



Town of Barnstable Conservation Commission

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CHAPTER 709

Town of Barnstable Conservation Commission Regulation on Non-Criminal Disposition of Wetland Violations

Under §237 – 1 to §237 – 14 Town of Barnstable Code..

“Any person who violates any provision of this bylaw, regulations thereunder or permits issued thereunder, shall be punished by a fine of not more than \$300.00 each day or portion thereof during which a violation continues shall constitute a separate offense, and each provision of the bylaw regulation or permit violated shall constitute a separate offense.”

“In the alternative to criminal prosecution, the Commission may elect to utilize the non-criminal disposition procedure set forth in MGL c.40, S.21D.”

In assessing non-criminal penalties (fines), the Conservation Commission and its agents shall have the discretion of holding the contractor, the property owner or both as the responsible party(ies).

Violations

- Type 1 = Any unauthorized removing, filling, dredging, or altering of any of the following resource areas: surface water body; vegetated wetland or unvegetated wetlands; any land under said waters; any land subject to flooding or inundation by groundwater, surface water, tidal action or coastal storm flowage; any coastal bank.
- Type 2 = Any unauthorized removing, filling, dredging, or altering within 100 ft. of any of the following resource areas: surface water body; vegetated wetland or unvegetated wetlands; any land under said waters; any land subject to flooding or inundation by groundwater, surface water or tidal action; any coastal bank.
- Type 3 = Failure to comply with an enforcement order issued by the Barnstable Conservation Commission or its agents.
- Type 4 = Any unauthorized activity beyond the scope of an Order of Conditions, Determination of Applicability or Certificate of Compliance issued by the Conservation Commission.

Penalty Schedule

Violation	Penalty
Type 1	\$200.00
Type 2	\$200.00
Type 3	\$300.00
Type 4	\$300.00

Adopted July 1, 2003

Revised March 14, 2006