

1 **ATM Warrant, Article 34, Fees, Fines and Other Charges**

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3 Note: The comments are not included in the motion and are shown for only informational purposes.
4 Paragraphs that are not proposed to be amended are not shown and are intended to not be deleted
5 unless such action is specifically stated or shown in this motion.
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8 MOVED that the town vote to amend the general by-laws by inserting a new section, ART. 4.10.
9 SECTION 7. Fees, Fines and Other Charges that will specify the dollar amount of the fees, fines and other
10 charges that appear in various articles in the General By-Laws, and amend the articles listed below by
11 deleting the specific dollar amount and inserting in place thereof a reference to the new ART. 4.10,
12 SECTION 7, and recodify contiguous sections, sub-sections, and paragraphs as necessary, as
13 recommended by the General By-Law Review Committee, including:
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15 **ARTICLE 3.50. Town Clerk**

16 **ART. 3.50. SECTION 3. Public Notices**

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18 Any notice posted under the seal of the Town Clerk or any notice date stamped and posted by the
19 Town Clerk on the principal official bulletin board of the Town or in a public place so designated for
20 such posting shall not be removed. Removal of such notices shall be punishable by a fine in the
21 amount specified in ART. 4.10, SECTION 7.B. of \$100.00, and shall be enforced by the Chief of
22 Police.
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26 **ART. 4.10. SECTION 7. Fees, Fines and Other Charges**

27 **A. Fees:**

i. Flammables, original fee (ART. 5.30, SECTION 1.)	\$500.00
ii. Flammables, renewal fee (ART 5.30, SECTION 1.)	\$250.00
iii. Excavating in public ways, application fee (ART. 6.20, SECTION 2.C.)	\$50.00
iv. Test of any testable backflow prevention device (ART. 6.30, SECTION 3.)	\$50.00

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33 **B. Fines:**

i. Removal of public notices (ART. 3.50, SECTION 3)	\$100.00
ii. Failure to affix numbering to buildings (ART. 4.50, SECTION G):	
1. first offense	\$100.00
2. second offense	\$500.00
3. third offense	\$1000.00
iii. False alarms (ART. 5.10, SECTION 4.B.):	
1. fifth and sixth alarms	\$25.00
2. seventh and subsequent alarms	\$50.00
iv. Incessant continuation of audible alarm (ART. 5.10 SECTION 4.C.)	\$50.00
v. Unauthorized use of off-road vehicle (ART. 5.10, SECTION 7.C.)	\$250.00
vi. Unauthorized consumption of alcoholic beverages by a patron (ART. 5.10, SECTION 8.B.)	\$300.00
vii. Public consumption of marijuana (ART. 5.10, SECTION 9)	\$300.00
viii. Failure to license dog (ART. 5.20, SECTION 2.)	\$50.00
ix. Complaints as to dogs (ART. 5.20, SECTION 5):	
1. first and second offense	\$25.00 per dog plus \$40.00 administrative fee (\$80.00 administrative fee if dog is impounded and released)
2. third and subsequent offense	\$50.00 per dog plus \$40.00 administrative fee (\$80.00 administrative fee if dog is impounded and

Comment [m1]: Format of language in individual articles if the amount of each fee, fine or other charge is specified in a single section (proposed ART 4.10, SECTION 7).

Comment [m2]: New Section to facilitate management of fees, fines and other charges.

54	released)	
55	x. Failure to obtain a kennel license (ART 5.20, SECTION 7)	\$50.00
56	xi. Excavating in public ways (ART. 6.20, SECTION 2.I.)	\$50.00
57	xii. Violation of mandatory recycling (ART. 6.50, SECTION 1.G.):	
58	1. First violation	Written Warning
59	2. Second violation	\$35.00
60	3. Third and subsequent violations	\$75.00
61	x.iii. Destruction of stone walls or cutting trees on a scenic road (ART. 7.12,	
62	SECTION 5.1.):	
63	1. First violation	Written Warning
64	2. Second violation	\$35.00
65	3. Third and subsequent violations	\$75.00
66	xiv. Violation of wetland protection by-law (ART. 7.31, SECTION 12.)	
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68	C. Other Charges:	
69	i. Additional collection fee, failure to license dog (ART. 5.20, SECTION 2.)	\$100.00
70	ii. Excavation in public way, guarantee proper replacement (ART. 6.20, SECTION 2.E.):	
71	1. Bituminous concrete Streets/Sidewalks	\$50.00 per square yard
72	2. Bituminous concrete berm	\$10.00 per lineal foot
73	3. Vertical granite curbing (Remove & rest)	\$15.00 per lineal foot
74	4. Grass plot	\$10.00 per square yard
75	5. Gravel shoulder	\$10.00 per square yard
76	6. Cement concrete sidewalks	\$70.00 per square yard
77	iii. Earth removal review consultant expenses (ART. 7.11, SECTION 6.B.2.):	
78	1. earth removal of 5,000 cubic yards or less	not to exceed \$2,500.00
79	2. earth removal of more than 5,000 cubic yards	not to exceed \$5,000.00
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ARTICLE 4.50. Board of Assessors

ART. 4.50. SECTION 1. Numbering of Buildings

G. Structures which do not meet the conditions of this by-law will not be issued an occupancy permit, or other permits under the purview of the Town of Wrentham and its associated *elected boards, committees* or departments. Penalties for compliance failure may include fines as prescribed in M.G.L. 149A and in the amount specified in ART. 4.7, SECTION 7.B. The Fire Chief shall issue a written warning of violation, then fines of ~~\$1000~~ for first offense, ~~\$500~~ second offense, and ~~\$1000~~ ~~third~~^{3rd} offense, after the ~~third~~^{3rd} offense a civil violation will be pursued in District Court.

ART. 5.10. SECTION 4. False Alarms

B. False Alarms

After the Police Department has recorded four (4) separate false alarms within the fiscal year, the alarm user shall be assessed the following fines in the amount specified in ART. 4.7, SECTION 7.B.

- i. Twenty-five dollars (~~\$25.00~~) for the fifth and sixth alarms.
- ii. Fifty dollars (~~\$50.00~~) for the seventh and subsequent false alarms.

Failure to pay the fine within 45 days from the billing date will result in court action for violation of a town by-law or a municipal charges lien being placed on real property pursuant

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Comment [m4]: Format of language in individual articles if the amount of each fee, fine or other charge is specified in a single section (proposed ART 4.10, SECTION 7).

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107 to M.G.L. Chapter 40, Section 58 in the Norfolk Registry of Deeds until the fine is paid.

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109 **C. Audible Alarm**

110 All alarm systems that emit an audible signal shall be equipped with a device for limiting the
111 length of the audible signal to ten (10) minutes. Any user of an alarm system that either
112 does not have such a device nor has a malfunction that allows the audible signal to continue
113 for more than ten (10) minutes shall be assessed a fine in the amount specified in ART. 4.7,
114 SECTION 7.B. of fifty dollars (\$50.00). Failure to pay such fine within forty-five (45) days of
115 the billing date will result in either court action of a violation or a town by-law or the
116 placement of a municipal charges lien on the real property pursuant to M.G.L. 40, Section 58
117 in the Norfolk Registry of Deeds until the fine is paid.

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120 **ART. 5.10. SECTION 7. Off-Road Vehicles**

121 **C.** Violators of this bylaw will be subject to a ~~\$250.00~~ fine in the amount specified in ART. 4.7,
122 SECTION 7.B. for a first offense and for a second and any subsequent offenses.

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124 **ART. 5.10. SECTION 8. Alcohol**

125 **B.** No person or entity holding a common victualler's license shall permit any patron to bring
126 alcoholic beverages onto the licensed premises, or to consume alcoholic beverages on the
127 licensed premises. However, a person or entity holding a common victualler's license may
128 permit any patron to bring beer or wine onto the licensed premises, or to consume said
129 beverage on said licensed premises subject to regulations promulgated by the Board of
130 Selectmen. Any violation of this provision shall be punishable by a fine in the amount
131 specified in ART. 4.7, SECTION 7.B. of \$300.00, or by suspension, modification or revocation
132 of the said common victualler's license.

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134 **ART. 5.10. SECTION 9. Public Consumption of Marijuana and Tetrahydrocannabinol**
135 **(THC)**

136 **D.** This by-law may be enforced through any lawful means in law or in equity including, but not
137 limited to, enforcement by criminal indictment or complaint pursuant to G.L. c. 40, § 21, or
138 by non-criminal disposition pursuant to G.L. c. 40, § 21D, by any police officer. Any person
139 found to be in violation of this by-law, or who refuses to give the above-noted information or
140 if any information proves false, shall be liable to a fine in the amount specified in ART. 4.7,
141 SECTION 7.B. of three hundred dollars (\$300) for each such violation. Any penalty imposed
142 under this ordinance shall be in addition to any civil penalty imposed under G.L. c. 94C, §
143 32L.

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145 **ARTICLE 5.20. Animal Control**

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147 **ART. 5.20. SECTION 2. Licenses and Tags**

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149 Whoever violates the provisions of this by-law subsection, or fails to license their dog before April 1st
150 of the licensing period, shall be subject to a fine in the amount specified in ART. 4.10, SECTION 7. B.
151 of these by-laws of fifty dollars (\$50.00). An owner, who does not register their dog by June 1st of
152 the licensing period, shall be charged an additional ~~one hundred dollars (\$100.00)~~ collection fee in
153 the amount specified in ART. 4.10, SECTION 7. C. of these by-laws.

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156 **ART. 5.20. SECTION 5. Violations/Penalties and Complaints as to Dogs**

157 The Animal Control Officer, any Police Officer of the Town of Wrentham, or any other person so
158 appointed by the ~~Board of Selectmen~~ Town Administrator may assess fines upon the owner or keeper
159 of any dog found to be a public nuisance, or found to be in violation of Section 4, in the amount

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Comment [m6]: Format of language in individual articles if the amount of each fee, fine or other charge is specified in a single section (proposed ART 4.10, SECTION 7).

Comment [m7]: Format of language in individual articles if the amount of each fee, fine or other charge is specified in a single section (proposed ART 4.10, SECTION 7).

Comment [m8]: Format of language in individual articles if the amount of each fee, fine or other charge is specified in a single section (proposed ART 4.10, SECTION 7).

Comment [m9]: Format of language in individual articles if the amount of each fee, fine or other charge is specified in a single section (proposed ART 4.10, SECTION 7).

Comment [m10]: In accordance with Charter Section 4.2 (a).

160 specified in ART. 4.7, SECTION 7.B. The fines are as follows:

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First and Second Offense	\$25.00 fine per dog; plus \$40.00 administrative fee (\$80.00 administrative fee if dog is impounded and released)
Third, Fourth and Subsequent Offenses	\$50.00 fine per dog; plus \$40.00 administrative fee (\$80.00 administrative fee if dog is impounded and released)

Comment [m11]: Format of language in individual articles if the amount of each fee, fine or other charge is specified in a single section (proposed ART 4.10, SECTION 7).

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165 **ART. 5.20. SECTION 7. Kennel License**

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167 Whoever violates any provision of this by-law subsection shall be punished by a fine in the amount
168 specified in ART. 4.7, SECTION 7.B. of fifty dollars (\$50), payable to the Town of Wrentham.

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172 **ARTICLE 5.30. Fire Department**

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174 **ART. 5.30. SECTION 1. Licenses and Registration Fees for Flammables**

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179 The fee to be charged for any license or registration as required by Chapter 148, Section 13 of the
180 Mass. General Laws applicable to the keeping, storage, manufacture or sale of gunpowder, dynamite,
181 crude petroleum or any of its' products, or explosive or inflammable fluids or compounds or other
182 articles covered by Chapter 148, Section 9 of the Mass. General Laws in the amount specified in ART
183 4.70, SECTION 7. A. as follows:

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- i. Original fee ~~_____~~ \$500.00
- ii. Renewal fee ~~_____~~ \$250.00

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184 **ARTICLE 6.20. DPW, Highways**

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186 **ART. 6.20. SECTION 2. Excavating in Public Ways**

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189 **C.** The excavation permit fee to be submitted with the application shall be in the amount
190 specified in ART. 4.7, SECTION 7.A. \$50.00.

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193 **E.** To guarantee proper replacement of the excavation including surface treatment, applicants
194 for excavation permits shall be required to post a cash deposit or certified check based upon
195 the amounts specified in ART. 4.7, SECTION 7.C. following schedule:

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- i. Bituminous concrete Streets/Sidewalks _____ \$50. per square yard
- ii. Bituminous concrete berm _____ \$10. per lineal foot
- iii. Vertical granite curbing (Remove & rest) _____ \$15. per lineal foot
- iv. Grass plot _____ \$10. per square yard
- v. Gravel shoulder _____ \$10. per square yard
- vi. Cement concrete sidewalks _____ \$70. per square yard

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The deposit is to be determined by the public works superintendent. A minimum deposit of two
hundred dollars (\$200.00) shall be required to be submitted with the permit application. The

Comment [m12]: Format of language in individual articles if the amount of each fee, fine or other charge is specified in a single section (proposed ART 4.10, SECTION 7).

Comment [m13]: Format of language in individual articles if the amount of each fee, fine or other charge is specified in a single section (proposed ART 4.10, SECTION 7).

Comment [m14]: Format of language in individual articles if the amount of each fee, fine or other charge is specified in a single section (proposed ART 4.10, SECTION 7).

Comment [m15]: Format of language in individual articles if the amount of each fee, fine or other charge is specified in a single section (proposed ART 4.10, SECTION 7).

204 Town of Wrentham Public Works Department shall be exempt from the permit fee and deposit.
205 If based upon the price schedule in 4A, the deposit will exceed three thousand dollars
206 (\$3,000.00), a cash deposit of three thousand (\$3,000.00) and a bond for the balance will be
207 acceptable. Should the applicant anticipate a number of street openings for utility services or
208 repairs during the course of a calendar year, the public works superintendent may at his
209 discretion accept a blanket deposit of three thousand dollars (\$3,000.00).
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- 211 **I.** The superintendent of public works shall have the authority to enforce the provisions of this
212 article. Any person who violates any provision of this article shall be subject to a penalty in the
213 amount specified in ART. 4.7, SECTION 7.B. of \$50.00. Each day such violation continues shall be
214 a separate offense and the permittee will no longer be allowed to excavate in a public way. The
215 superintendent, upon taking cognizance of a violation of any provision of this article, as an
216 alternative to initiating criminal proceedings, may give to the offender a written notice to appear
217 before the Clerk of the Wrentham District Court not later than twenty-one days after the date of
218 such notice. Said notice shall be served in the form and manner prescribed by GLC 40, Section
219 2ID and shall be subject to the procedure for disposition set forth therein.
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222 **ARTICLE 6.30. DPW, Water**
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224 **ART. 6.30. SECTION 3. Backflow Prevention**

225 In order to comply with the Drinking Water Regulations of Massachusetts, 310 CMR, Section 22, the
226 Town of Wrentham shall charge a fee in the amount specified in ART. 4.7, SECTION 7.A. of \$50.00,
227 or such other fee as the Commonwealth may prescribe, for each test of any testable backflow
228 prevention device required by said regulations.
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231 **ARTICLE 6.50. DPW. Solid Waste and Recycling**
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233 **ART. 6.50. SECTION 1. Mandatory Recycling**
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235 **G. Enforcement and Penalties**
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- 237 **2.** Any person or entity who violates the provisions of this bylaw may be penalized by a
238 non-criminal disposition as provided in M.G.L. C.40, Section 21D. The penalty for each
239 violation shall be in the amount specified in ART. 4.7, SECTION 7.B.

i. First violation	Written Warning
ii. Second violation	\$35.00
iii. Third and subsequent violations	\$75.00

245 **ARTICLE 7.11. Earth Removal**
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247 **ART. 7.11. SECTION 6. Earth Removal Permit Requirements**
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249 **B. Fees**
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251 **2. Consultant's Fees**

252 The Planning Board is authorized to require the applicant to pay the reasonable costs and
253 expenses borne by the Planning Board for specific expert engineering and consultant
254 services deemed necessary by the Planning Board to review any permit application, or
255 permit renewal application, up to a maximum amount specified in ART. 4.7, SECTION
256 7.C. of two thousand five hundred dollars (\$2500.00). In cases where the Earth Removal

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Comment [m17]: Format of language in individual articles if the amount of each fee, fine or other charge is specified in a single section (proposed ART 4.10, SECTION 7).

Comment [m18]: Format of language in individual articles if the amount of each fee, fine or other charge is specified in a single section (proposed ART 4.10, SECTION 7).

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project will exceed 5,000 cubic yards, the maximum consultant fee shall be in the amount specified in ART. 4.7, SECTION 7.A. ~~five thousand dollars (\$5000.00).~~ Such services may include, without limitation, the delineation and survey of wetland resource areas, the delineation and survey of surface contours, analysis of resource area values, hydrogeological and drainage analyses, and legal services. The Planning Board is authorized to charge the applicant for said fee based upon its reasonable finding that the additional information it may acquire through outside consultants will be helpful for the making of an objective decision and the formulation of appropriate conditions. Said fee may be requested of the applicant within thirty (30) days of the filing of the application, or from the last amendment thereto. In its request, the Planning Board shall identify the consultant it has selected, include an estimate of the charges for the proposed services, and state the amount due as an initial deposit. The applicant may appeal from the selection of the consultant to the Board of Selectmen within ten (10) days of receiving notice from the Planning Board of the same. The Selectmen may set aside the selection of the consultant only if the consultant lacks sufficient qualifications to perform the work or has a conflict of interest. Subject to this right of appeal, all deposits requested by the Planning Board shall be delivered to the Town Treasurer within ten (10) days of the Planning Board's request.

ARTICLE 7.12. Scenic Roads

ART. 7.12. SECTION 5. Enforcement

1. Any violation of this bylaw, whether for the tearing down or destruction of stone walls or the cutting or removal of trees, shall result in a fine levied against the offending property owner, in the amount specified in ART. 4.7, SECTION 7.B. ~~The first violation shall result in a fine of \$100, the second violation shall result in a fine of \$200, and the third violation shall result in a fine of \$300. Each day, or portion thereof, that a violation of this bylaw continues shall be deemed a separate offense.~~

ARTICLE 7.31. Wetlands Protection

ART. 7.31. SECTION 12. Enforcement

Any person who violates any provision of this by-law, or regulations, permits, or administrative orders issued thereunder, shall be punished by a fine in the amount specified in ART. 4.70, SECTION 7.B. ~~of not more than \$300.00.~~ Each day or portion thereof during which a violation continues, or unauthorized fill or other alteration remains in place, shall constitute a separate offense, and each provision of the by-law regulations, permits, or administrative orders violated shall constitute a separate offense.

Comment [m19]: Format of language in individual articles if the amount of each fee, fine or other charge is specified in a single section (proposed ART 4.10, SECTION 7).

Comment [m20]: Format of language in individual articles if the amount of each fee, fine or other charge is specified in a single section (proposed ART 4.10, SECTION 7).

Comment [m21]: Format of language in individual articles if the amount of each fee, fine or other charge is specified in a single section (proposed ART 4.10, SECTION 7).