

Minutes of the **By-Law Review Committee** meeting held
April 17, 2013
7:30 PM

2017 AUG 23 AM 11:00

Board of Registrars Conference Room, Town Hall, 455 Concord Avenue

Attendees: Charles Hamann, Chair, Mark Thurber, Raymond Miyares, Ellen O'Brien Cushman (ex-officio)

Agenda:

Special Town Meeting Article – Recodification of General By-Laws with General Code

Ellen had circulated by email in advance of the meeting the latest version of the full recodified Bylaws for Committee member review, Titled Preliminary Draft, April 2013. Ellen told the Committee that she and her staff have reviewed each word and symbol in the Preliminary Draft to be certain it is accurate per the votes of the Committee. The Committee followed the Review Guide provided and authorized Ellen to send back our responses, document attached.

The Committee reviewed the proposed Town Meeting articles for the May 29th Special Town Meeting, offered edits, document attached. Ellen will send same to General Code.

Minutes of March 25, 2013 were approved unanimously

For Annual Town Meeting Articles

Next meeting April 24th will be the last meeting before Town Meeting – all language must be submitted.

Meeting adjourned at 9:45 PM

Respectfully submitted,
Ellen O'Brien Cushman

Guidelines for Draft Review

The following guide provides a basis for review of the Draft copy of the Code and is designed to make your review easier. Please note that the Draft review is not intended to be a "start from scratch" process, and any extensive changes may be better suited for supplementation in order to avoid complicating the project and/or incurring extra expense at the Draft stage.

Part I: Formatting.

The Draft copy of the Code provides an accurate reflection of the final text and layout of the Code. However, there may be some formatting conventions which appear "incomplete" in the Draft but which will be formatted correctly in the finished Code. For example:

- The page numbers in the right-hand bottom corner represent the page numbers for the entire draft, and the page numbers in the center of the pages represent the pages of the chapter only. In the finished Code, only the chapter-specific page numbering will remain.
- Similarly, the month/year dateline in the left-hand bottom corner is for the Draft only and will not appear in the finished Code.
- Generally, tabular or appendix material is accurately represented in the Draft, but it may undergo additional formatting as necessary upon final publication.

Please disregard these and other such formatting idiosyncrasies.

Part II: Stylization and Indexing.

A. **Publishing conventions.** During final editing, our staff read your legislation and stylized it consistently according to our own style manual. Therefore, you need not be concerned with style conventions such as the following:

- Capitalization.
- Spelling and punctuation.
- Citation of numbers.

This consistent stylization will be maintained during supplementation of the Code.

B. **Index.** Please note that the final Code will contain an alphabetical Index. This Index is not included in the Draft but will be prepared and delivered with the final publication.

Part III: Specific Comments.

During final editing we encountered the following questions for which we will need response prior to final publication. **Please return a completed copy of these Specific Comments when the Code Draft is submitted back to General Code.**

- A. Please note that we have created a new Article 2, Adoption of Code, in Chapter 10, General Provisions, and designated the existing provisions in Chapter 10 as Article 1, Construction and General Penalty. It is our standard practice to include an article in this chapter to document when the new code was formally adopted by the municipality. Following acceptance of the bylaws by the Town Meeting we will revise this article to indicate the date of that meeting and the warrant article(s). For example, in the Code of the Town of Salisbury, which was adopted in 2006, this article contains the following reference statement:

[At the Annual Town Meeting on October 23, 2006, under Articles 1 through 5, it was voted to accept the renumbering of the General Bylaws and Zoning Bylaw as set forth in Parts I and II of this Code and to adopt certain changes to the General Bylaws and Zoning Bylaw. Copies of Articles 1 through 5 on are file in the office of the Town Clerk.]

- B. It is our understanding that the Town is still reviewing the following items. At this time no changes have been made to these items.

- (1) Chapter 40, § 40-220, Board of Health, whether penalties should be included in § 40-220E. (Editorial Analysis page 15)
- (2) Chapter 40, § 40-325, Recreation Commission, the penalties in § 40-325H(1). (Editorial Analysis page 19)
- (3) Chapter 60, Article 2, Animals, the penalties in § 60-200K. (Editorial Analysis page 21)
- (4) Chapter 60, Article 4, Door-to-Door Solicitation and Canvassing, the application fee in § 60-415. (Editorial Analysis page 30)
- (5) Chapter 60, Article 6, Noise, the penalties in § 60-640B and C. (Editorial Analysis page 24)
- (6) Chapter 60, Article 7, Recycling, the penalty in § 60-720 (as compared to § 60-800B and H). (Editorial Analysis page 26)

*Make
No change
at this
time to any
these
items.*

*Ellen O'Brien
Avalon
4-17-13*

- (7) Chapter 60, Article 8, Streets and Sidewalks, § 60-810, Newsracks, the penalty in § 60-810F(1). (Editorial Analysis page 27)

Decision:

- ☐ See revisions on enclosed copy
☒ No changes will be made to these sections

- C. Chapter 60, § 60-300, Alarms. As requested, we have removed original § 24.6.3 which listed fees for alarm registration and master box registration. Should the appeal fee in § 60-300N(1) also be removed? That subsection reads "There shall be a fee of \$10 for each appeal to the Alarm Appeal Board."

Decision:

Delete all of 60-300N (1) and (2).

- ☒ Revise as follows:
☒ ~~Make no change~~

- D. Chapter A200, Penalties. As requested, we have included a chapter in the Appendix which summarizes the penalties prescribed in the General Bylaws. Please review this chapter to ensure that it is satisfactory.

Decision:

- ☐ Chapter is satisfactory
☐ See revisions on enclosed copy

Ellen O'Brien Austin

By-Law Review
Committee
4/17/13.

Town of Belmont

Town of Belmont
Adoption of Code

Proposed Warrant Articles

Article ____

To see if the Town will vote to reorganize and renumber the General Bylaws of the Town by (a) designating the General Bylaws as Part I, Chapters 10 through 60, of the Town Code; (b) renumbering each section of each bylaw accordingly; (c) inserting chapter, article and section titles; and (d) updating internal references to reflect the new organization and numbering, all as set forth in the document on file in the office of the Town Clerk titled "Code of the Town of Belmont, Massachusetts" dated April 2013, or what it will do in relation thereto.

editorial
reference
only

in any way act
thereon.

General Bylaws

Article ____

To see if the Town will vote to adopt the following changes to the General Bylaws, or what it will do in relation thereto:

✓ A. To standardize references to the Massachusetts General Laws to the following format:
MGL c. __, § __.

✓ B. To spell "bylaw" as one word.

✓ C. To update the terms "Chairman" and "Chairperson" to "Chair."

D. To update the term "Chief of Police" to "Police Chief".
or in any way act thereon.

Article ____

✓ To see if the Town will vote to adopt the following change to Chapter 10, General Provisions, of the General Bylaws or what it will do in relation thereto:

Section 10-120 is amended as follows: "Any person violating any provision of the General Bylaws shall be subject to a fine not exceeding of \$100 for each offense, unless the bylaw specifically provides for a different amount."

on in any way act thereon.

Section 10-100 (c)
10-105

[10-115 construction] a heading change only.
1

Article ____

✓ To see if the Town will vote to adopt the following changes to Chapter 20, Elected Officials, of the General Bylaws or what it will do in relation thereto:

- ✓ A. Section 20-215A is amended to add the following underlined wording: "Not later than 60 days before the date of the Annual Town Election at which the term of office of any Town Meeting Members will expire, the Town Clerk shall notify all such Town Meeting Members of the expiration date of their term and shall make available to them a form of written notice of their intent to run for reelection pursuant to the provisions of MGL c. 53, § 10.
- ✓ B. Section 20-305B is amended as follows: "Said list shall be prima facie evidence of ~~for~~ denial, ~~renewation~~ revocation or suspension of said license or permit to any party."
- ✓ C. Section 20-305E is amended to delete the following wording: "bicycle permits (Chapter 85, Section 11A)." [Section 11A of MGL c. 85 was repealed in 2008.]

or in any way act thereon.

Article ____

✓ To see if the Town will vote to adopt the following changes to Chapter 40, Boards, Commissions and Committees, of the General Bylaws or what it will do in relation thereto:

- A. Section 40-200I(6)(b) is amended as follows: "Any person violating any provision of Subsection I(6) or any rule, order, or regulation adopted under Subsection I(6)(a) shall be punished by a fine of ~~not more than~~ \$200 for each offense."
- B. The following section of the 1981 bylaws is repealed: § 4.14, regarding the appointment of a sealer by the Board of Selectmen and setting the fees of the sealer.
- C. Section 40-320B is amended to change "Building Inspector" to "Inspector of Buildings."
- D. Section 40-325H (2) is amended to add the following underlined wording: "An enforcing person taking cognizance of a violation of any rule or regulation adopted under Subsection H shall give the offender a written notice to appear before the Clerk of the District Court having jurisdiction thereof for the noncriminal disposition thereof in accordance with the provisions of § 21D."

§ 40-400 is amended to add the following underlined wording:
"appendices and" before the words "supplements to the General Bylaws"

Article ____

To see if the Town will vote to adopt the following changes to Chapter 60, Public Health, Safety, Welfare and Environmental Protection, of the General Bylaws or what it will do in relation thereto:

- ✓ A. Section 60-200A(3) is amended as follows: "A special breeder's license shall be obtained for any dog or cat with respect to which a statement is presented that a decision has been made not to spay or neuter. ~~The fee for such a breeder's license shall be \$25 for each dog or cat and such fee shall be in addition to the fee imposed pursuant to this section 20.11.~~" ✓
- ✓ B. Section 60-205H is amended to correct the reference to MGL c. 140, § 136C, to MGL c. 140, § 137C.
- ✓ C. The following sections of the 1981 bylaws are repealed: § 28.9, regarding fees for kennel licenses; § 24.6.3, providing registration fees for alarms; and § 22.3, providing a fee schedule for flammable fluids, solids and gases. ✓
- ✓ D. Section 60-300Q is amended as follows: "Any person who performs or causes to be performed any one of the following acts shall be subject to a fine of ~~up to~~ \$100 for each such act:"
- ✓ E. Section 60-300R(4) is amended to add the following underlined wording: "The Administrator shall take reasonable steps to inform the alarm user in advance that responses will be discontinued or the master box will be disconnected and the actions that the alarm user must take in order to prevent alarm response from being discontinued or the master box from being disconnected."
- ✓ F. Section 60-310C is amended to add the word "or" as follows: "The Stretch Energy Code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 13 or 34, 61 or 93, as applicable."
- ✓ G. Section 60-400 is amended as follows: "This article, ~~adopted pursuant to Chapter 43, Section 13, of the General Laws and Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts,~~ establishes registration requirements and specific operational requirements for persons intending to engage in door-to-door canvassing or solicitation in the Town of Belmont in order to protect its citizens from disruption of the peaceful enjoyment of their residences and from the perpetration of fraud or other crimes and to allow for reasonable access to residents in their homes by persons or organizations who or which wish to communicate either commercial or noncommercial messages."
- H. Section 60-410 is amended as follows:
- 1) In the first sentence: "Every person or organization intending to engage in soliciting or canvassing door to door in the Town of Belmont must ~~apply for a permit with the Chief of Police by filing~~ file a registration application form with the Chief of Police." ✓
Police Chief.
 - 2) In § 60-410A(6): "Names of the last three communities (if any) in which the organization has conducted a solicitation or canvassing operation, complete with the date issued and ~~date expired~~ of issue and expiration date of any permit or registration issued by those communities;" ✓

✓
3) In § 60-410B(5): "Name of the last three communities (if any) in which the applicant has solicited or canvassed door to door, complete with the date of issue and expiration date of any permit or registration issued by those communities;"

✓
I. Section 60-440A is amended as follows: "Any person or organization who or which shall violate any of the provisions of this bylaw or any applicable state or federal laws governing soliciting or canvassing, including but not limited to MGL c. 68, shall be subject to a fine ~~not to exceed~~ of \$300 for each offense."

Please
add to
motion

← J. Section 60-645B is amended as follows: "Subsequent violations ~~of the same offense~~ shall result in the immediate filing of a complaint."
Delete Fee schedule 60-510

✓ K. Section 60-800A is amended to add the word "or" as follows: "No person, other than an authorized Town agent, shall place or throw or cause to be placed or thrown onto any public sidewalk, street, fire hydrant, or highway or upon any of the common lands of the Town any snow, dirt, gravel or foreign substance, including excrement or noxious or slippery liquids or material, or suffer the same to remain thereon after being notified by a police officer to remove the same."

✓ L. Section 60-805E(2) is amended to replace "and shall be 12 feet wide or two eight-foot wide areas with four feet of cross hatch between them" with the following wording from MGL c. 40, § 21, Clause (23)(b):

and shall be at least eight feet wide, not including the cross hatch access aisle as defined by the Architectural Access Board established in MGL c. 22, § 13A. The cross hatch access aisle abutting a handicapped parking space shall be considered part of the handicapped parking space to which it abuts to provide individuals who use wheelchairs or other mobility aids with sufficient space to enter and exit their vehicles. No person shall park in the cross hatched access aisle.

✓ M. Section 60-805E(4) is amended to change the fine from \$50 to \$100 [the minimum fine prescribed by MGL c. 40, § 21, Clause (24)].

✓ N. Section 60-805G is amended to add the following underlined wording: "The penalty for such violation shall be \$50 for each offense, except that the penalty for a violation of Subsection E(3) shall be \$100 for each offense."

✓ O. Section 60-810E(1)(b) is amended as follows: "If the Administrator determines that the violation has not been corrected ~~on or after~~ by the date for compliance, the Administrator may initiate removal proceedings in accordance with the provisions of Subsection E(2) and may assess a fine in accordance with provisions of Subsection F."

Town of Belmont Questions/Comments on Draft Revisions

A. Layout and formatting.

(1) As requested by the Town, when the final draft is printed: fine

(a) The page heads will read "Belmont General Bylaws" instead of "Belmont Code."

(b) Each article will start on a new page.

(c) The footnotes marking text that has been revised will read "Amended at time of reorganization and renumbering ~~adoption~~ of General Bylaws."

(2) We will not be able to change the following as they are functions of our production platform: fine

(a) In § 60-405 we cannot insert an extra blank line between the definitions of "canvassing" and "charitable organization."

(b) In the table of contents at the beginning of Chapter 20 we are not able to move §§ 20-210 and 20-215 from the right column to the left column. The table of contents is generated when the chapter is output; it does not actually exist within the file so we cannot manipulate it. The columns break based on the remaining material that can be included on the page. Note that once text is added for Article 1, Moderator, and section titles for that article are included in the table of contents, the new material will likely push all of Article 2 into the second column.

B. The following instruction was provided: "Whenever the bylaws show a referral of the date of 'approval of this bylaw' or 'effective date of this bylaw' that should be replaced with the actual date of adoption." I have not made this change and will need more specific directions in order to do so. Please consider the following: This reference appears in four Bylaws and would need to be included in the warrant

40-310 Disability Access Commission
"at the time of the adoption of this bylaw"

I would strike the 4th sentence of subsection B ("Notwithstanding the foregoing...qualified.") in its entirety.

The following sentence also needs some clean-up: striking "such" and "B."

It should read: "Upon the expiration of the term of a member, that member or a successor shall be appointed to a term of a duration which is consistent with the foregoing provisions of this Subsection."

40-420 Permanent Building Advisory Committee
D "at the time this bylaw is adopted" I presume 12-13-1999.

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Change "currently in progress at the time this bylaw is adopted" to "in progress as of December 13, 1999."

60-205 Kennels
I "within 30 days of the approval of this bylaw by the Office of the Attorney General"

Delete Paragraph I in its entirety.

60-300 Alarms
E and H1 "after the effective date of this bylaw" I presume 4-26-2004

Paragraph E: Delete everything after "below."

Paragraph H(1): Strike "after the effective date of this bylaw."

60-810 Newsracks
C 1 and C2 "effective date of this bylaw"

Paragraph C(1): Change "the effective date of this bylaw" to "August 24, 2001."

Paragraph C(2): Change "the effective date of this bylaw" to "August 24, 2001."

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- (1) This request is highly unusual. If the bylaw, as adopted, contains wording reading "on the effective date of this bylaw" or similar wording, a formal amendment is necessary to change this wording. This type of wording is not usually treated

simply as a place holder to be updated later with an actual date. (I have worked with many towns and have never seen anyone make this kind of change.)

- (2) I do not believe replacing references to a bylaw's effective date with the date the bylaw was adopted by Town Meeting would be accurate. Pursuant to MGL c. 40, § 32, a general bylaw is not effective until it is approved by the Attorney General and published. A determination would need to be made as to exactly when a particular bylaw went into effect in order to insert the correct date.
- (3) The Town would need to indicate exactly which sections should be updated and how. For example, § 10-105 refers to "the effective date of these General Bylaws." Should this section be updated? If so, what date should be used? I am not really in a position to determine if this is a section the Town wants to change or not and I do not have any information as to the exact adoption date or effective date of the 1981 General Bylaws.

Decision:

☒ Update sections as shown on the enclosed copy – we will provide sections and dates by end of day today

☐ Disregard this instruction

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C. Section titles.

- (1) The titles (also called "captions" or "headings") of sections and subsections are not usually considered a part of the bylaw and therefore can be changed without formal amendment. The Town might want to consider adding the following wording to Chapter 10 to clarify this intent: "Headings and captions are for reference purposes only as an editorial aid to the reader and are not substantive provisions of the bylaws. They are not legally adopted parts of the bylaws as voted by Town Meeting and shall not be used in the interpretation of the bylaws."

Decision:

☒ Add this wording to Chapter 10 with your suggestion and the revision as shown above

☐ Do not add this wording to Chapter 10

☐ Other:

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- (2) Please note that the section titles will be an integral part of the index we will be preparing for the General Bylaws. Accordingly, we try as much as possible to make the section titles an accurate reflection of the contents of the section. In Chapter 60 I changed the title of § 60-630 from "Special provisions" to "Exemptions" for this reason. This section begins "Noise associated with the following activities shall be exempted from the provisions of this bylaw." great

D. A question was included as to whether "his" should be changed to "his/her." I recommend against making this change. To be consistent any references to "he" and

"him" would also have to be changed, along with any words ending with "man" or "men," including "Selectmen" and "Selectman." A simpler approach would be to add wording to Chapter 10, General Provisions, providing for the bylaws to be construed in a gender neutral manner. The following wording appears in the Massachusetts General Laws (see MGL c. 4, § 6) with respect to the statutes and could be included in Chapter 10 to apply to the Town's general bylaws: "Words importing the singular number may extend and be applied to several persons or things, words importing the plural number may include the singular, and words of one gender may be construed to include the other gender and the neuter."

Decision:

☒ Add this wording to Chapter 10 and to the article on the warrant

☐ Do not add this wording to Chapter 10

☐ Other:

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- E. The following note was included: "We should include the date of acceptance at Town Meeting and the Attorney General only for the Town Clerk's and published versions if possible. Those dates are merely editorial references to aid the reader." I am not exactly sure what this note means. Is this a reference to the histories which appear in brackets showing the adoption dates and Attorney General approval dates? In any case, there is really no way for us to produce two different versions of the code. Any information that appears in the chapter file will be included in all outputs of the code, whether paper or electronic. If the concern is to clarify that this information is not part of the bylaw, the following wording could be added to Chapter 1: "Historical information (adoption and approval dates) and cross-references appearing in brackets and footnotes are not part of the bylaws and have been inserted for reference purposes only."

Decision:

☒ Add this wording to Chapter 10 and the to article on the warrant

☐ Do not add this wording to Chapter 10

☐ Other:

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- F. The notes from the Town show the change of "town meeting" to "Town Meeting" and "representative town meeting act" to "Representative Town Meeting Act." We do not typically consider changing the capitalization of a term, such as uppercasing a proper noun, to be a substantive change requiring a formal amendment. However, we can add these changes to the warrant article if the Town feels it is necessary.

Decision:

☒ Capping of terms does not require amendment

☐ Add these changes to the warrant article

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- G. The following question was asked: "Structurally, when you change from a list to a numbered or lettered list, do we have to include that change in the motion"? As far as

Belmont, T.

Draft Questions

I am aware, no, this type of change does not need to be accounted for separately. It is considered part of the overall renumbering of the bylaws.

Submitted by General Code

Page 5

- H. Table of contents. The Town has requested that all section titles be added to the table of contents at the front of the volume. We can do this but recommend against it. It is our standard practice for the main table of contents at the front of the book to be an outline of the overall volume listing the chapter and article titles only; each chapter then contains its own detailed table of contents listing all of the sections in that chapter. The Town might want to consider whether it is really necessary for the sections to be listed twice. Note that doing so will mean that every time a section is added or deleted or a section title is changed the table of contents at the front of the book will have to be updated in addition to the chapter. Also note that there would be an additional charge for redoing the table of contents to include all of the sections to cover the time and work effort involved.

Decision:

☐ Do not include sections on table of contents

☒ Provide price for redoing table of contents to include sections this is a priority for us and makes the bylaws usable in text as well as online form

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I. Chapter 10, General Provisions.

- (1) I have removed Article 2 as requested. As I explained in the original Draft Guidelines, it is our standard practice to provide a reference in the new volume as to when it was approved by the Town Meeting. The 1981 bylaws had a cover page with this information. Out of curiosity, what was the objection to including this article? The By-Law Review Committee objects because we are not "adopting the code", or, indeed doing anything with the word "code" in it. We are simply reorganizing and renumbering the General Bylaws

- (2) I have revised the title of § 10-115 to read "Construction consistent with statutes." It is my understanding that that changing a section title does not require a formal amendment. See "Section titles" above. Likewise I do not believe changing "Special provisions" to "Exemptions" in § 60-630 requires an amendment. great

- J. Chapter 30, Town Meetings. A question was raised about § 30-115G(1)(a) through (f) and the commas being changed to periods at the end of each subsection. We do not typically consider this a substantive change requiring an amendment. As a general rule, a subsection, like a sentence, should never end with a comma. It should end with a period or a semicolon. A semicolon is used if there is a linking conjunction ("and" or "or"); see § 40-215B(1) through (8) for example. Otherwise a period is used. If the Town would prefer to have the periods changed back to commas I can certainly do so.

Decision:

☐ Change periods back to commas

☒ This change is acceptable.

☐ Other:

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K. Chapter 40, Boards, Commissions and Committees.

- (1) I have made the requested corrections to §§ 40-215B(8) and 40-400G. I have also changed "open meeting laws" in § 40-115D to "Open Meeting Law" and included this change in the warrant article for this chapter. fine
- (2) I have also added to the warrant article for this chapter the revision to § 40-100B to delete "shall mean" from the definitions. fine
- (3) I have revised the title of Chapter 40, Article 3, to read "Boards and Commissions Appointed by the Board of Selectmen" as requested. By way of explanation, in order to facilitate the indexing of the volume it is our standard practice to avoid using articles ("a" and "the") in chapter and article titles and to make these titles as concise as possible, which is why I had used "Appointed by Selectmen" rather than "Appointed by the Board of Selectmen."
- (4) Section 40-305C lists the powers and duties of the Council on Aging. Subsection C(1) through (6) all follow the lead-in wording and are clearly supposed to be items in the same series, so I moved the word "and" from the end of Subsection C(4) to the end of Subsection C(5) and changed the period at the end of that subsection to a semicolon. We would not normally consider this a substantive change requiring formal amendment. I can change it back if desired.

Decision:

- ☐ Change this back
- ☒ Add this change to the warrant article
- ☐ This change does not need to be included in the warrant article

- (5) When the phrase "known as" is used the text which follows is included in quotation marks, so I added them to the wording "to be known as the Wellington Historic District" in § 40-315B. For another example where quotation marks were already used see § 40-200H(2)(b). We would not normally consider this a substantive change requiring formal amendment. I can remove the quotation marks if desired.

Decision:

- ☐ Remove quotation marks
- ☒ Retain quotation marks and we agree this is not considered to be a substantive change.

L. Chapter 60, Public Health, Safety, Welfare and Environmental Protection.

- (1) I have added the comma to § 60-200H as requested. In our original copy of the bylaw this comma looked like a footnote indicator and was removed; I should have realized it was meant to be a comma.

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- (2) I have added the following changes to the warrant article for this chapter:
- (a) Updating the definitions in §§ 60-205A, 60-405 and 60-605 to delete "shall mean" or similar wording.
 - (b) In § 60-205A moving the definition of "veterinary hospital."
 - (c) Changing "Chief of Police" to "Police Chief" in §§ 60-300C(2), 60-410 and 60-440B.
 - (d) In § 60-805E(1) changing "not less than" to "not fewer than."
- (3) Section 60-300N regarding fees for appeals to the Alarm Appeals Board has been deleted and this change has been included in the warrant article for this chapter.
- (4) The following comment was included with respect to § 60-300, Alarms: "defined terms of the bylaw such as Administrator within the specific bylaw should be initial capital instead of administrator." I can certainly capitalize the term "Administrator" in this section. Please note, however, that the term "Administrator" is not in fact defined in § 60-300B, and the terms which are defined, such as "alarm device" and "false alarm," were not capitalized in the text of the original bylaw (and absolutely should not be). I did not uppercase the term "Administrator" in this section for the following reasons:
- (a) In the original bylaw this term was sometimes uppercased and sometimes lowercased; see § 24.6.1 in the original bylaw where "administrator" appears three times.
 - (b) Section 60-300C(2) indicates that the Police Chief or his designee serves in this capacity; we would not typically capitalize a term which refers to a function performed by a particular individual as opposed to his or her actual title (like "Town Clerk" or "Police Chief").
 - (c) To avoid confusion with the Town Administrator. See § 40-200H.
 - (d) If Administrator is capitalized, should "for alarm devices" in § 60-300C(1) also be capitalized? This subsection reads "There shall be in the Town an **administrator for alarm devices** who shall have the power and duties granted under this bylaw." It is not clear whether "administrator for alarm devices" is meant to be a formal title or more of a description.

Decision:

- ☐ Capitalize "Administrator" and "Administrator for Alarm Devices" in this section
- ☒ Leave "administrator" lowercased

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- (5) The Town requested that § 60-315, Trench safety, be moved to Article 8 as § 60-805. I have moved the section to Article 8 but included it within § 60-800 as Subsection G, as the penalty provision in § 60-800I applies. See §§ 20.7 and 20.15 of the original bylaws. Section 60-800 now contains §§ 20.01 to 20.07, 20.12 and 20.15 (penalty) of the original bylaws.

Decision:

- ☒ This change is acceptable
- ☐ Revise as follows:

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- M. The Town has provided the following wording: "and further that the Bylaw Review Committee may approve nonsubstantive changes to the numbering of this bylaw in order that it be in compliance with the numbering format of the General Bylaws of the Town of Belmont." To clarify, this wording is typically included in warrant articles that are drafted after the new set of bylaws is adopted. This information was provided for your reference and I am not sure why this revised wording was provided back to me. We are in the middle of Annual Town Meeting now and have 8 separate amendments to the General Bylaws that will need to be re-formatted, renumbered so Town Counsel has had this modified language included in all of the motions for those articles.

