

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 – Definitions**

“**Alteration**” shall be defined as 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. Replacement or relocation of drainage and underground utilities shall also be considered alterations.

“**Maintenance**” shall be defined 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 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.

**Section 12-201 – Approval Required**

- 1) Alteration of a public street, sidewalk, or right-of-way must receive approval by the City Council via Order. Types of projects that require approval include but are not limited to:
  - a) Street resurfacing or reconstruction, curb and sidewalk replacement or reconstruction, drainage and utility relocation or replacement
  - b) Crosswalk changes, intersection improvements, complete streets projects or traffic calming retrofits

- c) Changes in signage, signals, pavement markings, or anything that changes traffic or on-street parking patterns
- 2) Maintenance of a public street, sidewalk or within the right-of-way does not require City Council approval. The following types of projects also do not need approval under this section:
- a) Sidewalk or curb reconstruction as part of the residential sidewalk partnership program
  - b) Street excavation and driveway opening permits approved separately by the Department of Public Services

### **Section 12-202 – Project Reporting and Planning**

By November 1 of each year, the Department of Public Services, the Planning Department, and any other applicable city department shall submit in writing to the City Clerk the following:

- 1) A list of street and sidewalk projects completed in the preceding fiscal year describing location and scope of work including linear feet, total expended broken down by funding source, and breakdown of resources used (engineering services (internal or external), contractor services, in-house resources, etc.) and any other relevant details
- 2) Any request-for-proposals and bid documents generated during the preceding fiscal year
- 3) Any grant documents (submissions, awards, etc.) generated or received during the preceding fiscal year
- 4) An up-to-date 5-year street and sidewalk project plan for the subsequent five calendar years that includes scopes of work, schedules, costs, and source of funds

### **Section 12-203 – Project Design and Review**

Prior to any alteration of a public street, sidewalk or within the right-of-way, the applicant shall submit in writing to the City Clerk the following:

- 1) Project Plan that shows at a minimum:
  - a) To-scale existing conditions base plan (recent aerial or surveyed) with property lines (GIS or surveyed)
  - b) Locations of proposed curb, sidewalk, limits of paving, materials, pavement markings, crosswalks, ADA ramps, signage, traffic controls, utilities (if being relocated or replaced), trees and vegetated areas
- 2) Project Summary that describes at a minimum:
  - a) Scope of work, project schedule, and project manager
  - b) Compliance with MassDOT standards and City of Newburyport "Construction and Traffic Standard Details"
  - c) Compliance with Complete Streets Policy (as adopted by Council on 1/29/2018)
  - d) Traffic calming elements
  - e) Resident notification and public communication methods
  - f) Construction staging areas, pedestrian safety near work zones, detour routes and signage, and police details
  - g) Project cost estimate and funding source
  - h) City Engineer approval (whether designed in-house or outsourced)

**Section 12-204 – Transparency Requirement**

The City Clerk shall submit the information reference in Section 12-202 and 12-203 to the City Council in the form of a communication and to post the same to the City's Website.

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Councillor Christine Wallace, Ward 4

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Councillor James McCauley, Ward 5