**CHAPTER XXIX**

**STORMWATER MANAGEMENT**

1. **PURPOSE AND INTENT:**

The purpose and intent of this bylaw are to:

* 1. Protect water resources;
  2. Require practices that mitigate soil erosion and sedimentation and control the volume and rate of stormwater runoff resulting from land disturbance activities;
  3. Promote infiltration and the recharge of groundwater;
  4. Ensure that soil erosion and sedimentation control measures and stormwater runoff control practices are incorporated into the site planning and design process, and are implemented and maintained;
  5. Encourage the use of Low-Impact Development practices such as reducing impervious cover and the preservation of green space and other natural areas, to the maximum extent practicable;
  6. Comply with state and federal statutes and regulations relating to stormwater discharges;
  7. Establish the Town of Hamilton as the legal authority to ensure compliance with the provisions of this bylaw through inspection, monitoring, and enforcement.

1. **DEFINITIONS**

ABUTTER: The owner(s) of land abutting the legal boundaries of the land on which the land-disturbing activity is proposed.

ADMINISTRATIVE LAND DISTURBANCE APPROVAL: A determination by the Permit Authority that land disturbance activity does not require a Stormwater Management Permit.

AGRICULTURE: The normal maintenance or improvement of land in agricultural or aquacultural use, as defined by the Massachusetts Wetlands Protection Act, M.G.L. c. 131, §40, and its implementing regulations.

ALTERATION OF DRAINAGE CHARACTERISTICS: Any activity on an area of land that changes the water quality, force, direction, timing, or location of runoff flowing from the area. Such changes include: change from distributed runoff to confined or discrete discharge; change in the volume of runoff from the area; change in the peak rate of runoff from the area; and change in the recharge to groundwater on the area.

APPLICANT: Any person, individual, partnership, association, firm, company, corporation, trust, authority, agency, department, or political subdivision, of the Commonwealth or the Federal government to the extent permitted by law requesting a Stormwater Management Permit and/or Administrative Land Disturbance Review for proposed land-disturbance activity.

AUTHORIZED ENFORCEMENT AGENCY: The Planning Board, the Zoning Board of Appeals, and/or their respective employees or agents designated to enforce this bylaw.

BEST MANAGEMENT PRACTICE (BMP): An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

CLEARING: Any activity that removes the vegetative surface cover.

COMMON PLAN OF DEVELOPMENT OR SALE:  A [contiguous area](https://www.lawinsider.com/dictionary/contiguous-area) where [multiple](https://www.lawinsider.com/clause/multiple) [separate and distinct](https://www.lawinsider.com/clause/separate-and-distinct) development or [redevelopment](https://www.lawinsider.com/clause/redevelopment) [activities](https://www.lawinsider.com/clause/activities) have [occurred](https://www.lawinsider.com/clause/occurred), are occurring, or are [proposed](https://www.lawinsider.com/clause/proposed) to occur under [one plan](https://www.lawinsider.com/clause/one-plan). The “plan” in a “common plan of development or sale” is broadly [defined](https://www.lawinsider.com/clause/defined) as any [announcement](https://www.lawinsider.com/clause/announcement) or [piece](https://www.lawinsider.com/clause/piece) of [documentation](https://www.lawinsider.com/clause/documentation) ([including](https://www.lawinsider.com/clause/including), but [not limited](https://www.lawinsider.com/clause/not-limited) to, a sign, [public notice](https://www.lawinsider.com/clause/public-notice) or [hearing](https://www.lawinsider.com/clause/hearing), [advertisement](https://www.lawinsider.com/clause/advertisement), [drawing](https://www.lawinsider.com/clause/drawing), [permit application](https://www.lawinsider.com/clause/permit-application)) or [physical demarcation](https://www.lawinsider.com/clause/physical-demarcation) (including, but not limited to, [boundary](https://www.lawinsider.com/clause/boundary) [signs](https://www.lawinsider.com/clause/signs), [lot](https://www.lawinsider.com/clause/lot) [stakes](https://www.lawinsider.com/dictionary/stakes), [surveyor](https://www.lawinsider.com/clause/surveyor) [markings](https://www.lawinsider.com/clause/markings)).

If the project is part of a common plan of development or sale, the disturbed area of the entire plan shall be used in determining permit requirements. Examples include: 1) phased projects and projects with multiple filings or lots, even if the separate phases or filings/lots will be constructed under separate contract or by separate owners (e.g. a development where lots are sold to separate builders); 2) a development plan that may be phased over multiple years, but is still under a consistent plan for long-term development; and 3) projects in a contiguous area that may be unrelated but still under the same contract, such as construction of a building extension and a new parking lot at the same facility.

DEVELOPMENT: The modification of land to accommodate a new use or expansion of use, usually involving construction.

EROSION: The wearing away of the land surface by natural or artificial forces such as wind, water, ice, gravity, or vehicle traffic and the subsequent detachment and transportation of soil particles.

GRADING: Changing the level or shape of the ground surface.

GRUBBING: The act of clearing land surface by digging up roots and stumps

IMPERVIOUS SURFACE: Any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious surface includes without limitation roads, paved parking lots, sidewalks, and roof tops.

LAND-DISTURBING ACTIVITY: Any activity that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material, including tree cutting, grubbing, clearing, grading or excavation.

LOW IMPACT DEVELOPMENT: A set of strategies that seek to maintain natural systems during the development process. The idea is to create homes and businesses that are integrated into the landscape, not imposed on it. Natural areas and important features are protected, and stormwater is managed with a distributed network of swales and rain gardens, rather than a centralized system of pipes and ponds.

MASSACHUSETTS STORMWATER MANAGEMENT POLICY: The Policy issued by the Department of Environmental Protection, and as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act, M.G.L. c. 131 §40 and the Massachusetts Clean Waters Act, M.G.L. c. 21, §26-53. The Policy addresses, among other things, stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.

MASSACHUSETTS WATER QUALITY STANDARDS: Massachusetts Water Quality Standards: The surface water quality standards promulgated by the Massachusetts Department of Environmental Protection in 314 CMR 4.00, *et seq*.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or municipal storm drain system: The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Hamilton.

OPERATION AND MAINTENANCE PLAN: A plan setting up the functional, financial, and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to ensure that it continues to function as designed.

OUTFALL: The point at which stormwater flows out from a point source discernible, confined, and discrete conveyance into waters of the Commonwealth.

OWNER: A person with a legal or equitable interest in property.

PERMIT AUTHORITY: The Planning Board or the Zoning Board of Appeals, as outlined in Section 5.

PERSON: An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

POINT SOURCE: Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged.

PRE-CONSTRUCTION: All activity in preparation for construction.

REDEVELOPMENT: Development, rehabilitation, expansion, demolition, or phased projects that disturb the ground surface or increase the impervious area on previously developed sites.

RUNOFF: Rainfall, snowmelt, or irrigation water flowing over the ground surface.

SEDIMENT: Mineral or organic soil material that is transported by wind or water, from its origin to another location; the product of erosion processes.

SEDIMENTATION: The process or act of deposition of sediment.

SITE: Any lot or parcel of land or area of property where land-disturbing activities are, were, or will be performed.

SLOPE: The slope of land at any point, stated as a percentage, shall be defined as the change in elevation over a horizontal distance measured perpendicular to the contours divided by the distance over which the change occurs multiplied by 100. The slope of land at any point, may be stated as a ratio (e.g., 2:1, 3:1, 4:1). The first number of the ratio indicates the horizontal distance and the second number indicates the vertical rise.

SOIL: Any earth, sand, rock, gravel, or similar material.

STORMWATER: Stormwater runoff, snow melt runoff, and surface water runoff and drainage.

Stormwater Management Permit (“SMP” and/or “Permit”): A permit issued by the Permit Authority, after review of an application, plans, calculations, and other supporting documents, which shows that the proposed project is designed to protect the environment of the Town from the deleterious effects of uncontrolled and untreated stormwater runoff.

* + 1. STORMWATER MANAGEMENT PLAN: A plan required as part of the application for a Stormwater Management Permit. *See* Section 6 and Planning Board Rules and Regulations. A document containing narrative, drawings and details developed by a qualified professional engineer (PE) or a Certified Professional in Erosion and Sedimentation Control (CPESC), which includes best management practices, or equivalent measures designed to control surface runoff, erosion and sedimentation during pre-construction and construction related land disturbance activities.

VERNAL POOLS: Temporary bodies of freshwater which provide critical habitat for a number of vertebrate and invertebrate wildlife species.

1. **AUTHORITY**
   1. This bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, and pursuant to the regulations of the federal Clean Water Act found at 40 CFR §22.34
   2. Nothing in this bylaw is intended to replace the requirements of any other bylaw that has been made or may be adopted by the Town of Hamilton.
2. **APPLICABILITY**
   1. This bylaw shall apply to all activities that result in disturbance of one or more acres of land that drains to the Municipal Separate Storm Sewer System. A permit from the Permit Authority shall be required for any construction activity including tree cutting, grubbing, clearing, grading, excavation, and/or alteration of drainage characteristics that results in a land disturbance that will disturb equal to or greater than one acre of land, or will disturb less than one acre of land but which is part of a larger common plan of development or sale which will ultimately disturb equal to or greater than one acre of land, draining to the Town’s Municipal Separate Storm Sewer System.
   2. Administrative Land Disturbance Review is required for projects that result in the disturbance of land between 5,000 sq. ft. and 43,559 sq. ft. The purpose of the Administrative Land Disturbance Review is to determine whether an Administrative Land Disturbance Approval or Stormwater Management Permit is required.
   3. A Stormwater Management Permit from the Permit Authority shall be required for any construction activity including tree cutting, grubbing, clearing, grading and excavation that results in the following:
      * 1. Any land disturbance that will result in a proposed use that would have ~~a~~ higher potential pollutant loads pursuant to the Massachusetts Stormwater Management Standards; or
        2. Any land disturbance that is more than 5,000 sq. ft. of land with a slope equal to or greater than 25%, or any land disturbance that is more than 10,000 sq. ft. of land with a slope equal to or greater than 15%, or any disturbance that is more than 21,780 sq. ft. of land with more a slope equal to or greater than 10%; or
        3. Total cumulative added impervious surface that meets or exceeds 5,000 sq. ft.; or
        4. Disturbance of volume greater than 1,500 cubic yards; or
        5. Any land disturbance on a lot of any size which has caused or can reasonably be expected to cause or contribute to a violation of Massachusetts water quality standards or as deemed necessary by the Permit Authority for a project that would otherwise require Administrative Land Disturbance Review.
   4. Construction activities that are exempt are:
      * 1. Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act Regulations, 310 CMR 10.04 and M.G.L. c. 40A, §3;
        2. Maintenance of existing landscaping, gardens, or lawn areas associated with a single-family dwelling provided such maintenance does not include the addition of more than 100 cubic yards of soil material, or alteration of drainage patterns;
        3. The construction of fencing that will not substantially alter existing terrain or drainage patterns;
        4. Normal maintenance of Town owned public land, ways, and appurtenances;
        5. Repair or maintenance of an individual subsurface septic disposal system, and related elements such as pipes, provided that the post-repair condition drainage is equal to the pre-repair condition.
        6. Any work or projects for which all necessary approvals and permits have been issued before the effective date of this bylaw section.
        7. Maintenance, reconstruction or resurfacing of any public or private way; and the installation of drainage structures or utilities within or associated with such ways that have been approved by the appropriate authorities provided that written notice be filed with the Permit Authority fourteen (14) days prior to commencement of activity.
3. **RESPONSIBILITY FOR ADMINISTRATION**
   1. For the purpose of this bylaw section, as noted in subsection B below, the term Permit Authority shall indicate the Planning Board or the Zoning Board of Appeals, as appropriate. Any powers granted to or duties imposed upon the Permit Authority may be delegated in writing by the Permit Authority to its employees or agents.
   2. To the extent that the Zoning Board of Appeals is the Permit Authority under M.G.L. c. 40B and for certain activity, development, construction, or reconstruction under the Zoning Bylaw for which the Applicant also must seek a Stormwater Management Permit, then the Zoning Board of Appeals shall also be the Permit Authority in that instance.
   3. For all other applications which fall under the purview of this bylaw, the Planning Board shall be the Permit Authority.
   4. Applications, plans and accompanying data under this bylaw may be filed simultaneously with and may be incorporated into those plans and documents required in other permitting processes.
   5. Planning Board Rules and Regulations. The Planning Board shall adopt and may periodically amend Rules and Regulations to effectuate the purposes of this bylaw section. Failure by the Planning Board to promulgate such Rules and Regulations shall not have the effect of suspending or invalidating this bylaw. The Rules and Regulations shall include but shall not be limited to: the size, quantity, and distribution of plans; filing fee; required details for Stormwater Management Plan; Operation and Maintenance Plan; and Inspection and Site Supervision. The Planning Board Rules and Regulations shall be used to effectuate the purposes of this bylaw by the Zoning Board of Appeals when it is acting as the Permitting Authority.
   6. Stormwater Management Standards.
      * 1. The Permit Authority will utilize the policy, criteria and information including specifications and standards of the latest edition of the Massachusetts Stormwater Handbook to execute the provisions of this bylaw. This Policy includes a list of acceptable stormwater treatment practices, including the specific design criteria for each. The Policy may be updated and expanded periodically, based on improvements in engineering, science, monitoring, and local maintenance experience. Unless specifically altered in the Regulations, stormwater treatment practices that are designed, constructed, and maintained in accordance with these design and sizing criteria will be presumed to be protective of Massachusetts water quality standards.
        2. The Permit Authority will apply the Stormwater Management Standards as outlined in the Massachusetts Stormwater Handbook Vol 2, Chapter 1, which prioritize Site Planning and use of environmentally sensitive site design and low impact development techniques.
        3. Stormwater Credit System. The Permit Authority may adopt a Stormwater Credit System as part of the regulations authorized by this bylaw section. This credit system will allow applicants the option to use better site design practices to reduce some of the requirements specified in the criteria section of the Regulations. Failure of the Permit Authority to promulgate such a credit system through its Regulations or a legal declaration of its invalidity by a court shall not act to suspend or invalidate the effect of this bylaw.
4. **PERMITS AND PROCEDURES**
   1. ​Application – Administrative Land Disturbance Review.

An Administrative Land Review requires the submission of an application and, upon review of the application, the Permit Authority shall issue a written determination approving the proposed land disturbance activities or requiring a Stormwater Management Permit Application. Subsections D. and F. below are inapplicable to Administrative Land Disturbance Review.

* + 1. The Administrative Land Disturbance Approval Application package shall include:
       1. A completed Application Form with signatures of all owners;
       2. An instrument survey with a proposed site plan which includes all information required by Section 4;
       3. A list of abutters, certified by the Assessors Office (abutters at their mailing addresses shown on the most recent applicable tax list of the assessors, including owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property line of the applicant, including any in another municipality or across a body of water);
       4. A project description;
       5. Payment of the application and review fees;
       6. One (1) complete copy filed with the Town Clerk by the Applicant which shall serve to establish the filing date; and
       7. A full electronic copy.
    2. *See* Stormwater Management Permit Rules and Regulations for additional filing requirements.
  1. Application -Stormwater Management Permit.
     1. A completed application for a Stormwater Management Permit (SMP) shall be filed with the Permit Authority. The Stormwater Management Permit Application package shall include:
        1. A completed Application Form with original signatures of all owners;
        2. An instrument survey with a proposed site plan which includes all information required by Section 4;
        3. A list of abutters, certified by the Assessors Office (abutters at their mailing addresses shown on the most recent applicable tax list of the assessors, including owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property line of the applicant, including any in another municipality or across a body of water);
        4. Stormwater Management Plan and project description;
        5. Operation and Maintenance Plan;
        6. Payment of the application and review fees;
        7. One (1) complete copy filed with the Town Clerk by the Applicant which shall serve to establish the filing date; and
        8. A full electronic copy.
     2. *See* Stormwater Management Permit Rules and Regulations for additional filing requirements.
  2. Entry. When obtaining an Administrative Land Disturbance Review or when filing an application for a permit, the Applicant shall grant the Permit Authority or its agent, permission to enter the site to verify the information in the application and to inspect for compliance with permit conditions, after proper notification to the Applicant at least 24 hours in advance. Refusal to grant voluntary access may result in denial of a permit or the Administrative Land Disturbance Review application.
  3. Public Hearing.
     + 1. If an application is filed concurrently for a Definitive Subdivision Plan approval, for a project under the Zoning bylaw, or for a M.G.L. c. 40B filing, the public hearing and decision requirements shall follow the requirements of the particular application.
       2. To the extent possible, required hearings of the Permit Authority shall run concurrently with the Stormwater Management Permit hearing, and every effort shall be made to handle the permitting process expeditiously.
       3. If an application is filed independently of other filings, the Permit Authority shall hold a public hearing within sixty (60) days of the receipt of a complete application and shall take final action within sixty (60) days from the time of the close of the hearing unless such time is extended by agreement between the applicant and the Permit Authority. Notice of the public hearing shall be given by publication in a newspaper of local circulation, public posting, and by certified mail at the Applicant’s expense to abutters at least fourteen (14) days prior to the hearing date. The Permit Authority shall make the application available for inspection by the public during business hours at the Hamilton Town Hall.
  4. Information Requests. The applicant shall submit all additional information requested by the Permit Authority to issue a decision on the application.
  5. Waivers.
     + 1. The Permit Authority may waive strict compliance with any requirement of this bylaw or the Rules and Regulations adopted hereunder, where:
          1. Such action is allowed by federal, state, and local statutes and/or regulations;
          2. It is in the public interest; and
          3. It is not inconsistent with the purpose and intent of this bylaw.
       2. Any Applicant may submit a written request to be granted such a waiver. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of the bylaw does not further the purpose or objectives of this bylaw.
       3. All waiver requests shall be discussed and voted on at the Public Hearing for the project.
       4. If in the Permit Authority’s opinion, additional time or information is required for review of a waiver request, the Permit Authority may continue the hearing to a date certain announced at the meeting. In the event the Applicant objects to a continuance, or fails to provide requested information, the waiver request shall be denied.
  6. Actions by the Permit Authority may include:
     + 1. Approve the Stormwater Management Permit Application and issue a permit if it finds that the proposed plan will protect water resources and meets the objectives and requirements of this by­law;
       2. Approve the Stormwater Management Permit Application and issue a permit with conditions, modifications, or restrictions that the Permit Authority determines are required to ensure that the project will protect water resources and meets the objectives and requirements of this bylaw; or
       3. Disapprove the Stormwater Management Permit Application and deny the permit if it finds that the proposed plan will not protect water resources or fails to meet the objectives and requirements of this bylaw.
  7. Vote required. A simple majority of the Permit Authority shall be required to grant a Stormwater Management Permit.
  8. The Permit Authority shall enforce all violations of the Stormwater Management Permit approval and conditions. *See* Section 12 below for enforcement of violations of this bylaw which do not fall under a valid Stormwater Management Permit.
  9. Appeals. A decision of the Permit Authority shall be final. Further relief of a decision by the Permit Authority made under this bylaw shall be reviewable in the Superior Court in an action filed within 60 days of the final action taken by the Permit Authority, in accordance with M.G.L. c. 249, §4.

1. **FINAL REPORT**
   * 1. Upon completion of the work, the Applicant shall submit a report (including certified as-built construction plans, as outlined in Subdivision Regulations, Section IV.B.8.a), from a Registered Professional Engineer (P.E.), certifying that all erosion and sediment control devices, and approved changes and modifications, have been completed in accordance with the conditions of the approved permit. Any discrepancies should be noted in the cover letter.
2. **CERTIFICATE OF COMPLETION**

The Permit Authority will issue a letter certifying completion upon receipt and approval of the Final Report and/or upon otherwise determining that all work allowed by the permit has been satisfactorily completed in conformance with the permit and this bylaw.

1. **EMPLOYMENT OF OUTSIDE CONSULTANTS**

The Permit Authority may employ outside consultants, at the Applicant’s expense, under the terms of the Zoning Bylaw and/or the Planning Board Rules and Regulations, to assist in its permit decision, including but not limited to plan review, drainage, and stormwater analysis; to determine conformance with this bylaw and other requirements; and for construction inspection.

1. **PERFORMANCE GUARANTEE**
   1. The Permit Authority may require the Applicant to post, before the start of land disturbance activity, a surety bond, irrevocable letter of credit, cash, or other acceptable security as performance guarantee, to be in an amount deemed sufficient by the Permit Authority to ensure that the work will be completed in accordance with the permit. If the project is phased, the Permit Authority may release part of the bond as each phase is completed in compliance with the permit but the bond may not be fully released until the Permit Authority has received the Final Report as required by Section 7 of this bylaw and issued a Certificate of Completion.
   2. The Planning Board Rules and Regulations shall establish reasonable criteria for assessing the Performance Guarantee.
2. **DURATION OF STORMWATER MANAGEMENT PERMIT**

A Stormwater Management Permit is granted for a period of three years from the date of its approval and shall lapse if substantial use or construction has not commenced by such date, except for good cause as shown.

1. **ENFORCEMENT** 
   1. Land disturbance activities in excess of the thresholds established in Section 4 of this bylaw conducted without a Stormwater Management Permit or Administrative Land Disturbance Approval shall constitute a violation of this bylaw. The Permit Authority, or an authorized agent of the Permit Authority, shall enforce this bylaw, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.
   2. Orders:
      * 1. The Permit Authority or an authorized agent of the Permit Authority may issue a written order to enforce the provisions of this bylaw or any regulations adopted hereunder, which may include:
           1. A requirement to cease and desist from the land-disturbing activity until there is compliance with the bylaw and provisions of the (a)Stormwater Management Permit or Administrative Land Disturbance Approval;
           2. Maintenance, installation or performance of additional erosion and sediment control measures;
           3. Monitoring, analyses, and reporting; and/or
           4. Remediation of erosion and sedimentation resulting directly or indirectly from the land-disturbing activity.
        2. If the enforcing person determines that abatement or remediation of erosion and sedimentation is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town may, at its option, pursue a Court Order allowing the Town to undertake such work, and requiring the property owner to reimburse the Town for all costs incurred.
        3. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner shall be notified of the costs incurred by the Town of Hamilton, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Permit Authority within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest, or within thirty (30) days following a decision of the Permit Authority affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall constitute a municipal charge for purposes of M.G.L. c. 40, §58, and a lien may be imposed on the property for the amount of the unpaid charge, pursuant to M.G.L. c. 40, §58. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in M.G.L. c. 59, §57 on the 31st day after the costs first become due.
   3. Criminal Penalties. Any person who violates any provision of this bylaw, regulation, or permit issued hereunder, shall be subject to fines, civil action, criminal prosecution, and tax liens, as appropriate and as lawfully established by the Town of Hamilton.
   4. Non-Criminal Disposition. As an alternative to criminal prosecution or civil action, the Town may elect to utilize the non-criminal disposition procedure set forth in M.G.L. c. 40, §21D and General Bylaw Chapter XIII, *Penalties for Violation,* in which case the Permit Authority or its agent shall be the enforcing person. The penalty for the 1st violation shall be $100.00. The penalty for the 2nd violation shall be $200.00. The penalty for the 3rd and subsequent violations shall be $300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
   5. Remedies Not Exclusive. The remedies listed in this bylaw are not exclusive of any other remedies available under any applicable federal, state, or local law.
2. **SEVERABILITY**

If any provision, paragraph, sentence, or clause of this bylaw shall be held invalid for any reason, all other provisions shall continue in full force and effect.