



Town of Brookline

Massachusetts

Ben Kaufman, Town Clerk

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ARTICLE 9 – SUBMISSION #2

December 9, 2022

To Whom It May Concern:

I, Ben Kaufman, Town Clerk of the Town of Brookline, duly qualified and acting as such and having custody of the records, hereby certify that the following actions were taken under Article #9 at the Special Town Meeting called for Tuesday, November 15, 2022 at 7:00 P.M., adjourned to Wednesday, November 16, Thursday, November 17, Tuesday, November 29, Wednesday, November 30, Thursday, December 1, Tuesday, December 6, Thursday, December 8, and dissolved on Friday, December 9 at 5:00 P.M.

ARTICLE 9

VOTED: That the Town amend the Towns General By-Laws, Article 7.7 “Removal of Snow and Ice From Sidewalks”, as follows:

(Words in **bold** are the petitioners’ additions that are part of the Advisory Committee motion; those in **bold and underlined** are the Advisory Committee additional language.)

ARTICLE 7.7

REMOVAL OF SNOW AND ICE FROM SIDEWALKS

SECTION 7.7.1 BUSINESS AND INDUSTRIAL DISTRICTS

In all Business and Industrial Districts, as defined and delineated in the Zoning By-Law, the owner, or their agent, of any land abutting upon or contiguous to a sidewalk of a street shall cause said sidewalk to be maintained in a non-slippery condition suitable for pedestrian travel by clearing all snow and ice from a pathway at least thirty-six (36) inches in width along the length of said sidewalk within the first three **(3)** hours between sunrise and sunset after **the cessation of each storm that results in the accumulation of snow and/or ice on such sidewalk** and shall maintain said portion of sidewalk in a non-slippery condition by application(s) of sand and/or melting agents as may be necessary for this purpose. **Corner and mid-block curb ramps, and portions of driveways crossing sidewalks, are**

part of the sidewalk system, and shall likewise be maintained in a clear and non-slippery condition. The Commissioner of Public Works, or their designee, may grant a waiver from the terms of this Section 7.7.1 for good cause.

SECTION 7.7.2 MULTI-FAMILY DWELLINGS

The owner, or their agent, of any building designed or occupied as a residence by more than four families or which contains more than four dwelling units, as defined in the Zoning By-Law, shall cause all sidewalks of a street which are contiguous to the land upon which the building is situated to be maintained in a non-slippery condition suitable for pedestrian travel by clearing all snow and ice from a pathway at least thirty-six (36) inches in width along the length of said sidewalk within the first three (3) hours between sunrise and sunset **the cessation of each storm that results in the accumulation of snow and/or ice on such sidewalk**, and shall maintain said portion of sidewalk in a non-slippery condition by application(s) of sand and/or melting agents as may be necessary for this purpose.

Corner and mid-block curb ramps, and portions of driveways crossing sidewalks, are part of the sidewalk system, and shall likewise be maintained in a clear and non-slippery condition. The Commissioner of Public Works, or their designee, may grant a waiver from the terms of this Section 7.7.2 for good cause. When subsequent street plowing by the DPW that fills in previously cleared corners, property owners will have an additional 6 hours to re-clear corners.

SECTION 7.7.3 GENERAL REQUIREMENT

Except as set forth in Subsections (a) and (b) above, the owner, or their agent, of any land abutting upon or contiguous to a sidewalk of a street shall cause said sidewalk to be maintained in a non-slippery condition suitable for pedestrian travel by clearing all snow and ice from a pathway at least thirty-six (36) inches in width along the length of said sidewalk within **twenty-four (24)** hours of the cessation of each storm that results in the accumulation of snow and/or ice on such sidewalk, and shall maintain said portion of sidewalk in a non-slippery condition by application(s) of sand and or melting agents as may be necessary for this purpose. **Corner and mid-block curb ramps, and portions of driveways crossing sidewalks, are part of the sidewalk system, and shall likewise be maintained in a clear and non-slippery condition. Notwithstanding any other provisions in Section 7.7.3, for any storm that ends between the hours of 4 pm on Friday and 12 noon on Saturday, any owner to whom Section 7.7.3 applies, or their agent, shall have thirty (30) hours after the cessation of the storm within which to comply with the requirements of Section 7.7.3.** The Commissioner of Public Works, or their designee, may grant a waiver from the terms of this Section 7.7.3 for good cause.

SECTION 7.7.4 NO ICE AND SNOW TO BE PLACED ON STREET

No person, unless authorized by the Commissioner of Public Works, shall place, or cause to be placed, ice or snow upon any street of the Town. Without limiting the generality of the foregoing, no person, unless authorized by the Commissioner of Public Works, shall place, or cause to be placed, ice or snow upon any sidewalk of the Town.

SECTION 7.7.5 PENALTIES

The violation of any provision of Sections 7.7.1 and 7.7.2 of this Article 7.7 shall **at the discretion of the DPW Commissioner** be subject to a fine of \$100.00 for the first violation, \$150.00 for the second violation, and \$200.00 for the third and subsequent violations in any fiscal year. The violation of any provision of Section 7.7.3 of this Article 7.7 shall be subject to a fine of \$50.00 for the first violation, and \$100.00 for the second violation and subsequent violations in any fiscal year. **The Commissioner of Public Works, or other authorized agent of the Town, shall have the discretion to impose fines for second, third, and subsequent violations on successive periods of at least 24 hours' duration within the same snow event, and/or for subsequent snow events within the same season. One or more violations** of any provision of Section 7.7.4 of this Article 7.7 shall be subject to a fine of \$250.00 for each violation.

SECTION 7.7.6 COMPLIANCE DELAY

Depending upon the severity of a storm and other factors, the Commissioner of Public Works may delay the period for compliance with Sections 7.7.1, 7.7.2, or 7.7.3 of this by-law. In the event of initiating a compliance delay, the Commissioner of Public Works shall post a notice prominently on the Town of Brookline's Internet home page and make other good faith efforts to notify the public, including, but not limited to, social media outlets, the cable access television station, email list serves, and the emergency telephone notification system.

SECTION 7.7.7 ANNUAL REPORT

The Select Board shall include in the Annual Report of the Town a summary of the Town's efforts and results during the past year in implementing Sections 7.7.1, 7.7.2, or 7.7.3, including, but not limited to, public education, enforcement and assistance to owners.

Approved: AYE: 242

NO: 3

ABSTAINED: 3

(Seal)

ATTEST:

Ben Kaufman
Town Clerk