



**Article: 11**

**Warrant Article Title:**

BYLAW AMENDMENT / WETLANDS BYLAW ENFORCEMENT

**Warrant Article Text:**

To see if the Town will vote to amend Title IX, Article 2 of the Town Bylaws ("Non-Criminal Disposition of Bylaws") to add the Conservation Agent and Conservation Administrator as enforcing persons of Title V, Article 8 of the Town Bylaws ("Wetlands Protection"); or take any action related thereto.

**Requested By:**

the Conservation Commission

**Report Excerpt:**

Vote and comment to Town Meeting - Favorable Action (5-0).

The Town's Environmental Planner, David Morgan presented to the Board and explained that the proposed amendment seeks to revise the town's Non-Criminal Disposition bylaw (Title IX, Article 2), to add the Conservation Agent, Conservation Administrator or any Town Police Officer as enforcing persons under Title V, Article 8, and the Regulations, permits, and orders issued thereunder. As confirmed by Town Counsel, the proposed Article is a permissible grant of authority to an "enforcing person" under G.L. c. 40, §21D. The Board unanimously voted to support this article as it will strengthen the Town's ability to enforce violations of its Wetlands Protection Bylaw.

**Vote Language:**

That the Town does and hereby amend Title IX, Article 2 of the Town's Bylaws so that it reads:

## ARTICLE 2

### NON-CRIMINAL DISPOSITION OF BYLAWS

*(ART. 32, ATM – 05/04/92) (ART. 26, ATM – 05/01/95) (ART. 45, ATM – 05/12/97) (ART. 13, ATM – 04/24/00) (ART. 19, ATM – 06/20/05) (ART. 19, ATM – 05/05/14)*

Any provision of these bylaws may in the first instance may be enforced by the noncriminal disposition procedure provided by the provisions of Section 21D of Chapter 40 of the general Laws. The enforcing person shall be any police officer of the Town.

Notwithstanding the foregoing a duly constituted agent of the Board of Health, who shall be a Town employee, shall be considered an enforcing person for purposes of:

Title III, Article 1, Section 22 (Rubbish Collection)

Title IV, Article 5, (Feeding of Waterfowl)

Title V, Article 2 (Junk Cars)

Title V, Article 4, (Smoking)

Title V, Article 9, (Dumpster Placement)

Title V, Article 12 (Noise Abatement)

Title VIII, Article 1, Section 6 (Cigarette Machines)

Title VIII, Article 2, Section 2 and 3 (Dogs)

Title VIII, Article 3, (Public Health)

In addition, any Animal Control Officer of the Town shall be considered an enforcing person for purposes of Title VIII, Article 2, Sections 2 and 3.

In addition, the Inspector of Buildings or any local inspector, the wire inspector, plumbing inspector and the Director of Fire and Support Services or the Director's designee shall be the enforcing person for purposes of Title VI in their respective areas of expertise.

In addition, the Conservation Agent, Conservation Administrator or any Town Police Officer shall be considered an enforcing person for the purposes of Title V, Article 8, and the Regulations, permits, and orders issued thereunder.

[Select Board Report](#)