

**BYLAW REVIEW COMMITTEE
WARRANT ARTICLE, APRIL TOWN MEETING, 2024
SECTIONS TO BE DELETED FROM GENERAL BYLAWS WITH EXPLANATIONS**

Delete: DIVISION I, ARTICLE III, Section 3

ASSESSORS' LISTS

Section 3. The Assessors shall for the year 1963 and every third year thereafter, publish a list of the poll taxpayers and an itemized list of the valuation of the real estate and personal property with the amounts of these taxes thereon, including the fire district valuations and taxes.

EXPLANATION: This process and obligation is covered by state law. The Assessor recommends this deletion.

Delete: DIVISION I, ARTICLE IV, Section 1

**INSURANCE POLICIES, TOWN ACCOUNTANT, TOWN FEES,
PROCUREMENT, FINANCE COMMITTEE, CEMETERIES,
COUNCIL ON AGING, HISTORIC DISTRICT COMMISSION,
COMMUNITY HEALTH SERVICES**

Section 1. The heads of all departments having buildings, furnishings or other town property under their charge shall keep the same reliably insured to an amount which they deem sufficient; they shall keep an account of all insurance policies taken out by them; and all insurance policies shall be deposited with the Town Administrator. The Town Administrator in his report shall give a list of all insurance policies held by the town, which list shall include a statement of the property covered, the names of the companies, the amount and the date of expiration of each policy.

EXPLANATION: This is covered under Town Administrative obligations which are covered under the Charter.

Delete: DIVISION I, ARTICLE IV, Sections 12A – 12 C

Section 12A. The Wareham Visiting Nurse Agency is abolished as an agency of the Town in accordance with the provisions of Article 6.2 of the Charter of the Town.

Section 12B. The Board of Selectmen are authorized to enter into contracts for community health services upon such terms and conditions as they deem appropriate, which may include contracts in excess of three (3) years.

Section 12C. This By-Law shall take effect upon approval by the Attorney General in accordance with G.L. Chapter 40, Section 32 or upon the effective date of an agreement entered into by the Town for the provision of community health services, whichever occurs later. In the event that an agreement for the provision of community health services is not entered into by all necessary parties by March 31, 1996, this By-Law shall not take effect. (Article 1 of July 31, 1995 Town Meeting; Approved by Attorney General August 10, 1995).

EXPLANATION: This bylaw is outdated and no longer practiced. The Town has no visiting nurse or community nurse.

Delete: DIVISION I, ARTICLE VIII, Sections 1 and 2

TOWN TREASURER/COLLECTOR

Section 1. Treasurer/Collector

The Town Administrator shall appoint a Town Treasurer/Collector for an indefinite term. The Town Treasurer/Collector shall have such duties as provided by Town Charter and Bylaws and the General Laws for treasurers and collectors, and by vote of Town Meeting.

Section 2. Transitional Provisions

Upon approval of this by-law by the Attorney General and after all requirements of G.L. c. 40 § 32 have been met, the Town Administrator shall fill the position with a qualified person as set forth in Section 4-5 of the Town Charter and in a manner consistent with Section 4-2(b) of the Town Charter. The persons appointed to the positions of Town Treasurer and Town Collector shall continue to perform the duties of the office until an appointment to the combined position is made under Section 1 of this By-law, and at such time, the positions of Town Treasurer and Town Collector shall be abolished. (Article 3 of April 29, 2003 Town Meeting; Approved by Attorney General May 12, 2003).

EXPLANATION: The appointment of the Town Clerk is included in the Town Charter and the obligations of Section 2 have been met.

Delete: DIVISION II, ARTICLE I, Sections 1B, 4, 6, 7, 8, 9, 10, 11, 13, 14, and 17

STREET RULES

Section 1B. No person, unless required by law to do so, shall make any marks, letters, figures of any kind or place any sign, advertisement or placard (Political or otherwise) upon or against any wall, fence, utility pole, post, ledge, stone, tree, building or structure, abutting any way in the town without the permission of the owner thereof, nor upon any sidewalk or upon any property of the town without a written permit from the Selectmen.

The Selectmen may direct that no sign placed upon town property shall be permitted to remain longer than thirty (30) days on any application.

Section 4. All buildings abutting upon the line of any public street or way shall be kept provided with watertight metallic or wooden leaders for conducting the water from the roof to the ground, and all water shall be conducted from such buildings to the street gutter or sewer in such manner as not to flow upon the sidewalk.

Section 6. No unauthorized person shall intentionally extinguish or light, or tamper with, any street lamp, or injure the posts, glass, or other fixtures of the same, or injure any pump, fountain, or water pipes, standing on any street, under a penalty of **not more than twenty (\$20.00) dollars for each offense.**

Section 7. No person shall fire or discharge any firearm, gun or pistol in or across any street or within 500 feet of any dwelling in use without the occupant's permission. This section does not apply to the use of such weapons at any military exercise or review, under the authority of a commissioned officer of the militia nor in the lawful defense of the person, property, or family of any citizen, nor in performance of any duty required by law, nor to any person firing a salute by the permission of the Selectmen.

Section 8. No person shall fly a kite or throw stones, sticks or other missiles, or willfully frighten a horse, or kick at a football, or play at any game in which a ball is used, or shoot with or use a bow and arrow, blow gun, sling, air gun, spring gun, or other implements for propelling missiles, in any street. No person shall coast upon any street except such as may be designated by the Selectmen.

Section 9. No person shall propel, use or ride any vehicle other than a bicycle, velocipede, a baby carriage, or wheelbarrow upon any sidewalk, except as provided for in Chapter 85, Section 12 of the General Laws; and no person shall tie, fasten, lead, ride or drive any animal, except a cat or dog, on any sidewalk, except for the purpose of entering or approaching premises to which no other convenient access exists, or except for the purpose of clearing the sidewalk of snow.

Section 10. No person or persons shall, by grouping or otherwise, obstruct or impede a free passage on the sidewalks for foot passengers.

Section 11. No person shall robe or disrobe in a vehicle of any description on any street of the Town, and no person shall obstruct the view of the interior of any vehicle, except a trailer, by curtains, paper, paint or cloth of any kind, while on any street or property of the Town.

Section 13. No person shall enter upon the premises of another or upon any public property with intention of peeping into the windows of a house or other building, or of spying in any manner upon any person or persons therein.

Section 14. Whoever having arrived at the age of discretion profanely curses or swears, and whoever in a street or other public place accosts or addresses another person with profane or

obscene language may be arrested without a warrant, and shall be punished by a fine of **not more than twenty (\$20.00) dollars.**

Section 17. No person shall behave himself in a disorderly manner or use any indecent language in any public place.

EXPLANATION: These sections in Article I are obsolete or otherwise included with updates in Massachusetts General Laws and are therefore unnecessary.

Delete: DIVISION III, ARTICLE I, Sections 1-7

HOUSE NUMBERING

Section 1. The Road Commissioners shall assign a number to every dwelling house, store, office factory or other building occupied for residential or business purposes which abuts on or faces a public or private way within the town. If a dwelling house is occupied by two or more families on the ground floor, or there are two or more front entrances to such dwelling house, a number shall be assigned for each front entrance or for each family occupying such dwelling. If a business establishment, hotel, lodging house, theater, or any other building used for business or residential purposes has one or more entrances abutting upon a public or private way, a number shall be assigned for each entrance. (Article 9 of the October 26, 2015 Town Meeting; Approved by the Attorney General on February 2, 2016)

Section 2. In the business district of Wareham Village on that part of Main Street lying between the Marion Road on the North and the private way leading to Pinehurst Beach on the South, one number shall be assigned or allowed for each twenty (20) feet of street frontage on each side of the street; and in the business district of Onset Village along Onset Avenue between Union Avenue on the North and Wareham Avenue on the South, one number shall be assigned or allowed for each twenty (20) feet of street frontage on each side of the street. Along all other streets of the town, except as provided in Section 5, forty (40) feet of frontage on the street line shall be the unit of space for assigning or allowing a number; but if an increase in the number of buildings or a change in the nature of their occupancy, of any street or portion thereof, in the opinion of the Road Commissioners requires lessening the space allowed for each number, the Road Commissioners shall have power to assign or allow numbers for a less space.

Section 3. The starting point for the assignment of numbers of any street shall be as far as practicable the point where such street begins or leaves a main or through street, a village or thickly settled district, or at a town line or some other well-identified point where such street has a starting point. Odd numbers shall be assigned or spaced on the right-hand side of the street proceeding from the starting point of the same, and even numbers shall be assigned or spaced on the left-hand side.

Section 4. If there are more buildings or entrances to a building to be numbered within a given space than are allowed for in originally spacing or assigning numbers, a letter, beginning with A

and proceeding through the alphabet, shall be added to the number assigned for such space. (For example, the first building or entrance would be 1A, the next 1B, the next 1C, etc.)

Section 5. In the outskirts of the town, or districts where there are no defined streets either public or private, the Road Commissioners shall be allowed discretion in omitting the assignment of numbers; and in districts or portions of the town where other methods of assigning numbers are more practicable than that heretofore prescribed in this By-Law, the Road Commissioners shall have authority to prescribe other rules and regulations for the assignment of numbers; but the town may by vote direct the Road Commissioners as to method of assigning numbers in a particular district, provided such directions are not inconsistent with the terms of these By-Laws.

Section 6. Numbers already assigned to buildings in the Town of Wareham by the Selectmen under authority of a vote of the town passed at the annual town meeting held March 6, 1916, shall be legal and binding until changed by the Road Commissioners in accordance with these By-Laws.

Section 7. Upon assignment of a number to a building or entrance to a building, the Road Commissioners shall send by mail or deliver to the owner of such building or his authorized agent a written or printed notice informing him of the number or numbers assigned to each building and requiring him within thirty (30) days from the date of such notice to affix numbers of size and materials as the Road Commissioners may prescribe to said building or buildings at or near the entrance or entrances to which such numbers are assigned.

EXPLANATION: The Assessor states Sections 1-7 of this bylaw is not followed in practice. The formal process has been drafted into a memo in the Assessor's Office which outlines the cooperation between the Road Commissioners and the assessors.

Delete: DIVISION III, ARTICLE III

STREET NAMES

The naming of all ways open for public use shall be in accordance with Section 3A of Chapter 85 of the General Laws.

EXPLANATION: This is included in MGL, and therefore not needed in the General Bylaws. This deletion has been reviewed by the Town Planner.

Delete: DIVISION IV, ARTICLE 1, Section 1

RULES AND REGULATIONS

Section 1. The Building Inspector shall appoint an Inspector of GAS FITTING whose duty shall be the enforcement of the rules and regulations adopted by the "Board of Examiners of Plumbers and Gas fitters" under Mass. General Laws Chapter 142.

Whoever violates said rules and regulations shall pay a fine of **not more than five hundred (\$500.00) dollars for any one offense and each day during any portion of which violation is permitted to exist shall constitute a separate offense.**

EXPLANATION: This is required by state law as cited, and therefore, not needed in the General Bylaws. All Town employees are hired by the Town Administrator. Duties are covered by the MGL.

Delete: DIVISION IV, ARTICLE I, Section 4

Section 4. No person or persons shall demolish a building or structure by fire before obtaining a permit issued by the Board of Selectmen. The Board of Selectmen shall not issue a permit without first giving a seven day written notice to the abutters by registered mail and by serving notice to the general public by placing a notice of intent in at least one issue of a newspaper having a circulation in the Town. Said published notice to be at the expense of the applicant.

EXPLANATION: All burn permits are issued by the Wareham and Onset Fire Departments and not the Select Board.

Delete: DIVISION IV, ARTICLE I, Section 10

Section 10. In order to preserve and protect public health and safety, no person or persons shall operate a marina or a boat yard without first obtaining a license issued by the Board of Selectmen. The application procedure and fee for such a license shall be established by the Board of Selectmen. No license shall be issued unless such marina or boat yard provides the following:

- (1) Adequate facilities for the collection, treatment and disposal of sewage or other sanitary waste, as said Board of Selectmen may specify, including facilities for the purging out and cleaning of holding tanks, the contents of which shall be then disposed of in such manner as not to be discharged into or near any waters of the Commonwealth, unless such discharge is to the municipal sewerage system or to an adequate sewage treatment or disposal facility approved by the Board of Selectmen;

- (2) adequate and conveniently located dockside toilet facilities for the use of the occupants of watercraft; and
- (3) Adequate and conveniently located trash receptacles or similar devices for the disposal of litter and refuse.

Any license issued under this section shall be for a term of one year and may be renewed annually, with the understanding that its application to the licensing of marinas shall not be inconsistent with similar duties imposed on the Division of Water Pollution Control by G.L. C 91 Bloom v. Worcester, 363 Mass. 136 {1973}). (Article 5 of October 19, 1987 Town Meeting; Approved by Attorney General December 28, 1987)

EXPLANATION: To establish a marina, a Notice of Intent filing and a Chapter 91 Waterways application are required by the state. Therefore, the Select Board does not issue a license prior to operating marinas or boatyards. Furthermore, Wareham does not require an annual license to operate marinas or boatyards. The Conservation Commission does permit certain work regarding docks in marinas etc.

Delete: DIVISION VIII, ARTICLE I

ENFORCEMENT OF BY-LAWS

The Harbor Master/Shellfish Constable or their deputies, taking cognizance of a violation of a specific By-Law, rule or regulation which he is empowered to enforce, hereinafter referred to as the enforcing person, as an alternative to initiating criminal proceedings, 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 his required appearance. Such notice shall be signed by the enforcing person, and shall be signed by the offender whenever practicable in acknowledgment that such notice has been received. Any notice and enforcement of such violation shall be in accordance with the provisions of M.G.L. Chapter 40, Section 21D, and further that the Town voted to adopt the following schedule of non-criminal violation penalties:

NON-CRIMINAL VIOLATION FINES

The fines for violations of the provision of the Rules and Regulations pertaining to the Harbor, the taking of Shellfish, Eels, or Sea worms, Herring, or Smelt shall be as follows:

First Offense	\$ 50.00
Second Offense	\$100.00
Subsequent Offense(s)	\$250.00

(Article 31 of the April 28, 1997 Town Meeting; Approved by the Attorney General July 24, 1997).

EXPLANATION: This is now part of the Waterways Bylaw in Division XIII but was not deleted when the new Waterways Bylaw was added.

Delete: DIVISION XII, ARTICLE I, Section 1

ENFORCEMENT

Section 1. The Town Administrator or his/her designee(s) may act as enforcement officer for any Town By-Law. (Article 18 of the October 26, 2015 Town Meeting; Approved by the Attorney General on February 2, 2016)

EXPLANATION: This article is no longer used and has been deemed unnecessary as the Town has specified enforcement officers for bylaws. The Town Administrator recommends this deletion.