

SECTION 3.14.8 SEVERABILITY

The provisions of this By-law shall be deemed to be severable. Should any of its provisions be held to be invalid or unconstitutional, the remainder shall continue to be in full force and effect.

~~SECTION 3.14.9 RESOLUTION OF CONFLICTING PROVISIONS~~

~~In case of any conflict between this By-law and other By-laws, the Provision(s) last adopted by Town Meeting shall prevail.~~

SECTION 3.14.10 APPLICATION OF THIS BY-LAW

Should any remedies in this By-law conflict with grievance or dispute resolution procedures in collective bargaining agreements with the Town’s unions, the provisions of the collective bargaining agreements shall apply so long as all members of Brookline Protected Classes are protected.

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or act on anything relative thereto.

ARTICLE 32

Submitted by Jonathan Davis, TMM17, Bruce Levin, TMM17, Jonathan Margolis, TMM7,

To see if the Town will amend the Town General By-Laws by amending Article 8 by adding Section 8.40 immediately following the conclusion of Section 8.39, as follows.

8.40.1 As used in this section 8.40 the term “Hotel” means a hotel as defined in the Zoning By-Law section 2.08(5). The term “Hotel” also means a limited service hotel as defined in the Zoning By-Law section 2.12(1). As used in this section 8.40 the term “sex trafficking” means commercial sex induced by force, fraud and/or coercion.

8.40.2 The Innholder licensee of a Hotel shall provide each of its Employees as hereafter defined with training to identify signs of possible sex trafficking in the Hotel and to appropriately respond when such signs are observed. As used in this subsection 8.40.2 an Employee means (a) any employee of the Innholder licensee who works for the licensee at least 16 hours in any week provided that such employee’s principal work-site is the Hotel for which the license is issued, and provided further that such employee’s principal responsibilities involve physical presence with Hotel guests and/or physical presence in Hotel guest rooms, (b) any employee of the Innholder licensee who works for the licensee,

regardless of the number of hours worked and regardless of the principal work-site, who manages or assists in the management of the Hotel for which the license is issued, (c) any employee of a third party that provides workers who, if the worker were employed by the Innholder licensee, would be described in (a), above, and (d) any individual who is an independent contractor who works for the Innholder licensee who, if the individual were employed by the licensee, would be described in (a), above. Training may be at a cost or at no cost to the licensee and shall be provided by a reputable anti-human trafficking entity, whether an agency of the government of the Commonwealth of Massachusetts or of the government of the United States, a not-for-profit organization, or a for profit entity (including, by way of example and not as a limitation, a national hotel brand) – provided however, that in any case, the Police Department approves of the training agency, organization or entity and the training program. Training shall not be at any cost, expense, or reduction in wages or other compensation to any Employee. In the case of an Innholder license applicant who, at the time of the application, already holds an in-force Innholder license for the same Hotel which in-force license was issued after enactment of this section 8.40, the applicant shall provide the Police Department with a true and complete list of all Employees as hereabove defined who received the approved training since the issue of the in-force Innholder license, the identity of the approved training agency, organization or entity, and the date or dates of such training, and, also, a true and complete list of all Employees as hereabove defined who did not receive the approved training since the issue of the in-force license. In the discretion of the Chief of Police or the Chief of Police’s nominee the Police Department may investigate the accuracy of the aforementioned list and shall report concerns about inaccuracies in the list, and/or concerns about insufficient Employee training, to the applicant and also to the Select Board and/or to any other Innholder licensing authority.

8.40.3 Each Innholder licensee for a Hotel shall cause anti-sex trafficking notices to be prominently posted and continually maintained in the Hotel at all front desks, at the entrances to all common rooms where guests may purchase and consume food and/or drink, within all elevator cabs, at the entrances to all common lavatories, and at the entrances to all staircases. The notices may be such as are provided by an anti-human trafficking agency, organization or entity that the Police Department approves for the training of Hotel Employees as provided in subsection 8.40.2. The Police Department may create and require posting and continual maintenance of notices of its own design, Innholder licensees to not bear any cost of design but the licensees to bear all costs of reproduction, posting and maintenance. The Police Department may, at all reasonable times when the Hotel is open for business, enter the Hotel to examine the posting and maintenance of anti- sex trafficking notices and shall report concerns about insufficient posting and maintenance to the Innholder licensee and also to the Select Board and/or to any other Innholder licensing authority.

8.40.4(a) As used in this subsection 8.40.4 the term “Occupancy Period” or “OP” means a room that the Hotel permits the same registered Hotel guest to occupy for a period that includes five or more consecutive nights during which period no Employee has entered the room for one hundred or more consecutive hours to provide any service the Hotel generally offers in rooms because the registered Hotel guest or another occupant has refused or otherwise prohibited entry. If the Hotel does not generally offer any service in rooms during the OP except upon the request of an occupant the absence of any request for service shall be considered a refusal or other prohibition of entry.

(b) In the case of an Innholder license applicant who, at the time of the application, already holds an in-force Innholder license for the same Hotel which in-force license was issued after enactment of this section 8.40 the applicant shall provide the Police Department with a true and complete report (hereafter “OP Report”) that lists all rooms since the issue of the in-force license that the Hotel has permitted a registered Hotel guest to occupy for an Occupancy Period, the dates of each Occupancy Period, the number of consecutive hours for which Employee entry was denied or prohibited, and describes the method of denying or prohibiting entry (for example, by “do not disturb” signs, by email, by telephone call to the front desk, by not requesting service in the room if service can only be obtained by request, or any other method), and the actions, if any, of Employees with respect to each such room during the Occupancy Period. In the discretion of the Chief of Police or the Chief of Police’s nominee the Police Department may investigate the accuracy of the OP Report and shall report concerns about inaccuracies of the OP Report and/or concerns about facilitating sex-trafficking to the applicant and to the Select Board and/or to any other Innholder licensing authority

8.40.5 This section 8.40 shall take effect with respect to a Hotel upon enactment – except, however, that 8.40.2 and 8.40.4(b) shall take effect upon the issuance of an Innholder license for the Hotel after enactment.

8.40.6(a) No provision of this By-Law shall apply where prohibited or preempted by state or federal law.

(b) If any provision of this By-Law, or the application thereof to any person or circumstances, is declared invalid, that invalidity shall not affect other provisions or applications of this By-Law which can be given effect without the invalid provisions or application, and to this end the provisions of this By-Law are severable.

Or act on anything relative thereto.

ARTICLE 33

Submitted by: Nathan Shpritz

To see if the Town will amend the Zoning By-Law as follows:

- 1) Revise Table 4.07 – Table of Use Regulations, Accessory Use 57, Accessory Uses Column striking out the words “or the keeping of bees” as shown struck out in the complete paragraph:

57. The keeping of horses, cows, goats, or other similar animals, other than pigs, or the keeping of poultry, pigeons, rabbits, or other similar birds or animals, ~~or the keeping of bees,~~ provided that no stable or enclosure for any animal may be less than 100 feet from any existing residence building on other premises in any district, or any obvious residence building site on other premises in an S, SC, T, F or M District; and provided that no stable or enclosure for more than four animals may be less than 100 feet from any premises occupied by a church, school, playground, library, or building of a public or eleemosynary institution, except where that distance is intersected by a street at least 60 feet wide; and further provided that no stable or enclosure in a S, SC, T, F or M District may be less than 100 feet from a street, nor contain more than 25 animals on the premises, and subject to such restrictions as to number, and as to location and size of