

City of Newton



Ruthanne Fuller  
Mayor

**DEPARTMENT OF PUBLIC WORKS  
ENGINEERING DIVISION  
OFFICE OF THE CITY ENGINEER  
1000 Commonwealth Avenue  
Newton Centre, MA 02459-1449**

**MEMORANDUM**

**DATE:** October 24, 2019  
**TO:** Developers, Contractors, Owners  
**FROM:** Louis M. Taverna, P.E., City Engineer

**RE: Ordinance No. B-42, Council Item #251-19, Building Sewer, Water Service Pipe and Sidewalk/Curb Replacement Ordinance**

**EFFECTIVE DATE OCTOBER 29, 2019**

City Council has approved amendments to Chapter 29 Sections 157 – 166 of the Revised Ordinances of the City of Newton to create a building sewer and water service pipe update ordinance that requires the removal and replacement of sewer and water connections, and replacement of sidewalk and curb when a dwelling is demolished or substantially remodeled or rehabilitated (as determined by the Commissioner of Inspectional Services Department).

The purpose of this ordinance is to require property owners to replace and install water and sewer connections and replace and install sidewalks and curb whenever a dwelling or building is demolished and a new building is constructed, or when a building is substantially remodeled or rehabilitated.

The City has had a longstanding policy, administered by the DPW Engineering Division, that regulates the replacement of water and sewer connections. This ordinance updates the terms of the policy, and it also includes the additional requirement that the sidewalk along the entire frontage must be replaced, and curb installed.

The following is intended to highlight the key parts of the ordinance:

**Sec. 29-158. Updates to building sewer, water service pipes and sidewalks.**

(a) When a dwelling or building is demolished and a new building is constructed, or when a building is substantially remodeled or rehabilitated, the following shall be removed and replaced at the owner's expense:

- (1) The building sewer pipe(s) to the public sewer main;
- (2) The water service pipe(s) to the water valve; and
- (3) The sidewalk and curbing across the entire public way frontage of the lot(s) the dwelling or structure is located on.

(b) The existing building sewer pipe(s), water service pipe(s), and sidewalk and curbing shall be removed and replaced in accordance with the provisions of this article and shall conform to the requirements of the State Building and Plumbing Codes, any standards and specifications established by the city engineer, and any other applicable federal, state, and city laws, ordinances, rules and regulations.

**Sec. 29-159. Building sewer pipe removal and replacement procedure.**

When removing and replacing building sewer pipe(s) under this article, the owner shall comply with the procedures and standards set forth in sections 29-60 and 29-61 of article III, which includes the approval of materials by the commissioner of public works.

**Sec. 29-160. Building sewer pipe exemption.**

The commissioner, upon request from an applicant, may determine that a building sewer pipe(s) is not required to be removed and replaced if all of the following requirements are met:

- (a) the existing building sewer pipe(s) is less than twenty (20) years old;
- (b) the owner obtains a CCTV inspection of the interior of the existing building sewer pipe(s) by an entity licensed to conduct such an inspection and submits with the building permit application a copy of the CCTV inspection along with a signed statement from the inspector attesting to the date of the inspection and the address of the property inspected; and
- (c) the commissioner makes a determination, based on the material and manner of construction of the building sewer pipe(s) and the CCTV inspection, that the existing building sewer pipe(s) has the ability to be adequately reused without replacement.

**Sec. 29-161. Water service pipe update procedure.**

When removing and replacing water service pipe(s) under this article, the owner shall comply with the procedures and standards set forth in section 29-27 of article II, which includes the approval of materials by the commissioner of public works.

**Sec. 29-162. Water service pipe exemption.**

The commissioner, upon request from an applicant, may determine that the water service pipe(s) is not required to be removed and replaced if all of the following requirements are met:

- (a) the existing water service pipe(s) is less than twenty (20) years old; and
- (b) the commissioner of public works makes a determination, based on the material and manner of construction of the water service pipe(s), that the existing water service pipe(s) has the ability to be adequately reused without replacement.

**Sec. 29-163. Adjoining sidewalks and access curb cuts.**

Removal and replacement of sidewalk and curbing under this article shall include appropriate transition to adjoining curbing and walkways, including accessible curb cuts and other access as required.

**Sec. 29-164. Sidewalk exemption.**

(a) The commissioner, upon request from an applicant, may determine that the sidewalk and/or curbing across the entire frontage of a lot is not required to be removed and replaced under this article at those locations where the commissioner determines that either: (1) the existing sidewalk complies with the current applicable codes, standards and specifications and is in good condition; (2) the lack of existing sidewalk and/or curbing is consistent with the current or future nature of the neighborhood; or (3) such updates are not feasible due to public safety, site constraints, or conflicts with future plans for the area.

Attachment: Ordinance B-42

cc: James McGonagle, Commissioner Public Works  
John Lojek, Commissioner of Inspectional Services  
Marie Lawlor, Law Department  
Jonah Temple, Law Department  
Jonathan Yeo, Chief Operating Officer  
Maureen Lemieux, Chief Financial Officer  
Shawna Sullivan, DPW Chief of Staff  
John Daghlian, Assistant City Engineer  
Frank Nichols, Engineering Project Manager  
Anthony Ciccariello, Deputy Commissioner Inspectional Services

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