

Ordinance Amending the Code of the Town of Wayne

1. Amend the following sections of the Code of the Town of Wayne adopted by Article 41 at the 2026 annual town meeting as follows:

Chapter 60. Zoning

Article I. General Provisions

§ 60-1. Definitions.

CODE ENFORCEMENT OFFICER

A person appointed by the ~~municipal officers~~ Town Manager to administer and enforce this chapter, also referred to as the "CEO."

HEAVY INDUSTRY

Industry uses, such as the manufacture, storage, or processing of raw materials, that generally produce nuisances. These nuisances may be in the form of air pollutants, water pollutants, or other significant environmental impacts, excessive noise, traffic, glare, vibrations, noxious odors, danger of explosion or unsightly appearance. Heavy industry is typically capital and/or natural resource intensive. Examples of heavy industry include, but are not limited to, the production of: plastics, steel, oil, gas, machinery, pulp and paper, and automobiles, and data processing centers.

Article II. Administration and Enforcement

§ 60-6. Select Board.

[Amended 6-11-2025]

It shall be the duty of the ~~Select Board~~ Code Enforcement Officer, ~~and the Select Board is hereby given the power and authority, to enforce the provisions of this chapter, on its own initiative or upon receipt of information from the Code Enforcement Officer that a violation exists.~~ The Board may seek such remedies in equity and/or in law that are available and proper.

§ 60-7. Code Enforcement Officer.

[Amended 6-11-2025; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

It shall be the duty of the Code Enforcement Officer, ~~or any other person duly authorized by the Select Board,~~ to enforce the provisions of this chapter. If the Code Enforcement Officer shall find that any provision of this chapter is not being met, the Code Enforcement Officer shall notify, in writing, the person responsible for the violation and the owner of the property. The written notice shall specify the nature of the violation, the action necessary to correct the violation and a time frame for complying. If, after such notice and demand, such violation has not been corrected and abated within the required time, the Code Enforcement Officer shall refer the case to the Select Board for appropriate legal action. A written notice shall not be conditioned precedent to the Town instituting enforcement action for any violation of this chapter.

A. The Code Enforcement Officer is directly responsible to the ~~Select Board in an employer/employee relationship~~ Town Manager, and ~~both~~ shall follow the requirements of this chapter in matters of law and procedure. ~~The Select Board shall establish policies and procedures relating to the manner and form of the Code Enforcement Officer carrying out his administrative duties to ensure consistent and fair application of this chapter's requirements.~~

B. The Code Enforcement Officer shall remove himself from the permit process of which he is the issuing authority in any application in which he has any financial, familial, or other personal interest and refer such applications to the Select Planning Board, who is authorized to process, review and issue or deny permits required. The Select Planning Board is also authorized to review and issue permits for which the Code Enforcement Officer is the issuing authority in cases of his incapacity for any other reason.

C. A Code Enforcement Officer shall be appointed or reappointed annually by the ~~Select Board~~ Town Manager and shall not be a person who is engaged in the building construction trades within the Town of Wayne.

Attest: A true copy of an ordinance entitled "Ordinance Amending the Code of the Town of Wayne" as certified to me by the municipal officers of Wayne on the 1st day of September 2026.

Signature: _____

Town Clerk