



CITY OF SOMERVILLE, MASSACHUSETTS
LAW DEPARTMENT

December 8, 2010

Honorable Board of Aldermen
City Hall
Somerville, MA 02143

Re: Board Order #190451
Paving Ordinance

Dear Honorable Board Members:

You have requested that I review the City of Lowell's paving ordinance, and regulations and submit a similar draft ordinance on this issue.

As requested, herewith is a draft of Section 11-33 as amended to include the Lowell ordinance. Section 11-33(a) is the existing Somerville driveway ordinance.

I am attaching a copy of Chapter 17, Section 17-148 of the City of Lowell's ordinances for reference.

The City of Lowell ordinance delegates rules and regulations of driveways and paving to its City Engineer. As this office lacks the expertise necessary to address driveways and paving rules and regulations, I defer comment thereon and recommend that this Honorable Board consult with City Engineer Robert King and Director of Planning George Proakis.

Please contact me if you have any questions. Thank you.

Sincerely,

Francis X. Wright, Jr.
City Solicitor

cc: Joseph A. Curtatone, Mayor
enc.

CITY OF SOMERVILLE
ORDINANCE NO. 2010-_____
IN THE BOARD OF ALDERMEN: _____

WHEREAS, it is desirous to grant authority to the City Engineer to promulgate regulations to codify and streamline a driveway permitting process; and

WHEREAS, it is necessary to create an enforcement mechanism to insure that all paving projects that interface or impact public ways, sidewalks, and/or stormwater drainage comply with all of the applicable rules, regulations, statutes and ordinances.

NOW THEREFORE, be it ordained by the Board of Aldermen, in session assembled, that the Code of Ordinances of the City of Somerville is hereby amended as follows:

The provisions of Chapter 11, Section 11-33, Driveway Construction, are stricken in their entirety and replaced with the following:

Section 11-33.

(a) The superintendent of highways, electric lines and lights shall accept petitions from owners of residential property requesting that he or she cause the curb at the front of such property to be dropped to allow for the installation of a driveway. Upon approval of such petition by the superintendent he or she shall forthwith cause said curb to be dropped. The fee for such service shall be \$600.00 and shall be set by the board of aldermen in accordance with Chapter 40, Section 22F of the General Laws.

(b) The City Engineer is hereby authorized to promulgate regulations for the institution of a driveway permit, the purpose which is to prescribe conditions under which the City of Somerville will allow access to use, and changes in City ways in the following circumstances: Curbs, Sidewalks, Roadway access via driveways, Stormwater disposal, combine the oversight of right-of-way issues under zoning, city ordinances, and regulations in one comprehensive review process for ease of implementation.

The City Engineer, or his duly authorized agent, is authorized to establish penalties for violations of said regulations at \$300 per day.

All provisions of the Code of the City of Somerville, as amended, which are consistent with this Ordinance shall continue in effect, but all provisions of said Code inconsistent herewith, are repealed.

It is intended that this Ordinance is divisible and, if any enumerated Section of this Ordinance to add to or amend the Code, is stricken from this Ordinance, then the Code as it read prior to this Ordinance shall remain in full force and effect.

Approved:

President

COMMONWEALTH OF MASSACHUSETTS

CITY OF LOWELL

In City Council

ORDINANCE

An Ordinance Amending the "Code of Ordinances City of Lowell, Massachusetts," as amended, Chapter 17 thereof entitled "Streets, Sidewalks and Other Public Places," by amending Article IV entitled Excavations by creating a new Section 17-148 entitled "Driveways and Pavings" thereof.

WHEREAS, the City Code Chapter 17 addresses certain permit work requirements concerning paving or other construction work involving streets; and

WHEREAS, it is desirable to grant authority to the City Engineer to promulgate regulations to codify and streamline a driveway permitting process; and

WHEREAS, it is necessary to create an enforcement mechanism to insure that all paving projects that interface or impact public ways, sidewalks, and/or stormwater drainage comply with all of the applicable rules, regulations, statutes and ordinances.

NOW, THEREFORE; BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOWELL, as follows:

"The Code of Ordinances City of Lowell, Massachusetts" hereinafter called the "Code," adopted by the City Council on April 26, 1988, as subsequently amended, hereinafter called the Lowell City Code, is hereby further amended with respect to Chapter 17 thereof entitled " Streets, Sidewalks and Other Public Places," by amending Article IV and creating a new Section 17-148 as follows:

Sec.17-148.

Driveways and Paving

The City Engineer is hereby authorized to promulgate regulations for the institution of a driveway permit, the purpose which is to prescribe conditions under which the City of Lowell will allow access to use, and changes in City ways in the following circumstances: Curbs, Sidewalks, Roadway access via driveways, Stormwater disposal, combine the oversight of right-of-way issues under zoning, city ordinances, and regulations in one comprehensive review process for ease of implementation.

The City Engineer, or his duly authorized agent, is authorized to assess penalties for violations of said regulations at up to \$300 per day, at the discretion of the City Engineer."

All provisions of the Code of the City of Lowell, as amended, which are consistent with this Ordinance shall continue in effect, but all provisions of said Code inconsistent herewith, are repealed.

It is intended that this Ordinance is divisible and, if any enumerated Section of this Ordinance to add to or amend the Code, is stricken from this Ordinance, then the Code as it read prior to this Ordinance shall remain in full force and effect.

This Ordinance shall take effect immediately upon its passage in accordance with the provisions of Chapter 43 and Chapter 44 of Massachusetts General Laws.

APPROVED AS TO FORM:

/s/R. Eric Slagle

R. Eric Slagle

Assistant City Solicitor

In City Council June 24, 2008, Given 1st Reading and hearing ordered for 7PM on July 8, 2008. So Voted./s/Richard C. Johnson, City Clerk

In City Council July 8, 2008, Given 2nd Reading and hearing held. No Remonstrants Hearing closed. Adopted on roll call vote 8 yeas, 1 absent. So Voted./s/Richard C. Johnson, City Clerk

Approved by City Manager Bernard F. Lynch July 9, 2008.

A true copy

ATTEST:

Richard C. Johnson
City Clerk

Ord/ch17driveway