

**CITY OF BROCKTON
DEPARTMENT OF HUMAN RESOURCES
45 School Street • Brockton, MA
Honorable, Mayor Bill Carpenter**

**Policy Name: NOTICE OF RESIDENCY ORDINANCE
Issuing Office: DEPARTMENT OF HUMAN RESOURCES**

I, _____ (print name), hereby acknowledge that, as a condition of my employment with the City of Brockton, Section 2-110 of the Revised Ordinances of the City of Brockton mandates that I shall be a resident of the City of Brockton or shall, within one (1) year of my employment establish residency within the City.

I also acknowledge that, should I fail to comply with this ordinance, such non-compliance is determined to be voluntary termination of my employment.

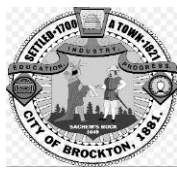
Further, I understand and will comply with the requirement that annually, on each July 1 following my employment, I will file with my Department Head or like officer, a certification, signed under the pains and penalties of perjury, stating my name and place of residence.

Name: _____
Signature

Address: _____
Street City State Zip

Signature: _____ Date: _____

(Enclosure)



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Sec. 2-110. - Residency requirement of employment and promotions.

Every person first employed by the City of Brockton on or after the first day of January, 1992, shall be a resident of the city or shall, within one (1) year after such person commences to be employed by the city, establish residency within the city.

For the purposes of this section, an employee shall be any person receiving monies from the city subject to withholding taxes by the state or federal government.

All department heads reappointed by the city on or after the first day of January, 1992, shall be, or within one (1) year of such reappointment, become a resident of the city as defined herein. Failure to do so shall be determined to be a voluntary termination of employment.

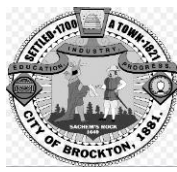
Failure of an employee to establish residency within the City of Brockton within one (1) year after commencement of employment with the city shall be determined to be a voluntary termination of employment by such employee. A department head, upon hiring a new employee, shall cause such employee to sign a form acknowledging the provisions of the residency ordinance. Such form shall be filed by the department head with the city clerk and a copy of such form shall be provided by the department head to the employee.

Upon taking employment with the city, and annually on July 1st thereafter, every person subject to this section shall file with his or her department head, or like officer, a certificate signed under the pains and penalties of perjury, stating his or her name and place of residence. Upon receipt of a certificate indicating a place of residence not within the city, or if no such certificate is filed, the department head or like officer shall give notice of his action to the city clerk, who shall transmit the same to the city council, the mayor and the treasurer. No person so stricken from a payroll shall be re-employed by the city for a period of one (1) year following the cessation of his or her employment.

Any person, acting in behalf of the city who makes payment of wages to any person stricken from a payroll under the provisions hereof, within one (1) year of the date of striking, and any person accepting such payment, shall be punished by a fine of two dollars (\$2.00) for each dollar (\$1.00) so paid or accepted.

In the event that this section shall be deemed to be in conflict with a provision of any general or special law, the provision of that general or special law shall govern and shall not defeat the application of this section with respect to any position not governed by that law.

Applicants at the time of filing an application for employment by the city, shall not as a condition of filing said application be required to be a resident of the city, provided further however that, if said applicant is subsequently employed, said applicant-employee shall as a term and condition of employment become a resident of the city and each such employee shall continue to maintain residency in the city during his or her term of employment.



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All persons appointed to membership on boards and commissions of the city shall be residents of the city during the term for which they are appointed.

The mayor, with the approval of the city council, is hereby authorized in his discretion, for good cause shown, to permit any officer or employee of the city to remain in the employ of the city without complying with the provisions hereof, where:

- (1) The health of any officer or employee or of a member of their immediate family necessitates residence outside the city limits;
- (2) The nature of the employment is such as to require residence outside the city limits;
- (3) Special circumstances exist justifying residence outside the city limits.

This section shall not apply to persons appointed to advisory committees established under federal or state grant-in-aid programs except where otherwise specified.

The provisions hereof are severable, and the action of any court of competent jurisdiction in declaring any part or portion hereof invalid, shall not act to defeat any remaining part or portion hereof, and any such action declaring this section invalid with respect to any position or person shall not be held to apply to any other person or position.

In construing this section, residence shall be the actual principal residence of the individual, where he or she normally eats and sleeps and maintains his or her normal personal and household effects. This section shall be deemed to affect both civil service and non-civil service employees of the city.

(Ord. of 7-30-91; Ord. No. D357, 2-17-95)