



THE COMMONWEALTH OF MASSACHUSETTS OFFICE OF THE ATTORNEY GENERAL

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November 2, 2023

Lucille A. Dalton, Town Clerk
Town of Southampton
210 College Highway, Suite 2
Southampton, MA 01073

Re: Southampton Annual Town Meeting of May 9, 2023 -- Case # 11012
Warrant Articles # 32 and 33 (Zoning) ¹
Warrant Articles # 30 and 31 (General)

Dear Ms. Dalton:

Articles 30 and 31 - We approve Articles 30 and 31 from the Southampton May 9, 2023 Annual Town Meeting. Under Article 30, the Town voted to renumber and recaption the general by-laws as follows:

renumber and recaption the General Bylaws of the Town by (a) assigning a chapter/article number to each of the General Bylaws; (b) renumbering each section of each bylaw accordingly; (c) inserting chapter, article, section and subsection titles; and d) updating internal references to reflect the new numbering system, all as set forth in the Final Draft of the Code of the Town of Southampton, dated March 2023 and Article 30 of the Warrant for the May 9, 2023 Annual Town Meeting.

Under Article 31, the Town voted to amend the general by-laws by making “general revisions” and “specific revisions” ² “as set forth in the Final Draft of the Code of the Town of Southampton, dated March 2023, on file with the Town Clerk.”

¹ On August 8, 2023, we placed Articles 31, 32 and 33 on “hold” until such time as the Town submitted a completed by-law submission. On August 15, 2023, the Town submitted all documents necessary for us to complete our review of Article 31 and also submitted Article 30 for inclusion in this by-law filing. On October 19, 2023 the Town submitted all documents necessary for us to complete our review of Articles 32 and 33. We will issue our decision on Articles 32 and 33 under separate cover on or before our deadline of January 17, 2024.

² The “General Revisions” standardized the format for references to the Massachusetts General Laws as “MGL c. __, § __” and changed throughout the general by-laws the titles “Board of Selectmen” and “Selectboard” to “Select Board;” “Tax Collector” and “Treasurer” to “Treasurer/Collector” and “Building

We approve the amendments adopted under Articles 30 and 31.³ However, our approval of the recodified general by-laws is limited solely to those changes that were identified in the documents submitted to this Office and does not include any other changes.

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,

ANDREA JOY CAMPBELL
ATTORNEY GENERAL

Nicole B. Caprioli

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cc: Town Counsel Michele Randazzo

Commissioner” to “Building Commissioner/Inspector.” The “Specific Revisions” added text shown in underline and deleted text shown in strikethrough.

³ Except we take no action on the amendments to Chapter 61, “Personnel Policies and Procedures,” because Personnel By-laws are not subject to the Attorney General’s review and approval under G.L. c. 40 § 32. See G.L. c. 41, § 108A (the Legislature authorized towns to adopt by-laws to establish employment classification plans but exempted such by-laws from the Attorney General’s review and approval); and G.L. c. 41, § 108C (the Legislature authorized towns to adopt consolidated personnel by-laws, including compensation provisions, but exempted such by-laws from Attorney General review and approval).