

Chapter 1

GENERAL PROVISIONS

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[HISTORY: Adopted as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Miscellaneous Provisions
[Adopted as Art. 1 of the revised bylaws of Halifax]

§ 1-1. Repealer; continuation of consistent provisions.

All bylaws or parts of bylaws heretofore adopted which are inconsistent with the provisions of the following bylaws are hereby repealed and annulled; but the provisions of those bylaws, insofar as they are the same as the provisions of bylaws heretofore adopted, shall be construed as a continuation of said bylaws and not as new enactments.

ARTICLE II
General Penalty
[Adopted as Art. 20 of the revised bylaws of Halifax]

§ 1-2. Violations and penalties. [Amended 5-14-1986 ATM, Art. 44; 5-13-1996 ATM, Art. 55]

- A. Whoever violates any provision of these bylaws may be penalized by indictment or on complaint brought in the District Court. Except as otherwise provided by law and as the District Court may see fit to impose, the maximum penalty for each violation or offense brought in this manner shall be three hundred dollars (\$300.).
- B. Noncriminal disposition.
 - (1) Whoever violates any provision of these bylaws, the violation of which is subject to a specific penalty, may be penalized by a noncriminal disposition as provided in M.G.L.A. C. 40, § 21D. The noncriminal method of disposition may also be used for violations of any rule or regulation of any municipal officer, board or department which is subject to a specific penalty.
 - (2) Without intending to limit the generality of the foregoing, it is the intention of this provision that the following bylaws and sections of bylaws are to be included within the scope of this subsection, that the specific penalties as listed here shall apply in such cases and that in addition to police officers, who shall in all cases be considered enforcing persons for the purpose of this provision, the municipal personnel listed for each section, if any, shall also be enforcing persons for such sections. Each day on which any violation exists shall be determined to be a separate offense.

Code Chapter Or Section	Subject	Penalties/Enforcing Persons
§ 54-7A	False alarms	\$25 for the third false alarm in a calendar year with the fine to increase at increments of \$25 for each subsequent false alarm in each calendar year to a maximum of \$300 (Fire Chief)
§ 54-7C	Continuous false alarms	\$300 (Fire Chief)
§ 66-8	House numbering	\$25 (Board of Selectmen)
§ 82-2.1E	Leash law	\$25 for the first offense; \$35 for the second violation within six months; \$50 for third or more violations within 6 months of the first violation; \$50 for violation that which results in personal injury or property damage in excess of \$25 (Animal Control Officer)
Chapter 112	Junk dealers and collectors	\$20 (Board of Selectmen)
Chapter 144	Soil removal	\$300 (Board of Selectmen)
Chapter 149	Swimming pools	\$20 (Building Inspector)
Chapter 161	Unregistered vehicles	\$20 (Board of Selectmen)
Chapter 163	Water use	\$100 for the second violation; \$200 for subsequent violations (Board of Water Commissioners; Board of Health)
Chapter 164	Wetlands protections	\$300 (Conservation Commission)
Chapter 167	Zoning	\$300 (Building Inspector and/or Zoning Enforcement Agent)

ARTICLE III
Amendments
[Adopted as Art. 21 of the revised bylaws of Halifax]

§ 1-3. Procedure.

These bylaws may be repealed or amended at any Annual Town Meeting or at any other Town Meeting especially called for the purpose, an Article or Articles for such purpose having been inserted in the warrant for such meeting.

ARTICLE IV
Severability
[Adopted as Art. 22 of the revised bylaws of Halifax]

§ 1-4. Effect of validity.

If any Article or section of any Article of these bylaws is declared unconstitutional or illegal by any court or is disapproved by the state authority having jurisdiction thereon, the validity of the remaining provisions of these bylaws shall not be affected thereby.

ARTICLE V
Numbering Format
[Adopted 5-2-2011 ATM, Art. 53]

§ 1-5. Clerk authorized to change.

The Town Clerk shall be allowed to make nonsubstantive changes to the numbering of these bylaws in order that they may be in compliance with the numbering format of the Code of the Town of Halifax.