

OFFERED BY COUNCILORS BRIAN WORRELL, ERIN J. MURPHY, BREADON, CULPEPPER, FITZGERALD, FLYNN, LOUIJEUNE, MEJIA, PEPÉN, SANTANA, AND WEBER



CITY OF BOSTON

IN THE YEAR TWO THOUSAND TWENTY SIX

ORDINANCE TO ADDRESS PRIVATE WAY POTHOLES

WHEREAS, The City of Boston has hundreds of private ways, a relic of its nearly 400-year history; *and*

WHEREAS, Nearly all private ways are owned by the abutting property owners, but allow for an easement for vehicles, bikes and pedestrians to move through; *and*

WHEREAS, Private way owners are responsible for maintenance on the street and sidewalk despite its public use and despite the property owners paying the same property tax rate as those property owners whose property abuts public ways; *and*

WHEREAS, Currently, the city can fill potholes on a private way with dirt, gravel, cinder, or other materials, but asphalt is not specifically addressed in the city's ordinance; *and*

WHEREAS, The city already fills hundreds of potholes each year on public ways with asphalt and has an operation that allows for it to be done seamlessly; *and*

WHEREAS, The city should specifically use asphalt to fill potholes on private ways rather than using alternative methods or ignoring them altogether; **NOW, THEREFORE**

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

Section 1.

The City of Boston Code, Ordinances, Chapter 11/Section 6.22 is hereby amended under subsection B by adding "asphalt," in front of "sand, gravel, cinders or other suitable materials" and change "resurfacing or permanent construction of private ways" to read "resurfacing or permanent construction of more than 25 percent of a private way."

Section 2.

The City of Boston Code, Ordinances, Chapter 11/Section 6.22 is hereby amended under subsection C by striking the existing subsection C and replacing it with the following, to read:

(C) *Cost of resurfacing or permanent construction of more than 25 percent of a private way.* At the request of owners of a majority of property lots abutting a private way, the Public Works Commissioner, or his or her designee, may arrange for resurfacing or permanent construction of more than 25 percent of an existing paved private way on a shared-cost basis. The extent of such work shall be agreed to in advance by owners, who collectively will be assessed half the costs of such work.

Section 3.

The provisions of this ordinance are severable and if any provision, or portion thereof, should be held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect the remaining provisions, which remain in full force and effect.

Section 4.

The provisions of this ordinance shall be effective immediately upon passage.

Filed on: April 10, 2026