, and all other repairs shall be deemed to be "substantial repairs." Non-substantial repairs shall not be performed together on the same block face and so avoid the requirements of a substantial repair.

- (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 in areas of the City where asphalt would otherwise not be permitted under this section but solely in the following two instances:
  - a. Temporary patches, as defined in subsection (2) above, provided that the material is restored to the materials required or permitted under subsection (1), above, as soon as is practicable, and in no case later than one (1) year from the date such temporary patch is installed; or
  - b. Temporary non-substantial repairs, as defined in subsection (2) above, where the surface material being repaired is existing asphalt.
- (4) *Special material allowance for sidewalks with tree roots.* Notwithstanding anything to the contrary in this section, 12-54, the Department of Public Services may utilize 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

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Sharif I. Zeid, Ward 1 City Councillor

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James J McCauley, Ward 5 City Councillor