

## Recent By-Laws

(& other votes taken by  
Town Meeting and Board of Selectmen)  
By-Laws Printed in Bold Type

### RELATING TO TOWN OFFICIALS

#### THREE YEAR TERMS FOR THE BOARD OF SELECTMEN

15 January 1937

Voted by the town to change its method of electing its Board of Selectmen and Board of Public Welfare so that the members of the Boards shall be elected for a term of three years. This by law if adopted shall become effective in 1938, in that year the members of the Boards to be elected for a term of three years, two years, and one year respectively, (seniority of service in said office shall determine their respective terms).

#### ONE YEAR TERM FOR THE MODERATOR:

Adopted: 25 May 1957

Voted that the Town elect a Moderator beginning at the Annual Town Meeting in 1958, whose term of office shall be for one year.

#### FINANCE COMMITTEE

Adopted: Annual Town Meeting 24 February 1959:

Amended: 25 February 1963

Section 1. The Selectmen shall before the first day of May 1959 appoint a Finance Committee consisting of seven registered voters of the Town, no one of whom shall be an elected official of the Town nor an employee of the Town who is responsible for the compilation or presentation of a departmental budget, two members of which original committee shall be appointed for a term of three years, two for a term of two years and three for a term of one year. Subsequent appointments to this Committee to replace members whose terms have elapsed shall be for a term of three years. Interim appointments to fill vacancies caused by death or resignations of member shall be to fill the unexpired term.

Section 2. The Finance Committee shall have the powers and duties set forth in Section 16 of Chapter 39 of the General Laws, (Ter ed) and shall consider and act upon all municipal questions

### TOWN OFFICIALS - 2

to be included as Articles in all Warrants for Annual and Special Town Meetings including the Annual Budget. Articles involving the appropriation of money and to come before the Annual Town Meeting shall be presented to the Finance Committee by January 15th of that year. Other Articles whether for the Annual or a Special Town Meeting shall be presented to the Finance Committee at least ten days before that meeting. The Committee shall make its report and recommendations to each town meeting, which report and recommendations if so be voted by the said Committee shall be printed by and at the expense of the Town.

#### WIRE INSPECTOR

Adopted 6 April 1956

Voted to authorize the Board of Selectmen to appoint an Inspector of Wiring.

#### GAS INSPECTOR

24 February 1964

Voted to authorize the Selectmen to appoint a Gas Inspector.

#### CONSERVATION COMMISSION

Voted 26 February 1968

Voted to accept the provisions of Chapter 40, Section 8-C of the General Laws as amended to establish a Conservation Commission in accordance with the provisions of that Chapter.

#### COUNCIL ON THE AGING

Adopted 28 February 1972

Voted to create a Council on Aging and to adopt the following by-law in accordance with the provisions of Chapter 40, Section 8B of the General Laws:

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.

### TOWN OFFICIALS - 3

Section 2. The Board of Selectmen shall appoint the Council on Aging consisting of three 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 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 of Aging.

#### EXECUTIVE SECRETARY

Adopted: Special Town Meeting: 29 April 1974:

The town votes to authorize and empower the Selectmen to appoint an Executive Secretary in accordance with the provisions of Chapter 41, Section 23A of the Massachusetts General Laws.

#### PLANNING BOARD

Voted Annual Town Meeting

31 March 1975

To establish a planning board of seven members under the provisions of Section 81A of Chapter 41 of the General Laws, with all the powers and duties thereof, and to replace the Selectmen presently acting as said planning board pursuant to the adoption of Article 1 at the Special Town Meeting of 3 February 1975; and to provide that seven members will be appointed by the Selectmen, three members shall be appointed for a term of one year; one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years, and to provide that whenever any such appointed term shall expire, the vacancy thereby created shall be filled by election at the next annual town meeting, and to provide that all members of the planning board shall be elected town officers, serving for terms of five years, so becoming on the expiration of all foregoing appointive terms.

### RELATING TO TOWN MEETINGS

#### AUSTRALIAN BALLOT

Voted 17 January 1935

To authorize the Board of Selectmen to institute the Australian Ballot before the next Annual Town Meeting.

#### DATE OF THE ANNUAL TOWN MEETING:

Most Recent Action

Adopted 25 February 1974:

Voted to rescind all previous action taken relative to fixing the date for the Annual Town Meeting and to authorize and instruct the Board of Selectmen to fix the date for this meeting on the last Monday in the month of March.

#### NOTICE OF MEETINGS:

Adopted 31 March 1975

The Selectmen are required to give notice of regular and special town meetings by advertising in two newspapers having general circulation in the town during the week before any such meeting.

#### SHELLFISH, TOWN WATERS

#### SHELLFISH REGULATIONS

Effective 22 November 1935

Commercial permits shall be granted only to persons fulfilling the following qualifications:

1. To be at least sixteen years of age
2. Have have a legal residence of at least one year if not born in Chilmark
3. Have a legal residence of at least six months if born in Chilmark, or if own property assessed for at least twenty-five hundred dollars
4. Have a legal residence of at least five years if alien

## SHELLFISH TOWN WATERS - 2

5. Any legal resident over sixty years of age is entitled to a free shellfish permit.

### OYSTER GRANTS:

Adopted 4 May 1951

Voted that the oyster grants already made by the Board of Selectmen be confirmed and that the Selectmen be authorized to make additional grants, but that such authorization and confirmation fully protect the rights of the residents of Chilmark to take commercially any shellfish except oysters on said grants, and that the residents may take oysters thereon for their family use.

### SHELLFISH GRANTS:

Voted 5 February 1973

Voted to authorize the Selectmen in accordance with General Laws Chapter 130 Section 57 to issue shellfish grants in Stonewall Pond.

### SHELLFISH STEERING COMMITTEE

Voted 5 February 1973

Voted to authorize the Selectmen to appoint a steering committee of three for shellfish seeding and propagation projects whose job it would be to look into projects, availability and quality of seed and do most of the groundwork for the Shellfish Propagation Officer.

### TOWN WATERS:

Adopted Annual Town Meeting: 24 February 1969

No boat, ship or vessel of any kind or description shall use Menemsha Basin, the Chilmark portion of Menemsha Pond, and Quitsa Pond unless they have their toilets sealed shut or are equipped with holding tanks, and in no event shall there be disposal of human waste or refuse of any kind into these waters.

## SHELLFISH TOWN WATERS - 3

Penalty for a breach thereof shall be in the amount not in excess of \$20.00 for each offense.

### CHILMARK POND

29 April 1974

The town votes to authorize the Selectmen to issue regulations either by administrative action of the enactment of a by-law, limiting the horse power of boats on Chilmark Pond to five horsepower, this not to apply to boats engaged in commercial fishing.

### BEACHES

#### SQUIBNOCKET BEACH

Voted: Special Town Meeting: 12 July 1950

It was voted that the Selectmen be authorized to enter into a lease for 100 years between the Cape Cod Company and the Town of Chilmark for a section of beach at Squibnocket upon such terms and conditions as the Selectmen shall deem in the best interests of the town.

#### VINCENT BEACH

Voted by Special Town Meeting: 25 May 1971

Voted to instruct the Selectmen to arrange and sign a renewable and restricted 99 year lease, renewable for ninety-nine more years for 2,500 feet of beach and approximately fifteen acres of land, together with a forty foot right of way for use as a town park and beach at no cost to the town from the Chilmark Town Association (formerly the Chilmark Community Fund) the park and beach to be named the Lucinda Vincent Memorial Beach.

### PEDDLERS

#### RULES RELATING TO PEDDLERS OF FOOD STUFFS, ICE CREAM, SOFT DRINKS, CONFECTIONS

Adopted by the Board of Selectmen: 30 June 1961

Amended: 11 August 1974

1. No peddlers are allowed to operate in Chilmark between the hours of 6 P.M. and 10 A.M.

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2. Peddlers purveying food stuffs, ice cream, soft drinks and confections are excluded from the following areas:
  - a. Squibnocket Road, Parking area and beach
  - b. the Menemsha section of Chilmark (including the entire Park and Recreation area as well as all of that portion of the North Road which lies South-Westerly from the Basin Road.
  - c. Vincent Beach, Road, and parking area.

## TOWN ROADS

Adopted 4 February 1924

Voted to adopt a by law requiring all vehicles using a travelled way to keep to the right of all white lines painted or placed in such ways.

## SCENIC ROADS:

Adopted 25 February 1974

Voted that the Town accept the provisions of Chapter 140, Section 15C of the General Laws, and accept the following as scenic roads:

Basin Road, North Road, Middle Road, Tea Lane, Meeting House Road, Menemsha Cross Road, and Squibnocket Road.

## DOGS

### DOGS ON BEACHES

Adopted 16 February 1954

Voted to authorize and instruct the Selectmen and the Park and Recreation committee to include in their regulations governing town beaches, a provision that unleashed dogs be prohibited on said beaches during bathing hours.

## DOGS

Adopted Annual Town Meeting

31 March 1975

All dogs owned or kept within the limits of the town shall be

## DOGS - 2

restrained from running at large or shall be kept within the immediate control of their owners and keepers.

The Dog Officer may apprehend all dogs which are not so restrained and controlled and may prosecute all violations of this by-law as provided in Chapter 140, section 173A of the General Laws.

Upon apprehension of any dog found in violation of this by-law, the Dog Officer may impound such dog and shall make a record upon which shall be recorded the breed, color, and sex of said dog, and whether or not it is licensed. If licensed, he shall enter the name and address of the owner, and the number of the license tag. The owner, if known, shall be notified as soon as possible that the dog has been impounded.

The owner of any dog so impounded may reclaim such dog upon payment of the license fee, if unpaid, and all costs and charges incurred by the Town for apprehending, impounding, and maintenance of said dog.

Furthermore, any person violating any provision of this by-law shall be punished by a fine of not more than five dollars for the first offense, ten dollars for the second, and twenty-five dollars for the third.

## DISCHARGE OF FIREARMS:

Adopted Annual Town Meeting: 28 February 1966

No person shall fire or discharge any firearm or explosives of any kind within the limits of any highway, park or other public property except with the written permission of the Board of Selectmen; or on any private property except with the consent of the owner or legal occupant thereof; however this by law shall not apply to the lawful defense of life or property nor to any law enforcement officer acting in the discharge of his duties; it is further provided that any person violating any provisions of this by-law shall be punished by a fine of not more than \$50.00 for each offense.

## GENERAL BY LAWS

Adopted 27 February 1967

Amended 23 February 1971

GENERAL BY LAWS - 2

Higgon to Tarpaulin Cove Light. Violation of this act shall be punished by a fine of not less than five hundred nor more than one thousand dollars.

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1. No person shall obstruct a street, sidewalk or other public place if his presence thereon interferes with the normal flow of traffic. No person shall remain at or near the doors of a place of business if his presence on said street, sidewalk or other public place results in the blocking of access to said place of business if he is requested by the owners or occupants of said places or the police to depart therefrom. Any person violating this by law shall be fined not less than \$25 not more than \$50.

2. No person shall be allowed to sleep in any town parks except with the permission of the Board of Selectmen, or in any town buildings. No persons shall be allowed to sleep on any beaches within the town limits of Chilmark between the hours of 9 P.M. and 7 A.M. This by-law shall not apply to any person who sleeps on a beach which is not owned by the town, county, or state with the permission of person or persons who are lawfully in possession of said beach. Any person violating this by law shall be fined not less than \$25 not more than \$50.

3. No person or persons shall sleep in any motor vehicle on private property unless they have permission to do so by the person or persons lawfully in possession of said property. Whoever violates this by-law shall be fined not less than \$25, or more than \$50.

SPECIAL ACTS OF THE GENERAL COURT  
ACTS OF 1923: CHAPTER 35

AN ACT PROHIBITING DURING CERTAIN MONTHS OF THE YEAR THE USE BY CERTAIN PERSONS OF BEAM OR OTTER TRAWLS IN TAKING FISH FROM CERTAIN WATERS OF THE TOWNS OF CHILMARK, GAY HEAD AND GOSNOLD.

It shall be unlawful during the months of July, August and September for any person who has not been a legal resident of this commonwealth during the preceding year to use beam or otter trawls to drag for fish in that part of the waters of Vineyard Sound lying in the towns of Chilmark, Gay Head and Gosnold, and included between an imaginary line running from the extreme western point of Gay Head to the extreme western point of Nashawena island and another imaginary line running from Cape

Other Relevant Codes:  
Regulations, Board of Health, Town of Chilmark.  
Rules and regulations governing subdivision of land in Chilmark.  
Zoning by-laws, Town of Chilmark

Available at Town Hall