

## **ARTICLE 52. BYLAW, RULE OR REGULATION VIOLATIONS; NON-CRIMINAL DISPOSITION**

*(Amended/Replaced ATM 2018.)*

A. Criminal Complaint. Whoever violates any provision of these bylaws may be penalized by indictment or on complaint brought in the District Court. Except as may be otherwise provided by law and as the District Court may see fit to impose, the maximum penalty for each violation or offense brought in such manner shall be three hundred dollars (\$300).

B. Noncriminal Disposition. Whoever violates any provision of these bylaws, the violation of which is subject to a specific penalty, may be penalized by a noncriminal disposition as provided in G.L. c. 40, § 21D. The noncriminal method of disposition may also be used for violations of any rule or regulation of any municipal Officer, Board or department which is subject to a specific penalty.

Without intending to limit the generality of the foregoing, it is the intention of this provision that the following bylaws and sections of bylaws are to be included within the scope of this subsection, that the specific penalties, as listed herein, shall apply in such cases and that in addition to police officers, who shall in all cases be considered enforcing persons for the purpose of this provision, the municipal personnel listed for each section, if any, shall also be enforcing persons for such section. Each day on which any violations exist shall be deemed to be a separate offense.

52.B.1 General Provisions (subject to enforcement under G.L. c. 40, § 21D):

- a. Consumption of Marijuana (Article 49.19A).
  - [1] Enforcement agents: police officers.
  - [2] Fine schedule: first and subsequent offenses, three hundred dollars (\$300).
- b. Regulation of Utility Poles (Article 49.11A).
  - [1] Enforcement agents: Select Board.
  - [2] Fine schedule: first and subsequent offenses, three hundred dollars (\$300).
- c. Water Supply Restrictions (Article 49.12b).
  - [1] Enforcement agents: police officers.
  - [2] Fine schedule: first offense, fifty dollars (\$50); second and subsequent offenses, one hundred dollars (\$100).
- d. Mechanical Protection Devices (Article 49.25).
  - [1] Enforcement agents: Board of Fire Engineers and Select Board.
  - [2] Fine schedule: first and subsequent offenses, twenty dollars (\$20).
- e. Temporary and Transient Vendors (Article 49.30).
  - [1] Enforcement agents: Select Board.
  - [2] Fine schedule: first offense, one hundred fifty dollars (\$150); second and subsequent offenses, three hundred dollars (\$300).
- f. Police Regulations (Article 49) not otherwise specified herein.
  - [1] Enforcement agents: police officers.
  - [2] Fine schedule: first and subsequent offenses, fifty dollars (\$50).
- g. Animal Control (Article 47).
  - [1] Enforcement agents: Animal Control Officer.
  - [2] Fine schedule:
    - i. For violations of the requirements proof of a current rabies vaccination or a certification of exemption from the vaccination requirement: first and subsequent offenses, one hundred dollars (\$100).

- ii. For violations of the licensing requirements of individual dogs: fifty dollars (\$50) for each unlicensed dog.
- iii. For violations of Articles 47.6.b and 47.6.c: first offense, fifty dollars (\$50); second offense, one hundred dollars (\$100); third and subsequent offenses, three hundred dollars (\$300).
- iv. All other violations of Article 47, not described in i. through iii., above: first offense, one hundred dollars (\$100); second offense, two hundred dollars (\$200); third and subsequent offenses, three hundred dollars (\$300).

52.B.2 Rules and Regulations of the Board of Health (subject to enforcement under G.L. c. 40, § 21D):

- a. Abrasive Blasting Regulations (Chapter XVII).
  - [1] Enforcement agents: Board of Health agents.
  - [2] Fine schedule: first offense, two hundred dollars (\$200); second and subsequent offenses, three hundred dollars (\$300).
- b. Animal Regulations (Chapter XVI) – keeping a feral animal.
  - [1] Enforcement agents: Board of Health agents.
  - [2] Fine schedule: first and subsequent offenses, fifty dollars (\$50).
- c. Animal Regulations (Chapter XVI) – general.
  - [1] Enforcement agents: Board of Health agents.
  - [2] Fine schedule: first and subsequent offenses, twenty-five dollars (\$25).
- d. Food Service Regulations (Chapter I) - general.
  - [1] Enforcement agents: Board of Health agents.
  - [2] Fine schedule: first offense, fifty dollars (\$50); second offense, one hundred dollars (\$100); third offense, two hundred dollars (\$200); fourth and subsequent offenses, three hundred dollars (\$300).
- e. Food Service Regulations (Chapter I) – Remodeling without a permit.
  - [1] Enforcement agents: Board of Health agents.
  - [2] Fine schedule: first and subsequent offenses, two hundred dollars (\$200).
- f. Food Service Regulations (Chapter I) – Addition of food service operation.
  - [1] Enforcement agents: Board of Health agents.
  - [2] Fine schedule: first and subsequent offenses, one hundred fifty dollars (\$150).
- g. Housing Regulations (Chapter II) – General.
  - [1] Enforcement agents: Board of Health agents.
  - [2] Fine schedule: first and subsequent offenses, one hundred fifty dollars (\$150).
- h. Nuisance Regulations (Chapter III).
  - [1] Enforcement agents: Board of Health agents.
  - [2] Fine schedule: first offense, fifty dollars (\$50); second offense, one hundred dollars (\$100); third offense, two hundred dollars (\$200); fourth and subsequent offenses, three hundred dollars (\$300).
- i. Pool Regulations (Chapter XII).
  - [1] Enforcement agents: Board of Health agents.
  - [2] Fine schedule: first and subsequent offenses, two hundred dollars (\$200).

- j. Rubbish Regulations (Chapter VI).
  - [1] Enforcement agents: Board of Health agents.
  - [2] Fine schedule: first and subsequent offenses, two hundred dollars (\$200).
- k. Hazardous Waste Regulations.
  - [1] Enforcement agents: Board of Health agents.
  - [2] Fine schedule: first and subsequent offenses, two hundred dollars (\$200).
- l. Tobacco Regulations (Chapter XVIII).
  - [1] Enforcement agents: Board of Health agents.
  - [2] Fine schedule: first offense, one hundred dollars (\$100); second offence, two hundred dollars (\$200); third and subsequent offenses, three hundred dollars (\$300).
- m. Sewage Regulations (Chapter V) - General.
  - [1] Enforcement agents: Board of Health agents.
  - [2] Fine schedule: first offense, one hundred dollars (\$100); second offence, two hundred dollars (\$200); third and subsequent offenses, three hundred dollars (\$300).
- n. Sewage Regulations (Chapter V) – Installing well without a permit.
  - [1] Enforcement agents: Board of Health agents.
  - [2] Fine schedule: first and subsequent offenses, two hundred dollars (\$200).
- o. Sewage Regulations (Chapter V) – Installing well without an installer’s permit.
  - [1] Enforcement agents: Board of Health agents.
  - [2] Fine schedule: first and subsequent offenses, two hundred dollars (\$200).
- p. Sewage Regulations (Chapter V) – Use of unauthorized chemicals.
  - [1] Enforcement agents: Board of Health agents.
  - [2] Fine schedule: first and subsequent offenses, two hundred dollars (\$200).
- q. Operation without a required permit or license (General Provisions 3.01).
  - [1] Enforcement agents: Board of Health agents.
  - [2] Fine schedule: first offense, two hundred dollars (\$200); subsequent days on which the violation continues, fifty dollars (\$50).
- r. Well drilling without a permit (Chapter X).
  - [1] Enforcement agents: Board of Health agents.
  - [2] Fine schedule: first offense and subsequent offenses, three hundred dollars (\$300).
- s. Illegal Dumping (Chapter VII).
  - [1] Enforcement agents: Board of Health agents.
  - [2] Fine schedule: first offense and subsequent offenses, three hundred dollars (\$300).
- t. Disposal of Refuse Violations (Chapter VI).
  - [1] Enforcement agents: Board of Health agents.
  - [2] Fine schedule: first offense and subsequent offenses, two hundred dollars (\$200).
- u. Lead Paint Removal Violations (Chapter XV).
  - [1] Enforcement agents: Board of Health agents.
  - [2] Fine schedule: first offense and subsequent offenses, one hundred dollars (\$100).

- v. Body Art (Chapter XIX).
  - [1] Enforcement agents: Board of Health agents.
  - [2] Fine schedule: first offense and subsequent offenses, one hundred dollars (\$100).
- w. Plastic Bag Bylaw (Article 34.5C).
  - [1] Enforcement agents: Board of Health agents.
  - [2] Fine schedule: first offense, fifty dollars (\$50); second and subsequent offenses, one hundred dollars (\$100).
- x. Rules and Regulations of the Board of Health - not otherwise specified herein.
  - [1] Enforcement agents: Board of Health agents.
  - [2] Fine schedule: first offense, twenty-five dollars (\$25); second offense, fifty dollars (\$50); third and subsequent offenses, one hundred dollars (\$100).