

ARTICLE 31: To see if the Town will vote to amend Chapter 36 (Selectmen) of the Code of the Town of Southborough, Massachusetts, by amending Article III. Transfer Station; Violations and Fines as follows, with the changes added in **BOLD** and those deleted in *ITALICS*, or do or act anything in relation thereto:

Chapter 36. SELECTMEN

Article III. Transfer Station; Violations and Fines
[Adopted 4-11-2005 ATM, Art. 54]

§ 36-6. Stickers required.

Pursuant to the duly promulgated rules and regulations of the Board of Selectmen, valid transfer station stickers will be required for all residents utilizing the transfer station and its related facilities.

§ 36-7. Rules and regulations violations.

Failure to adhere to the provisions of the Selectmen's rules and regulations, as duly posted at the transfer station, will result in the issuance of a warning letter from the Superintendent of the Department of Public Works.

§ 36-8. Subsequent violations.

[Amended 4-10-2007 ATM, Art. 39]

Subsequent violations of the rules and regulations at the transfer station, after the first warning letter has been issued, will result in a \$100 fine for each subsequent violation. *Anyone who enters the transfer station without a valid transfer station sticker shall be subject to a \$250 fine for each offense.* **Fines by violation type are set annually by the Board of Selectmen and shall be paid within 30 days on notification from the Board of Selectmen or their designee.**

§ 36-9. Appeal to Board of Selectmen.

[Amended 4-10-2007 ATM, Art. 39]

The Board of Selectmen will govern the process for administering the imposition of fines, which may be appealed to the Board of Selectmen or their designee within 30 days of the dates of notification, by the Town. After due notice and hearing, the Selectmen or their designee shall have the authority to uphold, modify or repeal any such fine imposed. No fine will be delinquent while an appeal is pending before the Board or their designee. Violators shall have 10 days to pay said fines if notified by the Selectmen or their designee that the appeal has been denied. No transfer station sticker will be issued to residents with delinquent fines.

§ 36-10. Police Department enforcement.

The Police Department is further authorized to prosecute any delinquent unpaid fines pursuant to the applicable provisions of state statute.

Proposed by: GREEN TECHNOLOGY AND RECYCLING COMMITTEE

Board of Selectmen Recommendation:

Advisory Committee Recommendation:

Summary: This is a proposed bylaw change from the Green Technology and Recycling Committee, with the support of the Public Works Planning Board. This change will allow the Board of Selectmen to address the fine structure annually during their review of the Transfer Station Rules and Regulations.

ARTICLE 32: To see if the Town will vote to amend Chapter 81 of the Code of Southborough, Massachusetts, entitled *Dogs and Other Animals* by amending Article II thereof by inserting a new Section 81-11 as follows:

§81-11: Removal of Dog Litter

- A. It shall be the duty of the owner and each person who possesses or controls a dog to remove and properly dispose of any feces discharged by such dog on any sidewalk, walkway, street, park, public area, any other public property, or any private property in the
- B. Any owner or other person who violates the provisions of this section shall be punished by a fine of \$25.00 for each offense.