

TOWN OF HOPKINTON  
GENERAL BYLAW  
Chapter 1

**GENERAL PROVISIONS**

**[HISTORY: Adopted by the Town Meeting of the Town of Hopkinton as indicated in article histories. Amendments noted where applicable.]**

**ARTICLE I**

**General Penalty**

**[Adopted 3-15-1973 ATM, Art. 52]**

**~ 1-1. General penalty for bylaw violations.**

Whoever violates any bylaw of the town, or the order of any Board lawfully established thereunder, shall, where no other punishment is prescribed, be punished by a fine not exceeding \$25 for a first offense nor less than \$25 for a second or subsequent offense. Each day that any violation continues shall be considered a separate violation.

**ARTICLE II**

**Noncriminal Disposition**

**[Adopted 5-6-1997 ATM, Art. 47]**

**~ 1-2. Criminal complaint.**

The violation of any provision of these Bylaws may be addressed by institution of indictment or criminal complaint brought in the District Court. The penalty shall be that fixed by the bylaw; provided, however, that in no case shall the maximum penalty for each violation or offense brought in such manner be in excess of \$300 unless otherwise permitted by law. Each day during which any such violation or offense exists or continues shall be deemed to be a separate violation or offense and be subject to the penalty referred to above.

**~ 1-3. Noncriminal disposition.**

A. The violation of any provision of the bylaws set forth below, for which a specific penalty is enumerated, may be addressed by the procedure for noncriminal disposition as provided in MGL c. 40, ~ 21D, as the same is now in force and effect or may hereafter be amended or supplemented.

B. Without intending to limit the generality of the foregoing, it is the intention of this article that the following ordinances and bylaws and rules and regulations are to be included within the scope of this article, that the specific penalties, as hereinafter set forth, shall apply in such cases, and that, in addition to any of the police officers of the Town of Hopkinton, who shall in all cases be considered to be enforcing persons for the purposes of this article, a municipal official or position, or the person serving the functions of same, shall also be enforcing persons with regard to violations or offenses of such ordinances, bylaws, rules and regulations.

C. It is hereby specifically provided that each day during which any such violation or offense exists or continues shall be deemed to be a separate violation or offense.

D. Nothing contained herein shall be deemed to require the use of this noncriminal disposition procedure, and, at the option of the appropriate enforcing person, criminal and/or civil proceedings may also be utilized.

**~ 1-4. Penalties enumerated.**

It is hereby established that the following provisions shall be subject to the noncriminal disposition procedure:

<b>Citation to Law, Bylaw, Rule or Regulation, if Applicable</b>	<b>Subject of Bylaw and Enforcing Person</b>	<b>Penalty</b>
Hopkinton Board of Health Code of Regulations	Sales of tobacco to minors and tobacco smoke in public places  Public Health Administrator or agent as designated by the Board of Health	First violation: \$100 Second violation:\$200 Third and subsequent violations: \$300
Hopkinton Board of Health Code of Regulations, remaining sections which include but are not limited to:	General public health matters	\$50
105 CMR 590.00 105 CMR 410.00	Food establishments Standards of human habitation	
310 CMR 15.00	Subsurface sewerage disposal	
105 CMR 435.00 105 CMR 123.00	Swimming pools Tanning facilities	
	Public Health Administrator or agent as designated by the Board of Health	
MGL c. 111, all applicable sections	Public health statute	\$50
	Public Health Administrator or agent as designated by the Board of Health	
MGL c. 114, ~ 49	Funeral directors	\$50
	Public Health Administrator or agent as designated by the Board of Health	
MGL c. 140, ~ 51	Massage licensing	\$50
	Public Health Administrator or agent as designated by the	

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 Board of Health

Hopkinton Wetlands Protection Bylaw (Ch. 206)	Wetlands  Chairman of Conservation Commission, Conservation Agent or agent as designated by the Conservation Commission	\$50
Scenic Roads Regulations (Ch. 160)	Scenic roads  Planning Board members, Town Planner or agent as designated by the Planning Board	\$50
Earth Removal Bylaw (Ch. 96) <b>[Amended 9-28-1998 STM, Art. 10]</b>	Earth removal  Earth Removal Agent, Planning Board members or agent as designated by Planning Board	\$50
Hopkinton Animal Control Bylaws (Ch. 62)	Animal control  Animal Control Officer or agent as designated by the Animal Control Officer	First violation: \$25 Second violation:\$50 Third and subsequent of violations: \$75
Kennel license Ch. 62, Art. V <b>[Added 5-3-1999 ATM, Art. 47]</b>	Regulations relating to kennels for dogs  Animal Control Officer and Police Department	\$25 for each offense, each day being a separate offense
Nuisance by reason of barking dogs <b>[Added 5-3-1999 ATM, Art. 46]</b>	Barking or noisome dogs  Animal Control Officer and Police Department	First violation: \$25, for each offense, each day being a separate offense Second violation: \$50, for each offense, each day being a separate offense
Noise Bylaw (Ch. 141)	Noise violation	First violation: \$50

**(Amended 5-5-2008  
ATM, Art. 61)**

Director of Municipal  
Inspections, Board of  
Selectmen or agent as  
designated by Board of  
Selectmen

Subsequent violations: \$100

Rules and regulations  
affecting the use or  
possession of tobacco  
products on school  
property [**Added  
5-4-1999 STM, Art. 3]**

Use or possession of  
tobacco products on  
school property

First violation: \$100

Second violation: \$200

Third violation or sub-  
sequent violation: \$300

Board of Health or  
agent designated by  
Board of Health

Alcoholic Beverages,  
Marihuana or  
Tetrahydrocannabinol  
Bylaw (Ch. 58)  
[**Added 5-3-2000  
ATM, Art. 60, 5-4-2009  
ATM, Art. 20, 5-2-2011  
ATM, Art. 41]**

Alcoholic Beverages, Marihuana or  
Tetrahydrocannabinol and Tobacco

Alcoholic Beverages: \$50  
Marihuana or  
Tetrahydrocannabinol: \$100

Police Department

Tobacco: tobacco and products  
containing tobacco confiscated,  
and parent(s) or guardian(s) of  
violation notified and provided with  
educational materials on the health  
issues related to tobacco, and  
information on smoking cessation  
programs; no monetary penalty.

Numbering of Buildings  
Bylaw (Ch. 78)  
[**Added 5-3-2000  
ATM, Art. 60]**

Building identification

\$25

Director of Municipal  
Inspections, Board of  
Selectmen or agent as  
designated by Board  
of Selectmen or Director  
of Municipal Inspections

Cemetery Regulations  
Bylaw (Ch. 83)  
[**Added 5-3-2000  
ATM, Art. 60]**

Operation of snowmo-  
biles in cemeteries

\$100

Board of Cemetery Com-  
missioners or agent  
designated by Board of  
Cemetery Commissioners

Disorderly Conduct  
Bylaw (Ch. 91)  
[**Added 5-3-2000  
ATM, Art. 60]**

Disorderly conduct

\$50

Police Department

Dumping Bylaw  
(Ch. 93) Rules  
and Regulations  
of Board of Health

Dumping of refuse

First violation: \$100  
Second violation: \$200  
Third and subsequent  
violations: \$300

Board of Health or  
agent designated by

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Board of Health

[Added 5-3-2000  
ATM, Art. 60]

Easement Management  
Bylaw (Ch. 99)  
[Added 5-3-2000  
ATM, Art. 60]

Management of obligations relating to easements

\$100, plus appropriate mitigation

Town Board, officer or department having jurisdiction over easement area or agent designated by any of them

Electrical installations Bylaw (Ch. 103)  
[Added 5-3-2000  
ATM, Art. 60]

Installation of electrical facilities

\$20

Inspector of Wires, Director of Municipal Inspections or agent designated by either

Firearms  
Bylaw (Ch. 109)  
[Added 5-3-2000  
ATM, Art. 60]

Discharge of automatic weapons

\$50

Police Department

Fuel Storage Tanks  
Bylaw (Ch. 119)  
[Added 5-3-2000  
ATM, Art. 60]

Installation and maintenance of underground fuel storage tanks

First violation: \$50  
Second violation: \$100  
Third and subsequent violations: \$200

Fire Department

Door-to-Door Soliciting  
And Canvassing  
Bylaw (Ch. 150)  
[Added 5-3-2000  
ATM, Art. 60, amended  
5-7-2007 ATM, Art. 39,  
11-5-2007 STM, Art. 6]

Door-to-Door Soliciting  
Annd Canvassing

\$200

Police Department

Registered Sex Offender  
Offender  
Restrictions  
Bylaw (Ch. 156)  
[Added 5-2-2011  
ATM, Art. 42]

Registered Sex Offenders' Residences

First violation: \$150, and notification to offender that he/she has thirty (30) days to move.

Police Department

Subsequent violations: \$300.00, and notification to offender's parole officer and/or probation officer and the Commonwealth's Sex Offender Registry Board, that

		the Sex Offender has violated Town's Bylaw
Registered Sex Offender Restrictions Bylaw (Ch. 156) <b>[Added 5-2-2011 ATM, Art. 42]</b>	Registered Sex Offenders in Safety Zones  Police Department	First violation: \$150  Subsequent violations: \$300
Sale of Products Bylaw (Ch. 154) <b>[Added 5-3-2000 ATM, Art. 60]</b>	Sale of certain items  Police Department	\$50
Solid Waste Bylaw (Ch. 170) <b>[Added 5-3-2000 ATM, Art. 60]</b>	Disposal of solid waste  Board of Health, Board of Selectmen, Director of the Department of Public Works or agent designated by any of them	\$50
Streets and Sidewalks Bylaw (Ch. 174) <b>[Added 5-3-2000 ATM, Art. 60, amended 5-5-2008 ATM, Art. 20]</b>	Obstruction of streets and sidewalks  Discharge of water onto a public way  Director of the Depart- ment of Public Works or agent designated by such Director	\$25  \$25
Trees Bylaw (Ch. 186) <b>[Added 5-3-2000 ATM, Art. 60]</b>	Cutting or removal of trees  Tree Warden, Director of the Department of Public Works or agent designated by either	\$300
Vehicles and Traffic Bylaw (Ch. 190) <b>[Added 5-3-2000 ATM, Art. 60]</b>	Removal of cars for snow plowing and handicapped parking  Director of the Depart- ment of Public Works or agent designated by such Director	First violation: \$50 Second violation: \$100 Third and subsequent violations: \$200
Water Bylaw (Ch. 199) <b>[Added 5-3-2000</b>	Conservation of water supplies	First violation: warning Second and subsequent violations: \$100

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ATM, Art. 60]

Director of the Department of Public Works  
or agent designated  
by such Director

**~ 1-5. Severability.**

If any provision of this article is declared to be unconstitutional, invalid or illegal by a court, agency or other body of competent jurisdiction, the offending provision shall be deemed stricken from this article and shall not affect the validity of the remaining provisions hereof which shall remain in full force and effect.

**ARTICLE III**  
**Recodification of Bylaws**  
**[Adopted 5-3-1999 ATM, Art. 39]**

**~ 1-6. Acceptance and approval.**

The town accepts and approves the recodification of the bylaws of the Town of Hopkinton as presented in the volume entitled the "By-laws of the Town of Hopkinton," which is on file in the office of the Town Clerk, said recodification containing only a renumbering, recaptioning, repositioning and grammatical editing of the present bylaws, with no substantive changes having been made to any of the bylaws included therein. Such recodification shall be known as the "Bylaws of the Town of Hopkinton."

**ARTICLE IV**  
**Recodification of Zoning Bylaws**  
**[Adopted 5-2-2000 ATM, Art. 21]**

**~ 1-7. Acceptance and approval; copies.**

The town accepts and approves the recodification of the Zoning Bylaws of the Town of Hopkinton in the format presented as Chapter 210 in the volume entitled "Code of the Town of Hopkinton," which is on file in the office of the Town Clerk, said recodification containing only a renumbering, re-captioning, repositioning and grammatical editing of the present Zoning Bylaws, with no substantive changes having been made to any of the Bylaws included therein. Such recodification shall be known as the "Zoning Bylaws of the Town of Hopkinton." A copy of such recodified bylaw is on file at the office of the Town Clerk.<sup>1</sup>

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<sup>1</sup> Editor's Note: See Ch. 210, Zoning