Inhabitants Bylaw General Revisions

- The following sections of Chapter 5, Public Regulations, of the Inhabitant Bylaws are removed and repealed: Section 4, Signs; Section 11, Bathing; Section 21, Solicitation of Rides on a Public Way; Section 26, Defacing Public Playgrounds; Section 31, Traffic Visibility Across Corners; Section 34, Certain Invasion of Privacy Prohibited; and Section 45, No Smoking Restaurants and Food Establishments.
- References to the Massachusetts General Laws are standardized to the following format: MGL c. __, § __.
- The term "by-law" is amended to read "bylaw."
- The term "Chairman" is amended to read "Chair."
- The terms "Board of Selectmen" and "Selectmen" are amended to read "Select Board."
- The terms "he," "him," "his," "she," "her," and "hers" are amended to read "they," "them," "their," or "theirs," as appropriate.
- In Chapter 15, Elderly Services, the term "Elderly Services Commission" is amended to read "Council on Aging," and the term "Commission" is amended to read "Council."
- In Chapter 19, Alarm Systems, the term "these regulations" is amended to read "this bylaw."

Chapter 1, General Provisions.
Section 1-1A is amended to change "Zoning By-Laws" to "the Zoning Bylaw" and to change "780 CMR 1-22 inclusive" to "780 CMR."
Section 1-2 is amended to change "have the effect of revising" to "have the effect of reviving."
Section 1-6 is amended as indicated: "…in cases not otherwise provided for forfeiture and pay for every offense a fine not exceeding $300 for each offense."

Chapter 24, Finance Committee.
Section 24-1B is amended as indicated: "Whenever a vacancy occurs in the membership of such Committee, notice thereof shall at once be given by the Town Clerk to the appointing committee, who shall forthwith fill such vacancy."
Section 24-2 is amended to read as follows: "The Committee shall organize annually by the election from its membership of a Chair and Secretary, and it shall make such administrative rules and regulations, not inconsistent with law, for the conduct of its work."
Section 24-4A is amended as indicated: "The Committee shall, seven days prior to any Town Meeting at which articles contained in the warrant are to be acted upon, prepare, publish and distribute, by leaving copies thereof in the office of the Town Clerk, their its report and recommendations on such articles which involve the transfer, raising and appropriation of monies."

**Chapter 50, Noncriminal Disposition.**

**Article I, Authorization.**

Section 50-1 is amended to read as follows:

Any bylaw of the Town of Wilmington, or rule or regulation of its departments, boards, commissions and committees, the violation of which is subject to a specific penalty, may, in the discretion of the Town official who is the appropriate enforcing person, be enforced in the method provided in c. 40, 2 Wilmington General Bylaws § 21D, of the Massachusetts General Laws, "Noncriminal disposition of ordinance, by-law, rule or regulation violations." "Enforcing person" as used in this bylaw shall mean any police officer of the Town of Wilmington, with respect to any offense, the Building Inspector, Board of Health Agent, Conservation Commission Agent, Animal Control Officer, Director of Public Works, Fire Chief or any agent of the Town officials, each with respect to violations of bylaws or rules or regulations within their respective jurisdictions. If more than one official has jurisdiction in a given case, any such official may be an enforcing person with respect thereto.

**Chapter 55, Officers and Employees.**

Section 55-2 is amended as indicated: "...the order of any officer, board or any officer, board or commission."

**Chapter 69, Records and Reports.**

Section 69-2 is amended as indicated: "All public records, as defined in MGL c. 4, § 7, shall be available for inspection at reasonable times and under the supervision of the person having custody, who shall furnish copies thereof on payment of a reasonable fee determined in accordance with MGL c. 66, § 10(d)."

Section 69-3 is amended as indicated: "Such reports shall be made by filing the original thereof with the appointing authority prior to January 16, except the Town Accountant and Town Manager, who shall report on a date designated by the Select Board in the year in which it the report is made, and at the same time copies thereof shall be filed, one with the Town Manager and one with the Town Clerk, for a permanent record."

**Chapter 90, Town Meetings.**

Section 90-2 is amended to delete the asterisk preceding the term "three years" at the end of the first sentence and to delete the term "*4/87" at the end of the section.

Section 90-6 is amended to read as follows: "Notice of every adjourned Town Meeting shall be posted by the Town Clerk in various conspicuous public places in the Town, at least one in each precinct, and in addition thereto, the Town Clerk shall, if practicable, publish the same in one or more newspapers published or circulated in the Town at least 24 hours before the time of said adjourned meeting."

**Chapter 98, Trust Funds.**

Section 98-1 is amended to change "the income therefor" to "the income therefrom" in the last sentence.

**Chapter 115, Air Pollution Control.**

Section 115-1 is amended as indicated: "It shall be the duty of the Board of Health to develop adhere to the rules and regulations in conformity with the state air pollution regulations for the purpose of comparing the level of pollution in
Wilmington with standards of air quality as established by the commonwealth, Department of Public Health, Division of Environmental Health Department of Environmental Protection and/or federal air quality control programs and public law."

**Chapter 119, Alarm Systems.**

Section 119-8A(2) is amended to change $25 to $100.
Section 119-11 is amended as follows: "Any person who performs or causes to be performed any of the following acts shall be subject to a fine of up to $100 for each such act $100 for the first offense, $200 for the second offense and $300 for the third or subsequent offense:"
Section 119-12 is amended as indicated: "No liability whatsoever is assumed for the failure of such alarm devices or monitoring facilities, or for failure to respond to alarms, or for any other act or omission in connection with such alarm devices."

**Chapter 131, Animals.**

**Article III, Traveling Animal Acts.**
The definition of "performance" in § 131-14 is amended to delete "ace" following "parade."

**Chapter 138, Boats and Boating.**
Section 138-1 is amended as indicated: "No person shall engage in the business of renting boats or bathing suits for use in any waters of the Town without first obtaining a license from the Select Board."
Section 138-2C is amended as indicated: "Whoever violates any of the provisions of this boating bylaw shall be punished by a fine of not more than $20 for each violation."

**Chapter 144, Building Numbers.**
Section 144-1B is amended to delete "maximum" before "fine of $50" in the last sentence.

**Chapter 147, Buildings, Moving of.**
Section 147-1 is amended as indicated: "Such permit shall state clearly the restrictions and provisions with which to be complied the permittee shall comply."

**Chapter 155, Criminal History Background Checks.**
Section 155-1C is amended to change "Massachusetts Department of Criminal Justice Information Systems" to "Massachusetts Department of Criminal Justice Information Services."
Section 155-1E is amended as indicated:
The Select Board is authorized to promulgate regulations for the implementation of the proposed this bylaw, but in doing so it is recommended that they the Select Board consults with the Chief of Police, Town Counsel and the Massachusetts Executive Office of Public Safety and Security (or its successor agency) to ensure that such regulations are consistent with the statute, the FBI's requirements for access to the national database and other applicable state laws.

**Chapter 163, Earth Removal.**
Section 163-2F is amended as indicated: "Any permit issued hereunder shall automatically expire upon the completion of the earth removal project for which it was issued or at such other time as may be specified in said permit, but in no case
shall a permit be issued for a period of more than one year."
Section 163-7D is amended as indicated: "In addition, for each offense they the
person violating this bylaw shall replace any and all material removed in violation of
the provisions of this bylaw."

Chapter 169, Excavations and Trenches.

Article I, Barriers on Excavations.
Section 169-1 is amended to change "five days" to "two days" and to change "$300"
to "$200."

Article II, Trench Safety.
Section 169-4 is amended to revise the first sentence to read as follows: "This
article is enacted pursuant to the provisions of MGL c. 82A and the regulations of
the Department of Public Safety in conjunction with the Division of Occupational
Safety as promulgated under 520 CMR 14.00."
Section 169-6 is amended to change "Director of the Department of Public Works"
to "Director of Public Works."
Section 169-10 is amended as indicated: "Conditions which warrant immediate
shutdown of a trench site by the permitting authority[,] or an inspector from either
the Department of Public Safety or the Division of Occupational Safety may include
those conditions set forth in 520 CMR 14.05(5)."

Chapter 181, Fires and Fire Prevention.

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Article I, Fire Lanes.
Section 181-1 is amended to change "head of the Fire Department" to "Fire Chief."
Section 181-2A is amended to change "statute law" to "MGL c. 159B, § 6B."
Section 181-4 is amended as follows: "Any person violating any of the foregoing
sections shall for the first offense be punished by a fine of up to $50 $100."

Chapter 189, Graffiti.
§ 3801 et seq."
Section 189-2D is added to read: "Any person who violates the provisions of this
section shall be fined $300 for each offense."

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Chapter 194, Hazardous Materials.

Article I, Underground Tanks.
The definition of "inventory verification" in § 194-3 and §§ 194-5A(2) and (3) and
B(1), (3), (4) and (5) and 194-6A(1), (3) and (5) are amended to replace the
references to 527 CMR with "the Massachusetts Comprehensive Fire Safety Code."
The definition of "monitoring system" in § 194-3 is amended to change "0.20 gallons
per hour" to "0.02 gallons per hour."
Section 194-5C is amended as indicated: "The owner/operator of Uunderground
tanks that are to be installed within 1,000 feet of a public water supply well shall
submit, for review by the Fire Chief, Board of Health or its agent, and the local
Water and Sewer Commissioners or their agent, a plan outlining the procedures or
devices, such as product sensors and/or area monitoring devices, to be used to
prevent water supply contamination."
Section 194-7A is amended to read as follows: "Leak reporting. Any owner/operator
who is aware of a spill, abnormal loss of product stored underground, or abnormal
gains of water in a tank, shall report such spill, loss or gain immediately to the Fire
Chief or Department of Environmental Protection. The Fire Chief or Department of
Environmental Protection shall be responsible for other notification, except as
required by law."
Section 194-8D is amended to change "permit renewal" to "license and permit
renewal."

Article II, Contaminated Soil.
The definition of "Zone II" in § 194-13 is amended as indicated: "Both Zone II and
IWPA as are further defined in 310 CMR 22.02."

Chapter 206, Junk and Secondhand Dealers.
Section 206-1A(3) is amended as indicated: "Examples of such entities include, but
are not limited to..."
Section 206-1B is amended as indicated: "The Chief of Police shall be informed as to
whether or not the applicant wishes to engage in business as a secondhand dealer
of any of the above-stated articles, and if so, the applicant shall specify the types of
articles to be dealt with."
Section 206-1C is amended to change "All licenses issued under this rule" to "All
licenses issued under this bylaw."
Section 206-3C is amended as indicated: "If the property is positively identified by
the person claiming to be the rightful owner, the property shall be held by the
Wilmington Police Department in custody, according to existing policies and
procedures of the Wilmington Police Department and pending the ultimate outcome
of any legal proceedings regarding rightful ownership."

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Section 206-4C is amended to change "offense violation" to "violation."

Chapter 213, Licenses and Permits.
Section 213-5 is amended to delete "bicycle permits; section eleven A of chapter
eight-five."

Chapter 220, Marijuana.
Article II, Marijuana Establishments.
Section 220-3 is amended as indicated: "This prohibition shall not be construed to
affect the medical use of marijuana as expressly authorized by the provisions of
Chapter 369 of the Acts of 2012 and 105 CMR 725.000 MGL c. 94I and 935 CMR
501.000,; or to take any other action related thereto."

Chapter 234, Parks and Recreation.
Article I, Coasting.
Section 234-2 is added to read: "Violation of this article shall be subject to a fine of
$20."

Chapter 238, Pawnbrokers.
Section 238-1B is amended to change "licenses issued under this rule" to "licenses
issued under this bylaw."
Section 238-3B is amended as indicated: "No licensee shall permit any property
taken by him in pawn to be sold, modified or removed from the licensed premises
until a period of 30 days in conformance with MGL c. 140, § 71, has elapsed from
the date of receipt unless the licensee has obtained written permission from the
Wilmington Police Department."
Section 238-3C is amended as indicated:
If the Wilmington Police Department determines that there is probable cause to conclude that a particular item of property in the possession of a licensee has been stolen or if the Wilmington Police Department determines that a particular item of property in the possession of a licensee has been reported as lost or stolen, a stop order shall be issued to the licensee which shall bar any transfer of the subject property, pending conclusion of an investigation or of any necessary legal proceedings commenced by the person claiming that the property is lost or stolen. If the property is positively identified by the person claiming to be the rightful owner, the property shall be held by the Wilmington Police Department in custody, according to existing policies and procedures of the Wilmington Police Department and pending the ultimate outcome of any legal proceedings regarding rightful ownership.
Section 238-4C is amended to read as follows:

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Penalty for violations. This bylaw shall be enforced in accordance with the provisions of Chapter 50, Noncriminal Disposition, Article I, of the Town bylaws as well as MGL c. 40, § 21D. The penalty for a first violation of this bylaw shall be $100 and for any second or subsequent violation shall be $200. For any second or subsequent violation, the penalty shall apply to each individual item of property or incident that was not properly documented or permitted.

Chapter 270, Solicitors and Canvassers.
Section 270-1 is amended as indicated: "Whoever continues to solicit without a proper license after being notified to cease and desist by a police officer may be summoned for court prosecution and fined up to $300 for each violation."
Section 270-3A(6) is amended to read as follows: "Names of the manufacturer, the source of the merchandise, and the proposed method of delivery;"
Section 270-3B is amended as indicated: "At the time of filing the application, a fee of $25 per individual applicant payable to the Town of Wilmington shall be submitted to the Police Department to cover the cost of investigation of the facts stated therein and background check."

Chapter 276, Storm Drain System.
Article I, Illicit Discharges.
Section 276-8E(5) is amended to change "from tying" to "to tie."
Section 276-14C is amended to change "DPW Director" to "Director of Public Works."

Chapter 280, Stormwater Management.
Section 280-13 is amended to read as follows: "Further relief from a decision by the Planning Board made under this bylaw shall be reviewable in the Superior Court in an action filed within 60 days thereof, in accordance with MGL c. 249, § 4."

Chapter 285, Streets and Sidewalks.
Section 285-2A(6) and (7) are amended to change "Superintendent of Streets" to "Director of Public Works" and "said Superintendent" to "said Director."
Section 285-4B is amended to change "a fine not exceeding $50" to "a fine of $10."

Chapter 308, Utility Poles.
Section 308-2B is amended to change "a fine of up to $300" to "a fine of $300."

Chapter 315, Vehicles and Traffic.
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Article I, Vehicles Obstructing Snow and Ice Removal; Winter Parking Ban.
Section 315-2 is amended to change "a fine not exceeding $50" to "a fine of $50."
Section 315-3 is amended to change "Department of Public Works Superintendent" to "Director of Public Works."

Chapter 322, Waste Management.
Article III, Littering.
Section 322-4 is amended to read as follows: "In addition to imposing such fines as may be permitted by law, the Town may through the Town Manager or their designee require persons in violation of § 322-3 to remove such trash or litter. Each day that the violation remains shall constitute a separate offense."

Article V, Recycling.
Section 322-6 is amended to change "recycling materials" to "recyclable materials" in the second sentence.

Article VI, Plastic Bags.
Section 322-7 is amended to revise the first sentence to read as follows: "This action shall ban the use of disposable, single-use plastic bags at retail establishments, food establishments, grocery stores, and other establishments at which goods are purchased. This excludes paper bags and bags intended for produce/meat, newspaper, and laundry/dry-cleaning articles."
The definition of "disposable, single-use plastic bags" in § 322-9 is amended to change "disposable, single use, plastic shopping bag" to "disposable, single-use plastic bag."

Chapter 326, Water and Sewers.
Article I, Connections.
Section 326-1 is amended to read as follows:
Any person making a connection to a sewer, drain or water main laid in any land or way, public or private, opened or proposed to be opened for public travel, with the prior approval of the Water and Sewer Commissioners or their delegated agent, acknowledges and assents that said connection to be a common sewer, main drain and/or common water connection and shall become a part of said system without further action or payment by the Town.

Article II, Water Use Restrictions.
Section 326-5 is amended as indicated:
The Town, or its agent, through its Board of Water and Sewer Commissioners, may declare a state of water supply conservation upon a determination by a majority vote of the Board Commissioners that a shortage of water exists and conservation measures are appropriate to ensure an adequate supply of water to all water consumers. Public notice of a state of water supply conservation shall be given under § 326-6 of this bylaw before it may be enforced.
Section 326-8 is amended to change "Board of Water Commissioners" to "Water and Sewer Commissioners."
Section 326-9 is amended as indicated: "...no person shall violate any provision, restriction, requirement, or condition of any order ...

Chapter 330, Wetlands Protection.
Section 330-3B is amended to change "Commission" to "Conservation Commission."

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