

ARLINGTON ANNUAL TOWN MEETING 2022
SUBSTITUTE MOTION FOR WARRANT ARTICLE 17:
BYLAW AMENDMENT/CONVERSION OF GAS STATION DISPENSING PUMPS TO SELF SERVICE OPERATION

May 13, 2022

I, Eugene B. Benson, file this substitute motion to replace the recommended vote of the Arlington Select Board under Warrant Article 17 of the 2022 Annual Town Meeting. The Select Board recommended vote would terminate the town's prohibition on self-serve gasoline by deleting Article 5 of Title V of the Town Bylaws. Article 5 prohibits self-serve gasoline.

This substitute motion would also end the town's prohibition on self-serve gasoline, but rather than delete Article 5, it amends Article 5 to require a filling station that allows customer pumping of fuel to comply with fire code regulations for self-service fueling installations and with the Americans with Disabilities Act requirements for assistance at self-service gasoline stations, and to provide fueling by a gas station attendant when requested by a customer. It also changes the title of Article 5 from Self-Service Gas Dispensing to Self-Service Motor Fuel Dispensing.

Note: Deletions from the current bylaw are in ~~strikeout~~; additions to the current bylaw are underlined.

VOTED:

Arlington Town Bylaws

Title V: Regulations Upon the Use of Private Property

Article 5: Self-Service ~~Gas~~ Motor Fuel Dispensing

~~Section 1. Restriction on Sale~~

~~No filling station shall allow the pumping of gasoline for retail sale by any person other than an authorized attendant employee of said filling station.~~

~~Section 2. Customer Pumping Prohibited~~

~~No attendant at any gasoline station shall permit any non-employee to pump gasoline or engage in any distribution of gasoline within the station.~~

Section 1. Customer Pumping Permitted

The dispensing of motor fuel by means of self-service automated dispensing systems shall be permitted at any authorized filling station, provided the station:

- 1) Ensures its installations comply with the regulations promulgated by the Board of Fire Prevention Regulations of the Commonwealth of Massachusetts;
- 2) Complies with the Americans with Disabilities Act requirements for Assistance at Self-Service Gas Stations; and
- 3) Has separate and clearly marked pumps for self-service and attendant service or informs patrons through appropriate signs that they can obtain fueling by an authorized attendant employee of the gasoline station by, for example, call buttons, honking, or otherwise signaling an attendant.

Section 2. Self-Service Not Required

Nothing in this Article 5 requires an authorized filling station to allow customer pumping of fuel. An authorized filling station may instead choose to dispense fuel only by an authorized attendant employee of the station.

Reason for the substitute motion:

As with the Select Board recommended vote, this substitute motion would allow self-service motor fuel filling stations in town. This substitute motion, however, makes explicit that self-service filling stations must meet the fire code for such stations and accommodate customers with disabilities as required by the Americans with Disabilities Act. It also requires attendant pumping of fuel for customers who do not wish or are unable to use self-service. Not all customers can or want to pump their own fuel and this substitute motion will ensure that no one will have to leave Arlington to have an attendant fill their fuel tank.

Respectfully submitted,

Eugene B. Benson
Precinct 10