

Minutes of the **Bylaw Review Committee** meeting held
March 23, 2016
Town Clerk's Conference Room, Town Hall, 455 Concord Avenue
7:30 PM AM

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BELMONT, MA

2017 AUG 25 AM 11:06

Attendees: Charles Hamann, Chair, Mark Thurber, Raymond Miyares, Ellen O'Brien Cushman (ex-officio), Robert McGaw

Agenda:

Organization of Committee - Committee elected unanimously Charles Hamann to continue as Chair

Annual Town Meeting Articles

Article 4 – Demolition Delay - to remove the sunset provision in 2016, replacing it with 2017.

To see if the Town will vote to amend Section 60-320 of the Town of Belmont General Bylaws ("Demolition Delay") as follows or in any way act thereon.

1. By striking, from Subsection B, "Time Limitation", '2016' and replacing it with '2017', so that the Subsection reads:
B. Time Limitation. The provisions of this Section shall be null and void and of no force and effect on and after June 30, 2017.

Unanimous Vote as to form and placement.

Article 5: Residential Snow Removal - again, this article will expire in 2016 without extension or removal of the sunset provision. The intent is to delete 60-800 (I) and replace it with the same text, no sunset. The Committee reviewed the proposed language, made internal reference corrections and made Unanimous Vote as to form and placement with the Committee's edits.

Committee provided few edits to the proposed article from Town Counsel. Document attached.
Unanimous vote as to form and placement as edited by Committee.

Committee discussed the structuring of the General Bylaws. Ellen will get a quote from General Code to review the internal references such as this article, this bylaw, this section, this subsection, etc.

Minutes of the March 10, 2015 meeting were approved unanimously

Meeting adjourned at 8:15 PM

Respectfully submitted,
Ellen O'Brien Cushman

FINAL RESIDENTIAL SNOW REMOVAL GENERAL BYLAW

§ 60-800

original

"I. Residential Property Snow Removal.

(1) Purpose. Since pedestrians are safer when walking on Sidewalks than when walking in the streets used by vehicular traffic, the purpose of this Section is to encourage owners of residential property to remove the snow, slush, and ice from abutting Sidewalks so that Sidewalks throughout the Town are safe for use during the winter season, and so that the Town's local services and amenities are reasonably accessible by pedestrians via Sidewalks, especially by elderly persons, persons using wheel chairs, persons using carriages to transport children, and students walking to school.

(2) Definitions. For the purposes of this Section, the following terms shall have the following definitions:

(a) OBLIGATED PERSON - the person responsible for compliance with this Subsection pursuant to Paragraph (4). *Subsection I(4) ? ✓*

(b) SIDEWALK - a paved walkway (whether paved with brick, stone, cement, concrete, asphalt, or other impervious material) that is located within the right-of-way of a street that abuts residential property.

(3) Obligations. Snow, slush, and ice shall be removed from the Sidewalk, in accordance with the deadlines set forth in Paragraph (5). *Subsection I(5) ✓* to a width of at least 36 inches or, if the Sidewalk is narrower, for the full width of the Sidewalk.

(4) Obligated Persons. The owner of record of a residential property abutting a right-of-way in which a Sidewalk is located shall be obligated to comply with this Section within that portion of the right-of-way to which the residential property abuts, unless the owner of record can demonstrate that this obligation has been duly delegated to a responsible person, identified by name and address, by a written agreement signed by the person so delegated or by an express reference to the obligation in a written lease. *Subsection ✓*

(5) Deadlines for Removal and Treatment.

(a) After the cessation of a weather event that has resulted in snow, slush, or ice on a Sidewalk, the snow, slush, or ice shall be removed no later than 8 p.m. the following day, and the Sidewalk shall be treated with melting compounds, sand, or other grit, as reasonably necessary to inhibit slipping. Regardless of this deadline, Obligated Persons are encouraged to remove snow, slush, and ice promptly from the full width of the Sidewalk in order to minimize the ice formed on the Sidewalk when snow or ice melts and refreezes, so that neighbors and others can use the Sidewalks as soon as possible.

(b) Treatment of ice that forms on Sidewalks shall be accomplished no later than 8 p.m. on the day after the ice has formed, but Obligated Persons are encouraged to treat the ice promptly so that neighbors and others can use the Sidewalks as soon as possible.

(c) The deadlines set forth in this Subsection shall be extended for Obligated Persons who are temporarily absent from the residential property for vacations, holidays, hospitalization, and unexpected absences; provided, however, that such Obligated

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("Section 21D"). The penalty for such violation shall be \$300 for each offense. Each day or part thereof shall constitute a separate offense. .

- (1) "Enforcing person" as used in this subsection shall mean any police officer of the Town, the Director of Public Works and any other Town employee designated by the Board of Selectmen as an enforcing person.
- (2) An enforcing person taking cognizance of a violation of Subsection A, B, D(2), E(2), G, H or I or any rule or regulation adopted hereunder shall give the offender a written notice to appear before the Clerk of the District Court having jurisdiction thereof for the noncriminal disposition thereof in accordance with the provisions of § 21D. The provisions of §21D are incorporated herein by this reference.

or in any way act thereon.

TRUE COPY, ATTEST:

Ellen O'Brien Cushman, Town Clerk
Belmont, MA