



Town of Nahant
334 Nahant Road, Nahant, MA 01908
Tel. (781) 581-0018 Fax (781)593-0340

NOTICE OF APPROVAL OF BY-LAWS
From the NAHANT May 15 & 16, 2021 Annual Town Meeting

In accordance with MGL Chapter 40, Section 32, notice is hereby given of the approval by the Attorney General's Office for the changes to *NAHANT's General By-laws*; Article 24, 35 and 42 of the May 2021 Annual Town Meeting Warrant and as voted on at the adjourned **Annual Town Meeting on May 15, 2021 and May 16, 2021.**

- **Article 24 – GBL – Wastewater By-law Amendment to Article XIV of the General Bylaws**
- **Article 35 – GBL – Tree- Bylaws**
- **Article 42 – GBL – Citizen Petition – Keeping Animals By-Law**

Pursuant to MGL Chapter 40, section 32

General By-laws and amendments take effect on the date of this posting- November 3, 2021.

Claims of invalidity by reason of any defect in the procedure of adoption or amendment may only be made within 90 days of the posting of this notice.

Attached please find the Letter of Decision from the Attorney General's Office for above referenced By-laws along with the Certified Vote of each Article from Nahant's adjourned Annual Town Meeting May 15, 2021 and May 16, 2021.

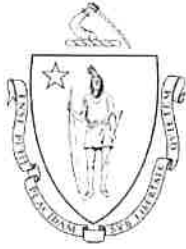
Notice of Approval is posted at NAHANT's Town Hall, Library, Fire Dept., Police Station, the Town of Nahant Website; Nahant.org. Copies can be viewed and obtained in the Town Clerk's Office at Nahant Town Hall, 334 Nahant Road, Nahant, Ma. 01908
M-TH 8:00am-4:00pm and Friday 8am-12:30pm or on the Town of Nahant Website

Articles 24, 35 and 42 were approved by Assistant Attorney General, Nicole Caprioli on October 28, 2021.

ATTEST:



Diane M. Dunfee, Town Clerk



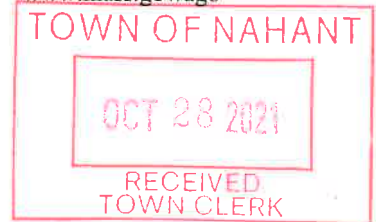
THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION
10 MECHANIC STREET, SUITE 301
WORCESTER, MA 01608

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October 28, 2021



Diane Dunfee, Town Clerk
Town of Nahant
334 Nahant Road
Nahant, MA 01908

**Re: Nahant Annual Town Meeting of May 15, 2021 -- Case # 10200
Warrant Article # 30 (Zoning)
Warrant Articles # 13, 24, 35, 38 and 42 (General)**

Dear Ms. Dunfee:

Articles 24 and 42 - We approve Articles 24 and 42 from the May 15, 2021 Nahant Annual Town Meeting.¹ Our comments regarding Articles 24 and 42 are provided below.

Article 35 - Article 35 amends the general by-laws to add a new Article XIX, "Trees." In addition to other provisions, the new Article XIX inserts the full text of G.L. c. 87, §§ 1-14 (the Public Shade Tree statute) into the Town's general by-laws.² In this decision we summarize the by-law adopted under Article 35 and the Attorney General's standard of review and then explain why we must disapprove several sections of the by-law that conflict with G.L. c. 40, § 21 and the Home Rule Amendment. We also offer comments for the Town's consideration on the remaining portions of the by-law.

I. Summary of Article 35

Under Article 35 the Town added a new Article XIX, "Trees," for the purpose of: (1) preserving the tree canopy; (2) planting replacement trees; and (3) protecting air quality. Section 1b, "Intent and Purpose of Nahant Tree By-laws." The new by-law authorizes the creation of a

¹ In a decision issued September 13, 2021, we approved Articles 13, 30 and 38 and extended the deadline for our review of Articles 24, 35 and 42 for 45-days until October 28, 2021.

² Because the Town has incorporated all of the text of G.L. c. 87, §§ 1-14, the Town's by-law now makes reference to certain things that are not applicable to the Town's by-law, such as "the city council of a city" (Section 3); the mayor (Sections 4 and 5) or the term "cities" (Sections 7 and 9). In addition, the by-law incorporates several references to various Massachusetts General Laws that are used in G.L. c 87, §§ 1-14 but the by-law does not cite the references to make it clear that it refers to the General Laws (for example G.L. c.). The Town may wish to amend the by-law at a future Town Meeting to address these issues. The Town should consult with Town Counsel with any questions.

Nahant Tree Task Force that will develop and update an inventory of all Public Shade Trees and a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs. Section 2A. In addition, the by-law restates the provisions of G.L. c. 87, §§ 1-14, including the requirement to obtain a permit from the Tree Warden before cutting, trimming or removing any public shade tree. Section 3.

II. The Attorney General's Standard of Review

Pursuant to G.L. c. 40, § 32, the Attorney General has a "limited power of disapproval," and "[i]t is fundamental that every presumption is to be made in favor of the validity of municipal by-laws." Amherst v. Attorney General, 398 Mass. 793, 795-96 (1986). The Attorney General does not review the policy arguments for or against the enactment. Id. at 798-99 ("Neither we nor the Attorney General may comment on the wisdom of the town's by-law.") Rather, in order to disapprove a by-law (or any portion thereof), the Attorney General must cite an inconsistency between the by-law and the Constitution or laws of the Commonwealth. Id. at 796. "As a general proposition the cases dealing with the repugnancy or inconsistency of local regulations with State statutes have given considerable latitude to municipalities, requiring a *sharp conflict* between the local and State provisions before the local regulation has been held invalid." Bloom v. Worcester, 363 Mass. 136, 154 (1973) (emphasis added).

III. Grounds for Disapprovals of Certain Text

Because the Town has included the text of G.L. c. 87, §§ 1-14 in its entirety in the by-law, there are several sections of the Town's by-law that: (1) require action by the Commonwealth, the state department of highways³, and the state forester; (2) seek to impose liability on the Commonwealth; and (3) impose penalties including imprisonment. As explained herein, we must disapprove the text set forth below in bold and underline because the Town cannot by by-law impose requirements on the Commonwealth, its agencies or employees nor can the Town by by-law enforce violations on a state highway or impose a penalty of imprisonment.

A. The Town's By-law Cannot Impose Requirements on the Commonwealth

Section 8 of the by-law (a restatement of G.L. c. 87, § 8 entitled "Trees on State Highways") imposes requirements on the state department of highways regarding the care and control of all trees, shrubs and growths within state highways and also authorizes a person injured as a result of an action by the department of highways to recover damages from the Commonwealth. Specifically, Section 8 of the by-law provides as follows with emphasis added:

The department of highways, in this chapter called the department, shall have the care and control of all trees, shrubs and growths within state highways, and may trim, cut or remove such trees, shrubs and growths, or license the trimming, cutting or removal thereof. No such tree, shrub or other growth shall be trimmed, cut or removed by any person other than an agent or employee of the department, even if he be the owner of the fee in the land on which such tree, shrub or growth is situated, except upon a permit in writing from the department. Any person injured

³ Although G.L. c. 87, § 8 refers to the "department of highways," it is now called the MassDOT Highway Division.

in his property by the action of the department as to the trimming, cutting, removal or retention of any such tree, shrub or other growth, may recover the damages, if any, which he has sustained, from the commonwealth under chapter seventy-nine.

In addition, Section 14 of the by-law (a restatement of G.L. c. 87, § 14 entitled “Performance of maintenance and tree removal work by utility; submission and approval of vegetation management and hazard tree removal plans; submission of utility tree maintenance standards and specifications”), imposes under subsections (f) and (g) requirements on the state forester and requires the state forester (or other person or agency designated by the secretary of energy and environmental affairs) to provide certain acknowledgments, determinations and standards to the utility. Specifically, Section 14 (f) and (g) of the by-law provides as follows with emphasis added:

(f) — The utility shall provide to the state forester, or such other person or agency as designated by the secretary of energy and environmental affairs, a copy of any annual vegetation management plan or hazard tree removal plan and a copy of the approval or denial letter from the applicable tree warden. The state forester, or such other person or agency as designated by the secretary of energy and environmental affairs, shall provide the utility an acknowledgment of receipt of such plans and determinations in any manner approved by said secretary.

(g) — The utility shall annually submit to the state forester’s office a set of utility tree maintenance standards and specifications and evidence that these standards have been adopted by the utility company. These standards and specifications shall conform with American National Standard Institute A-300; American National Standard Institute Z-133; and National Electric Safety Code 218 Tree Trimming and OSHA 29 CFR Part 1910 Line Clearance Tree Trimming Operations. The state forester, or such other person or agency as designated by the secretary of energy and environmental affairs, shall make these standards and specifications available to the public on their websites or other accessible locations and shall accept and maintain a publicly accessible record of comments received relative to the standards and specifications and shall transmit comments to the utilities.

We disapprove and delete the text above in underline and bold because the Town has no power to impose requirements on the Commonwealth, the department of highways or the state forester; nor can the Town by by-law impose liability for damages on the Commonwealth. Towns may only adopt by-laws which govern the town’s citizens. See G.L. c. 40, § 21 (“Towns may, for the purposes hereinafter named, make such ordinances and by-laws, not repugnant to law, as they may judge most conducive to their welfare, which shall be binding upon all inhabitants thereof and all persons within their limits...”). Towns do not generally have the power to require a state to perform certain functions. “The doctrine of essential governmental functions prohibits municipalities from regulating entities or agencies created by the Legislature in a manner that interferes with their legislatively mandated purpose, absent statutory provisions to the contrary.” Greater Lawrence Sanitary District v. Town of North Andover, 439 Mass. 16, 21 (2003). For these reasons, we disapprove and delete the text above in bold and underline from Sections 8 and 14. The Town should consult with Town Counsel with any questions.

B. The Town's By-law Cannot Enforce Actions on a State Highway

Section 10 of the by-law (a restatement of G.L. c. 87, § 10 entitled "Injury to trees on state highways"), imposes penalties for injury to trees on state highways. Specifically, Section 10 of the by-law provides as follows with emphasis added:

Whoever without authority trims, cuts down or removes a tree, shrub or growth within a state highway or maliciously injures, defaces or destroys any such tree, shrub or growth shall be punished by imprisonment for not more than six months, or by a fine of not more than five hundred dollars to the use of the commonwealth.

We disapprove and delete the text above in underline and bold because this text conflicts with G.L. c. 40, § 21. In accordance with G.L. c. 40, § 21, Towns may only adopt by-laws that govern the town's citizens. Thus, the Town cannot by by-law impose penalties or undertake enforcement action with regards to a state highway. In addition, we disapprove and delete the text above authorizing imprisonment because this text also conflicts with G.L. c. 40, § 21 and the Home Rule Amendment, Article LXXXIX, Art. 2, Sec. 7. In accordance with G.L. c. 40, § 21, a by-law can "affix penalties for breaches thereof not exceeding three hundred dollars for each offense," but the by-law cannot provide for a penalty of imprisonment. The Home Rule Amendment, Art. 2, Sec. 7 (6) prohibits a Town from "defin[ing] and provid[ing] for the punishment of a felony or to impose imprisonment as a punishment for any violation of law." For these reasons, we disapprove and delete the text above in bold and underline.

C. The Town's By-law Cannot Authorize Imprisonment for a By-law Violation

Section 11 of the by-law (a restatement of G.L. c. 87, § 11 entitled "Injury to trees of another person"), imposes penalties, including imprisonment, if someone injures a tree of another person. Specifically, Section 11 of the by-law provides as follows, with emphasis added:

Whoever willfully, maliciously or wantonly cuts, destroys or injures a tree, shrub or growth which is not his own, standing for any useful purpose, shall be punished **by imprisonment for not more than six months or** by a fine of not more than five hundred dollars.

As set forth above in more detail, we disapprove and delete the text above in underline and bold authorizing imprisonment because this text conflicts with G.L. c. 40, § 21 and the Home Rule Amendment, Article LXXXIX, Art. 2, Sec. 7. Pursuant to G.L. c. 40, § 21, a by-law can "affix penalties for breaches thereof not exceeding three hundred dollars for each offense," but the by-law cannot provide for a penalty of imprisonment. See also Home Rule Amendment, Art. 2, Sec. 7 (6) (prohibiting a Town from imposing imprisonment as a punishment for any violation of law." For these reasons, we disapprove and delete the text of Section 11 above in bold and underline.

In addition, with regard to the portion of Section 11 that authorizes a fine "of not more than five hundred dollars" the Town must apply this portion of Section 11 consistent with G.L. c. 40, § 21. Specifically, while a fine of "not more than five hundred dollars" may be available for

a violation of the state statute (G.L. c. 87, § 11), if the Town or the Tree Warden are enforcing a violation of the by-law, G.L. c. 40, § 21 prohibits the Town from imposing a fine of more than \$300 for a by-law violation. The Town should consult with Town Counsel with any questions on this issue.

IV. Additional Comments on the Remainder of the Nahant Tree By-law

A. Section 6 – Penalty for Violation of Sections 3, 4 or 5 and Section 12 – Injury to Shrubs, Trees or Fixtures

Section 6 of the by-law (a restatement of G.L. c. 87, § 6 entitled “Penalty for violation of Sec. 3, 4 or 5”), authorizes fines of “not more than five hundred dollars” for a violation of Sections 3, 4 or 5 of the by-law. Section 3 of the by-law prohibits the cutting of a public shade tree and is a restatement of G.L. c. 87, § 3. Section 4 of the by-law prohibits the removal of a public shade tree and is a restatement of G.L. c. 87, § 4. And Section 5 of the by-law prohibits the cutting down, trimming or removal of bushes and small trees and is a restatement of G.L. c. 87, § 5.

Because G.L. c. 87, § 6 authorizes a fine “of not more than five hundred dollars” when the Tree Warden is enforcing a violation of G.L. c. 87 regarding Public Shade Trees, we approve this portion of the by-law. However, the Town should be mindful that when the Tree Warden is enforcing a violation of the by-law (as opposed to the Public Shade Tree statute), the imposition of a fine must comply with G.L. c. 40, § 21 that prohibits a Town from imposing a fine of more than \$300 for a by-law violation. The Town should consult with Town Counsel with any questions on this issue.

In addition, Section 12 of the by-law (a restatement of G.L. c. 87, § 12 entitled “Injury to shrubs, trees or fixtures”) authorizes in relevant part a fine of “not more than five hundred dollars” if a person “injures, defaces or destroys a shrub, plant or tree, or fixture of ornament or utility, in a public way or place or in any public enclosure.” The Town must apply this portion of the by-law consistent with G.L. c. 40, § 21. Specifically, while a fine of “not more than five hundred dollars” may be available for a violation of the state statute (G.L. c. 87, § 12), if the Town or the Tree Warden are enforcing a violation of the by-law, G.L. c. 40, § 21 prohibits the Town from imposing a fine of more than \$300 for a by-law violation. The Town should consult with Town Counsel with any questions on this issue.

B. Section 9 – Signs or Marks on Shade Trees

Section 9 of the by-law (a restatement of G.L. c. 87, § 9 entitled “Signs or marks on shade trees”) includes text providing that the department of highways for the state “may proceed to enforce this section.” The Town’s by-law cannot require that the state department of highways (now the MassDOT Highway Division) enforce its by-law. “The doctrine of essential governmental functions prohibits municipalities from regulating entities or agencies created by the Legislature in a manner that interferes with their legislatively mandated purpose, absent statutory provisions to the contrary.” Greater Lawrence Sanitary Dist., 439 Mass. 16. See also Teasdale v. Newell & Snowling Const. Co., 192 Mass. 440 (1906) (holding local board of health

could not require state park commissioners to obtain license to maintain stable on park land). The Town's enforcement of the by-law cannot impermissibly interfere with the operation of state entities. The Town should consult with Town Counsel to determine if an amendment to this section of the by-law is needed at a future Town Meeting in light of this issue.

Article 24 - Under Article 24 the Town amended several sections of the general by-laws regarding Wastewater. One amendment amends Section 9.11, "Power and Authority of Inspectors – Permission for Inspection" to add text related to the process for inspections. Specifically, Section 9.11 provides that the Town "intends to inspect each building (private and commercial)...to determine the existence of unauthorized connections and private inflow sources to the sanitary sewer system." Section 9.11 also establishes a process for conducting property inspections, including sending letters and phone calls to schedule an inspection. The by-law further provides: "If the property owner then fails to contact the Town of Nahant or allow access within 30 days after the letter is distributed, that person will be deemed in violation of this by-law."

When applying Section 9.11, the Town should be mindful that municipal officials do not have the authority to conduct non-emergency warrantless searches of private property without permission of the owner. Commonwealth v. John G. Grant & Sons Co., Inc., 403 Mass. 151, 159-60 (1988). The U.S. Supreme Court has held that warrants are required for non-emergency administrative inspections. Camara v. Municipal Court of San Francisco, 387 U.S. 523 (1966) (requiring warrant for health inspector non-emergency entry); See v. City of Seattle, 387 U.S. 541 (1966) (requiring warrant for nonemergency inspection by fire chief). "[A]dministrative entry, without consent, upon the portions of commercial premises which are not open to the public may only be compelled through prosecution or physical force within the framework of a warrant procedure." See, 387 U.S. at 545. Massachusetts courts have similarly recognized that "statutes can no longer convey blanket powers of warrantless entries." Commonwealth v. Hurd, 51 Mass. App. Ct. 12, 17 (2001) (holding that G.L. c. 129, § 7 does not authorize warrantless searches for animal inspection).

The Town should consult with Town Counsel to ensure that this Section is applied in a manner that is consistent with state law and applicable constitutional requirements. In particular, the Town should consult with Town Counsel regarding whether the Town must first obtain an appropriate court order to access the property before finding someone in violation of Section 9.11.

Article 42 - Under Article 42 the Town amended its general by-laws to add to Article III, "Offenses Generally," a new Section 10 that limits the number of "mammals, reptiles, and birds per dwelling unit" to ten (10). Specifically, the new Section 10 provides as follows, with emphasis added:

A waste control plan shall be filed with the Town Health Inspector for farm type mammals, reptiles, birds (such as pigs, goats, & horses) for the elimination/removal of fecal waste. Fecal waste shall not be stored or spread on owner's property or disposed of in the Town's composting site.

We approve Article 42. However, it must be applied in a manner consistent with the protections accorded to agriculture under state law. The laws and Constitution of the Commonwealth have recognized the importance of agriculture and agricultural uses within the state. Article 97 of the Massachusetts Constitution declares the protection of people in their right to the utilization of agricultural resources to be a public purpose in the Commonwealth. Moreover, several state statutes recognize the importance of agriculture, foster and encourage agriculture pursuits, and limit the burdens that may be placed on agriculture by local laws. For example, G.L. c. 40A, § 3 provides protections for agricultural uses as follows:

No zoning . . . by-law . . . shall . . . prohibit unreasonably regulate, or require a special permit for the use of land for the primary purpose of commercial agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture, nor prohibit, unreasonably regulate or require a special permit for the use, expansion, reconstruction or construction of structures thereon for the primary purpose of commercial agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture including those facilities for the sale of produce, wine and dairy products.....

In addition, And G.L. c. 128, § 1A defines farming and agriculture and provides in pertinent part as follows:

“Farming” or “agriculture” shall include farming in all of its branches and the cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural, aquacultural, floricultural or horticultural commodities, the growing and harvesting of forest products upon forest land, the raising of livestock including horses, the keeping of horses as a commercial enterprise, the keeping and raising of poultry, swine, cattle and other domesticated animals used for food purposes, bees, fur-bearing animals, and any forestry or lumbering operations, performed by a farmer, who is hereby defined as one engaged in agriculture or farming as herein defined, or on a farm as an incident to or in conjunction with such farming operations, including preparations for market, delivery to storage or to market or to carriers for transportation to market.

These statutes together establish that, to the extent the use of land or structures constitutes commercial agriculture, the Town cannot require a special permit for, unreasonably regulate, or prohibit such activities: (1) on land zoned for agriculture; (2) on land that is greater than five acres in size; and (3) on land of 2 acres or more if the sale of products from the agricultural use generates \$1,000 per acre or more of gross sales. The Town should consult with Town Counsel to ensure that the Town applies the new by-law in a manner that does not conflict with the agricultural protections provided under the laws of the Commonwealth.

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the

date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

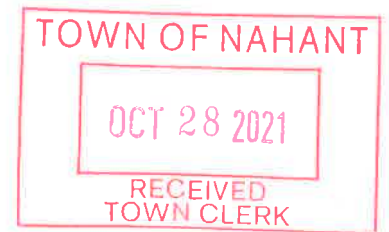
Very truly yours,

MAURA HEALEY
ATTORNEY GENERAL

Nicole B. Caprioli

By: Nicole B. Caprioli
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cc: Town Counsel Daniel G. Skrip



ARTICLE 24. (Wastewater By-law Amendment) To see if the Town will vote to amend Article XIV of Nahant's by-laws - Discharge of Wastewater, Drainage, Substances or Wastes- (1) to add definitions for 'Infiltration', 'Infiltration/Inflow' and 'Inflow'; (2) to add the following language to Section 6.5—"This section includes, but is not limited to, inflow. Inflow is strictly prohibited."; (3) to rename Section 9.11 and add language clarifying the process to inspect for infiltration and inflow; (4) to add Section 10.7 to clarify the Town's ability to enforce these by-laws; and (5) to add Section 5.14 requiring the implementation of a 4:11/1 removal plan for large (re)development projects; a copy of these amendments is available for review in the Town Clerk's office, or take any other action relative thereto.

MOTION 24: JUDY ZAHORA (Wastewater By-law Amendment) Majority vote

I move that the Town approve Article 24 as printed in Appendix 15 of the Report and Recommendations of the Advisory and Finance Committee (see attached)

VOTED: Upon motion and duly seconded by Mr. Lewis vote in 197 in favor 10 opposed at 2:55pm on 5/16/2021

Nahant Annual Town Meeting 5-15-21

ARTICLE 35. (Tree By-laws) To see if the Town will vote to adopt a new article ("Article XIX – Trees", a copy of which is on file with the Town Clerk) to the General By-laws aimed at, among other things: 1) the preservation of the tree canopy; 2) the planting of replacement trees; 3) the protection of air quality; and 4) the creation of a Nahant Tree Task Force, or take any other action relative thereto.

MOTION 35: JULIE TARMY (Tree By-laws) Majority vote

I move that the Town approve Article 35 as printed in Appendix 11 of the Report and Recommendations of the Advisory and Finance Committee (see attached)

VOTED: Upon motion and duly seconded by Mr. Sheehan vote 149 in favor and 20 opposed at 3:55pm on 5/16/2021.

ARTICLE 42. (Citizen Petition – Keeping Animals By-Law) We Move to adopt the following into the Nahant General Bylaws General Number of animals per residence shall be limited to 10 (pets or other). This includes all animals, mammals, reptiles, and birds. All animals must be kept as to not create a public nuisance by noise, odors, and/or appearance of property.

Aquarium fish shall be exempt from this bylaw.

Setbacks

All fences, pens, and ancillary buildings must comply with all other by-laws and permitting as required.

Dog houses shall be exempt from this bylaw.

All pens, cages, and enclosures to house animals other than dogs shall require setbacks of 25 feet from all property lines.

Pens/sty's for the purposes of keeping swine and other farm type animals shall require setbacks of 100 feet from all property lines.

Property owners that have ponds and pools used for the purpose of keeping waterfowl, or troughs for watering of animals shall provide insect control to reduce the possibility of Triple E and other insect, bird, and animal Bourne viruses.

For farm type animals, a waste control plan for the elimination/removal of fecal waste must be filed with the town health department. Fecal waste must not be stored or spread on owner's property or disposed of in the Town's composting site.

Enforcement of this bylaw shall be the jurisdiction of the Animal Control Officer and/or Health Inspector.

Whoever is found in violation of this bylaw shall be given a 30-day notice to comply/ and after 30 days, will be subject to a \$10 fine per day per animal over the limit until compliance is met.

AMENDED MOTION 42: Majority vote Peter Barba read Amended Article 42

I move to amend Article XIII (Non-Criminal Disposition of Violations) of the Police Bylaws by adding Section 10 to sub-Article III (Offenses Generally) stating:

The total number of mammals, reptiles, and birds per dwelling unit shall be limited to 10 (pets or other). All such animals shall be kept as to not create a public nuisance by noise, insects, odors, and/or appearance of property.

Owners of such animals having ponds and pools for the purposes of keeping waterfowl, or troughs for watering of such animals must provide insect control to reduce the possibility of Triple E and other insect, bird, and animal borne viruses.

A waste control plan shall be filed with the Town Health Inspector for farm type mammals, reptiles, birds (such as pigs, goats, & horses) for the elimination/removal of fecal waste. Fecal waste shall not be stored or spread on owner's property or disposed of in the Town's composting site.

Enforcement of this bylaw shall be the jurisdiction of the Animal Control Officer and/or the Health Inspector. Any person in violation of this section shall be subject to the penalties set forth in Article II, Section 6.

VOTED: After a brief discussion recommending the Bylaws be carefully reviewed an amended motion was made and duly seconded by a registered voter, vote 134 in favor and 26 opposed at 4:18pm on 5/16/21.