

VEHICLES

SECTION 1. VEHICLES

Sub-Section 1. REMOVAL-OBSTRUCTING PLOWING

The Department of Public Works or the Chief of Police may remove or cause to be removed from any public way or street under his jurisdiction any vehicle interfering with the removal or plowing of snow or ice to some convenient place including a public garage or outdoor parking area.

4-2-57 9-5-57 9-19-57

Sub-Section 2. RECORD OF REMOVED VEHICLE

The Department of Public Works or the Chief of Police shall keep a record of any vehicle removed under the provisions of this by-law, which shall contain the name, when obtained, of the owner, and the registration number of the vehicle.

4-2-57 9-5-57 9-19-57

Sub-Section 3. COST OF REMOVED VEHICLE

The cost of the removal and towing and the storage charge, if any, shall be paid by the owner of the vehicle.

Sub-Section 4. STORAGE COSTS

The amount to be paid by the owner of the vehicle for all costs of removal and towing, exclusive of the storage charge, shall not exceed thirty-five dollars. The amount to be paid by the owner for storage shall not exceed the rate of twenty dollars for each twenty-four hour period.

9-27-79 1-14-80 1-30-80
4-2-57 9-5-57 9-19-57
5-28-96 6-17-96 7-1-96

Sub-Section 5. NOTIFICATION TO OWNER

The owner of the vehicle so removed shall be notified or caused to be notified by the Department of Public Works or the Chief of Police of such removal and of the place to which removed, within a reasonable time after such removal, provided his identity can be ascertained.

4-2-57 9-5-57 9-19-57

VIOLATIONS- NON CRIMINAL

SECTION 1. Violations (Non-Criminal)

The by-law shall provide that any person taking cognizance of a violation of a by-law, rule or regulation adopted by the Town, which he is empowered to enforce, hereinafter referred to as the enforcing person, as an alternative to initiating criminal proceedings shall, or, if so provided in such by-law, may, give to the offender a written notice to appear before the clerk of the district court having jurisdiction thereof at any time during office hours, not later than twenty-one days after the date of such notice. Such notice shall be in triplicate and shall contain the name and address, if known, of the offender, the specific offense charged, and the time and place for their required appearance. Such notice shall be signed by the enforcing person, and shall be signed by the offender whenever practicable in acknowledgement that such notice has been received.

The enforcing person shall, if possible, deliver to the offender a copy of said notice at the time and place of the violation. If it is not possible to deliver a copy of said notice to the offender at the time and place of the violation, said copy shall be mailed or delivered by the enforcing person, or by the commanding officer or the department head or by any person authorized by such commanding officer or department head to the offender's last known address, within fifteen days after said violation. Such notice as so mailed shall be deemed a sufficient notice, and a certificate of the person so mailing such notice that it has been mailed in accordance with this section shall be prima facie evidence thereof.

At or before the completion of each tour of duty, or at the beginning of the first subsequent tour of duty, the enforcing person shall give to their commanding officer or department head those copies of each notice of such a violation as had been taken cognizance of during such tour which have not already been delivered or mailed as aforesaid. Said commanding officer or department head shall retain and safely preserve one copy and shall, at a time not later than the next court day after such delivery or mailing, deliver the other copy to the clerk of the court before which the offender has been notified to appear. The Clerk of each district court shall maintain a separate docket of all such notices to appear. Any person notified to appear before the clerk of a district court as hereinbefore provided may so appear and confess the offense charged, either personally or through a duly authorized agent or by mailing to the town clerk of the municipality within which the violation occurred together with the notice such specific sum of money not exceeding three hundred dollars as the town shall fix as penalty for violation of the ordinance, by-law, rule or regulation. Such payment shall if mailed be made only by postal note, money order or certified check. Upon receipt of such notice, the town clerk shall forthwith notify the district court clerk of such payment and the receipt by the district court clerk of such notification shall operate as a final disposition of the case. An appearance under this paragraph shall not be deemed to be a criminal proceeding. No person so notified to appear before the clerk of a district court shall be required to report to any probation officer, and no record of the case shall be entered in any probation records.

If any person so notified to appear desires to contest the violation alleged in the notice to appear and also to avail himself of the procedure established pursuant to this section, he may, within twenty-one days after the date of the notice, request a hearing in writing. Such hearing

VIOLATIONS, NON-CRIMINAL (cont'd)

shall be held before a district court judge, clerk or assistant clerk, as the court shall direct, and if the judge, clerk or assistant clerk shall, after hearing, find that the violation occurred and that it was committed by the person so notified to appear, the person so notified shall be permitted to dispose of the case by paying the specific sum of money fixed as a penalty as aforesaid, or such lesser amount as the judge, clerk or assistant clerk shall, after hearing, determine that the violation alleged did not occur or was not committed by the person notified to appear, that finding shall be entered in the docket, which shall operate as final disposition of the case. Proceedings held pursuant to this paragraph shall not be deemed to be criminal proceedings. No person disposing of a case by payment of such a penalty shall be required to report to any probation office as a result of such violation, nor shall any record of the case be entered in probation records.

If any person so notified to appear before the clerk of a district court fails to pay fine provided hereunder within the time specified or, having appeared, does not confess the offense before the clerk or pay the sum of money fixed as a penalty after a hearing and finding as provided in the preceding paragraph, the clerk shall notify the enforcing person who issued the original notice, who shall determine whether to apply for the issuance of a complaint for the violation of the appropriate by-law, rule or regulation.

As use in this section the term "district court" shall include, with the limits of their jurisdiction, the divisions of the housing court department of the trial court. The notice to appear provided for herein shall be printed in such form as the chief justice of the district courts shall prescribe for the district courts. Said notice may also include notice of violations pursuant to section eleven C of Chapter eighty-five, section eighteen A of chapter ninety, section sixteen A of chapter two hundred and seventy, and section one hundred and seventy-three A of chapter one hundred and forty. Any fines imposed under the provisions of this section shall enure to the city or town for such use as said city or town may direct. This procedure shall not be used for the enforcement of municipal traffic rules and regulations. Chapter ninety C shall be the exclusive method of enforcement of municipal traffic rules and regulations.

2-11-92 3-25-92 3-30-92

SECTION 2. ENFORCEMENT & AMOUNT - NON-CRIMINAL DISPOSITION

(Ch 40 Sec 21D MGL)

Alcoholic Beverages Public Building or Public Way (Open Container Law)	200.00
Junk or Unregistered Vehicles on Property	not less than 50.00 nor more than 300.00 per day, per vehicle
Diving off Town Bridges	25.00
Noise Issues, Section I, a, b & c	100.00
Padanaram Bridge Activity Violations	50.00
Depositing Rubbish on Public Way or Public Place	250.00
Removing, Defacing Public Safety Signs	150.00
Lighting of Object on Streets or Sidewalks	25.00
Pumping Water onto Streets	25.00
Soliciting within Town without a Permit	50.00
Obstructing Private Way	25.00
Animals within Street Lines	25.00
Riding Cycles on Sidewalks	20.00

VIOLATIONS, NON-CRIMINAL (cont'd)

Not Covering any Substance to be Transported	200.00
Non-removal of Snow from Sidewalks	25.00
Littering:	
\$200.00 for the 1 st offense	
\$250.00 for the 2 nd offense	
\$300.00 for each subsequent offense.	
Obstruction of Public Way	25.00
Violation of Rules & Policies Regarding Water Use Restrictions	50.00 1st offense 100.00 subsequent offense
Violation of Rules for Collection & Disposal of Solid Waste	20.00
Illegal Disposal of Rubbish	300.00
Scenic Roads (Removal of each tree or stone wall)	300.00
Prohibited Dumping	100.00
Prohibited Hazardous Waste Facility	100.00

The above-described violations are enforceable by the Police Department.

Signs Without Permit	50.00
No Occupancy Permit	50.00
Failure to Maintain Parking Lot	30.00
Improper Use of Parking Spaces	30.00
Site Triangle Violation	30.00
Prohibited Occupancy of Mobile Home/Trailer	25.00

The above-described violations are enforceable by the Building Commissioner.

Constructing a well without a permit	50.00 1st offense 100.00 2nd offense
Operating a piggery without a valid permit	50.00 1st " 100.00 2nd "

Dartmouth Food Establishment Regulations

The following fines and penalties concerning Food Establishment Regulations adopted by the Dartmouth Board of Health pursuant to Massachusetts General Laws, Ch. 111, 31; which regulations are on file at its offices:

Violations related to Foodborne Illness Interventions and Risk Factors	\$250.00
Repeat Critical Violations related to Good Retail Practices	150.00
Repeat Non-critical Violations related to Good Retail Practices	75.00

Definitions of these violations are contained in the Federal Food Code and 105 CMR 590.000 and the Dartmouth Food Establishment Regulations.

VIOLATIONS, NON-CRIMINAL (cont'd)

ANIMAL REGULATIONS

Keeping farm type animals as defined in the "Dartmouth Board of Health Animal Regulations", as regulated animals on parcels of less than five (5) acres without a permit from the Board of Health. \$50.00

VIOLATION OF MINIMUM HOUSING STANDARDS

Whoever fails to comply with an order issued pursuant to the provisions of 105 Code of Massachusetts Regulations 410.00, Minimum Standards of Fitness for Human Habitation by failing to correct a Housing Code violation shall be subject to a penalty of \$50.00 for each violation. Each day's failure to comply with an order shall constitute a separate violation.

The above-described violations are enforceable by the Board of Health or their duly authorized Agent, including Police Officers.

10-29-96	02-13-97	02-25-97
11-18-97	02-18-98	02-27-98
05-25-99	09-07-99	09-15-99
11-09-99	12-10-99	12-17-99
11-14-00	02-07-01	02-13-01
06-07-05	09-14-05	09-19-05
06-02-09	09-04-09	09-15-09

Violation of Zoning By-Law (see section 27.400 of the Zoning By-Law)	300.00
Violation of variance condition or provision (see section 27.400 of the Zoning By-Law)	300.00
Violation of special permit condition or provision (see section 27.400 of the Zoning By-Law)	300.00

The above-described violations are enforceable by the Building Commissioner, Building Inspectors, the Zoning Enforcement Officer, Assistant Zoning Enforcement Officers and by Police Officers.

FALSE ALARM BY-LAW FINE

False Alarm By-Law Fine: \$25.00 for third false alarm in fiscal year; \$50.00 for the fourth through ninth false alarm in a fiscal year; \$75.00 for the tenth false alarm and each false alarm in the fiscal year; \$25.00 for alarm installed after February 22, 1985 without required automatic shut-off device; \$25.00 each day for failure to correct improper installation within thirty days after notice. The Police Department is hereby authorized and shall enforce this by-law;

05-25-99	09-07-99	09-15-99
11-14-00	02-07-01	02-13-01
11-09-04	12-09-04	12-15-04

VIOLATIONS, NON-CRIMINAL (cont'd)

SECTION 3. NON-CRIMINAL DISPOSITION - WATERWAYS MANAGEMENT FUND

The enforcement of the Waterways Management Fund By-Law under and pursuant to Massachusetts General Laws, Chapter 40, Section 21D.

10-26-94 12-01-94 12-09-94

SECTION 4. NON-CRIMINAL DISPOSITION - BICYCLE LAW VIOLATIONS

The enforcement of Bicycle Laws under and pursuant to Massachusetts General Laws, Chapter 40, Section 21D. Such offenses subject to this provision shall be those as denoted in Massachusetts General Laws, Chapter 85, Section 11.

05-28-96 06-17-96 07-01-96

SECTION 5. FINES AND PROSECUTIONS OF VIOLATIONS

Whoever violates any of the provisions of the prohibitory or mandatory by-laws of the Town shall, in cases not otherwise provided for therein, be punished by a fine not exceeding \$300.00 for each offense.

Any citizen may, and it shall be the duty of the Selectmen, Constables and Police Officers, to prosecute every violation of any of the foregoing by-laws, by complaint before any court of competent jurisdiction in the County of Bristol.

04-02-68 07-29-68 10-21-68
05-23-95 08-29-95 09-01-95

SECTION 6. SMOKING - TOBACCO CONTROL REGULATIONS

Whoever violates any provision of the Town of Dartmouth Board of Health Tobacco Control Regulation Prohibiting Smoking in Workplaces and Public Places or Tobacco Control Regulation Affecting Youth Access to Tobacco Products (collectively, "Tobacco Control Regulations"), the violation of which is subject to a specific penalty, may be penalized by the non-criminal method of disposition as provided in Massachusetts General Laws, Chapter 40, Section 21D or by filing a criminal complaint in the appropriate jurisdiction and venue. The Dartmouth Board of Health or its designated agent(s) shall enforce Tobacco Control Regulations. Each day on which any violation of Tobacco Control Regulations exists shall be deemed to be a separate offense. The Penalty for a violation of Tobacco Control Regulations is as follows:

A. Board of Health Tobacco Control Regulation Prohibiting Smoking in Workplaces and Public Places. Fine Schedule for Section 5: Enforcement

1. A fine of \$100 for the first offense
2. A fine of \$200 for the second offense within 24 months of the first violation.
3. A fine of \$300 for the third or subsequent offenses within 24 months of the first violation.

VIOLATIONS, NON-CRIMINAL (cont'd)

B. Tobacco Control Regulation Affecting "Youth Access to Tobacco Products" Fine Schedule for Section VI(A)(1)(a-c): Penalties, Fines, Suspension, Revocation and Hearings

Section A.1.

- a. A fine of \$100 for the first offense
- b. A fine of \$200 for the second offense within 24 months of the first violation.
- c. A fine of \$300 for the third or subsequent offenses within 24 months of the first violation.

C. Tobacco Control Regulation Affecting "Youth Access to Tobacco Products" Fine Schedule for Section VI(B): Posting of Notices

Section B.

- 1. A fine of \$25.00
- 2. A fine of \$10.00

05-27-97	08-01-97	08-21-97
11-09-99	12-10-99	12-17-99
11-14-00	02-07-01	02-13-01
06-02-09	09-04-09	09-15-09

SECTION 7. WETLANDS PROTECTION BY-LAW

Violation of the Wetlands Protection By-Law
(see sections 1 through 15 of Wetlands,
General By-Law)

300.00

The above-described violations are enforceable by the Environmental Affairs Coordinator, the Conservation Officer, the Conservation Commission and by Police Officers.

05-25-99	09-07-99	09-15-99
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SECTION 8 . ANIMAL CONTROL – RABIES VACCINATIONS

Failure to cause a dog or cat to be vaccinated against rabies by a licensed veterinarian by four months of age.

Fine \$50.00

The above described violation(s) is/are enforceable by the Animal Control Officer, Assistant Animal Control Officers and by Police Officers.

5-15-01	8-15-01	8-21-01
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