

**BY-LAWS  
OF THE  
TOWN OF WELFLEET**



As Accepted and Adopted  
November 16, 1967

Approved by the Attorney General  
February 21, 1968

And As Most Recently Amended  
August 18, 2015

These By-Laws of the Town of Wellfleet were accepted and adopted under Article I of the Special Town Meeting held on November 16, 1967 and were approved (excepted as noted) by the Attorney General on January 18, 1968 (Article I) and February 21, 1968 (Articles II through VIII).

Subsequent adoptions and amendments are noted as applicable.

## TOWN MEETINGS

### ARTICLE I

**Section 1.** Annual Town Meetings shall be opened at 7:00 o'clock in the evening. Special Town Meetings may be opened at 7 or 7:30 o'clock in the evening at the discretion of the Selectmen. *(Amended, April 28, 1986; ATM Art. 64, approved by Attorney General July, 29, 1986, sections 2-5 repealed. Section 6 was rejected by the Attorney General on February 21, 1968.)*

## GOVERNMENT OF TOWN MEETINGS

### ARTICLE II

**Section 1.** Reports of the Committees and any legal matter not covered by an article in the Warrant may be brought before a Town Meeting under a final article inserted in the Warrant to cover such matter.

**Section 2.** Motions shall be submitted in writing when the Moderator shall so require. A motion may be withdrawn by the mover. No motion to dissolve a Town Meeting shall be in order until every article in the Warrant has been duly acted upon at the meeting. *(Amended, April 28, 1986; ATM Art. 64, approved by Attorney General July, 29, 1986.)*

**Section 3<sup>1</sup>.** Any Town Meeting which shall be adjourned for more than 24 hours shall cause the Town Clerk to effect notices to be posted in two or more public places in Wellfleet. *(Amended, April 28, 1986; ATM Art. 64, approved by Attorney General July, 29, 1986.)*

**Section 4.** Any decision by the Moderator which may be doubted and/or challenged by any legal voter in attendance shall constitute a call for an open standing vote; tellers appointed by the Moderator shall count those in the affirmative and those in the negative. *(Amended, April 28, 1986; ATM Art. 64, approved by Attorney General July, 29, 1986.)*

**Section 5.** Compensation and expenses attendant to the activities of ad hoc committees duly created by any Town Meeting shall be appropriated by said Town Meeting. Lacking such appropriation the Selectmen shall be restrained from causing the Town Treasurer to effect any such compensation. *(Amended, ATM Art. 64, Apr. 28, 1986; approved Jul. 29, 1986; Section 6 repealed)*

**Section 6.** On matters requiring a two-thirds vote by statute, a count need not be taken unless the vote so declared is immediately questioned by one or more voters as provided in General Laws Chapter 39, Section 15 or as otherwise provided by these Bylaws. *(Amended, April 27, 2009; ATM Art. 39, approved by Attorney General August 10, 2009)*

## TOWN AFFAIRS

### ARTICLE III

**Section 1.** All deeds, conveyances, leases, discharges or mortgages, bonds, agreements, contracts or other instruments which shall be given by the Town and which to be valid in law require to be signed, sealed and

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<sup>1</sup> Original Art. II, § 6 repealed, ATM Art. 64, Apr. 28, 1986; approved Jul. 29, 1986. Original Art. II, § 3 repealed, ATM Art. 38, Apr. 27, 2009; approved Aug. 10, 2009.

acknowledged shall, unless other provision is or may be made by law or special vote of a Town Meeting, be signed and acknowledged by the Selectmen in behalf of the Town and shall be sealed by the Town Clerk with the common seal of the Town.

**Section 2.** The seal of the Town shall be circular in form in the margin the words: "Town of Wellfleet, Incorporated 1763". The device shall represent the first visit of the Pilgrims to Wellfleet Bay; in the foreground are seen the natives and grampus on the beach; approaching from the left the shallop of the Pilgrims and in the background the wooded hills and the date "1620".

**Section 3.** The financial year of the Town shall begin on the first day of July in each year and end with the last day of June following.

**Section 4.** The Selectmen shall annually, not less than two weeks before the Annual Town Meeting, cause to be printed and distributed among the taxpayers and voters of the Town a detailed report of the receipts and expenditures from the books of the Town Treasurer during the preceding year with such other information and recommendations as they may deem proper, with detailed estimates of the amounts of money which will be required for the current financial year, combined with reports of all various town offices, and when practicable the reports of all committees appointed by the Town, together with the Warrant for said Town Meetings held during the previous town year.

All Officers and committees of the Town shall file with the Selectmen not later than January 5 their annual reports. *(Amended, April 28, 1986; ATM Art. 64, approved by Attorney General July, 29, 1986.)*

**Section 5.** No money shall be paid from the Town Treasury without a warrant or order therefore directed to the Treasurer, signed by a majority of the Selectmen. No money granted for special purpose shall be applied to any other use, unless by a vote of the Town, and no orders shall be drawn upon the Treasurer for any purpose not authorized by a vote of the Town or by the statutes of the Commonwealth. The orders drawn against any appropriation shall not exceed the same.

**Section 6.** All persons, committees, boards, and officers who are elected at a Town Meeting or the annual Town Election, or appointed by town authority, shall be notified by the Town Clerk, and sworn in before assuming the duties of their offices. *(Amended, April 28, 1986; ATM Art. 64, approved by Attorney General July, 29, 1986.)*

**Section 7.** No Town real property shall be disposed of except as particularly and individually authorized by the voters at Town Meeting. The Open Space Committee shall hold an advertised public hearing on any proposed article to dispose of a parcel or parcels to Town real property and shall report its recommendation or recommendations to the Town Meeting prior to the vote on such article. Any Town real property shall be disposed of by the Selectmen only by exchange authorized by a Town Meeting vote or by sale by open bidding at public auction, subject to a minimum bid established by the Board of Assessors. Not less than fourteen (14) days prior to such auction, notice of such auction shall be posted in at least three (3) conspicuous places within the Town and shall be published in at least two (2) newspapers of general circulation in the Town. No town real property or interest therein shall be transferred or conveyed except as particularly and individually authorized by the voters at Town Meeting. This section shall also apply to licenses for an indefinite term or for a term of more than 5 years.

Notwithstanding anything contained herein, any Town real property, the title, restrictions, or boundaries of which is or are under adjudication by any court may be disposed of in any manner recommended in writing by the Town Counsel and a majority of the Board of Selectmen and approved by a two-thirds vote of the Town Meeting. Further, notwithstanding anything contained herein to the contrary, any transfer of real property to the Wellfleet Housing

Authority for the exclusive purpose of providing rental housing to low and moderate income residents of all ages eligible to receive state, county or federal subsidies provided said rental housing shall be made available to Wellfleet residents under a local preference program to the extent permissible by law, shall be exempt from this bylaw, if said transfer is approved by a 2/3 vote of the Town meeting and a majority vote of the Housing Authority. Further, notwithstanding anything contained therein to the contrary, any transfer of real property to a duly organized nonprofit corporation for the purpose of providing affordable housing exclusively to low or moderate income residents of the Town of Wellfleet shall be exempt from this bylaw provided said transfer is approved by a 2/3 vote of Town Meeting.

Any Town personal property which the Town Administrator determines to have no market value shall be transferred to the Department of Public Works for disposal. Any other Town personal property valued by the Town Administrator at less than one thousand five hundred dollars (\$1,500) may be disposed of by the Town Administrator only by sale or exchange. All other Town personal property may be disposed of only by sale or exchange and as particularly and individually authorized by the voters at a Town Meeting. Such Town personal property or properties shall be sold or exchanged by the Selectmen, only by sealed bid, subject to a minimum bid established by the Town Administrator. Not less than fourteen (14) days prior to the opening of bids for any such sale or exchange, an invitation for bids for said sale or exchange shall be posted in at least three (3) conspicuous places within the Town and shall be published in at least two (2) newspapers of general circulation in the Town. Notwithstanding anything contained herein to the contrary, a transfer of personal property which was received by the Town as a gift, to the original donor or her-his heir shall be exempt from the provisions of this bylaw, if approved by a majority vote of the Town Meeting.

Requirements of this bylaw are in addition to the requirement for the disposal of Town property set forth in the General laws. *(Amended, May 25, 1988; ATM Art. 55, approved by Attorney General July 15, 1988.) (Amended, April 23, 1990; ATM Art. 39, approved by Attorney General August 13, 1990.) (Amended, September 21, 1992; STM Art. 18, approved by Attorney General December 24, 1992.) (Amended, September 21, 1992; STM Arts. 18, 19 and 20, approved by Attorney General December 24, 1992.) (Amended April 29, 2003, ATM, Art. 39, approved by Attorney General June 12, 2003.) (Amended, April 22, 2013; ATM Art. 29, approved by Attorney General August 1, 2013.)*

**Section 8.** Each officer and committee of the Town shall annually within ten days after the close of the financial year file with the Selectmen and Finance Committee an inventory of all property of the Town in their possession.

**Section 9.** Every order for payment of money shall designate the appropriation against which the same is drawn.

**Section 10.** All persons collecting monies for the Town of Wellfleet of having town money in their care shall be bonded and the town shall bear the cost of all surety bonds.

**Section 11.** All fees that the Town Clerk and Tax Collector are lawfully authorized to collect by virtue of their offices shall be collected and paid into the Town Treasury within thirty days of receipt. *(Adopted, April 22, 1985; ATM Art. 7, approved by Attorney General August 19, 1985.)*

**Section 12. Solid Waste Disposal Fees**

A. All fees charged by the Town of Wellfleet for disposal of solid waste at the municipal transfer station/landfill shall be set annually by the Board of Health after same have been approved by the Board of Selectmen. Said fees shall be set by a vote of the Board of Health only after (1) a public hearing, notice of which shall be posted at Town Hall and published in a newspaper distributed in Wellfleet at least seven (7) days prior to any such public hearing and (2) after the Board of Health has received written notice from the Board of Selectmen that they have voted to approve the proposed fee schedule. *(Adopted, April 27, 1993; ATM Art. 50, approved by Attorney General July 28, 1993.)*

**Section 13.** Pursuant to M.G.L. Ch. 41, Section 38A, the Tax Collector shall be designated as the Town Collector with the duty, in addition to those as Tax Collector, under the title of Town Collector to collect all accounts due the Town as provided by said statute.

The Town Collector shall in the collection of such accounts have all the remedies provided by M.G.L. Ch. 60, Section 35, 36 and 93 for the collection of taxes on personal estate.

All bills for accounts due the Town shall state that all checks, drafts of money orders shall be made payable to or to the order of the Town and not to or to the order of any officer, board or commission.

This section shall not apply to the collection of interest on investments of sinking or trust funds. *(Adopted, November 17, 1997; STM Art. 8, approved by Attorney General February 25, 1998.)*

**Section 14.** No Policy or Management Plan for the town shall be submitted for regional or state certification without:

- (i) the review and approval of the town Board or committee designated by Town Meeting, if any; and
- (ii) approval by a 2/3 vote of Town Meeting.

*(Adopted, April 28, 2003; ATM Art. 37, approved by Attorney General June 12, 2003.)*

## **RESERVED**

### **ARTICLE IV**

## **TRANSPORTATION**

### **ARTICLE V**

**Section 1.** No elected official, except the Tax Collector and Clerk/Treasurer while engaged in the duties and responsibilities of their office, in the Town of Wellfleet shall receive any compensation or remuneration for transportation within the Town limits or otherwise engage same at the Town's expense. *(Amended, April 25, 1994.; ATM Art. 27, approved by Attorney General July 19, 1994.)*

**Section 2.** When any officer or member of any board, paid or unpaid is called upon to go to any point outside the Town of Wellfleet on official business connected with the duties of his office, he shall be entitled to receive pay for transportation on the following basis: a sum of money per mile for travel as the Selectmen shall determine and set prior to October 1st of the preceding fiscal year within the state, and reimbursement for actual costs for travel outside of the state. When any year round employee is called upon to go from his/her office during the normally scheduled working hours or is called to duty beyond normally scheduled working hours, to any point within the Town of Wellfleet on official business connected with the duties of his/her office, he/she shall be entitled to receive compensation for transportation at a rate per mile for travel for said fiscal year as the Selectmen shall annually determine and set prior to October 1st of the preceding fiscal year, upon presentation to the Town Accountant of an itemized bill within thirty days. *(Amended May 22, 1988; ATM Art. 52, approved by Attorney General July 15, 1988.) (Amended, October 18, 1988; STM Art. 16, approved by Attorney General November 15, 1988.)*

## **BOARD OF FINANCE**

### **ARTICLE VI**

**Section 1.** The members of the Finance Committee shall serve without pay for their services; but may be reimbursed for actual expenses incurred in the discharge of their duties thereunder. *(Original Sections 1, 2, 3, 4 and 6, Repealed, April 28, 1986; ATM Art. 64, approved by Attorney General July, 29, 1986.)*

## GENERAL

### ARTICLE VII

**Section 1.** The words "street" and "streets" where used in these by-laws shall be construed as including all public ways, roads, alleys, lanes, and sidewalks, also those parts of all public squares, and public places which form traveled parts of the highways

**Section 2<sup>2</sup>.** No person shall break or dig up the ground in any street or erect any staging for building, or place or deposit any stone, brick, timber or other building material thereon without first obtaining the written permission of the Selectmen.

**Section 3.** The Selectmen may grant a permit in writing to any person for the purpose of building or other lawful purpose to dig up, obstruct or encumber so much and such parts of any street as they deem to be safe and proper.

**Section 4.** The person licensed under the preceding section shall comply with all regulations in such permit and shall at all times maintain suitable barriers around any excavation or obstruction made by him in the street and shall so light the same by lanterns or other means from twilight through the whole night to daylight, as to render the street safe and convenient for travelers.

**Section 5.** No person shall throw or sweep into or place or drop and permit to remain in any street or public way, any hoops, boards or other wood or material with nails projecting therefrom, or nails, shavings, hair, manure, rubbish, offal or filth of any kind or nature, or any noxious or refuse liquid or solid substance.

**Section 6.** No person shall coast, roller skate, scooter, play ball, skateboard or engage in any other athletic game on Holbrook Ave., Commercial and East Main Streets or streets or public parking lots of the Central District or upon Route 6 except in accordance with orders and permits given by the Selectmen. *(Amended, April 28, 1986; STM Art. 9, approved by Attorney General July 29, 1986.)*

**Section 7.** No person shall throw stones, snowballs or other missiles or shoot with or use a bow and arrow, or sling in any street or public way.

**Section 8.** No person shall post or affix in any manner, paint or write or cause to be painted, printed or written, a notice, advertisement or bill upon a post, fence, wall or building or property in the Town, unless he has previously obtained the consent so to do from the person or persons having possession of such fence, pole, post, wall or building or property. With respect to Town property, permission must be obtained from the Board of Selectmen. *(Amended April 26, 2010, ATM, Art. 35, approved by Attorney General May 10, 2010.)*

**Section 9.** No person shall make any indecent figures or write, print, paint or cut any obscene word or words upon or break, deface or injure in any manner any fence, post, sign or building or extinguish or remove without authority any street light so placed as to denote an obstruction in any place or way.

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<sup>2</sup> Section 2 was disapproved by the Attorney General on February 21, 1968. Subsequent sections are renumbered to reflect this action.

**Section 10.** No person shall accost or address another person in any street or public place with any obscene or profane language.

**Section 11.** No person shall willfully or negligently obstruct the free passage of travelers in any street or upon any public sidewalk, nor shall any person so obstructing said street or sidewalk remain steadfast in any or upon any sidewalk after being directed by a police officer to move on. *(Amended October 22, 1979, STM, Art. 10, approved by Attorney General June 24, 1980.)*

**Section 12.** No person shall behave in an indecent or disorderly manner, nor use profane, indecent language, in any public place, building or any street or sidewalk of the Town.

**Section 13.** Three or more persons shall not continue to stand or remain in a group or near to each other on any street, sidewalk or in any public place in such a manner as to obstruct free passage of other pedestrians after having been requested by the Police or Constable, employed by the Town, to move on.

**Section 14.** No person shall by loud hallooing, hooting or the making of loud and unseemly noises in the streets or public places willfully annoy or disturb another person.

**Section 15.** No person shall fire or discharge any kind of firearms, air or spring pistol or rifle, or set fire to any powder or combustible or throw any form of combustible or explosive article in any street or public place except in the discharge of some legal duty, without the permission of the Selectmen. *(Amended, April 28, 1986, ATM Art. 64, approved by Attorney General July 29, 1986.)*

**Section 16.** No person shall make any bonfire or any other open fire except under a permit obtained from the Fire Warden. *(Amended, April 27, 1987, ATM Art. 66, no approval by Attorney General on file.)*

**Section 17<sup>3</sup>.** It shall be unlawful for any person to consume alcoholic beverages on public highways or in public parking places, including vehicles thereon, including all Town owned property, within the Town of Wellfleet. However, the Board of Selectmen may make exceptions to this bylaw in the case of special events and are authorized to issue special permits to private vendors to serve beer and wine exclusively in accordance with general law, and bylaws governing the issuance of temporary liquor licenses. *(Amended April 27, 1992, ATM, Art. 12, approved by Attorney General August 26, 1992.) (Amended April 28, 2004, ATM, Art. 27, approved by Attorney General June 28, 2004.)*

**Section 18.** It shall be unlawful for any person who has not attained the age of twenty-one years to consume or have in his or her possession alcoholic beverages in public places within the Town of Wellfleet. *(Amended, October 15, 1973; STM Art. 17, approved by Attorney General December 28, 1973.) (Amended, April 28, 1986, ATM Art. 64, approved by Attorney General July 29, 1986.) (Amended April 27, 1992, ATM, Art. 12, approved by Attorney General August 26, 1992.)*

**Section 19.** No person, except an officer of the law in performance of his duties, shall enter upon or remain upon the premises of another with the intention of peering, spying, or looking into the window, door or other aperture of a house or structure in any manner or upon any person or persons therein. *(Amended April 27, 1992, ATM, Art. 12, approved by Attorney General August 26, 1992.)*

**Section 20.** No one shall operate or permit to be operated an internal combustion engine on any fresh water pond in the Town of Wellfleet except under the direction of any law enforcement officer, fire or rescue officer, or other

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<sup>3</sup> Section 18 was disapproved by the Attorney General on February 21, 1968. Subsequent sections are renumbered to reflect this action.

authorized official for the expressed purpose of aiding in rescue or other emergency situations. (Adopted, October 5, 1972; STM Art. 9, approved by Attorney General by default and confirmed by Stipulation for Entry of Judgement as consented to by the Attorney General and entered into the Superior Court of the Commonwealth of Massachusetts on February 18, 1977.)

**Section 21.** No person shall set up between the hours of 8 p.m. and 8 a.m. on any property public or private, without permission of the owner thereof, a camp, tent, or sleep in the open on any property, public or private, without the permission of the property owner within the territory limits of the Town of Wellfleet. (Adopted, February 23, 1970, ATM Art. 52, approved by Attorney General October 13, 1970.)

**Section 22.** No person shall operate a motorized vehicle on any tidal beach or flat or other land below mean high water except:

- 1) in an emergency for the purpose of protecting endangered persons, animals or property;
- 2) a town, county, state or federal official or employee on official business;
- 3) for the purpose of launching or retrieving a boat not exceeding twenty (20) feet in overall length at a launching point designated by the Selectmen;
- 4) for the purpose of work duly authorized and conditioned by the Conservation Commission and other appropriate authorities;
- 5) for the purpose of setting or retrieving a mooring, entering and leaving the beach at a point designated by the Selectmen;
- 6) a person legally engaged in or working in commercial shellfishing or holding a grant.

Whoever violates this bylaw shall be fined in an amount of two hundred (\$200.00) dollars for each offense.

The Town of Wellfleet Police Department (including special officers), the Harbormaster, the Assistant Harbormaster, the Shellfish Constable, the Deputy Shellfish Constable, the Assistant Shellfish Constable, the Health and Conservation Officer, and any other official whom the Board of Selectmen may from time to time designate shall have authority to enforce this Section. (Adopted, February 23, 1970, ATM Art. 59, approved by Attorney General October 13, 1970.) (Amended April 25, 1978, ATM, Art. 47 approved by Attorney General July 7, 1978.) (Adopted October 18, 1988, STM, Art. 18, approved by Attorney General November 15, 1988.) (Amended April 27, 1992, ATM, Art. 12, approved by Attorney General August 26, 1992.)

**Section 22A.** No person shall operate or park a motorized vehicle on:

- (1.) Any bicycle, pedestrian, or bridle path or trail owned or maintained by the Town of Wellfleet, Barnstable County, the Commonwealth of Massachusetts, or the United States, and prohibited to motorized vehicles by competent authority;
- (2.) Any real property of the Town of Wellfleet above the mean-high water line not encompassed within the layout or boundaries of any public or private road, way, public landing, or parking area designated for the parking and operation of motorized vehicles.

**EXCEPT**

1. In an emergency for the purpose of protecting endangered persons, animals, or property.
  2. A town, county, state, or federal official, employee, or authorized agent on official business.
- In addition to notice required by General Laws, Chapter 40, Section 32, the Town of Wellfleet shall post signs reasonably calculated to apprise operators of motorized vehicles of the requirements of this bylaw.

The Town of Wellfleet Police Department (including special officers) shall have authority to enforce this bylaw, which enforcement shall include without limitation the non-criminal disposition procedure provided for in General Laws, Chapter 40, Section 21D. (Adopted April 26, 1989, Art. 34, approved by Attorney General November 15, 1988.) (Amended April 27, 1992, ATM, Art. 12, approved by Attorney General August 26, 1992.)

**Section 23.** No person shall permit a dog to enter within the boundaries of any cemetery in the Town of Wellfleet. All dogs within the territorial limits of the Town of Wellfleet shall be restrained by a leash unless confined to property of their owners. Any dog found running at large will be removed and impounded. If it is the first offense subject to this section committed by a person within a calendar year, the charge shall be dismissed without the payment of any fine; if it is the second offense so committed in the calendar year, the payment of a fine of twenty-five (\$25) dollars shall operate as final disposition of the case; if it is the third offense so committed in a calendar year payment of a fine of thirty (\$30) dollars shall operate as final disposition of the case; if it is the fourth or subsequent offense so committed the payment of a fine of fifty (\$50) dollars shall operate as a final disposition of the case. The owner of any dog so removed is also liable for boarding expenses at the pound at the established rate. The Town of Wellfleet Police Department (including special officers), the Dog Officer, and any other officials whom the Board of Selectmen may from time to time designate shall have the authority to enforce this Section. *(Adopted February 26, 1973, ATM, Art. 47, approved by Attorney General May 22, 1973.) (Amended April 26, 1976, ATM, Art. 53, approved by Attorney General September 13, 1976.) (Amended April 24, 1990, ATM, Art. 41, approved by Attorney General August 15, 1990.) (Amended April 27, 1992, ATM, Art. 12, approved by Attorney General August 26, 1992.)*

**Section 24.** It shall be unlawful for any person or persons occupying, having the charge of, or being present in or about any building, structure, premises, shelter, mobile or stationary vehicle, boat, or any conveyance, or any part thereof, in the Town, from 10:00 p.m. until 8:00 a.m., at any time to cause, suffer, allow, or countenance any unnecessarily loud, excessive or unusual noise, including any such noise in the operation of any radio, phonograph or other mechanical or electronic sound-making device or instrument, or reproducing device or instrument, or in the playing of any band, orchestra, musician or group of musicians, or in the use of any device to amplify the aforesaid; or the making of loud outcries, exclamations or other loud boisterous noise, or loud or boisterous singing by any person or persons or the use of any device to amplify the aforesaid noise, where such noise is plainly audible at a distance of one hundred and fifty (150) feet from the building, structure premises, shelter, mobile or stationary vehicle, boat, or any conveyance, or any part thereof in which and/or from which it is produced. The fact that the noise is plainly audible at said distance of one hundred and fifty (150) feet shall constitute prima facie evidence of a violation of this bylaw. Except as authorized by the Board of Selectmen, any person or persons shall be deemed in violation of this bylaw who shall make, aid and abet, or cause, suffer, allow, or countenance the making of such noise, and shall be subject to punishment by fine. *(Adopted April 28, 1980, ATM, Art. 29, approved by Attorney General July 11, 1980.) (Amended, April 27, 1987, ATM Art. 66, no approval by Attorney General on file.) (Amended April 27, 1992, ATM, Art. 12, approved by Attorney General August 26, 1992.) (Amended April 23, 2001, ATM, Art. 11, approved by Attorney General June 7, 2001.)*

**Section 25<sup>4</sup>.** To allow for the ready passage of emergency and other vehicles, the Highway Surveyor may, as he deems necessary in consultation with the Selectmen and the Police and Fire Department Chiefs', smooth out irregularities on private primary residential access roads in Wellfleet on the following conditions in accordance with Chapter 40, Section 6N of the Massachusetts General Laws:

(a) That those roads have been open for public use for six years;

(b) That fifty (50) percent of the abutters sign an agreement with the Town that (1) the task of major maintenance, repair, drainage, and surfacing remains the obligation of the abutters regardless of the action of the Town under the authority of this article; (2) instead of any betterment charges being assessed, the road, while remaining private, be open for public use for the purposes for which public roads are commonly used, and that signs reading "Private Road Public May Use at Own Risk" be posted; (3) the Town would be indemnified and held harmless, as at present, in connection with any personal and property injury resulting from any Town work on or any defects in such road, such agreement to be recorded in the Barnstable Registry of Deeds, and the Highway Surveyor to maintain a record

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<sup>4</sup> Original Section 27 was adopted on April 28, 1980, ATM, Art. 28, approved by Attorney General on July 11, 1980. It was repealed on April 27, 1987, ATM, Art. 66. There is no record of Attorney General approval on file.

of labor costs, equipment use and materials to be reviewed by the Selectmen and Finance Committee each January. *(Adopted November 4, 1985, STM, Art. 7, approved by Attorney General July 29, 1986.)*

**Section 26.** No person shall after July 1, 1986 have more than one unregistered motor vehicle and one unregistered trailer or any part or portion thereof, un-garaged on premises owned or operated or controlled by him at any time unless authorized by the Board of Selectmen. This by-law shall not apply to trailer parks, boat yards commercial/private, licensed campgrounds, farms or like endeavors, premises duly licensed under provisions of Section 58 and 59 of Chapter 140 of the Massachusetts General Laws. Any person failing to remove such vehicles within seven (7) days after notice by Building Inspector of the Town shall be subject to a fine of one hundred dollars (\$100) and a fine of one hundred and fifty dollars (\$150) for each additional period of seven (7) days of non-compliance. The Town of Wellfleet Police Department (including special officers), the Building Inspector, and any other officer whom the Board of Selectmen may from time to time designate shall have authority to enforce this Section. *(Amended, April 28, 1986, ATM Art. 26, approved by Attorney General July 29, 1986..) (Amended April 27, 1992, ATM, Art. 12, approved by Attorney General August 26, 1992.)*

**Section 27.** In order to protect the quality of the waters of the harbor and other wetlands within the town limits, no road or other surface shall be re-graded, constructed, or maintained in such a manner as to divert or direct the flow of runoff, defined as including storm water or any other surface waters, excepting natural pre-existing water courses, into any wetland, as defined in Massachusetts General Laws Chapter 131,S.40. Uncontaminated runoff shall be directed in such a way as to recharge the groundwater within the lot where it originates and in such a manner as not to alter natural runoff into any wetland, nor to cause erosion, pollution or siltation into or towards any wetland. Any owner of property on which a violation of this Section occurs or is occurring shall be warned by the Town of Wellfleet Police Department (including special officers), the Building Inspector, the Health and Conservation Officer, the Shellfish Constable, the Deputy Shellfish Constable, the Assistant Shellfish Constable, the Harbormaster, the Assistant Harbormaster, or any other officer whom the Board of Selectmen may from time to time designate. If the violation continues for a period of more than ninety (90) days beyond the date of such warning, the owner in violation shall be fined one hundred dollars (\$100) for each day or fraction of a day of continued violation. The above said officials shall have authority to enforce this Section. *(Amended, April 28, 1986, ATM Art. 71, approved by Attorney General July 29, 1986..) (Amended April 27, 1992, ATM, Art. 12, approved by Attorney General August 26, 1992.)*

**Section 28<sup>5</sup>**

It shall be unlawful to install, maintain or use a mechanical protection device that is automatically keyed to and/or activates the telephone (numbers) lines controlled by and/or listed to the Wellfleet Fire Department and/or Police Department. All such devices now installed shall be removed within 60 days of the effective date of this bylaw. For the purpose of this section, mechanical protection devices shall be defined as: An electrically operated instrument composed of sensory apparatus and related hardware which automatically sends over regular telephone lines, by direct connection or otherwise, pre-recorded voice alarm upon receipt of a stimulus from the sensory apparatus that has detected a physical force or unauthorized intrusion, or condition inherently characteristic of a fire. Violation of this section shall be punished by a fine of fifty (\$50.00) dollars for the first offense and two hundred (\$200) dollars each subsequent offense. The Town of Wellfleet Police Department (including special officers) and any other official whom the Board of Selectmen may from time to time designate shall have authority to enforce this Section. *(Adopted October 18, 1988, STM, Art. 17, approved by Attorney General November 15, 1988.) (Amended April 27, 1992, ATM, Art. 12, approved by Attorney General August 26, 1992.)*

**Section 29.** No person shall dump or discharge treated or untreated sanitary waste, debris, refuse, garbage, hydrocarbons, or any other pollutant in the great ponds or marine waters within the Town of Wellfleet. Any person who violates this section shall be fined one hundred dollars (\$100) for the first offense and two hundred dollars (\$200) for each subsequent offense. The Town of Wellfleet Police Department (including special officers), the Harbormaster, the Assistant Harbormaster, the Shellfish Constable, the Assistant Shellfish Constable, the Health-Conservation Agent, and any other official whom the Board of Selectmen may from time to time designate shall have authority to enforce this section, which enforcement shall include without limitation the non-criminal disposition procedure provided for the General Laws, Chapter 40, Section 21D. *(Adopted April 24, 1991, ATM, Art. 40, approved by Attorney General July 3, 1991.)*

**Section 30.** Within the marine waters of the Town of Wellfleet, no person shall remain overnight aboard a boat without a Coast Guard approved marine sanitation device or holding tank. Any person who violates this section shall be fined one hundred dollars (\$100) for the first offense and two hundred dollars (\$200) for each subsequent offense. The Town of Wellfleet Police (including special officers), the Harbormaster, the Assistant Harbormaster, the Shellfish Constable, the Assistant Shellfish Constable, the Health-Conservation Agent, and any other official whom the Board of Selectmen may from time to time designate shall have authority to enforce this section, which enforcement shall include without limitation the noncriminal disposition procedure provided for in the General Laws, Chapter 40, Section 21D. *(Adopted April 24, 1991, ATM, Art. 40, approved by Attorney General July 3, 1991.)*

**Section 31.**

Any person or body that has lawful control of a public or private way or of improved or enclosed property used as off-street parking areas for business, shopping malls, theaters, auditoriums, sporting or recreational facilities, cultural center, residential dwellings, or for any other place where the public has a right of access as invitee or licensees shall reserve parking spaces in said off-street parking areas for any vehicle owned and operated by a disabled veteran or handicapped person whose vehicle bears the distinguishing license plate authorized by said MGL Chapter 90, Section 2 or for any vehicle transporting a handicapped person and displaying the special identification plate authorized by MGL Chapter 90, Section 2 or for any vehicle bearing the official identification of a handicapped person issued by any other state, or any Canadian province, according to the following formula:

If the number of parking spaces in any such area is more than fifteen but not more than twenty-five, one parking space; more than twenty-five but not more than forty, five percent of such spaces but not less than two; more than forty but not more than one hundred, four percent of such spaces but not less than three; more than one hundred but

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<sup>5</sup> Original Section 31 was approved April 27, 1987, ATM, Art. 68 and repealed on October 26, 2009, STM, Art. 11 and approved by Attorney General November 10, 2009.

not more than two hundred, three percent of such spaces but not less than four; more than two hundred but not more than five hundred, two percent of such spaces but not less than six; more than five hundred but not more than one thousand, one and one half percent of such spaces but not less than ten.

Parking spaces designated as reserved under the provisions of this Section shall be identified by the use of above-grade signs with white lettering against a blue background and shall bear the words "Handicapped Parking: Special Plate Required, Unauthorized Vehicles May be Removed at Owner's Expense," shall be as near as possible to a building entrance or walkway; shall be adjacent to handicapped curbs, ramps or other unobstructed methods permitting sidewalk access to a handicapped person; and shall be twelve feet wide or two eight-foot wide areas with four feet of cross hatch between them.

Any person having lawful control of an off-street parking area which is in any respect not in compliance with this section may be warned by a written notice issued by the Wellfleet Police Department (including special officers) or any other official whom the Board of Selectmen may from time to time designate specifying the existing violation or violations. If said violation or violations continue for a period of more than thirty (30) days beyond the date of said warning, the person in violation shall be fined twenty-five dollars (\$25) and fifty dollars (\$50) for each additional period of thirty (30) days non-compliance. The Wellfleet Police Department (including special officers) or any other official whom the Board of Selectmen may from time to time designate shall have authority to enforce this section which enforcement shall include without limitation the non-criminal disposition procedure provided in General Laws Chapter 40, Section 21D. *(Adopted April 24, 1991, ATM, Art. 38, approved by Attorney General July 3, 1991.) (Amended April 27, 1993, ATM, Art. 44, approved by Attorney General August 10, 1993.)*

**Section 32.**

No person shall park an unauthorized vehicle within a space designated for use exclusively by disabled veterans or handicapped persons as authorized by Section 35 or in such a manner as to obstruct a ramp designed for use by handicapped persons as a means of access to or egress from a street.

Any person who violates this Section shall be fined three-hundred dollars (\$300.00) and the vehicle may be removed in accordance with the provisions of MGL 266, Section 120D. The Town of Wellfleet Police Department (including special officers) and any other official whom the Board of Selectmen may from time to time designate shall have authority to enforce this Section which enforcement shall include without limitation the non-criminal disposition procedure provided in General Laws Chapter 40, Section 21D. *(Adopted April 24, 1991, ATM, Art. 40, approved by Attorney General July 3, 1991.) (Amended April 28, 2004, ATM, Art. 28, approved by Attorney General June 28, 2004.)*

**Section 33. PENALTIES AND ENFORCEMENT**

Any person who violates the following sections of this Article shall be fined the following amounts:

| Section | First Offense | Each Subsequent |
|---------|---------------|-----------------|
| 2       | \$100.00      | \$200.00        |
| 4       | \$100.00      | \$200.00        |
| 5       | \$100.00      | \$200.00        |
| 6       | \$5.00        | \$10.00         |
| 7       | \$5.00        | \$10.00         |
| 8       | \$5.00        | \$10.00         |
| 9       | \$200.00      | \$200.00        |
| Section | First Offense | Each Subsequent |
| 10      | \$200.00      | \$200.00        |
| 11      | \$200.00      | \$200.00        |
| 12      | \$200.00      | \$200.00        |

|    |          |          |
|----|----------|----------|
| 13 | \$200.00 | \$200.00 |
| 14 | \$50.00  | \$200.00 |
| 15 | \$200.00 | \$200.00 |
| 16 | \$200.00 | \$200.00 |
| 17 | \$50.00  | \$100.00 |
| 18 | \$50.00  | \$100.00 |
| 19 | \$200.00 | \$200.00 |
| 20 | \$200.00 | \$200.00 |
| 21 | \$25.00  | \$100.00 |
| 22 | \$50.00  | \$100.00 |
| 24 | \$50.00  | \$200.00 |
| 28 | \$50.00  | \$200.00 |
| 37 | \$100.00 | \$200.00 |
|    |          |          |

The Town of Wellfleet Police Department including special officers and any other official whom the Board of Selectmen may from time to time designate shall have the authority to enforce said Sections. *(Adopted April 27, 1992, ATM, Art. 12, approved by Attorney General August 26, 1992.) (Item #37, originally numbered 44, was adopted April 25, 2006, ATM, Art. 26, and approved by Attorney General June 14, 2006.)*

**Section 34<sup>6</sup>.** No person shall operate a motorized vehicle within the boundaries of a burial ground or cemetery at a speed in excess of ten (10) miles per hour; or in such a manner as to enter or exit the burial ground or cemetery elsewhere than at a designated entrance gate; or outside the roadways designated for motorized vehicles except for the purposes of maintenance or repair of the cemetery; or in such a manner as to endanger or cause damage to public or private property. Any person who violates this section shall be fined three hundred dollars (\$300) for each offense. The Town of Wellfleet Police Department (including special officers), the Town of Wellfleet Cemetery Commissioners, and any official whom the Board of Selectmen may from time to time designate shall have authority to enforce this section, which enforcement shall include without limitation the non-criminal disposition procedure provided in the General Laws, Chapter 40, Section 21D. *(Adopted April 26, 1994, ATM, Art. 28, approved by Attorney General July 19, 1994.)*

**Section 35.** Any person or organization may conduct a yard sale by first obtaining a permit from the Chief of Police. Not more than two such permits may be granted for any particular location per calendar year. Each yard sale may extend for not more than three consecutive calendar days. The permit holder shall be responsible for the parking of motor vehicles so as not to hinder the free flow of traffic. Any signs posted by the permit holder must be removed by the end of the sale. At the yard sale, the offering for sale of used articles by others may take place with the concurrence of the owner of the property on which the sale takes place. For the purpose of this Bylaw, “Yard Sale” is defined as the offering for sale of property originally acquired for personal use and not for the purpose of resale.

Violations of this Bylaw shall be punishable by a fine of \$50 for each offense. Each day a violation exists shall be deemed a separate offense. *(Adopted April 25, 1995, ATM, Art. 22, approved by Attorney General May 19, 1995.)*

**Section 35.** The purpose of this bylaw is to protect the public safety by establishing rules of conduct governing the operation of personal watercraft, by promoting voluntary compliance with the rules, and when necessary, by

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<sup>6</sup> Original sections 38, 39, and 40 were adopted April 27, 1992, ATM, Art. 17, approved by Attorney General on August 26, 1992 and were repealed on April 27, 2009, ATM, Art. 40, and approved by Attorney General on August 10, 2009.

deterring, through fines and penalties, non-compliance with the Bylaw. The Town of Wellfleet intends to improve, through this bylaw, the safe and appropriate use of personal watercraft.

### Personal Watercraft

1. Definition of terms. For the purpose of the Bylaw, the term "Personal Watercraft" shall mean a small vessel which uses an inboard motor powering a water jet pump as its primary source of motive power and which is designed to be operated by persons sitting, standing or kneeling on the vessel. The term includes, but is not limited to jet-skis, wet-bikes or surf-jets, so-called.
2. The use of Personal Watercraft is prohibited in Wellfleet Harbor from the groin at Mayo Beach westerly to the Herring River and northerly and entirely to the terminus of the river. Operators of Personal Watercraft shall not enter any marked shellfish grant license areas in Wellfleet Harbor.
3. Personal Watercraft shall be launched only at the municipal ramp at the Wellfleet Marina.
4. Personal Watercraft are prohibited in any Town-owned beach parking lots or on any Town-owned beaches.
5. Criminal complaint. Any violation of this Bylaw shall be punishable by a fine of not more than fifty (\$50.00) dollars for each offense. Each day on which a violation occurs or continues shall be deemed a separate offense, subject to the penalties stated herein.
6. Non-Criminal Disposition. As an alternative to initiating criminal proceeding pursuant to subsection 5 above, the enforcing agent may dispose of a violation pursuant to the following procedures. Whoever violates any provision of this Bylaw may, in the discretion of the Police Officers, Beach Administrator, Beach Guard Captain, Head Lifeguard, Harbormaster, Assistant Harbormaster, Board of Health, conservation Agent, Shellfish Constable, Deputy Shellfish Constables, Dog Officer or Board of Selectmen, be penalized by a non-criminal complaint pursuant to the provision of M.G.L. Ch. 40, Section 21D. Whoever violates any provision of this Bylaw shall be subject to a fine of twenty-five (\$25.00) dollars for each offense. Each day on which a violation occurs or continues shall be deemed a separate offense, subject to the penalties stated herein.

*(Adopted April 26, 1999, ATM, Art. 10, approved by Attorney General May 27, 1999. Note that the original subsection 2 was disapproved by the Director of Environmental Police on May 12, 2000 as it conflicted with 323 CMR 2.00.)*

**Section 36.** An owner or occupant who fails to post on his premises the street number assigned thereto within six months after being given notice as hereafter provided of the number which has been assigned or receiving actual notice thereof, whichever occurs earlier, or any owner or occupant who fails to keep said number posted or maintained in a legible condition or any person who unlawfully removes, defaces or conceals said number shall be subject to a fine of fifty (\$50) dollars for each offense. Each case of a failure to post, keep posted or maintained in a legible condition shall constitute a separate offense. *(Amended April 23, 2001, ATM, Art. 11, approved by Attorney General June 7, 2001.)*

**Section 37.** Except under emergency conditions, defined as unforeseen events that prevent safe travel or effective emergency access, no forestry, repair, maintenance, reconstruction or paving work done with respect thereto shall involve or include the cutting or removal of trees, or the tearing down or destruction of stone walls, or portions thereof, within the layout of a Scenic Road except with prior written consent of the Planning Board after a public hearing held in accordance with MGL c. 40, § 15C. In addition to the notice requirements of the statute, notice of the public hearing shall be sent no less than fourteen (14) days prior to the hearing by first class mail to abutters within 300 feet of the site of the work, as determined by current Assessors' records. *(Adopted April 25, 2006, ATM, Art. 25, approved by Attorney General June 14, 2006.)*

### **Section 38**

**1. Incorporation of Regulations.**

In order to protect and enhance public safety by reducing the risk of fire hazard, the provisions of the Code of Massachusetts Regulations, 527 CMR 1.00 to 50.00, as from time to time amended, are hereby incorporated in and made a part of this article, and any violation of any provision thereof shall constitute a violation of this section.

**2. Violations and Penalties.**

Whoever violates any provision of Section 45-1 shall be punished by a fine of \$50 for each offense. In the case of any continuing violation, each day said violation continues shall constitute a separate offense. Said section shall be enforceable by the head of the Fire Department or his authorized designee as well as by Town officers having police powers.

*(Adopted November 13, 2006, STM, Art. 12, approved by Attorney General March 21, 2007.)*

**Section 38. Plastic Shopping Bag Reduction**

**Purpose and Intent**

The use and disposal of plastic shopping bags have significant impacts on the marine and terrestrial environment of all coastal communities, including but not limited to:

- 1) marine and terrestrial animals through ingestion and entanglement;
- 2) pollution and degradation of the terrestrial and coastal environment;
- 3) storm drainage system overload; and
- 4) disposal burdens for solid waste collection and recycling facilities.

Studies have shown that even alternative “compostable” or “biodegradable” bags require very specific and controlled environments in order to biodegrade, and have potential negative environmental impact similar to conventional plastic bags. Such bags should therefore be subject to the same restrictions as conventional plastic bags.

The goal of this Bylaw is to protect the Town’s unique natural beauty and irreplaceable natural resources by phasing out the use of certain plastic shopping bags by January 1, 2016.

**Definitions**

An “Establishment” means any business in Wellfleet selling goods, food or services to the public, including, but not limited to, markets, restaurants, bars, take-out food purveyors, merchandise retailers, florists and galleries. A “plastic shopping bag” for the purposes of this Bylaw is defined as a bag made of plastic, including but not limited to bags made of high-density polyethylene, low-density polyethylene, “biodegradable”, “compostable” or “oxo-biodegradable” materials, with a thickness of less than 3.5 mils provided at the checkout stand, cash register, point of sale or other point of departure intended for the purpose of transporting food or merchandise out of the Establishment.

Permitted are plastic bags without handles used to:

- 1) transport goods from a department within a store to the point of sale;
- 2) segregate food or merchandise that could damage or contaminate other food or merchandise when placed together in a point-of-sale bag; or
- 3) protect newspapers or other goods such as, but not limited to: maps, posters or artwork.

A “reusable” shopping bag is defined as a bag that is specifically designed and manufactured for multiple reuse and is made of durable material such as cloth at least 3.5 mil thick.

## Use Regulations

Plastic shopping bags shall no longer be distributed or sold at any Establishment beginning January 1, 2016. Any stock remaining after that date shall be recycled or returned to the manufacturer by the Establishment.

Establishments may provide paper, reusable bags or boxes at no charge, or charge a fee which would be kept by the Establishments, as they so desire.

## Administration and Enforcement

This Bylaw may be enforced by any Town Police Officer or agent of the Board of Health.

This Bylaw may be enforced through any lawful means in law or in equity, including, but not limited to, non-criminal disposition pursuant to G.L.c.40, Section 21D and ARTICLE VII GENERAL SECTION 37. PENALTIES AND ENFORCEMENT of the Town's General Bylaws. If non-criminal disposition is elected, then any Establishment which violates any provision of this Bylaw shall be subject to the following penalties:

|                                |                             |
|--------------------------------|-----------------------------|
| First Offense:                 | \$50 fine                   |
| Second Offense:                | \$100 fine                  |
| Third and Subsequent Offenses: | \$200 fine for each offense |

Offenses occurring within two years of the date of the first reported offense will be considered as subsequent offenses. Each day or portion thereof shall constitute a separate offense. *(Adopted April 28, 2015, ATM, Art. 31, approved by Attorney General August 14, 2015.)*

## BYLAW PROCEDURE AND ENFORCEMENT

### ARTICLE VIII

**Section 1.** Any of the foregoing bylaws may be repealed or amended ONLY at a Town Meeting under an article in the Warrant for this purpose.

**Section 2<sup>7</sup>.** All bylaws or parts of bylaws inconsistent herewith are hereby repealed including all bylaws accepted and adopted at the Annual Town Meeting of February 13, 1935, upon the approval of the bylaws adopted herewith.

**Section 3.** The Town Clerk shall hereby be authorized to assign appropriate numbers to by-law sections, subsections, paragraphs and subparagraphs, where none are approved by Town Meeting, and, if such are approved by Town Meeting, after consultation with the Town Administrator, to make non-substantive, editorial revisions to ensure consistent and appropriate sequencing and numbering, provided that such editorial revisions shall be identified by a footnote or other convention. *(Adopted April 28, 2015, ATM, Art. 30, approved by Attorney General August 14, 2015.)*

## NON-CRIMINAL ENFORCEMENT OF BY-LAWS

### ARTICLE IX

**Section 1.** Non-criminal enforcement of bylaws and regulations. Non-criminal disposition to be an alternative method of enforcement.

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<sup>7</sup> Section 2 of Article VII was repealed on April 27, 1992, ATM, Art. 12, approved by Attorney General August 26, 1992.

Any bylaw of the Town of Wellfleet, or rule or regulation of its boards, committees and commissions, the violation of which is subject to a specific penalty, may in the discretion of the Town Official who is the appropriate enforcing person, be enforced in the method provided in Section 21D of Chapter 40 of the General Laws. Enforcing Person, as used in this chapter of the MGL, shall include but not necessarily be limited to any Police Officer, the Fire Chief, the Building Inspector, the Shellfish Constable, or Assistant Shellfish Constable, the Harbormaster or Assistant Harbormaster, the Health/Conservation Agent and any other officials the Board of Selectmen may from time to time designate, with respect to the enforcement of said bylaws or otherwise designated bylaw. If more than one official has jurisdiction in a given case, any official having said jurisdiction may be the enforcing person. *(Adopted April 28, 1986, ATM, Art. 65, approved by Attorney General July 29, 1986.)*

## **ENVIRONMENTAL PROTECTION**

*(Adopted April 28, 1986, ATM, Art. 70, approved by Attorney General July 29, 1986. Subsequent amendments noted where applicable.)*

### **ARTICLE X**

**Section 1.** The purpose of this bylaw is to protect the natural resources and wetlands existing in the Town of Wellfleet by controlling activities deemed to have a significant or cumulative adverse effect upon environmental values, including by not limited to the following:

- public or private water supply
- groundwater supply and quality
- prevention of pollution
- flood control
- fisheries
- land containing shellfish
- storm damage prevention
- erosion control
- wildlife habitat

**Section 2.** The term "person" as used in this bylaw shall include any individual, group or individuals, association, partnership, corporation, company, business, organization, trust, estate, the Commonwealth or political subdivision thereof, including the Town of Wellfleet, administrative agency, public or quasi-public corporation of body, or any other legal entity or its representative, agent or assigns.

**Section 3.** No person shall remove, fill, dredge or alter any fresh water wetland, coastal wetland, bank, beach, dune, flat, marsh, wet meadow, bog, swamp or any estuary, creek, river, stream, pond, lake or any land within 100 feet of the foregoing areas or any land under the ocean, land subject to tidal action or coastal storm flowage; or land subject to flooding (bordering or isolated); or land in an Area of Critical Environmental Concern\* with the exception of privately owned upland areas in the Bound Brook and Griffin Island areas which are not within the jurisdiction of the Massachusetts Wetland Protection Act or the current jurisdiction of the Wellfleet Environmental By-law other than in the course of maintaining, repairing, or replacing (but not substantially changing or enlarging) an existing and lawfully located structure or facility used in the service of the public and used to provide electric, gas, water, telephone, telegraph and other telecommunication services, without filing written Notice of his intention to so remove, fill, dredge or alter with the Conservation Commission of the Town of Wellfleet and without receiving and complying with an Order of Conditions as issued by said Commission. Such Notice of Intent shall be sent by certified mail or be hand-delivered to the Commission at the Town Offices and shall include such plans as may be necessary to describe and clearly delineate all proposed activity, its relation to, and its effect on the above-named wetland resources. The same Notice, plans and specifications required to be filed by an applicant under Massachusetts General Laws, Chapter 131, Section 40, plus the parcel number and the assessor's, map number as

kept in the Town Offices in Wellfleet may be accepted as fulfilling the requirements of the bylaws. The Commission, in its discretion, may hear any oral presentation under this bylaw at the same public hearing required to be held under the provisions of said Chapter 131, Section 40, of the Massachusetts General Laws. Upon the written request of any person, the Commission may make a Determination of Applicability of this bylaw to any work. Procedures in connection with such a Request for Determination shall be as provided in MGL C.131, S.40 and Regulations thereunder as applicable and in effect on the date of the filing of such Request. Definitions set forth in said chapter and section and the regulations in effect as of the date of this bylaw as issued by the Department of Environmental Quality Engineering thereunder, are hereby made a part of this bylaw.

\*Areas of Critical Environmental Concern (ACECs) are places in Massachusetts that receive special recognition because of the quality, uniqueness and significance of their natural and cultural resources. These areas are identified and nominated at the community level and are reviewed and designated by the state's Secretary of Environmental Affairs. ACEC designation creates a framework for local and regional stewardship of critical resources and ecosystems.

The Commission and its agent may enter upon the land upon application of a Notice of Intent for purposes of reviewing and monitoring projects which the proposed work is to be done in response to a request for a prior determination of applicability of this bylaw or for the purpose of carrying out its duties under this bylaw, and may make or cause to be made such examination or survey as deemed necessary.

If any work subject to an Order of Conditions issued under this bylaw is not substantially completed within three (3) years from the date of issuance of said Order of Conditions, a new Notice of Intent must be filed, public hearing(s) held and the work re-conditioned or denied by the Commission as seems appropriate under the circumstance at the time. In lieu of the applicant filing a new Notice of Intent, the Commission may, after a request in writing and a public hearing, may allow an original Order of Conditions to be extended for a period not to exceed two (2) years.

**Section 4.** If the Conservation Commission has failed to hold a public hearing within twenty-one (21) days of filing a Notice of Intent under this by-law, or if the Commission, after closing such a hearing has failed within twenty-one (21) days therefrom to issue an Order, or, if the Commission upon written request by any person to determine whether this by-law is applicable to any work, fails within twenty-one (21) days from the filing of such request with the Commission to make any determination, the project shall be deemed approved unless, the applicant requests or agrees to an extension beyond the twenty-one (21) days.. Any person aggrieved by the Commission's Order, determination of failure to act may appeal to Superior Court, Barnstable County, pursuant to the provisions of MGL C.249, S4. Filing of a Notice of Intent or a Request for Determination may be accomplished in the same manner as provided in MGL C. 131, S.40 and regulations thereunder, as may be applicable and in effect on the date of such filing, and shall conform in all respects with any submission guidelines adopted by the Commission as part of its Regulations.

**Section 5.** The Conservation Commission is empowered to deny permission for any removal, dredging, filling, or altering within the areas subject to protection under this bylaw, regardless of any mitigation proposed, including creation of new wetlands, if in its judgment, such denial is necessary to preserve environmental quality of resources and area defined in Article 3 of this bylaw. The Commission may, as alternative to a denial, impose such conditions as it deems necessary to contribute to the protection and preservation of resources described in Article 3 and the values as listed in Article 1, in accordance with the purpose of this bylaw.

**Section 6.** The Notice required by Article 3 of the bylaw shall not apply to emergency projects necessary for the protection of the health or safety of the citizens of the Town of Wellfleet and to be performed or ordered to be performed by an administrative agency of the Commonwealth or by the Town of Wellfleet. Emergency projects shall mean any projects certified to be an emergency by the Commissioner of the Department of Environmental

Protection or by the Conservation Commission, or other authorized local officials. In no case shall any removal, filling, dredging, or alteration authorized by such emergency certification extend beyond the time necessary to abate the emergency. The Commission is empowered to hold a post-emergency hearing in order to set conditions for any further remedial measures necessary.

**Section 7.** The Conservation Commission may require the posting of a bond with surety, running to the municipality, and sufficient as to form and surety in the opinion of the Commission's Counsel, to secured faithful and satisfactory performance of the work required by any final Order of Conditions, in such sum and upon such conditions as the Commission may require. Other evidence of financial responsibility which is satisfactory to the Commission may be accepted in lieu of bonding. Notwithstanding the above, the amount of such bond shall not exceed 150% of the estimated cost of the work required or the restoration of affected lands and properties if the work is not performed as required, whichever is greater.

**Section 8.** Any person who violates any provision of the bylaw, or of any condition issued pursuant to it, shall be punished by a fine of not more than \$200. Each day or portion thereof during which a violation continues shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense. This bylaw may be enforced pursuant to Massachusetts General Laws, Chapter 40, Section 21 (d) by the Conservation Commission through its agent. Upon request of the Conservation Commission, the Board of Selectmen and Town Counsel shall take such legal action as may be necessary to enforce this bylaw and orders issued pursuant to it.

**Section 9.** The Conservation Commission is empowered thereunder to promulgate and to amend, from time to time, after public notice and hearing, such Regulations as are deemed necessary by it to implement the purpose of this bylaw, whether or not identical to the requirements of MGL C. 131, S. 40. Such Regulations shall not be deemed to be invalid because they are not identical with MGL C.131, S.40, and regulations thereunder, as long as no direct conflict with MGL C. 131, S.40 is thereby created.

**Section 10.** The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof, nor shall it invalidate any Order of determination which previously has been issued.

*(Amended April 25, 1995, ATM, Art. 24, approved by Attorney General May 19, 1995) (Amended April 26, 2010, ATM, Art. 35, approved by Attorney General May 10, 2010.)*

## **LICENSES AND PERMITS ISSUANCE, RENEWAL & TRANSFER**

*(Adopted April 27, 1987, ATM, Art. 65, approved by Attorney General August 17, 1987. Subsequent amendments noted where applicable.)*

### **ARTICLE XI**

**Section 1.** The Tax Collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the Tax Collector, shall annually furnish to each department, board, commission or division, hereinafter referred to as the Licensing Authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve month period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.

**Section 2.** The Licensing Authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the Licensing Authority from the Tax Collector, provided, however, that written notice is given to the party and the Tax Collector, as required by applicable provisions of law, and the party is given a hearing to be held not earlier than fourteen days after said notice. Said list

shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The Tax Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the Licensing Authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the Licensing Authority receives a certificate issued by the Tax Collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as the date of issuance of said certificate. Said certificate to be issued within 48 hours of payment of taxes, fees, assessments, betterments or other municipal charges, excluding Saturday, Sunday and Holidays.

**Section 3.** Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the Licensing Authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided however, that the holder be given notice and a hearing as required by applicable provisions of law.

**Section 4.** The Board of Selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in section one of chapter two hundred and sixty-eight in the business or activity conducted in or on said property.

**Section 5.** This section shall not apply to the following licenses and permits: open burning, Chapter 48 Section 13; bicycling permits, Chapter 85, Section 11A sales of articles for charitable purposes, Chapter 101, Section 33; children work permits, Chapter 149, Section 69; clubs, associations dispensing food or beverage licenses, Chapter 140, Section 21E dog licenses, Chapter 140, Section 137; fishing, hunting, trapping licenses, Chapter 131, Section 12; marriage licenses, Chapter 201, Section 28 and theatrical events, public exhibition permits, Chapter 140, Section 181.

**Section 6.**

1. Any person or entity operating a business as hereinafter defined shall register with the Board of Selectmen and, if required to do so, shall obtain a "General Business License" prior to commencing said business. For the purposes of this section, a business shall be defined as the selling of commodities or services of any kind to the general public. Business shall not include any business otherwise licensed by the Board of Selectmen pursuant to applicable provisions of the General Laws of the Commonwealth of Massachusetts.

2. The Board of Selectmen may determine from time to time, after a public hearing, notice of which shall be advertised at least seven (7) days prior thereto in a newspaper in general circulation in the Town, which types of business shall be required to obtain General Business Licenses and the fee(s) required for said licenses. Procedures and requirements for the issuance of both the registration required by Paragraph 1 of this Section and the General Business License shall be set forth in Rules and Regulations promulgated by the Board of Selectmen pursuant to the authority conferred upon them in Section 3-5-1 of the Wellfleet Home Rule Charter.

3. Any person who operates an unlicensed business of a type for which the Board of Selectmen have determined that a license shall be required, in accordance with paragraph 2 of this section, or who operates a business as herein defined of which the license has been denied, revoked, or suspended in accordance with Section 2 of this Article, shall be fined one hundred dollars (\$100) for each day or fraction of a day of violation. The Wellfleet Police Department (including special officers) the Building Inspector, and any other official whom the Board of Selectmen

may from time to time designate shall have authority to enforce this section. *(Adopted April 27, 1992, ATM, Art. 35, approved by Attorney General August 26, 1992.)*

## **MECHANICAL ELECTRONIC FIRE AND POLICE ALARMS: FALSE ALARMS: PENALTIES**

*(Adopted April 26, 1989, ATM, Art. 30, approved by Attorney General August 23, 1989. Subsequent amendments noted where applicable.)*

### **ARTICLE XII**

**Section 1.** Any person maintaining, or permitting to be maintained, any mechanical or electronic fire alarm device which transmits an alarm stimulus indicating that it has detected a fire or a condition inherently characteristic of a fire in order to summons the Fire Department to the property, shall maintain the device, or cause the device to be maintained, in good operating condition.

*(Adopted April 26, 1989, ATM, Art. 30, approved by Attorney General August 23, 1989.)*

**Section 2.** Any false report of a fire made to the Fire Department as a result of the transmission of an alarm stimulus shall be reported to the occupant of the premises by the Fire Department. Notice to the person maintaining or permitting the device to be maintained shall be deemed delivered by the leaving of a written notification by Fire Department personnel at the premises where the mechanical or electronic fire alarm device is located. *(Adopted April 26, 1989, ATM, Art. 30, approved by Attorney General August 23, 1989.)*

**Section 3.** Any person who maintains or permits to be maintained, any mechanical or electronic fire alarm device which transmits more than 3 false reports of fire (excluding line-trouble signals) within any consecutive 12 month period, after written notification by the Fire Department, shall be punished by a fine of \$50.00 for the fourth (4th) offense, \$75.00 for the fifth (5th), \$100.00 for the sixth (6th) and \$25.00 progressively for each additional offense. In no event, however, shall the fine exceed \$300.00 for any one occurrence. The Fire Chief or his designee and any other official whom the Board of Selectmen may from time to time designate shall have authority to enforce this Section. *(Adopted April 26, 1989, ATM, Art. 30, approved by Attorney General August 23, 1989.) (Amended April 27, 1992, ATM, Art. 12, approved by Attorney General August 26, 1992.)*

**Section 4.** Any person maintaining, or permitting to be maintained any mechanical or electronic device which transmits an alarm stimulus indicating that it has detected an intrusion or a condition inherently characteristic of an intrusion to summon the Police Department to the property, shall maintain the device, or cause the device to be maintained, in good operating condition. Prior to installation of any such device the property owner shall provide the Police Department with the following information:

- a. Type, method of operation of the alarm device.
  - b. Floor plan, building design, utilities shut off.
  - c. Update owner/caretaker list or employee list for alarm response.
  - d. Description of current owner/caretaker or employee's motor vehicle, i.e., make, model, color, and plate number.
- (Adopted April 22, 1991, ATM, Art. 37, approved by Attorney General July 3, 1991.)*

**Section 5.** Any false report of an intrusion made to the Police Department as a result of the transmission of an alarm stimulus shall be reported to the owner/caretaker or employee listed to be advised of an alarm response. Notice to the person maintaining or permitting the device to be maintained shall be deemed delivered by the mailing of a written notification by the Police Department to the property owner. *(Adopted April 22, 1991, ATM, Art. 37, approved by Attorney General July 3, 1991.)*

**Section 6.** Any person who maintains or permits to be maintained any mechanical or electronic intrusion alarm

device which transmits more than (3) three false reports of an intrusion (excluding line-trouble signals) within any consecutive 12-month period, after written notification by the Police Department, shall be punished by a fine of \$50.00 for the (4) fourth offense, \$75.00 for the (5) fifth offense, \$100.00 for the (6) sixth offense and \$25.00 progressively for each additional offense. In no event, however, shall the fine exceed \$300.00 for any one occurrence. The Town of Wellfleet Police Department (including special officers) and any official whom the Board of Selectmen may from time to time designate shall have authority to enforce this Section. *(Adopted April 22, 1991, ATM, Art. 37, approved by Attorney General July 3, 1991.) (Amended April 27, 1992, ATM, Art. 12, approved by Attorney General August 26, 1992.)*

**Section 7. Limitations of Liability:** Neither the Town of Wellfleet nor any of its officers shall be under any obligation or duty to an alarm user, or to any other person hereunder, by reason of this Article. The Town of Wellfleet specifically disclaims liability for any damages which may be caused by failure to respond to an alarm. *(Adopted April 26, 1989, ATM, Art. 30, approved by Attorney General August 23, 1989.) (Adopted April 22, 1991, ATM, Art. 37, approved by Attorney General July 3, 1991.)*

**Section 8. Administrative Rules:** The Chief of the Police Department and the Chief of the Fire Department may promulgate such rules as may be necessary for the implementation of this Article By-Law. *(Adopted April 26, 1989, ATM, Art. 30, approved by Attorney General August 23, 1989.) (Adopted April 22, 1991, ATM, Art. 37, approved by Attorney General July 3, 1991.)*

**Section 9. Exemptions:** The provisions of this Article shall not apply to alarm devices owned or controlled by the Town of Wellfleet. *(Adopted April 26, 1989, ATM, Art. 30, approved by Attorney General August 23, 1989.) (Adopted April 22, 1991, ATM, Art. 37, approved by Attorney General July 3, 1991.)*

#### **Section 10. REQUIREMENTS**

The owner of a building which has a fire alarm system, fire protection system, or medical alarms, which transmits an alarm off-premise shall be required to:

- a. Obtain a permit to install or alter the system.
- b. Provide a secure key box installed in a location accessible to the Fire Department in case of emergency. The key box shall contain keys to the door(s), fire alarm control panel and other keys necessary to operate or service fire protection or medical systems. The key box shall be a type approved by the Chief of the Wellfleet Fire Department and shall be located and installed as approved by the Chief.

*(Adopted April 27, 1992, ATM, Art. 36, approved by Attorney General August 26, 1992.)*

**Section 11.** The owner of a building which has an existing fire alarm system shall be required to bring said system into compliance with Section 10 within six (6) months from the adoption of this Section. *(Adopted April 27, 1992, ATM, Art. 36, approved by Attorney General August 26, 1992.)*

**Section 12.** The owner of a building who fails to comply with the provisions of Section 10, after ten (10) days written notice from the Fire Department of such non-compliance, shall be subject to a fine in the amount of one hundred (\$100) dollars. Each day of non-compliance shall be deemed to be a separate offense. The Fire Chief of his designee and any other officials whom the Board of Selectmen may from time to time designate shall have authority to enforce this section. *(Adopted April 27, 1992, ATM, Art. 36, approved by Attorney General August 26, 1992.)*

### **RECYCLING**

*(Adopted April 27, 1992, ATM, Art. 34, approved by Attorney General August 26, 1992.)*

## **ARTICLE XIII**

### **Section 1. PURPOSE**

The goal of the town of Wellfleet is to dispose of solid waste material in an economically and environmentally

responsible manner and to reduce the total amount of solid waste disposed of by the Town.

### **Section 2. IMPLEMENTATION**

The Board of Selectmen shall have the authority to implement the provisions of Section 5 of this Article on a flexible schedule, pursuant to which recyclables in Section 4 will become subject to the mandatory provisions of Section 6. The implementation of the recycling schedule shall be determined by assessing the market conditions, the ability of the community to respond to environmental concerns, and the recommendations from the Recycling Commission and the Board of Health. The implementation schedule, as it may be amended from time to time, shall be established by the Selectmen only after a public hearing, notice of which has been given seven days prior to the hearing date.

### **Section 3. DEFINITIONS OF SOLID WASTE MATERIALS**

1. batteries - all lead acid storage batteries
2. tires - vehicle
3. white goods - such items as refrigerators, clothes-washing drying machines, ranges, metal furniture
4. motor oil - used motor oil
5. scrap metal - miscellaneous metal objects
6. glass - clear-white or colored
7. aluminum - aluminum cans, trays, storm doors, screens
8. tin cans - food or beverage cans made of steel/iron
9. cardboard - heavy paperboard used in boxes, cartons
10. office paper - stationery, copy and computer paper
11. plastics - plastic containers such as milk bottles, water jugs, detergent bottles, styrofoam, plastic bags
12. newsprint - newspaper, newspaper advertisements
13. compostables, leaves, grass clippings
14. demolition and building waste - materials and scrap from new and remodeling construction
15. hazardous waste - as determined by the Board of Health
16. garbage - animal, vegetable or other organic waste

### **Section 4. RECYCLABLES**

The following items shall be deemed to be recyclables:

1. batteries
2. tires
3. white goods
4. motor oil
5. scrap metal
6. glass
7. aluminum
8. tin cans
9. cardboard
10. office paper
11. plastics
12. newsprint

### **Section 5. DISPOSAL OF RECYCLABLES**

When determined by the Selectmen under the provisions of Section 2 above, it shall be mandatory and the responsibility of any person disposing of solid waste at the transfer station to separate the recyclable items from all other solid waste and dispose of same in accordance with applicable Board of Health regulations. The Board of Health shall promulgate regulations which govern the conditions of all items to be recycled as well as the overall implementation of the Recycling Article.

**Section 6. VIOLATION AND PENALTIES**

As recyclables become regulated, they shall be separated from all other solid waste and brought to the Transfer Station or left for a commercial hauler in the manner required by said hauler. If it is determined by a transfer station attendant that any bag contains regular recyclables, it shall be not be accepted for disposal until said regulated recyclables are separated by the person attempting to dispose of same.

## **DEMOLITION DELAY**

*(Adopted April 22, 1996, ATM, Art. 27, approved by Attorney General, August 19, 1996.)*

### **ARTICLE XIV**

**Section 1.** Purpose. The purpose of this ordinance is to protect from demolition historically significant buildings which reflect the historical, cultural or architectural heritage of the Town of Wellfleet, and to encourage the owners of such buildings to explore and develop acceptable alternatives to demolition such as preservation, renovation, restoration or relocation. *(Amended April 22, 2013, ATM, Art. 31, approved by Attorney General August 1, 2013.)*

#### **Section 2.** Definitions.

2.1 Historically Significant Building: Any building which is either:

- a. Listed in the National Register of Historic Places,
- b. More than seventy-five (75) years old.
- c. Designated by the Board after public hearing(s) as being historically or architecturally significant in terms of period, style, and method of construction or association with historic persons or events.

2.2 Preferably Preserved. Any “historically significant” building, the preservation of which is in the public interest as determined by the Board.

2.3 Demolition. The act of pulling down, destroying, removing, or razing a building, in whole or in part, (including the demolition of exterior walls or roof), or commencing such work with the intent of completing the same, all as determined by the Building Inspector; provided, however, that the term “demolition” shall not include the ordinary maintenance or repair of any building. In addition, the term “Demolition” defined under this bylaw section shall include the act of enclosing or encapsulating an existing building within new exterior walls or roofed areas. *(Amended October 26, 2009, STM, Art. 12, approved by Attorney General November 10, 2009.)*

2.4 Board. The Historical Commission, established by vote of the Town pursuant to Article 54 of the 1980 Annual Town Meeting. *(Adopted April 22, 2013, ATM, Art. 31, approved by Attorney General August 1, 2013.)*

#### **Section 3.** Procedure

3.1 The Board shall furnish the Building Inspector with a list of all “historically significant buildings”.

3.2 The Building Inspector shall, within five (5) days of receipt of an application for a demolition permit for a “historically significant building”, forward a copy of the application to the Board.

3.3 The Board shall determine if the building is “preferably preserved”. If the Board makes an initial determination that the building is “preferably preserved”, then within forty-five (45) days of the receipt of the demolition permit application, the Board shall hold a public hearing to explore alternatives to demolition.

3.4 Notice of the time, place and subject matter of hearings hereunder shall be given by publication in a newspaper of general circulation in the Town once a week for two (2) successive weeks, the first notice to appear at least fourteen (14) days before the day of the hearing (including the day of publication and excluding the day of the hearing) and by mailing a notice of hearing to the owner or applicant, all abutters to the subject property, the Planning Board of the town, the Historical District Commission, the Wellfleet

Historical Society the Conservation Commission, the Selectmen and such other persons as the Board may determine.

3.5 If after hearing, the Board determines that the proposed work would destroy or substantially diminish an historic value, it is empowered to impose a demolition delay of up to twelve (12) months from the date of said hearing to afford an opportunity to develop alternatives to demolition. *(Amended October 26, 2009, STM, Art. 12, approved by Attorney General November 10, 2009.)*

3.6 The Board shall with seven (7) days of said hearing notify the owner or applicant and the Building Inspector of its decision.

3.7 If at the end of a Board mandated delay, no alternatives have been agreed to by the owner or applicant, the Board shall within seven (7) days notify the Building Inspector who may then issue the permit.

3.8 In addition to the provisions of Section 3.7, the Building Inspector may issue a demolition permit upon written notice from the Board that the building is not “preferably preserved” or that there is no likelihood that either the owner or some other person or group is willing to purchase, preserve, restore or rehabilitate the building or that the applicant has agreed to accept a demolition permit on specified conditions.

3.9 Nothing in this Bylaw shall restrict the building Inspector from issuing a demolition permit if in his opinion the condition of the building poses an imminent and substantial threat to public health or safety.

**Section 4. Enforcement**

4.1 The Building Inspector shall be authorized to enforce the provisions of this Bylaw.

**Section 5. Non-compliance**

5.1 Anyone who undertakes demolition of any “historically significant” building without a demolition permit shall be subject to a fine of \$1,000.00. Each day such demolition continues shall constitute a separate offense.

5.2 No building permit shall be issued or be valid for a period of up to two (2) years after demolition of any “historically significant” building in violation of this Bylaw.

**Section 6. Severability**

6.1 If any provision of this Bylaw is determined to be invalid or unconstitutional by any court of competent jurisdiction, said determination shall not affect the validity of any other section hereof.

**Section 7. Historic District Act**

1.1 If any provisions of this Bylaw conflict with Massachusetts General Laws, Chapter 40C, the Historic District Act, that Act shall prevail.

*(Amended October 26, 2009, STM, Art. 12, approved by Attorney General November 10, 2009.) (Amended April 22, 2013, ATM, Art. 31, approved by Attorney General August 1, 2013.)*

**SPECIAL ASSESSMENT FOR SUBSTANTIAL REHABILITATION OF OWNER-OCCUPIED  
RESIDENTIAL PROPERTY LISTED ON THE STATE REGISTER OF HISTORIC PLACES**

*(Adopted October 25, 1999, STM, Art. 19, approved by Attorney General February 18, 2000.)*

**ARTICLE XV**

**Section 1. Creation of Special Property Tax Assessment**

The purpose of this bylaw is to adopt a policy with respect to phased property tax assessments for substantial rehabilitation of owner-occupied residential property listed on the State Register of Historic Places as authorized by M.G.L. c. 59, Section 5J.

A special property tax assessment is created for substantial rehabilitation of owner-occupied residential property listed on the State Register of Historic Places (State Register). The increase in assessed value resulting from substantial rehabilitation of eligible properties shall be phased in one-fifth increments over a period of five (5) years to the full assessed value of the property. The special assessment shall extend only to the building(s) or structure(s) that are rehabilitated.

**Section 2. Eligible Properties**

In order to be eligible for the special assessment, property must meet the following criteria:

- (a) The property to be rehabilitated must be occupied by the owner exclusively for residential purposes and be listed on the State Register which is maintained by the Massachusetts Historical Commission (MHC) pursuant to M.G.L. c. 9, Section 26C, either individually or as a contributing element within an historic district.
- (b) The cost of rehabilitation, as that term is defined in 950 C.M.R. 72.04, must be no less than 25% of the assessed value of the property prior to rehabilitation. Not less than 10% of the cost of rehabilitation shall be dedicated to rehabilitation of the exterior of the historic building.
- (c) The property owner must obtain a certificate from the MHC stating that the proposed rehabilitation meets the Secretary of the Interior's Standards.

**Section 3. Application Process**

- (1) A property owner must submit an application, on a form provided by the Board of Assessors, which shall include the following information:
  - (a) certification from the MHC that the rehabilitation as proposed meets the Secretary of the Interior's Standards;
  - (b) proof of the applicant's ownership and occupancy of the subject property;
  - (c) the total cost of rehabilitation; and
  - (d) the property's assessed value prior to rehabilitation.
- (2) Within 60 days of receipt of a completed application, the Board of Assessors shall determine whether the proposed rehabilitation meets the eligibility criteria set forth in Section 2, and will notify the owner of its decision in writing. The Board of Assessors will grant final approval of the special assessment upon receipt of the certification described in subsection (3) of Section
- (3) After completion of the rehabilitation, the property owner shall provide to the Board of Assessor's a certification that the completed work conforms with the proposed rehabilitation and meets the Secretary of the Interior's Standards. The owner shall obtain such certification from the MHC, or from the appropriate local preservation commission if the property is in an historic district, or is a designated landmark, or is otherwise subject to a preservation restriction or bylaw.

**Section 4. Effective Date of Special Assessment**

The special assessment will take effect on the first day of the next fiscal year after the assessment is approved by the Board of Assessors.

**Section 5. Time Limits**

- (1) An owner shall apply for the special assessment no later than two (2) years after completion of the rehabilitation certified by the MHC.
- (2) In order to be included in the total cost of rehabilitation as defined in 950 C.M.R. 72.04, all expenditures contributing to the cost of rehabilitation work must be incurred within a three (3) year period.

**Section 6. General**

- (1) An owner who applies for the special assessment shall agree in writing to maintain the subject property in accordance with the Secretary of the Interior’s Standards for the duration of the special assessment. Failure to maintain the property in accordance with the Secretary of the Interior’s Standards for the agreed period of time shall result in revocation of the special assessment. In the event that the local preservation commission informs the Board of Assessors that the owner has failed to maintain the subject property in accordance with the Secretary of the Interior’s Standards, the Board of Assessors shall notify the owner in writing and the owner shall have 30 days in which to demonstrate that the property has been maintained in accordance with the Secretary of the Interior’s Standards or, if not, to remedy such failure.
- (2) An owner who receives the special assessment shall annually, for the duration of the special assessment, provide the Board of Assessors with written certification that he or she still owns and occupies the property which is the subject of the special assessment, and that the subject property is still listed on the State Register.
- (3) The date of any of the following occurrences shall be considered the date of the end of the special assessment:
  - (a) written notice from the owner to the Board of Assessors requesting removal of the special assessment;
  - (b) sale or transfer of ownership during the five (5) year period, except in the course of probate proceedings; or
  - (c) removal of the property from the State Register.

**COMMUNITY PRESERVATION ACT COMMITTEE**  
*(Adopted April 25, 2005, ATM, Art. 12, approved by Attorney General June 7, 2005.)*

**ARTICLE XVI**

**Section 1: Establishment**

There is hereby established a Community Preservation Committee, consisting of nine (9) voting members pursuant to G.L. Chapter 44B. The composition of the committee, the appointment authority and the term of office for the committee members shall be as follows:

One member of the Conservation Commission as designated by the Commission for a term of three years.

One member of the Historical Commission as designated by the Commission for a term of three years.

One member of the Planning Board as designated by the Board for a term of three years.

One member of the Recreation Committee as designated by the Committee for an initial term of one year and thereafter for a term of three years.

One member of the Housing Authority as designated by the Authority for an initial term of two years and thereafter for a term of three years.

One member of the Open Space Committee as designated by the Committee for an initial term of one year and thereafter for a term of three years.

One member of the Local Housing Partnership as designated by the Partnership for an initial term of two years and thereafter for a term of three years.

Two members to be appointed by the Board of Selectmen, one member to be appointed for a term of one year and thereafter for a term of three years, one member to be appointed for a term of two years and thereafter for a term of three years.

Should any of the Commissions, Boards, Authorities or Committees who have appointment authority under this Bylaw no longer exist for whatever reason, the appointment authority for that Commission, Board, Council, or Committee shall become the responsibility of the Board of Selectmen. Any person designated by a Commission, Board, Authority or Committee may be recalled by an affirmative vote of that Commission, Board, Authority or Committee.

## **Section 2: Duties**

(1). The Community Preservation Committee shall study the needs, possibilities, and resources of the Town regarding community preservation. The committee may consult with existing municipal boards, including the Conservation Commission, the Historical Commission, the Planning Board, the Recreation Committee and the Housing Authority, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the Committee shall hold one or more public informational hearings on the needs, possibilities and resources of the Town regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the Town.

(2). The Community Preservation Committee shall make recommendations to the legislative body for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation and preservation of land for recreational use; for the creation, preservation and support of community housing; and for the rehabilitation or restoration of open space, land for recreational use and community housing that is acquired or created as provided in this section. With respect to community housing, the community preservation committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites. Recommendations to the Town Meeting shall include their anticipated costs.

(3). The Community Preservation Committee may include, in its recommendation to the Town Meeting, a recommendation to set aside funds for later spending for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or to set aside for later spending for general purposes that are consistent with community preservation.

The Community Preservation Committee may recommend the issuance of general obligation bonds or notes in anticipation of revenues to be raised pursuant to section 3 of the Act, the proceeds of which shall be deposited in the Community Preservation Fund. Bonds or notes so issued may be at such rates of interest as shall be necessary and shall be repaid as soon after such revenues are collected as is expedient. The Town shall make every effort to limit the administrative costs of issuing such bonds by cooperating with other cities and towns using methods including, but not limited to, common issuance of bonds or common retention of bond counsel.

Except as otherwise provided in this bylaw, bonds or notes issued pursuant to this section shall be subject to the applicable provisions of G.L Chapter 44. The maturities of each issue of bonds or notes issued under this bylaw may be arranged so that for each issue the amounts payable in the several years for principal and interest combined shall be as nearly equal as practicable in the opinion of the officers authorized to issue bonds or notes or, in the alternative, in accordance with a schedule providing for a more rapid amortization of principal.

As provided in the Massachusetts Community Preservation Act, no expenditures shall be made from the Community Preservation Fund without the approval of Town Meeting.

The Community Preservation Committee shall submit an annual administrative and operating budget for the Community Preservation Committee, which cannot exceed five percent (5%) of the annual revenues in the Community Preservation Fund, to the Town Administrator and Town Meeting for approval.

**Section 3:** Requirement for a quorum and majority vote

The Community Preservation Committee shall not meet or conduct business without the presence of a quorum. A majority of the members of the Community Preservation Committee (five members) shall constitute a quorum. The Community Preservation Committee shall approve its actions by majority vote.

**Section 4:** Amendments

This bylaw may be amended from time to time by a majority vote of the Town Meeting, provided that the amendments would not cause a conflict to occur with G.L. Chapter 44B.

**Section 5:** Severability

In case any section, paragraph or part of this bylaw be for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph or part shall continue in full force and effect.

**ANIMAL CONTROL**

*(Adopted October 26, 2009, STM, Art. 10, approved by Attorney General November 10, 2009.)*

**ARTICLE XVII**

**16.1 Purpose**

The purpose of these by-laws is the control of animals to prevent injury to property, persons and animals.

**16.2 Administration**

The Board of Selectmen shall appoint an Animal Control Officer who, in addition to any other authorized enforcement officers, shall be responsible for the enforcement of these by-laws.

**16.3 Definitions**

For the purposes of this bylaw, the following terms shall have the following definitions:

**Adequate shelter** - Means a structure that is large enough for the animal to stand naturally, turn around and lie down inside of the structure without being exposed to the elements of weather. The roof and walls of the

structure are waterproof and windproof. Bedding must be kept dry and changed regularly to preserve insulating qualities. Insulation and an inner wall must be included in shelter for dogs with short fur (example: Pointers, Staffordshire Terriers, Boxers, Labrador Retrievers) to provide adequate protection from cold. During cold weather a moveable flap must be placed over the entrance to a shelter to preserve the animal's body heat. Adequate shelter from sun may be provided by a tarp placed in a manner to provide deep shade and allow air to pass through for ventilation.

**Beach** – The zone above the water line at a shore of a body of water, marked by an accumulation of sand, stone, or gravel that has been deposited by the tide or waves.

**Domesticated Animal** – Any of various animals that have been tamed and made fit for a human environment.

**Keeper** – Any person, other than the owner, possessing, harboring, keeping, or having control or custody of a dog either permanently or on a temporary basis. If a person under the age of 18 owns or keeps a dog, that person's custodial parent(s) or legal guardian(s) shall be responsible for complying with the requirements of these by-laws.

**Kennel, commercial** – A kennel maintained as a business where four (4) or more dogs three (3) months of age or older are kept for the breeding, boarding, sale, in-residence training, grooming or other business purposes, and including any shop where dogs are on sale or a kennel of ten (10) or more dogs regardless of the purpose for which the kennel is maintained. *(Adopted April 26, 2010, ATM, Art. 34, approved by Attorney General May 10, 2010.)*

**Kennel, residential** - Means a collection of four (4) up to and including nine (9) dogs, three (3) months of age or older, owned or kept on a single premises, maintained for any non-commercial purpose except for the sale of one litter per year; provided, however, that a veterinary hospital shall not be considered a kennel unless it contains an area for the selling or boarding of dogs for other than medical purposes.

**Licensing Period** – The licensing period means the time between January 1<sup>st</sup> and the following December 31<sup>st</sup> of each year, both dates inclusive.

**Vicious Dog** - Any dog that attacks, bites or injures any human or domesticated animal without provocation or which, because of its temperament, conditioning or training, has a propensity to attack, bite or injure humans or domesticated animals.

## **16.4 Licensing and Regulation of Vicious Dogs**

### **A. Determination of Viciousness**

1. The Animal Control Officer shall investigate all complaints made to the Animal Control Officer, the Town of Wellfleet Police Department, the Board of Selectmen, or the Town Administrator that any dog owned or kept within the Town of Wellfleet has attacked, bitten, or injured any person or domesticated animal, or which by its temperament, conditioning or training has a propensity to attack, bite or injure persons or domesticated animals.

2. The Animal Control Officer is authorized to make whatever inquiry is deemed necessary to determine the accuracy of said complaint, and if the Animal Control Officer determines that the complaint is accurate, the Officer may find that the dog is vicious and may make such orders as he or she deems necessary to ensure compliance with the provisions of these by-laws and to promote public safety.

3. Upon determination by the Animal Control Officer that a dog is vicious, the Animal Control Officer shall issue a written order to the owner or keeper of said dog concerning the restraint or disposal of such dog as they

may deem necessary. At a minimum, said order shall state that the dog has been determined to be vicious and shall require the owner or keeper of such dog to comply with the requirements of Section 15.4 Subsection B of these by-laws.

4. Without limiting the generality of the foregoing, the Animal Control Officer may order that said dog be permanently removed from the Town of Wellfleet, that said dog be humanely euthanized in accordance with the provisions of Massachusetts General Laws, Chapter 140, Section 151A, or that said dog be confined in accordance with such limitations as the Animal Control Officer deems appropriate. If an order to euthanize is issued, a certificate must be provided to the Animal Control Officer confirming the action was carried out. If the Animal Control Officer determines that the dog is to be permanently removed, the owner or keeper shall provide the Animal Control Officer with the name, address, and telephone number of the new owner or keeper of the vicious dog.

5. The owner or keeper of any dog determined to be vicious by the Animal Control Officer may request a hearing before the Board of Selectmen. Said request shall be in writing and received by the Board of Selectmen within five (5) business days of the owner's or keeper's receipt of the Animal Control Officer's order. A copy of the hearing request shall also be delivered to the Animal Control Officer. The hearing request shall include an explanation of the measures that the owner or keeper intends to take to protect public safety pending disposition of the matter by the Board of Selectmen. If the Board of Selectmen determines that the measures described are inadequate, it may order that said dog be impounded, at the owner's or keeper's expense, until such time as the Board of Selectmen rules otherwise.

6. After hearing, at which those testifying shall be sworn under oath, the Board of Selectmen may affirm the order, reverse or nullify the order, or issue any such order as it deems necessary to ensure compliance with the provisions of these by-laws and the protection of public safety. The determination of the Board of Selectmen after a hearing shall be final.

7. Nothing in this by-law is intended to limit or restrict the authority of the Board of Selectmen to act in accordance with Massachusetts General Laws, Chapter 140, Sec. 157.

## **B. Control of Vicious Dogs**

1. The Animal Control Officer shall notify the Town Clerk of all dogs determined to be vicious pursuant to the terms of these by-laws.

2. The owner or keeper of any dog determined to be vicious in accordance with Subsection A of Section 15.4 of these by-laws, which has not been ordered euthanized or permanently removed from Town, shall re-license said dog as "vicious" within thirty days of such determination. A unique licensing number shall be assigned to a vicious dog by the Town Clerk. That number shall be noted on the town licensing files.

3. No vicious dog shall be licensed by the Town of Wellfleet for any licensing period unless the owner or keeper of such vicious dog displays a sign not to exceed one square foot on his or her premises warning that there is a vicious dog on the premises. The sign shall be visible and capable of being read from the public or private roadway.

4. All vicious dogs shall be confined in an enclosure approved in writing by the Animal Control Officer. It shall be unlawful for any owner or keeper to maintain a vicious dog upon any premises which does not have a locked enclosure or for any owner or keeper to allow any vicious dog to be outside of the dwelling of the owner or outside of the enclosure, unless it is necessary for the owner or keeper to obtain veterinary care for the vicious dog, or to sell or give away the vicious dog or to comply with the orders or directions of the Animal Control

Officer and/or Board of Selectmen with respect to the vicious dog, or to comply with the provisions of these by-laws. In such event, the vicious dog shall be securely muzzled and restrained with a chain having a minimum tensile strength of three hundred (300) pounds and not exceeding three (3) feet in length, and shall be under the direct control and supervision of the owner or keeper of the vicious dog. Vicious dogs shall not be permitted to run loose on any public or private way or any area within the Town of Wellfleet that is open to the general public, including but not limited to parks and beaches.

### **C. Enforcement and Penalties**

1. License Revocation - If the Animal Control Officer determines that a vicious dog is being kept in the Town in violation of these by-laws or any order issued by the Animal Control Officer, Board of Selectmen or of any Court, the Animal Control Officer shall so notify the Selectmen. After giving notice to the owner or keeper of the hearing, the Selectmen shall hold a public hearing on whether to revoke the license of said dog or to take further action including banning the dog from the Town or euthanizing the dog. If the Selectmen revoke the license of said dog and do not order it to be euthanized, they shall notify the owner or keeper of the dog and the Town Clerk within ten (10) days that said dog will be impounded and euthanized if it is found within the Town after the succeeding seven days. The Animal Control Officer or any Town of Wellfleet police officer shall seize and impound any vicious dog found outside of its enclosure in violation of these by-laws or any order issued by the Animal Control Officer, Board of Selectmen or any Court.

2. Non-Criminal Disposition - This regulation may be enforced by the Animal Control Officer or any Town of Wellfleet police officer. Whoever violates any provision of these by-laws may be penalized by a non criminal disposition process as provided in Massachusetts General Laws, Chapter 40, Section 21D and the Town's non-criminal disposition by-law. If a non-criminal disposition is elected, then any person who violates any provision of these by-laws shall be subject to a penalty in the amount of fifty dollars (\$50.00) per day for each day of violation. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

3. Whoever violates any provision of this by-law or order of the Animal Control Officer and/or Board of Selectmen may be penalized by indictment or on complaint brought in the district court. Except as may be otherwise provided by law and as the district court may see fit to impose, the maximum penalty for each violation or offense shall be fifty dollars (\$50.00), assessed in accordance with the provisions of Massachusetts General Laws, Chapter 140, Sections 173-174. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

### **16.5 Kennel licenses, inspection, and regulation**

A. Any owner or keeper of four (4) up to and including nine (9) dogs, three (3) months of age or older, being maintained at a premises, shall secure a Residential Kennel License. The Town Clerk shall not issue a Residential Kennel License unless the owner or keeper provides the Town Clerk with a veterinarian's certificate verifying that each dog three (3) months of age or older is currently vaccinated against rabies. Any owner or keeper of ten (10) or more dogs, three (3) months of age or older, or of a premises maintained as a commercial kennel, shall obtain a Commercial Kennel License.

B. Application and Issuance of License and Fees: A Residential or Commercial Kennel License shall be issued annually by the Town Clerk upon written application by an owner or keeper of dogs and after inspection of the kennel and a determination, made by the Animal Control Officer, that the basic standards of cleanliness, proper care, confinement and adequate shelter of said dogs exist on the premises. The name and address of the owner or keeper of each dog kept in any kennel, if other than the person maintaining the kennel, and a veterinarian's certificate verifying that each dog, three (3) months of age or older, is currently vaccinated against rabies and

kennel cough, shall be kept on file on the premises and available for inspection by the Animal Control Officer or any authorized persons. Such license shall be in the form prescribed by the Town Clerk.

The Residential Kennel License fee shall be fifty dollars (\$50.00). The Commercial Kennel License fee shall be one hundred fifty dollars (\$150.00). The Town Clerk shall, upon application, issue without charge a Commercial Kennel License to any domestic charitable corporation, incorporated exclusively for the purpose of protecting animals from cruelty, neglect or abuse, and for the relief of suffering among animals. The holder of a license for a kennel shall cause each dog kept therein to wear, while it is at large, a collar or harness of leather or other suitable material, to which shall be securely attached a tag upon which shall appear the current dog license information of the town of where the dog resides. A veterinary hospital shall not be considered a kennel unless it contains an area for the selling or boarding of dogs for other than medical purposes, in which case it shall apply for a Commercial Kennel License. The license period for a kennel license shall be from January 1 to December 31, inclusive. Kennel licenses are non-transferrable.

C. The Animal Control Officer, Animal Health Inspector, or any agent authorized by the Town may at any reasonable time inspect any kennel or premises for which a Residential or Commercial Kennel License has been issued.

D. If the Animal Control Officer, Animal Health Inspector, or other authorized agent, after inspection, determines that the kennel or premises that are the subject of a kennel license are not kept in a sanitary or humane condition, or if records are not kept as required by law, the inspecting officer shall notify the Board of Selectmen of that determination and the facts upon which it is based. The Board of Selectmen may, by order after a hearing, revoke or suspend such license. If a license has been revoked or suspended, the license may be reinstated after inspection and a reinstatement order by the Board of Selectmen after a new hearing.

E. Upon written petition of any person or persons, filed with the Board of Selectmen, setting forth that they are aggrieved or annoyed to an unreasonable extent by one or more dogs at a kennel because of excessive barking or vicious disposition of said dogs, or other conditions connected with such kennel constituting a public nuisance, said Selectmen, within seven (7) days after the filing of such a petition, shall give notice to the owner or keeper of the kennel, the petitioner(s), and any other person the Selectmen determine should be given notice, of a public hearing to be held within fourteen (14) days after the date of such notice. Said notice shall also be posted on a Town bulletin board. Within seven (7) days after such public hearing, said Selectmen shall make an order either revoking or suspending such kennel license, or otherwise regulating said kennel or premises, or dismissing said petition.

F. The holder of a kennel license or other person who is the subject of an order under Section 15.5E may petition the district court for relief in accordance with Massachusetts General Laws, Chapter 140, Section 137C.

G. Violations and Penalties.

1. Fines - Any person maintaining a residential or commercial kennel after the license has been so revoked, or while such license is so suspended, or who has failed to obtain a license for the kennel in violation of this By-law, Section 15.5, may be punished by a fine of fifty dollars (\$50.00) for each day in violation of this By-law.

2. Non-Criminal Disposition - In addition to any other legal remedies that may be available, the Animal Control Officer or other designated enforcing person, may enforce this By-law by Non-Criminal Disposition. If a Non-Criminal Disposition process, as provided in Massachusetts General Laws, Chapter 40, Section 21D and the Town's Non-Criminal disposition By-law is elected, then any person

who violates the provisions of §15.5 shall be subject to a penalty in the amount of fifty dollars (\$50.00) per day for each day of violation. Each day or portion thereof shall constitute a separate offense. If more than one, each provision violated shall constitute a separate offense.

*(Amended April 26, 2010, ATM, Art. 34, approved by Attorney General May 10, 2010.)*

## **STRETCH ENERGY CODE**

*(Adopted April 28, 2014, ATM, Art. 38, approved by Attorney General November 6, 2014.)*

### **ARTICLE XVIII**

#### **Section 1. Definitions.**

1.1 International Energy Conservation Code (IECC). The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency, and is updated on a three year cycle. Since July 1, 2010, the baseline energy conservation requirements of the MA State Building Code defaulted to the latest published edition, currently the IECC 2012, with Massachusetts amendments as approved by the Board of Building Regulations and Standards.

1.2 Stretch Energy Code. Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA of the 8th edition Massachusetts building code, the Stretch Energy Code is an appendix to the Massachusetts building code, based on further amendments to the International Energy Conservation Code (IECC) to improve the energy efficiency of buildings built to this code.

**Section 2. Purpose.** The purpose of 780 CMR 115.AA is to provide a more energy efficient alternative to the base energy code applicable to the relevant sections of the building code for both new construction and existing buildings.

**Section 3. Applicability.** This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 13, 34, 51, as applicable.

**Section 4. Authority.** A municipality seeking to ensure that building construction within its boundaries is designed and built above the energy efficiency requirements of 780 CMR may mandate adherence to this appendix. 780 CMR 115.AA may be adopted or rescinded by any municipality in the commonwealth in the manner prescribed by law.

#### **Section 5. Stretch Code.**

1.1 The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA, including any future editions, amendments or modifications, is herein incorporated by reference into the Town of Wellfleet General Bylaws, Article XVI.

1.2 The Stretch Code is enforceable by the Town of Wellfleet Building Inspector.

### **ATTESTATION**

I hereby certify that the foregoing by-laws were adopted at a special town meeting held November 16, 1967 and as most recently amended at the Annual Town Meeting held on April 27, 2015.

A TRUE RECORD ATTEST:

A handwritten signature in black ink, appearing to read "J. F. Powers". The signature is fluid and cursive, with a prominent initial "J" and a long, sweeping tail.

Joseph F. Powers, MMC/CMMC  
Town Clerk

Dated April 27, 2015

## APPENDIX A

### TOWN CLERK FEE SCHEDULE

*(Adopted April 25, 2005, ATM, Art. 11, approved by Attorney General June 7, 2005.)*

**The fees charged by the Town Clerk under Ch. 262, Section 34 of the General Laws are as follows:**

ATM 2005 – Amended 4/26/10

#### **Chapter 262 Section 34**

##### **Subsection**

- (11)** For entering amendment, of a record of the birth of an illegitimate child subsequently legitimized - \$20.00  
*(Amended April 25, 2005, ATM, Art. 11, approved by Attorney General June 7, 2005.)*
- (12)** For correcting error in the record of birth - \$20.00 *(Amended April 25, 2005, ATM, Art. 11, approved by Attorney General June 7, 2005.)*
- (13)** For furnishing certificate of birth - \$10.00 00 *(Amended April 25, 2005, ATM, Art. 11, approved by Attorney General June 7, 2005.)*
- (13a)** For furnishing an abstract copy or record of birth - \$10.00 00 *(Amended April 25, 2005, ATM, Art. 11, approved by Attorney General June 7, 2005.)*
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- (20)** For filing certificate of a person conducting business under any title other than his real name - \$20.00
- (21)** For filing by a person conducting business under any other title other than his real name or statement of change of his residence, or of his discontinuation, retirement or withdrawal from, or of a change of location of such business - \$15.00 00 *(Amended April 25, 2005, ATM, Art. 11, approved by Attorney General June 7, 2005.)*
- (22)** For furnishing certified copy of certificate of person conducting business under any other title other than his real name or a statement by such person of his discontinuance, retirement or withdrawal from such business - \$5.00
- (24)** For recording the name and address, the date and number of the certificate issued to a person registered for the practice of podiatry in the Commonwealth - \$20.00
- (29)** For correcting errors in a record of death. - \$10.00 00 *(Amended April 25, 2005, ATM, Art. 11, approved by Attorney General June 7, 2005.)*
- (30)** For furnishing a certificate of death - \$10.00 00 *(Amended April 25, 2005, ATM, Art. 11, approved by Attorney General June 7, 2005.)*
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- (42)** For entering notice of intention of marriage and issuing certificate thereon - \$40.00 *(Amended April 26, 2010, ATM, Art. 32, approved by Attorney General May 10, 2010.)*
- (43)** For entering certificate of marriage filed by persons married out of the Commonwealth - \$10.00 00 *(Amended April 25, 2005, ATM, Art. 11, approved by Attorney General June 7, 2005.)*
- (44)** For issuing certificate of marriage - \$10.00 00 *(Amended April 25, 2005, ATM, Art. 11, approved by Attorney General June 7, 2005.)*
- (44a)** For furnishing an abstract copy of a record of marriage - \$10.00 00 *(Amended April 25, 2005, ATM, Art. 11, approved by Attorney General June 7, 2005.)*
- (45)** For correcting errors in a record of marriage - \$20.00 00 *(Amended April 25, 2005, ATM, Art. 11, approved by Attorney General June 7, 2005.)*
- (54)** For recording power of attorney - \$20.00 00 *(Amended April 25, 2005, ATM, Art. 11, approved by Attorney General June 7, 2005.)*

- (57) For recording certificate of registration granted to a person to engage in the practice of optometry, or issuing a certified copy thereof - \$20.00
- (58) For recording the name and the owner of a certificate of registration as a physician or osteopath in the Commonwealth - \$20.00
- (62) For recording an order granting locations of poles, piers, abutments or conduits, alterations or transfers thereof, and increase in the number of wires and cables or attachments under the provisions of Section 22 of Chapter 166, additional fee for each street or way included in the order - Flat rate - \$25.00 Additional Fee - \$5.00 00 (*Amended April 25, 2005, ATM, Art. 11, approved by Attorney General June 7, 2005.*)
- (66) For examining records or papers relating to birth, marriage or death upon the application of any person, the actual expense thereof, but not less than - \$10.00
- (67) For copying any manuscript or record pertaining to a birth, marriage, or death - \$5.00
- (75) For filing a copy of written instrument or declaration of trust by the trustees of an association or trust, or any amendment thereof as provided by Section 2, Chapter 182. - \$20.00
- (78) For recording deed of lot or plot in a public burial place or cemetery - \$10.00
- (79) Recording any other documents - Per 1st page - \$10.00, each additional page - 2.00

**APPENDIX B**

**SCHEDULE OF STATUTES ADOPTED BY THE TOWN MEETING**

| <b>Year</b> | <b>ch.</b> | <b>section</b> | <b>clause</b> | <b>DESCRIPTION</b>                                    |
|-------------|------------|----------------|---------------|---|
| 1889        | 42         |                |               | Special Laws of 1887                                  |
| 1891        | 431        |                |               | Acts of 1888 - supt. Of Schools                       |
| 1893        | 347        |                |               | Acts of 1890  |
| 1899        | 548        | 322            |               | Acts of 1898 - elect Surveyor of roads and bridges    |
| 1902        |            |                |               | Establish Wellfleet Perpetual Care                    |
| 1903        |            |                |               | Voted not to elect Surveyor                           |
| 1904        | 269        | 73             | A             | Acts of 1904 - Quahog licenses                        |
| 1914        |            |                |               | Refund money - Perpetual Care - Elect Trustees        |
| 1915        | 128        |                |               | Acts of 1915 - Plant/cultivate quahogs                |
| 1921        | 44         | 35             |               | State account   |
| 1925        |            |                |               | Abolish Road surveyor                                 |
| 1925        | 103        | 5              |               | Acts of 1917 - Shellfish                              |
| 1925        | 136        | 7              |               | Lord's Day licenses                                   |
| 1927        | 269        |                |               | Acts of 1904 - Protect quahogs                        |
| 1927        | 619        |                |               | Acts of 1920 - Legalize boxing                        |
| 1927        | 166        | 32             |               | Acts of 1921 - Create Wire Inspector                  |
| 1927        | 40         | 6              | J             | Foul weather gear for highway department              |
| 1927        | 102        | 29             |               | Revise Junk dealer laws of 1902                       |
| 1928        | 128        |                |               | Acts of 1915 - Plant/cultivate quahogs                |
| 1931        | 402        | 118            | A             | Welfare/Old age                                       |
| 1932        | 136        |                |               | Acts of 1932 Ch. 406 amended - Sunday baseball        |
| 1934        | 48         | 45             |               | Fire Department - Board of Engineers                  |
| 1936        | 42         | 4              | A             | Penalty for failure to choose Selectmen of Assessors  |
| 1936        | 130        |                |               | Shellfishing  |
| 1937        | 130        |                |               | Acts of 1933 Ch. 329 amended                          |
| 1937        | 40         | 4              | A             | Cemetery trustee to perform work on lots              |
| 1937        | 21         | 7              |               | Deputy game warden expenses                           |
| 1938        | 41         | 97             | A             | Chief of Police                                       |
| 1939        | 77         |                |               | Acts of 1937 - Absentee voting                        |
| 1939        | 438        |                |               | Acts of 1938 - Workmen's Compensation                 |
| 1940        | 152        | 69             |               | Acts of 1932 Ch. 403 amended - Workmen's Compensation |
| 1940        | 91         | 29             |               | Assume liability in damages done by DPW               |
| 1946        |            |                |               | Acts of 1945 Ch. 823 - Veterans Aid WWII              |
| 1948        |            |                |               | Acts of 1947 Ch. 649 - 40 hour work week              |
| 1950        | 41         | 81A-81         |               | Establish Planning Board & Subdivision Control Bylaws |
| 1951        |            |                |               | Building permits done by Selectmen                    |

|      |     |   |         |          |        |  |
|------|-----|---|---------|----------|--------|--|
| 1951 |     |   |         |          |        | Full-time Shellfish Warden   |
| 1953 | 548 |   | 103     | A        |        | Absentee voting - town elections   |
| 1956 | 40  |   | 6       | A        |        | Information tourist advertising, etc.                                      |
| 1956 | 64  | G | 16-16i  |          |        | Regional School District   |
| 1957 | 40  |   | 5       | P        |        | Insurance for Town officers/employees (public owned vehicles)              |
| 1960 |     |   |         |          |        | Acts of 1960 Ch. 647 - Increase pension of certain former employees        |
| 1961 |     |   |         |          |        | Acts of 1960 Ch. 647 - Increase pension of certain former employees        |
| 1961 | 58  |   | 7A-7D   |          |        | Professional valuation   |
| 1962 | 85  |   | 11      | A        |        | Bicycle registrations  |
| 1963 | 32  | B | 9       | A        | E 1963 | Town pay 50% of health/life insurance premium of elderly retired employees |
| 1964 |     |   |         |          |        | Acts of 1963 Ch. 478 S.4 - Increase pensions                               |
| 1965 | 130 |   | 52      |          |        | Town fisheries regulated and controlled by Selectmen                       |
| 1967 | 78  |   | 10      |          |        | Increase Library Trustees from 3 to 6                                      |
| 1967 | 40  |   | 8       | J        |        | Municipal Handicapped Commission   |
| 1970 | 80  |   |         |          |        | Assessing abutters of private ways for town improvements                   |
| 1970 | 82  |   |         |          |        | Assessing abutters on private ways for town improvements                   |
| 1970 | 81  |   | 16, 16i |          |        | Establishing Regional School and Technical School Districts                |
| 1970 | 40  |   | 6       | B        |        | Fire and Police uniforms   |
| 1972 | 152 |   | 69      |          |        | Workmen's Compensation   |
| 1973 | 40  |   | 8       | B        |        | Council on Aging - bylaws  |
| 1974 |     |   |         |          |        | Building Inspector   |
| 1975 |     |   |         |          |        | Beano licenses in town   |
| 1975 |     |   |         |          |        | Monies for building Inspector  |
| 1976 | 40  |   | 8       | G        |        | Mutual aid for police  |
| 1977 | 114 |   | 22-25   |          |        | Cemeteries   |
| 1978 | 41  |   | 97      | A        |        | Acts of 1948 Ch. 595 as amended - Police chief powers                      |
| 1978 | 40  |   | 8       | H        |        | Recycling Commission - RESCINDED STM 10/24/11 #9                           |
| 1978 | 40  |   | 8       | 4        |        | Youth Commission   |
| 1980 | 40  |   | 4       | G        |        | Advertising for bids   |
| 1980 | 40  |   | 8       | B        |        | Historical Commission  |
| 1980 | 258 |   | 73      |          |        | Town employee indemnification  |
| 1981 | 71  |   | 71      | E        |        | Appropriation and expenditure of adult education                           |
| 1981 | 40  |   | 33      | D        |        | Establishing traffic regulations   |
| 1981 | 90  |   | 20      | A<br>1/2 |        | Parking Clerk  |
| 1982 | 40  |   | 6       | C        |        | Appropriation of monies for removal of snow and ice on private ways        |
| 1984 | 60  | A | 1       |          |        | Acts of 1982 Ch. 594 - Motor vehicle excise exemption for                  |

|      |     |   |            |          |            |  |
|------|-----|---|------------|----------|------------|--|
|      |     |   |            |          |            | POW's  |
| 1986 | 64  |   | 3          | A        |            | Local room occupancy tax   |
| 1986 | 40  |   | 21         | D        |            | Non-criminal violations  |
| 1987 | 40  |   | 57         |          |            | Denial of permits for non-payment of taxes                                 |
| 1987 | 41  |   | 41         | B        |            | Direct deposit of payroll  |
| 1987 | 147 |   | 10         | F        |            | Parking control officers   |
| 1987 | 40  |   | 39         | A        |            | Selectmen to act as Water Commissioners                                    |
| 1989 | 40  |   | 39         | K        |            | Enterprise Fund - Marina (changed in 1999 to Ch 44 S53F 1/2)               |
| 1989 | 94  | C | 47         |          |            | Law Enforcement Fund   |
| 1990 | 59  |   | 5          |          | 41         | c Elderly exemption  |
| 1991 |     |   |            |          |            | Acts of 1990 Ch. 291 - enhanced 911 service                                |
| 1991 | 40  |   | 42A-42F    |          |            | Collection of unpaid water charges   |
| 1991 | 53  |   | 9          | A        |            | Deadline for obtaining nomination papers                                   |
| 1991 | 41  |   | 111        | N        |            | Indemnification of EMT's on medical expenses                               |
| 1993 | 242 |   | 73         |          |            | Removal of gravestones for repair  |
| 1994 | 71  |   | 83         |          |            | Educational Reform Acts of 1993  |
| 1994 | 110 |   | 110        |          |            | Reduce residence requirement to 1 year for Veterans exemption              |
| 1994 | 59  |   | 5          |          | 17         | c Surviving Spouse tax exemption   |
| 1996 | 71  |   | 16         | B        |            | Reallocation of sums for Nauset Regional and Cape Cod Tech                 |
| 1997 | 71  |   | 16         | B        |            | Education reform formula   |
| 1997 | 41  |   | 108        | L        |            | Quinn Bill (incentive for Police Department)                               |
| 1998 |     |   |            |          |            | Accept Nauset Reg. School district Agreement in lieu of Ch. 71 S. 16B      |
| 1999 | 44  |   | 53         | F<br>1/2 |            | Marine Enterprise Fund - change of statute                                 |
| 2001 | 59  |   | 5          |          | 37         | a Blind exemption increase   |
| 2001 | 32  |   | 4(2)(b1/2) |          |            | Call firefighter - buyback of time into retirement                         |
| 2001 | 111 |   | 127        | B<br>1/2 |            | Septic repair program  |
| 2001 | 32  | B | 7          | A        |            | Town pay more than 50% for active employees health/life insurance premiums |
| 2004 | 32  |   | 4(2)(b)    |          |            | Call firefighter - buyback of time into retirement                         |
| 2004 | 32  | B | 2          |          | as amended | Call firefighters eligible for health insurance at 100% premium            |
| 2004 | 59  |   | 5          |          | 41         | c Elderly exemption increase   |
| 2004 | 32  | B | 29         | D        |            | Health insurance - 100% cost by call firefighters                          |
| 2004 | 59  |   | 5          |          | 41         | a Maximum receipts for exemption   |
| 2004 | 59  |   | 5          | K        |            | Tax Workoff program over 60  |
| 2006 | 39  |   | 23         | D        |            | BOS,Pl.Bd.,Water Comm,Con Com, ZBA, Bd Health                              |
| 2007 | 32  | B | 18         |          |            | Retirees, spouses and dependents to enroll in Medicare                     |
| 2007 | 32  | B | 9          | D        |            | Town pay 50% of health/life insurance premium of surviving                 |

|        |     |   |     |          |            |  |
|--------|-----|---|-----|----------|------------|--|
|        |     |   |     |          |            | spouses  |
| 2008   | 60  |   | 23  | B        |            | Increase MLC fees  |
| 2009   | 140 |   | 147 | A        |            | Allow Town to enact bylaws and ordinances relative to dogs |
| 2009   | 60  |   | 2   |          | as amended | Increase in Town Collector demand to \$15                  |
| 2009   | 64  | L | 2   | A        |            | Local excise on meals                                      |
| 2009   | 32  | B | 20  |          |            | OPEB Liability Trust Fund                                  |
| 2009   | 44  |   | 53  | F<br>1/2 |            | Water System Enterprise Fund                               |
| 2011   | 148 |   | 33  | B        |            | Able to serve alcohol at 10:00 am on Sunday                |
| 2013   | 60  | A | 3   | D        |            | Aid to the Elderly or Disabled Taxation Fund               |
| 2014   | 59  |   | 5   | N        |            | Veteran Tax Workoff  |
| 2014   | 41  |   | 19  | K        |            | Additional compensation for town clerk                     |
| Annual | 71  |   | 16  | B        |            | Regional School contribution allocation                    |

## APPENDIX A

### TOWN CLERK FEE SCHEDULE

*(Adopted April 25, 2005, ATM, Art. 11, approved by Attorney General June 7, 2005. )*

#### **The fees charged by the Town Clerk under Ch. 262, Section 34 of the General Laws are as follows:**

ATM 2005 – Amended 4/26/10

#### **Chapter 262 Section 34**

##### **Subsection**

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**(42)** For entering notice of intention of marriage and issuing certificate thereon - \$40.00 *(Amended April 26, 2010, ATM, Art. 32, approved by Attorney General May 10, 2010.)*

**(43)** For entering certificate of marriage filed by persons married out of the Commonwealth - \$10.00 00 *(Amended April 25, 2005, ATM, Art. 11, approved by Attorney General June 7, 2005.)*

**(44)** For issuing certificate of marriage - \$10.00 00 *(Amended April 25, 2005, ATM, Art. 11, approved by Attorney General June 7, 2005.)*

**(44a)** For furnishing an abstract copy of a record of marriage - \$10.00 00 *(Amended April 25, 2005, ATM, Art. 11, approved by Attorney General June 7, 2005.)*

**(45)** For correcting errors in a record of marriage - \$20.00 00 *(Amended April 25, 2005, ATM, Art. 11, approved by Attorney General June 7, 2005.)*

**(54)** For recording power of attorney - \$20.00 00 *(Amended April 25, 2005, ATM, Art. 11, approved by Attorney General June 7, 2005.)*

**(57)** For recording certificate of registration granted to a person to engage in the practice of optometry, or issuing a certified copy thereof - \$20.00

**(58)** For recording the name and the owner of a certificate of registration as a physician or osteopath in the Commonwealth - \$20.00

**(62)** For recording an order granting locations of poles, piers, abutments or conduits, alterations or transfers thereof, and increase in the number of wires and cables or attachments under the provisions of Section 22 of Chapter 166,

additional fee for each street or way included in the order - Flat rate - \$25.00 Additional Fee - \$5.00 00 (*Amended April 25, 2005, ATM, Art. 11, approved by Attorney General June 7, 2005.*)

**(66)** For examining records or papers relating to birth, marriage or death upon the application of any person, the actual expense thereof, but not less than - \$10.00

**(67)** For copying any manuscript or record pertaining to a birth, marriage, or death - \$5.00

**(75)** For filing a copy of written instrument or declaration of trust by the trustees of an association or trust, or any amendment thereof as provided by Section 2, Chapter 182. - \$20.00

**(78)** For recording deed of lot or plot in a public burial place or cemetery - \$10.00

**(79)** Recording any other documents - Per 1st page - \$10.00, each additional page - 2.00

## APPENDIX B

### SCHEDULE OF STATUTES ADOPTED BY THE TOWN MEETING

| Year | ch. | section | clause | DESCRIPTION   |
|------|-----|---------|--------|---|
| 1889 | 42  |         |        | Special Laws of 1887                                  |
| 1891 | 431 |         |        | Acts of 1888 - supt. Of Schools                       |
| 1893 | 347 |         |        | Acts of 1890  |
| 1899 | 548 | 322     |        | Acts of 1898 - elect Surveyor of roads and bridges    |
| 1902 |     |         |        | Establish Wellfleet Perpetual Care                    |
| 1903 |     |         |        | Voted not to elect Surveyor                           |
| 1904 | 269 | 73      | A      | Acts of 1904 - Quahog licenses                        |
| 1914 |     |         |        | Refund money - Perpetual Care - Elect Trustees        |
| 1915 | 128 |         |        | Acts of 1915 - Plant/cultivate quahogs                |
| 1921 | 44  | 35      |        | State account   |
| 1925 |     |         |        | Abolish Road surveyor                                 |
| 1925 | 103 | 5       |        | Acts of 1917 - Shellfish                              |
| 1925 | 136 | 7       |        | Lord's Day licenses                                   |
| 1927 | 269 |         |        | Acts of 1904 - Protect quahogs                        |
| 1927 | 619 |         |        | Acts of 1920 - Legalize boxing                        |
| 1927 | 166 | 32      |        | Acts of 1921 - Create Wire Inspector                  |
| 1927 | 40  | 6       | J      | Foul weather gear for highway department              |
| 1927 | 102 | 29      |        | Revise Junk dealer laws of 1902                       |
| 1928 | 128 |         |        | Acts of 1915 - Plant/cultivate quahogs                |
| 1931 | 402 | 118     | A      | Welfare/Old age                                       |
| 1932 | 136 |         |        | Acts of 1932 Ch. 406 amended - Sunday baseball        |
| 1934 | 48  | 45      |        | Fire Department - Board of Engineers                  |
| 1936 | 42  | 4       | A      | Penalty for failure to choose Selectmen of Assessors  |
| 1936 | 130 |         |        | Shellfishing  |
| 1937 | 130 |         |        | Acts of 1933 Ch. 329 amended                          |
| 1937 | 40  | 4       | A      | Cemetery trustee to perform work on lots              |
| 1937 | 21  | 7       |        | Deputy game warden expenses                           |
| 1938 | 41  | 97      | A      | Chief of Police                                       |
| 1939 | 77  |         |        | Acts of 1937 - Absentee voting                        |
| 1939 | 438 |         |        | Acts of 1938 - Workmen's Compensation                 |
| 1940 | 152 | 69      |        | Acts of 1932 Ch. 403 amended - Workmen's Compensation |
| 1940 | 91  | 29      |        | Assume liability in damages done by DPW               |
| 1946 |     |         |        | Acts of 1945 Ch. 823 - Veterans Aid WWII              |
| 1948 |     |         |        | Acts of 1947 Ch. 649 - 40 hour work week              |
| 1950 | 41  | 81A-81  |        | Establish Planning Board & Subdivision Control Bylaws |
| 1951 |     |         |        | Building permits done by Selectmen                    |
| 1951 |     |         |        | Full-time Shellfish Warden                            |

|      |     |   |         |          |        |  |
|------|-----|---|---------|----------|--------|--|
| 1953 | 548 |   | 103     | A        |        | Absentee voting - town elections   |
| 1956 | 40  |   | 6       | A        |        | Information tourist advertising, etc.                                      |
| 1956 | 64  | G | 16-16i  |          |        | Regional School District   |
| 1957 | 40  |   | 5       | P        |        | Insurance for Town officers/employees (public owned vehicles)              |
| 1960 |     |   |         |          |        | Acts of 1960 Ch. 647 - Increase pension of certain former employees        |
| 1961 |     |   |         |          |        | Acts of 1960 Ch. 647 - Increase pension of certain former employees        |
| 1961 | 58  |   | 7A-7D   |          |        | Professional valuation   |
| 1962 | 85  |   | 11      | A        |        | Bicycle registrations  |
| 1963 | 32  | B | 9       | A        | E 1963 | Town pay 50% of health/life insurance premium of elderly retired employees |
| 1964 |     |   |         |          |        | Acts of 1963 Ch. 478 S.4 - Increase pensions                               |
| 1965 | 130 |   | 52      |          |        | Town fisheries regulated and controlled by Selectmen                       |
| 1967 | 78  |   | 10      |          |        | Increase Library Trustees from 3 to 6                                      |
| 1967 | 40  |   | 8       | J        |        | Municipal Handicapped Commission   |
| 1970 | 80  |   |         |          |        | Assessing abutters of private ways for town improvements                   |
| 1970 | 82  |   |         |          |        | Assessing abutters on private ways for town improvements                   |
| 1970 | 81  |   | 16, 16i |          |        | Establishing Regional School and Technical School Districts                |
| 1970 | 40  |   | 6       | B        |        | Fire and Police uniforms   |
| 1972 | 152 |   | 69      |          |        | Workmen's Compensation   |
| 1973 | 40  |   | 8       | B        |        | Council on Aging - bylaws  |
| 1974 |     |   |         |          |        | Building Inspector   |
| 1975 |     |   |         |          |        | Beano licenses in town   |
| 1975 |     |   |         |          |        | Monies for building Inspector  |
| 1976 | 40  |   | 8       | G        |        | Mutual aid for police  |
| 1977 | 114 |   | 22-25   |          |        | Cemeteries   |
| 1978 | 41  |   | 97      | A        |        | Acts of 1948 Ch. 595 as amended - Police chief powers                      |
| 1978 | 40  |   | 8       | H        |        | Recycling Commission - RESCINDED STM 10/24/11 #9                           |
| 1978 | 40  |   | 8       | 4        |        | Youth Commission   |
| 1980 | 40  |   | 4       | G        |        | Advertising for bids   |
| 1980 | 40  |   | 8       | B        |        | Historical Commission  |
| 1980 | 258 |   | 73      |          |        | Town employee indemnification  |
| 1981 | 71  |   | 71      | E        |        | Appropriation and expenditure of adult education                           |
| 1981 | 40  |   | 33      | D        |        | Establishing traffic regulations   |
| 1981 | 90  |   | 20      | A<br>1/2 |        | Parking Clerk  |
| 1982 | 40  |   | 6       | C        |        | Appropriation of monies for removal of snow and ice on private ways        |
| 1984 | 60  | A | 1       |          |        | Acts of 1982 Ch. 594 - Motor vehicle excise exemption for POW's            |
| 1986 | 64  |   | 3       | A        |        | Local room occupancy tax   |
| 1986 | 40  |   | 21      | D        |        | Non-criminal violations  |

|      |     |   |            |          |            |   |  |
|------|-----|---|------------|----------|------------|---|--|
| 1987 | 40  |   | 57         |          |            |   | Denial of permits for non-payment of taxes                                 |
| 1987 | 41  |   | 41         | B        |            |   | Direct deposit of payroll  |
| 1987 | 147 |   | 10         | F        |            |   | Parking control officers   |
| 1987 | 40  |   | 39         | A        |            |   | Selectmen to act as Water Commissioners                                    |
| 1989 | 40  |   | 39         | K        |            |   | Enterprise Fund - Marina (changed in 1999 to Ch 44 S53F 1/2)               |
| 1989 | 94  | C | 47         |          |            |   | Law Enforcement Fund   |
| 1990 | 59  |   | 5          |          | 41         | c | Elderly exemption  |
| 1991 |     |   |            |          |            |   | Acts of 1990 Ch. 291 - enhanced 911 service                                |
| 1991 | 40  |   | 42A-42F    |          |            |   | Collection of unpaid water charges   |
| 1991 | 53  |   | 9          | A        |            |   | Deadline for obtaining nomination papers                                   |
| 1991 | 41  |   | 111        | N        |            |   | Indemnification of EMT's on medical expenses                               |
| 1993 | 242 |   | 73         |          |            |   | Removal of gravestones for repair  |
| 1994 | 71  |   | 83         |          |            |   | Educational Reform Acts of 1993  |
| 1994 | 110 |   | 110        |          |            |   | Reduce residence requirement to 1 year for Veterans exemption              |
| 1994 | 59  |   | 5          |          | 17         | c | Surviving Spouse tax exemption   |
| 1996 | 71  |   | 16         | B        |            |   | Reallocation of sums for Nauset Regional and Cape Cod Tech                 |
| 1997 | 71  |   | 16         | B        |            |   | Education reform formula   |
| 1997 | 41  |   | 108        | L        |            |   | Quinn Bill (incentive for Police Department)                               |
| 1998 |     |   |            |          |            |   | Accept Nauset Reg. School district Agreement in lieu of Ch. 71 S. 16B      |
| 1999 | 44  |   | 53         | F<br>1/2 |            |   | Marine Enterprise Fund - change of statute                                 |
| 2001 | 59  |   | 5          |          | 37         | a | Blind exemption increase   |
| 2001 | 32  |   | 4(2)(b1/2) |          |            |   | Call firefighter - buyback of time into retirement                         |
| 2001 | 111 |   | 127        | B<br>1/2 |            |   | Septic repair program  |
| 2001 | 32  | B | 7          | A        |            |   | Town pay more than 50% for active employees health/life insurance premiums |
| 2004 | 32  |   | 4(2)(b)    |          |            |   | Call firefighter - buyback of time into retirement                         |
| 2004 | 32  | B | 2          |          | as amended |   | Call firefighters eligible for health insurance at 100% premium            |
| 2004 | 59  |   | 5          |          | 41         | c | Elderly exemption increase   |
| 2004 | 32  | B | 29         | D        |            |   | Health insurance - 100% cost by call firefighters                          |
| 2004 | 59  |   | 5          |          | 41         | a | Maximum receipts for exemption   |
| 2004 | 59  |   | 5          | K        |            |   | Tax Workoff program over 60  |
| 2006 | 39  |   | 23         | D        |            |   | BOS,Pl.Bd.,Water Comm,Con Com, ZBA, Bd Health                              |
| 2007 | 32  | B | 18         |          |            |   | Retirees, spouses and dependents to enroll in Medicare                     |
| 2007 | 32  | B | 9          | D        |            |   | Town pay 50% of health/life insurance premium of surviving spouses         |
| 2008 | 60  |   | 23         | B        |            |   | Increase MLC fees  |
| 2009 | 140 |   | 147        | A        |            |   | Allow Town to enact bylaws and ordinances relative to dogs                 |
| 2009 | 60  |   | 2          |          | as amended |   | Increase in Town Collector demand to \$15                                  |

|        |     |   |    |          |  |  |
|--------|-----|---|----|----------|--|--|
| 2009   | 64  | L | 2  | A        |  | Local excise on meals                        |
| 2009   | 32  | B | 20 |          |  | OPEB Liability Trust Fund                    |
| 2009   | 44  |   | 53 | F<br>1/2 |  | Water System Enterprise Fund                 |
| 2011   | 148 |   | 33 | B        |  | Able to serve alcohol at 10:00 am on Sunday  |
| 2013   | 60  | A | 3  | D        |  | Aid to the Elderly or Disabled Taxation Fund |
| 2014   | 59  |   | 5  | N        |  | Veteran Tax Workoff                          |
| 2014   | 41  |   | 19 | K        |  | Additional compensation for town clerk       |
| Annual | 71  |   | 16 | B        |  | Regional School contribution allocation      |