



City Council

CITY OF BROCKTON

CITY HALL

45 School Street • Brockton, Massachusetts 02301

TEL: (508) 580 - 7114

ORDINANCE COMMITTEE MINUTES

MARCH 20, 2017

The Standing Committee on Ordinances and Rules was called to order by Chairperson Cruise at 6:07 p.m. with Councilors Farwell, Monahan, and Studenski present and Councilor Eaniri absent.

The Committee first considered the following:

1. Ordinance: An ordinance amending Chapter 19, Section 19-1, composition of the Brockton Police Department superior officers with respect to Sec.19-1(c) "Sergeants," from twenty (20) sergeants to twenty-four (24) sergeants.

Councilor Cruise referenced notice by the Law Department that the subject matter of the proposed Ordinance was the subject of ongoing collective bargaining negotiations. The Legislative Counsel recommended that the matter be postponed.

Councilor Farwell moved to postpone the matter until the May meeting of the Committee. Councilor Monahan seconded the motion and the motion carried.

Councilor Eaniri appeared at 6:15 p.m.

The Committee next considered the following.

2. An Ordinance Amending Ch. XIV of the Revised Ordinances of the City of Brockton. Be it ordained by the City Council of the City of Brockton as follows: Chapter 14 is hereby amended by adding the following new section: Sec. 14-17.6 Fireworks.

Councilor Barnes appeared on the Ordinance. The Legislative Counsel reviewed the provisions of existing Massachusetts law relative to fireworks as set forth in M.G.L. ch. 148, sec. 39. A summary is set forth below:

What does the law prohibit?

It is illegal for private citizens to use, possess, or sell fireworks in Massachusetts, or to purchase them legally elsewhere and then transport them into the state. The law prohibits any article designed to produce a *visible* or *audible effect*.

Sale of fireworks

Penalty: Fine or imprisonment or both, and confiscation

Fine: \$100 to \$1000

Imprisonment: Maximum of 1 year

Seizure of fireworks: Mandatory

Who can arrest? Any officer qualified to serve criminal process.

Must an officer arrest? No. Statute says the officer *may* arrest without a warrant.

Must an officer seize the fireworks? Yes, the statute says the officer *shall* seize any fireworks.

Possession, use, cause to explode of fireworks

Penalty: Fine and confiscation only

Fine: \$10 to \$100

Seizure of fireworks: Mandatory

Who can seize? Any officer qualified to serve criminal process.

May an officer arrest? For possession, no. The statute only provides for a fine upon conviction and automatic confiscation of fireworks.

Must an officer seize the fireworks? Yes, the statute says the officer *shall* seize any fireworks.

Seizure

Can people get their fireworks back? No. If convicted, the fireworks are forfeited to the state.

What does an officer do with confiscated fireworks? During business hours, contact the State Police Bomb Squad at (978) 567-3310. Notify them immediately for large quantities, commercial grade, or deteriorated materials. After hours, call (508) 820-2121 and ask for the Troop Duty Officer in your area. An on-call Bomb Squad Officer will arrange for pick-up.

Because of the existing State Law, Councilor Monahan moved to table the matter. Councilor Studenski seconded the motion and the motion carried.

The Committee next considered the following:

3. An Ordinance Amending Chapter XXVII of the Revised Ordinances of the City of Brockton. Be it ordained by the City Council of the City of Brockton, Chapter 27. Zoning. is hereby amended by adding the following new Article: Article XVIV. Moratorium - The Regulation and Taxation of Marijuana Act Section 27-142.

The Director of Planning had indicated that he would be away and unable to attend the Committee meeting.

Councilor Monahan moved to postpone the matter until the April meeting of the Committee. Councilor Studenski seconded the motion and the motion carried.

The Committee next considered the following:

4. Ordinance: An Ordinance amending Chapter 2 of the Revised Ordinances, Section 11-211 is hereby amended by adding a limit on the number of licenses.

Councilor Farwell reviewed the number of public safety and code enforcement issues that exist with respect to motor vehicle repair licenses. Existing licenses number well over a hundred. There are insufficient code enforcement personnel to ensure that the businesses are operated safely and in compliance with applicable regulations. There are many public safety issues that exist with respect to such businesses because of hazardous waste, fire safety issues, parking and resulting traffic issues. These issues need to be addressed and one way to minimize risks to the public is to put a limitation on the number of licenses similar to exists with respect to second hand article licenses under City Ordinances and liquor licenses under State Law.

There was discussion on the unintended consequences to those businesses that have a garage license and may seek a motor vehicle repair license as well as new businesses, including Class 1 license holders, that may seek to locate in the City.

Councilor Farwell moved to postpone the matter until the May meeting of the Committee. Councilor Studenski seconded the motion and the motion carried.

The Committee next considered the following:

5. Ordinance: An Ordinance Amending Chapter II, Article IV of the Revised Ordinances of the City of Brockton. Be it ordained by the City Council of the City of Brockton as follows: Article IV, Section 2-249 is hereby amended by inserting section 2-249A.

Councilor Farwell reviewed the information provided to the Accounts Committee and stated that this Ordinance seeks to extend transparency by providing Councilors and the public more information about vendors and payments.

Councilor Cruise noted that the proposed Ordinance should be reviewed with the City Auditor.

Councilor Monahan moved to postpone the matter until the April meeting of the Committee. Councilor Farwell seconded the motion and the motion carried.

Councilor Cruise left the Council Chamber.

The Committee next considered the following:

6. An Ordinance Amending Article II of the Revised Ordinances of the City of Brockton Article II of the Revised Ordinances of the City of Brockton is hereby amended by inserting the following new section: Section 2-382 Minimum Qualifications for Director of Personnel.

Councilor Farwell discussed the proposed Ordinance and the need for specifics as to minimum qualifications for the Director of Personnel position in the future given the complex job responsibilities.

Councilor Farwell moved to recommend the proposed Ordinance Favorably. Councilor Eaniri seconded the motion and the motion carried.

Councilor Cruise returned to the Council Chamber and the meeting was adjourned at 6:52 p.m.