In City Council April 25, 2022



#### **ORDINANCE:**

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

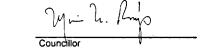
That the City Council adopt the following Ordinance relative to Outdoor Dining in the City of Brockton:

## Licensing:

- (a) All establishments operating outdoor dining in the City of Brockton must obtain licensure approval from the License Commission. Each license shall be for a period of one (1) year.
- (b) The License Commission shall provide a process for application and renewal for an outdoor dining license. The License Commission shall set a fee for the application, license fee, and for the license renewal fee.
- (c) Each establishment shall be required to submit a site plan to the License Commission depicting the scope and location of the outdoor dining area and related facilities showing all barriers, seats, tables, trash receptacles, signs and other facilities. The plan shall label the number of seats.
- (d) Each license shall designate the number of allowed outdoor seats as determined by the License Commission.
- (e) Each license shall designate the hours of operations for outdoor dining as determined by the License Commission.
- (f) Each establishment which serves alcohol in its outdoor dining area shall include with their application a written statement describing how the sale and consumption of alcohol will be controlled in the outdoor dining area.
- (g) The License Commission may establish conditions in the license for the safety and welfare of patrons using the outdoor dining facilities.

## Operations:

- (a) Normal vehicular traffic circulation cannot be impeded. Use of fire lanes is prohibited. Egress points and fire hydrants shall not be blocked.
- (b) All outdoor dining area must comply with ADA requirements.
- (c) Restrooms must be provided in accordance with the Board of Health and Commonwealth of Massachusetts public health requirements.
- (d) Food preparation must occur inside the restaurant kitchen facility unless outdoor food preparation is specifically authorized by the Board of Health.
- (e) The establishment must comply with the Alcoholic Beverages Control Commission for Extension of Premises to Patios and Outdoor Areas.



Moises Rodrigues, Councilor-at-Large

The

IN CITY COUNCIL

READ AND REFERRED TO STANDING
COMMITTEE ON Ordinance

Thinking J. Chrise

In City Council June 27, 2022 Passed to a third reading by a hand vote. As Amended.

City Clerk

In City Council July 25, 2022

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

City Clerk

SENT TO MAYOR FOR APPROVAL

PROVEIT

HAYOR

#### AS AMENDED

In City Council April 25, 2022

## **ORDINANCE:**

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

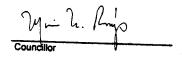
That the City Council adopt the following Ordinance relative to Outdoor Dining in the City of Brockton:

## Licensing:

- (a) All establishments operating outdoor dining in the City of Brockton must obtain licensure approval from the License Commission. Each license shall be for a period of one (1) year.
- (b) The License Commission shall provide a process for application and renewal for an outdooring dining license. The License Commission shall set a fee for the application, license fee, and for the license renewal fee.
- (c) Each establishment shall be required to submit a site plan to the License Commission depicting the scope and location of the outdoor dining area and related facilities showing all barriers, seats, tables, trash receptacles, signs and other facilities. The plan shall label the number of seats.
- (d) Each license shall designate the number of allowed outdoor seats as determined by the License Commission.
- (e) Each license shall designate the hours of operations for outdoor dining as determined by the License Commission.
- Each establishment which serves alcohol in its outdoor dining area shall include (f) with their application a written statement describing how the sale and consumption of alcohol will be controlled in the outdoor dining area.
- (g) The License Commission may establish conditions in the license for the safety and welfare of patrons using the outdoor dining facilities.

## Operations:

- (a) Normal vehicular traffic circulation cannot be impeded. Use of fire lanes is prohibited. Egress points and fire hydrants shall not be blocked.
  - All outdoor dining area must comply with ADA requirements.
- (c) Restrooms must be provided in accordance with the Building Department and Commonwealth of Massachusetts public health requirements.
- (d) Food preparation must occur inside the restaurant kitchen facility unless outdoor food preparation is specifically authorized by the Board of Health.
- The establishment must comply with the Alcohol Beverages Control Commission (e) for Extension of Premises to Patios and Outdoor Areas.



In City Council April 25, 2022

# ORDINANCE:

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

That the City Council adopt the following Amendment to Appendix C "Zoning" to Article IV as follows:

To remove "including seasonal outdoor seating" from Sec.27-28(1)(o) - C-1

Zones;

To remove "including seasonal outdoor seating" from Sec.27-29(3)(g) - C-1

Zones:

To remove (i) in its entirety.

Councillor

Moises Rodrigues, Councilor-at-Large

IN CITY COUNCIL

READ AND REFERRED TO STANDING

COMMITTEE ON Urdinance

CLERK

In City Council June 27, 2022

Passed to a third reading by a hand vote

City Clark

In City Council July 25, 2022

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

Timology Crassic

City Clerk

SENT TO MAYOR FOR APPROVAL

In City Council April 11, 2022

#### ORDINANCE:

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

That the City Council adopt the following Amendments to the Section 24-24.4 "Adult use of Marijuana" relative to Regulation and Zoning of Marijuana:

Section 27-24.4(3)(a) shall be amended to include "Marijuana Couriers and Marijuana Delivery Operators" as principal permitted uses in I-1 Industrial Park Zone subject to the restrictions contained in Section 27-24.4(3)(a).

Section 27-24.4(6)(i) shall be amended by striking the language in its entirety and inserting in its place, "Hours of Operations for Deliveries: Marijuana Couriers, Marijuana Delivery Operators, and Marijuana Establishments with a Delivery Endorsement shall only deliver marijuana between the hours of 8:00 a.m. and 9:00 p.m."

Section 27-24.4(6) shall be amended by inserting the following subsections:

- (j) Marijuana Couriers: All Marijuana Couriers must maintain a site location which allows for parking of delivery vehicles and office space to serve as a dispatch/management location. Marijuana Couriers are not permitted to store marijuana products on site.
- (k) *Marijuana Operators*: All Marijuana Operators must maintain a site location for parking of delivery vehicles, storage warehouse, loading dock and office and are permitted to store marijuana on site.
- (I) Buffer Zone for Loading Areas: A ten-foot buffer strip, which shall be landscaped, bermed, or fence at a suitable height and density to effectively screen the loading area and lights of delivery trucks from shining onto residential property, shall be required for any Marijuana Courier or Marijuana Delivery Operator sites located within one hundred (100) feet from residential property.

Councillor

Moises Rodrigues, Councilor-at-Large

IN CITY COUNCIL

READ AND REFERRED TO STANDING

COMMITTEE ON () [ ]

CLERK



In City Council June 27, 2022 Passed to a third reading by a hand vote.

City Clerk

In City Council July 25, 2022

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

City Clerk

SENT TO MAYOR FOR APPROVAL

In City Council April 11, 2022



#### ORDINANCE:

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

That the City Council adopt the following Zoning Ordinance relative to Food Truck Operations in the City of Brockton:

#### Definitions:

Public Sites are premises owned by the City of Brockton and pre-approved by the City for Food Truck operations. The City shall maintain and publish a list of Public Sites on the City's website.

Special Sites are premises which are not owned by the City of Brockton, but owners of Special Site premises have partnered with the City to host Food Trucks at the premises. The City shall maintain and publish a list of Special Sites on the City's website.

*Private Sites* are premises which are not owned by the City of Brockton or which are not designated as Special Sites.

#### General:

- (a) Food Trucks shall not remain parked on premises overnight.
- (b) Hours of operations shall be limited to those contained in the Mobile Food Vendor Permit issued by the Board of Health.

#### Operation on Public Sites:

To operate a Food Truck on a Public Site, the Mobile Food Vendor should include a request in their permit application for a Mobile Food Vendor Permit.

The City may limit the number of Food Trucks on a designated Public Site at any given time and may designate days and hours for operation on Public Sites.

# Operation on Special Sites:

To operate a Food Truck on a Special Site, the Mobile Food Vendor should include a request in their permit application for a Mobile Food Vendor Permit. The Mobile Food Vendor shall be required to obtain written permission from the Special Site owner to operate on the Special Site, which shall be included in the permit application for a Mobile Food Vendor Permit. The City or the Special Site may limit the number of Food Trucks on a designated Special Site and may designate days and hours for operation on Special Sites. Operation on Special Sites will only be permitted in the following zones: NEED.

247.

# Operation on Private Sites

To operate a Food Truck on a Private Site, the Mobile Food Vendor must include with their application for a Mobile Food Vendor Permit a copy of written permission from the record property owner permitting vending on the premises.

Operation on Private Sites will only be permitted in the following zones: NEED.

# Special Events

A Food Truck operating as part of a special event or in a catering capacity for a private function is allowed in all zones.

Mark D'Agostino, Ward 3 Councilor

IN CITY COUNCIL

READ AND REFERRED TO STANDING

Transley J. ani

In City Council June 27, 2022 Passed to a third reading by a hand vote. As Amended.

In City Council July 25, 2022

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

City Clerk

SENT TO MAYOR FOR APPROVAL

PAYOR



## AS AMENDED

In City Council April 11, 2022

## ORDINANCE:

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

That the City Council adopt the following Zoning Ordinance relative to Food Truck Operations in the City of Brockton:

#### Food Trucks

Food Trucks shall be included as principal permitted uses in all C (commercial) Zones and all I (industrial) Zones. Food Trucks are permitted to operate on a residential lot in the R (resdential) Zones for not more than two (2) days in a calendar year. Food Trucks shall not operate its business on public streets. Food Trucks shall not operate its business within 250 feet from the entrance of a licensed restaurant in the City of Brockton unless the Food Truck operator obtains written permission from the restaurant owner.

Mark D'Agostino, Ward 3 Councilor

In City Council April 11, 2022



#### ORDINANCE:

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

That the City Council adopt the following Ordinance relative to the permitting and regulation of Food Truck operations in the City of Brockton:

#### Definitions:

Mobile Food Vendor is defined as any person who travels from place to place upon public ways and dispenses food from a Food Truck.

Food Truck is defined as a readily movable trailer, cart, or motorized wheeled vehicles, registered with the Mass Division of Motor Vehicles, designed and equipped to cook, or prepare or serve food and shall include any food truck, food cart, canteen truck, catering truck, breakfast truck, lunch truck, lunch wagon, or any other mobile food vehicle.

## Mobile Food Vendor Permit – Required:

No person or business may operate a Food Truck in the City of Brockton without having first obtained a Mobile Food Vendor Permit from the Board of Health.

A Mobile Food Vendor hired for private events on private property do not require a permit and are exempt from these regulations for the duration of the private event which shall not exceed twenty-four (24) hours.

## Application requirements and procedures:

- 1. All Mobile Food Vendors shall obtain a Hawkers or Peddlers license under Chapter 11, Article II, Section 23 of the Brockton City Ordinances. All Mobile Truck Vendors are required to comply with Mass. Gen. Law. Chp. 101 and shall provide a copy of its state transient vendor license to the Board of Health.
- 2. All Mobile Food Vendors shall obtain a Food Service Permit from the Board of Health.
- 3. If required, the Mobile Food Vendor shall provide a copy of its Open Burning/Cooking Permit.
- 4. All Mobile Food Vendors shall obtain a Mobile Food Vendor Permit from the Board of Health.
  - (a) The Board of Health may establish procedures and application requirements for obtaining a Mobile Food Vendor Permit, with the same being published on the City's website and available through the Board of Health. The application must include the intended menu, proposed layout, vehicle equipment information, plan to serve food, proposed hours of operations, proposed dates of operation, and proposed location. The application fee shall be \$50.00. The annual permit fee shall be \$100.

246

- (b) Mobile Food Vendor Permits shall expire on December 31<sup>st</sup> of each year. The Board of Health may establish procedures and application for renewals of the permit, with the same being published on the City's website and available through the Board of Health. The renewal application fee shall be \$25.00 and the renewed permit shall be subject to the annual permit fee outlined above.
- (c) The Board of Health may establish regulations and procedures for operations of Food Trucks operating under the Mobile Food Vendor Permit, with the same being published on the City's website and available through the Board of Health.
- (d) The Board of Health may establish the days and hours of operations in each Mobile Food Vendor Permit, but no operations shall be permitted between 11 p.m. and 9 a.m.
- (e) The Board of Health may issue a permit with any attached condition, limitations or restriction required by the Board of Health.
- (f) All Mobile Food Vendors shall be required to obtain and show: (1) proof of general liability insurance naming the City of Brockton as an additional insured in the amount of \$500,000 per occurrence / \$1,000,000 general aggregate; and (2) proof of commercial auto liability insurance, naming the City of Brockton as an additional insured, in the amount of \$1,000,000 combined single limit.
- (g) Any violation of the Board of Health's regulations on Food Trucks shall be subject to a fine of \$50 (1<sup>st</sup> offense), \$100 (2<sup>nd</sup> offense) or \$300 (3<sup>rd</sup> and subsequent offenses). Each day shall constitute a separate offense. Any violation may result in immediate suspension of the permit and removal of the Food Truck from premises at the owner's expense. The Board of Health or the City Council may suspend, revoke, or modify a Mobile Food Vendor Permit if either the Board of Health or City Council finds that the regulations have been violated.

# Operations:

All Mobile Food Vendors shall adhere to local zoning ordinances on operations of Food Trucks in the City of Brockton. Operations shall be subject to hours and operations as designated in the Permit by the Board of Health.

Mark D'Agostino, Ward 3 Councilor

IN CITY COUNCIL

READ AND REFERRED TO STANDING

Timething O. Care



In City Council June 27, 2022 Passed to a third reading by hand vote. As Amended.

nothy J. Cruse

In City Council July 25, 2022

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

City Clerk

SENT TO MAYOR FOR APPROVAL

WHOVED /28



## **ORDINANCE:**

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

In City Council April 11, 2022

That the City Council adopt the following Ordinance relative to the permitting and regulation of Food Truck operations in the City of Brockton:

#### Definitions:

Mobile Food Vendor is defined as any person who travels from place to place upon public ways and dispenses food from a Food Truck.

Food Truck is defined as a readily movable trailer, cart, or motorized wheeled vehicles, registered with the Mass. Division of Motor Vehicles, designed and equipped to cook, or prepare or serve food and shall include any food truck, food cart, canteen truck, catering truck, breakfast truck, lunch truck, lunch wagon, or any other mobile food vehicle.

# Mobile Food Vendor Permit - Required:

No person or business may operate a Food Truck in the City of Brockton without having first obtained a Mobile Food Vendor Permit from the Board of Health.

## Application requirements and procedures:

- 1. All Mobile Food Vendors shall obtain a Hawkers or Peddlers license under Chapter 11, Article II, Section 23 of the Brockton City Ordinances. All Mobile Truck Vendors are required to comply with Mass. Gen. Law. Chp. 101 and shall provide a copy of its state transient vendor license to the Board of Health.
- All Mobile Food Vendors shall obtain a Food Service Permit from the Board of 2.
- 3. If required, the Mobile Food Vendor shall provide a copy of its Open Burning/Cooking Permit.
- 4. The Board of Health shall establish a process for application and notification for operations of Food Trucks on residential property, which shall only require a \$25.00 one-time use fee and is not subject to the application fees and annual permit fees described below, but shall still require inspection of the Food Truck and approval by the Board of Health.
- 5. All Mobile Food Vendors shall obtain a Mobile Food Vendor Permit from the Board of Health.
  - (a) The Board of Health shall establish procedures and application requirements for obtaining a Mobile Food Vendor Permit, with the same being published on the City's website and available through the Board of Health. The application must include the intended menu, proposed layout, vehicle equipment information, plan to serve food, proposed hours of operations, proposed dates of

operation, and proposed location. The application fee shall be \$50.00. The annual permit fee shall be \$100.00.

- (b) Mobile Food Vendor Permits shall expire on December 31<sup>st</sup> of each year. The Board of Health shall establish procedures and an application for renewals of the permit, with the same being published on the City's website and available through the Board of Health. The renewal application fee shall be \$50.00 and the renewed permit shall be subject to the annual permit fee of \$100.00.
- (c) The Board of Health shall establish regulations and procedures for operations of Food Trucks operating under the Mobile Food Vendor Permit, with the same being published on the City's website and available through the Board of Health.
- (d) The Board of Health shall establish the days and hours of operations in each Mobile Food Vendor Permit, but no operations shall be permitted between 11 p.m. and 9 a.m.
- (e) The Board of Health may issue a permit with any attached condition, limitations or restriction required by the Board of Health.
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- (g) Any violation of the Board of Health's regulations on Food Trucks shall be subject to a fine of \$100.00 (1<sup>st</sup> offense), \$200.00 (2<sup>nd</sup> offense) or \$300 (3<sup>rd</sup> and subsequent offenses). Each day shall constitute a separate offense. Any violation may result in immediate suspension of the permit and removal of the Food Truck from premises at the owner's expense. The Board of Health or the City Council may suspend, revoke, or modify a Mobile Food Vendor Permit if either the Board of Health or City Council finds that the regulations have been violated.

All Mobile Food Vendors shall adhere to local zoning ordinances on operations of Food Trucks in the City of Brockton. Operations shall be subject to hours and operations as designated in the Permit by the Board of Health.

Mark D'Agostino, Ward 3 Councilor

Operations:



#### ORDINANCE:

## An Ordinance Amending Article IV, Section 27-32, C-5 Zone, Office Zones

Be it ordained by the City Council of the City of Brockton, Article IV, Section 27-32 is hereby amended by adding the following language to the list of principal permitted uses:

- e. Research and Development Office or Laboratory
- f. Independent Senior Residential
- g. Assisted Care Senior Residential
- h. Business Incubator
- i. Agricultural Greenhouse

Be it further ordained that the Ordinance be amended to provide the following section (4):

Research & Development or Laboratory - Defined

The analysis, testing, and development of products, or services predominantly for scientific research operations in biotechnology, pharmaceuticals, medical equipment, communication & information technology, electronics, computer hardware, and their substantial equivalents. The following standard apply:

- a. Research & Development and/or Laboratory does not include activities involved in fabricating, assembling, warehousing, or sale of products for the retail or wholesale market.
- b. Ancillary development of mock-up and prototype products is permitted so long as the total floor area devoted to their fabrication or assembly is limited to twenty-five percent (25%) of the gross floor area occupied by the use.

Councilor Jeffrey Thompson, Ward 5

IN CITY COUNCIL

READ AND REFERRED TO STANDIN

COMMITTEE ON OC

CI EBK

In City Council June 27, 2022

Passed to a third reading by a hand vote

As Amended.

City Clerk

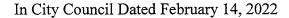
In City Council July 25, 2022

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

mily J. Cruse

City Clerk

SENT TO MAYOR FOR APPROVAL





#### AS AMENDED

#### **ORDINANCE**

## An Ordinance Amending Article IV, Section 27-32, C-5 Zone, Office Zones

Be it ordained by the City Council of the City of Brockton, Article IV, Section 27-32 is hereby amended by adding the following language to the list of principal permitted uses:

- e. Research and Development Office or Laboratory
- f. Business Incubator
- g. Agricultural Greenhouse

Be it further ordained that the Ordinance be amended to provide the following section (4):

Research & Development or Laboratory - Defined

The analysis, testing, and development of products, or services predominantly for scientific research operations in biotechnology, pharmaceuticals, medical equipment, communication & information technology, electronics, computer hardware, and their substantial equivalents. The following standard apply:

- a. Research & Development and/or Laboratory does not include activities involved in fabricating, assembling, warehousing, or sale of products for the retail or wholesale market.
- b. Ancillary development of mock-up and prototype products is permitted so long as the total floor area devoted to their fabrication or assembly is limited to twenty-five percent (25%) to the gross floor area occupied by the use.

Business Incubator - Defined

A place where individual small business owners or employees, remote workers, or freelancers can work alongside on another in a common space, or a business incubator, where individuals working to launch a new business can rent space in which to perform office work and access shared resources such as printers, scanners, and other tools and services such as financial counseling and management training.

Agriculture Greenhouse – Defined

A structure in which light temperature and humidity can be controlled for the cultivation and protection of plants or other agricultural products, excluding marijuana and hemp.

Independent Senior Residential - Defined

Provides a sheltered living environmental for persons fifty-five (55) years of age or older. These residences may include common areas, a common dining facility and space for the provisions of social, psychological and educational programs.

Assisted Care Senior Residential - Defined

A facility which provides room and board, provides assistance with activities of daily living for three or more adulty residents who are not related by consanguinity or affinity to the care provider, and collects payments or third-party reimbursements from or on behalf of residents to pay for the provisions o assistance with activities of daily living or arranges for the same. See M.G.L. ch. 19D.



Be it further ordained that the Ordinance be amended by adding the following language to the list of special permitted uses:

d. Independent Senior Residential

Requirements: must be located in proximity to Senior Care Senior Residential facility, minimum lot size of 1.5 acres, distance from the street and property line minimum of 40 feet, requirement of 2 parking spaces per unit, must be in proximity to healthcare and educational facilities, public transportation must be accessible with sidewalks and handicap accessible, greenspace to be maintained by facility.

e. Assisted Care Senior Residential

Requirements: minimum lot size of 1.5 acres, distance from the street and property line minimum of 40 feet, requirement of 2 parking spaces per unit, must be in proximity to healthcare and educational facilities, public transportation must be accessible with sidewalks and handicap accessible, greenspace to be maintained by facility.

Jeffrey Thompson, Ward 5



# ORDINANCE:

# Amendment to Zoning Map for Parcel IDs identified

Be it ordained, pursuant to Section 27-5 of the City Ordinances "Zoning Map" whereby reference is made to and incorporation of said boundaries of each of the zones established as shown on the map entitled, "The City of Brockton, Massachusetts Zoning District Map" dated November 10, 1967, and thereafter amended, that said map be amended to reflect the following zoning change:

Parcel ID	143-237	C-2(current) to	C-5 Zone
	143-092	C-2(current) to	C-5 Zone
	143-093	C-2(current) to	C-5 Zone
	143-095	C-2(current) to	C-5 Zone
	143-097	C-2(current) to	C-5 Zone
	143-098	C-2(current) to	C-5 Zone
	143-087	C-2(current) to	C-5 Zone
	143-086	C-2(current) to	C-5 Zone
	143-085	C-2(current) to	C-5 Zone
	143-084	C-2(current) to	C-5 Zone
	143-088	C-2(current) to	C-5 Zone
	143-236	C-2(current) to	C-5 Zone
	143-077	C-2(current) to	C-5 Zone
	143-078	C-2(current) to	C-5 Zone
	143-079	C-2(current) to	C-5 Zone
	143-080	C-2(current) to	C-5 Zone
	143-081	C-2(current) to	C-5 Zone
	143-090	C-2(current) to	C-5 Zone
	143-082	C-2(current) to	C-5 Zone
	143-089	C-2(current) to	C-5 Zone
	143-083	C-2(current) to	C-5 Zone
	143-236	C-2(current) to	C-5 Zone
	0 -00	0 2(000,000) 10	O D LOME

Jeffrey Thompson, Ward 5

IN CITY COUNCIL

PENDONG 14, 2000
READ AND REFERRED TO STANDING
COMMITTEE ON GOOD CANCEL

In City Council June 27, 2022
Passed to a third reading by a hand vote.

The A.

40

In City Council July 25, 2022

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

Timothy J. Grisi

City Clerk

SENT TO MAYOR FOR APPROVAL

AMMOVED / 28 2022