

ARTICLE 18

EIGHTEENTH ARTICLE

Submitted by: Alec Lebovitz (TMM-8), Carolyn Goodwin (TMM-8), & Anthony Ishak (TMM-1)

To see if the Town will amend the Town's General By-laws as follows (language to be added appearing in underline):

**ARTICLE 10.3
NON-CRIMINAL DISPOSITION**

A violation of any provision of these by-laws, the violation of which is subject to a specific penalty under Section 10.1 or in the specific provision which has been violated, except when otherwise provided by law, or any rule or regulation of any municipal officer, board or department may be dealt with as a non-criminal offense in accordance with the provisions of General Laws, Chapter 40, section 21d. If not subject to a specific penalty in the following table, each violation shall be subject to a specific penalty of fifty (\$50.00) dollars for each offense, unless a different penalty is provided in the specific by-law, rule or regulation provision being enforced. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as a separate offense hereunder. Violations of this Article 10.3 may be enforced by any police officer of the town, by the department head or their designee as set forth with particular reference to specific articles in Article 10.2, above, and, when a violation involves a rule or regulation of any municipal officer, board or department, by that municipal officer or by that board or the head of that department, by their designee, and in all instances, in accordance with the requirements set forth in General Laws, Chapter 40, section 21d.

TABLE OF SPECIFIC PENALTIES UNDER ARTICLE 10.3

Article 5.1	<u>Alarm Systems</u>		
	Section 5.1.9	False Alarms	\$100.00
	Section 5.1.10	Penalties	\$100.00
Article 5.8	<u>Sign By-Law</u>		
	Section 5.8.9	Penalty For Violation	\$100.00

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Article 6.2	<u>Alcoholic Beverages On Public Property</u>		
	Section 6.2.2	Penalty	\$100.00
Article 6.3	<u>Grass Borders</u>		\$ 75.00
Article 6.4	<u>Damage To Trees</u>		\$100.00
Article 6.5	<u>Defacing Public Grounds</u>		\$ 75.00
Article 6.6	<u>Discharging Firearms</u>		\$100.00
Article 7.1	<u>Alcoholic Beverages</u>		\$100.00
Article 7.3	<u>Construction In Streets</u>		
	Section 7.3.3	Penalty	\$100.00
Article 7.6	<u>Newsrack Regulation</u>		
	Section 7.6.5	Penalty	\$ 25.00
Article 7.7	<u>Removal of Snow and Ice From Sidewalks</u>		

Section 7.7.5 Penalties

For Section 7.7.1 and 7.7.2

First Violation	\$100
Second Violation	\$150
Third and Subsequent Violations	\$200

For Section 7.7.3

First Violation	\$50
Second and Subsequent Violations	\$100

For Section 7.7.4

\$250

Article 7.8	<u>Removal Of Vehicles From Streets</u>	\$ 25.00
Article 7.9	<u>Snow Parking Ban</u>	\$100.00
Article 8.3	<u>Dwelling Houses Used In Common</u>	\$100.00
Article 8.5	<u>Disorderly Behavior</u>	
	Section 8.5.5 Specific Penalty	\$100.00
Article 8.6	<u>Dog Control</u>	
	Section 8.6.9 Penalty	
	First Violation	\$ 15.00
	Second & Third Violations	\$ 25.00
	Fourth & Subsequent Violations	\$ 50.00
Article 8.7	<u>Food Stores - Hours Of Operation</u>	\$ 50.00
Article 8.8	<u>Food Establishments Handling Of Refuse</u>	
	<u>Section 8.8.1 Penalty - Fines may be levied daily until compliance</u>	
	First Violation	\$100.00
	Second Violation	\$200.00
	Third & Subsequent Violations	\$300.00
	<u>Section 8.8.2 Penalty - Fines may be levied daily until compliance</u>	
	First Violation	\$100.00
	Second Violation	\$200.00
	Third & Subsequent Violations	\$300.00
Article 8.9	<u>Toilet Facilities - Restaurants</u>	\$ 50.00

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Article 8.23 Tobacco Control

 Section 8.23.5
 Violations & Penalties

For each violation under Article 8.23 -Three Hundred Dollars
(\$300.00).

Article 8.24 Water Supply Emergencies

 Section 8.24.6
 Penalties

 First Violation \$
 50.00

 Second & Subsequent Violations
 \$100.00

Article 8.25 Water System Backflow And Cross Connections

 Section 8.25.6 Enforcement
 \$100.00

Article 8.26 Stormwater Management

 First Violation
 \$100.00

 Second Violation
 \$200.00

 Third and Subsequent Violations
 \$300.00

Article 8.35 Drinking Water Access By-Law

 Initial Violation
 Warning

 First Offense
 \$50.00

Second and Subsequent Offenses
\$100.00

HEALTH DEPARTMENT REGULATIONS

Regulations Governing the Handling, Storage, Collection and Disposal of Waste

1. Violations and Penalties for Owners of Commercial Businesses, Corporations and Buildings Containing More Than Three Dwelling Units

First Violation	\$100.00
Second Violation	\$200.00
Third & Subsequent Violations	\$300.00

2. Violations and Penalties for Owners of Single, Two and Three Unit Dwellings

First Violation	<u>\$25.00</u>	
Second Violation	<u>\$50.00</u>	
Third & Subsequent Violations	<u>\$150.00</u>	

PETITIONER’S ARTICLE DESCRIPTION

Over the last year, beginning with the near unanimous passage of Article 3 at the Second Special Town Meeting in November, 2022 and the development of the Rodent Control Action Plan (RCAP) by the Town Administrator in conjunction with Town departments, Brookline has taken aggressive action to reduce the rat population in Town.¹ These efforts have included setting smart traps, improving the ability of the Town to collect and dispose of trash, and expanding the capacity of Town departments to enforce refuse code violations by food vendors and residential owners.² These commendable actions have

¹ See Combined Reports for Second Special Town Meeting 2022 for Article 3 and a description of the development and content of the Rodent Control Action Plan:
<https://www.brooklinema.gov/DocumentCenter/View/37043/Combined-Reports-November-15-2022-Second-Special-Town-Meeting-with-Supplements-111022>

² Details of these actions and other components of the RCAP were discussed at the 10/18/2022 Select Board meeting (agenda item 15):

come in response to a significant increase in rodent sightings and related complaints from Town residents.

Annual Rodent Related Complaints Received³

Department	2019	2020	2021	2022 (as of Sept. 2022)
Health Dept	116	107	139	180
DPW	59	85	224	252

This article would complement the ongoing rodent control efforts of the Department of Public Health and the Department of Public Works by amending the bylaws to increase the fines for violations of the refuse storage and disposal bylaws by both food vendors and owners of single, two-, and three-unit residences. The new fines would be structured to increase for repeated violations in order to provide a stronger enforcement tool for Town departments to bring frequent violators into compliance and to prevent an undue burden being placed on owners who are unaware of the bylaws or make an isolated mistake. This update to the established fines would also align the fines for food vendors with the existing fine schedule for commercial businesses.

The petitioners consulted with Town Counsel to ensure that this proposal does not conflict with state law. DPW Director Gallentine and DPH Director Reiss were also consulted during the development of this proposal. Suggestions from both Department Directors were incorporated into this article, including clarifying that the Departments should be given the option but not the obligation of enforcing daily fines against food vendors that remain out of compliance and the proposed amount of increase for the fines on residential violations.

MOTION OFFERED BY THE PETITIONER

VOTED that the Town adopt the following amendment of the General Bylaws (language to be added appearing in underline):

**ARTICLE 10.3
NON-CRIMINAL DISPOSITION**

A violation of any provision of these by-laws, the violation of which is subject to a specific penalty under Section 10.1 or in the specific provision which has been violated, except

https://meetings.brooklinema.gov/OnBaseAgendaOnline/Documents/ViewDocument/10.18.22_Select_Board_Meeting_1505_Agenda_Packet_10_18_2022_6_00_00_PM.pdf?meetingId=1505&documentType=AgendaPacket&itemId=0&publishId=0&isSection=false

³ Ibid.

when otherwise provided by law, or any rule or regulation of any municipal officer, board or department may be dealt with as a non-criminal offense in accordance with the provisions of General Laws, Chapter 40, section 21d. If not subject to a specific penalty in the following table, each violation shall be subject to a specific penalty of fifty (\$50.00) dollars for each offense, unless a different penalty is provided in the specific by-law, rule or regulation provision being enforced. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as a separate offense hereunder. Violations of this Article 10.3 may be enforced by any police officer of the town, by the department head or their designee as set forth with particular reference to specific articles in Article 10.2, above, and, when a violation involves a rule or regulation of any municipal officer, board or department, by that municipal officer or by that board or the head of that department, by their designee, and in all instances, in accordance with the requirements set forth in General Laws, Chapter 40, section 21d.

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Article 6.3	Grass Borders		\$ 75.00
Article 6.4	Damage To Trees		\$100.00
Article 6.5	Defacing Public Grounds		\$ 75.00
Article 6.6	Discharging Firearms		\$100.00

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Article 7.1 Alcoholic Beverages \$100.00

Article 7.3 Construction In Streets

Section 7.3.3 Penalty \$100.00

Article 7.6 Newsrack Regulation

Section 7.6.5 Penalty \$ 25.00

Article 7.7 Removal of Snow and Ice From Sidewalks

Section 7.7.5 Penalties

For Section 7.7.1 and 7.7.2

First Violation \$100

Second Violation \$150

Third and Subsequent Violations \$200

For Section 7.7.3

First Violation \$50

Second and Subsequent Violations \$100

For Section 7.7.4 \$250

Article 7.8 Removal Of Vehicles From Streets \$ 25.00

Article 7.9 Snow Parking Ban \$100.00

Article 8.3 Dwelling Houses Used In Common \$100.00

Article 8.5 Disorderly Behavior

Section 8.5.5 Specific Penalty \$100.00

Article 8.6 Dog Control

Section 8.6.9 Penalty

First Violation	\$ 15.00
Second & Third Violations	\$ 25.00
Fourth & Subsequent Violations	\$ 50.00

Article 8.7 Food Stores - Hours Of Operation \$ 50.00

Article 8.8 Food Establishments Handling Of Refuse

Section 8.8.1 Penalty - Fines may be levied daily until compliance

First Violation	\$100.00
Second Violation	\$200.00
Third & Subsequent Violations	\$300.00

Section 8.8.2 Penalty - Fines may be levied daily until compliance

First Violation	\$100.00
Second Violation	\$200.00
Third & Subsequent Violations	\$300.00

Article 8.9 Toilet Facilities - Restaurants \$ 50.00

Article 8.23 Tobacco Control

Section 8.23.5
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For each violation under Article 8.23 -Three Hundred Dollars (\$300.00).

Article 8.24 Water Supply Emergencies

Section 8.24.6
Penalties

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First Violation \$
50.00

Second & Subsequent Violations
\$100.00

Article 8.25 Water System Backflow And Cross Connections

Section 8.25.6 Enforcement
\$100.00

Article 8.26 Stormwater Management

First Violation
\$100.00

Second Violation
\$200.00

Third and Subsequent Violations
\$300.00

Article 8.35 Drinking Water Access By-Law

Initial Violation
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Second Violation \$50.00

Third & Subsequent Violations \$150.00

Comparison to petitioner's original Warrant Article:

This motion is identical to the language of the original warrant article.

DIRECTOR OF HEALTH AND HUMAN SERVICES REPORT



**TOWN OF BROOKLINE
DEPARTMENT OF PUBLIC HEALTH**

11 Pierce Street, Brookline, Massachusetts, 02445
Telephone: (617) 730-2300 Facsimile: (617) 730-2296
Website: www.brooklinema.gov/health

***Sigalle Reiss, MPH, RS/REHS
Director of Public Health
& Human Services***

To: Select Board
Advisory Committee

From: Sigalle Reiss, Commissioner of Public Health & Human Services

Date: May 1, 2023

Re: Spring 2023 Town Meeting Warrant Article 13: Create a new
Article 3.12A of the Town's General By-Laws to establish an Office of
Housing Stability

CC: Charles Carey, Town Administrator

Housing is one of the most important social determinants of health, and safe and stable housing is vital for individual and community well-being. The link between stable housing and public health is strong, as several studies have shown that unstable housing situations can increase the risk of chronic physical and mental illness. Poor living conditions resulting from homelessness, inadequate housing, and overcrowding can negatively affect health outcomes.

When people do not have access to safe and stable housing, they are more likely to experience a range of health problems. These problems include respiratory issues, mental health challenges, and infectious diseases such as tuberculosis. Additionally, children who grow up in unstable housing conditions are at a higher risk of developmental delays, behavioral issues, and poor educational outcomes. Stable housing is also critical to supporting mental health. For people experiencing homelessness, mental health issues often arise as a result of the stress and uncertainty of their living situation. Access to stable housing can reduce stress and provide a sense of security, leading to improved mental health outcomes.

The benefits of stable housing go beyond individual health outcomes. A lack of stable housing can also negatively impact the broader community's health. Homelessness can contribute to the spread of infectious diseases, particularly in crowded shelters. It can also increase the burden on emergency departments and hospitals, leading to higher healthcare costs. Providing stable housing solutions for individuals and families is, therefore, critical for promoting public health. This requires a multi-sectoral approach involving healthcare providers, social services, and housing authorities. We can improve overall health outcomes and build healthier, more resilient communities by addressing the root causes of unstable housing and providing support and resources to those in need.

In their presentation, the petitioners spoke about the high cost of rent in the metro Boston area. The Department of Housing and Urban Development (HUD) defines affordable housing as housing that costs less than 30% of a household's income. Approximately 45% of renters are cost-burdened in the metro Boston area, and black and Latino residents disproportionately experience the burden. To help support residents in need of stable housing, communities in the region have an office of housing stability, including Boston, Somerville, Revere, and Malden. Several communities created this new office in response to the pandemic using ARPA funds. Malden, in particular, used some of its ARPA funds to

partner with a local nonprofit HFI to establish their office of housing stability.⁴

Department of Public Health Staff, ACPH members, and members of the public raised several concerns regarding the warrant article. In particular, Brookline DPH staff and ACPH members wondered how much this warrant article would cost the town annually. Commissioner Reiss noted the Department's plan to complete a human services mapping assessment before adding additional staff to support housing needs. The Brookline Public Health & Human Services Department plans to hire a consultant to conduct this human services assessment to evaluate the resources and services available to Brookline residents. The project will be conducted in three phases. The team will identify all available resources and services, evaluate gaps in operations and barriers to accessing existing services, and convene stakeholders to identify recommendations to improve access to human services. Once completed, Brookline DPH will have an action plan to improve access to human services, identify systems to address identified obstacles, and promote existing successful programs.

On March 22nd, the Advisory Council on Public Health held a public hearing⁵ on Warrant Article 13 for the Spring 2023 Brookline Town Meeting. After hearing from the petitioners' and Department of Public Health staff, the ACPH expressed their support for the Department's ongoing Community Health Assessment and human services mapping project. ACPH members expressed their strong support for the intention of the Warrant Article. They were happy that the petitioners included flexibility and that it did not dictate the precise manner to accomplish the goals of addressing housing needs in Brookline. The ACPH voted to recommend Warrant Article 13 to Town Meeting by a vote of 4 in favor, 0 opposed. Roll call in favor: Natalia Linos; Charles Homer; Leonard Jokubaitis; and Andy Epstein.

SELECT BOARD'S RECOMMENDATION

Article 18 is a petition to amend the Town's General By-laws to increase fines for improper handling of refuse, and to escalate these fines for repeated violations, for food establishments and owners of single, two, and three-unit residences up to the maximum amount allowable under state law. The article would not otherwise change the process for issuing citations. The Department of Public Works and Department of Public Health have developed a rodent control action plan that suggests reviewing the by-laws relative to handling of refuse. While these departments typically prioritize education on refuse

⁴ <https://advocatenews.net/malden/news/mayor-announces-new-office-of-housing-stability/>

⁵ [Advisory Council on Public Health - Zoom \(zoomgov.com\)](#)

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handling over issuing citations, this article would specifically address violations for repeat offenders that may not have been receptive to the Town's cooperation in resolving these issues.

A unanimous Select Board voted 4-0 for FAVORABLE ACTION on the motion offered by the petitioner.

ROLL CALL VOTE:

Aye:

Greene

Aschkenasy

VanScoyoc

Sandman

ADVISORY COMMITTEE'S RECOMMENDATION

A report and recommendation will be included in the supplement.

XXX