

**DRAFT WARRANT ARTICLE FOR GENERAL BY-LAW AMENDMENT - v1 - posted August 12, 2019**

[Prohibition on New Fossil Fuel Infrastructure in Major Construction]

To see if the town will amend the General By-Laws by adopting a new article 8.39 entitled “Prohibition on New Fossil Fuel Infrastructure in Major Construction” as set forth below.

8.39.1 Purpose

This By-Law is adopted by the Town of Brookline, under its home rule powers and its police powers under Massachusetts General Laws, Chapter 40, Sections 21 (clauses 1, 18) and 21D, and Chapter 43B, Section 13, to protect the health, safety and welfare of the inhabitants of the town from fuel leaks and explosions, from the negative health impacts of indoor pollution, and from atmospheric pollution, including that which is causing climate change and thereby threatens the Town and its inhabitants.

8.39.2 Definitions

“On-Site Fossil Fuel Infrastructure” is defined as new fuel gas or new fuel oil piping that is in a building, in connection with a building, or otherwise within the property lines of premises, extending from a supply tank or from the point of delivery behind a gas meter.

“New Building” is defined as a new building or new accessory building associated with a valid building permit application on or after the effective date of this article.

“Significant Addition” is defined as an addition in which the work area is more than 50% of the initial building floor area, associated with a valid building permit application on or after the effective date of this article.

“Significant Rehabilitation” is defined as a renovation in which the work area is more than 50% of the building floor area, associated with a valid building permit application on or after the effective date of this article.

8.39.3 Applicability

A. The requirements of this article shall apply to all permit applications for New Buildings, Significant Rehabilitations, and Significant Additions proposed to be located in whole or in part within the Town. However, it shall not apply to agencies that are not subject to Town authority.

B. The requirements of this article shall not apply to the use of portable propane appliances for outdoor cooking and heating, or to fuel pipes whose exclusive purpose is connecting on-site fuel storage tanks to backup electrical generators.

C. The requirements of this article shall not apply to utility service pipe connecting the grid to a meter, or to a gas meter itself.

[D. EXEMPTIONS?]

#### 8.39.4 Enforcement

Effective [INSERT EFFECTIVE DATE], no permits shall be issued by the Town for the construction of New Buildings, Significant Rehabilitations, or Significant Additions featuring the installation of On-Site Fossil Fuel Infrastructure

#### 8.39.5 - Severability

Each provision of this by-law shall be construed as separate to the extent that if any section, sentence, clause or phrase is held to be invalid for any reason, the remainder of the by-law shall continue in full force and effect.

...or act on anything relative thereto.