

Title 1

GENERAL PROVISIONS

Chapters:

- 1.01 Code Adoption**
- 1.04 General Provisions**
- 1.08 General Penalty**

Chapter 1.01
CODE ADOPTION
(Reserved)

Chapter 1.04
GENERAL PROVISIONS
(Reserved)

Chapter 1.08

GENERAL PENALTY

Sections:

- 1.08.010 Violation—Criminal complaint.**
- 1.08.020 Violation—Noncriminal disposition.**
- 1.08.030 Enforcement.**

1.08.010 Violation—Criminal complaint.

Whosoever violates any provision of these bylaws may be penalized by indictment, or criminal complaint brought in the district court. The penalty shall be that fixed by bylaw; provided, however, that in no case shall the maximum penalty for each violation or offense, brought in this manner, be in excess of three hundred dollars (\$300.00) unless otherwise allowed by law. Each day on which any violation or offense exists shall be deemed a separate violation or offense. (STM 10-7-1991 Art. 15 (part); prior code § 1-6(A))

1.08.020 Violation—Noncriminal disposition.

Whosoever violates any provision of these bylaws listed below, the violation or offense of which is subject to a specific penalty, may be penalized by a noncriminal disposition as provided for in MGL Chapter 40 Section 21D as the same now is or may hereafter be amended or supplemented. The non-criminal disposition method may also be used pursuant to this bylaw for violations of any rule or regulation of any municipal officer, board or department listed below, the violation or offense of which is subject to a specific penalty. Without intending to limit the generality of the foregoing, it is the intention of this provision that the following bylaws and rules and regulations are included within the scope of this bylaw, that the specific penalties, as listed herein, shall apply in such cases and that, in addition to police officers who shall in all cases be considered enforcing persons for the purposes of this provision, the municipal positions as itemized in Table 1.08, or persons serving the functions of same, shall also be enforcing persons for such violations or offenses. Each day on which any violation or offense exists shall be deemed to be a separate violation or offense. Nothing contained herein shall be deemed to require the use of the noncriminal disposition method. At the option of the enforcing person, criminal and/or civil action may also be utilized.

Table 1.08

PROVISIONS SUBJECT TO NONCRIMINAL DISPOSITION

Cite (If applicable)	Provision (Enforcing person)	Penalty (In dollars)
Chapter 5.12	Amusement games (P)	\$50.00
Chapter 5.28	Junk, secondhand and salvage dealers (H, B)	\$50.00
Chapter 5.32	Peddling and soliciting (P)	\$25.00
Chapter 5.36	Precious metals (P)	1-\$50.00 2-\$100.00 3-\$150.00 4-\$200.00 Subsequent-\$200.00
Chapter 5.44	Sales, special (P)	\$25.00
Chapter 6.04	Dogs and other animals (TC, ACO)	1-\$5.00 2-\$25.00 3-\$35.00 4-\$50.00 Subsequent-\$50.00
Chapter 8.04	Burglar alarm control	3-\$25.00 4-\$35.00 5-\$50.00 Subsequent-\$50.00
Sections 8.08.010 through 8.08.090	Fire alarm and fire protection systems (F)	1-Warn 2-\$50.00 3-\$100.00 4 and each subsequent-\$200.00
Section 8.08.100	Fire alarm systems (F)	\$300.00
Chapter 8.12	Dumpsters (H, B)	\$25.00
Chapter 8.16	Hazardous materials (F, H) (P—mv only)	\$250.00
Chapter 8.20	Smoking in restaurants (H)	\$10.00
Chapter 8.24	Fencing swimming pools (H, B)	\$25.00
Sections 9.04.020, 9.04.030 and 9.12.030 through 9.12.070	Peace and good order (P)	\$25.00
Chapter 9.08	Alcohol—consumption in public (P)	\$50.00
Section 9.12.020	Littering (P)	1-\$50.00 2-\$100.00 3-\$200.00 Subsequent-\$200.00
Section 9.12.080	Obstruction of private ways (P)	\$25.00
Chapter 9.16	Firearms (P)	\$50.00
Chapter 10.04	Handicapped parking (P, SP—mv parking) (B—marking and signs)	\$100.00 per violation
Section 12.04.030	Numbering of buildings (E, B)	\$10.00

Cite (If applicable)	Provision (Enforcing person)	Penalty (In dollars)
Section 12.08.030	Obstruction of sidewalks (P, CE)	\$25.00
Section 12.08.050A and B	Firelanes (P, SP—mv parking) (F, B—marking and signs)	\$15.00
Section 12.08.050C	Firelanes—Snow removal (F)	\$15.00
Section 12.08.050D	Firelanes-Marking (F, B)	\$15.00
Section 12.16.030	Waterways (HM, P)	\$50.00
Chapter 12.20	Wetlands (CC)	1—\$50.00 2—\$100.00 Subsequent—\$300.00
Chapter 13.06	Cellar drains (P) (DPW)	\$100.00
Chapter 13.07	Grease Treatment (P, CE, DPW)	\$100.00
Zoning Bylaws	Zoning (B)	\$50.00
Chapter 148-27A MGL	Cover fire hydrants with snow (F)	\$100.00
Department of Public Works	Department regulations Trespass Swimming Boating Littering Trapping Discharge of firearms Open containers of alcohol Trans. garbage/rubbish Junked vehicles Recreational vehicles— motorized/nonmotorized (P)	\$50.00 \$50.00 \$50.00 \$50.00 \$50.00 \$100.00 \$100.00 \$100.00 \$100.00 \$100.00
Health department	Department regulations (H) Environmental Tobacco Smoke: 1st Offense (H)(P) 2nd Offense 3rd Offense 4th Offense Feral Cat Feeding Station: 1st Offense (H) 2nd Offense 3rd Offense Well (H) Massage Bath (H) Distribution of Tobacco Products: 1st Offense (H) 2nd Offense 3rd Offense	\$50.00 Warning \$100.00 \$200.00 \$300.00 \$25.00 \$35.00 \$50.00 \$300.00 \$100.00 \$100.00 \$200.00 \$300.00
Park department	Department regulations (PK)	\$50.00

NOTES:

Penalties: 1 = first offense, 2 = second offense, etc.

Enforcing person:

P–Police, F–Fire, H–Health, E–Engineering, PK–Park, B–Building, CE–Code enforcement, CC–Con. Comm., SP–Special police, ACO–Animal control officer, TC–Town clerk, HM–Harbormaster; DPW–Department of Public Works.

(ATM 5-2-2006 Art. 32 (part); STM 5-3-2004 Art. 7; STM 10-7-2003 Art. 6 (part); ATM 5-7-2003 Art. 34 (part); ATM 5-15-2002 Art. 47 (part); ATM 5-9-2001 Art. 28 (part); STM 10-7-1991 Art. 15 (part); prior code § 1-6(B))

1.08.030 Enforcement.

The Braintree police department is authorized to enforce the foregoing provisions of this section. (ATM 5-14-96 Art. 22 (part); prior code § 1-6 (part))