

Bylaws & Regulations

By-Laws of Tisbury (Updated though November 5, 2013)

*Section 1 through Section 24 by-Laws were adopted by the Town of Tisbury at there Annual Town Meeting, March 7th 1883.
Approved, with the exception of Section XV, by the Dukes County Superior Court, May Term, 1883, Samuel Keniston, Clerk*

Streets not to be encumbered.

Section I

No bale, barrel, box, bundle, cask package of Merchandise, or any commodity, No boards, timber, brick, or stone, No canage or article of furnature, nor any implement, or things whatever Shall be placed or suffered to remain in any street, highway or public place of the town, for more than three hours at any time, or more than one hour after notice given by any one of the selectmen to remove the same, under the penalty herein after provided to be recorded of the owner or owners of the property so placed, or of the person or persons so placing it, or by whose orders it may be so placed or suffered to remain. Provided, that nothing herein contained Shall extend to any goods, wares or Merchandise placed in any street or public place for the purpose of being sold at auction, for a reasonable time previous to, and during such sale.

Regulations where Buildings are to be erected or repaired.

Section II

When any building is to be erected, or repaired on land abutting on any street, highway, lane or public place of this Town and the person or persons doing or causing the same to be done, Shall require the Exclusive use of a part of such street, highway, or public place for the deposit of materials, for such building, or repairing, or of the rubbish occasioned thereby, he or they, shall make application to the select-men, who shall thereupon set off and allot such part of said street, highway or public place, as they in their discretion may think nessacery and sufficient for the purpose, and no part of such street or other public place shall be used for the deposit of such materials or rubbish other than the part so set off and allowed and all rubbish and residue of material, Shall be removed at the Expense of the person, or persons, so building or repairing within such convenience as the selectmen may direct.

Provided nevertheless that no part of any street, or other public place, shall be set off, or allotted, for a longer time than thirty days on any one application.

Regulations for Moving Buildings

Section III

No buildings shall be moved through any street, highway or any public place of the town, in such manner as to obstruct the safe and commodious passage of carriages and teams through the same, Without consent first obtained of the selectmen. Nor shall such consent be given, unless it be made satisfactory to appear that such removal can be affected without other damages to public or private property than such as can be promptly repaired and such repairs, shall be made by and at the cost of the person or persons ordering or undertaking such removal.

Steps, Windows and PlatformsMAM

Section IV

No person or persons, shall project any steps in front of his or her house or other building, or lots of land, into any street, or public place of the Town. Nor suffer any steps, windows, or other projections, now constructed to so remain beyond a reasonable time nessacerry for their removal, after notification by the Selectmen to remove the same. Nor Shall any person construct, raise or continue any cellardorr or platform above the surface of the sidewalk or highway, upon which it is placed, under the penalty for Either offence as herein after provided and to an additional penalty in the same ammount for Each and every week that said steps, wndidows, platforms, cellardoorrs or other projections shall be suffered to remain after an order for the removal thereof by the selectmen. No persons shall allow any gate or door in their fence, or building to open, or swing as to obstruct the way of footpassengers over the sidewalk or highway, under the penalty herein after provided for Each week that such abstractions shall remain after notice given by the select-men to remedy the same.

Litter

Section V

No person shall throw into the street or highway any rubbish of any kind or nature, that will tend to obstruct the free course of water in the conductors, or become offensive in smell.

Obstructing sidewalks

Section VI

No person shall stand upon any side-walk, or highway to fly a Kite, throw snow balls, play at ball, or other games, or engage in any amusement in any street, highway or public place of the Town, so as to obstruct or encommode persons passing over or through the same.

Driving horses

Section VII

No person shall drive a horse at a furious or immoderate gait through any street, highway or public place of this town, so as to Endanger or Expose to injury, any person standing, walking or riding in or on the same.

Noisy Assemblages of Boys

Section VIII

All noisy assemblages of Boys or other persons in the highway, street or public places of the Town, are hereby prohibited, All persons participating in any such assemblages or who shall by hooting, halloaing or other loud noises in any street, highway or public place of the Town, disturb the peace of the inhabitants thereof Shall be punished as herein after provided.

Disfiguring property

Section IX

No person shall intentionally disfigure or mutilate any fence, or any building in said town, Nor shall any person draw, or write there upon, or upon any sidewalk any obscene words or figures.

Sledding

Section X

No person shall ride upon any sled, or vehicle of any kind or description for coasting purposes alone, in any street, highway or sidewalk in said town.

Disorderly Behavior

Section XI

No person shall behave themselves in a rude or disorderly manner in or near any building while religious service is being held therein, Nor shall any one by unseemaly actions annoy those attending public lectures, or other place or places of public amusement in said Town.

Snow Removal

Section XII

Amended April 5 and 12, 2011, Article 10; Approved by the Attorney General on August 18, 2011; Posted September 28, 2011

The tenant, occupant, owner or agent of any building, or lot of land, bordering on any street where there is a sidewalk, shall within four hours after the ceasing to fall of snow thereon, if in the day time and if in the night, before Eleven o'clock in the forenoon succeeding cause the snow to be removed. In default thereof upon complaint made by the select-men, shall forfeit and pay a sum as herein after named.

Whoever shall offend against this bylaw shall forfeit and pay a sum of \$50 for the first (1st) offense, \$75 for the second (2nd) offense, \$100 for the third (3rd) offense, and \$100 for all offenses after a third (3rd) offense.

Discharging firearms

Section XIII

No person, shall for practice or sport, discharge any gun, pistol or other fire arms, in or upon any street or highway, wharf or public place, or in any yard, garden field or enclosure in said Town.

Bathing

Section XIV

All persons bathing in waters over which the town has jurisdiction, Shall do so in such a way as not to offend the moral sense of the people thereof, or others. All persons intending to bathe a hereby required to undress and dress in a building or in some way shield

themselves from public view while so doing and while bathing shall be reasonably and sufficiently clad for that purpose. All persons offending the conditions of this section Shall be liable to a fine herein after provided.

Children Shall Attend School

Section XVI

All children residing in this town between the ages of 7 and 15 years being without any regular and lawful occupation, and growing up in ignorance shall unless there be sufficient reason to the contrary be required to regularly attend a public or private school, or other suitable place of instruction.

Habitual Truants Fine

Section XVII

All persons failing to comply with the provisions of the foregoing section and all children belonging to any of the public schools who shall be habitual truants shall be liable to a fine of not more than five dollars upon each and every conviction of Either of the offences herein described.

Habitual Truants

Section XVIII

All persons between the age aforesaid belonging to any of the public schools of this town, who shall without sufficient Excuse therefor be absent from school three or more times during the current terms, shall for the purpose of the by-laws in this behalf, be deemed and taken to be habitual truants therefrom.

Commit to Almshouse

Section XIX

In the place of fines provided for in Section XVI The justice having jurisdiction thereof may commit the offender to the Almshouse in this town which is hereby assigned and provided as the institution house of reformation or other suitable situation named in the Statutes of the Commonwealth.

Truant Officers

Section XX

There shall be annually chosen three or more persons who shall be authorised in case of violation of these by-laws relating to truant children to make the complaint and carry into Execution the sentence thereon, who shall be known and denominated Truant Officers and who shall receive such compensation as the Selectmen may determine.

Control of Habitual Truants

Section XXI

All persons sentenced under Section XVIII shall be under the government and control of the boards of the Selectmen and overseers of the poor, who shall make suitable regulations for the instruction, employment, and general conduct of said offenders.

Fines

Section XXII

Amended April 5 and 12, 2011, Article 10; Approved by the Attorney General on August 18, 2011; Posted September 28, 2011

And by inserting in Section XXII, Fines, after the words "up to Section XV", the phrase "excluding Section XII, Snow Removal." Whoever shall offend against any of the foregoing by-laws up to Section XV excluding Section XII, Snow Removal, inclusive, or shall by the time thereof, be liable for any violation thereof Shall forfeit and pay a sum not to excede twenty dollars.

Liability for Cost of Prosecution

Section XXIII

In all cases where a penalty shall be incurred by any person or persons for a violations of these by-laws, such person or persons shall be further liable for the cost of prosecution for the same.

Penalties to Town Treasurer

Section XXIV

All penalties that may be recovered for violations of the foregoing by-laws, shall be paid to the Town Treasurer and placed by him to the account of the fund for incidental expences of the town.

Annual Town Report

Section XXV

Voted June 1, 1934, Article 5; Approved by the Attorney General July 27, 1934;

Amended April 10, 1979, Article 2

The annual town report required by law (General Laws, Chapter 40, Section 49) shall be printed and distributed to the voters of the town seven days at least before the first Tuesday in May.

Annual Town Meeting

Section XXVI

Voted June 1, 1934, Article 5; Approved by the Attorney General July 27, 1934; Amended April 2, 1973, Article 2

Voted April 2, 1973, Article 2; Repealed April 10, 1979, Article 4

Voted April 10, 1979, Article 4; Rescinded December 17, 1985, Article 24

Voted December 17, 1985, Article 24; Approved by the Attorney General February 14, 1986; Posted February 20, 1986; Amended June 2-3, 1987, Article 57

Voted June 2-3, 1987, Article 57; Approved by the Attorney General September 21, 1987; Posted September 23, 1987; Amended May 7-8, 1991, Article 68

Voted May 7-8, 1991, Article 68; Approved by the Attorney General September 3, 1991; Posted September 6, 1991; Amended April 13, 20 & 26, 1993, Article 50

Voted April 13, 20 & 26, 1993, Article 50; Approved by the Attorney General July 16, 1993; Posted July 22, 1993

Amended April 25, 1995, Article 65; Approved by the Attorney General August 21, 1995;

Posted August 24, 1995

Amended December 11, 2002, Article 4; Approved by the Attorney General March 25, 2002; Posted May 30, 2002.

Amended February 20, 2007, Article 8; Approved by the Attorney General April 4, 2007; Posted April 19, 2007.

Amended September 30, 2008, Article 7; Approved by the Attorney General December 1, 2008; Posted December 8, 2008.

Annual Town Meeting

Section XXVI

The Annual Town Meeting for the transaction of all business in the Warrant shall be held on the first Tuesday in April at seven o'clock in the evening.

Effective for the 1996 elections, the Annual Town Meeting for the Election of Officers and the vote on any questions appearing on the official ballot shall be held on the Tuesday 14 days after the opening of the Annual Town Meeting, and the polls shall be open a minimum of eight hours from 12:00 noon until 8:00 p.m.

In order to minimize conflict with religious and secular holidays and school vacation, the Board of Selectmen, by acting prior to November 30th in any year, may designate another Tuesday in April of the following year for holding the Annual Town Meeting.

(In approving the amendments adopted under Article 8, we remind the town that in a letter dated March 25, 2002, we approved the existing by-law, which includes language similar to the proposed by-law with a caution in the application of Section XXVI (3). We again offer the same caution, which we restate below.

In our letter dated March 25, 2002, we pointed out that the town established the date of its annual town meeting by by-law in Section XXVI (1), and XXVI (3) gives the board of selectmen the power to change the annual town meeting date. However, paragraph 3 provides no mechanism - other than the statutorily required seven-day period for the posting of the warrant - for notice to citizens of an earlier date, but leaves us only to understand that the change may be made by mere vote of the selectmen.

While it is true that following such vote of the selectmen, the warrant for the annual town meeting must be posted as prescribed by state law seven or more days prior to the meeting, the purpose of that seven days serves more to equip the citizens with a knowledge of the subject matter contained in the warrant than as a means of giving notice of the date of the meeting itself.

When the date of town meeting is established by charter or by by-law, it is clear to those who would attend the meeting that they are to be present on that date to deal with the subjects included in the warrant. If a person is not made aware of the selectmen's

decision to delay the meeting to a later date, then on the date on which the meeting was to have been held, the citizen will know when to return. If on the date on which the meeting was to have been held the citizen learns the meeting has already been held at a prior date by action of the selectmen, there is no remedy. Therefore, we suggest that the town discuss with Town Counsel whether to revise the proposed by-law to include additional notice requirements other than those imposed under G.L. c. 39, section 10.

We further remind the town that G.L.39, section 9, authorizes the board of selectmen to delay the annual town meeting. The board of selectmen have this authority regardless of whether the town has a by-law so stating. Therefore, the text of paragraph 3 cannot be construed to prohibit the board of selectmen from voting after November 30th to delay the annual town meeting.)

Reports from the Town Boards, Commissions, Committees, and Officials for the previous calendar year shall be due at the Office of the Board of Selectmen 90 days before the Annual Town Meeting for publication in the Annual Town Report.

Order of Articles at Town Meeting

Section 27

Voted June 1, 1934, Article 5; Approved by the Attorney General June 27, 1934;

Deleted May 7-8, 1991, Article 69

Voted May 7-8, 1991, Article 69 to add the following new Bylaw:

Section _____

Order in Which Warrant Articles Are Taken Up At Town Meetings.

1. Before each Town Meeting the Town Clerk shall prepare lots or counters so that the number of each Article in the Warrant for the Meeting is on a separate lot, and all the lots shall be placed in a container. The lots and container shall be designed so that when a lot is drawn from the container, no one will be able to foretell the number that will be selected.

2. All Articles in the Warrant for a Town Meeting shall be taken up by lot, at random. The Moderator for a Town Meeting shall draw one lot at a time, declare the number the Article indicated thereon, and not draw another lot until the Meeting has disposed of that Article.

3. EXCEPTIONS

A. As the first order of business at a Town Meeting, the Board of Selectmen may present a Consent Calendar of Articles to be acted upon in groups, through common motions, without explanation or discussion. The Meeting may add Articles to the Consent Calendar or, if explanation or discussion is desired, delete Articles therefrom. All motions regarding the Consent Calendar shall require a two-thirds majority vote for passage.

B. At any time during a Town Meeting when no Article has been taken up and no motion is under discussion, a voter may move to take up a particular Article out of order. Whether such motion relates to an Article that has not yet been taken up or an Article that has already been disposed of, it shall require a two-thirds majority vote for passage.

C. Once an Article has been taken up, if a motion is properly made to postpone consideration of it to another time within the same Town Meeting, such motion shall require a two-thirds majority vote for passage.

D. If the Board of Selectmen determines that two or Articles are related in such a way that one of them must be acted upon before another, the Town Clerk shall prepare one lot for all the related Articles so that it shows the order in which they should be considered. When the Moderator draws a lot for such related Articles, he or she shall declare their numbers, and they shall be taken up in that order before another lot is drawn.

4. The official record of each Town Meeting shall report the Articles in the order as printed in the Warrant. In addition to reporting the final action voted on each Article, the record shall show the date and time of the vote.

Reconsideration

Section 28

Voted June 1, 1934, Article 5; Approved by the Attorney General July 27, 1934. Amended March 25, 2003, approved by the Attorney General on May 5, 2003 and posted in five public places on May 12, 2003.

The Town meeting may reconsider any action taken by the meeting on any Article on the warrant upon a motion to reconsider and passed by a two-thirds majority of those voting.

Quorum

Section 30

Voted February 13, 1940, Article 23; Approved by the Attorney General April 8, 1940

By-law. One hundred voters shall be necessary to constitute a quorum at town meetings; provided that a number less than a quorum may from time to time adjourn the meeting. This by-law shall not apply to such parts of town meetings as are devoted exclusively to the election of town officers.

Code of Ethics and Conduct

Voted April 23, 24, 25, 1996, Article 23; Approved by the Attorney General July 22, 1996; Posted July 29, 1996

All of us are more important than any of us. All officials and employees are officials and employees first of the Town of Tisbury, and are to be respected, and to respect each other, as such.

The interests of the Town are served in various, mutually supportive ways by its various boards, committees, and commissions. All officials and employees will, therefore, seek to understand the overall structure of Tisbury town government, including the relationship between elements of government and the importance and value of clear communication and cooperation where responsibilities do, may, or might overlap.

Newly elected or appointed officials are also expected to understand their body's Mission Statement, which spells out in specific language the governmental function and responsibilities of their particular unit of Tisbury town government.

Town officials and employees individually and collectively represent the Town to the public whom they serve. Courtesy and good cheer are wonderfully effective instruments of government.

Note: In this regard, it is particularly important that agendas for meetings be made available as far in advance as practical, that decorum be preserved in the conduct of meetings (with issues in the fore and personal differences minimized), and that minutes be readily available to anyone interested.

6. Elected officials also serve specifically as leaders of the Town, responsible for understanding its needs, seeking solutions to its problems, and educating the people as to proposed or alternative ways to build for a better future. They have the responsibility to move toward Town goals.

Oath of Office for Elected and Appointed Officials

Voted April 23, 24, 25, 1996, Article 24; Approved by the Attorney General July 22, 1996; Posted July 29, 1996

"I solemnly swear, or affirm, to perform my duties as an official of the Town of Tisbury, serving on [whatever body], faithfully and to the best of my ability, subscribing to the laws of the United States Constitution, Massachusetts State Constitution, General laws of Massachusetts, the By-Laws of Tisbury, and the Code of Ethics and Conduct governing the actions of all Tisbury officials and employees."

Finance Committee By-Law

Voted February 12, 1924, Article 20; Amended April 2, 1973, Article 4

Voted April 2, 1973, Article 4; Amended May 3-4, 1989, Article 79

Section 31

There shall be elected on the official ballot under the provisions of Chapter 41, Section 7 of the General Laws a committee of the Town under the provisions of Chapter 39, Section 16 of the General Laws called the Finance Committee which shall consist of fifteen members, five of whom shall be chosen by official ballot at the annual Town Election of 1974 to serve for three years and at each annual election thereafter there shall be elected on the official ballot five members to serve for three years, as the terms of the present members expire. It shall be the duty of said committee to consider, any or, all municipal questions for the purpose of making reports or recommendations thereon to the town. It shall complete its report or recommendations and deliver the same to the Selectmen of the town at least thirty days in each year before the date for the, annual town meeting. And the Selectmen shall have said report printed in the annual town report. The above committee shall serve without pay. No person shall be eligible for membership on such committee who holds any other elective or appointive office which directly deals with the expenditures of funds, and appropriations of the Town of Tisbury."

Amendment to Finance Committee Bylaw

Voted May 3-4, 1989, Article 79; Approved by the Attorney General July 24, 1989; Posted July 27, 1989; Amended March 2, 1992, Article 17

Acting on Article 79, it was moved, seconded and voted that the Town amend Section 31 of its Bylaws, effective July 1, 1989, by changing the name of the Finance Committee to the Finance and Advisory Committee, and by reducing the number of members of the Committee from fifteen to eleven and further providing: For the purpose of transition, commencing with the annual Town Election in May 1990, though five terms on the Finance and Advisory Committee will expire that year and in each of the succeeding two years, only four terms shall be filled by ballot in May 1990, four in May 1991, and three in May 1992, so that thereafter three or four three-year terms on the Finance and Advisory Committee shall expire each year.

Voted March 3, 1992, Article 17; Approved by the Attorney General May 14, 1992; Posted May 21, 1992

Acting on Article 17, the Town voted to amend its By-Laws so as to increase the number of members of the Finance and Advisory Committee from eleven (11) to thirteen (13) by increasing from three (3) to five (5) the number of persons who may be elected to the

Committee in 1992; provided that if this amendment is not approved by the Attorney General of the Commonwealth in time for two (2) additional positions to be on the Ballot on June 2, 1992, these positions shall be filled by appointment in the same manner as vacancies on the Committee would be filled; so that thereafter, in any event, four three year terms shall appear on the Ballot in 1993; four in 1994, and five in 1995.

Amendment to Finance Committee Bylaw

Voted March 25, 2008, Article 12; Approved by the Attorney General June 25, 2008 and posted July 2, 2008

Acting on Article 15, the town voted unanimously to amend Section 31 of its Bylaws to reduce the number of members of the Finance and Advisory Committee from thirteen (13) to eleven (11), as follows:

Though four terms on the Finance & Advisory Committee shall expire in 2009 and five terms on the Committee shall expire in 2010, only three positions shall be filled by ballot at the 2009 Annual Town Election and only four positions shall be filled by ballot at the 2010 Annual Town Election, so that beginning in 2011 three or four 3 year terms on the Finance and Advisory Committee shall be filled by ballot each year.

Building Code By-Law

Voted February 11, 1941, Article 15

Amended April 23, 1996, Article 30; Approved by the Attorney General July 9, 1996; Posted July 15, 1996

Amended April 5 and 12, 2011, Article 10; Approved by the Attorney General on August 18, 2011; Posted September 28, 2011

Acting on Article 15, the meeting voted to accept the following Building Code By-Law:

Section 1. Sections 1 to 5 inclusive of this article shall be applied within that part of this town which is bounded and described as follows:

Beginning at the foot of Beach Street on the shore, running westerly on Beach Street and Main Street to Camp Street; thence northwesterly on Camp Street to William Street; thence easterly and northerly on William Street to Woodlawn Avenue; thence easterly on Woodlawn Avenue to Main Street; thence northerly on Main Street to Crocker Avenue; thence easterly on Crocker Avenue extended in a straight line to the harbor; thence southerly by the harbor to the place of beginning, including all buildings on both sides of the avenues and streets hereinbefore mentioned.

Section 2. Whenever one-third or more of the superficial area of a roof is replaced, the new roof covering shall be of non-combustible or fire resisting materials.

Section 3. The roofs of all new buildings and new roofs on buildings which shall be altered or repaired shall be covered with non-combustible or fire-resisting material.

Section 4. The side walls of all new buildings and the side walls of all buildings which are altered so as to permit access shall contain fire stops half way between the first and second floors and at ends of all floor joists where such joists have open ends.

Section 5. All new chimneys shall have flue linings. A space of at least one inch shall be left between all woodwork and the chimneys, these spaces around chimneys where they pass through floors to be stopped with metal or other fireproof materials smoketight.

Section 6. Whoever violates any of the provisions of Section 1 to 5 of the above By-Laws Relating to Prevention of Fires in Buildings, shall be punished by a fine not exceeding \$100.00 for every violation thereof.

Section 7. It shall be the duty of the Chief of the Fire Department to see that all repairs, changes, alterations and construction within the purview of this Article are inspected and that all violations thereof are prosecuted.

Section 8. Any planned or intended construction of a detached temporary structure to be located in the Town of Tisbury shall be erected and utilized for a period of less than one hundred eighty days. The structure shall meet all of the requirements of the Town Zoning By-laws as they pertain to accessory structures. The permit for temporary structures shall be approved by the Building Inspector and shall have a fee of \$25.00.

Section 9 – Stretch Energy Code

Section 9.1 – Definitions

Section 9.2 – Purpose

Section 9.3 – Applicability

Section 9.4 – Authority

Section 9.5 – Stretch Code

9.1 – Definitions

International Energy Conservation Code (IECC) 2009.

The International Energy Conservation Code (IECC) is a building code created by the International Code Council. It is a model code adopted by many state and local governments in the United States for the establishment of minimum design and construction requirements for energy efficiency. Commencing July 1, 2010, the baseline energy conservation requirements of the Massachusetts State Building Code will default to IECC 2009 and Massachusetts amendments.

Stretch Energy Code.

Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 120 AA, the Stretch Energy Code is the International Conservation Code (IECC) 2009 with amendments contained herein.

9.2 – Purpose

The purpose of 780 CMR 120 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.

9.3 – Applicability

This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 13, 34, 61 or 93, as applicable.

9.4 – Authority

A municipality seeking to ensure that construction within its boundaries is designed and built above the energy efficiency requirements of 780 CMR may mandate adherence to this appendix. 780 CMR 120 AA may be adopted or rescinded by any municipality in the Commonwealth in the manner prescribed by law.

9.5 – Stretch Code

The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 120 AA, including amendments or modifications, is hereby incorporated by reference into the Town of Tisbury General Bylaws.

The Stretch Code is enforceable by the Building Inspector.

And further vote that non-substantive changes to this bylaw be permitted in order that it be in compliance with the numbering format of the Tisbury General Bylaws.

Board of Appeals

Voted February 14, 1956, Article 29

That the Town establish a Board of Appeals under General Laws Chapter 41, Section 81Z, with all the powers and duties therein, said Board of Appeals to consist of three members who shall be appointed by the Selectmen for terms of such length and so arranged that the term of one member shall expire each year.

Surplus Equipment

Voted February 14, 1956, Article 30. Amended April 29 & 30, 1997, Article 46--approved by the AG on August 8, 1997 and posted August 21, 1997.

Every board or officer in charge of a department may, with the approval of the Selectmen and subject to written procedures established by the Selectmen, sell or otherwise dispose of surplus supplies or equipment having an estimated net value of less than five hundred dollars (\$500.00). The Selectmen may adopt rules and regulations for the implementation of this bylaw.

Obstructing, Sleeping, Noise

Voted March 7, 1967, Article 33

The following language was disapproved by the AG, April 12, 1967

~~(the following is in the original TM vote but not in printed copies compiled since) and the presence of any person or persons in or about the building, dwelling, premises, shelter, boat or conveyance or any part thereof during a violation of this by-law shall constitute Prima Facie evidence that they are a countenance of such violation.~~

1. No person shall obstruct a street, sidewalk or doorway so as to impede the free flow of pedestrian or vehicular traffic after having been ordered to remove his person or any object causing such obstruction by a Constable or Police Officer of the Town.
2. No person or persons shall be allowed to sleep in any town parks or in any buildings owned by the Town. No person shall be allowed to sleep on any beaches within the Town limits between the hours of 9:00 p.m. and 7:00 a.m. without permission of the owners thereof, or persons in lawful possession of said beaches.
3. No person or persons shall sleep in any motor vehicle parked upon any Way or in any place to which the public has a right of access within the Town.
4. It shall be unlawful for any person or persons being present in or about any building, dwelling, premises, shelter, boat or conveyance or part thereof, who shall cause or suffer or countenance any loud and unnecessary noises in the operation of any radio, phonograph or other mechanical sound making device, or instrument, or reproducing device or instrument, or in the playing of any band, orchestra, musician or group of musicians, or the making of loud outcries, exclamations or other loud or boisterous noises or loud and boisterous singing by any person or groups of persons, or in the use of any device to amplify the aforesaid noise, where the aforesaid noise is plainly audible at a distance of one-tenth of a mile from the building, dwelling, premises, shelter, boat or conveyance in which or from which it is produced. The fact that the noise is plainly audible at the distance of one-tenth of a mile from the premises from which it originates shall constitute Prima Facie evidence of a violation of this by-law. Any person shall be deemed in violation of this by-law who shall make, or aid, or cause, or suffer, or countenance, or Assist in making of the aforesaid and described loud unnecessary noises.

5. Any person violating any of the foregoing by-laws shall be liable to a fine not to exceed fifty dollars for each offense.

Section 35

By-Law Requiring Junk Dealers or Collectors to be Licensed

Voted May 6, 1968, Article 4

Amended October 7, 1982, Article 6 by adding the 2nd paragraph; Approved by the Attorney General January 11, 1983

No person shall be a collector of or dealer in junk, old metal, or second-hand articles or a keeper of a shop for the purchase, sale or barter of junk, old metals or second-hand articles unless licensed therefor.

"Whoever violates the provision of this by-law shall be subject to a fine in the amount of \$50.00."

Council on Aging By-Law

Voted March 2-3, 1971, Article 44

Amended May 23, 1972, Article 2

Section 1. The Board of Selectmen shall appoint a Council on Aging for the purpose of co-ordinating or carrying out programs designed to meet the problems of the aging in co-operation with the programs of the Commission on Aging established under Chapter 6, Section 73 of the General Laws.

Section 2. The Board of Selectmen shall appoint the Council on Aging consisting of three or more members. Upon acceptance of this by-law, the Board shall appoint one member for three years, one member for two years, and one member for one year. Members can be re-appointed and shall serve without pay.

Section 3. Whenever a vacancy shall occur in the membership of the Council by reason of death, resignation, inability to act or for any other reason, the vacancy shall be filled by appointment by the Selectmen for the remainder of the term.

Section 4. The Council shall prepare and submit an annual report of its activities to the Town and shall send a copy thereof to the Commission on Aging.

Section 5. The Council may appoint such clerks and other employees as it may require.

Altering Structures

Voted March 3, 1971, Article 46

No structure in the Town of Tisbury shall be constructed erected, altered, enlarged or improved on the exterior or interior if the value of such alteration, construction, erection, enlargement, alteration or improvement exceeds the sum of Five Hundred (\$500.00) Dollars; unless written notice of intention to undertake the same has been given to the Board of Assessors by the owner or owners of the property or the owners agent on which the same is to be undertaken. As used in this By-Law, the term "structure" shall mean a combination of materials assembled at a fixed location to give support or shelter, and shall include any building.

Any person violating any provision of this By-Law shall be punished by a fine not exceeding Fifty (\$50.00) Dollars for each offense.

Camping

Voted May 18, 1971, Article 1

No person shall, between the hours of 8 p.m. and 8 a.m., set up on any property, public or private, without permission of the owner, agent or lessee thereof, a camp, a tent, or sleep in the open on any property, public or private within the limits of the Town of Tisbury. Any person violating any part of the foregoing by-law shall be liable to a fine not to exceed \$50.00 for each offense.

Loitering

Voted May 18, 1971, Article 2

No person shall saunter or loiter in a street in such manner as to obstruct travelers, but nothing in this section shall be construed to curtail, abridge or limit the right of opportunity of any person to exercise the right of peaceful persuasion guaranteed by Section 24 of Chapter 149 of the General Laws or to curtail, abridge or limit the intentment of any statute of the Commonwealth of Massachusetts. Any person violating any part of the foregoing by-law shall be liable to a fine not to exceed \$50.00.

Peeping

Voted May 18, 1971, Article 3

No person shall enter upon the premises of another with the intention of peeping into the window of a house or other building or

spying upon in any manner any person or persons within. Any person violating any part of the foregoing by-law shall be liable to a fine not to exceed \$20.00.

Moving Buildings

Voted March 7, 1972, Article 25

By-Law

No building shall be moved from one location to another in the Town of Tisbury unless a license has been obtained from the Board of Selectmen. The Chief of Police, the Tree Warden, the Lighting and Telephone Companies, and the Road Commissioners shall be notified by the Board of Selectmen as to the date the building will be moved.

If any public shade trees, or parts thereof, are to be removed, the Tree Warden shall first post notices of a public hearing at least seven days before said hearing in two or more public places and upon each tree. In addition to this statute requirement, the owner of the tree to be cut or removed shall be notified in writing, at least seven days before the hearing.

No tree shall be cut until authority is granted the Tree Warden. If, at or before the hearing, objection in writing is made by one or more persons, then, approval must be given by the Road Commissioners.

The mover shall assume the responsibility for any damages that may result from moving a building.

Any person violating any part of the foregoing by-law shall be liable to a fine not to exceed Fifty (\$50.00) Dollars.

Leash Law

Voted March 6, 1973, Article 24

Amended May 2,3,4, 1989, Article 70; Approved by the Attorney General July 24, 1989; Posted July 27, 1989

Amended March 29, 2005 Article 6; Approved by the Attorney General May 26, 2005;

Posted June 7, 2005

Amended April 7, 2009, Article 15; Posted August 12, 2009

No person who owns or keeps a dog shall allow it to run free when not restricted to the premises of said owner or keeper. When off said premises, such dog shall be leash restrained. Any person violating this bylaw shall be subject to a warning for the first offense; a penalty of \$25.00 for the second offense; and a penalty of \$50.00 for any subsequent offenses. Charges for boarding dogs and cats shall be determined by the Board of Selectmen.

Dual Office Holding (BOS)

Voted March 6, 1973, Article 28

By-Law

1. No person elected Selectmen on or after January 1, 1974 shall hold any other elective Town Office during his term of office as Selectmen.

2. If a Selectman elected on or after January 1, 1974 holds any other Town elective office during his term of office as Selectman, the other Office (s) held by that person shall thereupon become vacant.

Open Container

Voted May 6,7, 1975, Article 22

It shall be unlawful for any person to possess, consume from and/or transport an open container of alcoholic beverages on public highways, in public parks or in public parking places, including vehicles thereon, or any property owned by the Town within the limits of the Town of Tisbury. Penalty for breach hereof shall be in an amount not in excess of \$50.00.

Moped By-Law

Section 46

Voted April 10, 1979, Article 10

Amended October 7, 1982, Article 7; Approved by the Attorney General January 11, 1983

Amended May 6&7, 1986, Article 18; Approved by the Attorney General June 20, 1986; Posted July 1, 1986

No person, business or corporation shall engage in the business of renting, leasing or keeping for rent or lease any motor vehicles, motorcycles, motor scooters or mopeds (motorized bicycles) without first being licensed by the Board of Selectmen.

No such license shall be issued unless a majority of the Board of Selectmen are satisfied after an investigation of all facts that the applicant has a place of business suitable for such a purpose.

Application for a license under this by-law shall be filed with the Board of Selectmen and contain any and all such information as they in their sole discretion require.

Each application shall be accompanied by a non-refundable application fee, as established by the Board of Selectmen. If an application is approved, by the Board of Selectmen, the applicant upon payment of an additional fee, as established by the Board of Selectmen shall be granted a license which shall be renewable annually on April 1st of each consecutive year. The annual fee for renewal thereof shall be established by the Board of Selectmen. The Board of Selectmen shall issue a license to each approved applicant which shall be posted in a conspicuous manner at the place of business.

Licenses shall not be transferable and licenses not used during one year's time shall be null and void.

The Board of Selectmen may adopt and prescribe such rules and regulations which it deems to be in the best interest of public need, safety and good order, in licensing any business under this by-law.

Whoever violates the provisions of this bylaw or the rules and regulations adopted by the Board of Selectmen and it is the first violation of the preceding twelve (12) months, the Selectmen may impose a suspension of the agency license for any period of time up to one (1) week and in addition to or in substitution therefor, may impose a Fifty Dollar (\$50.00) fine. For any second finding of any violation of any regulation within the preceding twelve (12) months of the agency, the Selectmen may impose a suspension of the agency license for any period of time up to two (2) weeks and in addition to or in substitution therefor, may impose a One Hundred Dollar, (\$100.00) fine.

For any third finding of any violation of any regulation within the preceding twelve (12) months of the agency, the Selectmen may impose a suspension of the agency license for any period of time up to four (4) weeks and in addition to or in substitution therefor, may impose a Two Hundred Dollar, (\$200.00) fine. For any fourth finding of any violation of any regulation within the preceding twelve (12) months of the agency, the Selectmen may impose a revocation of the agency license for the balance of the licensing period.

Motor Vehicles on Beaches

Voted September 6, 1979, Article IX: Approved by the Attorney General December 10, 1979: Repealed April 8, 1980, Article 10

Voted April 8, 1980, Article 10: Approved by the Attorney General July 15, 1980

1. All motorized vehicles, including but not necessarily limited to, all dune buggies, motorcycles, mini bikes, mopeds, snow mobiles, terrain vehicles, ground effect or air cushioned vehicles of every name, nature, and description are prohibited from operating on, over and across all flats, beaches, dunes, and marshes within the Town of Tisbury.

2.. This by-law shall not apply to Town, County, State, or Federal vehicles operated by authorized personnel acting in an official capacity.

3. Whoever violates the provision of this by-law shall be subject to a fine in an amount not to exceed \$200.00.

Underground Storage of Hazardous Substances

Voted April 8, 1980, Article 11; Approved by the Attorney General July 15, 1980

Section 1. Purpose -

The following regulations are hereby adopted under Mass General Laws, Chapter 40, Section 21 for the purpose of protecting the Town's coastal, ground, and surface waters from contamination from leaking underground storage tanks or vessels containing liquid fuel or other hazardous substances.

Section 2. Definition -

Hazardous substance: Any element, compound or mixture which is known to be dangerous, or noxious, whether by contact, ingestion, inhalation, or absorption. The term includes, but is not

limited to, petroleum and petroleum products.

Section 3. Existing Underground Storage Tanks -

The Board of Health and the Conservation Commission, shall, following a public hearing, adopt rules and regulations for the inspection of underground storage tanks and for testing, when necessary, to determine if liquids are escaping into the soil or water and creating a public hazard. These regulations shall be adopted by each of these two boards for those areas within its own jurisdiction, and these shall be coordinated with each other and with regulations of the Fire Department, Building Inspector or other appropriate town agencies.

The necessity for or frequency of such inspections shall be determined on the basis of the expected lifespan of each tank, the type of material being stored, proximity to water supply, and/or indications that leakage may have occurred.

Section 4. New Installations -

All underground storage vessels or tanks shall be certified by the manufacturer as to design suitability, components, conformity to design and testing. Storage vessels or tanks which have been used or damaged shall not be installed unless a registered professional engineer, or the manufacturer, certifies suitability, including repair, if any.

For storage vessels or tanks with more than 2,000 gallon capacity each, or in aggregate per system, a registered professional engineer shall furnish a plan fully descriptive of the entire system design including, but not limited to, all components, appurtenances, supports, vaults, accesses, vents, surface locating measurements, monitoring stations and installation specifications. A registered professional engineer shall have overall supervisory responsibility for the installation of the entire system.

If in a particular case the Town finds it necessary, it may retain a professional engineer whose services will be reimbursed to the Town by the applicant.

Underground storage vessels or tank installations shall be inspected and accepted by an Inspector designated by the Town of

Tisbury, or the Commonwealth of Massachusetts, prior to back filling or covering any component of the system.

Guidelines and regulations shall be adopted, following a public hearing, by the Board of Health and by the Conservation Commission, regarding installations within the jurisdiction of each. Application of these regulations shall be based on such factors as size of tank, proximity to water supply, and the type of material being stored.

Section 5. Discontinued Use of Leaking Tanks -

No tank used for the storage of liquid fuel or other hazardous substances, whether located above or below ground, shall be continued in use if it is determined that such materials are leaking into the soil or groundwater. Any leaking tank shall be emptied within 24 hours of detection or other action taken as determined by the Board of Health, Conservation Commission and/or the Fire Chief to abate the condition. The product shall be removed and disposed of as directed by the Board of Health, in consultation with the Fire Chief or other appropriate official.

Section 6. Penalty -

Whoever violates any provision of this by-law shall be subject to a fine of not more than two hundred dollars (\$200.00). Each day that the violation continues to exist will be considered a separate offense.

Waterways

Voted March 3-4, 1970, Article 39; Repealed April 8, 1980, Article 13

Voted April 8, 1980, Article 13 & 14; Approved by the Attorney General July 15, 1980; Amended May 8, 1981, Article 10; Approved by the Attorney General August 10, 1981; Revoked May 7-8, 1991, Article 65

Voted May 7-8, 1991, Article 65; Approved by the Attorney general September 3, 1991; Posted September 6, 1991

(1) General

(1.1) The Board of Selectmen may establish rules and regulations addressing waterways subjects including, but not limited to, speed limits, no wake zones, permissible noise levels, mooring areas, seaplane landing areas, and pollution prevention.

(1.2) In addition to all requirements of federal and state laws, in Tisbury waters

- no diving operations shall be undertaken in any designated channel or in the "Head of the Harbor" area of Vineyard Haven Harbor without the express authorization of the Harbormaster;

- no vessels except an emergency vessel shall exceed the speed limits adopted by the Board of Selectmen or their designees and properly published and posted; in all areas and at all times every vessel shall be operated at a reasonable and judicious speed, with particular regard to conditions and visibility, density of other vessels and shorefront installations subject to wake damage;

- no seaplane shall operate in violation of rules and regulations duly adopted by the Board of Selectmen or their designees;

- no vessel shall berth at any facility nor raft with another vessel if not equipped with the fire-fighting apparatus prescribed by State and Federal law for the same vessel if underway.

(2) Moorings

(2.1) The Harbormaster's authorization is required before installation, relocation, or removal of any mooring.

(2.2) The Harbormaster may prescribe standards of adequacy for mooring tackle.

(2.3) The Harbormaster may establish schedules for inspections of mooring tackle.

(2.4) Installation and use of any mooring shall require an annual permit issued by the Harbormaster. The Board of Selectmen may establish a fee schedule for annual mooring permits, rules and regulations, and policies addressing moorings and mooring permits.

(2.5) The Board of Selectmen shall establish a fee schedule and rules, regulations, and policies concerning allocation, use and renting or leasing of Town-owned moorings.

(3) Town Docks

(3.1) The Board of Selectmen may establish a fee schedule and rules, regulations, and policies concerning the use of Town-owned piers and docks.

(4) Administration and Enforcement

(4.1) Whoever violates any provisions of this By-law or regulations duly adopted under this By-law shall be subject to a fine of not more than Two Hundred Dollars (\$200) for each offense.

(4.2) The Board of Selectmen and their designees, including the Harbormaster and Coastal and Marine Warden, shall administer and enforce the provisions of this By-law.

(4.3) No regulation or policy proposed under the provisions of this By-law shall be adopted until after a public hearing. Notice of the time and place of such public hearing, of its subject and purpose, and of a location where relevant materials may be examined prior to the hearing shall be published in a newspaper of general circulation once in each of two successive weeks, the first publication to be not less than fourteen days prior to the hearing, and also by posting the same notice in a conspicuous place in the Town Hall for a period of not less than fourteen days before the hearing. Following the public hearing the cognizant board shall adopt or reject proposed policies or regulations by a recorded roll call vote. Regulations or policies so adopted shall not become effective prior to any required State agency approval and subsequent publication in a newspaper of general circulation. Such publication shall either contain the full text or describe the subject matter sufficiently for identification and specify the place where the full text is available for inspection.

Provided however that this by-law and the repeal of the present Section 56 shall not take effect until approval of this by-law by the

Director of the Division of Law Enforcement of the Department of Fisheries, Wildlife and Environmental Law Enforcement and the Attorney General, if needed, is obtained.

Bicycles

Voted March 3, 1970, Article 40; Rescinded May 6, 1980, Article 28

Voted May 6, 1980, Article 28; Approved by the Attorney General August 11, 1980

Adopt the provisions of Chapter 85, Section 11B of the Massachusetts General Laws which regulates the operations of bicycles.

Bicycle Fines

Voted October 22-23, 1991, Article 26; Approved by the Attorney General March 6, 1992; Posted March 13, 1992

Bicycle Regulations; Fines

Bicycles in the Town shall be equipped and operated in accordance with Massachusetts General Laws, Chapter 85. For violations committed by persons 18 years old or older, the fine shall be Twenty Dollars (\$20.00) per violation. For violations committed by persons under the age of 18 years, the fine shall be Ten Dollars (\$10.00) per violation.

Skateboards etc.

Voted May 6, 1980, Article 29; Approved by the Attorney General August 11, 1980

No person shall use roller skates or skateboards on the following sidewalks or streets in the Town of Tisbury - Main Street, from State Road to Owen Park; Church Street, between Main and William Streets; Union Street; Center Street, between Main and William Streets; Spring Street, from Main to William Street; Water Street, and the Oak Grove Cemetery.

Peddlers and Hawkers

Voted February 9, 1981, Article 11; Approved by the Attorney General May 14, 1981

Amended October 7, 1982, Article 9; Approved by the Attorney General January 11, 1983

Section 53

To Peddlars and Hawkers: any person desiring to do business in the Town of Tisbury as a transient vendor, hawker, or peddler or canteen food salesman from a mobile vending or peddling or peddling vehicle, or all as defined in Massachusetts General Laws, Chapter 101, Sections 1-30 as amended shall, after obtaining the necessary State license, appear before the Selectmen and after a hearing shall be subject to such rules, regulations, and restrictions including the designation of a specific location as the Board of Selectmen shall designate.

Whoever violates the provision of this by-law shall be subject to a fine in the amount of \$50.00.

Non-criminal Disposition

Voted July 14, 1981, Article 5; Approved by the Attorney General October 19, 1981

Amended October 24, 1989, Article 33: Approved by the Attorney General January 18, 1990; Posted January 24, 1990; Amended May 2, 3, 7, 14 & June 5, 1990, Article 74

Voted May 2, 3, 7, 14 & June 5, 1990, Article 74; Approved by the Attorney General September 5, 1990; Amended April 13, 20 & 26, 1993, Article 49

Voted April 13, 20 & 26, 1993, Article 49; Approved by the Attorney General July 16, 1993; Posted July 22, 1993; Amended October 22 & 23, 1991, Article 26

Voted October 22 & 23, 1991, Article 26; Approved by the Attorney General March 6, 1992; Posted March 13, 1992

Section 54

Non-criminal Disposition

Whoever violates any provision of these By-laws or of any Rule or Regulation of a Town Board, Commission, or Committee may be penalized by a non-criminal disposition as provided in Massachusetts General Laws, Chapter 40, Section 21D, if the violation is subject to a specific penalty.

Without limiting the generality of the foregoing, the following By-laws, Sections of By-laws, Rules and Regulations are included. The specific penalties listed here shall apply in such cases. In addition to Police Officers, who shall in all cases qualify as enforcing persons, the Town personnel shown for each citation shall also be the enforcing persons.

Each day on which any violation exists shall be deemed to be a separate offense. Where increased penalties are stated for repeated offenses, a violation shall be considered a first offense if the person has not violated the cited provision for a year.

Reference	Subject	Fine
Tisbury Wetlands Bylaw	Conservation Officer or Commissioners	
Section 1	Violation in a Buffer Zone; failure to obtain Order of Conditions permitting activity or to	\$25 - 1st offense \$50 - 2nd offense

	obtain negative determination	\$75 - 3rd offense
Section 2	Violation in Resource Area; failure to obtain Order of Conditions permitting activity or to obtain negative determination.	\$50 - 1st offense \$100 - 2nd offense \$150 - 3rd offense
Section 3	Failure to record Order of Conditions	\$10
Section 4	Failure to post file #	\$10
Section 5	Failure to comply with mitigating measures as indicated in Enforcement Order	\$20
Section 6	Failure to stop activity, in Resource area, as directed in Enforcement Order or as ordered by a Town Police officer, other officer having police powers, Commission members, or Commission's Conservation Officer	1st offense - \$100.00 2nd offense - \$200.00 3rd offense - \$300.00
Section 7	Failure to stop activity, in buffer zone, as directed in Enforcement Order or as ordered by a Town Police Officer, other officer having police powers, Commission's members, or Commission's Conservation Officer	1st offense - \$ 50.00 2nd offense - \$100.00 3rd offense - \$150.00
Section 8	Failure to comply with one or more special conditions contained in Order of Conditions	1st offense - \$25.00 2nd offense - \$50.00 3rd offense - \$75.00
Bicycle Regulations Bylaw	Improperly equipping or operating a bicycle	\$20. to a person 18 yrs. old or older \$10. to a person under 18 yrs. old

And further, that the Town direct the Board of Health to adopt regulations pursuant to MGL c. 111 s. 31 and further, a schedule of fines for use in non-criminal dispositions pursuant to MGL c. 40 s. 21D.

Voted July 24, 1900. Amended April 23, 24, & 25, 1996 -- Article 21. Approved by the AG July 9, 1996 and posted July 15, 1996. Amended April 29 & 30, 1997--Article 25. Approved by the AG August 8, 1997 and posted August 21, 1997.

CEMETERY RULES AND REGULATIONS

Voted July 24, 1900. Amended April 23, 24, & 25, 1996 -- Article 21. Approved by the AG July 9, 1996 and posted July 15, 1996. Amended April 29 & 30, 1997--Article 25. Approved by the AG August 8, 1997 and posted August 21, 1997.

The Board of Public Works Commissioners has set forth the following rules and regulations for the ownership, use and care of burial sites in the Town's cemeteries. The authority to do this is found in Chapter 114 of the Massachusetts General Laws.

The Commissioners have the right to layout Town owned cemeteries or land set aside for the use of Town owned cemeteries into lots, and shall set aside a suitable portion as a public burial place for the use of the inhabitants, free of charge. They may sell or convey to any person, resident or NonResident, the exclusive right of burial and of erecting tombs and cenotaphs upon any lot and of ornamenting the same, upon such terms and conditions as prescribed therein. The proceeds of such sales shall be paid into the Town treasuries, be kept separate from other funds, and be appropriated to reimburse the Town for the cost of the land, its care, improvement and embellishment, or the enlargement of the cemetery. Any exceptions to these regulations due to extraordinary circumstances must be applied for by letter to the Board of Public Works Commissioners who will review and approve or disapprove the request..

OWNERSHIP OF LOTS

1. The owner of a lot or grave is limited to interring human dead in that site. The owner also has a limited right to build a monument and plant flowers or shrubs. These limitations are outlined in other sections of these regulations.
2. When a lot is purchased, the owner will be given a deed. The deed will give the owner the rights to use that lot as set forth by the Commissioners. The deed may contain certain specific terms and conditions for use of this lot. Copies of lost deeds may be obtained by contacting the Public Works Office, located at 89 State Road, Vineyard Haven. One full size lot will measure 10 Ft long by 5 Ft Wide. One Cremation Lot will measure 4 Ft long by 4 Ft wide within the Oak Grove Cemetery and 2 Ft Square at the West Chop cemetery.
3. The Commissioners set the price of the lots. All lots must be paid for at the time of sale unless there are extenuating circumstances for which the Commissioners may offer a payment plan to the purchaser. No interments or improvements to a lot may be made by the purchaser of a lot until the lot has been paid for in full. A deed will not be issued to a purchaser until the lot has been paid for in full. The following rates are herein established:

Four Grave Full Sized Lots :	Resident - \$1200	NonResident - \$1800
Two Grave Full Sized Lots:	Resident - \$ 600	NonResident - \$ 950
Single Grave Full Sized Lot:	Resident - \$ 300	NonResident - \$ 500
Cremation Lots:	Resident - \$ 150	NonResident - \$ 250

All interments will be arranged by a private licensed Funeral Parlor who is responsible for notifying the Department of Public Works before any interment takes place.

4. The owner of a lot or lots may transfer ownership of that property by deed if such a transfer is approved by the Commissioners. The owner does not have the right to lease the property. No transfer of deed will be permitted which would involve the removal of human remains.
5. In the event of the death of the owner of the lot or grave, title shall pass or descend as provided by the Statutes of Massachusetts in force at that time. The Commissioners will require proof of the rights of ownership to such a grave or lot.
6. Reuse of an occupied grave will not be permitted except: upon the request and with the consent of a relative or descendant of the decedent occupying the grave, providing that no other descendant objects; to provide for the burial of a relative or descendant of the decedent occupying the grave; and if the remains of the decedent occupying the grave will remain in the grave.
7. The Town may take over the ownership of a grave in a cemetery provided that such grave has not been used for a period of fifty years and that ownership thereof cannot be ascertained. If such ownership is ascertained after such taking the Town shall pay the fair value of such grave at the time of the taking to the owner thereof.
8. The Town may take over the ownership of an unoccupied grave after a minimum of seventy five years has elapsed after the issuance of a license for the grave by the Town and that the Town cannot locate the owner or the owner's successor in interest after a diligent search. If the ownership of the license is ascertained after such a taking occurs, then the Town shall pay the fair value of the license at the time of its taking to the owner.
9. The Town will not alienate or appropriate to any other use than that of a burial ground, any tract of land which has been for more than one hundred years used as a burial place; and no portion of such a burial ground shall be taken for public use without special authority from the general court. "Burial Place", as referred to in this section, shall include unmarked burial grounds, known or suspected to contain the remains of one or more American Indian(s).
10. The Town may take charge of an abandoned or neglected burying ground and keep it in good order, but no property rights shall be violated and no body shall be disinterred.

CARE OF LOTS

1. The Commissioners are responsible to ensure the general maintenance and upkeep of the cemeteries and the lots within the cemeteries under "perpetual care". Perpetual care means the cutting of grass of the grave or lot at reasonable intervals, raking and cleaning, reseeding or other work that may be necessary to keep the lot or lots in good condition uniformly throughout

the cemetery. This care does not include flower or plant maintenance or repairing or replacing of gravestones or other markers unless the Town owns the lot or grave except in the case of damage to stones, shrubs or trees due to acts of nature or vandalism which is included in perpetual care. Perpetual care moneys will be set aside in an account established therefore at a rate of 75% of the cost of the lot. The remaining fee will be transferred to the Town's General Fund to cover the administrative costs of operating the cemetery.

2. The Commissioners may receive gifts or bequests for maintaining cemeteries or cemetery lots, which shall be paid into the Town treasury and, with the accounts thereof, shall be kept separate from the other money and accounts of the Town. The Town shall invest all such funds in accordance with the stipulations, if any, accompanying them; otherwise shall invest them as ordered by the Commissioners and pay the income therefrom upon their order or with their approval.

MONUMENTS AND OTHER STRUCTURES

1. Only one monument may be placed per lot. A foundation must be placed under each monument. That foundation and monument may only be placed by a professional which normally provides such a service in the community unless explicitly waived by the Commissioners. Markers may not be set to embrace two or more graves. All markers shall be flush with the ground. No wooden crosses shall be allowed.
2. The Town shall not be liable for damage to monuments or markers. Markers may be of granite, marble or bronze, but the use of limestone, sandstone, cast or cement stone and metals for monuments shall not be allowed. Monuments may be made of native

boulders.

3. The owner of the lot has the right to plant flowers around a monument or marker, but does not have the right to plant trees, shrubs, nor other plants on the lot or erect a fence, curbing, hedge or any other landmark without the approval of the Commissioners. The Director of the Department of Public Works has the right to remove any shrub, hedge, root, branch, or flower may be deemed as detrimental to any other lot or lots and may have removed unsightly flowers, old vases and other containers that may be detrimental to the looks of the lot or the cemetery in general. the Town will not be held liable to any owner for the cost of such items.
4. No other structure but markers or monuments may be placed on a lot.
5. The following maximum sizes and may be used for monuments or markers:

LOT SIZE	MAXIMUM DIMENSION	LOT SIZE	MAXIMUM DIMENSION
One Grave	Not Allowed	Two Grave	3 Ft x 1 Ft Base
Four Grave	5 Ft x 2 Ft Base	Six Grave	5 Ft x 2 Ft base
Eight Grave	6 Ft x 2 ft Base	Markers	2 Ft x 1 Ft

6. Cremation Lots will measure 4 Ft x 4 Ft in the Oak Grove Cemetery. Only two foot by one foot markers may be placed on Cremation Lots flush with the ground at a location approved by the Director of the Department of Public Works and only one marker per lot is allowed. There may be up to four cremated remains interned per full size lot and only one marker per full sized lot allowed, and up to two remains interned per cremation lot.

USE OF LOTS

1. No undertaker or other person shall bury or otherwise dispose of a human body, or remove therefrom a human body which has not been buried, or exhume a human body and remove or transfer the body until they have received a permit from the Board of Health or its agent appointed to issue such permits. No such permit shall be issued until there shall have been delivered to such board, agent, or clerk, a satisfactory written statement containing the facts required by law to be returned and recorded, which shall be accompanied, in case of original interment, by a satisfactory certificate of the attending physician. If there is no attending physician, a physician who is a member of the Board of Health or one hired by it shall upon application make the certificate required of the attending physician. The Board of Health after receiving such a certificate will transmit it to the Department of Public Works for registration.
2. No permit for the burial of a deceased veteran, known to be such, shall be issued unless and until an affidavit shall have been filed with the Board of Health by the undertaker or other persons authorized to make such a burial or disposition. A certified copy of the affidavit will be transmitted by the Board of Health to the Veteran's Grave Officer.
3. Upon the burial, removal, or cremation of a body, the Director of the Department of Public Works shall endorse the accompanying permit and shall make and preserve in the files of the cemetery a record of such a burial or interment.

GENERAL REGULATIONS

1. All persons walking through the cemeteries must keep on the pathways and not trespass on lots except for gaining access to their own lot. Parents must take full responsibility for their children and not permit them to stand on headstones.
2. Funeral processions may not be interrupted. Other than those attending, no person may be within 200 Ft of the interment ceremony.
3. Noise within the cemetery grounds will be kept to a minimum, except for those pieces of equipment necessary to maintain the grounds or excavate graves.
4. Cemeteries are open from sunrise to one half hour after sunset.
5. The speed limit for vehicles within the cemetery grounds is 5 MPH.
6. Funerals will not be allowed on Sundays, New Year's Day, Memorial Day, Independence Day, Thanksgiving Day, Veteran's Day, or Christmas Day.

7. All burial cases must be sectional concrete or monolithic containers.
8. No open flame will be allowed in the cemetery. Vigil lights must be approved by the Board of Public Works Commissioners
9. Although Dogs are allowed to be walked on the grounds of the Oak Grove Cemetery, Dog owners must clean up after their dogs and the owners must ensure that dogs do not trespass on any grave.
10. There will be a fifty dollar (\$50) fine imposed against individuals found in violation of any of the general regulations.

Street Lights

Voted April 6, 1982, Article 6; Approved by the Attorney General July 13, 1982

Any individual who requests to have a street light installed at his own expense shall install one that is consistent with the lighting in the area.

Unregistered motorized vehicles

Voted April 6, 1982, Article 7; Approved by the Attorney General July 13, 1982

It shall unlawful within the Town of Tisbury

- (a) For any person to operate any uninsured or unregistered motorcycle, motor vehicle or any other vehicle propelled by an internal combustion engine, except on private property with the written permission of the owner of said property, and excepting an employee of a public or quasi-public entity operating a maintenance vehicle of the public entity in its employment, or
- (b) For any person without a valid operator's license in their possession to operate any motorcycle, motor vehicle or other vehicle propelled by an internal combustion engine on town property, or on any way, path, lane right-of-way to which the public has right of access or a power, water or other utility type easement or right-of-way; said motor vehicle operation shall not be a violation of this section, if it is by the property owner or by a person holding written permission from a person with legal authority to use said easement or from the property owner for that portion of the easement which is on his own property.

Yard Sales

Voted April 6, 1982, Article 8; Approved by the Attorney General July 13, 1982

"In order to protect those residents who have an occasional yard sale for the purpose of selling usable items which may otherwise be discarded (i.e. moving, housecleaning, etc.) and to assist the Police Department by informing them of areas of Town where and when there may be traffic problems and to provide for the general health and safety of the public:

It shall be unlawful in the Town of Tisbury to hold a yard sale, garage sale moving sale or other similar sale or personal property without obtaining a permit for a specific two-day period and a specific place of sale at least 10 days in advance from the Board of Selectmen.

No such sale shall continue nor property for sale be displayed for more than the two consecutive days noted on the permit.

No more than 3 such permits shall be issued for any one location or to any one person in a calendar year. Each family participating by selling its property at such a sale shall obtain a permit. Failure to comply with this by-law will result in a fine of not more than \$20.00."

General Wetlands By-law

Voted October 7, 1982, Article 1; Approved by the Attorney General January 11, 1983;

Amended May 1,2,3,7,14, & June 5, 1990, Article 73

Voted May 1,2,3,7,14, & June 5, 1990, Article 73; Approved by the Attorney General September 5, 1990; Posted September 12, 1990;

Amended April 1, 1986, Article 21

Voted April 1, 1986, Article 21; Approved by the Attorney General May 8, 1986; Posted May 28, 1986

SECTION I: APPLICATION

The purpose of this by-law is to protect the wetlands of the Town of Tisbury by controlling activities deemed to have a significant effect upon wetlands values, including but not limited to the following: public or private water supply, groundwater, flood control, erosion control, storm damage prevention, water pollution, fisheries, shellfish wildlife, and recreation (collectively, the "interests protected by this Bylaw").

No person shall remove, fill, dredge, alter, or build upon or within one hundred feet of any bank, fresh water wetland, coastal wetland, coastal wetland, beach, dune, flat, marsh, meadow, bog, swamp, or upon or within one hundred feet of lands bordering on ocean or upon or within one hundred feet of any estuary, creek, river, stream, pond or lake, or upon or within one hundred feet, of any land under said waters or upon or within one hundred feet of any land subject to tidal action, coastal storm flowage, flooding or inundation, or within one hundred feet of the 100-year storm line, without filing written application for a permit to so remove, fill, dredge, alter, or

build upon, including such plans as may be necessary to describe such proposed activity and its effect upon the environment, and receiving and complying with a permit issued pursuant to this Bylaw.

The provisions of this section shall not apply to work performed 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 or other telecommunication services.

The provisions of this section shall also not apply to work performed for normal maintenance or improvement of land in agricultural use as defined under Section 7.4 of this Bylaw.

Such application may be identical in form to a Notice of Intention filed pursuant to Mass. Gen. Laws Ch. 131, Sec 40; shall be sent by certified mail to the Tisbury Conservation Commission (the "Commission"), and must be filed concurrently with or after applications for all other variances and approvals required by the Zoning Bylaw, the Subdivision Control Law or any other bylaw or regulation have been obtained. The Commission shall set a filing fee by regulation, but no filing fee is required when the Town of Tisbury files an application for a permit. The Commission will notify the applicant of any other appropriate town boards which shall receive copies of the application.

Upon written request of any person, the Commission shall, within twenty-one days, make a written determination as to whether this Bylaw is applicable to any land or work thereon. When the person requesting a determination is other than the owner, notice of the determination shall be sent to the owner as well as to the requesting person.

SECTION 2: HEARING

The Commission shall hold a public hearing on the application within twenty-one days of its receipt. Notice of the time and place of the hearing shall be given by the Commission at the expense of the applicant, not less than five days prior to the hearing, by publication in a newspaper of general circulation in Tisbury, and by mailing a notice to the applicant, and to such other Boards and persons as the Commission may by regulation determine. The commission, its agents, officers, and employees, may enter upon privately owned land for the purpose of performing their duties under this bylaw.

SECTION 2.1: PERMIT AND CONDITIONS

If, after the public hearing, the Commission determines that the area which is the subject of the application is significant to the interests by this Bylaw, the Commission shall, within twenty-one days of such hearing, issue or deny a permit for the work requested. If it issues a permit after making such a determination, the Commission shall impose such conditions as it determines are necessary or desirable for protection of those interests, and all work shall be done in accordance with those conditions. If the Commission determines that the area which is the subject of the application is not significant to the interests protected by this Bylaw, or that the proposed activity does not require the imposition of conditions, it shall issue a permit without conditions within twenty-one days of the public hearing. Permits shall expire three years from the date of issuance, unless renewed prior to expiration, and all work shall be completed prior to expiration.

SECTION 2.2: RELATIONSHIP TO MASS. GEN. LAWS CB. 131, SECTION 40

Since the Wetlands Protection Act, MGL Ch. 131, S. 40, establishes minimum standards, the Commission shall not impose additional or more stringent conditions in an Order pursuant to Mass. G.L. Ch. 131, S. 40 than it imposes pursuant to this Bylaw; nor shall it require a Notice of Intention filed under S. 40 to provide additional materials or data to those required under this Bylaw.

SECTION 3: EMERGENCY PROJECTS

This Bylaw shall not apply to any emergency project as defined in Mass. Gen. Laws Ch. 131, S. 40.

SECTION 4: PRE-ACQUISITION VIOLATION

Any person who purchases, inherits or otherwise acquires real estate upon which work has been done in violation of the provisions of this Bylaw or in violation of any permit issued pursuant to this Bylaw, shall forthwith comply with any such order or restore such land to its condition prior to any such violation; provided, however, that no action, civil or criminal, shall be brought against such person unless commenced within three years following the date of acquisition of the real estate by such person

SECTION 5: REGULATIONS

After due notice and public hearing, the Commission may promulgate rules and regulations to effectuate the purpose of the Bylaw.

Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this Bylaw.

SECTION 6: BURDEN OF PROOF

The applicant shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the application will not harm the interests protected by this Bylaw. Failure to provide adequate evidence to the Commission supporting a determination

that the proposed work will not harm the interests protected by this Bylaw shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions, or, in the Commission's discretion to continue the hearing to another date to enable the applicant or others to present additional evidence.

SECTION 7: DEFINITIONS

The following definitions shall apply in the interpretation and implementation of the Bylaw.

SECTION 7.1

The term "person" shall include any individual, group of individuals association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to town bylaws, administrative agencies, public or quasi-public corporation or bodies, the Town of Tisbury, and any other legal entity, its legal representatives, agents, or assigns.

SECTION 7.2

The term "alter" shall include, without limitation, the following actions when undertaken in areas subject to this Bylaw:

- (a) Removal, excavation or dredging of soil, sand, gravel or aggregate materials of any kind;
- (b) Changing drainage characteristics, flushing characteristic, salinity distribution, sedimentation patterns, flow patterns and flood retention characteristics;
- (c) Drainage or other disturbance of water level or water table;
- (d) Dumping, discharging or filling with any material which may degrade water quality;
- (e) Driving of piles, erection of buildings or structures of any kind;
- (f) Placing of obstructions whether or not they interfere with the flow of water;
- (g) Destruction of plant life, including cutting of trees;
- (h) Changing of water temperature, biochemical oxygen demand or other physical or chemical characteristics of the water.

SECTION 7.3

The term "banks" shall mean that part of land adjoining any body of water which confines the water.

SECTION 4.4: AGRICULTURAL PRACTICES

- (a) The term "land in agricultural use" shall mean any qualifying wetland within a farm which is qualified or eligible to be qualified under the Farmland Assessment Act Mass. Gen. Laws ch.61A, SS.1-5.
- (b) The term "qualifying wetland" shall mean only inland fresh water areas which are seasonally flooded basins or flats or inland fresh meadows.
- (c) The term "normal maintenance or improvement" of land in agricultural use shall mean only:
 - 1. Tilling practices customarily employed in the raising of crops;
 - 2. Pasturing of animals, including such fences and protective structures as may be required.
 - 3. Use of fertilizers, pesticides, herbicides, and similar materials subject to state and federal regulations covering their use;
 - 4. Constructing, grading, or restoring of field ditches, subsurface drains, grass waterways, culverts, access roads, and similar practices to improve drainage, prevent erosion, provide more effective use of rainfall, improve equipment operation and efficiency, in order to improve conditions for the growing of crops.
- (d) "Improvement" of land in agricultural use may also include more extensive practices such as the building of ponds, dams, structures for water control, water and sediment basins, and related activities, but only where a plan for such activity approved by the Conservation District of the Soil Conservation Service is furnished to the Conservation Commission prior to the Commencement of work.

All such activity shall subsequently be carried out in accord with said plan. In the event that the work is not carried out in accordance with the required plan, the Conservation Commission may place a stop work order on said work and have recourse to such measures as if the plan were an order of conditions.

SECTION 7.5

The Commission may adopt additional definitions not inconsistent with this Section 7 in its regulations promulgated pursuant to Section 5 of this Bylaw.

SECTION 8: SECURITY

The Commission may require, as a permit condition, that the performance and observance of other conditions be secured by one or both of the following methods:

- (a) By a bond or deposit of money or negotiable securities in an amount determined by the Commission to be sufficient and payable to the Town of Tisbury;
- (b) By a conservation restriction, easement or other covenant running with the land, executed and properly recorded (or registered,

in the case of registered land).

SECTION 9: ENFORCEMENT

Any person who violates any provision of this Bylaw or of any condition of a permit issued pursuant to it shall be punished by a fine of not more than \$300. 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 21d, by a Town Police Officer, other officer having police powers, Commission, members, or the Commission Conservation Officer.

Upon request of the Commission, the Board of Selectmen and Town Counsel shall take such legal action as may be necessary to enforce this Bylaw and permits issued pursuant to it.

Late Licensing Dogs

Voted October 5, 1983, Article 22; Approved by the Attorney General December 7, 1983;

Amended July 17, 1990, Article 11

Voted July 17, 1990, Article 11; Approved by the Attorney General October 16, 1990; Posted October 23, 1990

Voted March 25, 2008, Article 10; Approved by the Attorney General June 25, 2008 and posted July 2, 2008

"Should any owner or keeper of a dog fail to license that dog before March 1st, that owner or keeper shall, beginning March 1st, pay an initial late fee of \$5.00 for the first month. For each successive month thereafter that the license remains unpaid, the late fee shall be increased by \$5.00. For example, the second month late fee will be \$10.00, the third month late fee will be \$15.00, and so on until the license fee is paid, excepting a dog brought into town as provided in section 138 of Chapter 140 MGL, for which this late fee shall be applicable from the third month after arrival of such dog. Further, any person maintaining a kennel in the Town of Tisbury, as properly permitted, who fails to obtain a license as prescribed by this section and the laws of the Commonwealth shall be subject to the same fees as outlined above."

Town Clerk Fees

Voted April 2, 1985, Article 14; Approved by the Attorney General May 24, 1985; Posted May 28, 1985 Amended May 2, 1989, Article 58.

The Town voted to adopt the following changes in the Town Clerk's fees , and further that said fees be turned over to the Town:

Clause	Description
(1)	For filing and indexing assignment for the benefit of creditors 10.00
(11)	For entering amendment of a record of the birth of a child born out of wedlock. 10.00
(12)	For correcting errors in a record of birth 10.00
(13)	For furnishing certificate of birth. 5.00
(13A)	For furnishing an abstract copy of a record of birth. 4.00
(14)	For entering delayed record of birth 10.00
(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 title other than his real name, of a statement of change of his residence, or of his discontinuance, retirement or withdrawal from, or change of location of, such business. 10.00
(22)	For furnishing certified copy of certificate of person conducting business under any title other than his real name or 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
(30)	For furnishing a certificate of death.	5.00
(30A)	For furnishing an abstract copy of a record of death.	4.00
(42)	For entering notice of intention of marriage and issuing certificates thereof.	15.00
(43)	For entering certificates of marriage filed by persons.	5.00
(44)	For issuing certificates of marriage.	5.00
(44A)	For furnishing an abstract copy of a record of marriage.	4.00
(45)	For correcting errors in a record of marriage.	10.00
(54)	For recording power of attorney.	10.00
(57)	For recording certificates of registration granted to a person engaged in the practice of optometry, or issuing a certified copy thereof.	20.00
(58)	For recording the name of the owner of a certificate of registration as a physician or osteopath in the Commonwealth.	20.00
(62)	For recording order granting locations of poles, piers, abutments or conduits, alterations or transfers thereof, and increase in number of wires and cable or attachments under the provisions of Section 22, Chapter 166.	40.00
	Flat rate	10.00
	Add'l streets	
(66)	For examining records or papers relating to birth, marriage or deaths upon the application of any person, the actual expense thereof, but not less than:	5.00
(67)	For copying any manuscript or record pertaining to a birth, marriage or death.	5.00
	per page	
(69)	For receiving and filing a complete inventory of all items to be included in an "closing out sale".	10.00
	1st page	2.00
	Add'l page	
(75)	For filing a copy of written instrument or declaration of trust by 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 place or cemetery.	10.00
(79)	Recording any other documents.	10.00
	1st page	2.00
	Add'l page	
	Voter's ID card	5.00

Lodging Houses

Voted August 20, 1985, Article 2; Approved by the Attorney General November 15, 1985; Posted November 19, 1985

All lodging houses, as defined in Massachusetts General Laws (MGL) Chapter 140, as amended, located in the Town of Tisbury, shall be licensed by the Board of Selectmen. Any person desiring to conduct, or conducting a lodging house shall be subject to all regulation promulgated by the Board of Selectmen. Said regulations shall not be inconsistent with MGL Chapter 140, as amended, and shall be adopted after notice and public hearing.

Innholders & Common Victuallers

Voted August 20, 1985, Article 3; Approved by the Attorney General November 15, 1985; Posted November 19, 1985

All innholders and common victuallers, as defined in Massachusetts General Laws (MGL) Chapter 140, as amended, conducting business in the Town of Tisbury, shall be licensed by the Board of Selectmen. Any person desiring to act or acting as an innholder or common victualler shall be subject to all regulations promulgated by the Board of Selectmen. Said regulations shall not be inconsistent with MGL Chapter 140, as amended, and shall be adopted after notice and public hearing. The fee for said license shall be thirty-five dollars,(\$35.00).

Town Officials Fees

Voted April 1, 1986, Article 22; Approved by the Attorney General May 8, 1986; Posted May 28, 1986

All town officers shall be required to report the amount of all fees received by them by virtue of their office, quarterly, to the selectmen, who shall publish the same in the annual town report.

Smoking Regulations

Voted April 1, 1986, Article 24; Approved by the Attorney General May 8, 1986; Posted May 28, 1986

Smoking Regulations for all Town Buildings:

1. No smoking during regularly scheduled meeting.
2. Smoking during "work" sessions only if all present are polled and agree. One objection equals no smoking.
3. Individuals working alone with no others present, or in a separate room, may smoke, but will extinguish smoking materials if others are in the area or the room and request that smoking cease.

Failure to Pay Local Municipal Charges

Voted April 1, 1986, Article 26; Approved by the Attorney General May 8, 1986; Posted May 28, 1986

The Town of Tisbury may deny any application for or revoke or suspend any local license or permit including renewals and transfers issued by any board, officer, department for any person, corporation or business enterprise who has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges.

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.

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 bylaw shall not be reissued or renewed until the license 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.

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; provided, however, that the holder be given notice as required by applicable provisions of law.

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 sixty-eight in the business activity conducted in or on said property.

This bylaw shall not apply to the following licenses and permits: open burning; section thirteen of chapter eighty-five; sales of articles for charitable purposes, section thirty-three of chapter one hundred and one; children work permits, section sixty-nine of chapter one hundred and forty-nine; clubs, associations dispensing food or beverage licenses, section twenty-one E of chapter one hundred and forty; dog licenses, section one hundred and thirty seven of chapter one hundred and forty; fishing, hunting, trapping license, section twelve of chapter one hundred and thirty-one; marriage licenses, section twenty-eight of chapter two hundred and seven and theatrical events, public exhibition permits, section one hundred and eighty-one of chapter one hundred and forty; septic system pump out permits and sanitary landfill permits issued by the Board of Health; oil burner inspection permits; and to include necessary safety wiring upgrading inspections on existing dwellings.

The Town of Tisbury may exclude any local license or permit from this bylaw by bylaw.

Building Permit Fee Schedule

Voted April 1, 1986, Article 27; Approved by the Attorney General May 8, 1986; Posted May 28, 1986: Amended June 2 & 3, 1987 Voted June 2 & 3, 1987, Article 46; Approved by the Attorney General September 21, 1987; Posted September 23, 1987 Voted May 2, 3, and 4, 1989, Article 5; Voted April 13, 1999, Article 7; Approved by the Attorney General September 20, 1999; Posted September 24, 1999 Wiring Fee Schedule; Voted by BOS August 9, 2011 Gas Permit Fee Schedule; Voted by BOS August 9, 2011 Building Permit Fee Schedule; Voted by BOS May 31, 2011

Building Permit Fee Schedule

NEW CONSTRUCTION FOR DWELLINGS \$300.00 PER \$100,000.00: \$3.00 EACH ADDITIONAL \$1,000.00 DOLLARS OR PORTION THEREOF. (EST. \$38.00 PER SQUARE FOOT)

ADDITIONS/ALTERATIONS OR REPAIR/CONSTRUCTION \$50.00 FOR FIRST \$5,000.00; \$4.00 EACH ADDITIONAL \$1,000.00 DOLLARS OR PORTION THEREOF.

NEW GARAGE OR BARN - NEW CONSTRUCTION FEE OF \$3.00 PER THOUSAND

\$25.00 PERMIT FEES

\$75.00 PERMIT FEES

TRENCH	SWIMMING POOLS
DECK	SHEET METAL
SIGN PERMIT	FIRE SUPPRESSION SYSTEMS
WOODSTOVE PERMIT	FIRE NOTIFICATION SYSTEMS
MOVE A BUILDING	
SHED	<u>\$50 PERMIT FEES</u>
OCCUPANCY PERMIT	REPEAT BUILDING INSPECTIONS
FENCE OVER 6 FEET	DUPLICATE PERMITS
FOUNDATION ONLY	
TEMPORARY STRUCTURES	
DEMOLITION OF A BUILDING	

BUSINESS & COMMERCIAL FEES

NEW CONSTRUCTION - \$5.00 PER THOUSAND DOLLARS EST. COST OR PORTION

THEREOF.

ADDITIONS/ALTERATIONS OR REPAIR RECONSTRUCTION - \$10.00 PER THOUSAND DOLLARS EST COST OR PORTION THEREOF.

Gas Permit Fee Schedule Voted by Board of Selectmen August 9, 2011

Permit Fee	\$50.00
Inspection Fee	\$75.00

Wiring Fee Schedule Voted by Board of Selectmen August 9, 2011

State Permit Fee	\$50.00
Each Inspection	\$75.00

Deadline for Town Meeting Articles

Voted May 3, 1988, Article 30; Approved by the Attorney General July 13, 1988; Posted July 21, 1988; Amended November 10, 1992, Article 18

Voted November 10, 1992, Article 18; Approved by the Attorney General January 14, 1993; Posted January 27, 1993: Amended April 13, 1993, Article 52

Voted April 13, 1993, Article 52; Approved by the Attorney General July 16, 1993; Posted July 22, 1993

The deadline for the submission of all articles for a Special Town Meeting shall be 45 days before the date of the Special Town Meeting. The deadline for the submission of all articles for the Annual Town Meeting shall be 90 days before the date of the Annual Town Meeting. No articles shall be placed on the warrant after said date unless the Finance Committee agrees by a 2/3rds vote.

All lawful articles submitted by a statutory officer or majority vote of a Board, Commission, or Committee of the Town shall be placed on the warrant for the next town meeting, provided that the Article, in substantially complete form, is submitted to or by the Board of Selectmen showing that said Article was received and date-stamped by the Town Clerk no later than the deadline for submission of Articles.

In addition to any other legal requirements, the Selectmen shall cause the warrant for any Special or Annual Town Meeting or Election to be published at least once in a newspaper published in Dukes County or mailed to postal patrons at least four days prior to the date of the meeting.

The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof.

Town Meeting Votes

Voted April 29 & 30, 1997, Article 52. Approved by the AG August 8, 1997 and posted August 21, 1997.

At Town Meeting, for matters which, by statute, require a two-thirds majority vote, the Moderator may take the vote in the same manner in which he or she conducts the taking of a vote when a simple majority is required

Personnel Bylaw

Voted November 24, 1987, Article 2; Approved by the Attorney General December 21, 1987; Posted December 28, 1987; Amended April 26 & 28, 1987

Voted April 26 & 28, 1994, Article 59; Voted April 29 & 30 & May 1, 1997, Article 45 Does not require review by Attorney General (G.L.c.41, s108A & 108C)

Chapter 41: Section 108C. By-laws pertaining to administration of personnel; consolidation.

Section 108C. A town may consolidate, in a single chapter or article, all provisions of its by-laws pertaining to the administration of its personnel, including, among other things, the compensation plan established pursuant to paragraph (b) of section five of chapter thirty-one, the plans established pursuant to section one hundred and eight A of this chapter, and any by-laws adopted pursuant to section

twenty-one A of chapter forty, and may provide by by-law for the establishment of a personnel board or other agency for the purpose of administering said plans or other provisions of its by-laws pertaining to personnel, determining any questions arising thereunder, and advising the town in any matters pertaining thereto; provided, however, such consolidated by-law shall not be subject to the approval of the attorney general as provided in section thirty-two of chapter forty.

Amended April 9, 2002, Article 11

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Section 1. Purpose and Authorization

The purpose of the personnel bylaw is to establish a fair and equitable system of personnel administration based on merit principles that ensures a uniform and efficient application of personnel policies for the town of Tisbury. It shall further be the purpose of the Personnel Board to continually review and consider amendments to this Personnel Bylaw for recommendation to Town Meeting. This bylaw is adopted pursuant to the authority granted by Article LXXXIX of the Constitution of the Commonwealth and General Law, chapter 41, sections 108A and 108C.

Section 2. Application

All town departments and positions shall be subject to the provisions of this bylaw except elected officers and employees of the school department.

Section 3. PERSONNEL SYSTEM

The Personnel Board shall be responsible for the establishment and maintenance of a personnel system based on merit principles, a classification plan, the development of an annual compensation plan, the adjustment of grievances, and the development of personnel policies pursuant to section 4 of this by-law. The personnel system shall made use of modern concepts of personnel management and shall include but not be limited to the following elements:

- (a) Method of administration. The executive secretary shall act as the personnel director of the town.

The Personnel Director shall be responsible for a system of administration which assigns specific responsibility for all elements of the personnel system, including: maintaining personnel records, implementing effective recruitment and selection processes, maintaining the classification and compensation plans, monitoring the application of personnel policies and periodic reviews, evaluating the personnel system, and development of a disciplinary policy and grievance procedure. In the capacity of Personnel Director, the Executive Secretary shall only report to and be administratively responsible to the Personnel Board. The Personnel Board shall participate in and contribute to any employment evaluation process of the executive secretary and shall be the sole determination as to any review of the Personnel Director.

- (b) Classification Plan. A position classification plan for all employees subject to this bylaw shall be established, based on similarity of duties performed and the responsibilities assumed so that the same qualifications may be reasonable required for, and the same schedule of pay may be equitably applied to, all positions in the same class. No employee may be appointed to a position not included in the classification plan.

- (c) A Compensation Plan. A compensation plan for all positions subject to this bylaw shall consist of: (1) a schedule of pay grades including minimum, maximum and intermediate rates for each grade; and (2) an official list indicating the assignment of each position to specific pay grades.

(d) A Recruitment and Selection Policy. A recruitment, employment, promotion and transfer policy which ensures that reasonable effort is made to attract qualified persons and that selection criteria are job related, and which is in conformity with all current Executive Orders on Affirmative Action.

(e) Disciplinary Policy and Grievance Procedure. A disciplinary policy which is reasonable and a method of addressing grievances resulting from improper application of personnel policies or disciplinary procedures.

(f) Personnel Policies. A series of personnel policies which establishes the rights, and benefits to which personnel employed by the town are entitled and the obligations of said employees to the town.

(g) Personnel Records. A centralized record keeping system which maintains essential personnel records.

(h) Other elements. Other elements of a personnel system as deemed appropriate or required by law.

The Personnel Board shall maintain, in writing, the Classification Plan and Compensation Plan described in subparagraphs (b) and (c) above. Neither of said plans shall apply to employees who are covered by a collective bargaining agreement or a personal employment contract. The Personnel Board shall annually review both Plans and shall prepare, for inclusion in the warrant for the Annual Town Meeting, a compensation plan to be effective for the ensuing fiscal year and any revisions to the Classification Plan. The Compensation Plan and revisions to the Classification Plan shall be subject to approval by Town Meeting, by majority vote. The Compensation Plan and the Classification Plan may also be amended at any Special Town Meeting.

SECTION 4. ADOPTION AND AMENDMENT OF PERSONNEL POLICIES

The Personnel Board shall promulgate personnel policies defining the rights, benefits and obligations of employees subject to this bylaw. Policies shall be adopted or amended as follows:

(a) Preparation of Policies. The Personnel Director on behalf of the Personnel Board shall prepare policies or amendments to policies. Any person may propose a new policy or an amendment to existing policies to the Personnel Board. The Personnel Board need not consider any proposal already considered in the preceding twelve months. Any person proposing a new or amended policy shall provide the substance and the reason for the proposed policy to the Personnel Director in writing. The Personnel Board shall hold a public hearing on any proposed policies or amendments. Any proposed policies or amendments shall be posted at least ten days prior to the public hearing in prominent work locations. Copies of all proposals shall be provided to representatives of each employee collective bargaining unit.

(b) Public Hearing. The Personnel Director shall present the proposed policy or amendment to a policy at a public hearing. Any person may attend the hearing, speak and present information. Within twenty days after such public hearing, the Personnel Board shall state the effective date of all policies or amendments adopted.

(c) Posting of Policies. The Personnel Director shall post the text of the proposed or amended policy and an explanation of the policy in prominent work locations.

(d) Computation of Time. In computing time (days) under this bylaw only business days shall be counted.

SECTION 5. SEVERABILITY

The provisions of this bylaw and any regulations adopted pursuant to this bylaw are severable. If any bylaw provision or regulation is held invalid, the remaining provisions of the bylaw or regulations shall not be affected thereby.

SECTION 6. EFFECTIVE DATE

This bylaw shall take effect upon the earlier of July 1, 1994 or upon the appointment of at least three (3) members to the Personnel Board.

SECTION 7. CREATION

Section 7 Creation

The Personnel Board shall consist of three members, one appointed by the Finance and Advisory Committee, one appointed by the Board of Selectmen and one appointed by the Town Clerk. No appointee shall be a full time employee of the Town during his term of

office nor shall an appointee have been a full time employee of the Town within the thirty days prior to appointment. No member shall be eligible for membership on the Personnel Board who holds any other elective office, is a full time Town of Tisbury employee, or who holds any appointive office for which a full time salary is received.

Members shall serve for terms of three (3) years, commencing at the start of the fiscal year. Of the members first appointed, one shall serve for a term of three years; one shall serve for a term of two years; and one shall serve for a term of one year as follows:

Finance and Advisory Committee appointee

Board of Selectmen appointee

Town Clerk appointee

Thereafter, each member shall serve for a term of three years. In the event of any vacancy, for any reason, prior to the expiration of the term of appointment, that vacancy shall be filled by appointment of the appointing entity for that member's position.

SECTION 8: QUORUM

A quorum of the Personnel Board shall be fixed at two (2) members.

Tour Buses

Voted March 15, 1988, Article 3; Approved by the Attorney General May 2, 1988; Posted May 18, 1988

The Board of Selectmen shall adopt and may from time to time amend rules and regulations regarding the operation of tour buses in the Town in accordance with M.G.L., Chapter 159A.

Recycling Program for Solid Waste

Voted May 2,3, & 4 1989, Article 15; Approved by the Attorney General July 24, 1989, Posted July 27, 1989

The Town shall begin a mandatory program for recycling solid waste materials on October 1, 1989. The Department responsible for solid waste disposal shall establish, promulgate, and enforce rules and regulations for recycling by that date and from time to time thereafter. The program shall include but not be limited to: newspapers, other paper articles and magazines; clear, green, and brown glass; aluminum and tin cans; plastics; grass cuttings, leaves, brush, and limbs; metal appliances; tires; junk cars; or any of them. The rules and regulations may provide penalties and fines up to \$300 per offense.

House Numbering

Voted May 2,3,&4, 1989, Article 45; Approved by the Attorney General July 24, 1989; Posted on July 27, 1989

Section 1

The Board of Assessors shall have general charge of the numbering and renumbering of building units and lots on all ways, both public and private, and shall make rules and regulations relative thereto. The Building/Zoning Inspector shall enforce the assignment of numbers to occupied buildings or portions thereof in accordance with such rules and regulations. The Board of Assessors shall keep on file a list of all ways and the numbers thereon.

Section 2

The owner of a building shall display its number in a manner readable from the appropriate way. Failure to do so within 30 days after written notice shall subject the owner to fine. No occupancy permit shall be issued for any building unless its number is displayed in a manner readable from the appropriate way.

County Dog Fund to Library

Voted May 2,3, & 4, 1989, Article 57; Approved by the Attorney General July 24, 1989; Posted July 27, 1989.

Monies paid back to the Town Treasurer by the County Treasurer from the County Dog Fund shall immediately be available for expenditure by the Library Trustees for acquisitions by the Vineyard Haven Public Library without further appropriation, per Chapter 140, Section 172 of the Massachusetts General Laws.

Department of Municipal Inspections

Voted May 2,3,&4, 1989, Article 69; Approved by the Attorney General July 24, 1989; Posted July 27, 1989. Acting on Article 16, the town voted unanimously to rescind the vote taken under Article 69 of the warrant for the Annual Town Meeting of May 2-4, 1989, for creation of a Department of Municipal Inspections.

Department of Municipal Inspections

~~Section 1. The Town shall have a consolidated Department of Municipal Inspections which shall include the inspections currently being made by the Building/Zoning Inspector, the Fire Chief, the Wiring Inspector, the Plumbing Inspector, the Gas Inspector, the Health Agent, the Disposal Works Inspector, and the Conservation Agent. The Selectmen shall appoint one of these to be the Director of Municipal Inspections, whose term of office shall be three years.~~

~~Section 2. The Director of Municipal Inspections shall facilitate the coordination of inspection functions carried out by municipal inspection officers or agents in the Department; maintain records relating to inspections in a central place through a common index; implement a standard application process including all inspections which might be necessary under State codes and Town rules and regulations, including those of the Historic District Commission.~~

~~Section 3. Nothing in this Bylaw shall affect the authority of the public officials who appoint the inspectors or agents included in the Department of Municipal Inspections or of the inspectors or agents themselves. All Town agencies performing inspection functions shall continue, but for administrative purposes and not otherwise, all persons performing inspection functions shall be assisted and coordinated by the Director of Municipal Inspections to the extent appropriate and practical in the circumstances.~~

Fines

Voted May 2,3,&4, 1989, Article 71; Approved by the Attorney General July 24, 1989; Posted July 27, 1989

Whoever may break or violate any provision of these Bylaws; the Zoning Bylaws; the Building, Electrical, Plumbing, or Gas Codes; or any of the Rules and Regulations duly adopted by a Board, Commission, or Committee of the Town, as the same may have been amended from time to time, shall be subject to a fine not to exceed Three Hundred Dollars (\$300), as provided in Massachusetts General Laws, Chapter 40, Section 21, for each offense, or for each day of continued offense, in the absence of an express provision of another penalty.

Interest Rate -- Municipal Charges

Voted May 2,3,&4, 1989, Article 81; Approved by the Attorney General July 24, 1989; Posted July 27, 1989

The due date for payment of all municipal charges and bills shall be thirty (30) days from the rendering of a bill for services. After such date, interest shall accrue from the billing date if such charges remain unpaid. The rate of interest shall be the same rate at which interest may be charged on real estate tax bills under the provisions of Chapter 59, Section 57, of the Massachusetts General Laws.

Town Collector

Voted May 2,3,&4, 1989, Article 82; Approved by the Attorney General July 24, 1989; Posted July 27, 1989

The Office of the Treasurer - Tax Collector, as provided in Chapter 46 of the Acts of 1983, shall have the additional duty to collect fees and charges owing to the Town. The Selectmen shall establish from time to time which of such fees and charges shall so be collected by that office, unless otherwise prescribed by law.
The title of the office shall be Treasurer - Collector.

Traps

Voted May 1,2,3,7,14,& June 5, 1990, Article 69; Approved by the Attorney General September 5, 1990; Posted September 12, 1990

"No person shall use, set, or maintain any type of jawed leg-hold trap, padded, unpadded, modified or unmodified, including but not limited to the softcatch trapping system or any type of Conibear trap within the limits of any highway, park, school-ground or any other public property or any private property. Any person violating any provision of this by-law shall be punished by a fine of not more than \$300 for each offense."

Litter Control

Voted May 1,2,3,7,14,& June 5, 1990, Article 72; Approved by the Attorney General September 5, 1990; Posted September 12, 1990

Notwithstanding the provisions of these bylaws to the contrary, the Board of Selectmen may implement a program to control litter in conjunction with the owners or occupants of premises in the Business Districts (B - 1 and B - 2), the Commercial District, and the Marine Commercial District of the Town. Said program shall provide for the donation by said owners or occupants, of trash barrels of identical design; the markings on the barrels to identify both the Town and the respective donors; the placement of the barrels on the sidewalks adjacent to the donor's respective premises; and the timely emptying of the barrels by the Town.

Cross Connections

Voted May 7, 1991, Article 72; Approved by the Attorney General September 3, 1991; Posted September 6, 1991

No cross connections shall be installed, maintained, permitted, or otherwise authorized between the Town of Tisbury Water Supply System and any unapproved source or system unless it has been approved by the Tisbury Water Works or the Massachusetts Department of Environmental Protection (D.E.P.). When necessary, backflow prevention devices, approved by the Tisbury Water Works and D.E.P., shall be installed. Failure to comply with the orders issued by D.E.P. and/or Tisbury Water Works to abate cross connections will result in termination of water service. No treatment shall be added to water supplied by the Town unless authorized by the Tisbury Water Works.

Boats in Lagoon Pond

Voted May 7, 1991, Article 73; Approved by the Attorney General September 3, 1991; Posted September 16, 1991

1. Holding tanks of all boats shall be sealed at all times when in Lagoon Pond. There shall be no discharge of septage from boats into the waters of the pond at any time. The Lagoon Pond is hereby declared a "no discharge zone" for the purposes of designation by the U.S. Environmental Protection Agency.

The Harbormaster shall use whatever means are available, at his discretion, to monitor vessels and enforce the "no discharge zone".

Violations of the "no discharge zone" shall carry a fine of \$200.00 per offense.

2. Living aboard a boat in Lagoon Pond shall be restricted to three (3) consecutive days except in the event of severe storms of more than three days' duration, as determined by the Harbormaster of the Town.

Capital Expenditure Planning

Voted April 13, 1993, Article 47; Approved by the Attorney General July 16, 1993; Posted July 22, 1993

Amended April 25, 1995, Article 14; Approved by the Attorney General August 21, 1995; Posted August 24, 1995

Amended April 23, 1996, Article 22; Approved by the Attorney General July 9, 1996; Posted July 15, 1996

Repealed April 10, 2012, Article 33; Approved by the Attorney General May 11, 2012; Posted June 19, 2012

~~Section 1. The Town shall have a Capital Program Committee, constituted as follows:~~

- ~~Two people appointed by the Finance Committee;~~
- ~~One person appointed by the Planning Board;~~
- ~~One person appointed by the Selectmen;~~
- ~~Two people appointed by the Moderator;~~
- ~~One person appointed by a majority of the Committee; and~~
- ~~The Town Treasurer, ex officio;~~
- ~~(a total of 7 voting members).~~

~~Section 2. Members shall serve for terms of three fiscal years. Initially, five terms shall be foreshortened as follows so that, to the extent possible, an equal number of terms will expire each year:~~

- ~~One Moderator's appointee 1993~~
- ~~Planning Board's appointee 1993~~
- ~~Selectmen's appointee 1993~~
- ~~One Finance Committee appointee 1994~~
- ~~Capital Program Committee's appointee 1994~~

~~Section 3. The Capital Program Committee shall review the capital plans of all Town and regional governmental entities, and coordinate the development of and propose a consolidated Town Capital Expenditure Program, which shall be included in the warrant for each Annual Town Meeting for approval by the voters. The Program shall be formulated and reformulated so as to reflect the relative priorities of the projects with respect to the availability and potential source of funds. The Program shall project the ensuing fifteen to twenty years of capital expenditures. The initial responsibility to plan for capital needs remains with each governmental entity, and shall not be supplanted by the Capital Program Committee, whose role is advisory to the Town.~~

~~Section 4. A capital expenditure to be reviewed by the Capital Program Committee is defined as an expenditure of at least Ten Thousand dollars (\$10,000), or more as may be determined by the Committee from time to time, for equipment, construction, major maintenance, or land; or any combination or system of components thereof; or any enhancement or reconstruction thereof, with a life expectancy of three years or more. When a series of expenditures for components of a system, each component less than \$10,000 but totaling or exceeding that amount in series, occurs within a proximate time frame, the components shall be a capital expenditure for purposes of this section.~~

~~Section 5. All Town Boards, Commissions, Committees, Officials, and Department Heads shall submit their proposed capital expenditures to the Capital Program Committee for review.~~

~~Section 6. The Capital Program Committee shall make a recommendation to the Town regarding all capital expenditures proposed to Town Meeting. This recommendation, including sources of funds, shall be printed in the Warrant for the Town Meeting. The Finance and Advisory Committee shall take no action in connection with a request for a capital appropriation until the Capital Program Committee has been afforded an opportunity to act thereon.~~

~~Section 7. The Capital Program Committee shall recommend to the Town any use of the stabilization fund for projects on the Capital Expenditure Program, including but not limited to architectural, design, and engineering fees.~~

~~Section 8. Appropriations for replacement or acquisition of equipment and machinery costing One Thousand dollars (\$1,000) up to Ten Thousand dollars (\$10,000) shall be requested through Articles for those purposes but separate from the capital planning process unless said equipment is purchased from surplus, at auction or otherwise, through another government agency (federal, state, county, or other), and if the elected board having jurisdiction over the department votes in the majority to approve the purchase, without a separate Town Meeting Article.~~

~~-~~

~~Section 9. Upon qualification of members of this committee, the prior Capital Planning Committee shall be dissolved.~~

Computerization

Voted April 13, 1993, Article 48; Approved by the Attorney General July 16, 1993; Posted July 22, 1993

Section 1. No addition to, deletion from, or modification of the hardware or software connected to the Computer systems of the Town shall be made without the written approval of the Town's Computer Committee, duly appointed by the Board of Selectmen.

Section 2. All requests for appropriations for additions to, deletions from, or modifications of the Town's computer systems shall be submitted first to the Town's Computer Committee for its recommendation prior to action being taken thereon by the Capital Program Committee, the Finance and Advisory Committee, or the Town Meeting.

Betterments

Voted May 4, 1976, Article 34

Amendment Voted May 1,2,3,7,14, 1990 & June 5, 1990, Article 78

New Bylaw voted November 2 & 3, 1993, Article 10; Approved by the Attorney General January 7, 1994; Posted January 14, 1994.

1. Whenever a limited or determinable area receives benefit or advantage from public improvement, betterments may be assessed for the public improvement in accordance with the provisions of Chapter 80 of the General Laws or any other applicable enabling authority.

2. Betterments shall be assessed in connection with any public improvement only when specifically authorized by vote of a Town Meeting.

Director of Municipal Finance

Voted November 2 & 3, 1993, Article 22; Approved by the Attorney General January 7, 1994; Posted January 14, 1994.

Acting on Article 22, the Town voted to accept the provisions of MGL c 43c S 11 and further, To create the position of Director of Municipal Finance; said Director to be appointed to a term of three (3) years by the Board of Selectmen and be subject to removal by the Board at any time for cause and to be responsible to the Board of Selectmen; the duties of said Director shall be to

1. Coordinate all financial services, activities and reporting obligations,
2. Assist all other city or town departments and officers in any matter related to financial affairs,
3. Perform any other duties as from time to time may be determined to be necessary by the Board of Selectmen upon the recommendation of the Town's Auditors.

Street Fair

Voted April 26 & 28, 1994, Article 60; Approved by the Attorney General June 6, 1994; Posted June 13, 1994.

The Tisbury Street Fair is hereby made a Town celebration and shall be held pursuant to rules and regulations adopted by the Board of Selectmen.

Road Cut Permit

Voted April 14, 1998, Article 10; Approved by the Attorney General September 21, 1998; posted October 5, 1998.

Amended April 7, Article 9; Posted August 12, 2009.

The Town voted unanimously to adopt the following by-law:

Notwithstanding any provisions of any rule, regulation, or bylaw to the contrary, contractors, utility companies, municipal utility works, and individuals must obtain a Road Cut Permit and/or a Trench Permit if applicable from the Board of Public Works Commissioners or its designee prior to performing utility cuts on Town roads. This bylaw applies to any excavation of a Town road which may damage the road or its supporting structure, and is for the purpose of installing or repairing telephone, electric, water, sewer, or television cable distribution lines or equipment.

JET SKI PERSONAL WATERCRAFT

Voted April 14, 1998, Article 6; Approved by the Attorney General November 17, 1998; Posted December 24, 1998. Attorney General's Office received a letter of approval from Richard A. Murray of the Environmental Police dated November 3, 1998.

Personal Watercraft No person shall engage in the business of renting to the public, for public operation, any personal watercraft, jet ski, surf jet, or wet bike within any coastal waters and inland bodies of water as lie within the limits of the Town of Tisbury without first having obtained a license to do so from the Town of Tisbury Board of Selectmen in compliance with this section and in compliance with all federal, state, and local laws pertaining to such use.

As used in this section, the following terms shall have the following meanings:

JET SKI - A ski propelled by a motor and designed to travel over water.

PERSONAL WATERCRAFT - shall mean a vessel propelled by a water jet pump or other machinery as its primary source of motor propulsion which is designed to be operated by persons sitting, standing or kneeling on the vessel rather than being operated in the conventional manner by a person sitting or standing inside the vessel.

SURF JET - A surfboard propelled by a motor and designed to travel over water.

WET BIKE - A vessel designed to travel over water, supported by skis, propelled by a motor.

The Board of Selectmen shall adopt rules, regulations, and reasonable fees for the issuance of such licenses and renewals thereof and the operations of licensees, including but not limited to:

Adequate insurance for the protection of the public.

An appropriately equipped chase boat required at all times.

Personal safety equipment for the safety of users of rented equipment.

Location of premises so as to be consistent with other water and harbor uses and with the town's Harbor Plan.

Loading, unloading, and storage of petroleum products intended for use in personal watercraft, jet skis, surf jets, or wet bikes in accordance with recommendations as may be made by the Chief of the Fire Department of the Town.

Designated areas for use consistent with navigation and other public uses.

That if any of the rules and regulations are declared unlawful for any reason, the remaining rules and regulations shall continue in full force and effect.

On land owned by the Town of Tisbury, the use of, the rental of, and the operation of personal watercraft shall be prohibited.

Data Processing Department

Voted April 13, 1999, Article 8; Approved by the Attorney General September 20, 1999; posted September 24, 1999.

Section 1. The Town shall have a municipal data processing center as authorized under Chapter 41 of the General Laws. This Department shall serve all departments, offices, boards, committees, and agencies of the Town.

Section 2. The Department shall be administered by a coordinator, who shall be appointed by and responsible to the Board of Selectmen.

Section 3. The coordinator may establish from time to time an advisory board whose number, composition, and duties shall be as determined by the coordinator to best assist in the planning and use of the Town's electronic data processing and computing services and activities.

Section 4. The coordinator shall be responsible for:

Coordination of all electronic data processing and computing services and activities of the Town, including but not limited to office

productivity, geographical information systems, digital mapping, financial accounting and reporting, telecommunications, interoffice and Internet electronic mail, Internet services, and local- and wide-area networks.

Development of goals and strategies for the acquisition and implementation of computer services, hardware, and software.

Development of policies relating to the use of Town electronic data processing and computer services, subject to the approval of the Board of Selectmen.

Preparation of an annual and long term budget, subject to the approval of the Board of Selectmen.

Development of specifications and standards for services, hardware, software, and training to assure appropriateness for the purpose intended and compatibility among town departments.

Acquisition of computer services, hardware, and software appropriate to the common and individual needs of the various Town departments.

Maintenance of the computer hardware and software assets of the Town.

Supervision within the Department of all purchases of goods, materials, and supplies and maintenance of inventory controls.

Assistance to all other Town Departments and Offices in any matter related to electronic data processing or computer technology and services to assure the maximum use of resources, minimum duplication of effort and expense, and most economical delivery of services.

Acting on Article 11, the Town voted unanimously to adopt the optional form of municipal administration as set forth in section eleven of chapter forty-three C of the General Laws, which authorizes the legislative body to provide, by by-law, for a consolidated department of municipal finance, and to adopt the following by-law for the purpose of establishing and administering a department of municipal finance, and to repeal the vote taken under Article 22 of the warrant for the November 2, 1993 Special Town Meeting:

Department of Municipal Finance

Voted April 27, 1999, Article 11; Approved by the Attorney General September 9, 1999; posted September 21, 1999.

Section 1. The Town shall have a consolidated Department of Municipal Finance as authorized under Chapter 43C of the General Laws. This Department shall include the offices of Town Accountant, Town Collector, Town Treasurer, and Assessors.

Section 2. The Department shall be administered by a Director of Municipal Finance, who shall be appointed by and responsible to the Board of Selectmen and shall assist the Board of Assessors.

Section 3. The Director of Municipal Finance shall also serve ex-officio, without added compensation, as the Town Treasurer-Collector.

Section 4. The term of office of the Director of Municipal Finance shall be three years. The term of office of the Town Accountant also shall be three years, so arranged that to the extent possible that the terms shall expire in different years.

Section 5. The Director of Municipal Finance shall be responsible for:

Coordination of all financial services and activities of the Town.

Maintenance of all accounting records and other financial statements of the Town.

Payment of all obligations of the Town.

Receipt of all funds due the Town.

Assistance to all other Town Departments and Offices in any matter related to financial affairs.

Monitoring of the expenditures of all Town funds, including periodic reporting to appropriate agencies on the status of Town accounts.

Supervision within the Department of all purchases of goods, materials, and supplies and maintenance of inventory controls.

Day-to-day administration of the offices of the Accountant, Assessors, and Treasurer-Collector, including supervisory and assignment responsibility over all employees in those offices.

Section 6. The Director of Municipal Finance shall appoint all other personnel necessary to staff the Department, except that the appointment of personnel who will staff the office of the Board of Assessors and the Town Accountant shall also be subject to the respective recommendations of those officials, and the Town Accountant shall be appointed by the Board of Selectmen.

Section 7. Except as otherwise provided herein, nothing in this by-law shall derogate from the authority and obligations of the Board of Assessors, or the offices of the Town Accountant, or Town Treasurer-Collector, under the law of the Commonwealth.

Section 8. The provisions of this by-law shall first become effective on July 1, 1999.

sewer by-law

Voted April 11, 2000, Article 10; Approved by the Attorney General July 5, 2000; posted July 18, 2000. Amended STM March 28, 2006, Article 8; approved by the Attorney General December 4, 2006 and posted in five public places December 12, 2006.

* Acting on Article 8, the Town voted unanimously to amend the Sewer Bylaw, as approved under Article 10 of the April 11, 2000 Special Town Meeting, to strike all existing language from Section 4 of said Bylaw entitled "Permitting - Design Wastewater Flow Rate...", and insert the following language in its place: "Permitting – Wastewater Flow Rate – Permits for connecting and changing flows to the System shall be issued by the Board of Public Works Commissioners in accordance with rules and regulations adopted pursuant to Section 3 of this By-law."

* Approved by the Attorney General on December 4, 2006 and posted in five public places on December 12, 2006.

Establishment of Service Area

There is hereby established within the town a wastewater collection and treatment system entitled "Tisbury Wastewater Collection and Treatment System" (the "System") comprised of land situated in a geographical area bounded and described on a plan of land entitled "Figure 1: Phase IV Centralized Service Area" drawn by Stone Environmental, Inc. on file with the Town Clerk (the "Service Area"). The inhabitants of said geographical area shall be served by a municipal wastewater collection and treatment system provided by the Town within the territorial limits of said system. A property owner in said geographical area may elect to use an individual on-site subsurface sewage disposal system otherwise complying with all federal, state, and local regulations in preference to the System at his own expense. Such election shall not affect the assessment of betterments. No property shall be connected to both the system and an individual on-site subsurface sewage disposal system. Such prohibition shall not restrict the use of sewage disposal systems not requiring a discharge to groundwater and otherwise complying with all federal, state, and local regulations.

Extension and Expansion of Service Area

The System may be extended and expanded to serve an increased land area outside the perimeter of the Service Area only following the approval of a majority vote at a Special or Annual Town Meeting. This by-law and any amendments shall apply to all extensions and expansions.

Construction, Operation, and Management

The Board of Selectmen shall be responsible for the construction of the System, pursuant to the Second Modified Final Judgment entered in Suffolk Superior Court Civil Action No. 94-4363, Commonwealth of Massachusetts and its Department of Environmental Protection v. Town of Tisbury.

The Department of Public Works shall be responsible for the operation, management, and maintenance of the System, in accordance with Chapter 599 of the Acts of 1989. The Board of Public Works Commissioners will issue connection permits, set user fees, and act upon applications for abatements. The Board of Public Works Commissioners may adopt and amend rules and regulations for the operation and management of the System provided that said rules and regulations shall be in accordance with a comprehensive, town-wide wastewater management plan presented to and approved by the town prior to the commencement of operation of the system.

Such rules and regulations shall be the subject of a public hearing, notice of which has been filed with the Town Clerk for posting at the Town Hall and the Public Works Facility, and advertised in a local newspaper at least fourteen days beforehand and again at least seven days beforehand. Written notice of the public hearing shall be sent to the responsible party of each parcel within the Service Area as determined by the Town Collector's sewer billing records not less than fourteen days beforehand. In the event that a public hearing on rules and regulations is held prior to the creation of billing records, written notice of the public hearing shall be sent not less than fourteen days beforehand to the owner of record of each parcel within the Service Area as determined by the Board of Assessors current records.

A copy of all rules and regulations shall be available for public inspection at the Public Works Facility and the Town Clerk's office during normal business hours.

All billing systems and records shall be maintained by the Town Collector, who shall issue all bills and collect all payments.

Permitting - Design Wastewater Flow Rate

"Permits for connecting and changing flows to the System shall be issued by the Board of Public Works Commissioners in accordance with rules and regulations adopted pursuant to Section 3 of this By-law." (4. amended 3/28/06)

5. Operating Budget, User Fees and Annual Appropriation

The Board of Public Works Commissioners shall determine the operating budget, user fees, and annual appropriation request, if any, for the System.

Prior to submitting its annual appropriation request, if any, the Board of Public Works Commissioners shall determine its schedule of user fees. User fees shall be set so as to generally reflect the costs of processing the content of the waste stream, and may include a schedule of fees based on user categories. Such fees shall be the subject of a public hearing, notice of which has been filed with the Town Clerk for posting at the Town Hall and the Public Works Facility, and advertised in a local newspaper at least fourteen days beforehand and again at least seven days beforehand. Written notice of the public hearing shall be sent to the responsible party of each parcel within the Service Area as determined by the Town Collector's sewer billing records not less than fourteen days beforehand. In the event that a public hearing on user fees is held prior to the creation of billing records, written notice of the public hearing shall be sent to the owner of record of each parcel within the Service Area as determined by the Board of Assessors current records.

The Director of Public Works shall submit annually to the Board of Public Works Commissioners for their approval a summary of revenue and expense estimates in accordance with M.G.L. Chapter 44, Section 53F ½ Enterprise Funds for the approval of Town Meeting.

6. Betterments

The Board of Selectmen shall determine and assess betterments in accordance with the provisions of Chapters 80 and 83 of the Massachusetts General Laws, or any other enabling authority, for the payment of the capital costs of the initial construction of the System, provided that any such betterments shall not, in the aggregate, exceed fifty percent of the capital costs of such System, and that the balance of any such capital costs shall be raised through other available funds of the Town. The Board of Public Works Commissioners shall determine and assess betterments in accordance with the provisions of M.G.L. Chapters 80 and 83, or any other enabling authority, for the payment of the capital costs thereafter.

Pursuant to M.G.L. Chapter 83 section 15, the determination and assessment of betterments for extensions of the System beyond its limits as of the date of the adoption of this by-law, and the costs of general benefit facilities including, but not limited to pumping stations, trunk mains, and force mains, shall be separated from the costs of special benefit facilities, including but not limited to the mains serving adjacent properties. The Board of Public Works Commissioners shall determine and assess such betterments in accordance with the provisions of M.G.L. Chapters 80 and 83, or any other enabling authority.

Costs Borne By Owners

All costs and expenses incidental to the installation and connection of the building sewer from the owner's property line or easement line shall be borne by the owner. The Town shall install that portion of the collection system from the interceptor or main trunk line to the owner's property line or easement line, whichever is in effect, at the Town's expense. In all buildings in which any building drain is too low to permit gravity flow to the collection system, sanitary sewerage carried by such building drain shall be lifted, at the owner's expense, by means approved by the Town Plumbing Inspector and discharged to the collection system.

Severability

Should any portion of this by-law be determined to be invalid for any reason and such determination is upheld, such determination shall not affect the remaining provisions of this by-law which shall remain in full force and effect, and to this end the provisions of this by-law are hereby declared to be severable.

procurement and property disposal bylaw

Voted April 11, 2000, Article 10; Approved by the Attorney General July 5, 2000; posted July 18, 2000.

All Town contracts or purchase orders with a value of ten thousand dollars (\$10,000) or more and all amendments to such contracts or purchase orders shall be signed by an elected official or an elected board having control of an appropriation sufficient for the contract.

All Town contracts or purchase orders with a value of at least one thousand dollars (\$1,000) but less than ten thousand dollars (\$10,000) and all amendments to such contracts or purchase orders shall be signed by an elected official or board or the designee of such official or board.

All procurements of supplies, equipment and services, including construction and design services, with a value of one thousand dollars (\$1,000) or more shall be reviewed and approved by the Chief Procurement Officer or his designee prior to execution of any contract or purchase order therefor.

All contracts with a value of ten thousand dollars (\$10,000) or more shall be in a form approved by Town Counsel.

The availability of funding for all contracts with a value of one thousand dollars (\$1,000) or more shall be certified in writing by the Town Accountant.

All disposals of Town property shall be conducted by the Chief Procurement Officer or his designee.

**VINEYARD HAVEN HARBOR DISTRICT OF CRITICAL PLANNING CONCERN (DCPC) REGULATIONS
APPROVED AT THE SPECIAL TOWN MEETING**

Tuesday, October 24, 2000

APPROVAL BY ATTORNEY GENERAL NOT REQUIRED

entered April 27, 2006

Acting on amended Article 1, the Town voted unanimously to adopt, pursuant to its authority under Ch.831 of the Acts 1977 as amended, the following Vineyard Haven Harbor District of Critical Planning Concern Regulations as approved by the Martha's Vineyard Commission on September 14, 2000.

REGULATIONS FOR VINEYARD HAVEN HARBOR DCPC #18

.00 SCOPE and AUTHORITY

The Vineyard Haven Harbor District was created under the designation authority of Chapter 831 of the Acts of 1977 as amended.

The provisions of this Section shall apply to the Vineyard Haven Harbor District, as defined below.

All permits, construction, development and other activity connected with compliance by Tisbury (the "Town") with the Second Modified Final Judgment or other agreements with or requirements of the Commonwealth of Massachusetts concerning wastewater collection, treatment and disposal shall be specifically exempted from the provisions of this Section.

.01 PURPOSE

The purpose of these regulations is to maintain and enhance the cultural heritage and economic vitality of the Vineyard Haven Harbor and waterfront, and to protect the health, safety and well-being of Town residents and visitors. Specifically, these regulations seek to maintain the Vineyard Haven Harbor as a year-round working waterfront with facilities for loading and unloading bulk cargo; to promote the Town's longstanding tradition of marine industries, services and maritime hospitality including ship design, building, and repair, traditional sail training and sailing yacht charters, and the provision of necessary services to visiting mariners; to enhance and protect views of the harbor and pedestrian access along the waterfront by discouraging waterfront development and by maintaining the beaches in their natural, unimpeded and unimproved condition; to protect fish, shellfish and wildlife habitats and improve water quality; to provide residents with opportunities for marine recreation; and to promote harbor safety, avoid harbor congestion and prudently manage the limited navigational resources of the harbor.

.02 DEFINITIONS

The "Vineyard Haven Harbor District" ("District") includes the waters and lands beginning at the northeasterly tip of the Eastville Beach Jetty, so-called, and running southeasterly along the Tisbury-Oak Bluffs Town Line to the center point of the drawbridge over the entrance to the Lagoon Pond, then southwesterly to the northeasterly corner of the sea wall along Beach Road (a.k.a. Massachusetts State Highway) and hence along a line of 90 degrees to the southeast across Beach Road to the mean low water mark of Lagoon Pond, and hence southwesterly along said mean low water line to the northeast boundary of Lot 2, Map 10-B, and hence northwesterly along said boundary to Beach Road, and hence southwesterly and then northwesterly along the center line of Beach Road to Water Street, and hence northerly along the center line of Water Street to its intersection with Lot 14, Map 7-D, and hence westerly and then northerly and then easterly along the boundary of said Lot 14, Map 7-D, and hence to the mean high water line of Vineyard Haven Harbor and hence along the shore at the mean high water mark to the intersection of the said mean high water mark and Horton Lane and hence turning south-southeasterly in a straight line across the harbor waters to the point of beginning. The District includes the sub-areas defined in the following subsections (b) through (l).

The "Main Channel" is the 180 foot wide channel marked by a U.S. Coast Guard buoy/ATN system, beginning at #2 lighted red gong buoy in Nantucket Sound and running north and south the length of the Vineyard Haven Harbor to the end of Union Wharf.

The "Southeast Channel" is the channel which begins east of the Main Channel adjacent to Nun Buoy 6 and curves around the eastern and southern perimeters of the Large Vessel Mooring Area to a point off the Union Wharf where it joins the Main Channel.

The "Breakwater Back Channel" is the channel which begins off Union Wharf and runs around the western edge of the Inner Harbor Mooring Area, off the head of Owen Park Pier, between the main breakwater and the shore, and then continues on a east-northeast heading 500 yards.

The "Lagoon Pond Entrance Channel" is the channel which connects Lagoon Pond with Vineyard Haven Harbor's Main Channel.

The "Large Vessel Mooring Area" is the area east of the Main Channel and north and west of the Southeast Channel.

The "Inner Harbor Mooring Area" is the area south of the main breakwater and west of the Main Channel.

The "Owen Little Way Mooring Area" is the area north of the main breakwater, and west of the northern end of the Breakwater Back Channel.

The "Outer Harbor West Anchorage" is the area of the harbor lying seaward of the main breakwater and east of the Breakwater back Channel, and west of the Main Channel.

The "Outer Harbor East Anchorage" is the area of the harbor lying seaward of the Large Vessel Mooring Area and east of the Main Channel, excluding the Lagoon Pond Entrance Channel.

The "Working Waterfront Area" is all of the land area contained within the District which lies between the Fish Pier and Union Wharf.

The "West Beach Area" is all of the land area contained within the District which lies west of Union Wharf.

"Owen Park Pier" is the Town-owned pier located at Owen Park.

"Person" means any individual, corporation, governmental agency, business, trust, estate, partnership, association, two or more persons having a

joint or common interest, or any other legal entity.

A "ferry" is any vessel running on a scheduled route from a point outside the District to a point within the District which carries freight or passengers for hire.

"Charter boating" means the operation of an unscheduled vessel which is carrying passengers for hire, but the term excludes "commercial launches" which are unscheduled vessels of less than 30 feet in length which carry passengers for hire between points on the shore and other vessels, or "water taxis" which are unscheduled vessels of less than 30 feet in length which carry passengers between two points on the shore.

"Charter fishing" means the operation of an unscheduled vessel which is carrying passengers for hire primarily for the purpose of sportfishing.

A "water-dependent use or activity" shall mean and refer to a use or activity which can only be conducted on, in, over or adjacent to a water body because such activity requires direct access to a water body, and which involves, as an integral part of such use or activity, the use of the water body. Without limitation of the foregoing, marinas, boatyards, dry docks, boat storage areas, waterborne passenger transportation facilities and facilities for loading and unloading bulk cargo shall be considered water-dependent uses and activities.

An "accessory use" is a use associated with and necessary to accommodate a principal water-dependent use, and is integral to the function or operation of the water-dependent use or provides related goods and services primarily to persons (.02(n)) engaged in such use, and is commensurate in scale with the operation of the principal water dependent use. Without limitation of the foregoing, chandleries and sail lofts may be considered accessory uses to boatyards, and laundromats may be considered accessory uses to marinas.

A "bulkhead" is a coastal engineering structure placed parallel to the shore, intended to prevent or alleviate storm damage, tidal action, wave action or erosion. For the sake of brevity, within these regulations it can also mean riprap, seawall or revetment.

A "commercial purpose" shall mean operated for profit, or when used by other than the owner, the owner's family or private non-paying guests, when sited on the same premises where a business is conducted; or when used in any manner, directly or indirectly, for the promotion or advertising of a business or services.

A "use of land or structures" shall mean and refer to continued or habitual utilization, occupation or employment of a particular parcel of land, with or without buildings or equipment thereon, or of a particular, permanent structure, for a specific purpose.

A "water-related activity" shall mean and refer to an occasional or itinerant enterprise, action or pursuit, whether occurring on land or water, which is not dependent upon a fixed or semi-fixed location.

.03 USE OF THE CHANNELS, MOORING AREAS AND ANCHORAGES

Subject to the requirements of subsection .09 below, and provided they are not interfering with or impeding navigation or creating a health or safety hazard, all persons (.02(n)) may use the Main Channel, the Southeast Channel, the Breakwater Back Channel and the Lagoon Pond Entrance Channel, the Inner Mooring Area, the Large Vessel Mooring Area, the Owen Little Way Mooring Area, the Outer Harbor West Anchorage, and the Outer Harbor East Anchorage, by right for:

swimming, snorkeling, scuba diving, boating and their instruction;

fishing, shellfishing, and shellfish propagation;

charter boating and charter fishing;

marine-related services to moorings, vessels, and to persons (.02(n)) aboard vessels and sales incidental to those services which are initiated from a land-based business or facility;

commercial navigation with the exception of those types of commercial navigation which require a HARBOR USE PERMIT pursuant to subsection .03(b) below or which are prohibited in the District by subsection .06 below;

Coast Guard-approved Federal and State aids to navigation;

Mooring in areas designated as mooring areas; and

Anchoring in areas designated as anchorages.

Subject to the requirements of subsection .09 below, provided they are not interfering with or impeding navigation or creating a health or safety hazard, and provided that they have applied for and received a HARBOR USE PERMIT ("Permit") in accordance with the requirements of subsection .07 below, all persons (.02(n)) may use the Main Channel, the Southeast Channel, the Breakwater Back Channel and the Lagoon Pond Entrance Channel for:

Marine biological and oceanographic research;

Freight or ferry service;

Water taxi or commercial launch service;

Seaplane or floatplane service;

The sale of goods from a boat except as allowed in subsection .03 (a) (iv). when those sales are incidental to a commercial launch;

Dredging;

The laying of underwater cables;

Coast Guard approved private aids to navigation.

c) All uses or activities not specifically allowed in the Main Channel, the Southeast Channel, the Breakwater Back Channel and the Lagoon Pond Entrance Channel, the Inner Mooring Area, the Large Vessel Mooring Area, the Owen Little Way Mooring Area, the Outer Harbor West Anchorage, and the Outer Harbor East Anchorage are specifically prohibited in those areas except in the case of an emergency where the prohibited use is reasonably necessary to avert immediate danger to life or property.

.04 USE OF PIERS

Public piers used for public purposes are permitted by right. Persons (.02(n)) owning piers located within the District shall not allow them to be used for any commercial purpose unless they have applied for and received a HARBOR USE PERMIT for that specific commercial use. Every such permit application shall clearly state the amount of foot, automobile or vessel traffic or cargo for which the permit is requested, and each such permit granted shall be limited to that amount of traffic or cargo or to any other amount which the Board of Selectmen feel is appropriate to effectuate the purposes of this section. If any such specially permitted use increases beyond the amount of traffic or cargo allowed in the permit, or substantially alters its impact on the District for any reason whatsoever including without limitation the size, noise, odor, visual effect or mode of operation of the vessels involved, then the Permit holder shall be required to reapply for a new HARBOR USE PERMIT specifically incorporating the increased use or impact.

.05 USE OF THE LAND AREAS

Provided they are not interfering with or impeding navigation or creating a health or safety hazard or blocking lateral pedestrian access to the waterfront, the Working Waterfront Area and the West Beach Area may be used for all private, non-commercial recreational activities.

Provided they are not interfering with or impeding navigation or creating a health or safety hazard or blocking pedestrian access to the waterfront, all persons (.02(n)) may by right use the West Beach Area for any purpose permitted in the Tisbury Zoning By-Laws.

Provided they are reasonably preserving a pedestrian view of the water and height restrictions already in Zoning By-Laws and regulated by the Planning Board and are not interfering with or impeding navigation or creating a health or safety hazard or blocking pedestrian access to the waterfront, all persons (.02(n)) may by right use the Working Waterfront Area for any use required to be permitted by Chapter 40A of the General Laws, or for any year round water dependent use or accessory use.

All uses not specifically allowed hereunder by HARBOR USE PERMIT or by right in the Working Waterfront Area or the West Beach Area are specifically prohibited, except in the case of an emergency where the prohibited use is reasonably necessary to avert immediate danger to life or property or except as otherwise permitted by Federal or State Law.

.06 PROHIBITED USES AND ACTIVITIES

The following uses and activities shall be specifically prohibited within the District except in the case of an emergency where the prohibited use is reasonably necessary to avert immediate danger to life or property:

The taking on or off-loading of passengers for hire from a pier or beach, either directly or by launch, from any vessel on which gambling or games of chance are operated as a principal activity;

The taking on or off-loading of passengers for hire from a pier or beach, either directly or by launch, from any motor vessel of more than 100 ft. or which is inspected to carry more than 50 persons, with the exception of traditional sailing vessels with or without auxiliary engines and of ferries operating pursuant to valid HARBOR USE PERMITS.

Maneuvering a ferry of more than 150 feet in length in an arc of 180 degrees or more within the District;

Disturbing any archaeological site that is older than 100 years or valued at more than \$5000 (a violation of MGL Ch. 6, s.180, and MGL Ch. 91, s. 63.)

Personal watercraft rentals from a boat or a shore-based facility which is wholly or partially within the Working Waterfront Area;

The construction or installation of new bulkheads from the westerly boundary of Assessors Map Parcel #9-C-12, westward to the northerly boundary of Steamship Authority property, Assessors Map Parcel #7-E-1.

The construction of new private piers or the construction of additions to existing private piers, except in the Working Waterfront Area. In the Working Waterfront Area, any such construction shall require a HARBOR USE PERMIT;

The construction, installation, placement or maintenance of any structure or object which blocks pedestrian passage along the waterfront in the District;

Discharge of treated and untreated sewage, septage, wastewater, oil, solvents or any other materials in conformance with a Federal No Discharge Zone Designation whose discharge is prohibited by a Federally Designated No Discharge Zone.

.07 HARBOR USE PERMITS

Any person (.02(n)) desiring a HARBOR USE PERMIT ("Permit") shall apply in writing to the Board of Selectmen who shall immediately transmit the application to the Harbor Management Committee for a recommendation. In the case of Permits to operate ferry service, the application must specify with particularity the proposed schedule and the equipment to be used.

The Harbor Management Committee shall make a recommendation within 21 days of transmittal.

If the Committee fails to make a recommendation to the Selectmen on an application for a Harbor Use Permit within 21 days, the Selectmen will proceed without the recommendation by the Committee.

The Board of Selectmen shall then hold a public hearing within 30 days of receipt of application to invite comment on the Permit application, and shall carefully consider the impact of the proposed use or activities in light of the purposes of this Section.

If the Board of Selectmen determines that the proposed use or activity is consistent with the purpose of this by-law and with the Vineyard Haven Harbor Plan, the Permit shall be granted subject to such conditions and time limitations as the Selectmen in their discretion may grant, and such permit shall be valid for as long as the permitted use or activity is carried on by the Permit holder.

.08 EXEMPTIONS

- Uses and Structures

Notwithstanding anything to the contrary contained herein, the provisions of sections .04, .05, .06 and .07 shall not apply to a use of land or structure which was lawfully in existence on August 11, 2000, as long as any such use continues without substantial change, extension or modification, and without interruption, except for customary and historical seasonal closings, nor shall said provisions apply to any structure which was lawfully in existence or for which construction was lawfully begun prior to August 11, 2000, as long as such structure continues to be used for a lawful use in accordance with these regulations, without alterations or expansion. In order to qualify for this exemption, the owner or operator of a lawfully existing use or lawfully existing or begun structure must apply to the Building Inspector within six months of the date upon which these Regulations are adopted by Town Meeting for a certificate of exempt status under these regulations, which certificate shall describe in detail the nature and extent of the use and/or structure exempted hereunder.

- Water-Related Activities

These Regulations shall not apply to any water-related activity which is being lawfully conducted pursuant to a permit or license duly issued by governmental authority prior to August 11, 2000, as long as such activity is conducted by the permittee or licensee as of August 11, 2000, and further provided that there is no change in the manner in which such activity is conducted except to conform with these regulations. Non-use of the permit or license for longer than nine (9) months, suspension or revocation of the license or permit, or expiration of the permit or license without renewal, shall terminate this exemption.

.09 OTHER AUTHORITIES

All uses and activities hereunder shall be subject to the Rules and Regulations issued by the Vineyard Haven Harbormaster pursuant to MGL Ch. 90B, 91 and 102.

All uses and activities hereunder shall be subject to local, State and Federal Law and to the granting of any necessary licenses and permits required by the Town, State or Federal boards or agencies, including without limitation the applicable Coast Guard regulations.

.10 ENFORCEMENT AND PENALTIES

All duly authorized enforcement officials in the Town of Tisbury may issue a citation to any person (.02(n)) who is in violation of any provision hereof. Such citation shall state the date of the violation, the provision of this Section which has been violated, and a description of the nature of the violation.

A copy of any such citation shall be served personally or by mail upon the violator.

No more than one citation per calendar day shall be issued for each violation of any single provision hereof.

A fine of not less than \$50 and not more than \$100 shall be payable to the Town of Tisbury with respect to each violation of the provisions of this Section. In addition to any fine imposed, violation of any provision hereof by any Person (.02(n)) may be sufficient cause for the Harbormaster to refuse that Person (.02(n)) or a vessel belonging to that person (.02(n)) the use of Town-owned Harbor facilities for such a period of time as may be determined by the Harbormaster and the Board of Selectmen.

VOTED: UNANIMOUSLY IN FAVOR

Water Use Restriction Bylaw

: Voted at the Special Town Meeting held April 9, 2002, approved by the Attorney General on October 11, 2002. and posted in five public places October 18, 2002.

Section 1. AUTHORITY

This Bylaw is adopted by the Town of Tisbury under its powers to protect public health and welfare and its powers under Chapter 394 of the Acts of 1905, as amended "An Act to Provide for the Establishment of a Water Supply System by the Town of Tisbury" and implements the Town's authority to regulate water use pursuant to M.G.L. C. 41 Ss 69B. This Bylaw also implements the Town's authority under M.G.L. Ch. 40, Ss 41A, conditioned upon a declaration of water supply emergency issued by the Department of Environmental Protection.

Section 2. PURPOSE

The purpose of this bylaw is to protect, preserve and maintain the public health, safety and welfare whenever there is in force a State of Water Supply Conservation or State of Water Supply Emergency by providing for enforcement of any duly imposed restrictions, requirements, provisions or conditions imposed by the Town or by the Department of Environmental Protection.

Section 3. DEFINITIONS

Person: Shall mean any individual, corporation, trust, partnership or association, or other entity.

State of Water Supply Conservation: Shall mean a State of Water Supply Conservation declared by the Town pursuant to Section 4 of this bylaw.

State of Water Supply Emergency: Shall mean a State of Water Supply Emergency declared by the Department of Environmental Protection under M.G.L. Ch. 21G, Ss 15-17.

Water Users or *Water Consumers*: Shall mean all public and private users of the Town's water system, irrespective of any person's responsibility for billing purposes for water used at any particular facility.

Section 4. DECLARATION OF A STATE OF WATER SUPPLY CONSERVATION

The Town, through its Board of Water Commissioners, may declare a State of Water Supply Conservation upon determination by a majority vote of the Board that a shortage of water exists and conservation measures are appropriate to ensure an adequate supply of water to all water consumers. Public notice of a State of Water Supply Conservation shall be given under Section 6 of this bylaw before it may be enforced.

Section 5. RESTRICTED WATER USES

A declaration of a State of Water Supply Conservation shall include one or more of the following restrictions, conditions, or requirements limiting the use of water as necessary to protect the water supply. The applicable restrictions, conditions or requirements shall be included in the public notice required under Section 6.

Odd/Even Day Outdoor Watering: Outdoor watering by water users with odd numbered addresses is restricted to odd numbered calendar days. Outdoor watering by water users with even numbered addresses is restricted to even numbered calendar days.

Watering Ban: Outdoor watering for any purpose is prohibited.

Outdoor Watering Hours: Outdoor watering is permitted only during daily periods of low demand, to be specified in the declaration of a State of Water Supply Conservation and a public notice thereof.

Filling Swimming Pools: Filling of swimming pools is prohibited.

Automatic Lawn Sprinkler Use: The use of automatic lawn sprinkler systems is prohibited.

Municipal and/or commercial enterprises which use water to process or maintain service may be exempt from the State of Water

Conservation pending a review by the Board of Water Commissioners.

Section 6 PUBLIC NOTIFICATION OF A STATE OF WATER SUPPLY CONSERVATION; NOTIFICATION OF DEP
Notification of any provision, restriction, requirement or condition imposed by the Town as part of a State of Water Supply Conservation shall be published in a newspaper of general circulation within the Town, or by such other means reasonably calculated to reach and inform all users of water of the State of Water Supply Conservation. Any restriction imposed under Section 5 shall not be effective until such notification is provided. Notification of the State of Water Supply Conservation shall also be simultaneously provided to the Massachusetts Department of Environmental Protection.

Section 7 TERMINATION OF A STATE OF WATER SUPPLY CONSERVATION; NOTICE
A State of Water Supply Conservation may be terminated by a majority vote of the Board of Water Commissioners, upon a determination that the water supply shortage no longer exists. Public notification of the termination of a State of Water Supply Conservation shall be given in the same manner as required by Section 6.

Section 8 STATE OF WATER SUPPLY EMERGENCY; COMPLIANCE WITH DEP ORDERS
Upon notification to the public that a State of Water Supply Emergency has been issued by the Department of Environmental Protection, no person shall violate any provision, restriction, requirement, or condition of any order approved or issued by the Department intended to bring about an end to the State of Emergency.

Section 9 – PENALTIES
Any person violating this bylaw shall be liable to the Town in the amount of \$50.00 for the first violation and \$100 for each subsequent violation which shall enure to the Town for such uses as the Board of Water Commissioners may direct. Fines shall be recovered by indictment, or on complaint before the District Court, or by non-criminal disposition in accordance with Section 21D of Chapter 40 of the General Laws. Each day of violation shall constitute a separate offense

Section 10 SEVERABILITY
The invalidity of any portion or provision of this bylaw shall not invalidate any other portion or provision thereof.

Parking in Handicapped Spaces

Approved by the Attorney General on May 5, 2003 and posted at five public places on May 12, 2003.

Acting on Article 12, the Town voted pursuant to MGL Chapter 40, Section 22A to adopt a bylaw regulating the parking of motor vehicles in designated handicapped parking spaces, as follows:

Section 1 – Unauthorized Parking in Designated Handicapped Parking Spaces Prohibited

It shall be unlawful for unauthorized persons to park a motor vehicle in any public parking space designated for use by a disabled veteran or handicapped person as defined in accordance with Section 2 of Chapter 90 of the General Laws.

Section 2 – Removal of Vehicles

Any vehicle parked in a designated handicapped parking space which does not have the proper handicapped transportation or parking identification plate or sticker issued by any State of the United States or any Canadian Province may be removed under the direction of a police officer of the Town, in accordance with Section 22D of Chapter 40 of the General Laws.

Section 3 – Penalty

The penalty for unauthorized parking in a designated disabled veteran or handicapped person parking space shall be one hundred dollars (\$100).

Section 4 – Enforcement

This by-law may be enforced by any police officer of the Town of Tisbury.

Amnesty Program

Approved by the Attorney General on May 5, 2003 (with changes to Article 14) and posted at five public places on May 12, 2003.

Affordable Housing Bylaw

Comprehensive Permits for Pre-Existing and Unpermitted Dwelling Units and for New Dwelling Units in Existing Structures.

1.0: Intent and Purpose.

- The intent of this bylaw is to provide an opportunity to bring into compliance many of the currently unpermitted accessory apartments and apartment units in the Town of Tisbury, as well as to encourage the use of existing dwellings to create additional affordable housing.
- This Bylaw recognizes that although unpermitted and unlawfully occupied, these dwelling units are filling a market demand for housing at rental costs typically below that of units which are and have been, lawfully constructed and occupied.
- It is in the public interest and in concert with its obligations under state law, for the Town of Tisbury to offer a means by which so-called unpermitted and illegal dwelling units can achieve lawful status, but only in the manner described below.
- It is the position of the Town of Tisbury that the most appropriate mechanism for allowing for the conversion of unlawful dwelling units to lawful units is found in GL c.40B, ss. 20-23, the so-called "Comprehensive Permit" program. This provision of state law encourages the development of low and moderate-income rental and owner occupied housing and provides a means for the Board of Appeals to remove local

barriers to the creation of affordable housing units.

- The Town should commit appropriate resources to support affordable housing initiatives. Under this bylaw, the town commits the following resources to support this affordable housing initiative:

Waiver of fees for the inspection and monitoring of the properties identified under this bylaw;

Town staff may assist the property owner in navigating through the process established under this bylaw;

To the extent allowable by law, the negative effect entailed by the deed restriction involved may be reflected in the property tax assessment, and To assist property owners in locating available municipal, state and federal funds for rehabilitating and upgrading the properties identified under this bylaw.

- The Town of Tisbury supports, in conjunction with a variety of other strategies, the conversion of existing structures for use as affordable housing.
- Through the creation of a local Chapter 40B program, which uses state and federal subsidies, the Town can create a mechanism to utilize existing structures for the creation of affordable housing units that is consistent with the Town's identified housing needs.

2.0: Creation of Local Chapter 40B Program:

As part of the Town's efforts to create the type of affordable housing that best meets the needs of the Town and its residents, the Town Administrator shall coordinate Town staff to establish a screening process and criteria - in consultation with one member each from the Board of Selectmen, Zoning Board of Appeals, Planning Board and Board of Health - for the preexisting and unpermitted units described herein, as well as for new units in existing structures, as part of a local Chapter 40B program, which program will provide the state or federal subsidy necessary to establish standing under Chapter 40B for units being created and/or permitted in existing dwellings and structures.

3.0: Amnesty Program

Recognizing that the success of this Bylaw depends, in part, on the admission by real property owners that their property may be in violation of the Zoning Bylaws of the Town, the Town hereby establishes the following Amnesty Program:

- The threshold criteria for units being considered as units potentially eligible for the Amnesty Program are

Real property containing a dwelling unit or dwelling units for which there does not exist a validly issued variance, special permit or building permit, which does not qualify as a lawful, non-conforming use or structure for any or all the units, and that was in existence on a lot of record within the Town as of January 1, 2003; or

Real property containing a dwelling unit or dwelling units which was in existence as of January 1, 2003 and which has been cited by the Building Inspector as being in violation of the Zoning Bylaw; and

The property owner has the burden of demonstrating to the Building Inspector that the criteria in either paragraphs (a) and/or (b) have been satisfied.

If any dwelling unit or units identified herein are occupied during the period of time when amnesty is in effect, said unit must be inspected by the entity designated by the Town Administrator and found to be in conformance with the State or Tisbury Building Codes and State or Tisbury Health Codes, the stricter code to apply. (strike-through by Attorney General)

- Procedure for Qualifying for Amnesty for Units that Meet Threshold Criteria:

- The unit or units must either be a single unit accessory to an owner occupied single family dwelling or one or more units in a multifamily dwelling where there exists a legal multifamily use but one or more units are currently unpermitted;
- The unit(s) must receive a site approval letter under the Town's local chapter 40B program;
- The property owner must agree that if s/he receives a comprehensive permit, the unit or units for which amnesty is sought will be rented to a person or family whose income is 80% or less of the Area Median Income (AMI) of Dukes County Non-metropolitan Statistical Area (NSA) and shall further agree that rent (including utilities) shall not exceed the rents established by the Department of Housing and Urban Development, (HUD), for a household whose income is 80% or less of the median income of Dukes County Non-metropolitan Statistical Area. In the event that utilities are separately metered, the utility allowance established by the Dukes County Housing Authority shall be deducted from HUD's rent level.
- The property owner must agree, that if s/he receives a comprehensive permit, that s/he will execute a deed restriction for the unit or units for which amnesty is sought, prepared by the Town of Tisbury, which runs with the property so as to be binding on and enforceable against any person claiming an interest in the property and which restricts the use of one or more units as rental units to a person or family whose income is 80% or less of the median income of Dukes County Non-metropolitan Statistical Area (NSA).
- Upon receiving the site approval letter under Section 3.2(b) above, the property owner shall within three (3) months file an application for a comprehensive permit under the local Chapter 40B program with the Tisbury Zoning Board of Appeals.

- Obtaining Amnesty and Duration

- No zoning enforcement shall be undertaken against any property owner who demonstrates that s/he meets the threshold criteria under Section 3.1 and further demonstrates that s/he is proceeding in good faith to comply with the procedures under Section 3.2 to obtain a comprehensive permit.

- Any protection from zoning enforcement under this bylaw shall terminate when:
 - A written determination is issued under the local Chapter 40B program that the criteria under Section 3.2 and the local Chapter 40B program cannot be satisfied; or it is determined that the property owner is not proceeding diligently with his/her Chapter 40B application; or
 - the property owner's Chapter 40B application is denied. A person is deemed "not to be proceeding diligently" if s/he does not receive a comprehensive permit within twelve months from the date of issuance of the site approval letter under the local Chapter 40B program.
- This amnesty program shall be reviewed by Town Meeting no later than October 1, 2006

4.0: New Accessory Units in Single Family Owner Occupied Dwellings.

For a proposed new unit to be eligible for consideration under the local chapter 40B program, it must be a single unit accessory to an owner occupied single-family dwelling and comply with the following:

The unit(s) must receive a site approval letter under the Town's local chapter 40B program;

The property owner must agree that if s/he receives a comprehensive permit, the accessory dwelling unit will be rented to a person or family whose income is 80% or less of the Area Median Income (AMI) of Dukes County Non-metropolitan Statistical Area (NSA) and shall further agree that rent (including utilities) shall not exceed the rents established by the Department of Housing and Urban Development (HUD) for a household whose income is 80% or less of the median income of Dukes County Non-metropolitan Statistical Area. In the event that utilities are separately metered, the utility allowance established by the Dukes County Housing Authority shall be deducted from HUD's rent level.

The property owner must agree, that if s/he receives a comprehensive permit, that s/he will execute a deed restriction for the unit, prepared by the Town of Tisbury, which runs with the property so as to be binding on and enforceable against any person claiming an interest in the property and which restricts the use of the one unit as a rental unit to a person or family whose income is 80% or less of the median income of Dukes County Non-metropolitan Statistical Area (NSA).

Upon receiving the site approval under Section 4(a) above, the property owner shall file an application for a comprehensive permit under the local Chapter 40B program with the Tisbury Zoning Board of Appeals.

5.0: Quarterly Reporting

The Town Administrator shall report to the Board of Selectmen no less than quarterly as to the use of this bylaw, paying particular regard to the level of participation.

6.0: Administration

The Board of Selectmen shall have the authority to adopt criteria, guidelines, rules and regulations to administer the housing amnesty program established under this bylaw.

Town Hall and Annex Hours

Voted majority in favor (Yes - 63, No - 37) at the Annual Town Meeting held April 1, 2003 and adjourned session held April 2, 2003. Approved by the Attorney General on May 19, 2003 and posted in five public places May 28, 2003.

Except for holidays and emergencies, the Town Hall and the Town Hall Annex shall be open for public business from 8:30 A.M. to 4:30 P.M., Monday through Friday.

BARKING DOG BYLAW

Voted 3/30/04 Article #15; Approved by the AG 5/13/04;
Posted in five public places 5/20/04.

Acting on Article 15, the town voted to adopt the following bylaw regarding barking dogs:

Barking Dog Bylaw

Barking Dog: No person owning, keeping or otherwise responsible for a dog shall allow or permit said dog to annoy another person's reasonable right to peace or privacy by making loud or continuous noise, where such noise is plainly audible at a distance of one hundred fifty feet (150') from the building, premises, vehicle or conveyance housing said dog. When such noise is continuous in excess of ten (10) minutes, it shall be prima facie evidence of violation of this barking dog bylaw.

Violations and Penalties: Any person who violates this bylaw shall receive a written warning for the First Offense and shall be liable for a payment of fines for subsequent offenses, as follows

Twenty-five Dollars (\$25.00) for the Second Offense;

Thirty Dollars (\$30.00) for the Third Offense; and

Fifty Dollars (\$50.00) for the Fourth and subsequent Offenses, provided that all Offenses occur within the same calendar year.

VOTED: MAJORITY IN FAVOR

TO rescind the Bylaw creating a department of municipal inspections

Acting on Article 16, the town voted unanimously to rescind the vote taken under Article 69 of the warrant for the Annual Town Meeting of May 2-4, 1989, for creation of a Department of Municipal Inspections.

Voted unanimously at the Annual Town Meeting held April 1, 2003 and adjourned session held April 2, 2003. Approved by the Attorney General on May 19, 2003 and posted in five public places May 28, 2003.

The following positions within the Department of Public Works: Sanitation and Roads Foreman, General Foreman and Public Works Director, shall be subject to a requirement of residency on the Island of Martha's Vineyard.

BARKING DOG BYLAW

Voted by a majority vote at the Special Town Meeting held March 30, 2004, approved by the Attorney General on May 13, 2004 and posted in five public places May 20, 2004.

Acting on Article 15, the town voted to adopt the following bylaw regarding barking dogs:

Barking Dog Bylaw

Barking Dog: No person owning, keeping or otherwise responsible for a dog shall allow or permit said dog to annoy another person's reasonable right to peace or privacy by making loud or continuous noise, where such noise is plainly audible at a distance of one hundred fifty feet (150') from the building, premises, vehicle or conveyance housing said dog. When such noise is continuous in excess of ten (10) minutes, it shall be prima facie evidence of violation of this barking dog bylaw.

Violations and Penalties: Any person who violates this bylaw shall receive a written warning for the First Offense and shall be liable for a payment of fines for subsequent offenses, as follows

Twenty-five Dollars (\$25.00) for the Second Offense;

Thirty Dollars (\$30.00) for the Third Offense; and

Fifty Dollars (\$50.00) for the Fourth and subsequent Offenses, provided that all Offenses occur within the same calendar year.

VOTED: MAJORITY IN FAVOR

COMMUNITY PRESERVATION COMMITTEE BYLAW

Voted November 1, 2005. Approved by the Attorney General on December 20, 2005 and posted in five places on December 29, 2005.

The Town adopted MGL Chapter 44B, Sections 3-7, the Community Preservation Act, by vote under Ballot Question #2 at the Annual Town Election on April 19, 2005, as follows:

Section 1. Establishment

(1) There is hereby established a Community Preservation Committee consisting of nine voting members pursuant to Massachusetts General Laws Chapter 44B. The Committee shall consist of the following members:

- One member of the Conservation Commission as designated by the Commission for a term of one year.
- One member of the Tisbury Housing Committee as designated by the Committee for a term of one year.
- One member of the Historical Commission as designated by the Commission for a term of one year.
- One member of the Planning Board as designated by the Board for a term of one year.
- One member of the Board of Public Works Commissioners as designated by the Commissioners for a term one year.
- Four at-large members to be designated by the Board of Selectmen and appointed by the Selectmen as follows:
 - One member to be appointed for a term of one year and thereafter a term of three years;
 - One member to be appointed for a term of two years and thereafter a term of three years; and
 - Two members to be appointed for a term of three years.

(2) Terms for the four at-large members will begin on June 1 of each year and will be staggered three-year terms. Any vacancy on the Community Preservation Committee shall be filled by the commission, authority, or board that designated the member who creates the vacancy by designating another member in accordance with Section (1) above for the unexpired term.

(3) Should any commission, authority or board designating a member for the Community Preservation Committee cease to exist for whatever reason, the Board of Selectmen will determine the appropriate alternative designating commission, authority or board.

Section 2. Duties

(1) The Community Preservation Committee shall study the needs, possibilities and resources of the town regarding community preservation. The committee shall consult with town boards and others including, the Historical Commission, the Housing Authority, the Tisbury Housing Committee, the Planning Board and the Board of Public Works Commissioners in conducting such studies. As part of its studies 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, including on the Town's web page, and published for each of two weeks preceding a hearing in a newspaper of general circulation in the town. The Committee will file an annual report on its activities with the Town Clerk.

- (2) The Community Preservation Committee shall make recommendations to the Town Meeting for the acquisition, creation and preservation of open space; for the acquisition, rehabilitation, restoration and preservation 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 such 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.
- (3) The Community Preservation Committee may include in its recommendations to the Town Meeting a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation, but for which sufficient funds are not then available in the Community Preservation Fund to accomplish that specific purpose, or to set aside for later spending funds for general purposes that are consistent with community preservation.

Section 3. Requirements for a quorum and cost estimates

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 shall constitute a quorum. The Community Preservation Committee shall approve its actions by majority vote. Meetings will be held in accordance with the Open Meeting Law (G.L. Chapter 39, Section 23B). Recommendations to the Town Meeting shall include their anticipated costs.

Section 4. Amendments

The Community Preservation Committee shall, from time to time, review the administration of this By-law, making recommendations, as needed, for changes in the Bylaw and in administrative practice to improve the operations of the Community Preservation Committee. The first review shall be completed at least by November 1, 2008 and subsequent reviews shall be completed at intervals of no more than five years. This Bylaw may be amended from time to time by a majority vote of the Town Meeting, provided that the amendments are not in conflict with Chapter 44B of the Massachusetts General Laws.

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.

Section 6. Action upon Approval

Upon approval of this Bylaw by the Attorney General of the Commonwealth, the Board of Selectmen shall request the Historical Commission, the Tisbury Housing Committee, the Board of Public Works Commissioners, the Planning Board and the Conservation Commission to designate a member to serve on the Community Preservation Committee. The Board of Selectmen will designate four at-large members of the Community Preservation Committee.

TO adopt an Embarkation fees BYLAW

Acting on Article 12, the town voted to adopt the following Embarkation Fees Bylaw to provide a process for expenditure of embarkation fee monies received by the Town pursuant to Section 129 of Chapter 46 of the Acts of 2003, as amended:

Embarkation Fees Bylaw

Embarkation Fees Bylaw to provide a process for expenditure of embarkation fee monies received by the Town pursuant to Section 129 of Chapter 46 of the Acts of 2003, as amended.

Voted March 25, 2008, Article 12; Approved by the Attorney General June 25, 2008 and posted July 2, 2008

A: Establishment of Advisory Committee

There is hereby established a permanent committee of the Town to be known as the Embarkation Fees Advisory Committee, consisting of five (5) members. The composition of the Committee, the appointing authority and the term of office for the Committee members shall be as follows:

- (1) One member of the Board of Selectmen appointed by the Board of Selectmen;
- (2) One member of the Finance & Advisory Committee as recommended by the Finance & Advisory Committee and appointed by the Board of Selectmen;
- (3) Two members at-large, not serving on any other Town Board or Committee, appointed by the Board of Selectmen;
- (4) One member of the Harbor Management Committee as recommended by the Harbor Management Committee and appointed by the Board of Selectmen

Each member of the Committee shall serve for a term of one (1) year or until the person no longer serves in the position or on the board or committee as set forth above, whichever is earlier.

Any member of the Committee may be removed for cause by majority vote of the other members after notice and a hearing.

B: Duties

- (1) The Committee shall study the needs, possibilities and resources of the Town regarding the expenditure of embarkation fee monies received by the Town pursuant to Section 129 of Chapter 46 of the Acts of 2003, as amended. In carrying out its duties, the Committee shall be guided by the purpose for which embarkation fee monies may be appropriated, as set forth in said Section 129. The Committee shall hold at least one annual public informational hearing on the needs, possibilities and resources of the Town regarding the expenditure of embarkation fee monies, notice of which shall be posted publicly and published for each of two weeks preceding the hearing in a newspaper of general circulation in the Town.

(2) The Committee shall make recommendations to the Board of Selectmen regarding appropriation of embarkation fee monies to be considered at the Annual Town Meeting or a Special Town Meeting. The total amount of the recommendations shall take into account the amount of embarkation fee monies expected to be received by the Town for the fiscal year in which the appropriation will be expended, as reasonably estimated by the Committee.

C: Town Meeting

(1) The Board of Selectmen shall place on the warrant for the Annual Town Meeting or any Special Town Meeting for which it has received appropriation recommendations from the Committee one article containing the appropriation recommendations of the Committee.

(2) No embarkation fee monies may be appropriated for any purpose or project other than those contained in the article presented to the Town Meeting by the Board of Selectmen pursuant to the preceding paragraph.

D: Effective Date

This bylaw shall take effect upon approval by the Attorney General of the Commonwealth, and after all requirements of G.L. c.40, §32 have been met. Each body which has membership on the Committee shall have thirty days after approval by the Attorney General to make its initial recommendation for appointment to the Board of Selectmen.

CIVILIAN FLAGGER BYLAW

Voted April 7, 2009, Article 8; Approved by the Attorney General August 24, 2009; Posted at five public places on August 28, 2009.

SECTION 1. Definitions. As used in this bylaw the following words shall, unless the context requires otherwise, have the following meanings: "MUTCD" - Manual of Uniform Traffic Control Devices as published and amended by the United States Department of Transportation and Federal Highway Administration.

"Flagger" - Any natural person, employed by the Department of Public Works of the Town of Tisbury, for the purpose of using traffic control devices as defined in the MUTCD, and trained in the control of traffic and work zone safety as defined in the MUTCD.

"Street" - Any public way, Town way, private way or way to which the public has a right of access in the Town of Tisbury, excluding State-owned public ways.

SECTION 2. Notwithstanding any provisions of any rule, regulation, order or bylaw to the contrary, the Department of Public Works of the Town of Tisbury in the course of constructing, maintaining, or repairing, over or under any street, including the construction, repairs or maintenance to utilities along, under, or through such streets, other than those owned by the Commonwealth of Massachusetts, whether performed by a contractor or performed by Department personnel, may employ flaggers to direct and control traffic around such construction or maintenance sites so long as such will not impact or otherwise compromise public safety, from Labor Day through June 30th of each year.

On August 6, 2009, the Attorney General and Town Counsel elected to proceed under Chapter 299 of the Acts of 2000 (which amends MGL c. 40, sec. 32) by agreeing to extend the 90-day period for the Attorney General's review for Article 8 for an additional 30-day period. Therefor, our review period expires on September 4, 2009. Our comments on Article 8 are provided in more detail below,

The amendments adopted under Article 8 add a new bylaw to the Town's general bylaws which authorizes the use of civilian flaggers on certain roads from Labor Day through June 30 of each year. However, the bylaw requires that only people employed by the Department of public Works of the Town of Tisbury may serve as flaggers. Specifically, Section 1 of the proposed by-law defines "flagger" as follows:

"Flagger" - Any natural person, employed by the Department of Public Works of the Town of Tisbury, for the purpose of using traffic control devices as defined in the MUTCD, and trained in the control of traffic and work zone safety as defined in the MUTCD.

We approve the amendments adopted under Article 8 only to the extent that the bylaw is applied consistently with 701 C.M.R. sec. 7.00, "Use of Road Flaggers and Police Details on Public Works Projects," as more fully explained below.

Chapter 86 of the Acts of 2008 ("the Act") authorized the Executive Office of Transportation and Public Works, in consultation with the Executive Office of Public Safety and Security, to publish guidelines and promulgate regulations regarding the use of road flaggers and police detail on public works projects. Pursuant to the Act, the regulations (701 CMR 7.00) are applicable to all public works projects, including municipal ordinance or bylaw (hereafter the "municipal limitation") or any applicable provisions of a collective bargaining agreement under MGL c. 150E.

The regulations at 701 CMR 7.02 define "Road Flagger" as follows:

Road Flagger. An individual certified by MassHighway, or a MassHighway approved organization, to perform traffic control services on Public Roads.

Section 7.07 of 701 CMR establishes the training and certification responsibilities of road flaggers and provides in pertinent part as follows:

(2) Training. Road Flaggers shall be at least 18 years of age and shall receive training in construction zone safety, traffic control, first aid, and such other necessary safety programs as identified by the Awarding Authority. Road Flaggers must successfully complete the MassHighway approved certification program and carry a valid certification card at all times.

A "road flagger" as the term is defined in the regulation, is [a]n individual certified by MassHighway or a Mass Highway approved organization to perform traffic control services on Public Roads." Additionally, 701 CMR 7.07 (2), requires road flaggers to be at least 18 years old, trained in construction zone safety, traffic control, and first aid, and certified through a MassHighway Department ("MHD") approved program.

Because of the “municipal limitation” in the regulations at 701 CMR 7.01 (3), the Town is authorized to adopt employment and training requirements for civilian flagger which exceed those contained in 701 CMR 7.00. However, the Town must also abide by the certification, age, and training requirements for flaggers established by 701 CMR 7.00, and the Massachusetts Highway Department “Road Flagger and Police Detail Guidelines” adopted pursuant to the regulations, because nothing in the bylaw is inconsistent with those requirements. For example, the bylaw requires flaggers to be “trained in the control of traffic and work zone safety as defined in the MUTCD” (The Manual on Uniform Traffic Control Devices). However, the Town must also ensure that flaggers “successfully complete the MassHighway approved certification program and carry a valid certification card at all times” in order to comply with the regulations. See 701 CMR 7.07 (2). Additional information regarding the Mass Highway training and certification requirements can be found at the “Road Flagger and Police Details Updated 5/11/09” page on the Executive Office of Transportation website, [<http://www.eot.state.ma.us>]. We recommend that the Town carefully review these training and certification requirements and consult with Town Counsel to make sure it is in compliance with 701 CMR 7.00.

In addition, the amendments adopted under Article 8 can only be applied to projects for which the Town of Tisbury is the awarding authority. This is because the “municipal limitation” of 701 CMR 7.01 (3) only applies “[w]hen a Municipality is the Awarding Authority....” 701 CMR 7.01 (3). The regulations, 701 CMR 7.00 will govern traffic control operations when the Commonwealth (or other public agency/authority) is the awarding authority, notwithstanding any local ordinances or bylaws to the contrary. Our approval of the amendments adopted under Article 8 is thus limited to their application to municipal projects.

Finally, the amendments adopted under Article 8 state that they do not apply to “State-owned public ways” or streets “owned by the Commonwealth of Massachusetts.” A more accurate description of this limited application is that the amendments do not apply to state public roads in state forests, parks and reservations outside of the metropolitan parks district, and such public roads within the limits of any property under the control of any department, board or commission of the commonwealth, as may from time to time be designated by the department as roads for general public use and approved for such use by the executive head of the department, board or commission controlling such property.”) The Town may wish to amend this language at a future Town Meeting. Our approval of the amendments adopted under Article 8 is limited to their application to roads which do not qualify as state highways.

We reiterate that, although we approve the amendments adopted under Article 8, our approval is limited to their application in a manner consistent with the regulations, 701 CMR 7.00. We suggest the Town consult with Town Counsel regarding the proper application of the amendments adopted under Article 8.

VACANT BUILDINGS

Amended April 5 and 12, 2011, Article 10; Approved by the Attorney General on August 18, 2011; Posted September 28, 2011

Vacant Buildings – Regulation of Inadequately Maintained Properties

(a) Purpose

The purpose of this bylaw is to help protect the health, safety and welfare of the citizens by preventing blight, protecting property values and neighborhood integrity, protecting the Town's resources, avoiding the creation and maintenance of nuisances and ensuring the safe and sanitary maintenance of all buildings and structures. Inadequately maintained residential or commercial/business buildings are at an increased risk for fire, unlawful entry, and other public health and safety hazards. This bylaw will help secure the welfare of the Town's residents and neighborhoods by requiring all property owners, including lenders, trustees, and service companies and alike, to properly maintain their respective properties.

(b) Definitions

Owner

Every person, entity, service company, property manager or real estate broker, who alone or severally with others:

- 1) has legal or equitable title to any building, structure or parcel of land, vacant or otherwise; or
- 2) has care, charge or control of any building or structure, parcel of land, vacant or otherwise, in any capacity including but not limited to agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title; or
- 3) is a mortgagee in possession of any such property; or
- 4) is an agent trustee or other person appointed by the courts and vested with possession or control; or
- 6) is a trustee who holds, owns or controls mortgage loans for mortgage backed securities transactions and has initiated a foreclosure process.

Property

Any real property, or portion thereof, located in the Town of Tisbury, including buildings or structures situated on the property.

Vacant property

Any property that is unoccupied for a period greater than one hundred eighty (180) days by a person or persons with legal right to occupancy thereof.

(c) Requirements for adequate maintenance

Owners of vacant properties, as defined in section (b), must fulfill the following minimum adequate maintenance requirements for any such property they own:

- 1) Maintain vacant properties subject to this bylaw in accordance with the relevant sanitary, building, and fire codes.
- 2) Secure vacant properties subject to this bylaw to prevent unauthorized entry and exposure to the elements.
- 3) Maintain vacant properties subject to this bylaw in a manner that ensures their external/visible maintenance, including but not limited to the maintenance of major systems, the removal of trash and debris, and the upkeep of lawns, shrubbery, and other landscape features.
- 4) Repair or replace broken windows or doors within thirty (30) days. Boarding up any doors or windows is prohibited except as a temporary measure for no longer than thirty (30) days.
- 5) For properties vacant for six months or more, the utilities for which have been shut off, remove or cut and cap such utilities to prevent accidents.

6) Compliance with this section shall not relieve the owner of any applicable obligations set forth in any other codes, regulations, covenant conditions or restrictions, and/or homeowner or condominium association rules and regulations.

(d) Notice of failure to adequately maintain property

Upon identifying a property as failing to meet the minimum maintenance requirements set out in section (c), the Building and Zoning Department, Board of Health, Police Department and/or Fire Department may notify the owner in writing of maintenance deficiencies at the owner's last known address. If any maintenance deficiency is not corrected within 30 days of said notice, or if a maintenance plan is not approved by the Building and Zoning Department within 30 days of said notice, the Building and Zoning Department may impose a penalty in accordance with the provisions of this bylaw.

(e) Inspections

The Building and Zoning Department, the Board of Health, the chief of the Police Department and the chief of the Fire Department or their designees shall have the authority to periodically inspect any property subject to this bylaw for compliance. The Building and Zoning Department shall have the discretion to determine when and how such inspections are to be made, provided that the time and manner of such inspections are reasonably calculated to ensure that this bylaw is enforced.

(f) Penalties

Violations of any portion of this bylaw, including violations of any regulation promulgated hereunder, or failure to comply with a maintenance plan approved by the Building and Zoning Department, shall be punishable by a fine of three hundred dollars (\$300.00) for each day during which the violation continues. This bylaw may also be enforced by the non-criminal disposition method, pursuant to the authority granted by G. L. c. 40, sec. 21D and the Town's non-criminal disposition bylaw.

(g) Enforcement

The Building and Zoning Department or its designee, the Board of Health, Fire Department and/or the Police Department or their designees(s) shall enforce all provisions of this bylaw; including any regulation promulgated hereunder, and shall institute all necessary administrative or legal action to assure compliance.

(h) Regulatory Authority

The Board of Selectmen is authorized to promulgate rules and regulations necessary to implement and enforce this bylaw.

(i) Severability

If any provision of this bylaw is held to be invalid by a court of competent jurisdiction then such provision shall be considered separate and apart from the remaining provisions, which shall remain **in full force and effect**.

LOOSE FARM ANIMALS

Adopted April 9, 2013, Article 17; Approved by the Attorney General on July 3, 2013; Posted July 5, 2013

Livestock or fowl as defined under Section 136A of Chapter 140, of the General Laws, shall not be permitted to roam outside the boundaries of the property of their owner. Livestock or fowl shall not include a dog, cat or other pet animal. The following schedule shall apply to all violations of this bylaw:

First offense: Written Warning

Second Offense and **Each Subsequent Offense:** **\$50**

MARIJUANA ON TOWN PROPERTY

Adopted April 9, 2013, Article 18; Approved by the Attorney General on July 3, 2013; Posted July 5, 2013

No person shall smoke, ingest, or otherwise use or consume marijuana or tetrahydrocannabinol (as defined in G. L. c. 94C, § 1, as amended) while in or upon any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, within the Town, or any area owned by or under the control of the Town; or in or upon any bus or other passenger conveyance operated by a common carrier; or in any place accessible to the public.

This by-law may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to G. L. c. 40, § 21, or by non-criminal disposition under G. L. c. 40, § 21D, by the Board of Selectmen, the Town Administrator, or their duly authorized agents, or any police officer. The penalty for violation of this by-law shall be three hundred dollars (\$300.00) for each offense. Any penalty imposed under this by-law shall be in addition to any civil penalty imposed under G. L. c. 94C, § 32L.