



**Testimony submitted by the Massachusetts Association of Conservation Commissions in support of *S.1018 and H.1447, An Act Relative to the Effective Enforcement of Municipal Ordinances and Bylaws***

**Joint Committee on Municipalities and Regional Government  
June 29, 2011**

Thank you Chairman Welch and Chairman Kane, and members of the Joint Committee on Municipalities and Regional Government for this opportunity to testify in favor of S.1018 and H.1447, an *Act Relative to the Effective Enforcement of Municipal Ordinances and Bylaws* (the Local Enforcement bill). My name is Linda Orel. I am the Executive Director of the Massachusetts Association of Conservation Commissions (MACC).

MACC builds support for community conservation by working with state agencies, legislators, the courts, partner nonprofits and the general public. MACC advocates for strong, science-based laws, regulations and policies; and assists relevant agencies in their outreach efforts and serve as mentor for other conservation groups.

MACC supports *An Act Relative to the Effective Enforcement of Municipal Ordinances and Bylaws* because it would provide cities and towns with new tools to help them collect penalties and fines from those found guilty of violating local laws; it would also, in effect benefit Conservation Commissions who administer wetlands bylaws and ordinances.

More specifically, the Local Enforcement Bill would provide municipalities with the option to increase penalties and fines under local laws for the first time in 30 years from a maximum of \$300 to a maximum of \$1,000 per offense. Cities and towns would not have unilateral authority to assess penalties or fines; they would still need to present their case in court. Monies collected from such fines go back to the municipality. To impose such fines, an individual city or town would first have to vote to adopt into local law, the "non criminal disposition statute" under G.L. ch.40, §21D.

When a violator of a local law fails to appear in court and/or to pay a penalty, a municipalities' only recourse is to file a criminal complaint. This hurdle makes it difficult for municipalities to deter or punish serious violators of local laws. Further, if a municipality goes to court seeking equitable enforcement (e.g., an injunction to prevent a violation from continuing), under current law, Massachusetts courts lack the authority to assess a penalty, even when there has been a willful violation of the law that harms the public health, safety or environment. The Local Enforcement bill would allow municipalities to seek the imposition of civil penalties in court when they obtain equitable enforcement of a local law or regulation. This legislation would enable a municipality to seek relief in the same court through one process.

MACC strongly supports this legislation because it would help the 351 Conservation Commissions to effectively and meaningfully implement and enforce wetland bylaws and ordinances. We urge the Joint Committee on Municipalities and Regional Government to report this important bill out favorably.

If you have questions, please contact Linda Orel, Executive Director, Massachusetts Association of Conservation Commissions at 617-489-3930 or [Linda.Orel@macweb.org](mailto:Linda.Orel@macweb.org).

Thank you for your attention on this important matter.