

In City Council July 25, 2016

ORDINANCE:

**AN ORDINANCE AMENDING CHAPTER 4, THE REVISED
ORDINANCES OF
THE CITY OF BROCKTON TO COMPLY WITH THE
MASSACHUSETTS GREEN
COMMUNITIES ACT:**

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

Chapter 4, Buildings, is hereby amended by adding the following new article:

Article V. - STRETCHENERGY CODE

4-55. Definitions

International Energy Conservation Code (IECC) - The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council.

It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency, and is updated on a three-year cycle. The baseline energy conservation requirements of the MA State Building Code are the IECC with Massachusetts amendments, as approved by the Board of Building Regulations and Standards.

Stretch Energy Code - Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA of the 9th edition Massachusetts building code, the Stretch Energy Code is an appendix to the Massachusetts building code, based on further amendments to the International Energy Conservation Code (IECC) to improve the energy efficiency of buildings built to this code.

4-56. Purpose

The purpose of 780 CMR 115.AA is to provide a more energy efficient alternative to the Base Energy Code applicable to the relevant sections of the building code for both new construction and existing buildings.

4-57 Applicability

This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 13, 34, 51, as applicable.

4-58 Stretch Code

The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA, including any future editions, amendments or modifications, is herein incorporated by reference into the City of Brockton Revised Ordinances, Chapter 4.

The Stretch Code is enforceable by the inspector of buildings or superintendent of buildings.

Councillor Anne Beauregard

In City Council July 25, 2016

Read and Referred to Standing
Committee on Ordinance

Anthony J. Zeoli, City Clerk

In City Council September 26, 2016

Passed to a third reading, by a hand
vote.

Anthony J. Zeoli, City Clerk

In City Council October 11, 2016

Ordained by a roll call vote taken by
“yeas” and “nays”; eleven members
present and all voting in the affirmative.

Anthony J. Zeoli, City Clerk
Sent to Mayor for Approval
October 14, 2016

Signed October 14, 2016
Bill Carpenter

K01

ORDINANCE:

AN ORDINANCE AMENDING APPENDIX C- ZONING OF THE REVISED ORDINANCES OF THE CITY OF BROCKTON TO COMPLY WITH THE MASSACHUSETTS GREEN COMMUNITIES ACT:

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

Chapter 27, Article XIII, Definitions, Sec. 27-61, Generally, is hereby amended by adding the following definitions:

Alternative Energy. Energy derived from sources other than fossil fuels and includes Renewable Energy, Combined Heat and Power, and Electric- and hydrogen-powered vehicles and associated technologies, including advanced batteries and recharging stations.

Manufacturing Facilities. A building or structure used primarily for heavy or light industry or the manufacture or assembly of a product including processing, blending, fabrication, assembly, treatment and packaging.

Research and Development Facilities. A building or structure used primarily for research, development and/or testing of innovative information, concepts, methods, processes, materials, or products. This can include the design, development, and testing of biological, chemical, electrical, magnetic, mechanical, and/or optical components in advance of product manufacturing. The accessory development, fabrication, and light manufacturing of prototypes, or specialized machinery and devices integral to research or testing may be associated with these uses.

Renewable Energy. Energy that is collected from resources which are naturally replenished on a human timescale and includes: Solar - photovoltaic (PV) and thermal, Wind, Biomass, Low Impact Hydro - electric and kinetic, Ocean - thermal, wave or tidal, Geothermal, Landfill Gas, Fuels Cells that use Renewable Energy, and Bio fuels.

Chapter 27, Article IV, Permitted Uses, Sec. 27-30, C-3 Zones, central business zones, 1. Principal permitted uses, is hereby amended by adding the following:

- c. Alternative Energy or Renewal Energy Research and Development Facilities.

Chapter 27, Article IV, Permitted Uses, Sec. 27-34, I-2, general industrial zones, 1, Principal permitted uses, is hereby amended by adding the following:

- m. Alternative Energy or Renewal Energy Research and Development Facilities.
- n. Alternative Energy or Renewal Energy Manufacturing Facilities.
- o. Alternative Energy or Renewal Energy Generation, except for Biomass

Chapter 27, Article XV, Site Plan Review, is hereby amended by adding the following section.

Sec. 27-89B. Expedited Permitting

Renewable or Alternative Energy Research and Development Facilities and Renewal or Alternative Energy Manufacturing Facilities as defined in Sec. 27-61 subject to Site Plan Review pursuant to Sec. 27-89A, said Site Plan Review shall be an "expedited" application and permitting process under which said facility may be sited within one (1) year from the date of initial application for final approval by the Planning Board; unless mutually agreed by both parties to extend the time of approval.

Councillor Anne Beauregard

In City Council July
25, 2016 Read and
Referred to Standing
Committee on
Ordinance

Anthony J. Zeoli, City Clerk

In City Council September 26,
2016

Passed to a third reading, by
a hand vote.

Anthony J. Zeoli, City Clerk

In City Council October 11, 2016

Ordained, by a roll
call vote taken by “yeas” and
“nays”; eleven members present
and all voting in the affirmative.

Sent to the Mayor for
Approval October 14, 2016
Bill Carpenter

K02
A True Copy Attest

Anthony J. Zeoli

In City Council, July 25, 2016

**AN ORDINANCE AMENDING CHAPTER XXVII OF THE
REVISED ORDINANCES OF THE CITY OF BROCKTON**

Be it ordained by the City Council as follows:

Chapter 27 of the Revised Ordinances of the City of Brockton is hereby amended by amending the Zoning District Map of the vicinity on the southerly side of Belmont Street, being more particularly defined as follows: Map 19 Route 16 Plot 76-3, Map 19 Route 17 Plot 1, Map 19 Route 15 Plot 76, Map 19 Route 14 Plot 74-1, Map 19 Route 13 Plot 74, Map 20 Route 40 Plot 71-16, Map 20 Route 39 Plot 71-19, Map 20 Route 38 Plot 71-13, Map 20 Route 37 Plot 71, Map 20 Route 36 Plot 71-8, Map 20 Route 35 Plot 71-3, Map 20 Route 8 Plot 71-2, Map 20 Route 7 Plot 71-7. Said proposed change to be from C-1 Neighborhood Commercial Zone to C-2 General Commercial Zone. Said proposed change is shown on "EXHIBIT A" attached here to.

Councillor Dennis Eaniri

In City Council July 25, 2016

Councillor Eaniri motions to move under Suspension of Rules to accept a late file. Motion carried by hand vote. Late File accepted.

Read and referred to standing committee on Ordinance and Planning.

Anthony J. Zeoli, City Clerk

In City Council September 26, 2016
Passed to a third reading, by a hand vote.

Anthony J. Zeoli, City Clerk

In City Council October 11, 2016

Ordained by a roll call vote taken by
“yeas” and “nays”; eleven members
present and all voting in the affirmative.
Councillor Eaniri motioned to file for
reconsideration with the wish that it not
prevail and was properly seconded.
Reconsideration failed by a hand vote.

Anthony J. Zeoli, City Clerk

Sent to Mayor for Approval
October 11, 2016
Signed October 11, 2016

Bill Carpenter

K03

AN ORDINANCE AMENDING CHAPTER II OF THE REVISED
ORDINANCES OF THE CITY OF BROCKTON

Be it ordained by the City Council of the City of Brockton as follows;

Chapter 2, Administration, ARTICLE VI. BOARDS, COMMISSIONS,
ETC.;

DIVISION 9. BROCKTON COMMISSION ON WOMEN'S ISSUES, Sec.
2-530. Membership and appointment. is hereby amended by deleting
subsections (a) and (b) in their entirety and inserting in place thereof:

(a) There shall be a Brockton Commission on Women's Issues which
shall
consist of eleven (11) members, all of whom shall be residents of the City
and eight (8) of whom shall be appointed by the Mayor, subject to
confirmation by the City Council, and three (3) of whom shall be appointed
by the Council President, to serve initially for the following terms:

Mayoral Appointments:

1. Three (3) members shall serve for a one year term;
2. Three (3) members shall serve for a two year term;
3. Two (2) members shall serve for a three year term.

Council President Appointments:

1. One (1) member shall serve for a one year term;
2. One (1) member shall serve for a two year term;
3. One (1) member shall serve for a three year term.

Recommendations may be provided by the Commission. The
Commission may consult with recognized groups working for the equal
status of women to obtain names of qualified candidates.

After the initial terms, all members shall be appointed for a term of
three years.

The Commission should, at all times, be representative of all socio-
economic and racial segments of the City as well as different neighborhoods.

(b) Vacancies on the Commission shall be filled not later than thirty
days after the vacancy occurs; and if a vacancy occurs prior to the expiration
of the member's term, an appointment shall be made for the remainder of the
term.

The members of the Commission shall elect a Chairperson from
among its members, and shall adopt bylaws for the Commission.

In City Council August 22, 2016

Read and Referred to Standing
Committee on Ordinance

Anthony J. Zeoli, City Clerk

In City Council September 26, 2016

Passed to a third reading

Anthony J. Zeoli, City Clerk

In City Council October 11, 2016

Ordained by a roll call vote taken by
“yeas” and “nays”; eleven members
present and all voting in the affirmative.
Councillor Barnes motioned to file for
reconsideration with the wish that it not
prevail and was properly seconded.
Reconsideration failed by hand vote.

Anthony J. Zeoli, City Clerk

Sent to Mayor for Approval
October 11, 2016

Signed October 11, 2016
Bill Carpenter

K04

In City Council April 25, 2016

ORDINANCE:

AN ORDINANCE AMENDING CHAPTER II OF THE
REVISED ORDINANCES OF THE CITY OF BROCKTON.

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

Chapter 2, Administration, Article III, Officers and Employees,
Division 2, Employee Classification Plan, is hereby amended as
follows: Sec. 2-127. Pay Plan. is amended by deleting the Annual
Salary Schedule in its entirety and inserting in place thereof the
Annual Schedules attached hereto and made a part hereof.

Sec. 2-135. Sick leave. is amended by changing the amount in
subsection (b) from \$11,000. to \$13,000.

Councillor Paul F. Studenski

In City Council April 25, 2016

Read and Referred to Standing
Committee on Ordinance

Anthony J. Zeoli, City Clerk

In City Council June 27, 2016

Councillor Asack motioned to
send back to finance and was
properly seconded. The motioned

carried by a roll call vote aken by
“yeas” and “nays”; eleven members
present with six voting in the
affirmative. Councillors
Barnes, Monahan, Studenski and
Sullivan voting in the negative.

Sent back to finance

Anthony J. Zeoli, City Clerk

In City Council July 25, 2016

Councillor asack motions to send to
Ordinance. Motion properly
seconded. Motion carries by hand
vote. Referred to Ordinance
Committee.

Anthony J. Zeoli, City Clerk

In City Council October 11, 2016

Ordained by a roll call vote taken
by “yeas” and “nays” ; ten
members present and all voting in
the affirmative. Councillor Cruise
absent. Councillor Farwell
motioned to file for reconsideration
with the wish that it not prevail and
was properly seconded.
Reconsideration failed by a hand
vote.

Sent to Mayor for Approval
October 11, 2016

Bill Carpenter , Mayor
K05

City Ordinance Employees

Annual Salary Schedule- July 1, 2016

Comp/Grade	7/1/2016	Min	2	3	4	5	6	7	8	Rate
BOARDS AND COMMISSIONS										
B/C	Chairman, Board of Health PT Member, Licensing Board PT Member, Board of health PT									\$ 1,250
	Member, Board of Assessors PT (19.5 hours per week)			\$ 26,743	\$ 27,429	\$ 28,115				
CLERICAL										
C-1	Junior Clerk & Typist	\$ 32,676	\$ 33,438	\$ 34,214	\$ 36,294	\$ 37,124	\$ 37,838			
DEPARTMENT ASSISTANTS/ PROFESSIONALS										
DA/P1	Financial Analyst Asst City Clerk	\$ 61,233	\$ 64,062	\$ 66,596	\$ 68,752	\$ 72,959	\$ 74,783			
DA/P-2	Asst. Auditor Asst Treasurer/Collector Budget Director	\$ 61,107	\$ 68,225	\$ 75,389	\$ 82,815	\$ 84,429	\$ 86,078	\$ 87,800		
DA/P-3	Dep Director Emerg Mgmt Communications Director									\$ 15,950
DA/P-4	Human Services Administrator									\$ 80,013
DEPARTMENT HEADS										
DH1	Dir Emerg Mgmt									\$ 25,000
DH2	Ex Dir Dev & Ind Comm Superintendent of Wires	\$ 63,516	\$ 66,595	\$ 69,156	\$ 72,659	\$ 75,047	\$ 76,923			
DH3	Ex Director Parking Authority Member, Bd of Assessors	\$ 73,097	\$ 76,018	\$ 78,302	\$ 79,869	\$ 83,095	\$ 85,172			
DH4	Data Processing Dept Head Chairman Bd of Assessors	\$ 77,208	\$ 79,974	\$ 83,174	\$ 84,837	\$ 88,265	\$ 90,472			
DH5	Director of Personnel	\$ 79,769	\$ 84,033	\$ 88,297	\$ 90,063	\$ 93,701	\$ 96,044			
DH6	City Auditor Treasurer Collector	\$ 90,020	\$ 94,110	\$ 96,797	\$ 98,734	\$ 102,723	\$ 105,291			
DH7**	Library Director ** if no employment contract				\$ 89,171	\$ 93,701	\$ 96,044			
DH8	Superintendent of Buildings Dir. Of Urban Development/City Planner	\$ 96,774	\$ 100,867	\$ 101,686	\$ 103,721	\$ 107,910	\$ 110,607			
DH9	Comm of Public Works	\$ 110,296	\$ 115,145	\$ 122,978	\$ 125,439	\$ 130,505	\$ 133,757			
DH10	City Clerk	\$ 97,204	\$ 99,409	\$ 102,674	\$ 104,728	\$ 108,961	\$ 111,684			
DH11	Chief Financial Officer	\$ 131,826	\$ 138,906	\$ 147,755	\$ 150,711	\$ 156,799	\$ 160,718			
DH12	Fire Chief	\$ 153,891	\$ 159,539	\$ 166,599	\$ 172,245	\$ 179,305	\$ 182,893	\$ 187,465		
DH14	Police Chief									Set by employment contract

KOS

City Ordinance Employees

Annual Salary Schedule- July 1, 2017

Comp/Grade	7/1/2017	Min	2	3	4	5	6	7	8	Rate
<u>ELECTIONS</u>										
E-1	Election Wardens /Clerks									\$ 200
E-2	Computer Clerks and Canvassers									\$ 175
E-3	Inspectors and Demonstrators									\$ 150
E-4	Special Police Officer & Constable Working at Polls PT									\$ 14.65
<u>LEGAL</u>										
L1	City Solicitor - FT		\$ 129,150	\$ 131,841	\$ 134,531	\$ 137,222	142,711			
L2	City Solicitor - PT	\$ 75,737	\$ 77,619	\$ 79,570	\$ 81,559	\$ 83,409	86,746			
L3	Legislative Counsel * Asst. City Solicitor - PT	\$ 52,423	\$ 53,471	\$ 54,540	\$ 55,631	\$ 57,022	59,303			
L4	Asst. City Solicitor - FT	\$ 79,253	\$ 82,556	\$ 85,996	\$ 89,578	\$ 94,316	98,089			
L4A	Senior Asst. City Solicitor- FT	\$ 104,087	\$ 108,942	\$ 114,042	\$ 119,401	\$ 126,730	131,799			
<u>MISCELLANEOUS</u>										
M1	Clerk- Veteran Council Clerk of Committees Election Commissioners Secretary of Claims Commission PT Secretary of COA Sec. Group Insurance PT or Trust Fund Comm. PT Sec. to License Comm. PT Sec. to Park Commission PT Sec. to Planning Board PT Labor Registration Clerk									\$ 750
M-2	City Clerk Council Clerk Elec. Comm. City Clerk Clerk of Committees, City Clerk Clerk of Finance, Auditor Clerk of Real Estate Comm., Treasurer									\$ 3,250
M-3	Sec. to Board of Appeals (per mtg)								\$ 125	
M-4	Payroll Supervisor								\$ 7,500	
M-5	Assistant to Payroll Supervisor								\$ 5,000	
M-6	*Legislative Counsel Stipend in absense of Asst. City Clerk								\$ 6,000	
			\$500 per month							
<u>PART TIME SEASONAL</u>										
PT/S-1	Locker Room Attendant PT Watchman & Swimming Pool Cust. PT Temporary Laborer PT Library Trainee PT									Minimum Wage as Established by Federal Law
PT/S-2	Recreational Supervisor General PT									\$ 5,680.58
PT/S-3	Junior Clerk & Typist PT									\$ 14.01
PT/S-3a	Parking Garage Attendant PT	14.01	14.45	15.08	15.61	16.14				
PT/S-4	Deputy Chief Traffic Supervisor									\$ 14.25
PT/S-5	Deputy Director of Civil Defense PT Graves Registration Clerk									\$ 3,000
PT/S-6	School Physician PT									\$ 3,500
PT/S-7	Director of Civil Defense PT Inspector of Animals PT									\$ 6,750
PT/S-8	Health Officer PT									\$ 6,250
PT/S-9	City Physician PT									\$ 8,000
	School Traffic Supervisor Inspector of Animals PT									\$ 10.50
PT/S-10	Supervisor of Recreational Athletics								Night \$ 15.00 Day \$ 20.00	

City Ordinance Employees

Annual Salary Schedule- July 1, 2017

Comp/Grade	7/1/2017	Min	2	3	4	5	6	7	8	Rate
BOARDS AND COMMISSIONS										
B/C	Chairman, Board of Health PT Member, Licensing Board PT Member, Board of health PT									\$ 1,250
	Member, Board of Assessors PT (19.5 hours per week)			\$ 26,743	\$ 27,429	\$ 28,115				
CLERICAL										
C-1	Junior Clerk & Typist	\$ 32,676	\$ 33,438	\$ 34,214	\$ 36,294	\$ 37,124	\$ 37,838			
DEPARTMENT ASSISTANTS/ PROFESSIONALS										
DA/P1	Financial Analyst Asst. City Clerk	\$ 62,764	\$ 65,663	\$ 68,261	\$ 70,471	\$ 74,783	\$ 76,653	\$ 79,719		
DA/P-2	Asst. Auditor Asst. Treasurer/Collector Budget Director	\$ 62,635	\$ 69,930	\$ 77,222	\$ 84,885	\$ 86,540	\$ 88,230	\$ 89,995	93,595	
DA/P-3	Dep Director Emerg Mgmt Communications Director									\$ 15,950
DA/P-4	Human Services Administrator									\$ 60,013
DEPARTMENT HEADS										
DH1	Dir Emerg Mgmt									\$ 25,000
DH2	Ex Dir Dev & Ind Comm Superintendent of Wires	\$ 65,103	\$ 68,260	\$ 70,885	\$ 74,475	\$ 76,923	\$ 78,846	\$ 82,000		
DH3	Ex Director Parking Authority Member, Bd of Assessors	\$ 74,924	\$ 77,918	\$ 80,259	\$ 81,866	\$ 85,172	\$ 87,301	\$ 90,793		
DH4	Data Processing Dept Head Chairman Bd of Assessors	\$ 79,138	\$ 81,974	\$ 85,253	\$ 86,958	\$ 90,472	\$ 92,734	\$ 96,443		
DH5	Director of Personnel	\$ 81,763	\$ 86,133	\$ 90,504	\$ 92,314	\$ 96,043	\$ 98,445	\$ 102,382		
DH6	City Auditor Treasurer/Collector	\$ 92,270	\$ 96,463	\$ 99,217	\$ 101,202	\$ 105,291	\$ 107,923	\$ 112,240		
DH7**	Library Director ** if no employment contract			\$ 91,401	\$ 96,043	\$ 98,445	\$ 102,382			
DH8	Superintendent of Buildings Dir. Of Urban Development/City Planner	\$ 99,164	\$ 103,389	\$ 104,228	\$ 106,314	\$ 110,607	\$ 113,372	\$ 117,907		
DH9	Comm of Public Works	\$ 113,054	\$ 118,024	\$ 126,053	\$ 128,575	\$ 133,767	\$ 137,111	\$ 142,595		
DH10	City Clerk	\$ 99,634	\$ 101,894	\$ 105,241	\$ 107,346	\$ 111,685	\$ 114,476	\$ 119,055		
DH11	Chief Financial Officer	\$ 135,122	\$ 142,378	\$ 151,449	\$ 154,478	\$ 160,719	\$ 164,736	\$ 171,326		
DH12	Fire Chief	\$ 157,738	\$ 163,528	\$ 170,764	\$ 176,551	\$ 183,788	\$ 187,466	\$ 192,152	199,838	
DH14	Police Chief	Set by employment contract								

City Ordinance Employees

Annual Salary Schedule- July 1, 2016

Comp/Grade	7/1/2016	Min	2	3	4	5	6	7	8	Rate
<u>ELECTIONS</u>										
E-1	Election Wardens / Clerks									\$ 200
E-2	Computer Clerks and Canvassers									\$ 175
E-3	Inspectors and Demonstrators									\$ 150
E-4	Special Police Officer & Constable Working at Polls PT									\$ 14.65
<u>LEGAL</u>										
L1	City Solicitor - FT		\$ 126,000	\$ 128,625	\$ 131,250	\$ 133,875				
L2	City Solicitor - PT	\$ 73,890	\$ 75,726	\$ 77,630	\$ 79,570	\$ 81,375				
L3	Legislative Counsel * Asst. City Solicitor - PT	\$ 51,144	\$ 52,167	\$ 53,210	\$ 54,275	\$ 55,631				
L4	Asst. City Solicitor - FT	\$ 77,320	\$ 80,542	\$ 83,898	\$ 87,394	\$ 92,016				
L4A	Senior Asst. City Solicitor- FT	\$ 101,549	\$ 106,285	\$ 111,260	\$ 116,489	\$ 123,639				
<u>MISCELLANEOUS</u>										
M1	Clerk- Veteran Council Clerk of Committees Election Commissioners Secretary of Claims Commission PT Secretary of COA Sec. Group Insurance PT or Trust Fund Comm. PT Sec. to License Comm. PT Sec. to Park Commission PT Sec. to Planning Board PT Labor Registration Clerk									\$ 750
M2	City Clerk Council Clerk Elec. Comm. City Clerk Clerk of Committees, City Clerk Clerk of Finance, Auditor Clerk of Real Estate Comm., Treasurer									\$ 3,250
M3	Sec. to Board of Appeals (per mtg)									\$ 125
M4	Payroll Supervisor									\$ 7,500
M5	Assistant to Payroll Supervisor									\$ 5,000
M6	*Legislative Counsel Stipend in absense of Asst. City Clerk \$500 per month									\$ 6,000
<u>PART TIME SEASONAL</u>										
PT/S-1	Locker Room Attendant PT Watchman & Swimming Pool Cust. PT Temporary Laborer PT Library Trainee PT									Minimum Wage as Established by Federal Law
PT/S-2	Recreational Supervisor General PT									\$ 5,680.58
PT/S-3	Junior Clerk & Typist PT									\$ 14.01
PT/S-3a	Parking Garage Attendant PT	14.01	14.45	15.08	15.61	16.14				
PT/S-4	Deputy Chief Traffic Supervisor									\$ 14.25
PT/S-5	Deputy Director of Civil Defense PT Graves Registration Clerk									\$ 3,000
PT/S-6	School Physician PT									\$ 3,500
PT/S-7	Director of Civil Defense PT Inspector of Animals PT									\$ 6,750
PT/S-8	Health Officer PT									\$ 6,250
PT/S-9	City Physician PT									\$ 8,000
	School Traffic Supervisor Inspector of Animals PT									\$ 10.50
PT/S-10	Supervisor of Recreational Athletics									Night \$ 15.00 Day \$ 20.00

City Ordinance Employees

Annual Salary Schedule- July 1, 2018

Comp/Grade	7/1/2018	Min	2	3	4	5	6	7	8	Rate
<u>ELECTIONS</u>										
E-1	Election Wardens /Clerks									\$ 200
E-2	Computer Clerks and Canvassers									\$ 175
E-3	Inspectors and Demonstrators									\$ 150
E-4	Special Police Officer & Constable Working at Polls PT									\$ 14.65
<u>LEGAL</u>										
L1	City Solicitor - FT		\$ 131,733	\$ 134,477	\$ 137,222	\$ 139,966	145,565			
L2	City Solicitor - PT	\$ 77,252	\$ 79,172	\$ 81,162	\$ 83,190	\$ 85,078	88,481			
L3	Legislative Counsel * Asst. City Solicitor - PT	\$ 53,472	\$ 54,541	\$ 55,631	\$ 56,744	\$ 58,162	60,489			
L4	Asst. City Solicitor - FT	\$ 80,838	\$ 84,207	\$ 87,716	\$ 91,370	\$ 96,202	100,051			
L4A	Senior Asst. City Solicitor- FT	\$ 106,169	\$ 111,121	\$ 116,322	\$ 121,789	\$ 129,264	134,435			
<u>MISCELLANEOUS</u>										
M1	Clerk- Veteran Council Clerk of Committees Election Commissioners Secretary of Claims Commission PT Secretary of COA Sec. Group Insurance PT or Trust Fund Comm. PT Sec. to License Comm. PT Sec. to Park Commission PT Sec. to Planning Board PT Labor Registration Clerk									\$ 750
M-2	City Clerk Council Clerk Elec. Comm. City Clerk Clerk of Committees, City Clerk Clerk of Finance, Auditor Clerk of Real Estate Comm, Treasurer									\$ 3,250
M-3	Sec. to Board of Appeals (per mtg)								\$ 125	
M-4	Payroll Supervisor								\$ 7,500	
M-5	Assistant to Payroll Supervisor								\$ 5,000	
M-6	*Legislative Counsel Stipend in absense of Asst. City Clerk								\$ 6,000	
										\$500 per month
<u>PART TIME SEASONAL</u>										
PT/S-1	Locker Room Attendant PT Watchman & Swimming Pool Cust. PT Temporary Laborer PT Library Trainee PT									Minimum Wage as Established by Federal Law
PT/S-2	Recreational Supervisor General PT									\$ 5,680.58
PT/S-3	Junior Clerk & Typist PT									\$ 14.01
PT/S-3a	Parking Garage Attendant PT	14.01	14.45	15.08	15.61	16.14				
PT/S-4	Deputy Chief Traffic Supervisor									\$ 14.25
PT/S-5	Deputy Director of Civil Defense PT Graves Registration Clerk									\$ 3,000
PT/S-6	School Physician PT									\$ 3,500
PT/S-7	Director of Civil Defense PT Inspector of Animals PT									\$ 6,750
PT/S-8	Health Officer PT									\$ 6,250
PT/S-9	City Physician PT									\$ 8,000
	School Traffic Supervisor Inspector of Animals PT									\$ 10.50
PT/S-10	Supervisor of Recreational Athletics								Night	\$ 15.00
									Day	\$ 20.00

KOS

City Ordinance Employees

Annual Salary Schedule- July 1, 2018

Comp/Grade	7/1/2018	Min	2	3	4	5	6	7	8	Rate
<u>BOARDS AND COMMISSIONS</u>										
B/C	Chairman, Board of Health PT Member, Licensing Board PT Member, Board of health PT									\$ 1,250
	Member, Board of Assessors PT (19.5 hours per week)			\$ 26,743	\$ 27,429	\$ 28,115				
<u>CLERICAL</u>										
C-1	Junior Clerk & Typist	\$ 32,676	\$ 33,438	\$ 34,214	\$ 36,294	\$ 37,124	\$ 37,838			
<u>DEPARTMENT ASSISTANTS/ PROFESSIONALS</u>										
DA/P1	Financial Analyst Asst City Clerk	\$ 64,019	\$ 66,976	\$ 69,626	\$ 71,880	\$ 76,279	\$ 78,186	\$ 81,313		
DA/P-2	Asst. Auditor Asst Treasurer/Collector Budget Director	\$ 63,887	\$ 71,329	\$ 78,766	\$ 86,583	\$ 88,271	\$ 89,994	\$ 91,795	95,467	
DA/P-3	Dep Director Emerg Mgmt Communications Director									\$ 15,950
DA/P-4	Human Services Administrator									\$ 80,013
<u>DEPARTMENT HEADS</u>										
DH1	Dir Emerg Mgmt									\$ 25,000
DH2	Ex Dir Dev & Ind Comm Superintendent of Wires	\$ 66,406	\$ 69,625	\$ 72,303	\$ 75,965	\$ 78,461	\$ 80,423	\$ 83,640		
DH3	Ex Director Parking Authority Member, Bd of Assessors	\$ 76,423	\$ 79,477	\$ 81,864	\$ 83,503	\$ 86,876	\$ 89,047	\$ 92,609		
DH4	Data Processing Dept Head Chairman Bd of Assessors	\$ 80,720	\$ 83,613	\$ 86,958	\$ 88,697	\$ 92,281	\$ 94,589	\$ 98,372		
DH5	Director of Personnel	\$ 83,398	\$ 87,856	\$ 92,314	\$ 94,161	\$ 97,964	\$ 100,413	\$ 104,430		
DH6	City Auditor Treasurer Collector	\$ 94,116	\$ 98,392	\$ 101,202	\$ 103,226	\$ 107,396	\$ 110,082	\$ 114,485		
DH7**	Library Director ** if no employment contract				\$ 93,229	\$ 97,964	\$ 100,413	\$ 104,430		
DH8	Superintendent of Buildings Dir. Of Urban Development/City Planner	\$ 101,178	\$ 105,457	\$ 106,313	\$ 108,440	\$ 112,819	\$ 115,640	\$ 120,265		
DH9	Comm of Public Works	\$ 115,315	\$ 120,384	\$ 128,574	\$ 131,147	\$ 136,442	\$ 139,853	\$ 145,447		
DH10	City Clerk	\$ 101,627	\$ 103,932	\$ 107,346	\$ 109,493	\$ 113,918	\$ 116,766	\$ 121,437		
DH11	Chief Financial Officer	\$ 137,825	\$ 145,226	\$ 154,478	\$ 157,568	\$ 163,933	\$ 168,031	\$ 174,752		
DH12	Fire Chief	\$ 160,893	\$ 166,798	\$ 174,180	\$ 180,082	\$ 187,464	\$ 191,215	\$ 195,995	203,834	
DH14	Police Chief	Set by employment contract								

ORDINANCE:

AN ORDINANCE AMENDING CHAPTER VIII OF THE
REVISED ORDINANCES OF THE CITY OF BROCKTON.

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

Chapter 8, Garbage and Trash, is hereby amended by adding the following new section.

Sec. 8-20. Litter receptacles. Every owner or occupant of commercial premises shall, at his/her own expense, provide, place and regularly maintain litter receptacles on the premises adequate to contain litter generated at such premises, provided however, that this section does not apply to the First Fire District as defined in Sec. 7-12.

Litter receptacles on any premises shall meet the following minimum standards:

- (a) Constructed of such quality as to maintain the receptacle's original shape when kept in an outdoor location, and reasonably resistant to rust and corrosion.
- (b) Constructed and designed or covered in such a manner as to prevent or preclude litter from escaping from the receptacle.
- (c) Serviced with such frequency as necessary to prevent spillage from overflow and to prevent offensive odor.

Any person who violates this section shall be fined fifty dollars (\$50.00). Each days' violation shall constitute a separate offense.

The enforcing persons for this section shall be health agents/code enforcement officers. Section 5.5-2. Noncriminal disposition is hereby amended so as to include reference to this section in Sec. 5.5-2(b)(4).

Councilor Shirley Asack

In City Council April 25, 2016

Read and Referred to Standing
Committee on Ordinance

Anthony J. Zeoli, City Clerk

In City Council May 9, 2016

Councillor Asack motioned to
refer to Ordinance Committee and
was properly seconded. The
motioned carried by hand vote

Anthony J. Zeoli, City Clerk

In City Council June 27, 2016

The amendment passed by a hand
vote. Passed to a third reading, as
amended by a hand vote.
The amendment is as follows: by
deleting the words “provided
however, that this section does
not apply to the First Fire District
as defined in Sec. 7-12”.

Anthony J. Zeoli, City Clerk

In City Council August 22, 2016

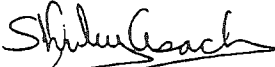
Ordained as amended, by a roll
call vote taken by “yeas” and
“nays” ; 10 members present and
all voting in the affirmative.
Councillor Barnes absent.

Sent to Mayor for Approval
August 25, 2016

Bill Carpenter , Mayor
K06

AMENDMENT

I hereby move to amend the foregoing ordinance by deleting the words "provided however, that this section does not apply to the First Fire District as defined in Sec. 7-12".



Councilor

ORDINANCE

AN ORDINANCE AMENDING CHAPTER XXVII OF THE REVISED ORDINANCE OF THE CITY OF BROCKTON

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

Chapter 27. Zoning, Sec. 27-4 Designation of zones, is hereby amended by deleting the section in its entirety and inserting in place thereof the following:

For the purpose of these regulations the city is hereby divided into the following zones, differentiated according to use and regulations:

R-1A	Single-Family Residential Zone
R-1B	Single-Family Residential Zone
R-1C	Single-Family Residential Zone
R-2	Multi-Family Residential Zone
R-3	Multi-Family Residential Zone
C-1	Neighborhood Commercial Zone
C-2	General Commercial Zone
C-3	Central Business Zone
C-4	Planned Shopping Center Zone
C-5	Office Zone
C-6	Regional Shopping Center Overlay Zone
C-7	Sports and Convention Complex Zones
C-8	Highway Commercial Zone
DBSGOD	Downtown Brockton Smart Growth Overlay District and sub-districts
I-1	Industrial Park Zone
I-2	General Industrial Zone
I-3	Heavy Industrial Zone.
I-4	Salvage Yard Overlay District

Floodplain, Watershed and Wetland Protection Zone. Under the authority of Chapter 40A, section 2 of the General Laws of Massachusetts and all acts in amendment thereof and in addition thereto, and other enabling laws, the Brockton floodplain, watershed and wetlands protection zone is hereby designated for regulation of the construction, alteration, repair, location and use of buildings and land thereon, as shown on an official copy of the Flood Insurance Rate Maps (FIRM) and the Flood Boundary and Floodway Maps, City of Brockton, Massachusetts, Plymouth, Community Panel Numbers 25023C0069J, 25023C0152J, 25023C0162J, 25023C0166J, 25023C0167J, 25023C0176J, 25023C0178J, and 25023C0186J dated July 17, 2012, and as amended, on file with the city clerk, which maps are hereby made a part of this ordinance.

Chapter 27. Zoning is hereby amended by adding the following new Section 27-35.1 after Section 27-35, as follows:

Sec. 27-35.1 – I-4 Salvage Yard Overlay District.

The I-4 Salvage Yard Overlay Zone permits the use of land therein for a salvage or junk yard as defined in this section. The applicant shall have the option of applying for site plan approval pursuant to the zoning controls set forth in this section or complying with all applicable dimensional zoning controls set forth in the zoning ordinances of the City for the underlying zoning districts. Development projects proceeding under this section shall be governed solely by the provisions of this

section and shall be deemed exempt from the standards and/or procedures of the underlying zoning except for those of Article XV. – Site Plan Review. All existing salvage or junk yards existing within the Overlay Zone use and site development shall be grandfathered and not require any approvals except for an expansion of its existing buildings.

1. *Establishment and Delineation of Salvage Yard Overlay District.* The Salvage Yard Overlay district is an overlay district that is superimposed over the underlying zoning districts. The boundaries of the Salvage Yard Overlay are delineated as the “Salvage Yard Overlay district” on the official zoning map of the city on file in the office of the city clerk, said map hereby made a part of the zoning ordinance.
2. *General requirements.* The regulations of this section shall apply only to a Salvage or Junkyard use, and not to any other use that is allowed or permitted in the I-4 zoning district; all other uses shall be subject to the requirements of the underlying zoning district.
3. *Principal permitted uses.*
 - a) Any use permitted in an I-3 zone.
 - b) Salvage or Junkyards. Salvage or Junkyards by definition shall mean and include automobile salvage and wrecking operations, outdoor storage and junk yards including the wholesale and retail sale of parts new or used and scrap, open lot storage of junk, scrap, used, wrecked, or junk vehicles, parts, tires, and other similar salvaged articles including petroleum based salvage accessory to wrecking and junking operations, together with the sale of used or salvaged trucks and motor vehicles. Open lot storage shall not exceed thirty feet in height. Storage may be conducted indoors and may contain retail offices for the sale of used or new vehicles, parts new or used, and scrap.
4. *Permitted accessory uses.*
 - a. Any accessory use permitted in the I-3 Zone.
5. *Standards.* The following dimensional standards shall apply to building within the I-4 Salvage Yard Overlay District:

Building Height (maximum)	Five (5) stories or sixty (60) feet, or as authorized by special permit under Section 27-49
Lot area (minimum)	None
Lot frontage (minimum)	None
Lot depth (minimum)	None
Yards (minimum)	None
Front	None
Side	None
Rear	None
Floor area ratio	None
Off-street parking	As per subsection 27-54, Table 4, Manufacturing Industrial, General Commercial Uses. No additional parking spaces shall be required for other Salvage Yard uses.
Off-street loading	One as per Section 27-55, Table 5
Green space (minimum)	As determined by the Planning Board not to exceed 5%.

- a. Multiple buildings shall be allowed on any site within the Overlay Zone that may be connected or have a set back from existing buildings of no less than ten (10) feet.

6. *Parking.* Off-street parking and loading for a Salvage Yard shall comply with the following standards and provisions:
 - a. Off-street parking spaces shall have a minimum width of nine (9) feet and a minimum depth of eighteen (18) feet, except that when any part of a building column or light pole intrudes into a parking space that space shall have a minimum depth of sixteen (16) feet. There shall be adequate provisions for ingress and egress to all parking spaces. Access drives or driveways shall not be less than twelve (12) feet wide.

7. *Signs.* Signs erected and maintained in connection with a Salvage Yard shall be subject to Sections 27-63. – Definitions, 27-64. – Enforcement, and 27-68. – Maintenance, as those sections exist on the date of enactment of this Section 27-35.1. All existing signs are grandfathered. The following types of signs shall be permitted in connection with a Salvage Yard
 - a. One (1) freestanding (pylon) sign subject to the following requirements:
 - (i) Maximum height—Eighty-five (85) feet.
 - (ii) Maximum sign area—Nine hundred (900) square feet per side.
 - (iii) Minimum distance from lot lines—Ten (10) feet.
 - (iv) Illumination shall be either by a steady, stationary light shielded and directed solely at the sign, by interior, non-exposed lights, or as an Electric sign subject to Section 27-32.100(7)d, or a combination thereof.
 - b. Wall signs identifying or advertising the Salvage Yard and uses within the Salvage Yard, provided that no wall sign shall extend higher than twelve (12) feet above the top of the roof or parapet wall and that no more than fifteen (15) percent of any individual wall façade may be covered with such signs.
 - c. The area of a sign shall include all lettering, wording, and accompanying designs and symbols, together with the background on which they are displayed, any frame around the sign, and any “cutouts” or extensions, but shall not include any supporting structure or bracing.
 - d. Signs need not be located on the same lot as the identified use, provided that such signs shall be (i) installed pursuant to an easement or license agreement with the owner of the off-site property and (ii) located within the I-4 Salvage Yard Overlay district.

Be it further ordained that the Brockton Zoning Map is hereby amended to designate the Salvage Yard Overlay District as seen on the attached “EXHIBIT A”.

Councilor Paul Studenski

In City Council September 26, 2016
 Read and referred to standing committee
 on Ordinance and Planning.

Anthony J. Zeoli, City Clerk

In City Council November 28, 2016
 Passed to a third reading, by a hand vote.

Anthony J. Zeoli, City Clerk

In City Council December 12, 2016
 Ordained by a roll call vote taken by
 “yeas” and “nays”; nine members present
 and eight voting in the affirmative and

Councillor Beauregard voting in the
negative. Councillors Asack and
Rodrigues absent.

Anthony J. Zeoli, City Clerk

Sent to Mayor for Approval
December 15, 2016
Signed December 19, 2016

Bill Carpenter, Mayor
K07

In City Council, September 26, 2016

An Ordinance Amending Section 2-146 of the Revised Ordinances of the City of Brockton

Section 2-146 Compensation – School Committee members elected by Ward

This section is hereby amended by striking out the words “three thousand dollars” and Inserting in its place the words “five thousand dollars,” and by adding the following: “This amendment shall be effective January 1, 2018.”

Winthrop H. Farwell, Jr.
Councilor at Large

In City Council September 26, 2016

Read and referred to standing committee
on Ordinance .

Anthony J. Zeoli, City Clerk

In City Council November 28, 2016
Passed to a third reading, by a hand vote.

Anthony J. Zeoli, City Clerk

In City Council December 12, 2016

Ordained by a roll call vote taken by
“yeas” and “nays”; nine members present
and all voting in the affirmative.
Councillors Asack and Rodrigues absent.

Anthony J. Zeoli, City Clerk

Sent to Mayor for Approval
December 15, 2016
Signed December 19, 2016

Bill Carpenter, Mayor

K08

In City Council, September 26, 2016

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

The Personnel Director, or person in charge of the Personnel Department by whatever title, shall have the following, minimum qualifications to be eligible for appointment and employment:

1. A bachelor's degree in business management, human resources, public administration, or related field;
2. At least seven (7) years of full-time work experience in human resources, five (5) years of which shall be at the level of manager or above;
3. Demonstrated experience in collective bargaining, employee relations, performance evaluation, benefits administration, position classifications, pay administration, recruitment and placement, disciplinary action, employee grievances and employee training;
4. Human resources experience in both a union and non-union environment;

This section shall not apply to the current incumbent Personnel Director at the time of filing this amendment.

Winthrop H. Farwell, Jr.
Councilor at Large

In City Council September 26, 2016

Read and referred to standing committee on Ordinance .

Anthony J. Zeoli, City Clerk

In City Council March 27, 2017

Passed to a third reading, by a hand vote.

Anthony J. Zeoli, City Clerk

In City Council April 10, 2017

Ordained by a roll call vote taken by "yeas" and "nays"; nine members present and all voting in the affirmative. Councillors Cruise and Rodrigues absent.

Anthony J. Zeoli, City Clerk

Sent to Mayor for Approval
April 13, 2017
Signed April 13, 2017

Bill Carpenter, Mayor

K09

**AN ORDINANCE AMENDING CHAPTER II OF THE REVISED ORDINANCES
OF THE CITY OF BROCKTON**

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

Article V. Departments, Division 7. Department of Personnel. is hereby amended by adding the following new section:

SECTION 2-381A. Requirements.

- (a) It is the policy of the City of Brockton that no applicant for any position shall suffer discrimination based on race, sex, religion, national origin, physical disability, age, or sexual orientation. This shall apply to an original appointment or promotional position. The Personnel Director shall ensure that this policy is followed with regard to all hiring and promotions.
- (b) Every vacant position shall be advertised on the city's website, in the news media and/or social media, and on such other job boards or websites as the Personnel Director shall deem appropriate. The posting of an open position shall be for at least fourteen (14) calendar days. If a position is posted and remains vacant after ninety (90) days a new posting shall be made to attract an updated list of applicants. A record shall be kept of each posting and the dates and places when the posting appeared.
- (c) Subject to the provisions of applicable collective bargaining agreements and applicable law, the following shall apply to employment with the city:
 - (1) All applications for employment or promotion received by the Personnel Director shall be time stamped, recorded in an appropriate log, and maintained for a minimum period of three (3) years after date of receipt, or longer if required by state or federal law.
 - (2) On all applications for employment there shall be a question as to whether the applicant has a family member currently employed by the city, or employed by the city within the past year. The term "family member" shall be defined as "spouse, parent, sister, brother, grandparent, uncle, aunt, or cousin." Every applicant shall provide an answer to this question. In no case shall a relative as defined above supervise another family member.
 - (3) The Personnel Director shall ensure that all relevant information from prior employment references and personal references is obtained prior to selection for employment with the City of Brockton and is part of the screening process.
 - (4) For all new hires applying for a position which requires the use of a keyboard, computer, or software programs, a suitable administrative test shall be administered to ensure an applicant is capable of performing the duties and responsibilities of the position and to measure the proficiency of the applicant. The results of testing shall be retained for a minimum of three (3) years.

- (5) For all new hires where a requirement is that the candidate be bilingual, a suitable test shall be administered to ensure proficiency in the preferred language.
- (6) Every appointment or promotion in a department shall be accompanied by written certification from the department head that the most qualified person was selected.
- (7) Where equal qualifications exist, the City of Brockton shall choose candidates for employment or promotion so as to reflect the diversity of the population of the city. However, in no event shall a less qualified person be selected over a more qualified person as supported by testing, interviews, personal and employment references, or training and experience relevant to the position for which application was made.
- (8) An applicant providing false or misleading information on an application or during an interview shall be subject to termination even after employment begins if it is later determined that false information was provided. This statement shall be printed on each application form.
- (9) The Personnel Director shall also certify in writing that the most qualified person was selected for any position.

Positions which are covered by M.G.L. ch. 31, the Civil Service Law, shall be governed by the provisions of that law.

- (d) No elected or appointed official shall use his or her position to gain special consideration or to exert undue influence in favor of any applicant. This shall not include a personal reference attesting to the competency or character of an applicant. Any person violating this provision shall be subject to a fine of two hundred dollars (\$200) for each offense.
- (e) Persons hired for positions on Mayor's Staff shall be at the sole discretion of the Mayor.

Winthrop H. Farwell, Jr.
Councilor at Large

Councilor Thomas Monahan

In City Council February 27, 2017

Read and referred to standing committee on Ordinance .

Anthony J. Zeoli, City Clerk

In City Council May 22, 2017

Amendment passed by a hand vote.

Amendment...move to amend the last sentence in Sec.2-381A(c) (2) ordinance as follows: -by deleting the word "relative" and inserting in place thereof the words "family member"; &-by inserting the word

“directly” between the words “above” and
“supervise”.

Passed to a third reading, as amended, by a
hand vote.

Anthony J. Zeoli, City Clerk

In City Council June 26, 2017

Ordained, as amended, by a roll call vote
taken by “yeas” and “nays”; ten members
present and all voting in the affirmative.
Councillor Cruise absent.

Anthony J. Zeoli, City Clerk

Sent to Mayor for Approval

June 29, 2017

Signed June 29, 2017

Bill Carpenter, Mayor

K10

ORDINANCE

AN ORDINANCE AMENDING CHAPTER 8 OF THE REVISED ORDINANCES OF THE CITY OF BROCKTON.

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

I. Chapter 8. GARBAGE AND TRASH is hereby amended as follows: Sec. 8-3.1. - Definitions.

- (a) *Bulky Items* shall mean waste items too large or too heavy for a bag or barrel, but not classified as White Goods or CRT items, including, but not limited to, upholstered furniture, wooden furniture, beds, mattresses, rolled carpeting and the like.

(Ord. No. F006, 10-10-01)

Sec. 8-3.2. - Collection of solid waste, recyclables, yard waste, Bulky Items and holiday trees.

- (a) For collection by the City of Brockton or its contractor, each household must place solid waste in a City provided or approved solid waste container at a rate of one (1) barrel per household per week. Any solid waste in excess of the allowable one (1) barrel per household shall be placed in "City of Brockton bags" with the contents weighing no more than fifty (50) pounds.
- (b) For collection by the City of Brockton or its contractor, recyclables shall be placed in a City provided or approved recycling container properly identified.
- (d) For collection by the City of Brockton or its contractor, Bulky Items, with a limit of one (1) item per household per week, shall be placed at the curbside. The City may require a fee to be paid for pick up of Bulky Items in the future to offset the cost of managing these items. Any fee assessed must be paid to the City of Brockton or the City's Agent or authorized designee at the time the pick-up is scheduled.

(Ord. No. F006, 10-10-01)

Sec. 8-3.4. - Collection intervals.

The City of Brockton or its contractor shall be responsible for the collection of solid waste, and Bulky Items on a weekly basis year round. The collection shall be made from all premises, excepting commercial, industrial and multifamily (over five (5) units) dwellings, at least once each week, provided that the material is property stored for collection in containers complying with the provisions of this chapter.

The City of Brockton or its agent shall be responsible for the collection of recyclables on a bi-weekly (every other week) basis year round.

The City of Brockton or its agent shall be responsible for the collection of yard waste on a weekly basis between April 1 and December 15.

(Ord. No. F006, 10-10-01)

Sec. 8-3.5. - White goods and CRTs.

The City of Brockton or its agent shall be responsible for the collection of white goods and CRTs. The City of Brockton or the City's Agent or authorized designee must be informed of the need for the collection of the white good or CRT at least forty-eight (48) hours prior to the regular collection day. The City may require a fee to be paid for pick up of CRTs in the future to offset the cost of managing these items. Any fee assessed must be paid to the City of Brockton or the City's Agent or authorized designee at the time the pick-up is scheduled. The item shall not be placed at the curbside any earlier than 5:00 p.m. of the day before and no later than 7:00 a.m. of the regular collection day.

(Ord. No. F006, 10-10-01)

Sec. 8-3.6. - Fines and fees.

Any person that places or causes to be placed solid waste, recyclables, yard waste, Bulky Items, white goods or CRTs for collection by the City of Brockton or its contractor on any street, sidewalk or other public place prior to 5:00 p.m. of the day before their regular collection day shall be subject to a fine of twenty-five dollars (\$25.00). Each day shall constitute a separate violation.

Any person that allows solid waste, recyclables, yard waste, Bulky Items, white goods or CRTs to remain on the curb after the regular collection day, shall be subject to a fine of one hundred dollars (\$100.00) for the first violation in a year. All subsequent violations shall be subject to a fine of three hundred dollars (\$300.00). Each day shall constitute a separate violation.

Any person who receives five (5) violations in a calendar year shall be considered a chronic abuser and may be subject to revocation of trash collection.

Removal for public safety reasons of solid waste, recyclables, yard waste, hazardous waste, Bulky Items, white goods and/or CRTs in violation of section 8- 7 by an agent of the City of Brockton shall be charged a fee at the city's current cost.

(Ord. No. F006, 10-10-01)

Sec. 8-9. - Trash disposal fee.

There shall be in the City of Brockton a fee structure for trash disposal sufficient to recover the cost of the trash service offered by the city to its eligible citizens. Effective on all bills mailed on or after April 1, 2002, each dwelling unit receiving said service shall be charged two hundred seventy-four dollars (\$274.00) per year, billed at sixty-eight dollars fifty cents (\$68.50) per billing four (4) times a year.

Effective on all bills mailed on or after July 2, 2003, the fee shall be increased to two hundred eighty dollars (\$280.00), billed at seventy dollars (\$70.00) four (4) times per year.

The commissioner of the department of public works shall have the authority to set a fee or fees for the disposal of household hazardous waste, televisions, computer monitors, or other cathode ray tubes, Bulky Items and tires.

Prior to March 1 of each year, the commissioner of department of public works and the chief financial officer shall communicate to the city council their opinions of the fee necessary to accomplish the objective of recovering the cost of the trash service.

(Ord. No. D275, 10-26-89; Ord. No. GOOI, § 1, 4-25-02)

Sec. 8-10. -Abatement of fee.

- (a) Owners of owner-occupied multifamily dwellings of two (2) or three (3) units may arrange for the abatement of forty (40) percent of the trash disposal fee for the second or third unit of their dwellings if the unit is not being utilized for rental purposes. The abatement may be obtained by presenting the following to the department of public works within forty-five (45) days of the issuance of a bill for the trash disposal fee by the city:
- (1) A sworn statement from the property owner stating that the second or third unit will not be used for rental purposes during the billing period and that the property owner receives no rental income from the second or third unit.
 - (2) A certified copy of the most recent census listing indicating those persons residing at the property address.
 - (3) A copy of the property owner's previous year's federal and state tax return, not to be

placed on file.

- (b) Property owners subject to the trash disposal fee who have contracted with a private company for trash disposal may arrange for the full abatement of the fee by presenting a hardcopy or electronic copy of proof of private service by a licensed disposal contractor during the most recent billing period. Invoice must include the property owner's account number and list all property addresses serviced under the disposal contract. The invoice must be provided to the department of public works within forty-five (45) days of the issuance of a bill for the trash disposal fee.

Property owners who are age seventy (70) and entitled to exemptions under Massachusetts General Laws chapter 59, section 5, clauses 17D and 41C as determined annually by the board of assessors, shall be entitled to a full abatement of the trash disposal fee.

Property owners who are age sixty-five (65) by December 31 of the previous year and are entitled to exemptions under Massachusetts General Laws chapter 59, section 5, clauses 17D and 41C, if seventy (70), must apply annually to the commissioner of public works between January 1 and March 1 of the current year to be granted a full abatement of the trash disposal fee.

(Ord. No. D282, 3-29-90; Ord. No. D291, 7-27-90; Ord. No. D292, 7-27-90; Ord.

No. D308, 9-8-91; Ord. No. F006, 10-10-01; Ord. No. GOO1, § 2, 4-25-02)

This Ordinance shall be effective upon passage.

Councillor Shirley Asack

In City Council March 13, 2017

Read and referred to standing committee on Ordinance.

Anthony J. Zeoli, City Clerk

In City Council May 22, 2017

Amendment passed by a hand vote.

Amendment...move to amend the foregoing ordinance by deleting the third paragraph of Section 8-3.4 in its entirety and inserting in place thereof the following: "The City of Brockton, or its contractor, shall be responsible for the collection of yard waste on a weekly basis May 1 and June 30 and between November 1 and Dec 15. Collection from July 1 through Oct 31 will be bi-weekly. The collection shall be made from all premises, excepting commercial, industrial, and multi-family (over 5 units) dwellings, provided that the material is properly stored for collection in containers complying with the provisions of this Chapter."

Amendment... move to amend the foregoing ordinance by adding the following at the end of the third paragraph of Sec. 8-9: "The Commissioner shall submit a schedule of fees to the City Council for its approval prior to the implementation of such fees or any increase thereafter

Passed to a third reading, as amended, by a hand vote.

Anthony J. Zeoli, City Clerk

In City Council June 26, 2017

Ordained, as amended, by a roll call vote taken by "yeas" and "nays"; eleven members present and all voting in the affirmative.

Anthony J. Zeoli, City Clerk

Sent to Mayor for Approval
June 29, 2017
Signed June 29, 2017

Bill Carpenter, Mayor

K11

ORDINANCE:

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. Purpose.

The Initiative Petition for the Regulation and Taxation of Marijuana, also known as Ballot Question Four, was approved by voters at the Massachusetts State election on November 8, 2016. The purpose of this Act is to control the production and distribution of marijuana under a system that licenses, regulates and taxes the businesses involved in a manner similar to alcohol and to make marijuana legal for adults 21 years of age or older. The Act takes effect on December 15, 2016. Section 5 of the Act provides that a city or town may adopt ordinances and by-laws that impose reasonable safeguards on the operation of marijuana establishments, provided they are not unreasonably impracticable and are not in conflict with the Act or with regulations made pursuant to the Act.

Under the current Zoning Ordinance, a marijuana establishment is not defined and is not a permitted use in the City. As this is a new type of land use in the state, there will be unique and new aspects to the use that could require oversight and regulations. These local impacts, which could be legal, land use, public safety, and public health, should be evaluated and addressed in a comprehensive manner in the Zoning Ordinance prior to the permitting of a marijuana establishment. The moratorium, of a finite duration, will allow the City to carefully study the potential impacts, both primary and secondary, of such establishments and, through a directed planning process, recommend zoning ordinance amendments to address the

City's concerns in the context of the Master Plan and other City planning goals and objectives.

Section 27-143. Definition. "Marijuana establishment", a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.

Sec. 27-144. Establishment and Duration.

- a. No building permit, special permit, variance, site plan or other permit may be issued under this zoning ordinance, and no use of land or structures shall be allowed for the purpose of establishing a marijuana establishment.
- b. The moratorium shall be in effect through and including June 30, 2017, or until such time as zoning amendments are adopted that address marijuana establishments, whichever shall be sooner.

Sec. 27-145. Applicability. This Article shall be effective in all zoning districts in the city, including overlay districts.

Councillor Thomas Monahan

In City Council December 12, 2016

Read and referred to standing committee on Planning and Ordinance.

Anthony J. Zeoli, City Clerk

In City Council August 28, 2017

Amendment passed by a hand vote.
Passed to a third reading as amended by a hand vote.

Amendment: Sec.27-144. Establishment and Duration, second sentence to read: The moratorium shall be in effect through and including for six (6) months after enactment of this ordinance, or until such time as zoning amendment as adopted that address marijuana establishments, whichever will be sooner.

In City Council September 25, 2017

Ordained by a roll call vote taken by “yeas” and “nays”; eight members present and all voting in the affirmative. Councillors Barnes, Monahan and Studenski absent.

Anthony J. Zeoli, City Clerk

Sent to Mayor for approval

September 28, 2017

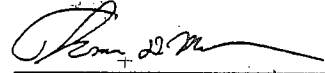
In City Clerk's Office,

Pursuant to Sec. 55 of the City Charter, the above #600 having been present to the Mayor on September 28, 2017 for approval, and ten days having passed without it being returned by the Mayor, is in force.

K12

AMENDMENT

Amend Section 27-144. Establishment and Duration, second sentence to read:
The moratorium shall be in effect through and including for six (6) months after
enactment of this ordinance, or until such time as zoning amendment as adopted that
address marijuana establishments, whichever shall be sooner.



Councilor Thomas Monahan

ATTACHMENT 5-3
Proposed Zoning Ordinance Language
March 3, 2017

In City Council, March 27, 2017

An Ordinance Amending Chapter 27, Zoning, of the Revised Ordinances of the City of Brockton by adding ARTICLE XVIII. - THATCHER STREET SMART GROWTH OVERLAY DISTRICT (TSSGOD).

ARTICLE XVIII. - THATCHER STREET SMART GROWTH OVERLAY DISTRICT (TSSGOD)

Sec. 27-140. - Generally.

(1) *Purposes.* The purposes of the Thatcher Street Smart Growth Overlay district are:

- a. To provide opportunities for new Multifamily residential development, while ensuring high quality site planning, architecture and landscape design that includes both new construction and renovation of existing buildings in close proximity to Massasoit Community College and the Crescent Street commercial corridor..
- c. To provide for a diversified housing stock within the neighborhood at a variety of costs including affordable housing, and in housing types that meet current and projected future needs of the city's population.
- d. To generate positive tax revenue, and to benefit from the financial incentives provided by M.G.L.A. c. 40R, while providing new housing options in close proximity to local employers and everyday amenities.

(2) *Scope and authority.* The TSSGOD is established pursuant to the authority of M.G.L.A. c. 40R and associated Chapter 40R Regulations, and is shown on the zoning map of the city, as amended and on file in the office of the City Clerk. The district is deemed to overlay the area shown on the zoning map and is superimposed over the underlying district(s). The Applicant shall have the option of pursuing approval in accordance with the zoning controls set forth in this article or complying with all applicable zoning controls set forth in the Zoning Ordinance of the city for the Underlying Zoning districts. Development Projects proceeding under this article shall be governed solely by the provisions of this article and shall be deemed exempt from the standards and/or procedures of the Underlying Zoning, including limitations on the issuance of building permits for residential uses related to rate of development or phased growth limitation or to a local moratorium on the issuance of such permits, or to other building permit or Dwelling Unit limitations.

(3) *Site Plan Review.* Development within the TSSGOD may require Site Plan Review in accordance with the thresholds and procedures provided in Section 27-148.

Sec. 27-141. - Definitions.

As used in this article, the following terms shall have the meanings set forth below:

Affordable Housing - housing that is affordable to and occupied by Eligible Households.

Affordable Housing Restriction— A deed restriction of an Affordable Housing unit meeting statutory requirements in M.G.L.A. c. 184 § 31 and the requirements of Section 27-147.

Affordable Rental Unit—A Dwelling Unit required to be rented to an Eligible Household per the requirements of Section 27-147.

Affordable Homeownership Unit —A Dwelling Unit required to be sold to an Eligible Household per the requirements of this article.

Annual Update—A list of all approved and currently proposed Smart Growth Districts within the city, to be filed on or before July 31 of each year with the Massachusetts

Department of Housing and Community Development (DHCD) pursuant to M.G.L.A. c. 40R and associated Chapter 40R Regulations.

Applicant—A landowner or other petitioner that files a Site Plan for a Development Project subject to the provisions of the Smart Growth District.

Approving Authority / Plan Approval Authority (PAA)—The Planning Board of the City of Brockton acting as the authority designated to review projects and issue approvals under this article.

As-of-right Development—A Development Project allowable under this article without recourse to a special permit, variance, zoning amendment, or other form of zoning relief. A Development Project that is subject to the Site Plan Review requirement of this article shall be considered an As-of-right Development.

Chapter 40 R Regulations – Those regulations promulgated under 760 CMR 59.00 et seq.

Curb Level—For the purposes of measuring building height, the level of the curb in front of the center of the building or portion thereof under consideration. Where no Curb Level has been established, the level of the ground at the center of the traveled portion of the street shall be considered the equivalent of the Curb Level, and where the building does not adjoin the street, the average level of the proposed grade line of the ground immediately adjacent to the building as shown on the building plans shall be considered as the Curb Level.

Development Project or Project—A development undertaken pursuant to this article, including the construction, reconstruction, conversion, alteration, relocation, enlargement or substantial rehabilitation of any structure(s) or building(s) on a lot or lots within the TSSGOD.

Design Standards—Standards for the appearance and construction of residential development listed in Section 27-145 that are applicable to all Development Projects within the TSSGOD subject to Site Plan Review by the Approving Authority.

Dwelling Unit—One (1) room or rooms connected together constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or Dwelling Units which may be in the same building and containing independent cooking and sleeping facilities. The following types of Dwelling Units are specifically defined:

- (1) *Multifamily*—A residential building containing four (4) or more Dwelling Units designed for occupancy by the same number of families as the number of Dwelling Units.
- (2) *Townhouse*—Attached multi-story row housing containing four (4) or more Dwelling Units in the aggregate.

Eligible Household—An individual or household whose annual income is at or below eighty (80) percent of the area-wide Median Household Income as determined by the United States Department of Housing and Urban Development (HUD), adjusted for household size, with income computed using HUD's rules for attribution of income to assets.

Family—One (1) or more persons occupying a Dwelling Unit as a single household provided that domestic employees may be housed on the premises without being counted as a Family or Families.

Household Income, Median—The median income, adjusted for household size, as reported by the most recent information from, or calculated from regulations promulgated by, the United States Department of Housing and Urban Development (HUD).

Monitoring Agent or Administering Agency – the Brockton Housing Authority or other qualified housing entity designated by the Approving Authority, pursuant to Section 27-147(6)c, to review and implement the Affordable Housing requirements.

Parties in Interest—The petitioner, abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within three hundred (300)

feet of the property line of the petitioner as they appear on the most recent applicable tax list.

Site Plan—A plan depicting a proposed Development Project for all or a portion of the Smart Growth District and which is submitted to the Approving Authority for its review and approval in accordance with the provisions of Section 27-148.

Site Plan Approval or Plan Approval—The Approving Authority's authorization for a proposed Development Project based on a finding of compliance with this article and Design Standards after the conduct of a Site Plan Review.

Site Plan Review—The review procedure established by this article and administered by the Planning Board of the City of Brockton, acting solely in its capacity as the Approving Authority.

Smart Growth District—An overlay zoning district adopted pursuant to M.G.L.A. c. 40R, in accordance with the procedures for zoning adoption and amendment as set forth in M.G.L.A. c. 40A and approved by the department of housing and community development pursuant to M.G.L.A. c. 40R and associated 40R regulations.

Underlying Zoning—The zoning requirements adopted pursuant to M.G.L.A. c. 40A that are otherwise applicable to the geographic area in which the TSSGOD is located, as said requirements may be amended from time to time.

Unduly Restrict—A provision of a Smart Growth District or a Design Standard that adds unreasonable costs or unreasonably impairs the economic feasibility of proposed Development Projects in a Smart Growth District.

Unrestricted Unit—A Dwelling Unit that is not restricted as to rent, price or eligibility of occupants.

Use, Accessory—A use subordinate to the Principal Use on the same lot or in the same structure and serving a purpose customarily incidental to the Principal Use, and which does not, in effect, constitute conversion of the Principal Use of the lot, site or structure to a use not otherwise permitted in the Smart Growth District. Accessory Uses are permitted or prohibited in the Smart Growth District to the same extent as if such uses were Principal Uses.

Use, Principal—The main or primary purpose for which a structure, building, or lot is designed, arranged, licensed, or intended, or for which it may be used, occupied, or maintained under this article.

Sec. 27-142. - Allowed and prohibited uses.

The following uses shall be permitted in the TSSGOD As-of-right upon Site Plan Approval pursuant to the provisions of this article.

- (1) Multifamily homes
- (2) Townhouses
- (3) Accessory Uses customarily incidental to any permitted use including, but not limited to, management and social and resident services offices and resident facilities.

Sec. 27-143. - Dimensional and other requirements.

(1) *Residential density allowance.* Residential density within the TSSGOD shall be allowed up to twenty-two (22) units per acre of land area qualifying as "developable" or "underutilized" in accordance with M.G.L. c. 40R and 760 CMR 59.00.

(2) *Building height.* The maximum building height within the TSSGOD shall be fifty (50) feet. Building height shall be the vertical distance measured from the Curb Level to the highest point of the structure or roof, but not including chimneys, spires, towers, elevator

penthouses, tanks and similar projections, provided such excluded projection does not exceed the maximum building height by more than ten (10) feet.

- (3) *Setbacks from district boundaries.* All buildings and parking areas shall be set back from district boundaries and the edge of a public right of way by a minimum of ten (10) feet.
- (4) *Number of buildings on a lot.* In the TSSGOD, more than one (1) principal structure may be erected on a lot following a determination by the Approving Authority that the entire lot and all structures are planned and designed as a unified complex and appropriate provisions are made for parking, access, drainage and utilities.
- (5) *Additional dimensional standards and requirements.* There is no minimum requirement for open space and no maximum allowable lot coverage. All aspects of site design, shall comply with the Design Standards for the TSSGOD as applicable, adopted pursuant to Section 27-145.
- (6) *Contiguous lots.* In the TSSGOD, where two or more lots are contiguous and in common ownership or are separated by a right-of-way, such lots may be considered as one (1) lot for the purpose of calculating parking requirements and Dwelling Units per acre.
- (7) *Lot Frontage.* All lots in the TSSGOD shall have a minimum frontage of forty (40) feet. Multiple phases on the same lot are allowed and will be deemed to satisfy this requirement so long as the lot meets the minimum frontage requirement.
- (8) *Age-restricted housing units.* An Applicant may propose a Development Project in which all Dwelling Units are designed for or accessible to the elderly or the handicapped under all applicable laws and regulations, provided that not less than twenty-five (25) percent of the housing units in any such Development Project shall be Affordable Housing units.

Sec. 27-144. - Off-street parking.

Notwithstanding anything to the contrary in the TSSGOD, the parking requirements applicable in TSSGOD are as follows:

- (1) *Residential use.* A minimum of 1.0 space per Dwelling Unit and a maximum of 1.5 spaces per Dwelling Unit shall apply.
- (2) *Location of parking.* Surface parking areas shall be located and designed in accordance with the Design Standards in Section 27-145.
- (3) *Shared use of required parking.* Shared use may be made of required parking spaces by intermittent use establishments such as churches, whose peak parking demand is only at night or on weekends and by other uses whose peak demand is only during the day. A formal agreement shall be made in writing by the owners of the uses involved concerning the number of spaces involved, substantiation of the fact that such shared use is not overlapping or in conflict, and the duration of the agreement. Such intermittent use establishments shall be within six hundred (600) feet of the principal buildings served.
- (4) *Cooperative establishment and operation of parking areas.* Required spaces for any number of uses may be provided in a combined lot or lots, provided that the number of spaces in the combined facility shall not be less than the sum of those required of the individual uses, with allowances made, upon formal designation, for night use or for separate and distinct working shifts, and provided also that such lot or lots shall be within six hundred (600) feet of the principal buildings served.
- (5) *Disability access.* Parking shall be designed and constructed to comply with all applicable disability access requirements including, but not limited to, the Americans with Disabilities Act (ADA).
- (6) *Waiver of Parking Requirements:* Notwithstanding anything to the contrary herein, any minimum required amount of parking may be reduced upon a demonstration to the reasonable satisfaction of the Approving Authority that the lesser amount of parking will not cause excessive congestion, endanger public safety, or that lesser amount of parking will provide positive environmental or other benefits, taking into consideration:

- a. Age or other occupancy restrictions which are likely to result in a lower level of auto usage;
- b. Impact of the parking requirement on the physical environment of the affected lot or adjacent lots including reduction in green space, destruction of significant existing trees and other vegetation;
- c. The availability of surplus street parking in the vicinity of the use being served and/or the proximity of a bus station or major transportation route.

Sec. 27-145. - Design Standards.

The following Design Standards shall apply to development within the TSSGOD

(1) Architecture and Buildings

- a. Materials
 - (1) Structures should convey a sense of quality, durability and permanence. Buildings should use materials that are durable, economically maintained, and of quality that will retain their appearance over time.
 - (2) Building façade materials permitted within the district include but are not limited to brick, wood, cementitious fiber board, manufactured limestone, cast stone, masonry, stone, glass, cellular PVC trim, aluminum, and tile.
 - (3) A combination of materials should be used in order to create visual interest.
 - (4) Windows may include aluminum, vinyl, or fiberglass for the purposes of achieving energy efficient design.
- b. Features
 - (1) Building roofs may generally include: dormers, cornices, pitched roofs, and flat roofs
 - (2) Windows may include: fixed, single or double-hung, casement, or awning,
 - (3) Residential buildings may be sited to allow for front steps, balconies, planted front setbacks with raised front entrances, and front and/or rear porches.

(1) Landscaping. The following should be taken into account:

- a. Drought tolerant and non-invasive plant species that require minimal irrigation and fertilizer shall be selected.
- b. Preservation of significant existing trees or other native site vegetation should occur as practical.
- c. Potential locations for community garden spaces for residents should be identified on Site Plans where practical.
- d. Buildings shall have foundation landscaping where practical.
- e. Amenities may include, but not be limited to, bicycle racks, street furniture, fences, stone walls, courtyards, playgrounds, gazebos, water features, and picnic benches.

(2) Site Lighting

- a. Lighting shall not create overspill onto adjacent properties or upwards into the night sky except per 2(b).
- b. Uplighting is permitted when used as follows:
 - (1) To light entrances.
 - (2) To light site signage.
 - (3) To light architectural features.
- c. Lighting should be provided for sidewalks and paths that link buildings with public spaces and parking areas, wherever practical.

(3) Stormwater Management

- a. Systems shall be designed to incorporate "Best Management Practices" (BMP) as prescribed by MA DEP, in addition to employing Low Impact Development (LID) strategies, where practical.

(4) Parking and Roadways

- a. Parking may be located on-street within the complex or in parking lots in front, to the side, or to the rear of new or existing buildings. Parking should be appropriately screened from public ways.

- b. Vehicular circulation shall meet the needs of emergency and public safety vehicles based on reasonable requirements of the Brockton Chief of Police and Fire Chief.
 - c. Roadways shall be designed to encourage to traffic calming and safety for pedestrians and bicyclists.
 - d. Sidewalks, crosswalks, and walkways should be provided as needed for connectivity within the district.
- (5) Dumpsters, Utilities, Service Areas
- a. All utilities shall be underground, to the extent feasible.
 - b. All dumpster, utility, and service areas shall be screened, to the extent feasible.
- (6) Phasing
- a. Multiple phases on the same lot are allowed so long as the lot meets the Lot Frontage requirement.

Sec. 27-146. - Open spaces and recreational areas—Design and location.

The site design for Development Projects may include common open space and facilities. Where proposed, the plans and any necessary supporting documents submitted with an application for Site Plan Approval within the TSSGOD shall show the general location, size, character, and general area within which common open space or facilities will be located. The plans and documentation submitted to the Approving Authority shall include a description of proposed ownership and maintenance of all common open space or facilities.

Sec. 27-147. - Affordable housing.

- (1) *Number of Affordable Housing units.* Twenty (20) percent of all Dwelling Units constructed in a homeownership and or rental Development Project shall be Affordable Homeownership Units or Affordable Rental Units as applicable. In Development Projects in which all of the Dwelling Units are limited to occupancy by elderly persons and/or by persons with disabilities, twenty-five (25) percent of the Dwelling Units shall be Affordable Housing unit, whether the Dwelling Units are rental or ownership units.
- (2) *Fractional units.* When the application of the percentages specified above results in a number that includes a fraction, the fraction shall be rounded up to the next whole number if the fraction is 0.5 or more. If the result includes a fraction below 0.5, the fraction shall be rounded down to the next whole number.
- (3) *Requirements.* Affordable Housing units shall comply with the following requirements:
- a. The monthly rent payment for an Affordable Rental Unit, including utilities and parking, shall not exceed thirty (30) percent of the maximum monthly income permissible for an Eligible Household, assuming a Family size equal to the number of bedrooms in the unit plus one (1), except in the event another methodology is otherwise approved by DHCD based on another applicable project-based state or federal housing subsidy program eligible under the state's Subsidized Housing Inventory (SHI).
 - b. For an Affordable Homeownership Unit the monthly housing payment, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowner's association fees, insurance, and parking, shall not exceed thirty (30) percent of the maximum monthly income permissible for an Eligible Household, assuming a Family size equal to the number of bedrooms in the unit plus one (1) unless another methodology is otherwise approved by DHCD or approved under another applicable state housing subsidy program providing financing and eligible under the SHI.
 - c. Affordable Housing units required to be offered for rent or sale shall be rented or sold to and occupied only by Eligible Households.
- (4) *Design and construction.*
- a. *Design.* Except where otherwise specifically approved in writing by DHCD or to the extent provided for below in Section (5).B., Affordable Housing units must be

dispersed equitably throughout a Development Project and proportionately across all unit types offered, and be comparable in initial construction quality and exterior design to the Unrestricted Units. However, nothing in this section is intended to limit a homebuyer's rights to renovate a Dwelling Unit under applicable law. The Affordable Housing units must have access to all on-site amenities. Affordable Housing units shall be finished housing units.

- b. *Timing.* All Affordable Housing units must be constructed and occupied not later than concurrently with construction and occupancy of Unrestricted Units. Except to the extent provided for below in Section (5).b., in Development Projects that are constructed in phases, the minimum number of required Affordable Housing units must be constructed and occupied, at a minimum, in proportion to the number of units in each phase of the Development Project.

(5) *Unit mix.*

- a. Except as provided for below in Section (5).b., the number of bedrooms per unit in the Affordable Housing units shall be at least proportionate to the number of bedrooms per unit in the Unrestricted Units.
- b. If only one (1) Affordable Housing unit is required and the other units in the Development Project have various numbers of bedrooms, the Applicant may select the number of bedrooms for that unit. If Affordable Housing units cannot mathematically be exactly proportioned in accordance with the Unrestricted Units, the unit mix shall be determined by the Approving Authority.

(6) *Affordable Housing Restriction.* Each Affordable Housing unit shall be subject to an Affordable Housing Restriction which is recorded with the Plymouth County Registry of Deeds or Land Court Registry District of Plymouth County. The Affordable Housing Restriction shall provide for the implementation of the requirements of this section. All Affordable Housing Restrictions must include, at minimum, the following:

- a. A description of the Affordable Homeownership Unit, if any, by address and number of bedrooms; and a description of the overall quantity and number of bedrooms and number of bedroom types of Affordable Rental Units in a project or portion of a project which are rental. Such restriction shall apply individually to the specifically identified Affordable Homeownership Unit and shall apply to a percentage of rental units of a rental project or the rental portion of a project with the initially designated Affordable Rental Units identified in, and able to float in accordance with, the corresponding Affirmative Fair Housing Marketing Plan (AFHMP) and DHCD's AFHMP guidelines.
- b. The term of the Affordable Housing Restriction which shall be in perpetuity or for the longest period allowed by law if other than in perpetuity, but shall be no less than thirty (30) years.
- c. The name and address of an Administering Agency / Monitoring Agent with a designation of its power to monitor and enforce the Affordable Housing Restriction.
- d. Reference to a housing marketing and resident selection plan, to which the Affordable Housing unit is subject, and which is consistent with DHCD's Affirmative Fair Housing Marketing and Resident Selection Plan Guidelines and includes an affirmative fair housing marketing program, including public notice and a fair resident selection process. The housing marketing and selection plan may provide for local preferences in resident selection to the extent consistent with applicable law and DHCD's corresponding guidelines. The plan shall designate the household size appropriate for a unit with respect to bedroom size and provide that preference for such unit shall be given to a household of the appropriate size.
- e. A requirement that buyers or tenants will be selected at the initial sale or initial rental and upon all subsequent sales and rentals from a list of Eligible Households compiled in accordance with the housing marketing and selection plan.
- f. Reference to the formula pursuant to which rent of an Affordable Rental Unit or the maximum resale price of an Affordable Homeownership Unit will be set.

- g. A requirement that only an Eligible Household may reside in an Affordable Housing unit and that notice of any lease or sublease of any Affordable Housing unit shall be given to the Administering Agency.
- h. Provision for effective monitoring and enforcement of the terms and provisions of the Affordable Housing Restriction by the Administering Agency.
- i. Provision that the restriction on an Affordable Homeownership Unit shall run in favor of the Administering Agency and the city, in a form approved by municipal counsel, and shall limit initial sale and resale to and occupancy by an Eligible Household.
- j. Provision that the owner(s) or manager(s) of Affordable Rental Unit(s) shall file an annual report to the Administering Agency, in a form specified by that agency certifying compliance with the provisions of this section and containing such other information as may be reasonably requested in order to ensure affordability.
- k. Provision that the restriction on Affordable Rental Units in a rental project or rental portion of a project shall run with the rental project or rental portion of a project and shall run in favor of the Administering Agency and/or the city, in a form approved by municipal counsel, and shall limit rental and occupancy to an Eligible Household.
- l. A requirement that residents in Affordable Housing units provide such information as the Administering Agency may reasonably request in order to ensure affordability.
- m. Designation of the priority of the Affordable Housing Restriction over other mortgages and restrictions.

(7) *Administration.* An Administering Agency for Affordable Housing units, which may be the Brockton Housing Authority or other qualified housing entity, shall be designated by the Approving Authority and shall ensure the following:

- a. Prices of Affordable Homeownership Units are properly computed; rental amounts of Affordable Rental Units are properly computed.
- b. Income eligibility of households applying for Affordable Housing units is properly and reliably determined.
- c. The housing marketing and resident selection plan conforms to all requirements and is properly administered.
- d. Sales and rentals are made to Eligible Households chosen in accordance with the housing marketing and resident selection plan with appropriate unit size for each household being properly determined and proper preference being given.
- e. Affordable Housing Restrictions meeting the requirements of this section are recorded with the Plymouth County Registry of Deeds or Land Court Registry District of Plymouth County.

The housing marketing and selection plan may make provision for payment by the owner of reasonable costs to the Administering Agency to develop, advertise, and maintain the list of Eligible Households and to monitor and enforce compliance with Affordable Housing requirements.

In the case where the Administering Agency cannot adequately carry out its administrative duties, upon certification of this fact by the Approving Authority or by the department of housing and community development, the administrative duties shall devolve to and thereafter be administered by a qualified housing entity designated by the Approving Authority or, in the absence of such designation, by an entity designated by the department of housing and community development.

Sec. 27-148. – Administration.

(1) *Applicability*

Proposals for residential Development Projects in the TSSGOD shall require Site Plan Review by the Approving Authority/Plan Approval Authority, as part of the Site Plan Approval process. The Approving Authority may adopt administrative rules and regulations

relative to the Site Plan Approval process. Such rules and regulations and any subsequent amendments must be expressly approved in writing by DHCD and on file with the City Clerk.

(2) *Pre-application review*

The Applicant is encouraged to participate in a pre-application review at the office of the city planner. The purpose of the pre-application review is to obtain the advice and direction of municipal departments typically involved in the regulatory permitting process prior to filing the application. At the pre-application review the Applicant shall outline the proposal and seek preliminary feedback from the office of the city planner and other municipal review entities.

(3) *Application procedures*

- a. *Filing.* The Applicant and his/her agent is to complete an application form available from the City and submit Site Plans in accordance with subsection (4) below. The City Clerk shall stamp the time and date received on this application form, which is the official date of the application per M.G.L. Ch. 40R.
- b. *Review fees.* The Applicant shall be required to pay for reasonable consulting fees to provide peer review of the application for the benefit of the Approving Authority. Such fees shall be held by the city in an interest-bearing escrow account, and shall be used only for expenses associated with the use of outside consultants employed by the Approving Authority in reviewing the Site Plan application. Such fees may be used only for reasonable, invoiced expenses associated with the review of the application by outside consultants including, but not limited to, attorneys, engineers, urban designers, housing consultants, planners and others. Any surplus funds remaining after the completion of such review, including any interest accrued, shall be returned to the Applicant forthwith.
- c. *Certification of complete application.* Within thirty (30) days of the Applicant filing of an application with the City Clerk, the Approving Authority or its designee shall evaluate the proposal with regard to its completeness and shall submit an advisory report in writing to the Applicant certifying the completeness of the application. The Approving Authority or its designee shall provide a letter to the applicant advising whether the application has been deemed complete. Where an application is deemed incomplete, the Approving Authority or its designee shall provide a list of the information that is missing.
- d. *Review by other municipal agents.* Upon receipt and filing with the City Clerk, applications shall be distributed to other municipal boards and departments typically involved in the regulatory permitting process. Advisory reports from these municipal boards and departments shall be submitted to the Approving Authority within sixty (60) days of the filing of the application. Failure of any other municipal agent to provide a report within sixty (60) days of the filing of the application shall be interpreted as lack of opposition to any element of the proposal. The Approving Authority or its designee shall forward to the Applicant copies of all recommendations received from other boards or departments within the prescribed sixty-day review period.
- e. *Notice of Public Hearing.* The Approving Authority shall hold a public hearing for the review of any Site Plan Review application. Notice of the public hearing shall be given by publication in a newspaper of general circulation in the City once in each of two successive weeks, the first publication to be not less than fourteen (14) days before the day of the hearing and by posting such notice in a conspicuous place in City Hall for a period of not less than fourteen (14) days before the day of such hearing. Notice to Parties in Interest, as defined in this ordinance, shall be sent by mail, postage prepaid. The assessors maintaining any applicable tax list shall certify to the Approving Authority the names and addresses of Parties in Interest and such certification shall be conclusive for all purposes. The Approving Authority may accept a waiver of notice from, or an affidavit of actual notice to any party in interest or, in his stead, any successor owner of

record who may not have received a notice by mail, and may order special notice to any such person, giving not less than five (5) nor more than ten (10) additional days to reply.

- (4) *Application Contents* In order to be considered complete, all applications for TSSGOD Site Plan Approval shall be comprised of the following:
- a. Completed TSSGOD application form.
 - b. Complete list of abutters certified by the City Assessor, including address labels.
 - c. Development Plan Summary (narrative) including:
 - (1) Proposed housing unit count and/or square footage of any Accessory Uses or structures;
 - (2) Proposed number, location, configuration and design of proposed off-street parking spaces;
 - (3) Information regarding the proposed number, type, location, deed restriction and marketing of proposed; and
 - (4) Proposed off-site improvements (if any).
 - d. Proposed Site Plan drawings at 1"=40' scale or greater stamped by a Massachusetts Registered Professional Engineer or other appropriate professional including one (1) original and fifteen (15) copies at 24" x 36" dimension; and two (2) paper copies at 11" x 17". The Site Plan drawings shall contain the following information:
 - (1) Project name, boundaries, north arrow, date scale.
 - (2) Assessor's parcel numbers of lot(s) subject to the Application.
 - (3) Names and address of Applicant and project engineer.
 - (4) Existing conditions on the lot(s).
 - (5) Proposed names of new street(s), if any.
 - (6) Proposed building footprints, parking areas, pedestrian ways.
 - (7) Grading and stormwater management including location of stormwater management Best Management Practices and construction details.
 - (8) Data to determine location, direction, width and length of every street line, lot line, easement, zoning district and boundary line.
 - (9) Indication of location and purpose for existing and proposed easements, if any.
 - (10) Existing and proposed topography at two-foot contours.
 - (11) Proposed landscaping plan
 - (12) Proposed lighting plan.
 - e. A statement detailing any proposed public improvements.
 - f. Building elevation drawings at 1"= 4' (including proposed construction materials and colors).
 - g. Stormwater calculations demonstrating the adequate sizing of all selected BMPs.
 - h. A Stormwater Management Operation and Maintenance Plan.
 - (1) The name(s) of the owner(s) for all components of the system.
 - (2) A map showing the location of the systems and facilities including, but not limited to, catch basins, manholes/access lids, drain pipes, and stormwater devices.
 - (3) Maintenance agreements that specify:
 - a. The names and addresses of the person(s) responsible for operation and maintenance;
 - b. The person(s) responsible for financing maintenance and emergency repairs;
 - c. An Inspection and Maintenance Schedule for all temporary erosion and sediment control practices and permanent stormwater management facilities, including routine and non-routine maintenance tasks to be performed;
 - d. A list of easements with the purpose and location of each; and
 - e. The signature(s) of the owner(s).

(5) *Site Plan Review decision.*

- a. Unless the time period for a decision is extended by written agreement between the Applicant and the Approving Authority, the Approving Authority shall make a decision on the Site Plan application filed under Section 27-148(3) above and file its decision with the City Clerk within one hundred twenty (120) days of the date that the application was received by the City Clerk. The time limit for public hearings and taking of action by the approving authority may be extended by written agreement between the Applicant and the approving authority. A copy of such agreement shall be filed with the City Clerk.
 - b. Failure of the Approving Authority to take action within one hundred twenty (120) days or extended time, if applicable, shall be deemed to be an approval.
 - c. An Applicant who seeks approval because of the Approving Authority's failure to act on an application within the one hundred twenty (120) days or extended time, if applicable, must notify the City Clerk in writing, within fourteen (14) days from the expiration of said time limit for a decision, of such approval and that a copy of that notice has been sent by the Applicant to the Parties in Interest by mail and that each such notice specifies that appeals, if any, shall be made pursuant to M.G.L.A. c. 40R and shall be filed within twenty (20) days after the date the City Clerk received such written notice from the Applicant that the Approving Authority failed to act within the time prescribed.
 - d. The Approving Authority's findings, including the basis of such findings, shall be stated in a written decision of approval, conditional approval or denial of the Site Plan Approval application. The written decision shall contain the name and address of the Applicant, identification of the land affected and its ownership, and reference by date and title to the plans that were the subject of the decision. The written decision shall certify that a copy of the decision has been filed with the City Clerk and that all plans referred to in the decision are on file with the Approving Authority.
 - e. The decision of the Approving Authority, together with the detailed reasons therefore, shall be filed with the City Clerk.
 - f. Effective date. If twenty (20) days have elapsed after the decision or the notice under paragraph (c), above, has been filed in the office of the City Clerk without an appeal having been filed or if such appeal, having been filed, is dismissed or denied, the City Clerk shall so certify on a copy of the decision. If the application is approved by reason of the failure of the Approving Authority to timely act, the City Clerk shall make such certification on a copy of the application. A copy of the decision or application shall be recorded with the title of the land in question in the Plymouth County Registry of Deeds or the Plymouth Land Registry District, and indexed in the grantor index under the name of the owner of record or recorded and noted on the owner's certificate of title. The responsibility and the cost of said recording and transmittal shall be borne by the owner of the land in question or the Applicant.
- (6) *Criteria for approval.* The Approving Authority shall approve the Development Project upon the following findings:
- a. The Applicant has submitted the required fees and information as required by the City; and
 - b. The proposed Development Project as described in the application meets all of the requirements and standards set forth in this article and applicable Design Standards, or a waiver has been granted there from; and
 - c. Any extraordinary adverse potential impacts of the project on nearby properties have been adequately mitigated.
- (7) *Criteria for conditional approval.* The Approving Authority may impose conditions on a Development Project as necessary to ensure compliance with this article and the Design Standards set forth in Section 27-145, or to mitigate any extraordinary adverse impacts of the Development Project on nearby properties, insofar as such conditions are compliant with the provisions of M.G.L.A. c. 40R and associated Chapter 40R Regulations and do not Unduly Restrict opportunities for development. The Approving Authority may allow

construction of an approved Development Project to be phased for the purpose of coordinating the Development Project with:

- a. Anticipated on-site or off-site infrastructure improvements;
 - b. Securing of financial subsidies related Affordable Housing Restrictions;
 - c. The review of other related permit applications on the site including but not limited to applications for a subdivision, or applications before the Conservation Commission, Board of Health, or any state agency.
- (8) *Criteria for denial.* The Approving Authority may deny an application for Site Plan Approval pursuant to this article only if it finds one or more of the following:
- a. The Development Project does not meet the conditions and requirements set forth in this article and applicable Design Standards.
 - b. The Applicant failed to submit information and fees required by this article and necessary for an adequate and timely review of the design of the Development Project or potential Development Project impacts.
 - c. It is not possible to adequately mitigate significant adverse Development Project impacts on nearby properties by means of suitable conditions.
- (9) *Time limit.* A Site Plan Approval shall remain valid and shall run with the land indefinitely provided that construction has commenced within three (3) years after the decision issues, which time shall be extended by the time required to adjudicate any appeal from such approval. Said time shall also be extended if the project proponent is actively pursuing other required permits for the project or if there is good cause for the failure to commence construction, or as may be provided in an approval for a multiphase Development Project.
- (10) *Appeals.* Pursuant to M.G.L.A. c. 40R, § 11, any person aggrieved by a decision of the Approving Authority must appeal to the superior court, the land court, or the district court within twenty (20) days after the Site Plan decision or notice under Section 5(c) above has been filed in the office of the City Clerk.

Sec. 27-149. - Waivers.

Pursuant to M.G.L. c. 40R, the Approving Authority may authorize waivers with respect to the standards set forth in this article in the Site Plan Approval upon a finding that such waiver will allow the Development Project to achieve the affordability, density of housing units, mix of uses, and/or physical character allowable under this article. However, the Approving Authority may not waive any portion of the affordable housing requirements in Section 27-147 except insofar as such waiver results in the creation of a number of Affordable Housing units in excess of the minimum number of required Affordable Housing units and is also waived by DHCD with their decision provided in writing to the City.

Sec. 27-150. - Fair housing requirement.

All Development Projects within the TSSGOD shall comply with applicable federal, state and local fair housing laws.

Sec. 27-151. - Annual Update.

On or before July 31 of each year, the city planner for the City of Brockton shall cause to be filed an Annual Update with the Department of Housing and Community Development (DHCD) in a form to be prescribed by DHCD. The Annual Update shall contain all information required in 760 CMR 59.07, as may be amended from time to time, and additional information as may be required pursuant to M.G.L.A. c. 40S and accompanying regulations. The City Clerk of the City of Brockton shall maintain a copy of all updates transmitted to DHCD pursuant to this article, with said copies to be made available upon request for public review.

Sec. 27-152. - Notification of issuance of building permits.

Upon issuance of a residential building permit within the TSSGOD, the Building inspector of the city shall cause to be filed an application to the department of housing and community

development (DHCD), in a form to be prescribed by DHCD, for authorization of payment of a one-time density bonus payment for each Bonus Unit (as defined in 760 CMR 59.00) granted a building permit issued pursuant to M.G.L.A. c. 40R. The application shall contain all information required in 760 CMR 59.06(2), as may be amended from time to time, and additional information as may be required pursuant to M.G.L.A. c. 40S and accompanying regulations. The City Clerk of the City of Brockton shall maintain a copy of all such applications transmitted to DHCD pursuant to this article, with said copies to be made available upon request for public review.

§ 27-153. Change in plans after approval by Approving Authority.

- (1) Minor change. After Plan Approval, an Applicant may apply to make minor changes. Minor changes are those that do not qualify as a major change as defined in subsection (2) below. Such minor changes must be submitted to the Approving Authority on so-called "bubbled" prints of the approved plan, reflecting the proposed changes. The Approving Authority may authorize such changes at any regularly scheduled meeting, without the need to hold a public hearing. The Approving Authority shall set forth any decision to approve or deny such minor change by motion and written decision within thirty (30) days after the Applicant has filed the application, and the Approving Authority shall provide a copy of its decision to the Applicant for filing with the City Clerk and failure by the Approving Authority to act on a minor change application within thirty (30) days shall result in the deemed approval of the application and proposed change as a minor change.
- (2) Major change. Major changes shall be processed by the Approving Authority as an amendment for Plan Approval pursuant to this article, including a public hearing. Major changes shall include:
 - a. An increase to the proposed number of Dwelling Units by 10% or greater.
 - b. A decrease to the proposed number of parking spaces by 10% or greater.
 - c. An increase to the proposed number of parking spaces by 10% or greater, or by an amount that would require increases to the proposed design capacity of on-site stormwater management BMPs.
 - d. Increase or decrease to the footprint of any proposed residential structure by more than five thousand (5,000) square feet.
 - e. Movement of any automobile access point along the public right of way by more than thirty (30) feet.
 - f. Realignment of any interior roads or parking features that would make circulation of emergency response vehicles more difficult.
 - g. Any change that, in the opinion of the Approving Authority, could pose a threat to public health, safety, or welfare.

§ 27-154. Enforcement and appeal.

The provisions of the TSSGOD shall be administered by the Building Inspector, except as otherwise provided herein. Any appeal arising out of action by the Approving Authority regarding application for Plan Approval shall be governed by the provisions of MGL c. 40R applicable to As-of-right projects which have been subject only to a nondiscretionary Site Plan Review not involving or requiring any special permit and shall be made to a court of competent jurisdiction as set forth in MGL c. 40A, § 17. Any other request for enforcement or appeal arising under this article shall be governed by the applicable provisions of MGL c. 40R.

§ 27-155. Freeze during process; effectiveness and validity of Plan Approval.

- (1) An application to the Approving Authority for Plan Approval shall be governed by the applicable provisions of this article in effect at the time of the submission of the application, while the plan is being processed, during the pendency of any appeal, and for three years after the resolution of an appeal after Plan Approval. If an application is

denied, such provisions in effect at the time of the application shall continue in effect with respect to any further application filed within two years after the date of the denial, except as the Applicant may otherwise choose.

- (2) A Plan Approval, and any and all minor changes thereto sought by an Applicant, shall remain valid and shall run with the land indefinitely, and a Project shall be governed by the applicable provisions of this article in effect at the time of the submission of the original application for such original Plan Approval (without regard to applications for minor changes) indefinitely, provided that construction of the Project covered by such Plan Approval has commenced within three (3) years after the decision is issued, which time shall be extended by the time required to adjudicate any appeal from such approval and which time shall also be extended if the Project proponent is actively pursuing other required permits for the Project or there is other good cause for the failure to commence construction, or as may be further extended as provided in a Plan Approval for a multiphase Project. Such commencement of construction of the first phase of a Project covered by such Plan Approval within such three-year period, as so extended, shall constitute the timely commencement of construction of all phases of the entire Project for the purposes of this article. No phase of a Project shall be in violation of zoning on account of a violation of zoning solely by one or more other phases of such Project. For purposes of this article, commencement of construction shall include any material expenditure of funds on utility relocation, site work or environmental remediation, footings or foundation for any portion or phase of the Project.
- (3) The Approving Authority may impose, but shall not be required to impose, such outside time limits for the commencement of the final phase of a phased Project as it sees fit, provided that the earliest date for such required commencement of such final phase shall not be earlier than eight (8) years after the Plan Approval decision is issued, as extended as provided above, nor later than fifteen (15) years after the Plan Approval decision is issued, as extended as provided above, and further provided that any failure to meet such outside time limits shall only affect the right to construct the unbuilt phase(s) and shall not affect the previously constructed phase(s) or the respective rights of the same. In the event of a casualty affecting a building or structure which itself, or the use thereof, would be nonconforming with the provisions of this article but for the grandfathering provided by this section, such structure may be repaired, rebuilt and/or reconstructed, as necessary, provided that any such repair, rebuilding or reconstruction shall be commenced within three years after the date of such casualty, and shall thereafter be diligently and continuously prosecuted to completion. Except as provided in any one or more of the preceding sentences of this subsection, any amendment to this article shall apply to building permits applied for after the first notice of public hearing on such amendment.
- (4) The owner of a Project, or applicable portion thereof, may choose to waive the benefit of the provisions of this section in writing.
- (5) No further Plan Approval, special permit, variance or the like shall ever be required to reconstruct a Project, or portion thereof, following any casualty.

Sec. 27-156. - Date of effect.

The effective date of this article shall be the date on which such adoption is voted upon by the Brockton City Council pursuant to the requirements of M.G.L.A. c. 40A § 5 and M.G.L.A. c. 40R provided, however, that an Applicant may not proceed with construction pursuant to this article prior to the receipt of final approval of this article and accompanying zoning map by the department of housing and community development.

Sec. 27-157. - Severability.

The provisions of this article are severable. If any provision of this article is held invalid, the other provisions shall not be affected but shall remain in full force.

Secs. 27-158—27-164. - Reserved.

Councillor Paul F. Studenski

In City Council March 27, 2017

Read and referred to standing committee
on Planning and Ordinance.

Anthony J. Zeoli, City Clerk

In City Council August 28, 2017

Passed to a third reading with stipulations,
by a hand vote.

Stipulations: That the Director of Planning
and Economic Development submit a
comparison of the estimated real estate taxes
that would be generated at Thatcher Street
property if it were redeveloped as Single
Family by right, Single Family with a
Variance and under proposed TSSGOD and
also reviewed by City Assessor.

Anthony J. Zeoli, City Clerk

In City Council September 25, 2017

Councillor Cruise motioned to postpone and
was properly seconded. The motion carried
by a hand vote.

Anthony J. Zeoli, City Clerk

In City Council October 10, 2017

Councillor Farwell motioned to refer to
Finance Committee and was properly
seconded. The motion carried by a hand
vote.

Anthony J. Zeoli, City Clerk

In City Council October 23, 2017

Councillor Studenski motioned to postpone and was properly seconded. The motion carried by a hand vote.

Anthony J. Zeoli, City Clerk

In City Council November 13, 2017

Councillor Cruise motioned to refer to Ordinance and Planning Committee and was properly seconded. The motion carried by a hand vote.

Anthony J. Zeoli, City Clerk

In City Council December 26, 2017

Ordained by a roll call vote with stipulations, taken by "yeas" and "nays"; ten members present with eight voting in the affirmative. Councillors Barnes and Beaauregard voting in the negative. Councillor Cruise motioned to file for reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

Anthony J. Zeoli, City Clerk

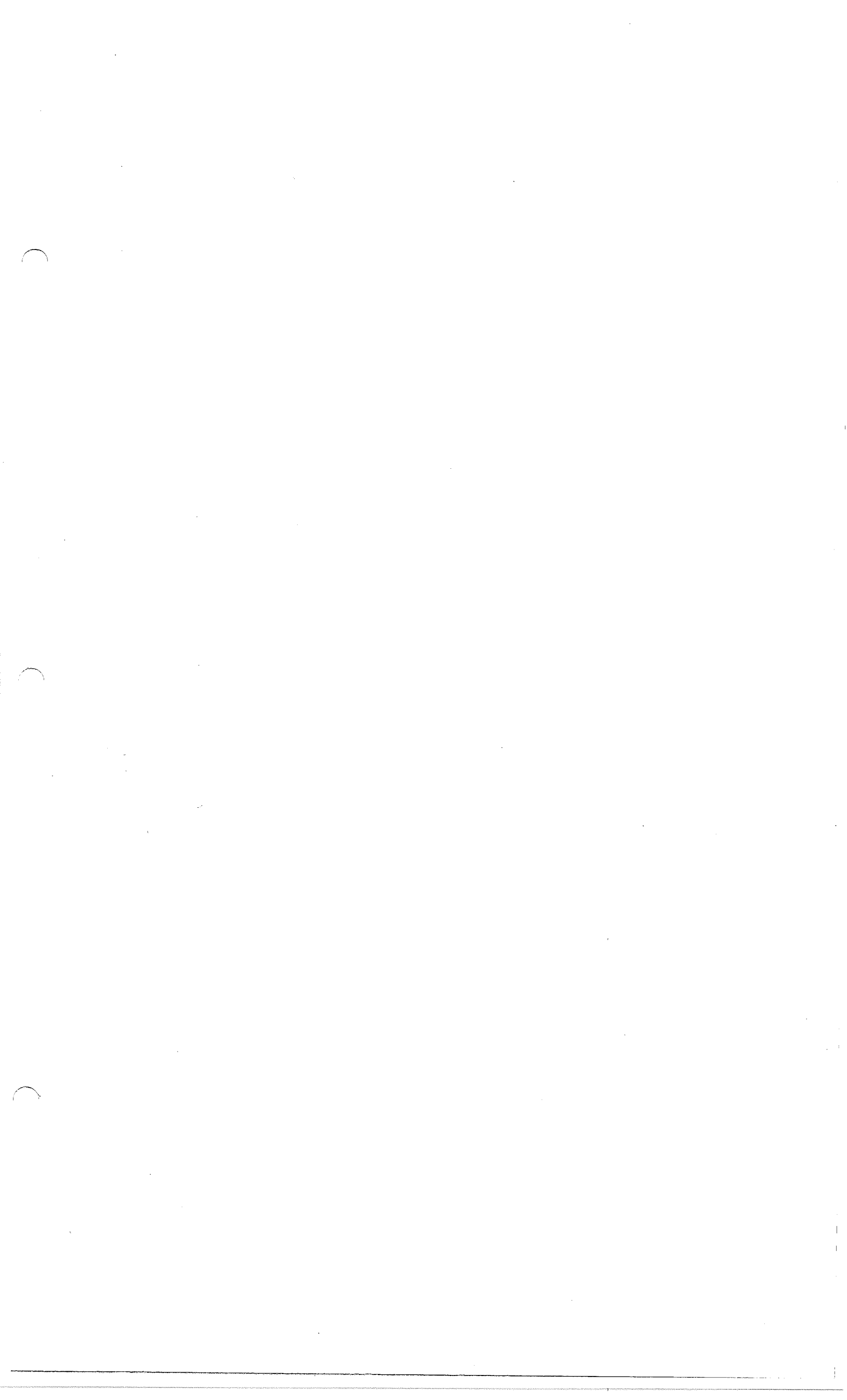
Sent to Mayor for approval:

December 27, 2017

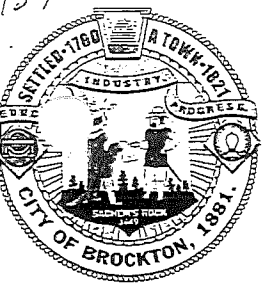
Signed December 30, 2017

Bill Carpenter, Mayor

K13



139



CITY OF BROCKTON

Department of Planning and Economic Development

Planning Board

RECEIVED
JUN 30 2017
CITY CLERK'S OFFICE
BROCKTON MA
Conservation Commission

BILL CARPENTER
MAYOR

June 30, 2017

Anthony Zeoli, City Clerk
City of Brockton
45 School Street
Brockton MA, 02301

RE: Estimated Real Estate Taxes for proposed Thatcher Street Smart Growth Overlay District (TSSGOD) currently before Ordinance Committee

Dear Mr. Zeoli:

Attached, please find for the Ordinance Committee a spreadsheet that compares the estimated real estate taxes that would be generated at Thatcher Street property if it were redeveloped as Single Family by right, Single Family with a Variance, and under the proposed TSSGOD. The spreadsheet has been reviewed by the City Assessor, who concurs with the estimates.

Sincerely,

Rob May, CEcD
Director of Planning and Economic Development

261 Thatcher Street, Brockton, MA

Preliminary Real Estate Tax Projections

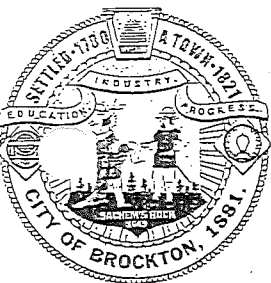
Multi-Family (under Thatcher Street Smart Growth Overlay District)	
Total Units - New Construction (Planned)	137
Total Units - Adaptive Reuse of Convent (Planned)	38
Projected Per Unit Assessed Value (see Assumption #5)	\$80,000
Total Projected Assessed Value (see Assumption #5)	\$ 14,000,000
Assessed Value / \$1000	\$ 14,000
Property Tax Revenue per year (at full buildout)	\$ 243,040

City of Brockton Assessment Rate (FY16)	
\$ 17.36 per \$1000	(Residential Tax Rate)

Single Family Real Estate Projections (if TSSGOD is not approved)			
Single Family	Average Assessed Value		
As of Right - ANR			
# of Single Family Homes	Avg Assessed Value per unit		
3	\$ 235,659.70	\$ 706,979.10	Total Projected Assessed Value
		707 per \$1000	
		\$ 12,273	Property Tax Revenue per year (at full buildout)
Planning Board Subdivision Approval			
# of Single Family Homes			
10	\$ 235,659.70	\$ 2,356,597.01	Total Projected Assessed Value
		2357 per \$1000	
		\$ 40,911	Property Tax Revenue per year (at full buildout)

Assumptions:

1. TSSGOD will be established to permit 175 units, with 165 categorized as Bonus Units per the City's TSSGOD 40R DHCD Application
2. The Single Family Projections consists of an analysis of over 60 properties in the Thatcher Street/East Street areas, including several new construction homes not yet listed in the database but provided by the Assessor's Office.
3. The multi-family Projected Per Unit Assessed Value is based on an analysis of over a dozen local multi-family properties of affordable, market rate, senior and family housing from the City Assessor's Online Database.
4. TSSGOD would permit 175 units as of right; the current zoning permits only 3 single family homes as of right. Up to 10 would be permitted only if a subdivision plan were approved by the Planning Board.
5. The Projected Assessed Value for the multi-family units proposed under TSSGOD are based on average per unit assessments, as noted in Assumption No. 3. The actual assessed value for multi-family units developed under TSSGOD will be based on final unit sizes and finishes, unit income targeting, rent and income restrictions and other appropriate factors, which, at this time, are unknown while the City is reviewing the proposed development or the economic viability of such a development.
6. The # of single family homes represents the maximum number of homes capable of being developed as a sub division under current zoning and Planning Board Regulations but does not factor the costs of



CITY OF BROCKTON

Department of Planning and Economic Development

Planning Board

Conservation Commission

BILL CARPENTER
MAYOR

December 6, 2017

Anthony Zeoli, City Clerk
City of Brockton
45 School Street
Brockton, MA 02301

RE: Ordinance Amendment - An Ordinance Amending Chapter 27, Zoning. of the Revised Ordinances of the City of Brockton by adding ARTICLE XVIII. - THATCHER STREET SMART GROWTH OVERLAY DISTRICT (TSSGOD).

Dear Mr. Zeoli:

The Planning Board held a public hearing on December 5, 2017 regarding the above entitled change. Please be advised that the Board voted 3-2 to recommend the change unfavorably.

Very truly yours,

David Wheeler
David Wheeler
Chairperson

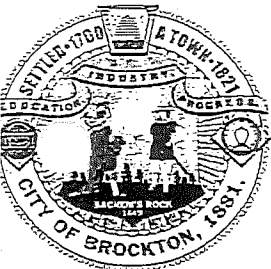
DW:pg

RECEIVED
CITY CLERK'S OFFICE
CITY OF BROCKTON, MA

2017 DEC - 6 AM 9:48

RECEIVED

45 School Street, Brockton, Massachusetts 02301 508-580-7113 planning@cobma.us



CITY OF BROCKTON

Department of Planning and Economic Development

Planning Board

Conservation Commission

BILL CARPENTER
MAYOR

June 29, 2017

Anthony Zeoli, City Clerk
City of Brockton
45 School St
Brockton MA, 02301

RE: Chapter 27, Zoning, Amending Chapter XXVII Zoning of the Revised Ordinances of the City of Brockton:
by Article: Article XVIII. Thatcher Street Smart Growth Overlay District (TSSGOD) by inserting the following:
(See attached.)

Dear Mr. Zeoli:

On May 16, 2017, the Planning Board held a public hearing regarding the above entitled change. Please be advised the Board voted 5-0 to recommend the change favorably with the conditions that information be provided showing a tax revenue analysis by comparing by-right single family residential development to number of units of what will be proposed in this 40R Ordinance.

Very truly yours,

David Wheeler
David Wheeler
Chairperson

DW:pg

2017 JUN 29 AM 11:43
CITY CLERK'S OFFICE
BROCKTON MA

RECEIVED

In City Council, November 14, 2016

ORDINANCE:

An Ordinance Amending Chapter II of the Revised Ordinances

Chapter II, Section 11-211 of the Revised Ordinances is hereby amended by adding the following subsection:

“Section (d):

There shall be one (1) license issued for each two thousand (2,000) population as recorded in the most recent federal census at the time of application for a license. No additional licenses shall be issued until the number of existing licenses corresponds to this provision.”

Winthrop H. Farwell, Jr.
Councilor at Large

In City Council November 14, 2016

Read and Referred to Standing
Committee on Ordinance.

Anthony J. Zeoli, City Clerk

In City Council, May 22, 2017

Amendment passed by a hand vote.
Passed to a third reading, as
amended.

Anthony J. Zeoli, City Clerk

Amendment: The limitation as to the number of licenses set forth herein shall not apply to the holder of a Class 1 License as described in M.G.L. Ch. 140, sec. 58(b). The limitation as to the number of licenses set forth herein shall not apply to the holder of a Garage License, so-called, issued under the provisions of M.G.L. Ch. 148, sec. 13 so long as such licensee applies for a motor vehicle repair license within one hundred twenty (120) days of the effective date of this Ordinance.

In City Council, June 26, 2017

Ordained, as amended, by a roll call vote taken by "yeas" and "nays"; eleven members present with ten voting in the affirmative. Councillor Cruise voting in the negative

Sent to the Mayor for approval
June 29, 2017

VETO 6/30/17
2:57PM
Bill Carpenter
Mayor

In City Council July 24, 2017

The question is on the Mayor's veto.

Councillor Farwell motioned to postpone until the September City Council meeting and was properly seconded. The motion carried by a hand vote.

Anthony J. Zeoli, City Clerk

In City Council August 28, 2017

The question comes before the council, "Shall the Ordinance stand the Mayor's veto to the contrary notwithstanding?"

The Ordinance stood by a roll call vote taken by "yeas" and "nays"; nine members present and all voting in the affirmative. Councillors Cruise and Sullivan absent.

Councillor Farwell motioned for reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

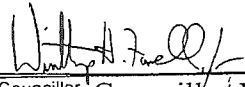
Anthony J. Zeoli, City Clerk

567

AMENDMENT

I hereby move to amend the Ordinance as follows:

The limitation as to the number of licenses set forth herein shall not apply to the holder of a Class 1 License as described in M.G.L. Ch. 140, sec. 58(b). The limitation as to the number of licenses set forth herein shall not apply to the holder of a Garage License, so-called, issued under the provisions of M.G.L. Ch. 148, sec. 13 so long as such licensee applies for a motor vehicle repair license within one hundred twenty (120) days of the effective date of this Ordinance.



Councillor Councillor Winthrop Farwell

In City Council February 12, 2018

AN ORDINANCE REVISING ARTICLE II, SECTION 25 OF THE CITY
ORDINANCES

Be it ordained by the City Council of the City of Brockton, that Section 2-25 of the City Ordinances be revised as follows:

Sec. 2-25. - Regular meetings. Revised.

All regular meetings of the city council shall be held in the city council chamber in the city hall, on the second and fourth Mondays of each month at 7:00 p.m., except there shall be only one meeting during the months of June, July, and August and such meetings shall be on the fourth Monday. Whenever a regular meeting day falls on a holiday, the next regular business day shall be the date for such meeting. Whenever a regular meeting night falls on December 24th, the following December 27th shall be the date for such meeting.

Councillor Winthrop Farwell, Jr.

Councillor Dennis R. Eaniri

In City Council February 12, 2018
Read and Referred to Standing
Committee on Ordinance

Anthony J. Zeoli
City Clerk

In City Council March 26, 2018

Passed to a third reading, by a hand vote.

Anthony J. Zeoli
City Clerk

In City Council April 9, 2018

Ordained by a roll call vote taken by
"yeas" and "nays"; eleven members present
and all voting in the affirmative. Councillor
Sullivan motioned to file for reconsideration
with the wish that it not prevail and was
properly seconded. Reconsideration failed by a
hand vote.

Anthony J. Zeoli
City Clerk

Sent to the Mayor for approval:
April 10, 2018
Bill Carpenter, Mayor

ORDINANCE:

AN ORDINANCE AMENDING CHAPTER 17, ARTICLE IV, DIVISION 2, HISTORICAL DISTRICT COMMISSION AND DIVISION 3, CERTIFICATES OF APPROPRIATENESS, NONAPPLICABILITY, OR HARDSHIP.

BE IT ORDAINED BY CITY COUNCIL AS FOLLOWS:

Chapter 17, Article IV, Division 2, Historical District Commission and Division 3, Certificates of Appropriateness, Nonapplicability, or Hardship is hereby amended by deleting the Divisions in their entirety and inserting in place thereof the following:

DIVISION 2. - HISTORICAL COMMISSION

Sec. 17-96. - *Established.*

There is hereby established the historical commission of the city.

Sec. 17-97. - *Members.*

- (a) The historical commission shall consist of five (5) members to be appointed by the mayor subject to confirmation by the city council. The commission shall include one member to be appointed from three (3) nominees submitted by the Brockton Historical Society, one member to be appointed from two (2) nominees submitted by the Massachusetts State Association of Architects, one member to be appointed from three (3) nominees submitted by the Brockton Board of Realtors, two (2) members to be appointed where possible from residents or owners of property in the historic district administered by the commission. If within thirty (30) days after submission of a written request for nominees to an organization entitled to submit nominations for membership on the commission no such nominations have been made the appointing body may proceed to make the appointment to the commission without nomination by such organization.
- (b) When the commission is first established, one member shall be appointed for a term of one year, two (2) shall be appointed for a term of two (2) years, and two (2) shall be appointed in like manner for terms of three (3) years. At the expiration of their respective terms, the successors shall be appointed for three-year terms in the manner described previously. Vacancies for the unexpired term shall be filled in the same manner as in the original appointment. Each member shall continue in office until his successor is duly appointed and qualified.
- (c) Reserved.
- (d) All members shall serve without compensation.

Sec. 17-98. - *Officers and meetings.*

- (a) The historical commission shall elect annually a chairman and vice-chairman from its own number and a secretary from within its number.
- (b) Three (3) members shall constitute a quorum.
- (c) A member of the staff of the office of the city planner shall attend the meetings of the historical commission to provide technical assistance.

Sec. 17-99. - *Powers and duties.*

The historical commission shall:

- (1) Issue certificates of appropriateness, of nonapplicability, and of hardship without which no building or structure in a historic district may be constructed or altered in any way that affects exterior architectural features, except as exempted from control in that district.
- (2) Issue certificates of appropriateness, of nonapplicability, and of hardship, for the reconstruction of a building, structure or exterior architectural feature damaged or destroyed by fire, storm, or other disaster, except as exempted from control in that district.
- (3) Issue a certificate of nonapplicability, upon request, with respect to construction or alteration in any category then not subject to review by the commission in accordance with the exceptions in any historic district.

Issue a certificate of appropriateness to an applicant if the commission determines that the construction or alteration for which an application for a certificate of appropriateness has been filed will be appropriate for or compatible with the preservation or protection of the historic district. In the case of a disapproval of an application for a certificate of appropriateness the commission shall place upon its records the reasons for such determination and shall forthwith cause a notice of its determination, accompanied by a copy of the reasons therefor as set forth in the records of the commission, to be issued to the applicant, and the commission may make recommendations to the applicant with respect to appropriateness of design, arrangement, texture, material and similar features. Prior to the issuance of any disapproval the commission may notify the applicant of its proposed action accompanied by recommendations of changes in the applicant's proposal which, if made, would make the application acceptable to the commission. If within fourteen (14) days of the receipt of such notice the applicant files a written modification of his application in conformity with the recommended changes of the commission, the commission shall cause a certificate of appropriateness to be issued to the applicant.

(4) Consider, among other things, in passing upon matters before it, the historic and architectural value and significance of the site, building or structure, the general design, arrangement, texture, material and color of the features involved, and the relation of such features to similar features of buildings and structures in the surrounding area. In the case of new construction or additions to existing buildings or structures the commission shall consider the appropriateness of the size and shape of the building or structure both in relation to land area upon which the building or structure is situated and to buildings and structures in the vicinity, and the commission may in appropriate cases impose dimensional and set-back requirements in addition to those required by the Brockton Zoning Ordinance. The commission shall not consider interior arrangements or architectural features not subject to public view.

The commission shall not make any recommendation or requirement except for the purpose of preventing developments incongruous to the historic aspects or the architectural characteristics of the surroundings and of the historic district.

- (5) If the construction or alteration for which an application for a certificate of appropriateness has been filed shall be determined to be inappropriate, or in the event of an application for a certificate of hardship, determine whether, owing to conditions especially affecting the building or structure involved, but not affecting the historic district generally, failure to approve an application will involve a substantial hardship, financial or otherwise, to the applicant and whether such application may be approved without substantial detriment to the public welfare and without substantial derogation from the intent and purposes of this ordinance. If the commission determines that owing to such conditions failure to approve an application will involve substantial hardships to the applicant and approval thereof may be made without such substantial detriment or derogation, or, in the event of failure to make a determination on an application within the time specified in section 17-113, the commission shall cause a certificate of hardship to be issued to the applicant.

- (6) Carry out the powers and duties of historic district commissions.
- (7) The Historical Commission established hereunder will also function as the local Historical Commission with all of the powers set forth in G.L. c.40, Section 80.
- (8) Propose from time to time as the commission deems appropriate the establishment of additional historic districts and changes in historic districts.
- (9) Cooperate with and advise city departments and city agencies in matters involving historic sites and buildings within an historic district.
- (10) Formulate and publish guidelines for construction or alterations of buildings, structures and appurtenant fixtures in an historic district, and to make these guidelines available to other interested persons.
- (11) Carry out such other powers, authority and duties as may be delegated or assigned to it from time to time by vote of the city council.

Sec. 17-100. - Rules and regulations.

The historical commission shall adopt rules and regulations for the conduct of its business, not inconsistent with the provisions of the Historic Districts Act, or with the provisions of the instant chapter. The original copy of all such rules and regulations, and all amendments, deletions or additions thereto, shall be filed with the city clerk.

Secs. 17-101-17-110. - Reserved.

DIVISION 3. - CERTIFICATES OF APPROPRIATENESS, NONAPPLICABILITY OR HARDSHIP

Sec. 17-111. - Prerequisite to building or demolition permits.

No building permit for construction of a building or structure or for alteration of an exterior architectural feature within a historic district and no demolition permit for demolition or removal of a building or structure within a historic district shall be issued by the city or any department thereof until a certificate of appropriateness, certificate of nonapplicability or certificate of hardship has been issued by the historical district commission.

Sec. 17-112. - Application.

Excepting in those cases where certain exterior architectural features are excluded from control in an historic district any person who desires to obtain a certificate from the historical commission shall file with the commission an application for a certificate of appropriateness, a certificate of nonapplicability or a certificate of hardship, as the case may be, together with such plans, elevations, specifications, material and other information, including in the case of demolition or removal a statement of the proposed condition and appearance of the property thereafter, as may be reasonably deemed necessary by the commission to enable it to make a determination on the application. All applications shall be accompanied by such a filing fee, if any, as the commission shall, from time to time, determine.

Sec. 17-113. - Issuance.

The historical commission shall take action within sixty (60) days of the filing of an application for a certificate of appropriateness, a certificate of nonapplicability, or a certificate of hardship, as the case may be, in accordance with the provisions of Section 11 of the Historic Districts Act, or any section relative thereto or in amendment thereof.

Sec. 17-114. - Appeals.

Any applicant aggrieved by a determination of the historical commission may, within twenty (20) days after the filing of the notice of such determination with the city clerk, file a

written request with the commission for a review by a person of competence and experience in such matters designated by the Old Colony Planning Commission. The finding of the person making such review shall be filed with the city clerk within forty-five (45) days after the request, and shall be binding on the applicant and the commission, unless a further appeal is sought in the superior court as provided in Section 12A of the Historic District Act.

Secs. 17-115-17-125. - Reserved.

Councillor Anne Beauregard

In City Council February 12, 2018
Read and Referred to Standing
Committee on Ordinance

Anthony J. Zeoli
City Clerk

In City Council March 26, 2018

Passed to a third reading, by a hand vote.

Anthony J. Zeoli
City Clerk

In City Council April 9, 2018

Ordained by a roll call vote taken by
"yeas" and "nays"; eleven members present and all
voting in the affirmative.

Anthony J. Zeoli
City Clerk

Sent to the Mayor for approval:
April 12, 2018
Bill Carpenter, Mayor

K16

AN ORDINANCE AMENDING ARTICLE II, SECTION 23-30 OF THE
REVISED ORDINANCES OF THE CITY OF BROCKTON

Section 23-30 of the Revised Ordinances is hereby repealed and in its place the following is inserted:

Section 1: There is hereby established a water commission (hereinafter referred to as "commission") which shall consist of three (3) residents of the city to be appointed by the mayor, subject to confirmation by the city council, and shall include one (1) member with extensive experience in the field of administration or business, one (1) member with extensive experience in the field of finance or accounting, and one (1) member with extensive experience in the field of engineering, and two (2) residents of the city appointed by the president of the city council. All members shall be for a term of three (3) years. The public works commissioner shall serve as a non-voting member of the commission. The chairman shall be selected by the members of the commission annually. The current members of the commission in office on the date this ordinance becomes effective shall continue to serve for the remainder of their original terms.

Section 2: The commission shall serve in an advisory capacity. When requested by the commissioner, the commission may research and recommend improvements, acquisition of equipment, or extensions to the water system.

Annually, during the month of April, the commission shall hold a public hearing on the matter of rates charged for water, connections, or other related fees.. The commission shall recommend to the mayor and city council any proposed changes in the rate structure on or before May 1st.

Section 3: The commissioner shall have charge of the water system of the city and all improvements, extensions and equipment pertaining thereto, and shall have charge and supervision over all employees assigned to work thereon. Provided, however, any new connection to the water system that is estimated to exceed fifty thousand (50,000) gallons per day shall be approved by the mayor and city council.

Section 4: The current water systems manager, employed on the effective date of this ordinance, may continue in his employment for the remainder of his term of appointment. Thereafter, the mayor, with the approval of the city council may make any future appointment or allow the position to remain vacant.

Section 5: All meetings of the commission shall be subject to the Open Meeting Law and any related regulations and requirements. Members serving on the commission shall be bound by provisions of the State Ethics Laws and any related regulations and requirements.

This ordinance shall become effective July 1, 2018, so as to allow time for proper notice to any collective bargaining unit affected by the designation of the commissioner as head of the water division and its employees.

Winthrop H. Farwell, Jr.
Councilor at Large

IN CITY COUNCIL FEBRUARY 12, 2018

READ AND REFERRED TO STANDING COMMITTEE
ON ORDINANCE

Anthony J. Zeoli, City Clerk

In City Council May 14,

The amendment passed by a hand vote.

Passed to a third reading, as amended, by a hand vote.

Anthony J. Zeoli, City Clerk

In City Council June 25, 2018

Ordained by a roll call vote taken by "yeas" and "nays";
ten members present and all voting in the affirmative.
Councillor Sullivan absent. Councillor Farwell motioned
ot file for reconsideration with the wish that it not
prevail and was properly seconded. Reconsideration
failed by a hand vote.

Anthony J. Zeoli, City Clerk

SENT TO MAYOR FOR APPROVAL:

June 26, 2018

Bill Carpenter
June 26, 2018

K17

Amendment:

In City Council, February 12, 2018

AN ORDINANCE AMENDING ARTICLE II, SECTION 23-30 OF THE
REVISED ORDINANCES OF THE CITY OF BROCKTON

Section 23-30 of the Revised Ordinances is hereby repealed and in its place the following is inserted:

Section 1: There is hereby established a water commission (hereinafter referred to as "commission") which shall consist of three (3) residents of the city to be appointed by the mayor, subject to confirmation by the city council, and shall include one (1) member with extensive experience in the field of administration or business, one (1) member with extensive experience in the field of finance or accounting, and one (1) member with extensive experience in the field of engineering, and two (2) residents of the city appointed by the president of the city council. All members shall be for a term of three (3) years. The public works commissioner (hereinafter referred to as "commissioner") shall serve as a non-voting member of the commission. The chairman shall be selected by the members of the commission annually. The current members of the commission in office on the date this ordinance becomes effective shall continue to serve for the remainder of their original terms.

Section 2: The commission shall serve in an advisory capacity. When requested by the commissioner, the commission may research and recommend improvements, acquisition of equipment, or extensions to the water system.

Annually, during the month of April, the commission shall hold a public hearing on the matter of rates charged for water, connections, or other related fees.. The commission shall recommend to the mayor and city council any proposed changes in the rate structure on or before May 1st.

Section 3: The commissioner shall have charge of the water system of the city and all improvements, extensions and equipment pertaining thereto, and shall have charge and supervision over all employees assigned to work thereon. Provided, however, any new connection to the water system that is estimated to exceed one hundred thousand (100,000) gallons per day shall be approved by the mayor and a two-thirds vote of the city council.

Section 4: The current water systems manager, employed on the effective date of this ordinance, may continue in his employment for the remainder of his term of appointment. Thereafter, the mayor, with the approval of the city council may make any future appointment or allow the position to remain vacant.

Section 5: All meetings of the commission shall be subject to the Open Meeting Law and any related regulations and requirements. Members serving on the commission shall be bound by provisions of the State Ethics Laws and any related regulations and requirements.

This ordinance shall become effective July 1, 2018, so as to allow time for proper notice to any collective bargaining unit affected by the designation of the commissioner as head of the water division and its employees.

Winthrop H. Farwell, Jr.
Councilor at Large

In City Council, February 12, 2018

An Ordinance Amending Chapter II of the Revised Ordinances

Chapter II, Section 11-211 of the Revised Ordinances as most recently amended is further amended by adding the following:

The limitation on the number of licenses for motor vehicle repair shop or a motor vehicle body shop shall not apply to the holder of a license to sell motor vehicles issued by the City of Brockton.

Winthrop H. Farwell, Jr.
Councilor at Large

IN CITY COUNCIL FEBRUARY 12, 2018

READ AND REFERRED TO STANDING COMMITTEE
ON ORDINANCE

Anthony J. Zeoli, City Clerk

In City Council May 14,

The amendment passed by a hand vote.

Passed to a third reading, as amended, by a hand vote.

Anthony J. Zeoli, City Clerk

In City Council June 25, 2018

Ordained as amended, by a roll call vote taken by "yeas" and "nays"; ten members present with six voting in the affirmative. Councillors Asack, Cruise, Derenoncourt and Monahan voting in the negative. Councillor Sullivan absent. Councillor Farwell motioned to file for reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

Anthony J. Zeoli, City Clerk

SENT TO MAYOR FOR APPROVAL:

June 26, 2018

Bill Carpenter
June 26, 2018

K18

AMENDMENT:

Section 11-211 is amended by deleting the provisions of this section in their entirety and inserting the following language:

Notwithstanding the limitation on the number of motor vehicle repair and auto body repair licenses, the holder of a license to sell motor vehicles issued by the City of Brockton may apply for an motor vehicle repair license or auto body repair license. The applicant shall be the same legal entity as the holder of the existing license to sell motor vehicles.

Provided further:

- a. A current licensee may, subject to approval of the city council, transfer said license to another address providing the licensee complies with all regulations and requirements for the new location and all required approvals are obtained from city departments.
- b. A license may be issued if, within the two (2) years preceding the date of application, a prior licensee continuously operated at the same address and the license was not suspended or revoked.
- c. After July 1, 2019, an auto body repair license shall not be issued or renewed unless a licensed appraiser as required by state law or regulation is employed by the licensee.
- d. Licenses issued or renewed after the effective date of this ordinance shall contain the name and telephone number of the manager responsible for the operation of the business.
- e. Applications for a motor vehicle repair license or auto body repair license dated prior to September 1, 2017, may be considered by the city council.
- f. The City Clerk may, with the approval of the city council, establish a policy regarding expired licenses, retroactive payments owed, and may receive an application for renewal for consideration by the City Council within one (1) year of expiration.

Winthrop H. Farwell, Jr.
Councilor at Large