



Code of the Town of Edgartown
County of Dukes
Commonwealth of Massachusetts

Officials of the Town of Edgartown
Town Hall

70 Main Street
Box 5158
Edgartown, MA 02539
Telephone: (508) 627-6180

2026

Board of Selectboard
Arthur Smadbeck, Chairman
Alex Morrison
Julia Tarka

Town Clerk
Karen R. Medeiros

Town Administrator
James M. Hagerty

Assistant Town Clerk
Amber M. Medeiros

PREFACE

Around the year 1645, several English families with names like Norton, Pease, Trapp, Vincent and others, came to the island we know as Martha's Vineyard. They settled at a spot known to the Indians as Chappaquiddick. Their new town, Edgartown, named for an heir to the throne of England who died in infancy, was incorporated July 8, 1671. Its appearance today is little changed from that of 100 years ago, with narrow, winding, tree-lined streets, impressive old but well-kept homes (many of which were built by sailing men of another age), and the incredibly picturesque Edgartown Harbor. Mainly a summer resort community, the town maintains a large year-round population as well. Many have sought Edgartown's charms, including actor James Cagney, who kept a summer home along the Harbor for several years. Edgartown has fought hard to preserve its nostalgic image while trying to allow entry to the good things progress can bring. It's a tough balance to try for, but the town has been largely successful.

The Town of Edgartown has, over the years, passed through a process of legislative change common to many American communities. While only a few simple laws were necessary at the time of the establishment of the town, subsequent growth of the community, together with the complexity of modern life, has created the need for new and more detailed legislation for the proper function and government of the town. The recording of local law is an aspect of municipal history, and as the community develops and changes, review and revision of old laws and consideration of new laws, in the light of current trends, must keep pace. The orderly collection of these records is an important step in this ever-continuing process. Legislation must be more than mere chronological enactments reposing in the pages of old records. It must be available and logically arranged for convenient use and must be kept up-to-date. It was with thoughts such as these in mind that the Town Meeting and Board of Selectboard ordered the following codification of the town's legislation.

History

General Code Publishers Corp was responsible for publishing the Original edition of the Code of the Town of Edgartown. Please click this link to see the original version of the Code.

Contents of the Code

The various chapters of the Code legislation (Town meeting enactments) of a general and permanent nature enacted by the Town Meeting and Board of Selectboard, as well as certain rules, regulations and/or bylaws adopted by various boards, commissions, departments and/or agenda, which were deemed to be general and permanent in nature and appropriate for inclusion in this version.

These chapters are constantly being updated, therefore some areas may not be completely current and we recommend that you follow up with the appropriate town departments to verify whether or not the bylaw or regulations is current.

Table of Contents

PART I ADMINISTRATIVE LEGISLATION	8
GENERAL PROVISIONS.....	9
EDGARTOWN AFFORDABLE HOUSING TRUST FUND	10
BYWAYS COMMITTEE.....	14
CAPITAL PROGRAMS COMMITTEE	16
COMMUNITY PRESERVATION COMMITTEE	18
COUNCIL ON AGING	21
COUNSEL, TOWN.....	22
DEPARTMENT REVOLVING FUNDS (BEACHES)	25
EDGARTOWN PONDS AREA ADVISORY COMMITTEE.....	23
ELECTIONS	26
FINANCES	28
Contracts	29
Annual Audit.....	29
Disposition of License Fees	30
Disposition of Collector of Taxes Fees	30
Disposing of Abandoned Funds.....	27
FINANCIAL ADVISORY COMMITTEE.....	30
HISTORIC ADVISORY COMMITTEE.....	32
MARINE ADVISORY COMMITTEE	34
OFFICERS AND EMPLOYEES.....	36
Town Treasurer	37
<u>Inspector of Wires</u>	<u>36</u>
Town Clerk.....	36
Harbor Master.....	36

Assessor.....	36
Town Accountant	36
Tax Collector.....	37
Town Moderator	37
PERSONNEL POLICIES	43
PLANNING BOARD.....	44
POLICE DEPARTMENT.....	45
PROPERTY, SALE OF.....	46
SEWER COMMISSION	47
SEASONAL COMMUNITY DESIGNATION	47
SHELLFISH COMMITTEE.....	48
<u>SPECIAL EDUCATION RESERVE FUND</u>	<u>47</u>
TOWN MEETINGS	50
PART II GENERAL LEGISLATION	52
ALARM SYSTEMS	53
ALCOHOLIC BEVERAGES	54
BAGS, PLASTIC.....	54
<u>BALOONS.....</u>	<u>56</u>
BICYCLES.....	57
BUILDING CONSTRUCTION ADMINISTRATION.....	58
BUILDINGS, NUMBERING OF.....	60
CONTAINERS, ALCOHOLIC BEVERAGES.....	59
CURFEW	62
DOGS AND OTHER ANIMALS.....	63
Dogs.....	63

Other Animals.....	64
FEES	65
FIREARMS	68
HANDBILLS AND SIGNS.....	69
HAWKERS AND PEDDLERS.....	70
HISTORIC DISTRICT	71
JUNK DEALERS	80
LEAF BLOWERS	92
COMMERCIAL MARINE LICENSE.....	81
LAUNCH SERVICE.....	83
LICENSES AND PERMITS	84
Delinquent Taxpayers	84
Rental of Motor Vehicles.....	85
LITTERING	88
MILK.....	89
NOISE.....	91
<u>LEAF BLOWERS</u>	<u>91</u>
CONSTRUCTION NOISE.....	94
PARADES.....	96
PEACE AND GOOD ORDER.....	97
Miscellaneous Provisions	97
Public Nudity	97
Urinating in Public.....	97
PLASTIC BOTTLE BAN	99
ROOM OCCUPANCY EXCISE TAX	100

MOTORIZED VEHICLE.....	100
RECREATIONAL VEHICLES.....	102
ROLLER SKATES, SKATEBOARDS, AND IN-LINE SKATES	103
SEWERS	104
ELECTRONIC PERSONAL ASSISTANCE MOBILITY DEVICES.....	106
STREETS AND SIDEWALKS	109
Miscellaneous Provisions	109
Use of Public Ways.....	110
Town Snow Removal on Private Ways.....	10911
Layout and Acceptance of Ways	111
Snow and Ice Removal	10912
STRETCH ENERGY CODE.....	59
SWIMMING POOLS.....	113
TAXICABS	114
TRAPS	134
VEGITATION.....	136
VEHICLES.....	135
Doctor Fisher Road.....	135
VEHICLES, UNREGISTERED	136
WATER.....	137
Cross-Connections.....	137
WETLANDS	138
YARD SALES	142
ZONING	SEE ZONING BY LAWS
DIVISION 2 SELECTBOARD REGULATIONS	143

VEHICLES AND TRAFFIC	144
<u>VETERAN EXEMPTION</u>	<u>169</u>
DIVISION 3	171
MISCELLANEOUS	171
SUBDIVISION OF LAND	172

PART I

ADMINISTRATIVE LEGISLATION

Chapter 1

GENERAL PROVISIONS

- 1-1. **General penalty.**
- 1-2. **Repealer.**
- 1-3. **Noncriminal disposition of offenses.**

[HISTORY: Adopted 3-14-1967 Annual Town meeting, approved 6-8-1967. Amendments noted where applicable.]

- 1-1. **General penalty.**
Any person violating any of these bylaws shall be liable to a fine not to exceed fifty dollars (\$50.) for each offense.
- 1-2. **Repealer.**
Upon approval of these bylaws by the Attorney General, all bylaws heretofore existing shall be ipso facto annulled and replaced by these bylaws which shall then take effect.
- 1-3. **Noncriminal disposition of offenses. [Added 10-2-1980 STM, Art. 17, approved 2-17-1981]**
Any person taking cognizance of a violation of a specific bylaw, rule or regulation which he is empowered to enforce, the violation of which is subject to a specific penalty, as an alternative to initiating criminal proceedings, may give to the offender a written notice to appear before the Clerk of the District Court having jurisdiction thereof at any time during office hours, not later than twenty-one (21) days after the date of such notice, to allow for the noncriminal disposition of such offenses in accordance with the provisions of MGL C. 40, 21D.

Chapter 5

**AFFORDABLE HOUSING TRUST FUND
(Adopted STM 12-9-08, Article 2, approved by A.G. 4/28/08)**

5-1. Establishment.

EDGARTOWN AFFORDABLE HOUSING TRUST FUND

- (a) In accordance with Massachusetts General Laws Chapter 44 Section 55C, Edgartown hereby establishes a trust to be known as the Edgartown Affordable Housing Trust Fund, in this section called the trust. The purpose of the trust is to provide for the creation and preservation of affordable housing for the benefit of low and moderate income households in Edgartown.

Recognizing the unusually high disparity between median income and median housing costs in Dukes County, the trust may assist in providing housing for households of moderate income, including those whose household income is below 140% * of the Area Mean Income for Dukes County as established annually by the U.S. Department of Housing and Urban Development.

*April 10, 2025 Annual Town Meeting Article 44 AMENDED TO 180% OF AREA MEAN INCOME FOR DUKES COUNTY, AS ESTABLISHED ANNUALLY BY THE U.S. DEPARTMENT OF HUD

5-2. Membership.

- (b) There shall be a board of trustees, in this section called the board, which shall include 7 trustees, including one member of the Board of Selectboard, four members of the Edgartown Affordable Housing Committee, and two members at large. Trustees shall be appointed by the Board of Selectboard, shall serve for a term not to exceed 2 years, and are designated as public agents for purposes of the Constitution of the Commonwealth;

5.3. Responsibilities.

- (c) The powers of the board, all of which shall be carried on in furtherance of the purposes set forth in this act, shall include the following powers, but the town may, by by-law approved at town meeting, omit or modify any of these powers and may grant to the board additional powers consistent with this section:
- (1) to accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the trust in connection with any ordinance or by-law or any general or special law or any other source, including money from 44B, with the concurrence of the Board of Selectboard;
 - (2) to purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income, with the concurrence of the Board of Selectboard;

- (3) to sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to trust property as the board deems advisable notwithstanding the length of any such lease or contract, with the concurrence of the Board of Selectboard;
- (4) to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the board engages for the accomplishment of the purposes of the trust, with the concurrence of the Board of Selectboard;
- (5) to employ advisors and agents, such as accountants, appraisers and lawyers as the board deems necessary, with the concurrence of the Board of Selectboard;
- (6) to pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the board deems advisable, with the concurrence of the Board of Selectboard;
- (7) to apportion receipts and charges between incomes and principal as the board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise, with the concurrence of the Board of Selectboard;
- (8) to participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person, with the concurrence of the Board of Selectboard;
- (9) to deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the board may deem proper and to pay, out of trust property, such portion of expenses and compensation of such committee as the board may deem necessary and appropriate, with the concurrence of the Board of Selectboard;
- (10) to carry property for accounting purposes other than acquisition date values, with the concurrence of the Board of Selectboard;
- (11) to borrow money on such terms and conditions and from such sources as the board deems advisable, to mortgage and pledge trust assets as collateral, with the concurrence of the Board of Selectboard and a Town Meeting vote;
- (12) to make distributions or divisions of principal in kind, with the concurrence of the Board of Selectboard;

- (13) to comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this act, to continue to hold the same for such period of time as the board may deem appropriate, with the concurrence of the Board of Selectboard;
- (14) to manage or improve real property; and to abandon any property which the board determined not to be worth retaining, with the concurrence of the Board of Selectboard;
- (15) to hold all or part of the trust property uninvested for such purposes and for such time as the board may deem appropriate, with the concurrence of the Board of Selectboard; and
- (16) to extend the time for payment of any obligation to the trust, with the concurrence of the Board of Selectboard.

5.4.1. Revenue.

Notwithstanding any general or special law to the contrary, all moneys paid to the trust in accordance with any zoning ordinance or by-law, exaction fee, or private contributions shall be paid directly into the trust and need not be appropriated or accepted and approved into the trust. General revenues appropriated into the trust become trust property and to be expended these funds need not be further appropriated. All moneys remaining in the trust at the end of any fiscal year, whether or not expended by the board within 1 year of the date they were appropriated into the trust, remain trust property.

5.5.1. Regulations, accounting, annual report.

- (d) The trust is a public employer and the members of the board are public employees for purposes of General Laws Chapter 258.
- (e) The trust shall be deemed a municipal agency and the trustees special municipal employees, for purposes of General Laws chapter 268A.
- (f) The trust is exempt from General Laws chapters 59 and 62, and from any other provisions concerning payment of taxes based upon or measured by property or income imposed by the commonwealth or any political subdivision thereof.
- (g) The books and records of the trust shall be audited annually by an independent auditor in accordance with accepted accounting practices.
- (h) The trust is a governmental body for purposes of sections 23 A, 23B and 23C of General Laws Chapter 39.
- (i) The trust is a board of the town for purposes of General Laws chapter 30B and 15A of General Laws Chapter 40; but agreements and conveyances between the trust and agencies, boards, commissions, authorities, departments and public instrumentalities of the town shall be exempt from said Chapter 30B.

- (j) The trust shall keep a record of its doings and at the close of every fiscal year make a report thereof to the Board of Selectboard and Annual Town Meeting. The report shall include a description and source of funds received and expended and the type of affordable housing programs or properties assisted with the funding. The trust shall also provide the Board of Selectboard with a copy of the trust's annual audit.

Chapter 6

BYWAYS COMMITTEE

- 6-1. Purpose.
- 6-2. Membership, terms, qualifications and compensation.
- 6-3. Election of officers.
- 6-4. Duties.
- 6-5. Quorum.
- 6-6. Annual report.

[HISTORY: Adopted 4-9-1991 Annual Town Meeting, Art. 31, approved 2-4-1992. Amendments noted where applicable.]

GENERAL REFERENCES

Streets and sidewalks. – See Ch. 150.
Vehicles and traffic. – See Ch. 188.

6-1.1. Purpose.

The Board of Selectboard shall appoint a Byways Committee for the purpose of defining and providing management for a network of public and private special ways that will serve as a secondary means of travel throughout the town and the Island, especially for pedestrians and horses.

6-2. Membership, terms, qualifications and compensation.

- A. This Board of Selectboard shall appoint the Byways Committee consisting of five (5) members.
- B. A term shall be no more than three (3) years.
- C. Members shall not serve more than two (2) consecutive terms, members may be reappointed after not serving for at least one (1) term and members shall work with the Planning Board and the Conservation Commission when so needed.
- D. All members shall serve without remuneration.

6-3. Election of officers.

Members shall, from among the Committee, elect a Chairman who shall preside at all meetings and a Secretary who shall keep a permanent record of all proceedings.

6-4. Duties.

The duties of the Byways Committee shall be as follows:

- A. To prepare and submit to the Selectboard for approval and implementation rules and regulations pertaining to the ancient ways and trails of the Island.
- B. To hold public meetings when necessary.
- C. To aid the Planning Board in determining where the byways are located and assisting in protection of the same.

6-5. Quorum.

There shall be in attendance three (3) members of the Byways Committee for an official meeting to take place.

6-6. Annual report.

The Byways Committee shall prepare and submit an annual report of its activities to the Board of Selectboard and the Town of Edgartown.

Chapter 8

CAPITAL PROGRAMS COMMITTEE

- 8-1. Establishment; membership; terms; officers.
- 8-2. Duties and responsibilities.
- 8-3. Preparation of annual report.
- 8-4. Expenditures.
- 8-5. Publication and distribution of report.

[HISTORY: Adopted 4-12-1977 Annual Town Meeting, Art. 20, approved 6-15-1977. Amendments noted where applicable.]

8-1. Establishment; membership; terms; officers.

- A. A Committee to be known as the "Capital Programs Committee" shall be established, composed of one (1) member of the Financial Advisory Committee appointed by and from it, one (1) member of the Planning Board appointed by and from it and five (5) additional members to be appointed by the Board of Selectboard. **[Amended 4-11-1989 ATM, Art. 19, approved 6-22-1989]**
- B. The members from the Advisory Committee and the Planning Board shall be appointed for one-year terms. The other members shall be appointed for four-year terms such that one (1) will expire each year.
- C. The Town Accountant shall be an ex officio member without the right to vote.
- D. A member who ceases to reside in the town shall resign.
- E. A vacancy shall be filled for the unexpired term in the manner of the original appointment.
- F. The Committee shall choose its own officers.

8-2. Duties and responsibilities. [Amended 4-15-1988 ATM, Art. 19, approved 8-30-1988]

The Committee shall study proposed capital outlays involving any acquisition of land or any expenditure in excess of twenty-five thousand dollars (\$25,000.) having a useful life of at least three (3) years. All officers, boards and committees, including the Selectboard and the School Committee, shall, by September 1 of each year, give to said Committee, on forms prepared by it, information concerning such projects anticipated by them as needing Town Meeting action during the ensuing six (6) years. The Committee shall consider the relative need, timing and costs of these expenditures and the effect each will have on the financial position of the town.

8-3. Preparation of annual report.

The Committee shall prepare an annual report containing the capital budget of such outlays for the first year for presentation to the Advisory Committee for inclusion in its report and also a capital program for the following five (5) years for adoption by the town at the Annual Meeting, with an explanation thereof. It may make investigations and hold such hearings as it may deem necessary.

8-4. Expenditures.

Such capital program, after its adoption, shall permit the expenditure on projects included therein on sums from departmental budgets for surveys, engineering advice, options or appraisals which may be expended for projects listed thereon, but no such expenditure shall be incurred on projects which have not been so approved by Town Meeting action. Such expenditures may also be made as to projects approved by the town through the appropriation of sums in the current or prior years and also for preliminary planning projects to be undertaken more than five (5) years thence.

8.5.1. Publication and distribution of report.

A report shall be published and distributed also with the Advisory Committee report. The Committee shall deposit the original with the Town Clerk.

Chapter 11

COMMUNITY PRESERVATION COMMITTEE (Adopted STM 10-15-05, Article 12, approved by A.G. 12/14/05)

11-1. Establishment; members

There is hereby established a Community Preservation Committee, consisting of seven (7) voting members pursuant to M.G.L. Chapter 44B, the Massachusetts Community Preservation Act. The composition of the committee, the appointment authority and the term of office for the committee members shall be as follows:

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

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

One member of the Historic District Commission as designated by the Historic District Commission for an initial term of one year and thereafter for a term of three years.

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

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

One member of the Financial Advisory Committee as designated by the Financial Advisory Committee for an initial term of two years and thereafter for a term of three years.

One at-large member as designated by the Board of Selectboard for an initial term of two years and thereafter for a term of three years.

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

Should any of the Commissions, Boards or Committees who have appointing authority under this Chapter be no longer in existence for what ever reason, the appointing authority for that Commission, Board, or Committee shall become the responsibility of the Board of Selectboard.

Any member of the Committee may be removed for cause by their respective appointing authority after hearing.

11-2. Duties.

(1). The community preservation committee shall study the needs, possibilities and resources of the town regarding community preservation. The committee shall consult with existing town boards, including the conservation commission, the historical commission, the planning board, the parks and recreation commission, the housing authority, the resident homesite committee, and the affordable housing

committee or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the committee shall hold one or more public informational hearings on the needs, possibilities and resources of the town regarding community preservation possibilities and resources. Notice of the meetings shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the town,

(2). The community preservation committee shall make one or more recommendations at the Town Meeting for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation and preservation of land for recreational use; for the acquisition, creation and preservation of land for natural resources and conservation purposes; for the creation, preservation and support of community housing and for 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 a recommendation at Town Meeting to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish those specific purposes or to set aside for later spending funds for general purposes that are consistent with community preservation.

(4). In every fiscal year, the community preservation committee must recommend either that the Town Meeting body spend, or set aside for later spending, not less than 30% of the annual revenues in the Community Preservation Fund consistent with the provisions in M.G.L. Chapter 44B Section 6. The Town Meeting shall make appropriations from the Fund as it deems necessary for the administrative and operating expenses of the community preservation committee up to, but not to exceed, five percent (5%) of the annual revenues in the Community Preservation Fund.

As provided by the Massachusetts Community Preservation Act, M.G.L Chapter 44B, no expenditures shall be made from the Community Preservation Fund without the approval of Town Meeting.

11-3. Requirement for a quorum and cost estimates

The community preservation committee shall comply with the provisions of the Open Meeting Law, M.G.L. Chapter 39 Section 23B. The committee shall not meet or conduct business without the presence of a majority of the members of the community preservation committee, which shall constitute a quorum. The community preservation committee shall approve its actions by majority vote. Recommendations to the Town Meeting shall include the committee's anticipated costs.

11-4. Amendments

This Bylaw may be amended from time to time by a majority vote of the Town Meeting, consistent with the provisions of M.G.L. Chapter 44B.

11- 5. Severability

In case any section, paragraph or part of this By-law is, for any reason, declared invalid or unconstitutional by any court, every other section, paragraph or part shall continue in full force and effect.

11-6. Effective Date

Following Town Meeting approval, this Bylaw shall take effect immediately upon approval by the Attorney General of the Commonwealth, and after all requirements of M.G.L. Chapter 40 Section 32, have been met. Each appointing authority shall have thirty days after approval by the Attorney General to make their initial appointments. Should any appointing authority fail to make their appointment within that allotted time, the current acting Chairman on each of the seven groups listed under the Establishment section, will sit on the Community Preservation Committee until another representative is appointed.

Chapter 12

COUNCIL ON AGING

- 12-1. Establishment; purpose.**
- 12-2. Membership; terms.**
- 12-3. Filling of vacancies.**
- 12-4. Annual report.**
- 12-5. Appointment of clerks and other employees.**

[HISTORY: Adopted 3-9-71 Annual Town Meeting, Art. 32, approved 6-11-71. Amendments noted where applicable.]

12-1. Establishment; purpose.

The Board of Selectboard shall appoint a Council on Aging for the purpose of coordinating or carrying out programs designed to meet the problems of the aging in cooperation with the programs of the Commission on Aging established under MGL C. 6, Sec. 73.

12-2. Membership; terms. [Amended 3-14-72 ATM, Art. 20]

The Board of Selectboard shall appoint the Council on Aging, consisting of five (5) to seven (7) members. Upon acceptance of this chapter, the Board shall appoint two (2) members for three (3) years, two (2) members for two (2) years and one (1) member for one (1) year. One (1) or two (2) other members may be appointed at the discretion of the Selectboard for one (1) year. Members can be reappointed and shall serve without pay.

12-3. Filling of vacancies.

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 Selectboard for the remainder of the term.

12-4. Annual report.

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.

12-5. Appointment of clerks and other employees.

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

Chapter 14

COUNSEL, TOWN

14-1. Appointment; salary.

[HISTORY: Adopted 3-7-22 Annual Town Meeting, approved 3-23-22. Amendments noted where applicable.]

14-1. Appointment; salary.

The Board of Selectboard shall annually appoint an attorney at law to act as Town Counsel, who shall be paid such salary as the town may vote.

Chapter 16

EDGARTOWN PONDS AREA ADVISORY COMMITTEE

- 16-1. Appointment and purpose.
- 16-2. Membership.
- 16-3. Duties.
- 16-4. Termination.
- 16-5. Annual report.

[HISTORY: Adopted 4-10-1990 Annual Town Meeting, Art. 11, approved 6-29-1990. Amendments noted where applicable.]

GENERAL REFERENCES

Wetlands – See Ch. 169.
Zoning – See. Ch. 175.
Subdivision of land – See Ch. 202.

16-1. Appointment and purpose.

The Board of Selectboard shall appoint an Edgartown Ponds Area Advisory Committee for the purpose of advising Town boards, commissions, committees or departments with respect to the use and management of uplands, wetlands and surface waters within the Edgartown Ponds Area District as set forth in 175-79.3B of the Zoning Chapter and assist in carrying out programs designed to meet the needs of the commercial shellfishing industry and the family shellfish program of the Town of Edgartown.

16-2. Membership.

- A. The Board of Selectboard shall appoint the Edgartown Ponds Area Advisory Committee consisting of 12 members. **[Amended 4-8-1997 ATM, Art. 25]**
- B. Initially, the Board shall appoint four members for three years, four members for two years and three members for one year.
- C. Representation.
 - (1) One member shall be recommended to represent the Marine Advisory Committee, one to represent the Planning Board, one to represent the Conservation Commission, one to represent the Board of Health, one to represent the Shellfish Committee and one to represent the Wastewater Commission. **[Amended 4-8-1997 ATM, Art. 25]**
 - (2) Of the other six members, four shall represent the interests of riparian owners and property owners whose interests and properties are located in the Edgartown Ponds Area District, one shall represent the interests of commercial shellfishermen and the remaining member shall represent the interests of conservation groups.
- D. All members shall serve without remuneration.

- E. Members shall, from among the Advisory Committee, elect three officers: a Chairman who shall preside at meetings; a Vice Chairman who shall act in place of the Chairman and keep a permanent record of any financial transactions; and a Secretary who shall keep a permanent record of all proceedings.
- F. Whenever a vacancy shall occur in the membership of the Committee for any reason, the vacancy shall be filled by appointment of the Selectboard with the advice of the Advisory Committee for the remainder of the term.

16-3. Duties.

The duties of the Edgartown Ponds Area Advisory Committee shall be as follows:

- A. Study, design or coordinate plans or projects as directed by the Marine Advisory Committee, Planning Board, Conservation Commission, Board of Health and the Shellfish Committee.
- B. When requested by the boards and committees listed in Subsection A above:
 - (1) Review all new development projects within the Edgartown Ponds Area District, including those which qualify as developments of regional impact; and
 - (2) Comment to the appropriate permitting authorities regarding whether the development is designed to preserve sensitive resource areas within the District.
- C. When requested by the boards and committees above, hold public meetings for the purpose of informing the residents of the Town as to plans or projects proposed by the Advisory Committee.
- D. When requested by the boards and committees above, obtain data and opinions with respect to such matters under study or consideration by the Advisory Committee.
- E. When requested by the boards and committees above, develop guidelines for publication and distribution of a pamphlet to Edgartown Ponds Area District property owners encouraging practices designed to preserve sensitive resources within the District.
- F. When requested by the boards and committees above, develop a list of and assign priorities to tasks to be undertaken by the Advisory Committee. The tasks include issues to be investigated and studied to the fullest capacity of the Committee. Once the study of an issue is complete, the Committee shall prepare recommendations or proposals which may include changes in or the creation of regulations, bylaws or management procedures or may include the recommendation for funds for further studies or for the implementation of management proposals. These recommendations or proposals shall be presented to the appropriate Town board, department or commission for review.
- G. Function as a Site Review Committee for the Conservation Commission as contained in Commission regulation 1.08B(11).

The Site Review Committee shall also include one architect and one builder familiar with construction on the Island.

The Committee's finding shall be forwarded to the Conservation Commission in the form of an advisory report.

Guidelines for consideration of said findings which include, but are not limited to: size of lot; how far back from zone one the structure is located; permanent deed restrictions in place; number of linear feet of structure exposed to the public vista; style of the structure; orientation of the structure to the public vista; canopy and other surrounding vegetation; topography; proposed alterations to the landscape; plans for pool, tennis court, outbuildings; lighting.

16-4. Termination.

Unless extended by a vote of the Town Meeting, the duties of the Edgartown Ponds Area Advisory Committee shall cease five years after the acceptance date of this chapter.¹

16-5. Annual Report.

The Edgartown Ponds Area Advisory Committee shall prepare and submit an annual report of its activities to the Board of Selectboard, Marine Advisory Committee, Planning Board, Conservation Commission, Board of Health, Shellfish Committee and the Town of Edgartown. A copy of such annual report shall be distributed to every owner of property located within the Edgartown Ponds Area District.

DEPARTMENTAL REVOLVING FUNDS

1. Purpose. This by-law establishes and authorizes revolving funds for use by town, departments, boards, committees, agencies and officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44, § 53E½.

2. Expenditure Limitations.

A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this by-law without appropriation subject to the following limitations:

A. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund.

B. No liability shall be incurred in excess of the available balance of the fund.

C. The total amount spent during a fiscal year shall not exceed the amount authorized by Annual Town Meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Board of Selectboard.

¹ Editor's Note: The Town voted 4-11-2000 ATM, Art. 63, to extend the life of the Edgartown Ponds Area Advisory Committee for an additional 10 years.

3. Interest. Interest earned on monies credited to a revolving fund established by this by-law shall be credited to the general fund.

4. Procedures and Reports. Except as provided in General Laws Chapter 44, § 53E½ and this by-law, the laws, by-laws, rules, regulations, policies or procedures that govern the receipt and custody of town monies and the expenditure and payment of town funds shall apply to the use of a revolving fund established and authorized by this by-law. The Town Accountant shall include a statement on the collections credited to the fund, the encumbrances and expenditures charged to each fund and the balance available for expenditure in the regular report the Town Accountant provides the department, board, committee, agency or officer on appropriations made for its use.

5. Authorized Revolving Funds:

FUND	REVENUE SOURCE	AUTHORITY TO	USE OF FUNDS
FISCAL			
		SPEND FUNDS	
YEAR			
Beach	Norton Point	Parks	To pay for salaries
Year			Fiscal
Management	Pass Fees	Department	and Expenses of the
2024 and			Department related
Fund			Department related
subsequent			To the management
years			of the Town's beaches
Fund			Department related
subsequent			To the management
years			of the Town's beaches

Chapter 18

ELECTIONS

18-1. Hours of registration.

[HISTORY: Adopted 4-13-76 Annual Town Meeting, Art. 30, approved 8-12-76. Amendments noted where applicable.]

GENERAL REFERENCES

Town Meetings – See Ch. 55.

18-1. Hours of registration.

The hours of registration for the last session preceding the biennial state election, state primary and the Annual Town Meeting shall be from 9:00 a.m. until 5:00 p.m.

Chapter 21

FINANCES

ARTICLE I

Contracts

21-1. Personal interest prohibited.

ARTICLE II

Annual Audit

21-2. Audit requirement; report to be made.

ARTICLE III

Disposition of License Fees

21-3. Moneys to be paid over to Town Treasurer.

21-4. Fees to become part of town's estimated receipts.

ARTICLE IV

Disposition of Collector of Taxes Fees

21-5. Deposit into general fund.

[HISTORY: Art. I, adopted 3-7-22 Annual Town Meeting, approved 3-23-22; Art. II, adopted 2-23-26 Annual Town Meeting, approved 3-15-26; Art. III, adopted 10-1-81 Special Town Meeting, Art. 12, approved 1-11-82; Art. IV, adopted 4-9-85 Annual Town Meeting, Art. 17, approved 8-27-85. Amendments noted where applicable.]

GENERAL REFERENCES

Tax Collector – See Ch. 39, Art. VII.
Dogs and other animals – See Ch. 88.

ARTICLE V
PROPERTY TAX INTEREST RATE ON SENIORS

Art. 23 04-09-2021 Annual Town Meeting, Town voted to reduce the rate of interest that accrues on property taxes deferred by eligible seniors under G.L. c 59, s. 5, Clause 41 (A) from eight percent to two percent, with such reduced rate to apply to taxes assessed for any Fiscal Year beginning on or after July 1, 2019.

ARTICLE VI
PROPERTY TAX INTEREST RATE ON SENIORS

Art. 24 04-09-2021 Annual Town Meeting, Town voted increase the gross receipts that seniors may have in prior calendar year to be eligible to defer property taxes under G.L. c 59, s. 5, Clause 41 (A) from \$20,000.00 to \$40,000.00 with such increases to be effective for deferrals granted for taxes assessed for any for any Fiscal Year beginning on (or after) July 1, 2019.ARTICLE I

ARTICLE VII
DISPOSING OF ABANDONED FUNDS

Art. 8 06-13-2020 Special Town Meeting, Town voted to accept the provisions of Section 9A of Chapter 200A of the Massachusetts General Laws, as amended by Section 65 of Chapter 188 of the Acts of 2010, which provides an alternate and simplified procedure for disposing of abandoned funds(often referred to as unclaimed checks or “tailings”) held by the Town.

Contracts
[Adopted 3-7-22 ATM, approved 3-23-22]

21-1. Personal interest prohibited.

Except as a result of competitive bidding, no officer or board of the town shall make any contract on behalf of the town in which such officer or member of such board is directly or indirectly financially interested.

ARTICLE II
Annual Audit
[Adopted 2-23-26 ATM, approved 3-15-26]

21-2. Audit requirement; report to be made.

There shall be an annual audit of the accounts of the town by the Director of Accounts in the Department of Corporations and Taxation of the Commonwealth of Massachusetts at the close of the financial year of the town, and, upon the completion of such audit, the Director shall report fully and completely thereon as provided by law.

ARTICLE III

Disposition of License Fees

[Adopted 10-1-81 STM, Art. 12, approved 1-11-82]

21-3. Moneys to be paid over to Town Treasurer.

Town Clerk shall, within ten (10) days after the last day of each month, pay over to the Town Treasurer all fees collected, with the exception of fees collected for the issuance of dog licenses and fish and game licenses.

21-4. Fees to become part of town's estimated receipts.

Money paid over to the Town Treasurer under Sec. 21-3 shall become a part of the estimated receipts of the town.

ARTICLE IV

Disposition of Collector of Taxes Fees

[Adopted 4-9-85 ATM, Art. 17, approved 8-27-85]

21-5. Deposit into general fund.

All interest charges and fees collected by the Collector of Taxes under MGL C. 60, Sec. 15 shall be paid over by the Collector to the Town Treasurer and deposited to the general fund and such charges and fees shall not be reimbursed or credited to the Collector.

Chapter 23

FINANCIAL ADVISORY COMMITTEE

23-1. Establishment; composition; terms.

23-2. Filling of vacancies.

23-3. Organization.

23-4. Duties and responsibilities.

[HISTORY: Adopted 3-12-1974 Annual Town Meeting, Art. 28, approved 6-18-1974. Amendments noted where applicable.]

GENERAL REFERENCES

Finances – See Ch. 21.

23-1. Establishment; composition; terms. [Amended 4-8-1986 ATM, Art. 25, approved 5-30-1986; 6-22-1987 STM, Art. 15²; 6-7-1994 STM, Art. 2, approved 9-13-1994]

There shall be a Financial Advisory Committee consisting of seven (7) citizens of the town, other than town officers, appointed or elect. The alternate member shall be jointly appointed by the Financial Advisory Committee and the Board of Selectboard. Each term shall be for a period of three (3) years.

23-2. Filling of vacancies.

In the event of any vacancy in its membership, the Financial Advisory Committee shall immediately notify the Board of Selectboard, in writing, and it shall jointly fill such vacancy.

23-3. Organization.

The Financial Advisory Committee shall convene within fourteen (14) days after the close of the Annual Town Meeting and shall organize by the election from their number of a Chairman and Secretary to serve for one (1) year and until their successor or successors shall be elected and qualified. For the purpose of organization, the Town Clerk shall notify the members of the Financial Advisory Committee to meet at a time and place stated in such notice, and he shall act as a Temporary Chairman until a Chairman is chosen. The Financial Advisory Committee may fill any vacancies existing in the offices of Chairman or Secretary.

23-4. Duties and responsibilities.

The Financial Advisory Committee shall consider all matters of business included within the Articles of any warrant for a Town Meeting and shall, after due consideration, report thereon in print its recommendations as to each Article.

² Editor's Note: This bylaw was deemed approved ninety (90) days after adoption due to lack of action by the Attorney General, pursuant to MGL C. 40, Sec. 32.

Chapter 26

HISTORIC ADVISORY COMMITTEE

- 26-1. Establishment; membership.
- 26-2. General powers and authorities.
- 26-3. Terms; filling of vacancies.
- 26-4. Duties and responsibilities.
- 26-5. Maintenance of records.
- 26-6. Consultations with interested parties.
- 26-7. Furnishing of plaques.
- 26-8. Review of proposed modifications.
- 26-9. Annual reports.
- 26-10. Authority to enter into contracts.

[HISTORY: Adopted 4-11-78 Annual Town Meeting, Art. 6³, approved 9-5-78. Amendments noted where applicable.]

26-1. Establishment; membership.

There is hereby established in the Town of Edgartown an Historic Advisory Committee consisting of seven (7) unpaid members, at least five (5) of whom shall be taxpayers or residents of the Town of Edgartown and who shall be appointed by the Selectboard.

26-2. General powers and authorities.

The Committee shall have the power and authority to perform all of the duties as hereinafter enumerated and provided.

26-3. Terms; filling of vacancies.

The original appointment of the members of the Committee shall be two (2) for one (1) year; two (2) for two (2) years and three (3) for three (3) years. Vacancies occurring other than by expiration of term of office shall also be filled by appointment by the Selectboard, but such appointment shall be only for the unexpired portion of the term of the member replaced.

26-4. Duties and responsibilities.

The Committee shall investigate and determine the extent of areas and location and identity of structures and objects in the Town of Edgartown which are of artistic and historic value and, upon

³ Editor's Note: The preamble of this bylaw reads as follows: "The purpose of this Act is to promote the general welfare of the inhabitants of the Town of Edgartown through the preservation and protection of districts, buildings and objects of artistic and historic value and interest, which are important to the continued beauty and economic health of the town."

approval by the property owners and Selectboard, shall take steps to register such areas, structures and objects with the Massachusetts Historical Commission and in the National Register.

26-5. Maintenance of records.

The Committee shall maintain records of its investigations concerning the history of individual structures and objects and shall make such records available for inspection by their current owners or other interested persons.

26-6. Consultations with interested parties.

Members of the Committee shall be available for consultation with the Selectboard, with persons desirous of building new or remodeling old structures and shall make available to owners information concerning the benefits to be derived from the federal and state statutes relative to registered areas and structures.

26-7. Furnishing of plaques.

The Committee is authorized to obtain and furnish a small standardized plaque identifying the registered structure to which it shall be attached. Each plaque shall contain the name of the first identifiable owner and the year of original construction.

26-8. Review of proposed modifications.

The Committee may review any proposed structural or decorative modifications to a registered building or to a building located in a registered area and advise with owners or with any town official concerning the desirability of such modification.

26-9. Annual reports.

The Committee shall file an annual report to be printed in the Annual Town Report.

26-10. Authority to enter into contracts.

With the approval of the Selectboard, the Committee may enter into contracts with individuals, organizations and institutions for the obtaining of services or supplies or to engage in cooperative efforts furthering the objectives of the Committee's program.

Chapter 35

MARINE ADVISORY COMMITTEE

- 35-1. **Appointment; purpose.**
- 35-2. **Membership; terms; compensation.**
- 35-3. **Election of officers.**
- 35-4. **Duties.**

[HISTORY: Adopted 4-9-85 Annual Town Meeting, Art. 19, approved 8-27-85. Amendments noted where applicable.]

35-1. Appointment; purpose.

The Board of Selectboard shall appoint a Marine Advisory Committee for the purpose of advising the Board of Selectboard with respect to the use, operation and regulation of all marine resources within the Town of Edgartown, including but not limited to its harbor and harbor facilities.

35-2. Membership; terms; compensation.

- A. The Marine Advisory Committee shall consist of three (3) members **(and (1) alternate amended 05-22-2021 Annual Town Meeting)** appointed by the Board of Selectboard and the Edgartown Harbor Master, ex officio.
- B. Upon acceptance of this chapter, the Selectboard shall appoint one (1) member for three (3) years, one (1) member for two (2) years and one (1) member for one (1) year. All subsequent appointments, except those to fill an unexpired term, shall be for three (3) years. The Selectboard shall fill a vacancy in an unexpired term for the remainder of the term only.
- C. Members shall serve without remuneration.

35-3. Election of Officers.

Members shall, from among the Committee, elect a Chairman who shall preside at all meetings and a Secretary who shall keep a permanent record of all proceedings.

35-4. Duties.

The duties of the Marine Advisory Committee shall be:

- A. To prepare and submit to the Selectboard for approval and implementation, with the help and advice of the Harbor Master, rules and regulations pertaining to the use and operation of the marine resources within the town insofar as such regulating is not prohibited or preempted by the legal authority of other boards, committees or agencies of the town or other governmental authority to so rule and regulate.
- B. To study, design, create, coordinate and carry out, with the assent and approval of the Selectboard, comprehensive and/or specific programs and plans for the greater utilization and enjoyment of the marine resources within the town by its inhabitants and others for the general enhancement and benefit of the town.

- C. To hold public meetings for the purpose of informing the inhabitants of the town of the plans and programs proposed by the Committee and to obtain information and opinions with respect to such matters under study and consideration by the Committee and to receive recommendations as to other matter for consideration.
- D. To prepare and submit to the Selectboard recommendations and proposals resulting from the study of the Committee and the information and opinions of the inhabitants of the town.
- E. To advise and support the office of the Harbor Master in the carrying out and implementation of its duties.
- F. To prepare and submit an annual budget for the Marine Advisory Committee.
- G. To prepare and submit an annual report of its activities to the Board of Selectboard and the Town of Edgartown.

Chapter 39

OFFICERS AND EMPLOYEES

**ARTICLE I
Town Treasurer**

39-1. Required office hours.

**ARTICLE II
Inspector of Wires**

39-2. Appointment authorized.

**ARTICLE III
Town Clerk**

39-3. Required office hours.

39-4. Lengthening of term.

39-4.5 Appointment of Town Clerk.

The Board of Selectboard shall appoint the Town Clerk

39-4.6 Closed on Saturdays

**ARTICLE IV
Harbor Master**

39-5. Annual rules and regulations.

39-6. Refusal to obey rules and regulations.

**ARTICLE V
Assessor**

39-7. Selectboard not to hold office.

**ARTICLE VI
Town Accountant**

39-8. Appointment; required office hours.

ARTICLE VII
Tax Collector

39-9. Required number of office hours.

ARTICLE VIII
Town Moderator

39-10. Term increased.

[HISTORY: Adopted as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Town Treasurer⁴

[Adopted 2-10-1959 ATM, approved 3-9-1959]

39-1. Required office hours.

The Town Treasurer shall be in attendance at the Treasurer's office and hold public office hours for not fewer than four consecutive hours between 8:00 a.m. and 5:00 p.m. daily, Monday through Friday, holidays excepted.

⁴ Editor's Note: With 4-13-1999 ATM, Art. 10, and 4-11-2000 ATM, Art. 10, the Town voted to have the elected Town Treasurer become an appointed Town Treasurer.

Chapter 39

OFFICERS AND EMPLOYERS

ARTICLE I
Town Treasurer

~~21-1. Required office hours.~~

ARTICLE II
Inspector of Wires

~~21-2. Appointment authorized.~~

ARTICLE III
Town Clerk

~~21-3. Required office hours.~~

~~21-4. Lengthening of term.~~

ARTICLE IV
Harbor Master

~~21-5. Annual rules and regulations.~~

~~21-6. Refusal to obey rules and regulations.~~

ARTICLE V
Assessor

~~21-7. Selectboard not to hold office.~~

Kept page for history

ARTICLE VIII
Town Moderator

39-2. Term increased.

[HISTORY: Art. I, adopted 2-10-59 Annual Town Meeting, approved 3-9-59; Art. II, adopted 3-9-65 Annual Town Meeting, Art. 11, approved 3-9-65; Art. III, adopted 3-10-70 Annual Town Meeting, Art. 8, approved 4-3-70 and 3-14-72 Annual Town Meeting, Art. 21; Art. IV, adopted 3-9-71 Annual Town Meeting, Art. 30, approved 6-11-71; Art. V, adopted 3-12-74 Annual Town Meeting, Art. 52, approved 5-30-74; Art. VI, adopted 8-20-74 Special Town Meeting, Art. I, approved 10-1-74; Art. VII, adopted 4-12-83 Annual Town Meeting, Art. 43, approved 8-25-83; Art. VIII, adopted 6-26-86 Special Town Meeting, Art. 3. Amendments noted where applicable.]

ARTICLE I

Town Treasurer

[Adopted 2-10-59 ATM, approved 3-9-59]

~~21-8. — Required office hours.~~

~~The Town Treasurer shall be in attendance at the Treasurer's office and hold public office hours for not fewer than four (4) consecutive hours between 8:00 a.m. and 5:00 p.m. daily, Monday through Friday, holidays excepted.~~

ARTICLE II
Inspector of Wires
[Adopted 3-9-65 ATM, Art. 11, approved 3-9-65]

39-2. Appointment authorized.

The Board of Selectboard shall appoint an Inspector of Wires in accordance with the provisions of MGL C. 166, Sec. 32.

ARTICLE III
Town Clerk
[Adopted 3-10-70 ATM, Art. 8, approved 4-3-70 and 3-14-72 ATM, Art. 21]

39-3. Required office hours.

The Town Clerk shall be in attendance at the Town Clerk's office and hold public office hours for not fewer than seven (7) hours between 8:00 a.m. and 5:00 p.m. daily, Monday through Friday, holidays and vacations excepted.

39-4. Lengthening of term.

It was voted to increase the term of office of the Town Clerk from one (1) year to three (3) years, effective 1973.

39-4.5 Appointment of Town Clerk

The Board of Selectboard shall appoint the Town Clerk.

39-4.6 Closed on Saturdays

In accordance with G.L. Chapter 41, §110A, to authorize the Town Clerk's office to remain closed on all Saturdays and to treat Saturdays as a legal holiday for purposes of calculating the time frame for filing matters in that office or take any action relative thereto.

(Adopted 4/12/2022 ATM, Art.73, Approved 08-01-2022 AG)

ARTICLE IV
Harbor Master
[Adopted 3-9-71 ATM, Art. 30, approved 6-11-71]

39-5. Annual rules and regulations.

The Harbor Master shall annually make reasonable and necessary rules and regulations as authorized by Massachusetts General Laws, Ter. Ed., Chapter 102, for the use, operation, mooring and docking of boats in the harbors of the Town of Edgartown and shall provide for fines for

violation thereof not to exceed fifty dollars (\$50.). Said fines shall be paid to the Town Treasurer. The rules and regulations shall be published prior to their effective date in a newspaper having general circulation within said town at least twice and shall be posted in not fewer than three (3) conspicuous places.

39-6. Refusal to obey rules and regulations.

Any person refusing or neglecting to obey the lawful orders of the Harbor Master or pay the fine imposed by such rules and regulations may be prosecuted in the District Court in accordance with MGL C. 102, Sec. 28.

ARTICLE V

Assessor

[Adopted 3-12-74 ATM, Art. 52, approved 5-30-74]

39-7. Selectboard not to hold office.

No person elected Selectman on or after April 1, 1974, shall hold the office of Assessor during his term of office.

ARTICLE VI

Town Accountant

[Adopted 8-20-74 STM, Art. 1, approved 10-1-74]

39-8. Appointment; required office hours.

The Selectboard shall appoint a Town Accountant, who shall be in attendance at the Accountant's office for not fewer than four (4) consecutive hours, between 8:00 a.m. and 5:00 p.m. daily, Monday through Friday, holidays excepted.

ARTICLE VII

Tax Collector

[Adopted 4-12-83 ATM, Art. 43, approved 8-25-83]

39-9. Required number of office hours.

The Tax Collector shall be in attendance at the Tax Collector's office and hold public office hours for not fewer than twenty (20) hours per week, holidays excepted.

Appointment of Tax Collector

The Board of Selectboard shall appoint the Tax Collector. (Voted 05-22-2021 Annual Town Meeting and 05-25-2021 Annual Town Election)

ARTICLE VIII

Town Moderator
[Adopted 6-26-86 STM, Art. 3]

39-10. Term increased.

The town voted to increase the elected term of the Town Moderator from one (1) year to three (3) years.

Chapter 43

PERSONNEL POLICIES

[The Town of Edgartown has a current Personnel Bylaw in effect. Copies of said bylaw, along with any amendments, are kept on file in the office of the Town Clerk for review by the public.]

ARTICLE 5 Of the April 8, 2025 ATM. The Town will voted to amend the Personnel By-Law by striking sections 1.0 - 1.3, 1.5 - 1.7, and 3.0 - 24.0 effective July 1, 2025 and authorize the Personnel Board and Select Board to codify and implement an Employee Handbook/Policy Manual in accordance with Massachusetts General Laws and Federal Labor Laws. The current Personnel Bylaw and Employee Handbook/Policy Manual can be found on: <https://www.edgartown-ma.us/departments/personnel>.

Chapter 45

PLANNING BOARD

- 45-1. **Establishment; powers and duties.**
- 45-2. **Nonacceptance of Subdivision Control Law.**
- 45-3. **Appointment; terms.**

[HISTORY: Adopted 3-14-67 Annual Town Meeting, Art. 15. Amendments noted where applicable.]

GENERAL REFERENCES

Zoning – See Ch. 175.
Subdivision of land – See Ch. 202.

- 45-1. **Establishment; powers and duties.**
There is established a Planning Board of five (5) members under the provisions of MGL C. 41, Sec. 81A, with all the powers and duties thereof.
- 45-2. **Nonacceptance of Subdivision Control Law.**
(Note: This section is being reviewed and may be out of date. For current regulations we refer you to The Rules and Regulations Governing the Subdivision of Land in Edgartown, adopted in 1973, and as amended - <http://www.edgartown-ma.us/Section 3 - 2018 - Rules and Regulations Governing the Subdivision of Land in Edgartown.pdf>)
- 45-3. **Appointment; terms.**
The five (5) members shall be appointed by the Selectboard: one (1) for a term of one (1) year, one (1) for a term of two (2) years, one (1) for a term of three (3) years, one (1) for a term of four (4) years and one (1) for a term of five (5) years and thereafter in accordance with the provisions of statute.

Chapter 46

POLICE DEPARTMENT

46-1. Enforcement of Park Department regulations.

[HISTORY: Adopted 4-15-1988 Annual Town Meeting, Art. 41, approved 8-30-1988. Amendments noted where applicable.]

46-1. Enforcement of Park Department regulations.

The Edgartown Police Department shall have the authority to enforce Park Department regulations on all property under the Park Department's jurisdiction (MGL C. 45, Sec. 5).

Chapter 47

PROPERTY, SALE OF

47-1. Authorization.

[HISTORY: Adopted 2-13-34 Annual Town Meeting, approved 2-21-34. Amendments noted where applicable.]

47-1. Authorization.

All land held by the town after foreclosure of a tax title or tax titles pursuant to the provisions of MGL C. 60, Sec. 64 to 78, inclusive, and held for municipal purposes pursuant by law may be sold by the Town Treasurer after approval by the Selectboard upon such terms as such the Treasurer may deem best for the interest of the town, and said Treasurer is hereby authorized to execute, acknowledge and deliver any deed or deeds, release or releases necessary for the purpose herein set forth.

Town voted to accept the provisions of G.L. c.40, §13E to create a Special Education Reserve Fund, consistent with the vote of the Edgartown School Committee, for future payments of unanticipated or unbudgeted special education costs, out of district tuition, or transportation, provided, however, that the monies in such fund shall be expended only with the approval of the Edgartown School Committee and the Town's Select Board, or take any other action relative thereto.

Voted April 10, 2025 Special Town Meeting

Chapter 50

SEWER COMMISSION

50-1. Establishment; powers and duties.

50-2. Election of members; terms.

[HISTORY: Adopted 9-27-1967 Special Town Meeting, Art. 13. Amendments noted where applicable.]

50-1. Establishment; powers and duties.

There is established a Sewer Commission⁵ of three (3) members under the provisions of MGL C. 41, Sec. 63, with all the powers and duties thereof.

50-2. Election of members; terms.

The three (3) members shall be elected at the next annual election held in March 1968: one (1) for a term of (1) year, one (1) for a term of two (2) years and one (1) for a term of three (3) years, and at each annual election thereafter it shall elect one (1) for three (3) years.

Seasonal Community Designation

The Town will voted to accept on behalf of the Town of Edgartown, the Seasonal Community Designation as provided for in General Laws Chapter 23B, Section 32(b); or to take any other action relative thereto.

Adopted April 10, 2025 Annual Town Meeting Article 9

⁵ Editor's Note: Article 51, 4-15-1988 ATM, provided as follows: "Moved that the town vote to change the name of the Edgartown Sewer Commission to the Edgartown Wastewater Commission."

Chapter 52

SHELLFISH COMMITTEE

- 52-1. **Appointment; purpose.**
- 52-2. **Membership; terms; qualifications; compensation. (Amended & Approved STM 10-27-09)**
- 52-3. **Filling of vacancies.**
- 52-4. **Duties. (Amended & Approved STM 10-27-09)**
- 52-5. **Annual Report.**

[HISTORY: Adopted 4-12-77 Annual Town Meeting, Art. 19, approved 6-15-77. Amendments noted where applicable.]

52-1. Appointment; purpose.

The Board of Selectboard shall appoint a Shellfish Committee for the purpose of coordinating and carrying out programs designed to meet the needs of the commercial shellfishing industry and the family shellfish program of the Town of Edgartown.

52-2. Membership; terms; qualifications; compensation.

- A. The Board of Selectboard shall appoint the Shellfish Committee consisting of five (5) members.
- B. Upon acceptance of this chapter, the Board shall appoint two (2) members for three (3) years, two (2) members for two (2) years, and one (1) member for one (1) year. All subsequent appointments shall be three (3) year terms.
- C. At least Two (2) members of the Committee shall be commercial fishermen; one (1) of these two (2) members shall be actively engaged in the shell fishing industry. At least one (1) member shall be engaged in the Aquaculture Industry in the Town Edgartown. The other two (2) members shall preferably be family permit holders. All members shall be permanent adult residents of the Town of Edgartown. Members shall not serve more than four (4) consecutive terms. Members may be reappointed after not serving for at least one (1) term.
- D. All members shall serve without remuneration.

52-3. Filling of vacancies.

Whenever a vacancy shall occur in the membership of the Committee for any reason, the vacancy shall be filled by appointment by the Selectboard for the remainder of the term.

52-4. Duties.

The duties of the Shellfish Committee shall be a follows.

- A. To prepare and submit to the Selectboard for approval and implementation any rules and regulations pertaining to the shell fishing industry.
- B. To prepare and submit the annual shellfish budget (includes wardens' salaries, protection and propagation programs).
- C. To hold public meetings to obtain information and opinions of the Edgartown shellfishes and the townspeople concerning the shellfish industry.
- D. To prepare and submit to the Selectboard recommendations based on Subsection C above.
- E. To coordinate and direct the activities of the Marine Biologist, including participation in and approval of the Biologist's budget.
- F. To monitor all shellfish program expenditures.
- G. To screen and submit to the Selectboard for approval/disapproval all applications for commercial shellfish licenses.
- H. To plan and execute in coordination with the Marine Biologist research programs for Oyster Pond.
- I. To make recommendations to the Selectboard on opening Great Pond to the sea

52-5. Annual report.

The Shellfish Committee shall prepare and submit an annual report of its activities to the Board of Selectboard and the Town of Edgartown.

Chapter 55

TOWN MEETINGS

- 55-1. **Time to be held.**
- 55-2. **Articles to be acted upon.**
- 55-3. **Annual election.**
- 55-4. **Filing of Articles to be acted upon.**
- 55-5. **Posting of warrants.**
- 55-6. **Adjournment not to affect elections.**
- 55-7. **Quorum requirements.**

[HISTORY: Adopted as Ch. I of the 1983 compilation of bylaws; amended in its entirety 8-20-74 Special Town Meeting, Art. 16, approved 10-1-74. Subsequent amendments noted where applicable.]

- 55-1. **Time to be held.**
The Annual Town Meeting shall be held on the second Tuesday of April at such time and place as the Selectboard shall determine.
- 55-2. **Articles to be acted upon.**
At the Annual Town Meeting on said second Tuesday of April, Articles of the warrant shall be acted upon, except that Article which provides for the election of town officers as provided by law.
- 55-3. **Annual election.**
On the Thursday following the second Tuesday of April, there shall be an election of town officers by official ballot, the polls to be opened and closed at such times as the Selectboard shall determine, consistent with the statute in such case made and provided.
- 55-4. **Filing of Articles to be acted upon.**
All Articles or subjects to be acted upon at the Annual Town Meeting to be held on the second Tuesday of April shall be filed with the Selectboard on or before the first Tuesday of the January preceding said second Tuesday of April when the warrant shall be closed.
- 55-5. **Posting of warrants.**
All warrants for the Town Meeting shall be published in the Vineyard Gazette or posted in six (6) or more conspicuous places in the town at least seven (7) days before the date of the meeting called.
- 55-6. **Adjournment not to affect elections.**
No adjournment of the meeting held on the second Tuesday of April shall affect the election of officers to be held on the following Thursday (Acts of 1959, Chapter 64).

55-7. Quorum requirements.

Amended Provision [04-16-2026 ATM, Art. 69]: General Bylaws: 55-7. Quorum requirements. At any meeting of the inhabitants of the town qualified to vote in town affairs, the number of voters necessary to constitute a quorum shall consist of a number of voters equivalent to not less than two and one half percent (**2.5%**) of the registered voters of the town as of the time of said meeting, but a number less than a quorum may from time to time adjourn such meetings. This chapter shall not apply to meetings or parts of meetings as are devoted exclusively to the election of town officers.

PART II

GENERAL LEGISLATION

Chapter 61

ALARM SYSTEMS

- 61-1. Fire alarm systems required in certain establishments.
- 61-2. Use of battery-operated smoke detectors.
- 61-3. Submission of plans; inspections.
- 61-4. False alarms.

[HISTORY: Adopted 9-27-1979 Special Town Meeting, Art. 2, approved 2-26-1980. Amendments noted where applicable.]

- 61-1. **Fire alarm systems required in certain establishments.**
Every existing hotel, motel, lodging house, guest house or private home with rental rooms shall, within sixty (60) days of passage of this chapter, commence installation of automatic fire alarm systems as outlined in Section 1216.0 of the Massachusetts State Building Code, Third Edition. The automatic detecting systems shall be approved smoke detectors.
- 61-2. **Use of battery-operated smoke detectors.**
Battery-operated smoke detectors will be considered for rental facilities with five (5) rental rooms or fewer, at the discretion of the Fire Chief.
- 61-3. **Submission of plans; inspections.**
Plans for such installations shall be submitted to the Fire Chief for his approval. Final installation shall be inspected by the Fire Chief and the Building Inspector.
- 61-4. **False alarms. [Added 4-9-1991 ATM, Art. 19, approved 2-4-1992]**
Whoever owns a residence or building and has a burglar alarm or fire alarm shall not have more than two (2) false/trouble alarms per calendar year. False/trouble alarms caused by thunder storms, hurricanes, certain power outages and other valid situations, as determined by the Police Chief or Fire Chief, shall be exempt from this section. The Police Chief or Fire Chief will notify the owner and his caretaker (if known) by mail each at his place of residence for each offense. Whoever violates this section shall be punished by a fine of twenty-five dollars (\$25.) for the first offense, fifty dollars (\$50.) for the second through fifth offenses and one hundred dollars (\$100.) for the sixth and subsequent offenses. Municipally owned buildings shall be exempt from this section.

Amended Provision [Amended 4-16-2026 ATM, Art. 68: General Bylaws: 61-4. Whoever owns a residence or building that has a reporting burglar alarm or fire alarm that initiates a Fire Department or Police Department dispatch shall not have more than two (2) non-emergency false/trouble alarms per calendar year. False/trouble alarms caused by thunder storms, hurricanes, certain power outages or other situations as determined by the Police Chief or Fire Chief, shall be exempt from this section. False alarms caused by construction, Fire protection system

maintenance or systems deemed unreliable shall be addressed by fines issued concurrent with 527-CMR 1 and Chapter 148. The Police Chief or Fire Chief will notify the owner of offenses by mail at the address on file in the Town of Edgartown assessors office. Whoever violates this section shall be punished by a fine of two hundred and fifty dollars (\$250.00) for the first offense, two hundred and seventy five (\$275.00) for the second through fifth offenses and three hundred dollars (\$300.00) for the sixth and subsequent offenses. Each dispatch to non-emergency false/trouble alarms constitutes a separate offense. Municipally owned buildings are exempt from this section

Chapter 63

ALCOHOLIC BEVERAGES

63-1. Possession in public.

63-2. Violations and penalties.

[HISTORY: Adopted 4-13-76 Annual Town Meeting, Art. 18, approved 8-12-76. Amendments noted where applicable.]

63-1. Possession in public.

It shall be unlawful for any person to consume and/or transport an open container of alcoholic beverage on public highways or in public parking places, including vehicles thereon, within the Town of Edgartown.

63-2. Violations and penalties.

Any person violating this chapter shall be punished by a fine of not more than fifty dollars (\$50.) for each offense.

CHAPTER 64

PLASTIC BAGS

64 1. Findings and purpose

1.1 Single-use plastic bags are an environmental nuisance; adversely affect public health; are a detriment to tourism; and impair the overall quality of life of the Town's residents and visitors.

* Because plastic bags are lightweight, they easily become airborne even when properly disposed of, littering beaches, roadsides and sidewalks, They clog storm drainage systems, contribute to marine and terrestrial pollution, and detract from the natural beauty of the Town for visitors and residents alike.

* Plastic bags photo-degrade, disintegrating into minute particles which absorb toxins and pose a threat to riparian and marine environments, contamination the food chain, water and soil. They

are also a menace to marine life, killing birds, marine mammals, sea turtles and fish each year through ingestion and entanglement.

* The vast majority of plastic bags are not recycled, and recycling of plastic bags is not available on Martha's Vineyard. Their disposal adds to the Town's waste management expense, both through the cost of transporting waste to off-island landfills and due to their contamination of the single-stream recycling system.

1.2 Single-use plastic bag ordinances have proven to be effective in reducing plastic bag consumption and litter and are part of a growing global movement towards sustainability.

1.3 The Town is committed to protecting the environment and public health, safety, and welfare of its citizens. The goal of this bylaw is to reduce the common use of plastic checkout bags and to encourage the use of reusable bags by consumers, thereby reducing local land and marine pollution, advancing solid waste reduction, protecting the Town's unique natural beauty and irreplaceable natural resources, and improving the quality of life for the citizens of the Town.

2. Definitions

"Checkout Bag" means a bag with or without handles provided by a Store to a customer at the point of sale that is intended for the purpose of transporting food or merchandise out of the Store.

"Plastic Checkout Bag" means a plastic Checkout Bag that is less than 4 mils thick (and, for the avoidance of doubt, includes such plastic bags that are marketed as "biodegradable" or "compostable").

"Recyclable Paper Bag" means a paper bag with or without handles that is 100 percent recyclable and contains at least 40% post-consumer recycled content (except that an eight pound or smaller paper bag shall contain a minimum of 20% post-consumer recycled content) and visibly displays both the word "recyclable" and the percentage of post-consumer recycled content.

"Reusable Bag" means a bag with handles that is specifically designed and manufactured for multiple reuse and is made of polyester, polypropylene, washable fabric or other durable material and, in the case of plastic bags, is at least 4.0 mils in thickness.

"Store" means any commercial enterprise selling goods, food or services directly to the public, whether for or not for profit, including, but not limited to, convenience and grocery stores, markets, restaurants, pharmacies, liquor stores, take-out food purveyors, and merchandise retailers.

3. Use regulations

3.1 No store in the Town shall provide to any customer a Plastic Checkout Bag.

3.2 If a store provides Checkout Bags, they may only provide Recyclable Paper Bags or Reusable Bags.

3.3 This bylaw does not apply to the clear or opaque plastic bags without handles provided to a customer:

a. to transport loose produce, prepared food, bulk food, or small unpackaged products (e.g. beads and nails or other small hardware items) to the point of sale; or

b. to contain or wrap foods to retain moisture or to segregate foods (like meat or ice cream) or other items to prevent contamination or damage when the items are placed together in a Recyclable Paper Bag or Reusable Bag.

3.4 Stores may charge and retain a fee for any Recyclable Paper Bag or Reusable Bag that they provide. The fee could be used to recover the costs of the bag and/or as an incentive to customers to bring their own Reusable Bags. Customers are encouraged to bring their own reusable Bags when they shop, and Stores may offer a credit to customers or bring in their own bags.

4. Administration and Enforcement

4.1 This regulation may be enforced by any Agent of the Board of Health.

4.2 A person, individually or by his servant or agent, who violates any provision of this bylaw may be penalized by a non-criminal disposition pursuant to F.L. Chapter 40, Section 21D and the Town's non-criminal disposition bylaw., The following penalties apply:

* first violation: a written warning.

* second violation: \$50 fine.

* third and subsequent violations: \$100 fine.

Each day the violation continues constitutes a separate violation.

5. Effective Date

5.1 This bylaw takes effect on January 1, 2017.

6. Waiver

6.1 The Board of Health may waive the effective date for a Store for up to one year if the Store's inventory on non-compliant bags will not be able to be used prior to January 2017.

CHAPTER 65

BALLOONS

65 (1) No person, nonprofit organization, association, firm or corporation, shall knowingly release, organize the release of or intentionally cause to be released into the atmosphere any helium or other lighter than air gas balloons in the town of Edgartown. Any violation of this bylaw shall result in a fine of \$100.00. The provisions of section (1) shall not apply to the balloons which are used for the purpose of carrying scientific instrumentation during the performance of an experiment or testing procedure of by a person on behalf of the government agency or pursuant to a governmental contract for scientific or meteorological purposes. (Art. 56, 04/09/2019 ATM)

Chapter 69

BICYCLES

69-1. Direction of operation.

69-2. Exceptions.

[HISTORY: Adopted 2-14-56 Annual Town Meeting, Art. 49, approved 4-5-56. Amendments noted where applicable.]

69-1. Direction of operation.

All laws or traffic regulations pertaining to motor vehicles in the Town of Edgartown, insofar as they pertain to the directional flow of traffic, shall be applicable to persons riding bicycles.

69-2. Exceptions. [Amended 5-18-76 STM, Art. 12, approved 9-9-76]

A cyclist may dismount and walk his bicycle against traffic on any street governed by the aforementioned laws or regulations except Main Street.

Chapter 73

BUILDING CONSTRUCTION ADMINISTRATION

- 73-1. Purpose.**
- 73-2. Appointment of Building Inspector.**
- 73-3. Offices under authority of Building Inspector.**
- 73-4. Responsibilities of Building Inspector.**
- 73-5. Compensation of Building Inspector.**
- 73-6. Permit fees.**
- 73-7. Designation of fire districts.**

[HISTORY: Adopted 4-8-75 Annual Town Meeting, Art. 26, approved 8-22-75. Amendments noted where applicable.]

73-1. Purpose.

The purpose of this chapter is to make provisions complementary to those of the Commonwealth of Massachusetts State Building Code (“Basic Code”) in order to ensure its appropriate application and effective administration in the Town of Edgartown.

73-2. Appointment of Building Inspector.

The Board of Selectboard shall annually, following the town elections, appoint a Building Inspector, who shall hold office for the term of one (1) year or until such time as his successor is appointed. The Building Inspector shall be the head of a municipal department called the “Department of Inspection.”

73-3. Offices under authority of Building Inspector.

The offices of Wiring Inspector, Gas Inspector and such other inspection offices as the appointment authority thereof shall so determine shall be placed under the administration, control and supervision of the Building Inspector.

73-4. Responsibilities of Building Inspector.

The Building Inspector shall keep consolidated records of all inspections made pursuant to the Basic Code or any other bylaws or regulations concerning the erection, alteration and demolition of buildings within the town.

73-5. Compensation of Building Inspector.

The compensation of the Building Inspector shall be established by the Personnel Board Salary Administration Bylaw.

73-6. Permit fees.

A schedule of fees for permits as authorized under Section 118.0 of the Basic Code shall be as established and revised from time to time by the Board of Selectboard.

73-7. Designation of fire districts.

The entire town shall be designated as “outside fire limits,” as referred to in Section 301.3 of the Basic Code.

CONTAINERS

The sale of alcoholic beverages in containers less than or equal to 100 milliliters is prohibited within the Town of Edgartown; effective May 1, 2024 with language inserted in the Town By-laws as Part II, Chapter 66, Ban of Miniature Single Use Bottles (“NIP” bottles), or as any section that may be identified by any future reorganization of said document, or take any other action related thereto.

Annual Town Meeting 04/11/2023 Art. 77

Chapter 74

Stretch Energy Code

Town will voted to enact Chapter 74 of the Town of Edgartown General Bylaws, entitled “Stretch Energy Code” for the purpose of regulating the design and construction of buildings for the effective use of energy, pursuant to Appendix 115.AA of the Massachusetts Building Code, 780 CMR, the Stretch Energy Code, including future editions, amendments or modifications thereto, with an effective date of 1 July 2022, a copy of which is on file with the Town Clerk, or take any other action relative thereto. **Annual Town Meeting 06-22-2021.**

Section – Stretch Energy Code

Section.1 – Definitions

Section.2 – Purpose

Section.3 – Applicability

Section.4 – Stretch Code

1 – Definitions

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

Stretch Energy Code - Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA of Massachusetts building code, the Stretch Energy Code is an appendix to the

Massachusetts building code, based on further amendments to the International Energy Conservation Code (IECC) to improve the energy efficiency of buildings built to this code.

2 – Purpose

The purpose of 780 CMR 115.AA is to provide a more energy efficient alternative to the Base Energy Code applicable to the relevant sections of the building code for new buildings.

3 – Applicability

This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 115.AA, as indicated.

4 – Stretch Code

The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA, including any future editions, amendments or modifications, is herein incorporated by reference into the Town of Edgartown General Bylaws Chapter 74. The Stretch Code is enforceable by the Inspector of Buildings or Building Commissioner and effective as of 1 July 2022.

Chapter 75

BUILDINGS, NUMBERING OF

- 75-1. Street numbers required.**
- 75-2. Notice to owner.**
- 75-2.1. Size and display of numbers; occupancy permits.**
- 75-3. Responsibility of owner.**
- 75-4. Violations and penalties.**

[HISTORY: Adopted 4-10-1979 Annual Town Meeting, Art. 31, approved 7-19-1979. Amendments noted where applicable.]

- 75-1. Street numbers required.**
 - A. Each and every building used for residential or business purposes located on or near an accepted way in the Town of Edgartown shall bear a street number as assigned by the Board of Selectboard.
 - B. Each and every building used for residential or business purposes located on or near a commonly used way of access where reasonably built-up conditions prevail and in such locations as public interest require, as deemed by the Board of Selectboard, shall be so numbered.
- 75-2. Notice to owner.**

The Selectboard shall notify the owner of record appearing on the most recent Assessor's tax records of the assignment of such a number, by prepaid mail.

75-2.1 Size and display of numbers; occupancy permits. [Added 6-26-1989 STM, Art. 5, approved 1-8 1990]

- A. Numbers shall be a minimum of three (3) inches high, will be of a contrasting color to the mounting surface and shall be viewable from the street.
- B. Any owner of a building not viewable from the street shall post the building number on a post or other visible device at the driveway entrance.
- C. The Building Inspector shall not issue an occupancy permit for a new building until the building number has been posted in accordance with this chapter.

75-3. Responsibility of owner.

Within thirty (30) days of such notice, the owner or his agent shall cause to be affixed to the buildings cited the assigned number and to continue maintenance of such assigned number on the building.

75-4. Violations and penalties.

The owner, upon failure to maintain such number after a notice has been mailed to the owner of record of a deficiency, shall be liable to be fined not more than twenty dollars (\$20.) for each omission of this requirement.

Chapter 85

CURFEW

85-1. Unlawful activity.

[HISTORY: Adopted as Ch. X of the 1983 compilation of bylaws, last approved 3-7-24. Amendments noted where applicable.]

85-1. Unlawful activity.

It shall be unlawful for any child under the age of sixteen (16) to play or loiter upon any street or public place in the Village of Edgartown after 8:00 p.m. except during the months of June, July, August and September and after 9:00 p.m. during June, July, August and September, Eastern standard time, and any police officer, truant officer or constable may take into his custody any such child so playing or loitering and conduct it to the home of its parents or guardian.

Chapter 88

DOGS AND OTHER ANIMALS

ARTICLE I

Dogs

- 88-1. **Appointment of Animal Control Officer.**
- 88-2. **Dogs to be restrained.**
- 88-3. **Apprehension of unrestrained dogs; impoundment.**
- 88-4. **Notification of owner: reclamation.**
- 88-5. **Impoundment of certain female dogs.**

ARTICLE II

Animals

- 88-6. **Running at large prohibited.**
- 88-7. **Violations and penalties.**

[HISTORY: Art. I, adopted 3-12-1974 Annual Town Meeting, Art. 45, approved 5-30-1974; Art. II, adopted 4-9-1985 Annual Town Meeting, Art. 18, approved 8-27-1985. Amendments noted where applicable.]

ARTICLE I

Dogs

[Adopted 3-12-1974 ATM, Art. 45, approved 5-30-1974]

- 88-1. **Appointment of Animal Control Officer.**
The Selectboard shall annually appoint an Officer of Animal Control, who shall perform the duties and functions of the Dog Officer and the Inspector of Animals and who shall be a special officer of the Police Department.
- 88-2. **Dogs to be restrained.**
All dogs owned or kept within the limits of the town shall be restrained from running at large or shall be kept within the immediate control of their owners or keepers.
- 88-3. **Apprehension of unrestrained dogs; impoundment. [Amended 10-6-1988 STM, Art. 31, approved 3-16-1989]**
The Officer of Animal Control may apprehend all dogs which are not so restrained or controlled and may impose a fine pursuant to MGL C. 140, Sec. 173, of ten dollars (\$10.) for each violation and may prosecute violations of this Article as provided in MGL C. 140, Sec. 173A. Upon apprehension of any dog found in violation of this Article, the Office of Animal Control may also impound such dog and shall make a record upon which shall be entered the breed, color and sex

of such 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.

88-4. Notification of owner; reclamation. [Amended 10-6-1988 STM, Art. 31, approved 3-16-1989]

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 fine, license fee, if unpaid, and all the costs and charges incurred by the town for apprehending, impounding and maintenance of such dog.

88-5. Impoundment of certain female dogs. [Added 2-25-1982 STM, Art. 3, approved 6-15-1982]

If the Dog Officer determines that a dog in her oestrus cycle, even when confined to the property of the owner or keeper, is attracting other dogs to the area, which condition causes disturbance or danger to neighboring property or public areas, he may impound the dog for the duration of the oestrus cycle, releasing it thereafter to the owner or keeper upon the payment of pound fees; or the Dog Officer may require the owner or keeper to place and keep such dog, while in such cycle, in a kennel or to remove it from the area so that the nuisance is abated.

ARTICLE II

Animals

[Adopted 4-9-1985 ATM, Art. 18, approved 8-27-1985]

88-6. Running at large prohibited.

No person owning or having the care of sheep, swine, horses, oxen, cows or other grazing animals shall permit or suffer any such animal to go at large or graze on any street, sidewalk or other public place within the town. No such person shall permit or suffer any such animal to stand, rest or be fed in any street, sidewalk or other public place within one-fourth (1/4) mile of Main Street or to be fed in any street, sidewalk or public place within the town in such a manner as to impede public travel or to create litter.

88-7. Violations and penalties

The penalties shall be as follows:

- A. First offense: warning.
- B. Second offense: twenty-five dollar (\$25.) fine.
- C. Third offense: thirty dollar (\$30.) fine.
- D. Fourth and subsequent offenses: fifty dollar (\$50.) fine.

Chapter 95

FEES

**ARTICLE I
Town Clerk's Fees**

95-1. Fees to be promulgated; posting.

**ARTICLE II
Fee Schedule**

95-2. Fees enumerated.

[HISTORY: Art. I, adopted 4-13-1982 Annual Town Meeting, Art. 24, approved 8-10-1982; Art. II, adopted 6-28-1988 Special Town Meeting, Art. 8, approved 9-23-1988. Amendments noted where applicable.]

**ARTICLE I
Town Clerk's Fees
[Adopted 4-13-1982 ATM, Art. 24, approved 8-10-1982]**

95-1. Fees to be promulgated; posting.

The Selectboard and the Town Clerk shall adopt and set such fees of the Town Clerk as they shall deem reasonable and appropriate. These fees shall take effect upon the posting at the office of the Town Clerk and publication once in a newspaper.

**ARTICLE II
Fee Schedule
[Adopted 6-28-1988 STM, Art. 8, approved 9-23-1988⁶]**

95-2. Fees enumerated.

[History:95-2 Adopted 4-12-83 ATM, Article 13, approved 9-20-1983; next Adopted 6-28-88 STM, Art. 8, approved 9-23-88; Adopted 4-9-13 ATM, Article 9, approved 10-24-2013]

Fee name	Current Fee	Description	New Fee
Amending a Birth Record	\$10.00		\$20.00

⁶ Editor's Note: This enactment superseded former Art. II, Fee Schedule, adopted 4-12-1983 ATM, Art. 13, approved 9-20-1983.

Birth Certificate	\$5.00		\$10.00
Entering delayed record of birth	\$10.00		\$25.00
Filing business certificate	\$20.00		\$40.00
Modification of Business Certificate	\$10.00		\$15.00
Record of practice of podiatry	\$20.00		\$20.00
Amending a Death Record	\$10.00		\$20.00
Death Certificate	\$5.00		\$10.00
Filing of Marriage Intention	\$15.00		\$30.00
Recording marriage from outside the Commonwealth	\$5.00		\$15.00
Marriage Certificate	\$5.00		\$10.00
Amending a Marriage Record	\$10.00		\$25.00
Recording Power of Attorney	\$10.00		\$10.00
Record of practice of optometry or Certified copy	\$20.00		\$20.00
Recording certificate for physician of steopath in Commonwealth	\$20.00		\$20.00
Recording order granting location, alteration, or transfer of poles, piers, abutments, or conduits	\$40.00 flat rate, \$10.00 additional streets	Includes provisions of Section 22 Chapter 66.	\$50.00 flat Rate. \$15.00 additional
Examining records relating to birth, marriage, or deaths	Actual expense but not less than \$5.00		Actual expense but not less than \$10.00
Copying any record pertaining to a birth, marriage or death (Not certified)	\$5.00		\$10.00
Receiving and filing of inventory Items to be included in closing out sale	\$10.00 first page, \$2.00 each additional page		\$15.00 first page, \$3.00 each additional page

Filing copy of trust by trustees or Associations of any amendment	\$20.00 first page, \$2.00 each additional page	Sections 2, Chapter 182	\$20.00 first page \$3.00 each additional page
Recording deed of plot in cemetery	20.00		\$20.00
Recording any other documents	\$10.00 first page, \$2.00 each additional page		\$10.00 first page \$3.00 each additional page
Voter's Card	\$5.00		\$10.00
Storage Fuel License	\$20.00		\$40.00
Auctioneer License	\$15.00	Per day	\$30.00
Raffles/Bazaar License	\$20.00	Per year	\$40.00
Pool, Sippio, Billiard, Table or Bowling Alley	\$50.00	Each	\$100.00
Spayed or Neutered Dog License	\$6.00		\$6.00
Non-Spayed or Non-Neutered Dog	\$10.00		\$10.00
Kennel 1-4 Dogs	\$25.00		\$35.00
Kennel 4-10 Dogs	\$50.00		\$60.00

Submitted by the Town Clerk

RECOMMENDED BY FINANCIAL ADVISORY COMMITTEE

Chapter 98

FIREARMS

98-1. Prohibited activity, exceptions.

[HISTORY: Adopted 3-10-64 Annual Town Meeting, Art. 14, approved 3-26-64. Amendments noted where applicable.]

98-1. Prohibited activity, exceptions.

No person shall discharge any firearms or explosives of any kind within the limits of any highway or public property or on any private property except with written consent of the owner or legal occupant; provided, however, that this chapter shall not apply to the lawful defense of life and property nor to any other discharge of firearms in accordance with the law. This chapter shall be in effect during deer hunting season only in Dukes County.

Chapter 106

HANDBILLS AND SIGNS

- 106-1. Permission required for posting.**
- 106-2. Removal of unlawful postings.**
- 106-3. Liability for unlawful posting.**
- 106-4. Violations and penalties.**

[HISTORY: Adopted 10-16-2000 Special Town Meeting, Art. 2, approved 11-26-2001. Amendments noted where applicable.]

GENERAL REFERENCES

Littering – See Ch. 119.
Yard sales – See Ch. 172.
Zoning – See Ch. 175.

106-1. Permission required for posting.

No person shall post or attach or directly or indirectly cause to be posted or attached in any manner, any handbill, poster, advertisement or notice of any kind on public property except by permission of the Board of Selectboard, or on any private property without the consent of the owner or occupant thereof.

106-2. Removal of unlawful postings.

Any handbill or sign found posted or otherwise affixed on any public property contrary to the provisions of this chapter may be removed by the Police Department or the Highway Department.

106-3. Liability for unlawful posting.

The person or persons responsible for causing the unlawful posting of any notice described herein will be liable for the cost of removal and for the penalties described below. Persons liable under this section include but are not limited to, any individual, corporation, partnership or other organization who advertisement, message or information appears on the unlawfully posted notice.

106-4. Violations and penalties.

Any person who violates this chapter shall be subject to a fine of \$100 for the first offense and \$300 for each subsequent offense.

Chapter 109

HAWKERS AND PEDDLERS

109-1. Selectboard to promulgate regulations.

[HISTORY: Adopted as Ch. VI of the 1983 compilation of bylaws. Amendments noted where applicable.]

109-1. Selectboard to promulgate regulations.

The Selectboard may make rules not contrary to law to regulate peddling by licensed or unlicensed peddlers.⁷

⁷ Editor's Note: The Selectboard adopted rules and regulations pertaining to this subject 11-15-50.

Chapter 112

HISTORIC DISTRICT

- 112-1. Purpose.**
- 112-2. Establishment of district; map.**
- 112-3. Historic District Commission.**
- 112-4. Definitions.**
- 112-5. Certificate required.**
- 112-6. Design considerations.**
- 112-7. Aspects not to be considered.**
- 112-8. Limits of Commission's authority.**
- 112-9. Ordinary maintenance not affected.**
- 112-10. Additional powers and duties of Commission.**
- 112-11. Meetings of Commission.**
- 112-12. Determinations; hearings.**
- 112-13. Appeals.**
- 112-14. Enforcement; violations and penalties.**
- 112-15. Enlargement or reduction of Historic District.**
- 112-16. Amendments.**
- 112-17. Severability.**

[HISTORY: Adopted 4-14-87 Annual Town Meeting, Art. 15.⁸ Amendments noted where applicable.]

GENERAL REFERENCES

Zoning. – See Ch. 175.

112-1. Purpose.

The purpose of this chapter is to promote the educational, cultural, economic and general welfare of the inhabitants and property owners of the Town of Edgartown through the preservation and protection of the distinctive characteristics of buildings and places of historical significance to the town or the architecture of such buildings and places and through the maintenance and improvement of settings for such buildings and places and the encouragement of design compatible therewith.

112-2. Establishment of district; map.

There is hereby established in the Town of Edgartown an Historic District pursuant to the provisions of Massachusetts General Laws, Chapter 40C, set forth as shown on a map filed with the Town Clerk entitled "Edgartown Historic District, 1987."

⁸ Editor's Note: This bylaw was deemed approved 8-24-87 due to lack of action by the Attorney General within ninety (90) days, pursuant to MGL C. 40, Sec. 32.

112-3. Historic District Commission.

- A. There is hereby established an Historic District Commission for the Historic District, consisting of seven (7) members appointed by the Board of Selectboard. All members of the Historic District Commission shall be residents of the Town of Edgartown, and the Historic District Commission shall, at all times, have at least one (1) member who is a resident of or owner of property in the Historic District to be administered by the Commission.
- B. Prior to making any appointment to the original membership of the Historic District Commission, the Board of Selectboard shall submit a written request for two (2) nominees from each of the following organizations: the Dukes County Historical Society or, if it no longer exists, the then-existing local historical society; the chapter of the American Institute of Architects covering the Town of Edgartown; and the Cape and Islands Board of Realtors or, if it no longer exists, the then-existing Board of Realtors covering the Town of Edgartown. The Board of Selectboard shall appoint to the original membership of the Historic District Commission one (1) of the two (2) nominees selected by each of said organizations. Thereafter, it shall, to the extent possible, appoint successors to the Historic District Commission in the same manner as was used for the original appointment of the position that the new appointee will fill. However, if within thirty (30) days after submission of its written request for nominees to any of said organizations no such nominees have been made, the Board of Selectboard may proceed to appoint the members of the Historic District Commission without nominations by any such organization.
- C. The Board of Selectboard shall appoint three (3) alternate members to the Historic District Commission, each of whom shall be residents of the town and need not be selected from nominees of an organization entitled to nominate members.
- D. In making appointments of members to the Historic District Commission, the Board of Selectboard shall attempt to ensure that a registered architect, a realtor and a lawyer are members thereof at all times; and, in making appointments of members and alternate members, the Board of Selectboard shall appoint individuals who, by virtue of their training, occupation or experience, are particularly qualified to further the intent and purposes of this chapter.
- E. Each member of the Historic District Commission shall be appointed for a term of three (3) years, except that when the Historic District Commission is first established, two (2) of its members shall be appointed for terms of one (1) year, two (2) of its members shall be appointed for terms of two (2) years, and three (3) of its members shall be appointed for terms of three (3) years. Similarly, each alternate member shall be appointed for a term of three (3) years, except that, of the first group of alternate members, one (1) member shall be appointed for a term of one (1) year, one (1) member shall be appointed for a term of two (2) years, and the third member shall be appointed for a term of three (3) years.
- F. Vacancies shall be filled in the same manner as the original appointments for the unexpired terms.

- G. In case of the absence, inability to act or unwillingness to act because of self-interest on the part of a member of the Historic District Commission, his or her place shall be taken by an alternate member designated by the Chairman of the Historic District Commission. Each member and alternate member of the Historic District Commission shall continue in office after the expiration of his or her term until his or her successor is duly appointed and qualified.
- H. All members and alternate members shall serve without compensation.
- I. The Historic District Commission shall annually elect a Chairperson and Vice Chairperson from its members and a Secretary from within or without its membership.

112-4. Definitions.

For purposes of this chapter, the words listed below shall have the following meanings:

ALTERED – Includes the words “rebuilt,” “reconstructed,” “restored,” “removed” and “demolished” and the phrase “changed in exterior color.”

BUILDING – A combination of materials forming a shelter for persons, animals or property.

COMMISSION – The Commission acting as the Historic District Commission.

CONSTRUCTED – Includes the words “built,” “erected,” “installed,” “enlarged” and “moved.”

EXTERIOR ARCHITECTURAL FEATURE – Such portion of the exterior of a building or structure as is open to view from a public street, public way, public park or public body of water, without reference to fences, hedges or other artificial or natural screenings, which shall not be considered sufficient to obscure a building or structure from the public view, including but not limited to the architectural style and general arrangement and setting thereof, the kind, color and texture of exterior building materials, the color of paint or other materials applied to exterior surfaces and the type and style of windows, lights, signs and other appurtenant exterior features.

STRUCTURE – A combination of materials other than a building, including a sign, fence, wall, terrace, walk or driveway.

112-5. Certificate required.

- A. Except as this chapter may otherwise provide in accordance with Sec. 112-8 or 112-9, no building or structure within the Historic District shall be constructed or altered in any way that affects exterior architectural features unless the Commission shall first have issued a certificate of appropriateness, a certificate of nonapplicability or a certificate of hardship with respect to such construction or alteration.
- B. Any person who desires to obtain a certificate from the Commission shall file with the Commission an application for a certificate of appropriateness, a certificate of nonapplicability or a certificate of hardship, as the case may be, in such form as the Commission may reasonably determine, together with such plans, elevations, specifications, material and other information, including, in the case of demolition or removal, a statement

of the proposed condition and appearance of the property thereafter, as may be reasonably deemed necessary by the Commission to enable it to make a determination on the application.

- C. No building permit for construction of a building or structure or for alteration of an exterior architectural feature within the Historic District and no demolition permit for demolition or removal of a building or structure within the Historic District shall be issued by the town or any department or official thereof until the certificate required by this section has been issued by the Commission.

112-6. Design considerations.

In passing upon matters before it, the Commission shall strive to advance the purposes of this chapter and shall consider, among other things, the historic and architectural value and significance of the site, building or structure, the general design, arrangement, proportions, texture, material and color of the features involved, the relation of such features to similar features of buildings and structures in the surround area and the position of such buildings or structures in relation to the public streets, public way, public parks or public bodies of water in the surrounding area. In the case of new construction or additions to existing buildings or structures, the Commission shall consider the appropriateness of the size and shape of the building or structure both in relation to the land area upon which the building or structure is situated and to buildings and structures in the vicinity.

112-7. Aspects not to be considered.

- A. The Commission shall not, in passing upon matters before it, consider interior arrangements or architectural features not subject to public view. In determining whether a feature is subject to public view from a public street, public way, public park or public body of water, fences, hedges and other artificial or natural screenings shall not be considered sufficient to obscure the feature from the public view. Further, the Commission shall not make any recommendation or requirement with respect to any matter before it except for the purpose of preventing developments incongruous with the historic aspects or the architectural characteristics of the surroundings and of the Historic District.
- B. While the Commission shall encourage owners of buildings and structures in the Historic District to use historically authentic materials wherever feasible for any construction or alteration, the use of any particular material shall not be prohibited based upon its composition alone.
- C. It is not the intent of this chapter to require that buildings and structures in the Historic District be maintained as historic artifacts. Rather, the Commission is required to apply the standards set forth herein, particularly those contained in this section and Sec. 112-6, in order to protect and preserve the general flavor and the distinctive characteristics and architecture of the Historic District.

112-8. Limits of Commission's authority.

- A. The authority of the Commission shall not extend to the review of any of the following categories of buildings or structures or exterior architectural features in the Historic District, and the buildings or structures or exterior architectural features so excluded may be constructed or altered within the Historic District without review by the Commission:
- (1) Temporary structures or signs, subject, however, to such conditions as to duration of use, location, lighting, removal and similar matters as the Commission may reasonably specify.
 - (2) Terraces, walks, driveways and sidewalks, provided that any such structure is substantially at grade level.
 - (3) Storm doors and storm windows, screens, lighting fixtures and antennas (except satellite dishes).
 - (4) Signs of not more than one (1) square foot in area in connection with the use of a residence for a customary home occupation or for professional purposes, provided that only one (1) such sign is displayed in connection with each residence and, if illuminated, is illuminated only indirectly.
 - (5) The reconstruction, substantially similar in exterior design and materials, of a building, structure or exterior architectural feature damaged or destroyed by fire, storm or other disaster, provided that such reconstruction is begun within one (1) year thereafter and is carried forward with due diligence.
- B. The Commission may determine from time to time after public hearing that certain categories of exterior architectural features, colors, structures or signs may be constructed or altered without review by the Commission without causing substantial derogation from the intent and purposes of this chapter and of the Historic Districts Act, Massachusetts General Laws, Chapter 40C, as amended.
- C. The Commission may further determine from time to time after public hearing that the authority of the Commission shall be limited to only those exterior architectural features within the Historic District subject to view from one (1) or more specifically designated public streets, public ways, public parks or public bodies of water, as opposed to all exterior architectural features within the Historic District subject to view from a public street, public way, public park or public body of water without substantial derogation from the intent and purposes of this chapter and of the Historic Districts Act, Massachusetts General Laws, Chapter 40C, as amended.
- D. Upon request, the Commission shall issue a certificate of nonapplicability with respect to construction or alteration in any category then not subject to review by the Commission in accordance with the provisions of Subsection A, B or C of this section.

112-9. Ordinary maintenance not affected.

Nothing in this chapter shall be construed to prevent the ordinary maintenance, repair or replacement of any exterior architectural feature within the Historic District which does not involve a change in design, material, color or the outward appearance thereof nor to prevent landscaping with plants, trees or shrubs nor to prevent the meeting of requirements certified by a

duly authorized public officer to be necessary for public safety because of an unsafe or dangerous condition nor to prevent any construction or alteration under a permit duly issued prior to the effective date of this chapter.

112-10. Additional powers and duties of Commission.

The Commission shall have the following additional powers, functions and duties:

- A. If the Commission determines that the construction or alteration for which an application for a certificate of appropriateness has been filed will be appropriate for and compatible with the preservation or protection of the Historic District, the Commission shall cause a certificate of appropriateness to be issued to the applicant. In the case of a disapproval of an application for a certificate of appropriateness, the Commission shall place upon its records the reasons for such determination and shall forthwith cause a notice of its determination, accompanied by a copy of the reasons therefore as set forth in its records, to be issued to the applicant, and the Commission may make recommendations to the applicant with respect to appropriateness of design, arrangement, texture, material and similar features. Prior to the issuance of any disapproval, the Commission may notify the applicant of its proposed action accompanied by recommendations of changes in the applicant's proposal which, if made, would make the application acceptable to the Commission. If, within fourteen (14) days of the receipt of such notice, the applicant files a written modification of his application in conformity with the recommended changes of the Commission, the Commission shall cause a certificate of appropriateness to be issued to the applicant.
- B. In the case of a determination by the Commission that an application for a certificate of appropriateness or for a certificate for nonapplicability does not involve any exterior architectural feature or involves an exterior architectural feature which is not then subject to review by the Commission in accordance with the provisions of Sec. 112-8, the Commission shall cause a certificate of nonapplicability to be issued to the applicant.
- C. If the construction or alteration for which an application for a certificate of appropriateness has been filed shall be determined to be inappropriate or in the event of an application for a certificate of hardship, the Commission shall determine whether, owing to conditions especially affecting the building or structure involved but not affecting the Historic District generally, failure to approve an application will involve a substantial hardship, financial or otherwise, to the applicant and whether such application may be approved without substantial detriment to the public welfare and without substantial derogation from the intent and purposes of this chapter and of the Historic Districts Act, Massachusetts General Laws, Chapter 40C, as amended. If the Commission determines that, owing to such conditions, failure to approve an application will involve substantial hardship to the applicant and approval thereof may be made without such substantial detriment or derogation or in the event of a failure by the Commission to make a determination on an application within the time specified in Sec. 112-12 hereof, the Commission shall cause a certificate of hardship to be issued to the applicant.

- D. Each certificate issued by the Commission shall be dated and signed by its Chairman, Vice Chairman, Secretary or such other person designated by the Commission to sign such certificates on its behalf.
- E. The Commission shall keep a permanent record of its resolutions, transactions and determinations and of the vote of each member participating therein and shall adopt and amend such rules and regulations not inconsistent with the provisions of this chapter and the provisions of the Historic Districts Act, Massachusetts General Laws, Chapter 40C, as amended, and prescribe such forms as it shall deem desirable and necessary for the regulation of its affairs and the conduct of its business. The Commission shall file a copy of any such rules and regulations with the Town Clerk.
- F. The Commission shall file with the Town Clerk and with any department or official of the town having authority to issue building permits a copy or notice of all certificates and determinations of disapproval issued by it.
- G. The Commission may, after public hearing, set forth in such manner as it may determine the various designs of certain appurtenances which will meet the requirements of the Historic District and a roster of certain colors of paint and roofing materials which will meet the requirements of the Historic District, but no such determination shall limit the right of an applicant to present other designs, colors or materials to the Commission for its approval.
- H. The Commission may, subject to appropriation, employ personnel and incur other expenses appropriate to the carrying on of its work and may accept money and gifts and expend the same for such purposes.
- I. The Commission shall have, in addition to the powers, authority and duties granted to it by this chapter, such other powers, authority and duties as may be delegated or assigned to it from time to time by vote of the Town Meeting.

112-11. Meetings of Commission.

Meetings of the Commission shall be held at the call of the Chairman and shall be called at the request of two (2) members of the Commission and in such other manner as the Commission shall determine in its rules. A majority of the members of the Commission shall constitute a quorum. The concurring vote of the majority of the members of the Commission shall be necessary to issue a certificate of appropriateness, a certificate of nonapplicability or a certificate of hardship.

112-12. Determinations; hearings.

- A. The Commission shall determine promptly, and in all events within fourteen (14) days after the filing of an application for a certificate of appropriateness, a certificate of nonapplicability or a certificate of hardship, as the case may be, whether the application involves any exterior architectural features which are subject to approval by the Commission. If the Commission determines that such application involves any such features which are subject to approval by the Commission, the Commission shall hold a public hearing on such application unless such hearing is dispensed with as hereinafter provided.
- B. The Commission shall fix a reasonable time for the hearing on any application subject to approval and shall give public notice of the time, place and purposes thereof at least

- fourteen (14) days before said hearing in such manner as it may reasonably determine and by mailing, postage prepaid, a copy of said notice to the applicant, to the owners of all adjoining property and other property deemed by the Commission to be materially affected thereby as they appear on the most recent real estate tax list of the Board of Assessors, to the Planning Board, to any person filing a written request for notice of hearings, such request to be renewed yearly in December, and to such other persons as the Commission shall deem entitled to notice.
- C. As soon as convenient after such public hearing, but in any event within sixty (60) days after the filing of the application or within such further time as the applicant may allow in writing, the Commission shall make a determination on the application. If the Commission shall fail to make a determination within such period of time, the Commission shall thereupon issue a certificate of hardship.
 - D. A public hearing on an application need not be held if such hearing is waived, in writing, by all persons entitled to notice thereof. In addition, a public hearing on an application may be waived by the Commission if the Commission determines that the exterior architectural feature involved or its category or color, as the case may be, is so insubstantial in its effect on the Historic District that it may be reviewed by the Commission without public hearing on the application; provided, however, that if the Commission dispenses with a public hearing on an application, notice of the application shall be given to the owners of all adjoining property and other property deemed by the Commission to be materially affected thereby, as above provided, and ten (10) days shall elapse after the mailing of such notice before the Commission may act upon such application.

112-13. Appeals.

Any applicant aggrieved by a determination of the Commission may, within twenty (20) days after the filing of the notice of such determination with the Town Clerk, file an appeal in the Superior Court sitting in equity for Dukes County pursuant to the provisions of MGL C. 40C, Sec. 12A, as amended.

112-14. Enforcement; violations and penalties.

- A. The Superior Court sitting in equity for Dukes County shall have jurisdiction to enforce the provisions of this chapter and the determinations, rulings and regulations issued pursuant thereto and may, upon the petition of the Board of Selectboard or of the Commission, restrain by injunction violations thereof; and, without limitation, such Court may order the removal of any building, structure or exterior architectural feature altered in violation thereof and may issue such other orders for relief as may be equitable.
- B. Whoever violates any of the provisions of this chapter shall be punished by a fine of not less than ten dollars (\$10.) nor more than five hundred dollars (\$500.). Each day during any portion of which a violation continues to exist shall constitute a separate offense.

112-15. Enlargement or reduction of Historic District.

An Historic District may be enlarged or reduced or an additional Historic District in the town may be created in accordance with the provisions of MGL C. 40C, Sec. 3.

112-16. Amendments.

This chapter may, from time to time, be amended in any manner not inconsistent with the provisions of Massachusetts General Laws, Chapter 40C, by a two-thirds vote of a Town Meeting, provided that the substance of such amendment has first been submitted to the Historic District Commission having jurisdiction over such district for its recommendation and its recommendation has been received or sixty (60) days have elapsed without such recommendation.

112-17. Severability.

In the event that any provision of this chapter shall be held to be invalid or unconstitutional by any court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

Chapter 115

JUNK DEALERS

115-1. Occupations to be licensed.

[HISTORY: Adopted 3-7-22 Annual Town Meeting, approved 3-23-22. Amendments noted where applicable.]

115-1. Occupations to be licensed.

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

Chapter 116

COMMERCIAL MARINE LICENSE (Adopted STM 10-29-01, Article 5, approved 2/26/02)

116.1 License required.

No person, business, corporation or other legal entity whose legal or principal place of business or business operations is situated within the Town of Edgartown or who maintains a regular and usual place of business within said town shall engage in any commercial activity, business or any form of marine endeavor whatsoever for profit or hire or the like within the Harbor Planning Boundary as outlined in the Edgartown Harbor Plan [Page 152] dated September 12, 1997 nor upon the waters of the Great Pond situated in whole or in part within the Town, unless, (1) the Board of Selectboard (the Board) has first determined, upon application, that such activity qualifies as a Water Dependent Use as defined in 131 CMR, and (2) without first being licensed by the Board as required in this by-law.

Without limiting the scope of the foregoing term, a Water Dependent Use shall include the following activities:

Boat Rental (any propulsion)	Sportfishing charters
Water tours	Sailing charters
Commercial fishing	Aquaculture & shellfish farming
Launch service	Ferry Services
Diving services & salvage	Marine repairs
Septage pumpout vessels	Marine research & testing
Dock/pier/float construction & repairs	

However, the Water Dependent Use activities of commercial fishing, aquaculture & shellfish farming, ferry services, and marine research & testing, being otherwise licensed, permitted or regulated, are not required to obtain a license under this by-law.

In that applicants under this by-law are applying for a license to conduct private business upon the waters of Edgartown harbor which are public property, applications to license activities other than those specified above must include proof, satisfactory to the Board, that the proposed activity is a Water Dependent Use and will serve a public purpose and the public good.

In addition, no license shall be issued unless a majority of the Board is satisfied after an investigation of all facts that the applicant has a place of business, which shall not include the use, in any way, of other public property, suitable for such a purpose as is specified in the license application.

The Board 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 applicant under this by-law.

Applications for a license under this by-law shall be filed with the Board and contain all such information as the Board in its sole discretion may, from time to time, require.

Each application shall be accompanied by a non-refundable application fee. If an application is approved, the applicant, upon payment of a licensing fee, shall be granted a license which shall, upon payment of an annual renewal fee, be renewable annually if, upon review a majority of the Board is satisfied that the applicant has previously complied with the rules and regulations in effect during the last licensing period. The non-refundable application fee, the licensing fee and the license renewal fee shall be in such amounts as is, from time to time, established by the Board.

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

Whoever operates any commercial activity, business or any form of marine endeavor for profit or hire or the like upon said waters without first being licensed as aforesaid or, upon application, having had the application for licensing denied by the Board, shall be subject to a fine of not more than One Hundred (\$100.00) for each day of unlicensed activity.

Whoever, first being licensed, violates the conditions of said license, the provisions of this by-law or the rules and regulations adopted by the Board and it is the first violation of the preceding twelve (12) months, the Board may impose a suspension of the marine license for any period of time up to one (1) week and in addition to or in substitution therefore, may impose a fine of up to Fifty Dollar (\$50.00). For any second finding of any violation of any regulation within the preceding twelve (12) months by the marine licensee, the Board may impose a suspension of the marine license for any period of time up to two (2) weeks and in addition to or in substitution therefore, may impose a fine of up to One Hundred Dollars (\$100.00). For any third finding of any violation of any regulation within the preceding twelve (12) months by the marine licensee, the Board may impose a suspension of the marine license for any period of time up to four (4) weeks and in addition to or in substitution therefore, may impose a fine of up to Two Hundred Dollar (\$200.00). For any fourth finding of any violation of any regulation within the preceding twelve (12) months, the Board may impose a revocation of the permitting license for the balance of the licensing period and in addition to or in substitution therefore, may impose a fine of up to Three hundred dollars (\$300.00).

Chapter 117

LAUNCH SERVICE

117-1. License required.

117-2. Violations and penalties.

[HISTORY: Adopted 4-13-1994 Annual Town Meeting Art. 36, approved 8-12-1994. Amendments noted where applicable.]

117-1. License required.

No person or entity shall operate a launch service in Edgartown Harbor without first obtaining a license from the Board of Selectboard.

117-2. Violations and penalties.

Any person or entity violating this chapter shall be punished by a fine or not more than fifty dollars (\$50.) for each offense.

Chapter 118

LICENSES AND PERMITS

ARTICLE I

Delinquent Taxpayers

- 118-1. List of delinquent taxpayers.**
- 118-2. Denial, revocation or suspension of license or permit.**
- 118-3. Payment agreement.**
- 118-4. Waiver.**
- 118-5. Exceptions.**

ARTICLE II

Rental of Motor Vehicles

- 118-6. License required for business.**
- 118-7. Place of business to be suitable.**
- 118-8. Contents of application.**
- 118-9. Fees.**
- 118-10. Posting of license.**
- 118-11. Licenses nontransferable; time limit.**
- 118-12. Adoption of rules and regulations.**
- 118-13. Violations and penalties.**

[HISTORY: Adopted as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Delinquent Taxpayers

[Adopted 4-11-1995 ATM, Art. 24, approved 7-6-1995]

118-1 List of delinquent taxpayers.

The Town Collector, hereinafter referred to as the "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.

118-2. Denial, revocation or suspension of license or permit.

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 Collector or with respect to any activity, event or other matter which is the subject of

such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the Collector; provided, however, that written notice is given to the party and the Collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than 14 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 Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the license authority receives a certificate issued by the 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.

118-3. Payment agreement.

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

118-4. Waiver.

The Board of Selectboard may waive such denial, suspension or revocation if it finds that 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 MGL C. 268A, Sec. 1, in the business or activity conducted in or on said property.

118-5. Exceptions.

This Article shall not apply to the following licenses and permits: open burning; bicycle permits; sales of articles for charitable purposes; children work permits; clubs, associations dispensing food or beverage licenses; dog licenses; fishing, hunting, trapping licenses; marriage licenses; theatrical events; public exhibition permits; yard sales; sidewalk and excavation permits; and moving building permits.

ARTICLE II
Rental of Motor Vehicles
[Adopted 4-14-1998 ATM, Art. 12, approved 9-25-1998]

118-6. License required for business.

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 Selectboard (the Board).

118-7. Place of business to be suitable.

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

118-8. Contents of application.

Application for a license under this article shall be filed with the Board and contain any and all such information as in its sole discretion requires.

118-9. Fees.

- A. Each application shall be accompanied by a nonrefundable application fee, as established by said Board.
- B. If an application is approved, the applicant, upon payment of an additional fee as established by the Board, shall be granted a license which shall be renewable annually.
- C. The annual fee for renewal thereof shall be established by the Board.

118-10. Posting of license.

The Board shall issue a license to each approved applicant which shall be posted in a conspicuous manner at the place of business.

118-11. Licenses nontransferable; time limit.

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

118-12. Adoption of rules and regulations.

The Board 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 article.

118-13. Violations and penalties.

Whoever violates the provisions of this article or the rules and regulations adopted by the Board, and it is the first violation of the preceding 12 months, the Selectboard may impose a suspension of the agency license for any period of time up to one week and, in addition to or in substitution therefor, may impose a fine of \$50. For any second finding of any violation of any regulation within the preceding 12 months of the agency, the Selectboard may impose a suspension of the agency license for any period of time up to two weeks and in addition to or in substitution therefor, may impose a fine of \$100. For any third finding of any violation of any regulation within the preceding 12 months of the agency, the Selectboard may impose a suspension of the agency license for any period of time up to four weeks and in addition to or in substitution therefor, may

impose a fine of \$200. For any fourth finding of any violation of any regulation within the preceding 12 months, the Selectboard may impose a revocation of the agency license for the balance of the licensing period.

Chapter 119

LITTERING

119-1. Prohibited activity.

119-2. Violations and penalties.

[HISTORY: Adopted 3-14-67 Annual Town Meeting, approved 6-8-67. Amendments noted where applicable.]

119-1. Prohibited activity.

No person shall throw, place or cause to be thrown or placed upon the street, roadway, sidewalk, beaches, parking areas or Edgartown Harbor any dirt, ashes, glass, tin cans, filth, rubbish, garbage or other litter or noxious material.

119-2. Violations and penalties. [Added 6-22-82 STM, Art. 5, approved 10-11-82]

Any person violating this chapter shall be punished by a fine of not more than one hundred dollars (\$100.) for each offense.

Chapter 125

MILK

125-1. Statutory restriction of duties.

125-2. Ear tags for bovines.

125-3. Maintenance of bovines.

125-4. Raw milk and cream standards.

125-5. Containers.

125-6. Access for inspections.

[HISTORY: Adopted as Ch. IX of the 1983 compilation of bylaws, approved 3-10-24. Amendments noted where applicable.]

125-1. Statutory restriction of duties.

The Inspector of Milk and Inspector of Animals shall be subject to the provisions of MGL C. 94, Sec. 33, and to other provisions of laws and bylaws of the Town of Edgartown defining the duties of an Inspector of Milk and of an Inspector of Animals; provided, however, that under this chapter his duties as Inspector of Animals shall be limited to the inspection of bovine animals and the buildings in which they are kept.

125-2. Ear tags for bovines.

No bovine animal shall be brought within the Town of Edgartown unless such animal is provided with an ear tag attached by the commonwealth or the United States Bureau of Animal Industry for purposes of identification and further, provided with a certificate furnished by the commonwealth or United States Bureau of Animal Industry certifying that said bovine animal has been tuberculin-tested and passed as healthy within ninety (90) days next preceding such entry; provided, however, that if such animal is a registered purebred bovine animal, the description contained in its certificate or registration shall establish the identity of such animal were not the ear tag attached to it.

125-3. Maintenance of bovines.

All bovine animals kept or maintained within the Town of Edgartown shall be placed under the supervision of the commonwealth or the United States Bureau of Animal Industry, or both, in accordance with the requirements for the maintenance of tuberculosis-free accredited herds.

125-4. Raw milk and cream standards.

All raw milk and cream sold, exchanged or exposed for sale in the Town of Edgartown shall be produced from cows under supervision as provided in Sec. 125-3 of this chapter and in apparent good physical condition and in barns or dairies that score less than sixty-five percent (65%) on the daily farm score card approved by the Commonwealth of Massachusetts and United States Department of Agriculture and certified as to the healthfulness of such cows and conditions of production by the Inspector of Milk and Inspector of Animals, pursuant to law and to this chapter;

provided, however, that milk and cream which have been effectively pasteurized in an approved pasteurizing machine shall not be deemed "raw" within the meaning of this chapter but shall be sold only when approved by the Board of Health.

125-5. Containers.

All liquid milk and cream intended for sale shall be delivered in containers which are clean and sterile, and such containers shall be securely sealed at the dairy or store and delivered to the purchaser without the removal of such seal.

125-6. Access for inspections.

The Inspector of Milk and Inspector of Animals shall have access to all premises in the performance of his official duties and shall inspect all dairies, barns and stores where milk and cream are sold at least once in each month.

Chapter 131

NOISE

131-1. Prohibited activity.

131-2. Violations and penalties.

[HISTORY: Adopted 8-21-1986 Special Town Meeting, Art. 16, approved 10-16-1986. Amendments noted.]

131-1. Prohibited activity. [Amended 4-13-1999 ATM, Art. 13, approved 8-27-1999], Amended 4-12-2011 ATM

It shall be unlawful for any person or persons occupying or having charge of or owning any building or premises or vehicle or any part thereof in the Town of Edgartown, other than that section of any establishment licensed under Chapter 138 of the General Laws, between the hours of 10:00 p.m. and 7:00 a.m. to cause or suffer to allow any unnecessary, loud, excessive or unusual noises plainly audible at a distance of 50 feet from a vehicle or premises from which it originates except July 4th and December 31st when the hours shall be 12 Midnight until 7:00 A.M.

131-2. Violations and penalties.

Violations under this bylaw shall be enforced by the Police Department. Such acts shall constitute prima facie evidence of a violation of this chapter. Penalties shall include: 1st offense: \$100.00, 2nd offense: \$200.00, 3rd offense: \$300.00 and any offense thereafter.

131-3. Leaf Blowers.

A. Findings and purpose.

Both gas-powered and electric leaf blowers are used extensively throughout Edgartown. Gas-powered leaf blowers generate excessive sound and pose a serious hazard to public health and quality of life. They are a detriment to tourism and impair the overall quality of life of the Town's landscapers, residents, and visitors. Electric leaf blowers are quieter, emit far less objectionable low-frequency noise, and do not present the same level of risk.

B. Permitted Activity.

1. Starting October 15, 2025, gas-powered and electric leaf blowers shall only be used as follows:
 - a. Between the hours of 8:00 AM and 5:00 PM, 7 days a week;
 - b. No use by professional landscapers or businesses on Sundays;
 - c. No use permitted on Memorial Day, Fourth of July, Labor Day, Thanksgiving, or Christmas;

d. No more than two leaf blowers simultaneously on the same property.

2. Starting October 15, 2025, gas-powered leaf blowers shall only be operated from October 15 through January 15 and from March 15 through May 31. Electric-powered leaf blowers may be operated year-round.
3. Starting on May 31, 2028, gas-powered leaf blowers shall not be used at any property in the Town.
4. Starting on May 31, 2028, electric leaf blowers shall continue to be used as set forth in Section B.1 above, provided that the manufacturer's decibel rating is not more than 65 db.

C. Definition. Leaf blower means any device that uses air to move leaves, grass, and other debris.

D. Responsible Parties.

The following parties are responsible for any violation of this bylaw:

1. the party who employs the person operating the leaf blower; and
2. the party who owns the property where the violation occurs.

E. Administration and Enforcement.

1. The Town shall create and maintain an online application form for service providers to affirm their commitment to comply with the provisions of this Section 131-3. A list of service providers who have so affirmed shall be made available to the public on the Town's website.

2. The provisions of Section 131-2 concerning violations and penalties shall be applicable to violations of this Section 131-3. Violations under this bylaw shall be enforced by the Police Department. Such acts shall constitute prima facie evidence of a violation of this chapter. Penalties shall include: 1st offense: \$100.00, 2nd offense: \$200.00, 3rd offense: \$300.00 and any offense thereafter.

F. Exemptions.

The Town shall not be subject to any restrictions in this Section 131-3 to remediate the impacts of a severe weather event or accident.

G. Severability.

In the event that any provision of this Section 131-3 shall be held to be invalid or unconstitutional by any court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

Adopted April 10, 2025 Annual Town Meeting Article 76

Chapter 132

CONSTRUCTION NOISE

132-1. Construction Noise.

132-2. Exemptions.

132-3. Enforcement

[HISTORY: [Adopted ATM 04-12-2011, Art. 14, Approved by A.G. 12-14-11] [Revised ATM 06-13-2020, Approved by A.G. 08-25-2020

132-1. Construction Noise

It shall be unlawful for any person or persons to create, assist in creating, continue or allow to continue any loud noise related to non-public construction activities, as outlined below, between the hours of 8:00 p.m. and 7:00 a.m. on weekdays and Saturdays, which either annoys, disturbs, injures or endangers the reasonable quiet, comfort, repose or the health and safety of others within the Town. It shall be unlawful for any person or persons to create, assist in creating, continue or allow to continue any loud noise related to non-public construction activities, as outlined below, between the hours of 5:00 p.m. and 8:00 a.m. on weekdays and Saturdays, in the R5 Zoning District between Memorial day and Labor Day, which either annoys, disturbs, injures or endangers the reasonable quiet, comfort, repose or the health and safety of others within the Town. Additionally, it shall be unlawful for any person or persons to create, assist in creating, continue or allow to continue any excessive, unnecessary or unusually loud noise related to non-public construction activities as outlined below at any time on Sundays or the following holidays: New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving and Christmas.

Construction shall mean those activities requiring a building permit, and shall also include any site preparation, earth removal, grading, assembly, erection, substantial repair, alteration or similar action, including demolition, for or of private streets, structures, utilities or similar non-public property. Construction noise shall be that noise generated by manual or mechanical activities associated with construction.

132.2 Exemptions

- A. Noise associated with emergency work or emergency vehicles is exempt from the provisions of this bylaw. Emergency work shall mean any work performed in an effort to protect, provide, or restore public safety, or work by private or public utilities when restoring utility service. Emergency vehicles shall mean any vehicle operated in an effort to protect, provide, or restore public safety including, but not limited to, ambulances, police vehicles, and fire vehicles.
- B. Noise associated with construction activities undertaken with authorization of the Police Chief and/or Building Inspector in order to complete a project, which is in the public interest, in a timely and expeditious manner.

- C. Noise associated with Town snow removal, street sweeping, highway maintenance and cleaning is exempt for the provisions of this bylaw.
- D. This bylaw shall not apply to homeowners performing regular maintenance and tasks on their own property, including emergency repairs with professional assistance.

132.3 Enforcement

Violations under this bylaw shall be enforced by the Police Department (with notice to the Building Inspector). Such acts shall constitute prima facie evidence of a violation of this chapter. Penalties shall include fines of: 1st offense: \$100.00, 2nd offense: \$200.00, and 3rd offense: \$300.00 and any offense thereafter. Any violation shall also entitle the Building Inspector to issue a cease and desist order or revoke the building permit.

Chapter 135

PARADES

- 135-1. Deadline for permit application.**
- 135-2. Contents of application.**
- 135-3. Submission to Chief of Police.**
- 135-4. Violations and penalties.**

[HISTORY: Adopted 3-9-71 Annual Town Meeting, Art. 31, approved 6-11-71. Amendments noted where applicable.]

135-1. Deadline for permit application.

Any person, firm or organization planning a parade in the Town of Edgartown shall apply for a parade permit no less than seventy-two (72) hours from the scheduled parade time.

135-2. Contents of application.

Said application shall contain the name, address and phone number of the person, firm or organization applying, along with the time and route and the approximate number of pedestrians, vehicles and animals expected to participate.

135-3. Submission to Chief of Police.

The application shall be made to the Chief of Police, and the Chief may suggest an alternate route.

135-4. Violations and penalties.

Any person violating this chapter shall be punished by a fine or not more than (\$50.) for each offense.

Chapter 138

PEACE AND GOOD ORDER

ARTICLE I

Miscellaneous Provisions

- 138-1. Camping or sleeping in open restricted.
- 138-2. Public profanity.
- 138-3. Peeping and spying.

ARTICLE II

Public Nudity

- 138-4. Prohibited activity.
- 138-5. Definitions.
- 138-6. Exceptions.
- 138-7. Violations and penalties.

ARTICLE III

Urinating in Public

- 138-8. Prohibited activity.
- 138-9. Prima facie evidence of violation.
- 138-10. Violations and penalties.

[HISTORY: Art. I, adopted 3-9-71 Annual Town Meeting, Art. 31, approved 6-11-71; Art. II, adopted 12-2-76 Special Town Meeting, Art. 6, approved 3-29-77; Art. III, adopted 10-28-85 Special Town Meeting, Art. 2, approved 11-19-85. Amendments noted where applicable.]

GENERAL REFERENCES

Alcoholic beverages – See Ch. 63.
Curfew – See Ch. 85.
Dogs and other animals – See Ch. 88.
Firearms – See Ch. 98.
Littering – See Ch. 119.
Noise – See Ch. 131.
Parades – See Ch. 135.

ARTICLE I
Miscellaneous Provisions
[Adopted 3-9-71 ATM, Art. 31, approved 6-11-71]

138-1. Camping or sleeping in open restricted.

- A. No person shall, between the hours of 8:00 p.m. and 8:00 a.m. set up on any property, public or private, without the permission of the owner thereof a camp or a tent or sleep in the open on any property, public or private, within the limits of the Town of Edgartown.
- B. Any person violating this Article shall be punished by a fine of not more than fifty dollars (\$50.) for each offense.

138-2. Public Profanity.

- A. No person shall, in any street or other public place, accost or address another person with profane or obscene language.
- B. Any person violating this Article shall be punished by a fine or not more than fifty dollars (\$50.) for each offense.

138-3. Peeping and spying.

- A. No person shall enter upon the premises of another with the intention of peeping into windows of a house or other building or spyingS in any manner upon any person or persons therein.
- B. Any person violating this Article shall be punished by a fine or not more than fifty dollars (\$50.) for each offense.

ARTICLE II
Public Nudity
[Adopted 12-2-76 STM, Art. 6, approved 3-29-77]

138-4. Prohibited activity.

Public nudity, including public nude bathing, by any person in a public way, a public place or a place to which the public customarily has access, on land or water, within the boundaries of the Town of Edgartown is prohibited.

138-5. Definitions.

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

PUBLIC NUDITY – A person’s intentional exposure or failure to cover with a fully opaque covering that person’s own genitals, pubic areas, rectal area or female breasts when in a public way, a public place or a place to which the public customarily has access, said exposure or failure to cover occurring in the presence of one (1) or more persons.

138-6. Exceptions.

This Article shall not apply to a person under ten (10) years of age.

138-7. Violations and penalties.

Violations of this Article shall be punished by a fine not to exceed fifty dollars (\$50.).

ARTICLE III

Urinating in Public

[Adopted 10-28-85 STM, Art. 2, approved 11-19-85]

138-8. Prohibited activity.

It shall be unlawful for any person to urinate in public or on private property where the public is reasonably able to view or occupy.

138-9. Prima facie evidence of violation.

It is not enough that such an act is out of public view. The fact that the act has taken place in an area as described in Sec. 138-8 is prima facie evidence that the violation has taken place.

138-10. Violations and penalties.

Violations of this Article shall be punished by a fine not to exceed fifty dollars (\$50.).

138-11. Plastic Bottle Ban

Section 1: Regulated Conduct

1.1 It shall be unlawful to sell or distribute (a) non-carbonated, unflavored water, and (b) soft drinks in plastic (including polyethylene terephthalate – PET) bottles of less than 34 ounces in the Town of Edgartown. For the purposes of this bylaw, ‘soft drink’ means any beverage containing carbonated water with a sweetener (including fruit juice) and/or a flavoring.

1.2 Sales or distribution of drinking water in plastic bottles occurring subsequent to a declaration (by the Emergency Management Director or other duly authorized Town, County, Commonwealth or Federal official) of an emergency affecting the availability and/or quality of drinking water to residents of the Town shall be exempt from this bylaw until seven days after the declaration has ended.

Section 2: Enforcement Process and Violations

2.1 Enforcement of this Bylaw shall be the responsibility of the Board of Selectboard or its designee(s). The Board of Selectboard shall determine the inspection process and shall incorporate the process into other Town duties as appropriate.

2.2 Any person, individually or by his servant or agent, who violates any provision of this Bylaw may be penalized by a non-criminal disposition pursuant to G.L. Chapter 40, Section 21D and the Town’s non-criminal disposition Bylaw. The following penalties apply:

- first violation: written warning
- second violation: \$50 fine
- third and subsequent violations: \$100 fine

- Each day the violation continues constitutes a separate violation.

Section 3. Suspension of the Bylaw

3.1 If the Board of Selectboard determines that the cost of implementing and enforcing this bylaw has become unreasonable, they shall conduct a Public Hearing to inform the citizens of such costs. Subsequent to the Public Hearing, the Board of Selectboard may continue this Bylaw in force or may suspend it permanently or for such length of time as they may determine.

Section 4: Effective Date

4.1 This Bylaw takes effect on April 1, 2023.
(Adopted 04-12-2022 ATM, Approved by AG 08-01-2022)

Room Occupancy Excise Tax

Voted to accept the fourth paragraph of Massachusetts General Laws Chapter 40, Section 5B, which allows the dedication, without further appropriation, of all, or a percentage not less than 25 percent, of particular fees, charges or receipts to a stabilization fund established under Massachusetts General Laws Chapter 40, Section 5B, to be effective for the Fiscal Year beginning on July 1, 2024 or take any other action relative thereto.

Voted that the Town will dedicate 25 percent, of the Room Occupancy Excise revenues collected under Massachusetts General Laws Chapter 64G to the Capital Stabilization Fund established under Massachusetts General Laws Chapter 40, Section 5B, effective for fiscal year 2025 beginning on July 1, 2024, or take any other action relative thereto.

Voted that the town of Edgartown impose the local room occupancy excise under G.L. c. 64G, § 3A at the rate of (6) six percent to take effect on January 1st 2025.

2024 April Annual Town Meeting

Chapter 141

Motorized vehicles

(Approved STM , 10-29-01, Article 4, approved 2/26/02)

141-1. No person shall operate a motorized scooter, motorized skateboard, or other similar motorized motor vehicle on any public way, bicycle path, sidewalk, playground, or on any other property owned in the Town of Edgartown. The following vehicles shall be exempt from the provisions of this Bylaw:

- a) Vehicles licensed as motor vehicles

- b) Vehicles used by handicapped persons, and
- c) Landscaping equipment.

Any person violating the provisions of this Bylaw shall be punished by a fine of one hundred dollars (\$100.00).

Chapter 142

RECREATIONAL VEHICLES

- 142-1. Areas of prohibited use.**
- 142-2. Definitions.**
- 142-3. Operation in designated areas only.**
- 142-4. Exemptions.**
- 142-5. Violations and penalties.**

[HISTORY: Adopted 6-17-85 Special Town Meeting, Art. 30, approved 8-19-85. Amendments noted where applicable.]

GENERAL REFERENCES

Wetlands – See Ch. 169.

- 142-1. Areas of prohibited use.**

No person shall operate a recreational vehicle on any town-owned or -maintained property.
- 142-2. Definitions.**

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

 - DESIGNATED AREA – That area of town-owned or -maintained property where the office of the Board of Selectboard allows operation of legally registered motor vehicles.
 - RECREATIONAL VEHICLE – Any motor vehicle designed or modified for use over unimproved terrain if used for recreation or pleasure off a public way as defined in MGL C. 90B, Sec. 20.
- 142-3. Operation in designated areas only.**

No person shall operate a legally registered vehicle on any town-owned or -maintained property other than designated areas.
- 142-4. Exemptions.**

Town-owned vehicles or vehicles operated by town, county or state employees in the performance of their duties are exempt.
- 142-5. Violations and penalties.**

Any person who violates any provision of this chapter shall be punished by a fine of not more than fifty dollars (\$50.).

Chapter 143

ROLLER SKATES, SKATEBOARDS, AND IN-LINE SKATES

143-1. Use prohibited in certain locations.

143-2. Violations and penalties.

[HISTORY: Adopted 10-8-1992 Special Town Meeting, Art. 8, approved 1-14-1993. Amendments noted where applicable.]

GENERAL REFERENCES

Bicycles – See Ch. 69.

142-1. Use prohibited in certain locations.

No person shall use roller skates, skateboards and in-line roller blades on the following streets or their adjacent sidewalks within the Town of Edgartown from May 1 to September 30:

- A. Main Street from Pease's Point Way to Lower Main Street, including Dock Street.
- B. School Street from Main Street to Cooke Street.
- C. South Summer Street from Main Street to Cooke Street.
- D. South Water Street from Main Street to Cooke Street.
- E. Church Street.
- F. Winter Street from North Water Street to Pease's Point Way.
- G. North Water Street from Main Street to Simpson's Lane.
- H. North Summer Street from Main Street to Simpson's Lane.
- I. Mayhew Lane.
- J. Kelly Street.
- K. Daggett Street.
- L. Memorial Wharf parking lot, foot of Main Street parking lot, Mayhew Lane parking lot, Town Hall parking lot and Old Post Office parking lot.

143-2. Violations and penalties.

Whoever violates any of the provisions of this chapter shall be subject to a fine of not more than twenty dollars (\$20.) for each offense.

Chapter 144

Establishment of 25-miles-per-hour speed limit in thickly settled or business district

Art. 52 06-13-2020 Annual Town Meeting **voted that the Town accept the provisions of Section 17C of Chapter 90 of the General Laws:** Establishment of 25-miles-per-hour speed limit in thickly settled or business district in city or town; violation

Section 17C. (a) Notwithstanding section 17 or any other general or special law to the contrary, the city council, the transportation commissioner of the city of Boston, the board of Selectboard, park commissioners, a traffic commission or traffic director of a city or town that accepts this section in the manner provided in section 4 of chapter 4 may, in the interests of

public safety and without further authority, establish a speed limit of 25 miles per hour on any roadway inside a thickly settled or business district in the city or town on any way that is not a state highway.

(b) Upon establishing a speed limit under this section, the city or town shall notify the department. The operation of a motor vehicle at a speed in excess of a speed limit established under this section shall be a violation of section 17.

Chapter 145

SEWERS

- 145-1. Apportionment of assessments.**
- 145-2. Requirements pertaining to subdivisions.**
- 145-3. Separation of general and special benefit sewerage systems.**

[HISTORY: Adopted 6-16-1977 Special Town Meeting, Art. 6, approved 9-16-1977. Amendments noted where applicable.]

GENERAL REFERENCES

Sewer Commission – See Ch. 50.

145-1. Apportionment of assessments.

In ways, accepted or private, the persons receiving benefit from the installation of a common sewer line shall pay a proportionate assessment of the cost thereof as ascertained, assessed and certified by the Board of Sewer Commissioners⁹ pursuant to the provisions of Chapter 83, and any amendments thereto, of the General Laws. In no case shall such assessment exceed the benefit or advantage received by the person or persons so assessed.

145-2. Requirements pertaining to subdivisions.

Nothing in this chapter shall be construed to restrict or abrogate the power of the Planning Board to require the construction or installation of municipal improvements in ways shown on subdivision plans under the control of the Planning Board at the sole expense of the subdivision developer, and no assessment shall be made under this chapter on account of any improvement so constructed or stalled by a developer at his sole expense.

145-3. Separation of general and special benefit sewerage systems. [Added 4-13-1994 ATM, Art. 62, approved 8-12-1994]

⁹ Editor's Note: Article 51, 4-15-1988 ATM, provided as follows: "Moved that the town vote to change the name of the Edgartown Sewer Commission to the Edgartown Wastewater Commission."

Pursuant to MGL C. 83, Sec. 15, relating to sewerage systems, the costs of general benefit facilities, including but not limited to pumping stations, trucks and force mains, shall be separated from that of special benefit facilities, including but not limited to the sewer mains, serving adjacent properties.

Chapter 144

ELECTRIC PERSONAL ASSISTANCE MOBILITY DEVICES (Approved ATM Article 28, 04-13-10)

- 144-1. **Electric Personal Assistive Mobility Devices.**
 - 144-2. **Prohibited; absent grant of written permission or exemption.**
 - 144-3. **Conditions; grant of written permission.**
 - 144-4. **Enforcement and penalties.**
-
- 144-1. **Electric Personal Assistive Mobility Devices.**

Definitions and interpretation.

AUTHORIZING OFFICIAL- The chief of police or his/her respective designee for the Town of Edgartown, Massachusetts.

BOARD OF SELECTBOARD OR BOARD- The Board of Selectboard for the Town of Edgartown, Massachusetts.

COMMONWEALTH- The Commonwealth of Massachusetts and any governmental Subdivision thereof.

ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE - A non-tandem, two-wheeled or three-wheeled self-balancing device, with an electric propulsion system that transports only one person, and travel less than 12.5 miles per hour. The term "Electric Personal Assistive Mobility Device" shall hereinafter be referred to as "EPAMD"; and shall not be construed to include any similar device used to provide transportation of a disabled person.

GOVERNMENTAL AGENCY- Any governmental subdivision of: the Town of Edgartown, Massachusetts; the Commonwealth of Massachusetts; the County of Dukes County; or the Federal government.

LAW OR REGULATION - The regulations, laws, and by-laws of the Town of Edgartown; the Commonwealth of Massachusetts; or the Federal government.

OFFICER -A police officer, special police officer or traffic officer appointed by the Town or the Commonwealth.

TOWN - The Town of Edgartown, Massachusetts and any governmental Subdivision thereof.

144.2 Prohibited; absent grant of written permission or exemption.

No person shall operate an EPAMD on a Town-owned or Town-controlled public way, bicycle path, sidewalk, park, or playground without a grant of written permission from the authorizing official. The following operation of an EPAMD shall be exempt from this by-law:

- A. The use of an EPAMD by personnel of a governmental agency when performing a service to the public; or
- B. The use of an EPAMD by a disabled person.

144.3 Conditions; grant of written permission.

A person may petition the Town, on a document approved by the authorizing official, for a grant of written permission to use and operate an EPAMD within the Town. Any person approved by the authorizing official shall be issued a grant of written permission within seven-days, at a cost and duration as determined by the Town. A grant of written permission shall be produced upon the request of an officer and shall not be transferable.

Any grant, of written permission for an EPAMD issued by the authorizing official, shall include the following conditions or restrictions: An EPAMD shall not be operated by a person on any Town-owned or Town-controlled public way, bicycle path, sidewalk, park, or playground:

- A. Without being in possession of a valid driver's license or learner's permit;
- B. Without wearing protective headgear conforming to the minimum standards and construction as the Commonwealth may prescribe;
- C. Without having operational stop and turn signals on an EPAMD;
- D. By not keeping to right side at all times on a public way, bicycle path, or sidewalk; except upon a public way when passing a motor vehicle which is stopped or moving within the same travel lane;
- E. At any time after sunset or before sunrise; and
- F. In such a manner as to endanger the lives and safety of the public.

The authorizing official may impose other such conditions or restrictions as deemed appropriate or necessary to protect the safety of the public; and a person operating an EPAMD pursuant to a grant of written permission, shall comply with the conditions and restrictions referenced herein or imposed by the authorizing official.

If the authorizing official finds a reason for denial, the petitioning person shall be notified in writing for the reason(s) of denial within seven-days by said official. A person denied a grant of written permission may request a hearing within thirty-days before the board of Selectboard.

144-4. Enforcement and penalties.

Any violation of this chapter may be enforced by non-criminal disposition by an officer as provided by MGL c. 40, § 21D, or Town by-law by fine of \$50 dollars for the first offense or by a fine of \$100 dollars for a second or subsequent offense.

In addition to any other enforcement or penalty allowed by law or regulation, a grant of written permission may be suspended or revoked by the board of Selectboard, after a public hearing, if the board determines the person issued such grant has violated any condition or restriction, or no longer meets the terms of the

grant. Upon any suspension or revocation, within thirty-days, the board shall notify the person in writing for the reason(s) of any such action.

Chapter 150

STREETS AND SIDEWALKS

ARTICLE I

Miscellaneous Provisions

- 150.1 Obstruction or breaking of public ways.**
- 150.2 Obstruction of free movement.**
- 150.3 Keeping to right of road.**

ARTICLE II

Use of Public Ways

- 150.4 Placement of objects upon sidewalks.**
- 150.5 Occupation of streets for construction or demolition of buildings.**
- 150.6 Permits for moving of buildings.**

ARTICLE III

Town Snow Removal on Private Ways

- 150.7 Authority.**
- 150.8 Conditions.**

ARTICLE IV

Layout and Acceptance of Ways

- 150.9 Conditions for acceptance.**
- 150.10 Formula of cost.**

ARTICLE V

Snow and Ice Removal

- 150.11 Removal of snow after snowfall.**
- 150.12 Removal of snow fallen from buildings and drifting snow.**
- 150.13 Removal of ice.**
- 150.14 Depositing snow or ice in public way or sidewalk.**
- 150.15 Violations and penalties.**

[HISTORY: Adopted as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Miscellaneous Provisions

[Adopted as Ch. VII, Secs. 1, 3 and 4 of the 1983 compilation, approved 3-23-1922, 3-7-1924 and 6-8-1967]

150-1. Obstruction or breaking of public ways.

No person except officers of the Town in the lawful performance of their duties and those acting under their orders shall obstruct any sidewalk or street or any part thereof or break or dig the ground of the same without first obtaining a written license from the Superintendent of Streets.

150-2. Obstruction of free movement.

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.

150-3. Keeping to right of road.

All vehicles using a traveled way within the Town upon which white traffic lines are painted or placed shall keep to the right of such lines. Any violation of this section shall be punishable by a fine not to exceed the sum of \$10 for each offense.

ARTICLE II

Use of Public Ways

[Adopted 3-7-1922 ATM, approved 3-23-1922]

150-4. Placement of objects upon sidewalks.

No person shall place or cause to be placed upon any sidewalk any coal, bale, box, truck, crate, barrel, garbage can, package or anything so as to obstruct the same for more than 15 minutes after being notified by a constable or police officer or Selectman to move it.

150-5. Occupation of streets for construction or demolition of buildings.

- A. Any person intending to erect, repair or take down or move any building on land abutting on any street or way which the Town is required to keep in repair and who desires to make use of any portion of said street or way for the purpose of placing therein building material or rubbish shall give notice thereon to the Selectboard.
- B. The Selectboard may grant a permit to occupy a portion of said street or way, and such permit shall be upon the condition that the licensee shall keep a sufficient number of lighted lanterns at or near the parts of the street or way obstructed or unsafe and shall keep a railing or guard around same while such obstruction shall continue.
- C. If such obstruction is more than a temporary condition, the licensee shall place a good temporary walk around said obstruction and at the completion of work shall restore the street or the way to its former condition.
- D. Before issuance of a license as specified under this section, the person applying for the same shall execute a written agreement to indemnify and save harmless the Town against and from all damages by reason of any claim for damages or by reason of any proceeding, criminal or civil, on account of the existence of such obstruction or excavation.

150-6. Permits for moving of buildings.

The Selectboard shall not grant a permit for the moving of a building upon the street or ways of the Town when such moving will result in the mutilation of or damage to any of the shade trees situated on the public ways of the Town.

ARTICLE III

Town Snow Removal on Private Ways

[Adopted 4-11-1978 ATM, Art. 27, approved 9-5-1978]

150-7. Authority.

The Town, under the direction of the Street Superintendent, may make temporary minor repairs on private ways which have been opened to public use for six years or more.

150-8. Conditions.

- A. Such repairs shall not be undertaken unless the Board of Selectboard declares that they are required by public necessity and convenience.
- B. Said temporary minor repairs shall only include the filling in of holes or depressions with sand, gravel or other suitable materials, with no drainage provided, as well as the grading of the same.
- C. Such repairs shall be made only if petitioned by 75% of the abutters living along the private way. No betterment charges shall be assessed, nor shall a deposit for any work be required.
- D. Said temporary repairs shall not be undertaken unless the Selectboard have in their possession agreements executed by all abutting owners to release and save harmless on account of any damage whatever caused by such snow removal or such repairs. Such agreements to release and save harmless, being recorded in the Registry of Deeds, shall be deemed to be covenants running with the land and shall be binding upon all subsequent owners thereof.

ARTICLE IV

Layout and Acceptance of Ways

[Adopted 4-8-1980 ATM, Art. 21, approved 7-31-1980]

150-9. Conditions for acceptance.

The layout and acceptance of any private way shall be in accordance with the provisions of Chapters 80 and 82 of the General Laws of the Commonwealth of Massachusetts, but the Selectboard shall not submit an Article for the acceptance of a road layout to the Town Meeting unless the abutters owning collectively at least 75% of the linear footage fronting the way have agreed to accept the estimate of costs to be apportioned to each abutter or unless the Selectboard shall determine by a unanimous vote of their Board that a compelling public need exists for acceptance of a particular way. No betterments shall be assessed until after acceptance of a road layout by the Town.

150-10. Formula of cost.

The formula of cost apportionment shall be as follows: 60% of the total cost shall be apportioned to the owners of lots abutting the way, and the remaining 40% shall be borne by the Town. The individual abutters' share of the total cost not borne by the Town shall be apportioned to them at a rate determined by the ratio between the amount of front footage owned by them and the total amount of footage abutting the way.

ARTICLE V

Snow and Ice Removal

[Adopted 4-8-1997 ATM, Art. 51]

150-11. Removal of snow after snowfall.

The tenant or occupant, and in the case where there is no tenant or occupant, the owner or persons having the care of any estate abutting upon any street, lane, court or square within the Town where there is a sidewalk which is or may hereafter be established or set apart by the Town as such, shall, after the ceasing to fall any snow thereon within 24 hours cause the same to be removed therefrom.

150-12. Removal of snow fallen from buildings and drifting snow.

Whenever any snow shall be collected or deposited upon any sidewalk mentioned in Sec. 150-11, either by falling from an adjoining building or by drifting upon said sidewalk, the tenant or occupant, and in the case where there is no tenant or occupant, the owner or person having the care of the estate abutting upon said sidewalk shall, within 24 hours after it being so collected or deposited, cause the same to be removed therefrom.

150-13. Removal of ice.

Whenever any sidewalk mentioned in Sec. 150-11 shall be encumbered with ice, it shall be the duty of the tenant or occupant, and in the case where there is no tenant or occupant, the owner or person having the care of the estate, to cause such sidewalk to be made safe and convenient for travel by removing the ice therefrom within 24 hours after such sidewalk shall have become so encumbered.

150-14. Depositing snow or ice in public way or sidewalk.

No snow or ice shall be deposited on any public street or sidewalk from any parking lot, business or residential driveway once the street or sidewalk has been plowed by the Highway Department. No snow shall be plowed across any public way by any private plow to deposit snow from one property to another. No snow shall be deposited in such a way as to obstruct the operation of any fire hydrant.

150-15. Violations and penalties.

Violations of this article shall be punished by fine not in excess of \$50.

Chapter 153

SWIMMING POOLS

153-1. Enclosure of outdoor, in-ground swimming pools required.

153-2. Violations and penalties.

[HISTORY: Adopted 4-12-1994 Annual Town Meeting, Art. 28, approved 8-12-1994. Amendments noted where applicable.]

153-1. Enclosure of outdoor, in-ground swimming pools required.

All outdoor, in-ground swimming pools shall be enclosed by a fence four (4) feet in height and firmly secured at ground level; such enclosure, including gates therein, shall not be less than four (4) feet above the ground, and any gate shall be self-latching with latches placed four (4) feet above the ground or otherwise made inaccessible from the outside to children up to eight (8) years of age. Such enclosure shall be constructed of such material and maintained so as not to permit any opening of said enclosure, other than a gate, wider than three (3) inches at any point along the enclosure, or some other effective alternative device(s), acceptable to the Board of Health, which impedes access to persons under eight (8) years of age. Any such pool shall be equipped with at least one (1) life ring and a rescue hook.

153-2. Violations and penalties.

Any owner of an outdoor, in-ground swimming pool who fails to comply with the provisions of this chapter, after notice, shall be punished by a fine of not more than twenty-five dollars (\$25.) for each offense.

Chapter 157

TAXICABS

- 157-1. License authority; records.**
- 157-2. License required.**
- 157-3. Rates of fare.**
- 157-4. Taxi Rules and Regulations (Adopted by the Board of Selectboard on June 20, 2005 and amended on June 15, 2015)**

[HISTORY: Adopted 2-8-49 Annual Town Meeting, Art. 62, approved 6-16-49. Amendments noted where applicable.]

GENERAL REFERENCES

Vehicles and traffic – See Ch. 188.

- 157-1. License authority; records.**

The Selectboard shall, from time to time, grant licenses to such persons to set up, employ, operate and use any hackney or livery vehicle for the purpose of conveying passengers or baggage for hire from place to place within the town, and a record of all licenses so granted and the revocation thereof shall be kept by the Selectboard.
- 157-2. License required.**

No person shall set up, employ, operate or use any hackney or livery vehicle for the purpose of conveying passengers or baggage for hire within the limits of the town without a license from the Selectboard.
- 157-3. Rates of fare.**

The rates of fare for the conveyance of passengers or baggage within the limits of the town shall not exceed a schedule of rates fixed by the Selectboard.
- 157-4. Taxi Rules and Regulations**

ARTICLE 1. PREAMBLE

In the Town of Edgartown, no person, business, or corporation driving or having charge of a taxicab, transportation network company vehicle, or other private vehicle shall, unless licensed by the Town to perform such service, offer a vehicle for hire with the intent to transport a passenger or goods.

The Board of Selectboard shall have the exclusive authority to determine the number of taxicab businesses to license in the Town and the number of taxicab vehicles licensed to each business. Such determination shall be based upon serving the needs and convenience of the public and in the best interest of the Town.

ARTICLE II. EXCEPTIONS

Nothing herein contained shall be construed as prohibiting a driver of a taxicab, transportation network company vehicle, or other private vehicle, licensed to perform such service within the County of Dukes County or by the Commonwealth, from driving through the Town of Edgartown or from accepting passengers or goods if summoned at the request of such passenger or client, by means of a telephone or radio dispatch from their principal place of business.

ARTICLE III. AUTHORITY

The Board of Selectboard as authorized pursuant to Section 22 of Chapter 40 of Massachusetts General Law may approve the adoption of regulations relative to the licensing and operation of taxicab, transportation network company, or other private vehicle services in Edgartown; and may, after providing public notice, conduct hearings to amend the regulations. Any such amendments shall not take effect until published or posted in accordance with law.

ARTICLE IV. PUBLIC ACCOMMODATION

As a place of public accommodation, a taxicab, transportation network company, or other private vehicle business licensed by the Town shall reasonably afford full and equal accommodations, advantages, facilities and privileges to all persons, subject only to the conditions and limitations established by law.

Any act of adverse treatment, distinction, discrimination, or restriction because of a person’s race, color, religious creed, national origin, sex, sexual orientation, physical disability, or mental disability, shall be deemed an unlawful act of discrimination.

ARTICLE V. SAVING PROVISION

If any provision of this regulation shall be declared unconstitutional, the validity of its remaining provisions shall not be affected thereby.

ARTICLE VI. TERMINOLOGY

“COMPLY WITH”: To meet one or more terms stated in the regulations.

“IF” OR “IF...THEN”: Applicable to the associated conditions described.

“MAY”: An option or alternative.

“SHALL”: A mandated requirement.

“SHOULD”: An advisory or recommendation.

ARTICLE VII. DEFINITIONS

“APPLICANT”: Any person, partnership, or corporation who petitions the Town, on a document approved by the Board, for the licensing of a taxicab, transportation network company, or other private vehicle business; a taxicab, transportation network company, or other private vehicle, or a license to operate a taxicab, transportation network company, or other private vehicle.

“APPLICATION” OR “DOCUMENT” OR “LICENSE”: An official document approved by the Board and used for the purposes of licensing a taxicab, transportation network company, or other private business, a taxicab, transportation network company, or other private vehicle, or a taxicab, transportation network company, or other private vehicle driver.

“BOARD” OR “SELECTBOARD”: The Board of Selectboard for the Town of Edgartown.

“COMMONWEALTH”: The Commonwealth of Massachusetts and any governmental subdivisions thereof.

“CRIMINAL OFFENDER RECORD”: The record of an applicant’s criminal history.

“DRIVER HISTORY RECORD”: A record of the applicant’s motor vehicle operating history.

“DUTY SHIFT”: A period of time when a person begins or is required to be in readiness for work as a taxicab, transportation network company, or other private vehicle driver and when the person is relieved from all responsibilities of such work. The preceding words and terms as used in this part are also construed to mean the driving time spent by a driver at the controls of a taxicab, transportation network company, or private vehicle in operation.

“GOVERNMENTAL AGENCY” OR “AGENCIES”: Any subdivision of the Town of Edgartown; the Commonwealth of Massachusetts; or the federal government.

“LAW” OR “REGULATIONS”: The regulations and by-laws of the Town of Edgartown; the regulations and laws of the Commonwealth of Massachusetts; or regulations and laws of the federal government.

“LOCAL FARE”: A passenger or goods from one destination to another within the Town of Edgartown.

“LICENSED DRIVER” OR “DRIVER”: Any person licensed to operate a taxicab, transportation network company, or other private vehicle by the Police Department.

“LICENSED OWNER” OR “BUSINESS” OR “OWNER”: Any person, partnership, or corporation licensed by the Board to own and/or operate a taxicab, transportation network company, or other private vehicle business.

“LICENSING FEE”: A fee collected by the Town, in an amount determined by the Board, which is assessed annually for the licensing of a taxicab, transportation network company, or other private vehicle business, a taxicab, transportation network company, or other private vehicle or a taxicab, transportation network company, or private vehicle driver.

“PASSENGER”: A person or persons who hires or attempts to hire a taxicab or has a pre-arranged ride for transportation.

Authorized Taxicab Stands		
Location	Number	Hours
Yacht Club Lot	4	Unlimited
Mayhew Lane	1	6:00 PM – 2:00 AM
Colonial Inn	1	6:00 PM – 2:00 AM
	1	6:00 PM – 2:00 AM
South Water St.	1	6:00 PM – 8:00 AM
South Summer St.	1	6:00 PM – 2:00 AM

“POLICE DEPARTMENT”: The Edgartown Police Department and the police officers thereof.

“PREARRANGED RIDE” a period of time that begins when a transportation network driver accepts a requested ride through a digital network, continues while said driver transports the transportation network company rider, and ends when said rider departs from the vehicle. “OFFICER”: A duly authorized police officer, special officer, or traffic officer.

“RATES” OR “RATES OF FARE”: The compensation schedule for taxi, transportation network company, or other private vehicle service approved by the Board.

“RATE CARD”: A card issued by the Board which displays the taxicab’s, transportation network company, or other private vehicle’s company name, rates of fare and any other data the Board or Police Department should require.

“REASONABLE” OR “REASONABLY”: A factual basis of knowledge upon which a reasonable person might deem proper to conclude.

“SUBSTANCE ABUSE”: Any use of illegal drugs or abuse of prescription drugs or any excessive use of an alcoholic beverage.

“TAXI” OR “TAXICAB” OR “VEHICLE”: A motor vehicle, having a certificate of registration issued by the Commonwealth in the name of a taxicab business as a taxicab, a vehicle that is used by a transportation network driver to provide transportation network services, or other private vehicle which is licensed by the Town for use in the conveyance of persons or goods for hire from place to place.

“TAXICAB OR OTHER VEHICLE CAPACITY”: The seating capacity of a taxicab as determined by the manufacturer’s specifications listed for the vehicle; or unless otherwise prohibited by the Commonwealth or the Town.

“TOWN”: The Town of Edgartown, Massachusetts and any governmental subdivisions thereof.

“TRANSPORTATION NETWORK COMPANY” a corporation partnership, sole proprietorship or other entity, operation in the Commonwealth that uses a digital network to connect riders to drivers for the purposes of pre-arranging and providing transportation.

“TRANSPORTATION NETWORK DRIVER” a driver certified by a transportation network company.

“TRANSPORTATION NETWORK RIDER” a passenger in a pre-arranged ride provided by a transportation network drive, provided that the passenger personally arranged the ride or an arrangement was made on his or her behalf.

“TRIP RECORD”: A document maintained daily by the licensed owner setting forth the origin and destination of each trip, fare paid, starting and completion time of the trip, the driver’s name, the license plate number or other designation to identify the vehicle, and other entries required by the Board or Police Department.

“WAY”: Any public or private road or highway or any way dedicated for public use or any road which the public has the right to use as invitees or licensees; or as otherwise defined by section 1 of chapter 90 of the Massachusetts General Laws.

SECTION 1.0	BUSINESS; APPLICATION FOR LICENSE TO TRANSPORT PERSONS
SECTION 1.1	APPLICATION FILING. An application for the licensing of a business to transport persons in the Town shall be filed with the office of the Board.
SECTION 1.2	MINIMUM AGE & CITIZENSHIP. An applicant shall have attained the age of twenty-one (21) years; and such applicant shall be a citizen or a resident alien of the United States.
SECTION 1.3	PARTNERSHIPS OR CORP-ORATIONS. A partnership or corporation shall file with the application, a certified copy of the partnership certificate or certificate of incorporation; and shall have one officer or member of the corporation or partnership who has attained the age of twenty-one (21) years.
SECTION 1.4	REPUTE AND QUALIFICATIONS OF APPLICANT. An applicant shall demonstrate to the satisfaction of the Board, reasonable grounds that they are of good repute as to their morals and character; and that such applicant is qualified to assume the duties and obligations of a business owner.
SECTION 1.5	CRIMINAL OFFENDER AND DRIVER HISTORY RECORDS CHECK. The Board shall conduct an inquiry of any criminal or driver history record, which may disqualify the applicant from acquiring such license.

- SECTION 1.6** APPLICANT COMPLIANCE. The applicant shall agree to comply with the licensing assessment process as stated in the regulations or as required by the Board.
- SECTION 1.7** STATEMENT OF COMPLIANCE. A document executed by the applicant indicating the receipt, understanding and intent to comply with the regulations.
- SECTION 1.8** VEHICLES TO BE LICENSED. The Board shall specify the number of vehicles to be licensed.
- SECTION 1.9** ASSESSMENT OF APPLICANT. An assessment of the applicant, relevant to the matter of licensing of a business owner, shall be conducted by the Police Department, who shall report to the Board.
- SECTION 1.10** FALSIFIED INFORMATION. Any falsification of information contained in an original or renewal application for a license or any failure to notify the Board of any material change in the information contained therein shall be cause for denial of such application or the immediate revocation or suspension of such license.
- SECTION 1.11** PUBLIC HEARING. An applicant for the licensing of a business to transport persons shall appear, after receipt of notice, at a public hearing conducted by the Board. The Board shall determine if the current number of businesses licensed by the Town is sufficient to serve the need and convenience of the public. The Board shall notify licensed owners of the date, time, and reason for such hearing.
- SECTION 1.12** APPROVAL OF APPLICANT. An applicant, granted approval by the Board to be licensed as a business to transport persons, shall be licensed by the terms and conditions of the regulations stated herein.
- SECTION 1.13** DENIAL OF APPLICANT. Should the Board deny the issuance of a business to transport persons license to an applicant, then the Board shall notify the applicant within 30 days and specify in writing the reason for such denial.

SECTION 2.0 LICENSED BUSINESS TO TRANSPORT PERSONS; CONDITIONS OF LICENSE

- SECTION 2.1** BUSINESS TO TRANSPORT PERSONS LICENSE; EXPIRATION AND ANNUAL FEE. The license of a business owner shall expire annually on April 30th. Within 30 days of said expiration, an owner shall make an application to renew said license, and shall make payment of the licensing fee. The renewal and issuance of said license shall be granted upon the same terms and conditions as the preceding license. An owner who fails to comply with this section shall forfeit their right to operate as a business licensed by the Town.

- SECTION 2.2** OWNER; DRIVER'S LICENSE REQUIRED. An owner, or if the owner is a partnership or corporation, then at least one (1) partner or shareholder shall be licensed by the registrar of motor vehicles to operate a motor vehicle, and shall be licensed by the Town as a driver. The Board may waive this requirement for single owners who are disabled, infirmed or otherwise restricted from obtaining a driver's license.
- SECTION 2.3** TAX COMPLIANCE. All business license holders shall comply with Massachusetts General Law, Chapter 62C Section 49A, which states that they have complied with all laws of the Commonwealth relating to taxes, prior to receiving their license renewal from the Board.
- SECTION 2.4** BUSINESS LICENSE; TRANSFER AND SALE. The approval or denial by the Board of the surrender and transfer of a business license to another person, partnership or corporation, shall be made as set forth in Section 1.0 of the regulations. Upon the Board's approval of such transfer, the applicant shall make payment of the annual business and licensing fees. An owner who has surrendered and transferred their business license to another person, partnership or corporation, shall not be entitled to any prorated rebate of the annual fees paid.
- SECTION 2.5** ISSUANCE OF VEHICLE LICENSE. No business shall operate any vehicle unless such vehicle is licensed by the Town as a vehicle to transport persons. Prior to the issuance of any such license by the office of the Board, the licensed owner shall, make payment of the licensing fee, produce a valid certificate of registration for the vehicle, and provide an affidavit of insurance coverage validating the terms of liability for the vehicle to be licensed.
- SECTION 2.6** STOLEN LICENSE TO OPERATE A BUSINESS OR DRIVER'S LICENSE. An owner shall notify the Board and the Police Department within forty-eight (48) hours of the loss, theft or destruction of a license, driver's license or rate card issued by the Board.
- SECTION 2.7** UTILIZATION OF VEHICLES LICENSED. Business owners are expected to utilize all vehicles licensed by the Board. The failure of an owner to maintain the registration of a licensed vehicles for a minimum of 60 concurrent days, between the period from June 15 and ending September 15, shall have deemed in the succeeding year to forfeit their right to renew the license of said vehicle or a replacement vehicle as provided in Section 2.5.
- SECTION 2.8** ADDITIONAL VEHICLE LICENSES; APPLICATION. A business owner may make an application to the office of the Board for the licensing of additional vehicles. Any such applicant shall appear, after receipt of notice, at a public hearing conducted by the Board. The applicant shall demonstrate that such additional

vehicles are necessary to meet the demands of their service, or are necessary to remain competitive with other licensed businesses. The Board shall notify the other licensed owners of the date, time, and reason for such hearing.

SECTION 2.9 BUSINESS LICENSE; SUSPENSION OR REVOCATION. If at any time the Board becomes aware of information that a business owner no longer meets the terms of the regulations, then the Board, after a public hearing, may suspend or revoke the business license, or take any action thereof. The Board shall specify in writing, the reason for the suspension or revocation, to such owner.

SECTION 2.10 BUSINESS OWNER; LICENSE RENEWAL DENIED. The Board may deny the renewal license of any such business that violates the terms of the regulations. The Board shall notify the owner within 30 days, and shall specify the reason for such denial in writing.

SECTION 2.11 LOCATION. An owner shall, lease or own an office space within the Town of Edgartown to conduct business and to provide sufficient off-street parking for the storage of licensed taxicabs. Said office space and parking area shall conform to applicable laws.

2.11.1 An owner shall file with the Board, the business address, the business mailing address, the business telephone number, and a telephone number to contact the business after hours.

2.11.2 An owner shall, within seventy-two (72) hours, notify the Board personally or in writing of any changes listed in 2.13.1. The service of correspondence from the Board or Police Department, to any such business address on file, shall be deemed as sufficient for the purposes of providing proper notice to an owner.

SECTION 2.12 BUSINESS RECORDS. An owner shall maintain at his/her business location for current licensed year, the following documents: the driver's trip records; vehicle inspection reports; maintenance and repair records; records of liability insurance coverage. Upon a reasonable request from the Board or Police Department, an owner shall make available or present any such documents to the Board or the Police Department.

SECTION 2.13 INSURANCE REQUIREMENTS. An owner shall provide to the Board an affidavit of insurance coverage indicating protection from any incident arising as a result of conducting a business within the Commonwealth for the transportation of passengers for hire. Such information shall be a condition for the renewal of an owner's license.

2.13.1 An owner shall notify the Board in writing, within seventy-two (72) hours of receipt of notice, of the cancellation of the required liability insurance or change of insurance or change of insurance carrier or insurance policy number.

2.13.2 An owner, who has received notice that his or her liability insurance is no longer in effect or is to be terminated, shall surrender the business owner's license to the Board on or before the termination date of the insurance, unless such owner submits proof of new insurance effective on the date of the prior policy's termination.

SECTION 2.14

RATES OF FARE. The scheduled maximum rates of fare for licensed services shall be determined by the Board at a public hearing. Within 30 days prior to the annual expiration of a business license, an owner may request a change in the rates of fare, at a public hearing conducted by the Board for this purpose. The Board shall determine any such change in the schedule of the rates as indicated below:

2.14.1 Rates of fare shall be for transportation services to all locations on the Island of Martha's Vineyard and Chappaquiddick.

2.14.2 The rates of fare charged exclusively for the handling of oversized or heavy possessions.

2.14.3 The rates of fare for late night transportation shall be determined by the Board.

SECTION 2.15

ADVERTISEMENT. The name of a licensed business shall be displayed on both left and right exterior of each vehicle.

2.15.1 On the rear of each taxicab the wording "Edgartown" or "Edg." shall be displayed in letters not less than four inches high and one-half inch wide.

2.15.2 No advertisements of any description, including the announcement of rates shall be displayed on the exterior of the vehicle or on any other inappropriate public area such as telephone poles or phone booths.

SECTION 2.16

AVAILABILITY. Any business licensed by the Town shall remain available to serve the needs and convenience of the public.

2.16.1 During the period of October 31st through April 30th, an owner may close if there is an agreement in place to divert calls for service to another business owner who shall remain open. The agreement and scheduled period of closure shall be furnished to the Board for approval prior to closing.

2.16.2 There shall be 24-hour service maintained by at least one (1) business. Such service shall be provided by a mutual agreement between the business owners. Calls for service to businesses closed as provided in section 2.16.1 shall be diverted by telephone call forwarding or recorded message to the businesses providing coverage. The Police Department shall be provided with the names of the businesses providing 24-hour service.

2.16.3 Businesses shall provide adequate service to the first ferry and/or plane leaving the Island, and until the closing of all liquor establishments licensed by the Town of Edgartown.

SECTION 2.17 COMPLAINTS OF DISCRIMINATION. An owner, who has knowledge of a complaint made by a passenger of an alleged act of discrimination or harassment against a driver or the business, shall cause a report to be made to the Board, and to the Police Department having jurisdiction.

SECTION 3.0	DRIVER; APPLICATION FOR LICENSE
--------------------	--

SECTION 3.1 LICENSE REQUIRED. No person shall operate a taxicab, transportation network company vehicle, or other private vehicle licensed by the Board unless licensed as a driver of said vehicle by the Police Department.

SECTION 3.2 MINIMUM HIRING QUALIFICATIONS. Prior to making an application for a business driver's license, the business owner shall determine that, in addition to the conditions as set forth in section 3.3, the applicant is familiar with the geography, roads and traffic regulations within the Town and on Martha's Vineyard; can by reason of experience, training or both, safely operate the type of motor vehicle he or she is to be assigned; and can read and speak the English language sufficiently to converse with the general public, to understand authorized traffic signs in the English language, to respond to official inquiries, or to make entries on reports and records.

SECTION 3.3 MINIMUM LICENSING REQUIREMENTS. An applicant for a license to operate a taxicab transportation network vehicle, or other private vehicle shall be at least 18 years of age; shall be eligible for employment of the United States; shall be licensed by the Commonwealth to operate such motor vehicle; and have at least one year of experience operating a motor vehicle.

SECTION 3.4 APPLICATION FILING AND FEE. An application for a business driver's license shall be filed with the Police Department. The applicant shall make payment of the non-refundable licensing fee and shall provide a photograph of himself or herself for inclusion in the license and the records of the Town. The photograph shall be passport-sized of the applicant's face and shoulders only.

All photographs shall become the property of the Town and will not be returned to an applicant.

- SECTION 3.5** CRIMINAL OFFENDER AND DRIVER HISTORY RECORDS CHECK. The Police Department shall conduct an inquiry of any criminal or driver history record, which may disqualify the applicant from acquiring such license.
- SECTION 3.6** FALSIFIED INFORMATION. Any falsification of information submitted in an original or renewal application for a license or any failure to notify the Board of any material change in the information contained therein shall be cause for denial of such application or the immediate revocation or suspension of such license. An applicant shall comply with the assessment process.
- SECTION 3.7** ASSESSMENT OF APPLICANT. A business driver's license may be issued by the Police Department after an assessment of the applicant as determined by the Board and/or the Police Department. The applicant shall, to the satisfaction of the Board and the Police Department, cooperate during the assessment process.
- SECTION 3.8** APPROVAL OF APPLICANT. An applicant approved by the Police Department for a business driver's license shall be issued such a license.
- SECTION 3.9** DENIAL OF APPLICANT. Should an application be denied, the Police Department shall notify the applicant within 30 days and specify in writing the reason for such denial. The applicant may request a hearing on the denial before the Board. A business driver's license shall not be issued to an applicant with a matter relating to the following:
- 3.9.1** The admission of sufficient facts or conviction of a felony within the period of five (5) years immediately preceding the date of the filing of the application; The admission of sufficient facts or conviction of a felony or misdemeanor at any time that involved violence towards another person;
 - 3.9.2** The admission of sufficient facts or conviction of a felony at any time that involved a violation of the controlled substance law;
 - 3.9.3** The admission of sufficient facts or conviction of operating a motor vehicle under the influence of alcohol or drugs;
 - 3.9.4** Reasonable grounds the applicant's driver history demonstrates a prevalence to violate the traffic laws;
 - 3.9.5** Is under the supervision of the court; or

3.9.6 Any other reasonable grounds to cause the Police Department to deny such application.

SECTION 3.10 EXPIRATION AND RENEWAL. The license of a driver shall expire annually on April 30th. Within 30 days of said expiration, a driver may make an application to renew said license, and shall make payment of the licensing fee. The issuance of such license shall be granted upon the same terms and conditions as the previous license.

SECTION 3.11 SUSPENSION OR REVOCATION. If at any time during the term of a license, the Board or the Police Department becomes aware of information that indicates the driver no longer meets the application terms for licensed driver's as stated herein, the Board or the Police Department may immediately take possession and suspend such a license for a period of no more than 14 days. The suspension period of such license may be extended or revoked, after a public hearing conducted by the Board.

SECTION 3.12 TERMINATION OF EMPLOYMENT. If at any time during the term of a license, the employment of a driver is terminated by an owner for a violating the terms of any regulation stated herein, then such owner shall immediately notify the Police Department in writing.

SECTION 4.0	LICENSED DRIVER; CONDITIONS OF OPERATION
--------------------	--

SECTION 4.1 OPERATE IN ACCORDANCE WITH LAW. A driver, while performing his or her duties and responsibilities, shall operate a taxicab, transportation network vehicle, or other private vehicle in accordance of law; and such driver shall not commit or attempt to commit any willful act to tender misrepresented a passenger, even though not specifically mentioned herein.

SECTION 4.2 DOCUMENTS REQUIRED FOR OPERATION. A driver shall not operate a vehicle unless such driver is in possession of their license issued by the Commonwealth; and unless such vehicle properly displays the documents as described herein:

4.2.1 The vehicle's license, the driver's license, and the rate card issued by the Board or the Police Department, shall be clearly displayed in plain view of the passengers, and in a manner so as not to be easily molested or destroyed.

4.2.2 A document to record and furnish receipts to passengers upon their request.

4.2.3 A "Not in Service" sign and a "Prearranged Fare" sign as provided in SECTIONS 6.4 AND 6.6.

- SECTION 4.3** PRESENT DOCUMENTS TO OFFICER. A driver shall present any document, required for the operation of the vehicle, upon the demand of a police officer.
- SECTION 4.4** MAXIMUM DUTY SHIFT. A driver shall be relieved from duty for a period of not less than 8 consecutive hours during a 24-hours period. A licensed owner and a driver shall comply with all regulatory laws relevant to the hours of operation for drivers.
- SECTION 4.5** APPEARANCE. A driver shall be at all times dressed in a neat and clean fashion, and shall wear shoes or sneakers.
- SECTION 4.6** CONDUCT. Drivers shall conduct themselves in a courteous and professional manner at all times. A driver shall not interfere with the business transactions of another taxicab transportation network vehicle, or other private vehicle or engage in any activity which impedes the movement of vehicular or pedestrian traffic on a public way.
- SECTION 4.7** IMPAIRED OPERATION. A driver, while performing their duties and responsibilities, shall not operate or occupy a vehicle while his or her driving ability is impaired by the consumption or use of alcohol, a controlled substance, or non-prescribed or prescribed medications.
- SECTION 4.8** SMOKING. No person shall smoke or carry a lighted cigar, cigarette, or pipe inside a vehicle, when such vehicle is engaged in the transportation of passengers.
- SECTION 4.9** ACCIDENTS. A driver shall as soon as practical, report to the owner any motor vehicle accident in which he or she is involved while operating a taxicab, transportation network vehicle, or other private vehicle licensed to carry passengers by the Board; and shall cause a report of an accident, when required by law, to be made to the governmental authority having jurisdiction. The owner of a business shall notify the Edgartown Police Department within 24-hours of any accident involving a vehicle licensed by such business.
- SECTION 4.10** CHARTER OR SPECIAL SERVICES. A driver shall not operate a vehicle carrying ten or more persons, including the driver, when engaged in providing a Charter or Special Service, unless the business is licensed to render such services and by the Department of Telecommunications and Energy. (MGL Ch. 159A S. 11A)
- SECTION 4.11** CONFLICT WITH PUBLIC TRANSPORTATION. A driver shall not transport passengers for hire between fixed routes or in such a manner as to afford a means of transportation similar to that provided by a public transportation service.

SECTION 4.12

RATES OF FARE. A driver shall not charge or attempt to charge the rates of fare in excess of such rates approved by the Board. A driver shall not make an unauthorized entry on a vehicle's rate card, or change, deface, conceal or obliterate any entry thereon, or allow a rate card to be displayed that contains erroneous information. (See Section 2.14)

4.12.1 A driver shall give the correct change to a passenger who has paid the fare. A driver shall not ask a passenger for a tip nor indicate that a tip is expected or required.

4.12.2 There shall be no charge for the standard handling of a passenger's luggage or other property transported in or on the vehicle. Any rate charged exclusively for the handling of oversized or heavy possessions shall be determined by the Board.

4.12.3 If a passenger refuses to pay the fare, the driver shall report the facts at the police Department having jurisdiction.

4.12.4 The rates of fare and the hours designated for late night transportation shall be determined by the Board.

4.12.5 A driver shall accept a local fare when seating is available. If passengers are already on board headed to an out of town destination, the local fare will be taken to their stop before the vehicle leaves the town.

4.12.6 A driver, upon the request of a passenger, shall provide a receipt for the payment of the fare. Said receipt shall contain the date, time, driver's name, the business name, and the rate of fare paid.

SECTION 4.13

SOLICITATION. A driver shall not solicit the transportation of passengers or goods from an area other than a taxicab stand.

4.13.1 Unless otherwise authorized by an officer, no person other than the driver assigned to the taxicab shall solicit passengers.

4.13.2 The solicitations of passengers by the driver shall be made at normal voice level.

4.13.3 A driver shall not solicit passengers by means of misleading information, including but not limited to, the rate of fare.

4.13.4 A driver shall not solicit passengers or stop within one-hundred (100) feet of any shuttle bus stop, unless hired by a pre-arranged fare.

4.13.5 A driver shall not operate a vehicle at a persistent diminished speed, not consistent with the movement of existing traffic, which results in the advancement of such traffic to be interrupted.

SECTION 4.14 PASSENGER REQUESTS. A driver shall comply with the reasonable requests of a passenger, including but not limited to giving his or her name upon request.

4.14.1 Upon request of a passenger, the driver shall load or unload a passenger's luggage and property in or from the vehicle's interior or trunk compartment.

4.14.2 A driver shall take a passenger to the specified destination within a reasonable time.

4.14.3 The sound emanating from an AM/FM radio, compact disc player, or cassette player shall be turned off at the request of the passenger.

4.14.4 A driver must always be capable of making change for a twenty-dollar (\$20) bill.

SECTION 4.15 PASSENGER REFUSAL. A driver shall not refuse by words, gestures or any other means, without reasonable grounds, as provided herein, to take a passenger to any destination on the Island of Martha's Vineyard or Chappaquiddick, to transport a passenger's luggage and other property. Justifiable grounds for refusal of service shall include, but is not limited to the following:

4.15.1 The number of passengers would exceed the capacity of the vehicle;

4.15.2 The vehicle is presently engaged for the service of another passenger;

4.15.3 The passenger is disorderly, intoxicated, or is smoking;

4.15.4 The Chappaquiddick ferry was not in operation.

4.15.5 The driver determines by reasonable grounds that an article, package, case, or container in the possession of a passenger may cause damage to the vehicle, or may impair the efficient operation of the vehicle.

4.15.6 The passenger is escorting or accompanied by an animal, which to the satisfaction of the driver is not properly restrained or secured; provided however that this section shall not apply to the transportation of disabled passengers who are accompanied by a trained dog guide.

4.15.7 The passenger attempts to occupy the vehicle with an open container of alcohol; or

4.15.8 The driver is ending his or her duty shift.

SECTION 4.16 FOUND PROPERTY. The lost property of a passenger found in a vehicle by a driver shall be safeguarded, and the police Department having jurisdiction shall be notified; unless such driver or business makes prompt arrangements to return such property to its rightful owner.

SECTION 4.17 VEHICLE CAPACITY. A driver shall not transport an amount of passengers greater than the maximum designed seating capacity for the vehicle; or in an amount greater than the seating capacity approved by the Commonwealth.

SECTION 4.18 "LOCAL FARE; PRIORITY DESTINATION" A driver shall accept the transportation request of a local fare, whose destination shall have priority over other passengers or goods, unless, at the time of the request:

4.18.1 The driver is engaged in the conveyance of a fare;

4.18.2 The driver is traveling to the location of a pre-arranged fare; or

4.18.3 The driver has agreed to provide services to another fare.

SECTION 5.0	LICENSED VEHICLES; CONDITIONS OF OPERATION
--------------------	--

SECTION 5.1 MECHANICAL CONDITION. A licensed taxicab, transportation network vehicle, or other private vehicle licensed to carry passengers by the Board shall display a valid Commonwealth of Massachusetts vehicle inspection sticker, and shall at all times be capable of passing such inspection.

SECTION 5.2 INTERIOR AND EXTERIOR CONDITION. Taxicabs, transportation network vehicles, or other private vehicle licensed to carry passengers by the Board shall be well painted and have no visible rust, primer, safety defects, or dents larger than 20 square inches by one half inch deep. The interior shall be free of excessive dust, sand or debris. Windows shall be clean. Seats shall not have holes, unless patched with an appropriate fireproof tape. Wheel covers or hubcaps shall be present on all wheels where normally required.

SECTION 5.3 UNSAFE OPERATION FORBIDDEN. A taxicab, transportation network vehicle, or other private vehicle licensed to carry passengers by the Board shall not be operated in such a condition as to likely cause an accident or a breakdown of the vehicle.

SECTION 5.4 DRIVER; VEHICLE INSPECTION. The driver shall be satisfied that the vehicle is in a safe operating condition. Any defect or deficiency discovered by the driver, which would likely affect the safe operation of the vehicle, shall be reported to the owner.

SECTION 5.5 OWNER OR DRIVER; VEHICLE DECLARED "OUT OF SERVICE". A business owner or the driver assigned to a vehicle , shall declare such vehicle "Out of Service" upon a determination by such owner or driver, by means of reasonable grounds, that a condition exists which would likely affect the safe operation of the vehicle. A taxicab declared "Out of Service", shall not be operated until all necessary repairs have been satisfactorily completed.

SECTION 5.6 POLICE DEPARTMENT; VEHICLE INSPECTION. Taxicabs, transportation network vehicles, or other private vehicle licensed to carry passengers by the Board are subject to periodic unannounced inspection by the Police Department to determine their fitness for continued operation and compliance with the regulations herein.

SECTION 5.7 POLICE DEPARTMENT; VEHICLE DECLARED "OUT OF SERVICE". The Police Department may declare a vehicle immediately "Out of Service", upon the determination by an officer, by reasonable grounds, that a condition which would likely affect the safe operation of the vehicle; or does not meet the regulations as stated herein.

SECTION 5.8 VEHICLE; RETURN TO SERVICE. Before a vehicle is returned to service after declared "Out of Service" by the Police Department, the owner shall cause the vehicle to be presented to the Department for a re-inspection; or present documentation that the necessary repair was completed.

SECTION 6.0	TAXICAB STANDS AND STOPPING PLACES
--------------------	------------------------------------

SECTION 6.1 PARKING, STOPPING OR STANDING. A driver shall not park, stop, or stand on a way not designated for the use of a taxicab, unless authorized herein, or as otherwise authorized by a police officer.

6.1.1 A driver may, unless otherwise prohibited by a police officer, reasonably impede the movement of vehicular or pedestrian traffic on a public way, when loading or discharging handicapped or elderly passengers.

SECTION 6.2 TAXICAB STANDS. Any area designated by the Board for use as a taxicab stand, shall be equally available to taxicabs licensed by the Town. A driver may, at any time stop and take a position into a vacant stand.

SECTION 6.3 TAXICAB STANDS; YACHT CLUB PARKING LOT. A driver may at any time occupy the taxicab stands designated in the Yacht Club Parking Lot, provided however; that said stands shall be equally available to all taxicab businesses licensed by the Town.

6.3.1 The occupation of the stands by a driver shall be determined on a first-come first-served basis.

6.3.2 A driver shall not occupy taxicab stands #1 or #2 (located in the center of the lot), unless the entire length of such taxicab is positioned within the borders of the defined pavement markers.

SECTION 6.4 PREARRANGED FARES. A driver parked in a loading zone shall post a prearranged fare sign on the taxicab dashboard; and such sign shall state the surname of the prearranged fare and the number of passengers in the party.

SECTION 6.5 TAXICAB STANDS; DEPLOYMENT VIOLATION. A driver shall not act in collusion with another driver, with the intent to deprive a competitor taxicab business from occupying a taxi stand. The coordination of taxicabs licensed by the same business, with the departure of one taxicab from a taxi stand, followed by the immediate arrival and reoccupation of the same stand by a second taxicab, shall be considered a violation.

SECTION 6.6 TAXICAB NOT IN SERVICE; PUBLIC PARKING. A driver shall not park a taxicab in any public parking space, other than those designated exclusively for licensed taxicabs, unless the driver declares the taxicab "Not in Service" by the posting of an authorized sign, on the dashboard of said vehicle.

SECTION 6.7 TAXICAB NOT IN SERVICE; TAXICAB STAND. A driver shall not park a taxicab in a taxicab stand after declaring said taxicab "Not in Service".

SECTION 6.8 LOADING ZONE. A driver may make use of designated loading zones for a period of not more than 5 minutes, in order to stand in wait for a prearranged fare, or to leave the vehicle when it is necessary to locate a prearranged fare or ride.

SECTION 7.0 NON-CRIMINAL DISPOSITION OF VIOLATIONS

SECTION 7.1 VIOLATION OF REGULATIONS; NOTICE TO OFFENDER. Whenever a police officer has reasonable grounds to believe that a taxicab, transportation network vehicle, or other private vehicle licensed to carry passengers by the Board business, a taxicab, transportation network company, or other private vehicle licensed to carry passengers by the Board, or a taxicab, transportation network company or other private vehicle driver is in violation of the regulations stated herein, then such officer may issue a written violation notice to any offender, as provided in Section 21D of Chapter 40 of the Massachusetts General Laws.

SECTION 7.2 VIOLATION OF REGULATIONS; GENERAL FINE ASSESSMENTS. Unless otherwise provided in section 7.3, a fine in the amount of \$25.00 shall be assessed for the first offense, a fine in the amount of \$50.00 shall be assessed for the

second offense, and a fine in the amount of \$100.00 shall be assessed for the third or subsequent offenses.

SECTION 7.3

VIOLATION OF REGULATIONS; SELECTED FINE ASSESSMENTS.

- 7.3.1** The operation of a vehicle not licensed by the Town: \$300.00 per day.
- 7.3.2** The operation of a vehicle without a renewal license: \$100.00 per day.
- 7.3.3** Attempting to charge or solicit, or the charging of a rate of fare in excess of the rates approved by the Board, is subject to a fine of One-Hundred Dollars (\$100.00) per offense.
- 7.3.4** The failure to display “EDGARTOWN” or “EDG” on the rear of each taxicab as required: \$50.00 per day.
- 7.3.5** The failure of an owner or driver to clearly post a rate schedule in each vehicle: \$50.00 per day.
- 7.3.6** The failure of a business, closed during October through May to forward incoming calls for service to a company that is operating: \$50.00 per day.
- 7.3.7** The failure of a business closed during the early morning hours to provide or forward calls to a company providing 24 hour coverage: \$50.00 per day.
- 7.3.8** The failure of an owner to maintain a vehicle in sound mechanical condition: \$50.00 per day.
- 7.3.9** The display of for profit advertising on exterior of taxicab or in other inappropriate area: \$25.00 per day.
- 7.3.10** The failure of an owner to submit a vehicle for police inspection: \$25.00 per day.
- 7.3.11** The failure of a driver to obey the lawful request of a police officer, whether or not identified in these regulations: \$25.00 per day.
- 7.3.12** A driver of a vehicle, not licensed by the Town of Edgartown, who, by the determination of reasonable grounds, is found in violation of the terms as established in these regulations, shall be fined in the amount of \$100 dollars.

SECTION 8.0	COMPLAINTS, FINES AND PENALTIES
--------------------	--

- SECTION 8.1** BASIS FOR COMPLAINT. Any complaint alleging the violation of a regulation or law by an owner or driver shall be reduced to writing and signed by the complainant.
- SECTION 8.2** INVESTIGATION. The Police Department shall investigate any such complaint as stated in Section 8.1 and shall report their findings to the Board.
- SECTION 8.3** HEARING. The Board may hold a hearing on any complaint to determine what action, if any, may be taken. The complainant or representative and the owner or representative shall attend. The Board may, suspend or revoke the license of a business, a t vehicle, or a driver or take any other action. Any decision rendered by the Board shall be final and may be appealed as provided by law.

SECTION 9.0	RECIPROCITY
--------------------	--------------------

- SECTION 9.1** OTHER JURISDICTIONS. Any business owner, driver, or vehicle engaged in providing services in any other jurisdiction, shall comply with the regulations stated herein; unless such owner, driver or vehicle is licensed by the jurisdiction to perform such service within such jurisdiction.
- SECTION 10.0** ADOPTION OF REGULATIONS
- SECTION 10.1** BOARD OF SELECTBOARD; ADOPTION OF REGULATIONS. The Board of Selectboard, as authorized pursuant to Section 22 of Chapter 40 of the Massachusetts General Laws, hereby approve the adoption of the regulations stated herein, for the licensing of taxicab services in the Town of Edgartown.

ADOPTED ON THE 20TH DAY OF JUNE 2005, AMENDED JUNE 15, 2015
BY THE BOARD OF SELECTBOARD FOR THE TOWN OF EDGARTOWN
ARTHUR SMADBECK, MARGARET SERPA, MICHAEL DONAROMA

Chapter 161

TRAPS

161-1. Prohibited acts.

161-2. Violations and penalties.

[HISTORY: Adopted 4-10-1990 Annual Town Meeting, Art. 6, approved 6-29-1990. Amendments noted where applicable.]

161-1. Prohibited acts.

No person shall use, set, place or maintain any type of jawed leghold trap, padded or unpadded, modified or unmodified, including but not limited to the softcatch trapping system or any kind of conibear trap, within the limits of any highway, park, school ground or other public property or on any private property.

161-2. Violations and penalties.

Any person violating any provision of this chapter shall be punished by a fine of not more than three hundred dollars (\$300.) for each offense.

Chapter 163

VEHICLES, OPERATION OF

ARTICLE I

Doctor Fisher Road

163-1. Operation prohibited; exceptions.

163-2. Violations and penalties.

[HISTORY: Adopted as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Rental of motor vehicles – See Ch. 118, Art. II.

Recreational vehicles – See Ch. 142.

Streets and sidewalks – See Ch. 150.

Unregistered vehicles – See Ch. 164.

Vehicles and traffic – See Ch. 188.

ARTICLE I

Doctor Fisher Road

[Adopted 4-11-2000 ATM, Art. 32, approved 8-8-2000]

163-1. Operation prohibited; exceptions.

No person shall operate or permit the operation of a motor vehicle or a motorized bicycle, as defined by Massachusetts General Law, on the Doctor Fisher Road, a special way within the Island Road District, a District of Critical Planning Concern, designated as such under the authority of the Martha’s Vineyard Commission. This section shall not apply to the operation of a motor vehicle on said Doctor Fisher Road, a special way within the Island District by:

- A. Any police officer in the performance of matters related to public safety; or
- B. Any persons authorized by said police officer; or
- C. Any persons authorized by Sec. 175-78B of the Zoning Chapter to perform any maintenance or repair operation.

163-2. Violations and penalties.

Whoever violates any provision of this article shall be punished by a fine of not more than \$50.

Chapter 164

VEHICLES, UNREGISTERED

- 164-1. Limit to be kept on premises.**
- 164-2. Storage in front yards prohibited.**
- 164-3. Violations and penalties.**
- 164-4. Exemptions.**

[HISTORY: Adopted as Ch. XVIII of the 1983 compilation of bylaws. Amendments noted where applicable.]

164-1. Limit to be kept on premises.

No person shall have more than one (1) unregistered car or truck ungaraged on premises owned by him or under his control unless authorized by the Board of Selectboard.

164-2. Storage in front yards prohibited.

Under no circumstances shall an unregistered and unsightly car or truck be stored in a front yard, nor shall said Board authorize such storage.

164-3. Violations and penalties.

Penalty for a breach hereof shall be in an amount not in excess of fifty dollars (\$50.), and each day or during any portion thereof on which a violation is permitted to exist shall constitute a separate offense.

164-4. Exemptions.

This chapter shall not apply to premises licensed under Chapter 140 of the General Laws.

Chapter 165

VEGETATION, KILL

Special legislation to prevent substances designed to kill vegetation from infiltrating and contaminating watersheds and groundwater sources of drinking water, the better to preserve the public health, welfare, and safety, by requiring all government agencies and public utilities intending to employ such substances to undergo review and receive approval from the Edgartown Board of Health may prescribe, limit, or prohibit the application of such products on lands in the Town that are designated as watersheds affecting ponds in the Town and/or the sole source aquifers for the Town water supply and/or aquifers for private and community residential wells in the Town. (Art. 82, 04-09-2019 ATM)

Chapter 167

WATER

ARTICLE I

Cross-Connections

167-1. Approval required; regulations.

[HISTORY: Art. 1, adopted 6-28-1993 Special Town Meeting, Art. 18, approved 8-30-1993. Amendments noted where applicable.]

GENERAL REFERENCES

Sewers – See Ch. 145.

ARTICLE I

Cross-Connections

[Adopted 6-28-1993 STM, Art. 18, approved 8-30-1993]

167-1. Approval required; regulations.

No cross-connection shall be installed, maintained, permitted or otherwise authorized between the Town of Edgartown water supply system and/or any unapproved source or system, unless such connection has been approved by the Edgartown Water Department and/or the Massachusetts Department of Environmental Protection. When necessary, backflow prevention devices approved by the Edgartown Water Department and/or the Massachusetts Department of Environmental Protection shall be installed. Failure to comply with orders issued by the Edgartown Water Department and/or the Department of Environmental Protection to abate cross-connections will result in termination of water service. No treatment shall be added to the water supplied by the town unless authorized by the Edgartown Water Department.

Chapter 169

WETLANDS

- 169-1. Intent.
- 169-2. Permit requirement.
- 169-3. Form of application.
- 169-4. Filing fee.
- 169-5. Authority to enter upon private property.
- 169-6. Request for determination of applicability.
- 169-7. Public hearing.
- 169-8. Failure to hold hearing.
- 169-9. Burden of proof.
- 169-10. Permit provisions and conditions.
- 169-11. Appeals.
- 169-12. Imposition of additional conditions.
- 169-13. Emergency projects.
- 169-14. Preacquisition violation.
- 169-15. Promulgation of rules and regulations.
- 169-16. Security.
- 169-17. Violations and penalties.
- 169-18. Enforcement.

[HISTORY: Adopted 4-9-1985 Annual Town Meeting, Art. 16, approved 8-27-1985. Amendments noted where applicable.]

GENERAL REFERENCES

Recreational vehicles – See Ch. 142.
Zoning – See Ch. 175.

169-1. Intent.

The intent of this chapter is to protect the wetlands of the Town of Edgartown by controlling activities deemed to have a significant effect upon wetlands and water quality values, including but not limited to the following: public or private water supply, groundwater, flood control, erosion control, storm damage prevention, fisheries, shellfish, wildlife and their habitats, recreation and preservation of natural and historic views and vistas.

169-2. Permit requirement.

No person shall, 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 chapter, remove, fill, dredge, alter or build:

- A. Upon or within two hundred (200) feet of any freshwater area: wetland, marsh, bog, swamp, meadow, pond, creek or stream.

- B. Upon or within two hundred (200) feet of any coastal area: bank, beach, barrier beach, dune, flat, saltwater marsh, swamp, meadow or bog.
- C. Upon or within two hundred (200) feet of any saltwater estuary/creek, stream, pond or great pond.
- D. Upon or within one hundred (100) feet of the hundred-year storm line as shown on the latest Federal Emergency Management Agency (FEMA) maps. **[Amended 6-25-1991 STM, Art. 12, approved 10-8-1991] Land subject to tidal action, land subject to coastal storm flowage, land subject to flooding, and riverfront area. (Amended 06-13-2020 STM, Art.9)**
- E. Upon or within three hundred (300) feet of Edgartown Great Pond, Jacob’s Pond, Oyster Pond, Jobs Neck Pond, Paqua Pond, Wheldon’s Pond and Crackatuxet Cove or upon or within three hundred (300) feet of any wetland, bank, stream, beach or dune adjacent to or draining into the above-named ponds. **[Added 4-10-1990 ATM, Art. 11, approved 6-29-1990]**
- F. Upon or within two hundred feet (200) of land under the ocean, any estuary, creek, river, stream or pond. **(Amended 06-13-2020 STM, Art.9)**

169-3. Form of application. [Amended 6-25-1991 STM, Art. 12, approved 10-8-1991]

Such application shall be on a form as prescribed by the Conservation Commission or may be identical in form to a notice of intent filed pursuant to MGL C. 131, Sec. 40, and shall be sent via certified mail or hand delivered to the Edgartown Conservation Commission (hereinafter called “the Commission”).

169-4. Filing fee.

The Commission shall set a filing fee for application, but no filing fee is required when the Town of Edgartown files an application.

169-5. Authority to enter upon private property.

The Commission, its agents, officers and employees may enter upon privately owned land for the purpose of performing their duties under this chapter.

169-6. Request for determination of applicability.

Upon written request of any person, the Commission shall, within thirty (30) days, make a written determination as to whether this chapter is applicable to any land or work thereon, necessitating the filing of an application for a permit.

169-7. Public hearing.

Prior to issuing any permit (Sec. 169-10), the Commission shall hold a public hearing within thirty (30) days of the receipt of the application. Notice of the time and place of such hearing shall be given by the Commission not less than five (5) days prior to the public hearing by publication in a newspaper of general circulation in the town and by mailing a notice to the applicant, the Board of Health and the Planning Board. Such hearing may be held at the same time and place as any public hearing required to be held under MGL C. 131, Sec. 40. If the Commission determines that

additional data or information is necessary, the hearing may be continued to a future date(s) for as many sessions as deemed necessary by a majority of the Commission members.

169-8. Failure to hold hearing.

If the Commission has failed to hold a public hearing within the thirty-day period as required or if, after holding such a hearing, the Commission has failed within thirty (30) days from the date of the close of the hearing to issue a permit, the application shall be considered approved.

169-9. 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 chapter. Failure to provide adequate evidence to the Commission supporting a determination that the proposed work will not harm the interests protected by this chapter shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions or, at the Commission's discretion, to continue the hearing to another date to enable the applicant or others to present additional evidence.

169-10. Permit provisions 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 protected by this chapter, the Commission shall, within thirty (30) 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 the protection of those interests, and all work shall be done in accordance with those conditions. Permits shall expire one (1) year from the date of issuance unless renewed prior to expiration, and all work shall be completed prior to the expiration.

169-11. Appeals. [Amended 6-25-1991 STM, Art. 12, approved 10-8-1991]

Any person aggrieved by a decision of the Commission under this chapter may appeal to the Superior Court within sixty (60) days of the filing of the permit with the Town Clerk.

169-12. Imposition of additional conditions.

The Commission shall not impose additional or more stringent conditions in any order pursuant to MGL C. 131, Sec. 40, than it imposes pursuant to this chapter.

169-13. Emergency projects.

The notice provisions of this chapter shall not apply to emergency projects necessary for the immediate protection of the health or safety of the citizens of Edgartown as certified in writing by the Commission.

169-14. Preacquisition violation.

Any person who purchases, inherits or otherwise acquires real estate upon which work has been done in violation of the provisions of this chapter or in violation of any permit issued pursuant to

this chapter shall forthwith comply with any such order to restore such land to its conditions prior to any such violations. No action, civil or criminal, shall be brought against such person unless commenced within three (3) years following the date of acquisition of the real estate by such person.

169-15. Promulgation of rules and regulations.

After due notice and public hearing, the Commission may promulgate rules and regulations to effectuate the purposes of this chapter. 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 effects of this chapter.

169-16. Security.

The Commission may require, as a permit condition, that the performance and observation of other conditions be secured by one (1) 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 Edgartown upon default.
- 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).

169-17. Violations and penalties.

Any person who violates any provision of this chapter or any condition of a permit issued pursuant to it shall be punished by a fine of not more than three hundred dollars (\$300.). Each day or portion thereof during which a violation continues shall constitute a separate offense.

169-18. Enforcement.

- A. This chapter may be enforced pursuant to MGL C. 40, Sec. 21D, by a town police officer, other officer having police powers, Commission member or Commission agent. **[Amended 4-10-1990 ATM, Art. 5, approved 6-29-1990]**
- B. Upon request of the Commission, the Board of Selectboard and Town Counsel shall take legal action as may be necessary to enforce this chapter and permits issued pursuant to it.

Chapter 172

YARD SALES

172-1. Permit required.

172-2. Violations and penalties.

[HISTORY: Adopted 6-22-82 Special Town Meeting, Art. 8, approved 10-11-82. Amendments noted where applicable.]

GENERAL REFERENCES

Fees – See Ch. 95.

172-1. Permit required.

It shall be unlawful for any person to conduct a yard sale within the limits of the Town of Edgartown without first obtaining a permit from the Board of Selectboard.

172-2. Violations and penalties.

Any person violating this chapter shall be punished by a fine of not more than fifty dollars (\$50.) for each offense.

DIVISION 2

SELECTBOARD'S

REGULATIONS

Chapter 188

VEHICLES AND TRAFFIC

ARTICLE I

General Provisions

- A. **Enactment.**
- B. **Definitions.**

ARTICLE II

Authority and Duties of Police

- C. **Enforcement; direction of traffic.**
- D. **Authority to close streets temporarily.**
- E. **Authority to prohibit parking temporarily.**
- F. **Exemptions.**

ARTICLE III

Traffic Signs, Signals, Markings and Zones

- G. **Erection and maintenance.**
- H. **Unauthorized signs, signals and markings.**
- I. **Interference prohibited; penalty.**
- J. **Designation of bus stops, taxicab stands and service zones.**
- K. **Obedience required.**

ARTICLE IV

Coasting; Zones of Quiet

- L. **Streets reserved for coasting.**
- M. **Zones of quiet.**

ARTICLE V

Parking

- N. **General prohibitions.**
- O. **Parking prohibited at all times.**
- P. **Parking prohibited certain hours.**
- Q. **Safety zone prohibitions.**
- R. **Bus stops.**
- S. **Taxicab stands.**
- T. **Service zones.**
- U. **Time limit parking.**
- V. **Angle parking.**
- W. **Parking of vehicles for sale.**
- X. **All-night parking prohibited.**

- Y. **Parking without lights.**
 - (1) **Town parking lots.**
 - (2) **Restricted parking zones.**

ARTICLE VI
One-way Streets

- Z. **Streets designated.**

ARTICLE VII
Operation of Vehicles

- AA. **Driving within marked lanes.**
- BB. **Use of right lane.**
- CC. **Overtaking of other vehicles.**
- DD. **Right-of-way of overtaking vehicles.**
- EE. **Obstructing traffic and crosswalks.**
- FF. **Following too closely.**
- GG. **Distance between slow moving vehicles.**
- HH. **Care in starting, stopping, turning or backing.**
- II. **Stopping and turning signals.**
- JJ. **Obedience to isolated stop signs; intersections designated.**
- KK. **Obedience to yield signs; intersections designated.**
- LL. **Keeping to right of roadway divisions.**
- MM. **Driving on roads under construction or repair.**
- NN. **Driving on sidewalks.**
- OO. **Driving through safety zones.**
- PP. **Identification of funerals.**
- QQ. **Driving in funerals or other processions.**
- RR. **Sounding of horns.**
- SS. **Dropping or leaking loads from vehicles.**
- TT. **Emerging from alleys or driveways.**
 - (1) **Vehicle weight limits.**

ARTICLE VIII
Accident Reports; Penalties, Repealer

- UU. **Responsibility to report accidents.**
- VV. **Violations and penalties.**
- WW. **Severability; repealer.**

[HISTORY: Adopted by the Board of Selectboard of the Town of Edgartown 5-18-38. Amendments noted where applicable.]

GENERAL REFERENCES

Bicycles – See Ch. 69.
Parades – See Ch. 135.
Recreational vehicles – See Ch. 142.
Streets and sidewalks – See Ch. 150.
Taxicabs – See Ch. 157.
Unregistered vehicles – See Ch. 164.

ARTICLE I General Provisions

188-1. Enactment.

The following rules and orders regulating traffic upon the streets and highways of the Town of Edgartown are hereby enacted by the Board of Selectboard of the Town of Edgartown.

188-2. Definitions.

For the purpose of these rules and orders, the words and phrases used herein shall have the following meanings except in those instances where the context clearly indicates a different meaning:

BUS STOP – An area in the roadway set aside for the boarding of or alighting from and parking of buses.

CROSSWALK – That portion of a roadway ordinarily included within the prolongation or connection of curblines and property lines at intersections or at any portion of a roadway clearly indicated for pedestrian crossing by lines on the road surface or by other markings or signs.

EMERGENCY VEHICLE – Vehicles of the Fire Department (Fire Patrol), police vehicles, ambulances and emergency vehicles of federal, state and municipal departments or public service corporations when the latter are responding to an emergency in relation to the Police or Fire Departments.

FUNERAL – Any procession of mourners properly identified as such accompanying the remains of a human body.

LANE – A longitudinal division of a roadway into a strip of sufficient width to accommodate the passage of a single line of vehicles.

OFFICER – Any officer, any investigator, examiner or inspector of the Registry of Motor Vehicles, any constable or special officer, provided that he has his badge of office displayed over his left breast and upon his outer garment.

OFFICIAL CURB MARKING – That portion of a curbing, the painting of which has been authorized by the Board of Selectboard.

OFFICIAL STREET MARKING – Any painted line, legend, marking or marker of any description, painted or placed upon any way which purports to direct or regulate traffic and which has been authorized by the Board of Selectboard.

OFFICIAL TRAFFIC SIGNS – All signs, markings and devices, other than signals, not inconsistent with these rules and orders, which conform to the standards prescribed by the Department of Public Works of the Commonwealth of Massachusetts and placed or erected by authority of a public body or official having jurisdiction, for the purpose of guiding, directing, warning or regulating traffic.

PARKING – The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading or in obedience to an officer or traffic signs or signals or while making emergency repairs or, if disabled, while arrangements are being made to move such vehicle.

PEDESTRIAN – Any person afoot or riding on a conveyance moved by human power, except bicycles or tricycles.

RAILROAD CROSSING – Any intersection of ways with a railroad right-of-way.

RESTRICTED ZONE – Any area or space set aside within any town-owned parking lot for the accommodation of Town Hall employees' vehicles. **[Added 7-28-87]**

ROADWAY – That portion of a street or highway between the regularly established curblines or that part, exclusive of shoulders, improved and intended to be used for vehicular traffic.

SAFETY ZONE – Any area or space set aside within a roadway for the exclusive use of pedestrians and which has been indicated by signs, lines or markings, having the written approval of the Department of Public Works, Commonwealth of Massachusetts.

SERVICE ZONE – An area in the roadway set aside for the accommodation of commercial and transient vehicular traffic.

SIDEWALK – That portion of a street or highway set aside for pedestrian travel.

STREET or HIGHWAY – The entire width between property lines of every way open to the use of the public for purposes of travel.

TAXICAB STANDS – An area in the roadway in which certain taxicabs are required to park while waiting to be engaged.

TRAFFIC – Pedestrians, ridden or herded animals, vehicles, streetcars or other conveyances, either single or together, while using any street or highway for the purpose of travel.

VEHICLE – Every device in, upon or by which any person or property is or may be transported or drawn upon a street or highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

ARTICLE II

Authority and Duties of Police

188-3. Enforcement; direction of traffic.

It shall be the duty of officers designated by the Chief of Police to enforce the provisions of these rules and orders. Such officers are hereby authorized to direct all traffic either in person or by means of visible or audible signals in conformance with the provisions of these rules and orders, provided that, in the event of a fire or other emergency to expedite traffic or safeguard pedestrians, officers of the Police or Fire Departments may direct traffic, as conditions may require, notwithstanding the provisions of these rules and orders.

188-4. Authority to close streets temporarily.

The Chief of Police is hereby authorized to close temporarily any street or highway in an impending or existing emergency or for any lawful assemblage, demonstration or procession, provided that there is reasonable justification for the closing of such street.

188-5. Authority to prohibit parking temporarily.

The Chief of Police is hereby authorized to prohibit, temporarily, parking on any street or highway or part thereof in an impending or existing emergency, or for a lawful assemblage, demonstration or procession, provided that there is reasonable justification for such prohibition. Vehicles parked in places where parking is prohibited temporarily may be moved by or under the direction of an officer.

188-6. Exemptions.

The provisions of these rules and orders shall not apply to operators actually engaged in work upon a street or highway closed to travel or under construction or repair, to officers when engaged in the performance of public duties no to drivers of emergency vehicles while operating in an emergency and in performance of public duties when the nature of the work of any of these necessitates a departure from any part of these rules and orders. These exemptions shall not, however, protect the driver of any vehicle from the consequences of a reckless disregard of the safety of others.

ARTICLE III

Traffic Signs, Signals, Markings and Zones

188-7. Erection and maintenance.

- A. The Board of Selectboard is hereby authorized, and as to those signs and signals required hereunder it shall be its duty, to place and maintain or cause to be placed and maintained all official traffic signs, signals, markings and safety zones. All signs, signals, markings and safety

zones shall conform to the standards as prescribed by the Department of Public Works of the Commonwealth of Massachusetts.

- B. Sections 188-4 and 188-5 of Article II and Sec. 188-15 to 188-22 inclusive of Article V relating to parking shall be effective only during such time as a sufficient number of official signs are erected and maintained in each block designating the provisions of such sections and located so as to be easily visible to approaching drivers.
- C. Sections relating to one-way streets shall be effective only during such time as a sufficient number of official signs are erected and maintained at each of the exits for each one-way street, so that at least one (1) sign will be clearly visible for a distance of at least seventy-five (75) feet to drivers approaching such an exit.

188-8. Unauthorized signs, signals and markings.

It shall be unlawful for any person to place or maintain or to display upon or in view of any street any unofficial sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic sign, signal, marking or device or which attempts to direct the movement of traffic or which hides from view any official sign or signal. The Chief of Police is hereby empowered to remove every such prohibited sign, signal, marking or device or cause it to be removed, without notice.

188-9. Interference prohibited; penalty.

Any person who willfully defaces, injures, moves, obstructs or interferes with any official traffic sign, signal or marking shall be liable to a penalty not exceeding twenty dollars (\$20.) for each and every offense.

188-10. Designation of bus stops, taxicab stands and service zones.

The location of all bus stops, taxicab stands and service zones shall be specified by the Board of Selectboard, and in the case of taxicab stands the Board of Selectboard shall designate who may use them as such.

188-11. Obedience required.

No driver of any vehicle or of any streetcar shall disobey the instructions of any official traffic control signal, sign, marking, marker or legend, unless otherwise directed by a police officer.

ARTICLE IV
Coasting, Zones of Quiet

188-12. Streets reserved for coasting.

- A. On those days when conditions are suitable for coasting, vehicular traffic is hereby prohibited from using the following streets or parts of streets, during such time as official signs are erected indicating that such streets or parts of streets are reserved for coasting:

Name of Street
(Reserved)

- B. The foregoing provision shall not apply to drivers of vehicles having business within such reserved areas or to drivers of vehicles whose residences are within such reserved areas.

188-13. Zones of quiet.

- A. The Board of Selectboard may temporarily establish a zone of quiet upon any street where a person is seriously ill if requested to do so by the written statement of at least two (2) registered physicians certifying to its necessity. Said temporary zone of quiet shall embrace all territory within a radius of two hundred (200) feet of the building occupied by the person named in the request of said physicians. Said temporary zones of quiet shall be designated by the police by placing at a conspicuous place in the street a sign or marker bearing the words "Zone of Quiet."
- B. No person operating a motor vehicle within any designated and signed zone of quiet shall sound the horn or other warning device of said vehicle except in an emergency.

ARTICLE V
Parking

188-14. General prohibitions.

No person shall park a vehicle in any of the following places, and vehicles found parked in violation of the provisions of this section may be moved by or under the direction of an officer and at the expense of the owner to a place where parking is permitted:

- A. Within an intersection.
- B. Upon any sidewalk.
- C. Upon any crosswalk.
- D. Upon the roadway in a rural or sparsely settled district.
- E. Upon a roadway where parking is permitted unless both wheels on the right side of the vehicle are within twelve (12) inches of the curb or edge of the roadway, except upon those streets which are designated as one-way streets. On such one-way streets vehicles shall be parked in the direction in which said vehicle is moving and with both wheels within twelve (12) inches of the curb. This shall not apply to streets or parts of streets where angle parking is required by these regulations.
- F. Upon any roadway where the parking of a vehicle will not leave a clear and unobstructed lane at least ten (10) feet wide for passing traffic.
- G. Upon any street or highway within ten (10) feet of a fire hydrant.
- H. Upon or in front of any private road or driveway.
- I. Upon any street or highway within twenty (20) feet of an intersecting way, except alleys.

188-15. Parking prohibited at all times.

Upon the following streets or highways or parts thereof parking is hereby prohibited:

Name of Street	Side	Location
Atlantic Drive [Added 6-25-85]	North	From Katama Road to Herring Creek Road
Cooke Street [Added 7-17-79]	Both	From School Street to Pease's Point Way
Cooke Street [Added 3-25-59]	Both	Between South Summer Street and School Street
Cottage Street [Added 7-27-82]	Both	From Pease's Point Way to North Water Street
Daggett Street [Added 10-10-56]	Both	Between Dock Street and North Water Street
Herring Creek Road [Added 7-12-77]	Both	From Atlantic Drive north to a point 300 feet therefrom
Katama Road [Added 7-12-77]	Both	From Atlantic Drive north to a point 300 feet therefrom
Kelley Street	Both	From North Water Street to a white line 110 feet distant
Kelley Street [Added 4-16-74]	Southwest	From North Water Street to Dock Street
Main Street [Added 3-25-59]	Both	Between Pease's Point Way and Pine Street
Main Street [Added 5-17-50; amended 4-10-63]	South	Between Pease's Point Way and Dock Street
Main Street [Repealed 5-17-50]		
Mayhew Lane [Added 5-24-67]	South	From North Water Street to Dock Street

Name of Street	Side	Location
North Summer Street [Added 5-17-50]	West	Between a point 40 feet northerly from Main Street and a point approximately 100 feet northerly therefrom
North Summer Street	West	From the intersection of Winter Street to Main Street
North Summer Street [Repealed 5-17-50]		
North Water Street [Added 8-14-79; amended 5-30-78]	Northwest	From Winter Street to Daggett Street
North Water Street [Added 5-17-80; amended 4-16-74]	Southeast	From Kelley Street to Thayer Street
Pease's Point Way [Added 8-4-81; amended 7-7-82]	Both	In a southerly direction from Cooke Street to Clevelandtown Road
Pierce Lane [Added 8-18-87]	Both	From Pease's Point Way northerly to the end
Pinehurst Road [Added 7-21-87]	Both	From West Tisbury Road to Chase Road
School Street [Amended 5-17-50; 3-17-54]	South	From Main Street to Davis Lane
Simpson's Lane [Added 10-10-56]	Both	Between Pease's Point Way and North Water Street
South Summer Street [Added 8-4-81]	Both	From High Street to Pease's Point Way
South Summer Street [Amended 5-17-50;	East	Between Main Street and Cooke Street

3-17-54; 5-21-69]

Name of Street	Side	Location
South Water Street [Added 8-4-81]	Both	From High Street to Dunham Road
South Water Street [Added 5-17-50; amended 4-16-74]	Northwest	From Main Street to Davis Lane
West Tisbury Road [Added 5-30-84]	East	From Cooke Street to Main Street
Winter Street [Amended 5-17-80; 3-17-54]	East	Between North Water Street and Church Street
Winter Street [Added 3-17-54]	West	From a point approximately 54 feet north of North Water Street northerly for a distance of approximately 25 feet

188-16. Parking prohibited certain hours.

No person shall park a vehicle between the hours listed below on any of the following streets or parts of streets:

Name of Street	Side	Hours/Days	Location
Chappaquiddick Point [Added 8-23-83]	-	2:00 a.m. to 7:00 a.m./All	Parking lot
Morse Street [Added 7-13-82]	South	8:00 p.m. to 8:00 a.m./All, except Sundays and public holidays	Between North Summer Street and North Water Street
Norton Street [Added 6-15-82]	South	8:00 p.m. to 8:00 a.m./All, except Sundays and public holidays	Between Pease's Point Way and School Street

Simpson's Lane [Repealed 10-10-56]

188-17. Safety zone prohibitions.

No person shall park a vehicle within twenty (20) feet of either end of a safety zone which is located within thirty (30) feet of the curb or edge of the roadway.

188-18. Bus stops.

- A. No person shall park a vehicle other than a bus in a bus stop.
- B. No person shall park a bus upon any street within a business district at any place other than a bus stop, when a nearby bus stop is available for use.
- C. **[Added 5-16-78]** The following locations are designated as bus stops:

Name of Street	Side	Location
Church Street [Amended 7-27-82]	East	130 feet from the intersection of Main Street
Mayhew Lane [Added 5-13-80]	Northeast	150 feet from the intersection of Dock Street (Regional Transportation Authority bus only)

188-19. Taxicab stands.

- A. No person shall park a vehicle other than a taxicab licensed by the Town of Edgartown in any taxicab stand upon any street within the business district. **[Amended 6-4-68]**
- B. No person shall park a taxicab upon any street within a business district at any place other than the taxicab stand or stands designated for the use of his taxicab or taxicabs except while engaged or while waiting for an opportunity to use a taxicab stand designated for his use.
- C. **[Added 5-20-80]** The following locations are designated as taxicab stands:

Name of Street	Side	Location
Main Street Parking Lot	East	Corner of the entrance
North Water Street [Amended 1-20-81]	South	Corner of Mayhew Lane (May 1 to November 15)
South Summer Street [Amended 1-20-81]	West	Approximately 100 feet in a southerly direction from Main Street (May 1 to November 15)
North Water Street [Added 4-29-81]	North	Approximately 50 feet easterly from the intersection of Winter Street

188-20. Service zones. [amended 5-13-80]

- A. No person shall park a vehicle upon any street in any service zone for a period of time longer than fifteen (15) minutes except while actually engaged in loading or unloading, provided that such loading and unloading does not exceed a period of time longer than one-half (1/2) hour.
- B. **[Added 7-10-79]** The following locations are designated as service zones:

Name of Street	Location
Donnelly Parking Lot [Added 5-12-81]	Adjacent to the entrance to the Edgartown Post Office; 1 space for the handicapped
Main Street	Approximately 100 feet in a southeasterly direction from North Summer Street; 1 space (8:00 a.m. to 6:00 p.m.)
Main Street [Added 8-3-82]	At the corner of North Summer Street
Main Street	Corner of North Summer Street; 1 space (8:00 a.m. to 6:00 p.m.)
Main Street [Added to 8-3-82]	At the corner of North Water Street
Main Street	Corner of North Water Street; 1 space (8:00 a.m. to 6:00 p.m.)
Main Street Parking Lot [Added 5-12-81; amended 8-3-82]	At the northeast side of the entrance to the Edgartown Yacht Club
Mayhew Lane [Amended 6-10-80]	175 feet from the intersection of Dock Street on the southwest side; 2 spaces (8:00 a.m. to 10:30 p.m.)
North Summer Street	Approximately 10 feet in a northeasterly direction from the intersection of Main Street on the east side; 2 spaces (8:00 a.m. to 6:00 p.m.)
North Water Street [Added 4-29-81]	Northerly side from a point approximately 72 feet from the intersection of Winter Street to the intersection of Simpson's Lane (8:00 a.m. to 6:00 p.m.)
South Summer Street [Amended 6-2-82]	Approximately 240 feet in a southwest direction from the corner of Main Street on the west side; 1 space
South Water Street [Added 6-24-80]	Approximately 10 feet from the intersection of Main Street on the southwest side (8:00 a.m. to 6:00 p.m.)

188-21. Time limit parking.

No person shall park a vehicle for longer than the time limit shown in the following described streets or parts thereof:

Name of Street	Side	Time Limit; Hours/Days	Location
Church Street [Added 5-24-67]	East	1 hr.; 9:00 a.m. to 6:30 p.m./All, except Sundays and public holidays	Between Main Street and Winter Street
Church Street [Added 6-5-63]	South	1 hr.; 9:00 a.m. to 6:30 p.m./All, except Sundays and public holidays	Between Main Street and Winter Street
Cooke Street [Added 4-22-80]	North	1 hr.; 9:00 a.m. to 6:00 p.m./All, except Sundays and public holidays, June 1 to September 15	From South Water Street to Pease's Point Way
Davis Lane [Added 4-22-80]	North	1 hr.; 9:00 a.m. to 6:00 p.m./All, except Sundays and public holidays, June 1 to September 15	From South Water Street to Pease's Point Way
Dock Street [Added 10-18-83]	South	2 hrs.; 6:00 a.m. to 11:00 p.m./All, except Sundays and public holidays	Between Main Street and Mayhew Lane (Foot of Main Street parking lot)
Kelley Street [Added 10-18-83]	West	2 hr.; 6:00 a.m. to 11:00 p.m./All, except Sundays and public holidays	—
Main Street [Added 10-18-83]	East	2 hrs.; 6:00 a.m. to 11:00 p.m./All, except Sundays and public holidays	Between Church Street and North Summer Street (Post Office parking lot)
Main Street [Added 5-24-67]	North	1 hr.; 9:00 a.m. to 6:30 p.m./All, except Sundays and public holidays	Between Pease's Point Way and Dock Street
Main Street [Added 6-5-63]	North	1 hr.; 9:00 a.m. to 6:30 p.m./All, except Sundays and public holidays	Between Pease's Point Way and School Street

Name of Street	Side	Time Limit; Hours/Days	Location
Main Street [Amended 5-17-50; 3-17-54; 4-10-63; 6-5-63]	North	1/2 hr.; 9:00 a.m. to 6:30 p.m./All, except Sundays and public holidays	Between School Street and Dock Street
Main Street [Added 6-15-82; repealed 6-15-82]			
Mayhew Lane [Added 5-24-67]	North	1 hr.; 9:00 a.m. to 6:30 p.m./All, except Sundays and public holidays	Between North Water Street and the entrance to the parking area located off northerly side of Mayhew Lane
Morse Street [Added 7-13-82; amended 8-4-87]	South	1 hr.; 9:00 a.m. to 6:00 p.m./All, except Sundays and public holidays	Between North Summer Street and North Water Street
North Summer Street [Added 4-22-80]	East	1 hr.; 9:00 a.m. to 6:00 p.m./All, except Sundays and public holidays, June 1 to September 15	Between Church street and Morse Street
North Summer Street [Added 6-4-68]	East	1/2 hr.; 9:00 a.m. to 6:30 p.m./All, except Sundays and public holidays	Between Winter Street and Main Street
North Summer Street [Amended 3-17-54]	North	1/2 hr.; 9:00 a.m. to 6:30 p.m./All, except Sundays and public holidays	Between Main Street and Winter Street
North Summer Street [Added 5-24-67]	West	1 hr.; 9:00 a.m. to 6:30 p.m./All, except Sundays and public holidays	Between Main Street and Winter Street
North Water Street [Added 5-24-67]	East	1 hr.; 9:00 a.m. to 6:30 p.m./All, except Sundays and public holidays	Between Main Street and Mayhew Lane

Name of Street	Side	Time Limit; Hours/Days	Location
North Water Street [Added 4-22-80]	East	1 hr.; 9:00 a.m. to 6:30 p.m./All, except Sundays and public holidays, June 1 to September 15	Between Mayhew Lane and Kelley Street
North Water Street [Added 5-17-50; amended 5-17-54]	East	15 mins.; 9:00 a.m. to 6:30 p.m./All, except Sundays and public holidays	From Mayhew Lane to a point opposite Winter Street
North Water Street [Amended 3-17-54]	South	1/2 hr.; 9:00 a.m. to 6:30 p.m./All, except Sundays and public holidays	From Main Street to Simpson's Lane
North Water Street [Added 4-22-80]	West	1 hr.; 9:00 a.m. to 6:00 p.m./All, except Sundays and public holidays, June 1 to September 15	Between Kelley Street and Morse Street
Norton Street [Added 6-15-82]	South	1/2 hr.; 9:00 a.m. to 6:30 p.m./All, except Sundays and public holidays	Between Pease's Point Way and School Street
Pent Lane [Added 4-22-80]	North	1 hr.; 9:00 a.m. to 6:00 p.m./All, except Sundays and public holidays, June 1 to September 15	From School Street to Pease's Point Way
Pine Street [Added 7-22-86]	Both	1 hr.; All/All	Entire length
School Street [Added 6-5-63]	North	1 hr.; 9:00 a.m. to 6:30 p.m./All, except Sundays and public holidays	Between Pent Lane and Main Street
School Street [Added 5-24-67]	West	1 hr.; 9:00 a.m. to 6:30 p.m./All, except Sundays and public holidays	Between Main street and Pent Lane

Name of Street	Side	Time Limit; Hours/Days	Location
School Street [Added 4-22-80]	West	1 hr.; 9:00 a.m. to 6:00 p.m./All, except Sundays and public holidays, June 1 to September 15	From Pent Lane to High Street
Simpson's Lane [Added 4-22-80]	North	1 hr.; 9:00 a.m. to 6:00 p.m./All, except Sundays and public holidays, June 1 to September 15	From North Water Street to Pease's Point Way
South Summer Street [Added 10-10-56; amended 10-18-83]	North	2 hrs.; 6:00 a.m. to 11:00 p.m./All, except Sundays and public holidays	Between Main Street and Davis Lane (Town Hall Parking Lot)
South Summer Street [Added 5-6-53; amended 3-17-54]	South	1/2 hr.; 9:00 a.m. to 6:30 p.m./All, except Sundays and public holidays	From Davis Lane to Main Street
South Summer Street [Added 4-22-80]	West	1 hr.; 9:00 a.m. to 6:00 p.m./All, except Sundays and public holidays, June 1 to September 15	From Davis Lane to High Street
South Summer Street [Added 5-24-67; amended 5-21-69]	West	1 hr.; 9:00 a.m. to 6:30 p.m./All, except Sundays and public holidays	Between Main Street and Cooke Street
South Water Street [Added 5-6-53; amended 3-17-54]	North	15 mins.; 9:00 a.m. to 6:30 p.m./All, except Sundays and public holidays	From Main Street to Davis Lane

Name of Street	Side	Time Limit; Hours/Days	Location
South Water Street [Amended 3-17-54]	North	½ hr.; 9:00 a.m. to 6:30 p.m./All, except Sundays and public holidays	From Main Street to Davis Lane
South Water Street [Added 4-22-80]	West	1 hr.; 9:00 a.m. to 6:00 p.m./All, except Sundays and public holidays, June 1 to September 15	From Main Street to High Street
Winter Street [Added 4-22-80]	South	1 hr.; 9:00 a.m. to 6:00 p.m./All, except Sundays and public holidays, June 1 to September 15	From North Water Street to Pease's Point Way
Winter Street [Added 5-17-50; amended 3-17-54]	South	15 mins.; 9:00 a.m. to 6:30 p.m./All, except Sundays and public holidays	Between North Water Street and Summer Street

188-22. Angle parking.

- A. The Board of Selectboard shall determine upon what streets angle parking shall be permitted and shall mark or sign such streets or cause the same to be marked or signed.
- B. Upon the following streets or parts of streets which have been marked or signed for angle parking, vehicles shall be parked with one (1) wheel within twelve (12) inches of the curb and at the angle to the curb indicated by such marks or official signs. The vehicle shall be parked so that all four (4) wheels of the vehicle shall be placed wholly within the painted lines provided.

Name of Street	Side	Angle (degrees)	Location
		(Reserved)	

188-23. Parking of vehicles for sale.

It shall be unlawful for any person to park upon a street or highway any vehicle displayed for sale.

188-24. All-night parking prohibited.

It shall be unlawful for the driver of any vehicle, other than one acting in an emergency, to park said vehicle on any street for a period of time longer than three (3) hours between the hours of 12:00 midnight and 6:00 a.m. of any day.

188-25. Parking without lights.

In accordance with the provisions of MGL C. 90, Sec. 7, parking of a motor vehicle at night without lights is hereby permitted on the following streets or parts of streets: All streets in the Town of Edgartown.

188-25.1 Town parking lots. [Added 7-5-67]

The hours for parking in all town parking lots shall be as follows:

- A. Four-hour parking during the day.
- B. All-night parking from 11:00 p.m. to 9:00 a.m.

188-25.2 Restricted parking zones. [Added 7-28-87]

No person other than a Town Hall employee shall park a vehicle in a designated restricted zone between the hours of 7:00 a.m. to 5:00 p.m., Monday through Friday, holidays excepted. Locations of said zones shall be as follows:

Location

Off South Summer Street, to the rear of Town Hall, six (6) spaces in the northerly portion of the lot.

ARTICLE VI
One-way Streets

188-26. Streets designated. [Amended 3-17-54]

Upon the following streets or parts of streets vehicular traffic shall move only in the direction indicated below:

Name of Street	Direction of Travel	Limits
Church Street [Added 6-15-82; repealed 10-12-83]		
Daggett Street [Amended 5-30-78]	Southeast	From North Water Street to Dock Street, for Chappaquiddick ferry parking only
Davis Lane [Added 3-25-59]	West	Between South Water Street and Pease’s Point Way
Dock Street [Added 4-29-70; repealed 5-30-75]		
Dock Street [Added 4-16-74; repealed 5-30-78]		

Green Avenue [Added 6-24-75]	Northeast	From Main Street to Oliver Street
Kelley Street	South	Between North Water Street and Dock Street
Main Street	South	From the Intersection of North Water Street and South Water Street to Dock Street (June 1 to October 15)
Main Street [Added 4-28-54; amended 5-26-54]	Southeast	Between Pease's Point Way and Water Street
Mayhew Lane [Added 5-30-78]	Northwest	From Dock Street to North Water Street (May 15 to September 15)
Mayhew Lane [Repealed 4-28-54]		
North Summer Street [Added 4-16-74]	Southwest	From Simpson's Lane to Winter Street
North Summer Street	West	Between Winter Street and Main Street
North Water Street [Amended 5-30-78]	Northeast	From Morse Street to Fuller Street (May 15 to September 15)
Oliver Street [Added 6-24-75]	East	From the corner of Green Avenue to Pease's Point Way
School Street [Added 4-16-74]	Northeast	From Cooke Street to Main Street
School Street	Northeast	Between Davis Lane and Main Street
Sibley Parking Lot (northwest entrance) [Added 4-16-74]	Southwest	From Kelley Street to Mayhew Lane
South Summer Street [Added 4-16-74]	Southwest	From Main Street to Cooke Street

South Summer Street	Southwest	Between Main Street and Davis Lane
South Water Street [Added 10-31-78]	Southwest	From Davis Lane to High Street (June 15 to September 15)
South Water Street [Added 4-16-74]	Southwest	From Main Street to Cooke Street
South Water Street	West	Between Main Street and Davis Lane
Winter Street	North	Between North Water Street and Church Street

ARTICLE VII
Operation of Vehicles

188-27. Driving within marked lanes.

When any roadway has been divided into lanes, a driver of a vehicle shall drive so as to be entirely within a single lane and shall not move from the lane in which he is driving until he has first ascertained if such movement can be made with safety.

188-28. Use of right lane.

Upon all roadways the driver of a vehicle shall drive in the lane nearest the right side of the roadway when said lane is available for travel except when overtaking another vehicle or when preparing for a left turn.

188-29. Overtaking of other vehicles.

The driver of a vehicle shall not overtake and pass a vehicle proceeding in the same direction unless there is sufficient clear space ahead on the right side of the roadway to permit the overtaking to be completed without impeding the safe operation of any vehicle ahead.

188-30. Right-of-way of overtaking vehicles.

The driver of a vehicle when about to be overtaken and passed by another vehicle approaching from the rear shall give way to the right in favor of the overtaken vehicle, on a suitable and audible signal being given by the driver of the overtaking vehicle, and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

188-31. Obstructing traffic and crosswalks.

- A. No person shall drive in such a manner as to obstruct unnecessarily the normal movement of traffic upon any street or highway. Officers are hereby authorized to require any driver who fails to comply with this section to drive to the side of the roadway and wait until such traffic as has been delayed has passed.
- B. No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk and on the right half of the roadway to

accommodate the vehicle is operating without obstructing the passage of other vehicles or pedestrians notwithstanding any traffic control signal indication to proceed.

188-32. Following too closely.

The driver of a vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicle and the traffic upon and condition of the street or highway.

188-33. Distance between slow moving vehicles.

Upon roadways less than twenty-seven (27) feet wide and upon which vehicular traffic is permitted to operate in both directions, the driver of any slow moving vehicle when travelling outside of a business or residential district shall not follow another slow moving vehicle with two hundred (200) feet, but this shall not be construed to prevent such slow moving vehicle from overtaking and passing another slow moving vehicle. This section shall not apply to funerals or other lawful processions.

188-34. Care in starting, stopping, turning or backing.

The driver of any vehicle, before starting, stopping, turning from a direct line or backing shall first see that such movement can be made in safety. If the operation of another vehicle should be affected, by a stopping or turning movement, the driver of such vehicle shall be given a plainly visible signal, as required by the following section.

188-35. Stopping and turning signals.

- A. Any signal herein required shall be given sufficient time in advance of the movement indicated to give ample warning to any person who may be affected by said movement and shall be given either by means of the hand and arm in the manner specified or by a suitable mechanical or electrical device, except that when a vehicle is so constructed or loaded as to prevent the hand and arm signal from being made or from being visible both to the front and rear, the signal shall be given by a suitable device.
- B. Hand and arm signals, as required herein shall be made as follows:
 - (1) An intention to stop shall be indicated by extending the arm horizontally to the left of and beyond the side of the vehicle.
 - (2) An intention to turn to the left shall be indicated by extending the arm horizontally to the left of and beyond the side of the vehicle and by pointing to the left with the index finger.
 - (3) An intention to turn to the right shall be indicated by extending the arm horizontally to the left of and beyond the side of the vehicle and by moving the hand in a circle.

188-36. Obedience to isolated stop signs; intersections designated.

- A. Every driver of a vehicle, railway car or other conveyance approaching an intersection of ways where there exists facing him an official sign bearing the word "stop" and authorized by this section, said sign having, apart from this regulation, the written approval of the Department of Public Works, Commonwealth of Massachusetts, and such approval being in effect shall, before proceeding through the intersection, bring such vehicle, railway car or other conveyance to a complete stop at such point as may be clearly marked by a sign or line, or if a point is not so marked, then at a place between said stop sign and the nearer line of the street intersection. In the case of a line of two (2) or more vehicles approaching such stop sign, the drivers of the second and third vehicles in line in any given group shall not be required to stop

more than once before proceeding through the intersection. This section shall not apply when the traffic is otherwise directed by an officer or by a lawful traffic regulating sign, signal or device or except as provided in Sec. 188-43B.

- B. In accordance with Subsection A, the erection and maintenance of an official stop sign or signs are authorized as follows:

Stop Sign on	Direction of Travel	At Intersection of
Church Street [Added 7-29-75]	Northeast	Winter Street
Clevelandtown Road [Added 5-10-50]	North	Pease's Point Way and Katama Road
Cooke Street	Both	Pease's Point Way
Cooke Street	Both	School Street
Cooke Street [Added 3-17-54]	Both	South Summer Street
Cooke Street	East	Water Street
Cottage Street [Added 5-10-50]	Both	Fuller Street
Cottage Street [Added 5-10-50]	West	Pease's Point Way
Cottage Street [Added 10-10-56]	West	Pease's Point Way
County Road [Added 8-7-71]	South	West Tisbury Road
Davis Lane	Both	School Street
Davis Lane [Added 3-17-54]	Both	South Summer Street
Davis Lane [Added 5-10-50]	East	South Water Street
Davis Lane [Added 8-2-67]	West	Pease's Point Way

Edgartown-Vineyard Haven Road [Added 5-20-80]	South	Beach Road
Fuller Street [Added 5-21-69]	South	Morse Street
High Street [Added 8-2-67]	East	School Street
High Street	East	Summer Street
High Street Stop Sign on High Street	West Direction of Travel West	Pease's Point Way At Intersection of School Street
High Street [Added 4-6-55]	West	South Summer Street
Morse Street [Added 3-16-71]	East	North Water Street
Morse Street [Added 5-21-69]	West	Pease's Point Way
North Summer Street [Added 5-10-50]	Both	Winter Street
Pease's Point Way [Added 5-17-50]	South	Main Street
Pease's Point Way [Added 7-15-69]	South	South Water Street
Pinehurst Road [Added 12-9-80]	Northwest	Chase Road
Pinehurst Road [Added 3-5-81]	Northwest	Chase Road
Planting Field Way [Added 7-29-75]	South	Pease's Point Way
Pond Lot Road [Added 8-18-87]	North	Edgartown Bay Road
Robinson Road [Added 3-16-71]	Northwest	West Tisbury Road

School Street [Added 5-10-50]	South	Pease's Point Way
Simpson's Lane [Added 3-17-54]	Both	North Summer Street
South Water Street [Added 5-10-50]	South	Pease's Point Way and Katama Road
Winter Street [Added 5-25-82]	Northwest	Pease's Point Way

188-37. Obedience to yield signs; intersection designated. [Added 5-21-69]

- A. Every driver of a vehicle or other conveyance approaching an intersection of ways, where there exists facing him an official sign bearing the word "yield," said sign having been erected in accordance with the written approval of the Department of Public Works of the Commonwealth of Massachusetts and such approval being in effect, shall surrender to oncoming traffic his right to enter the intersection until such time as he has brought his vehicle or other conveyance to a complete stop at a point between said "yield" sign and the nearer line of the street intersection; provided, however, that this requirement to stop before entering the intersection shall not apply when a driver approaching a "yield" sign can enter the intersection in safety without causing interference to approaching traffic. This section shall not apply when the traffic is otherwise directed by an officer or by a local traffic regulating sign, signal or device or as provided in Sec. 21(c) of Article 4, Department of Public Works Rules and Regulations.
- B. In accordance with the foregoing, the erection and maintenance of an official "yield" sign or signs are authorized as follows:

Yield Sign on	Direction of Travel	At Intersection of
Cooke Street	West	Main Street
Herring Creek Road	Northeast	Katama Road
Plantingfield Way	South	Pease's Point Way
Robinson Road	West	West Tisbury Road

188-38. Keeping to right of roadway divisions.

Upon such roadways as are divided by a parkway, grass plot, reservation, viaduct, subway or by any structure or area, drivers shall keep to the right of such a division except when otherwise directed by an officer, signs, signals or markings.

188-39. Driving on roads under construction or repair.

No operator shall enter upon the road surface of any street or highway or section thereof when, by reasons of construction, surface treatment, maintenance or the like or because of some unprotected hazard, such road surface is closed to travel, and one (1) or more signs, lights or signals have been erected to indicate that all or part of the road surface of the street or highway

is not to be used, or when so advised by an officer, watchman, member of a street or highway crew or employee of the town, either audibly or by signals.

188-40. Driving on sidewalks.

The driver of a vehicle shall not drive upon any sidewalk, except at a permanent or temporary driveway.

188-41. Driving through safety zones.

It shall be unlawful for the driver of a vehicle, except on signal from a police officer, to drive the same over or through a safety zone.

188-42. Identification of funerals.

A funeral composed entirely or partly of a procession of vehicles shall be identified as such by means of black pennants bearing a purple cross attached to both the first and the last vehicles.

188-43. Driving in funerals or other processions.

- A. It shall be the duty of each driver in a funeral or other procession to keep as near to the right edge of the roadway as is feasible and to follow the vehicle ahead as closely as is practicable and safe.
- B. At an intersection where a lawful stop sign exists, the driver of the first vehicle in a funeral or other procession shall be the only one required to stop before proceeding through the intersection.

188-44. Sounding of horns.

The driver of a vehicle shall give an audible warning with his horn or other suitable warning device whenever necessary to ensure safe operation.

188-45. Dropping or leaking loads from vehicles.

No vehicle shall be driven or moved on any street or highway nor shall any owner of any vehicle knowingly permit such vehicle to be driven or moved on any street or highway unless such vehicle is so constructed or so loaded as to prevent its contents from spilling, dropping, sifting, leaking or otherwise escaping therefrom. Vehicles loaded with any material which may be blown about by the wind shall be suitably covered to prevent the contents from being blown upon the streets or highways.

188-46. Emerging from alleys or driveways.

The operator of a vehicle emerging from an alley, driveway or garage shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across the alleyway or driveway.

188-46.1. Vehicle weight limits. [Added 5-28-68]

Gross weight limits are established as indicated for commercial vehicles upon the streets or portions thereof described below:

Name of Street	Max Gross Weight (pounds)	Location
	(Reserved)	

ARTICLE VIII
Accident Reports; Penalties; Repealer

188-47. Responsibility to report accidents.

The driver of any vehicle involved in an accident resulting in the injury or death of any person or property damage to an apparent total extent of twenty-five dollars (\$25.) or more shall, within twenty-four (24) hours, make a full and complete report in writing of such accident to the police headquarters in this town. A driver who has been incapacitated as a result of such accident, and to such extent as to make reporting impossible or unfavorable to his recovery, shall not be required to report such accident until he has recovered sufficiently to be able to do so. The report shall be made on a form furnished by the Police Department, copies of which shall be available at the police station. Compliance with this section, however, shall not relieve such driver from the additional responsibility of reporting to the Registrar of Motor Vehicles any accident in which a person is killed or injured.

188-48. Violation and penalties.

Except as otherwise provided by statute or by any commission, department or other body authorized by law to impose penalties for violations of rules, regulations and orders governing the use and operation of vehicles, any person convicted of violating any of the provisions of the foregoing rules and regulations shall be punished by a fine of not more than two dollars (\$2.) for the first offense and not more than twenty dollars (\$20.) for each subsequent offense of a like nature committed during any period of one (1) year, unless otherwise herein provided.

188-49. Severability; repealer.

- A. These rules are adopted with the intent that each of them shall have force and effect separately and independently of every other, except insofar as by express reference or necessary implication any rule or any part of a rule is made dependent upon another rule of part thereof.
- B. The provisions of these rules so far as they are the same in effect as those of any existing rules, orders or regulations heretofore made by the Selectboard of Edgartown relative to or in connection with official signs, lights, markings, signal systems or devices shall be construed as a continuation thereof, but all other existing rules, orders and regulations so made for the regulation of vehicles are hereby expressly repealed. This repeal, however, shall not affect any punishment or penalty imposed or any complaint or prosecution pending at the time of the passage hereof for an offense committed under any of the said rules, orders or regulations hereby repealed.
- C.

Veteran Exemption

The Town accepted General Laws Chapter 59, Section 5, Clause 22J, which authorizes an annual increase in the amount of the veteran exemption granted under General Laws Chapter 59, Section 5, Clause 22, Clause 22A, Clause 22B, Clause 22C, Clause 22E and Clause 22F by 50% of the personal exemption amount, subject to the conditions in Clause 22J, to

be effective for applicable exemptions granted for any fiscal year beginning on or after July 1, 2025.

Adopted April 10, 2025 Annual Town Meeting Article 30

DIVISION 3

MISCELLANEOUS

Chapter 202

SUBDIVISION OF LAND¹⁰

ARTICLE I Authority

202-1. Adoption of rules and regulations.

ARTICLE II General Provisions

202-2. Definitions.

202-3. Plan believed not to require approval.

202-4. Approval required prior to subdivision.

202-5. Subdivisions of fewer than three lots.

202-6. Advisory Committee for Subdivision Review.

ARTICLE III Plan Submission and Approval Procedure

202-7. Preliminary plan.

202-8. Definitive plan.

ARTICLE IV Design Standards

202-9. Streets and paths.

202-10. Easements.

202-11. Parks and open spaces.

202-11.1. Edgartown Ponds Area District

202-12. Protection of natural features.

ARTICLE V

¹⁰ Editor's Note: These rules and regulations were adopted under the Subdivision Control Law, MGL C. 41, Sec. 81K to 81GG, inclusive. These rules and regulations are being reviewed and may be out of date. For current regulations we refer you to The Rules and Regulations Governing the Subdivision of land in Edgartown, adopted in 1973, and as amended. <http://www.edgartown-ma.us/Section 3 - 2018 - Rules and Regulations Governing the Subdivision of Land in Edgartown.pdf>

Required Improvements for Approved Subdivisions

- 202-13. Streets and roadways.**
- 202-14. Utilities.**
- 202-15. Sidewalks.**
- 202-16. Street trees.**
- 202-17. Monuments.**
- 202-18. Cleanup and removal of materials.**
- 202-19. Streetlights.**

ARTICLE VI Inspection and Testing

- 202-20. Work subject to review.**
- 202-21. Designation of agent.**
- 202-22. Disapproved work.**
- 202-23. Points of inspection.**
- 202-24. Inspection procedures.**
- 202-25. Additional inspections.**
- 202-26. Lines and grades.**
- 202-27. Order of inspections.**

ARTICLE VII Administration

- 202-28. Variances.**
- 202-29. Statutory provisions to govern.**
- 202-30. Erection of buildings.**

ARTICLE VIII Time Limitation

- 202-31. Deadline for completion.
Steps the Subdivider Should Take**

[HISTORY: Adopted by the Planning Board of the Town of Edgartown as amended through 7-29-81. Amendments noted where applicable.]

GENERAL REFERENCES

Planning Board – See Ch. 45.
Zoning – See Ch. 175.

EDGARTOWN CODE

ARTICLE I
Authority

202-1. Adoption of rules and regulations.

Under the authority vested in the Planning Board of the Town of Edgartown by MGL C. 41, Sec. 810, said Board hereby adopts these rules and regulations governing the subdivision of land in the Town of Edgartown.

ARTICLE II
General Provisions

202-2. Definitions.

As used in these rules and regulations, the following terms shall have the meanings indicated:

PRELIMINARY PLAN – A plan of a proposed subdivision or resubdivision of land drawn on tracing paper, or a print thereof, showing the subdivision name, approximate boundaries, approximate acreage, legend and title “Preliminary Plan”; the name of the owner of record; adequate description of the location of the property so that the general relationship to abutting properties is described (the names of abutters should be noted when known); the existing and proposed lines of streets, ways, easements and any public areas within the subdivision in a general manner; the proposed system of drainage, including adjacent existing natural waterways, in a general manner; the approximate boundary lines of proposed lots, with approximate areas; the names and approximate location of adjacent streets; the topography of the land in a general manner; and preferred building locations.

SUBDIVISION – The division of a tract of land into two (2) or more lots, and shall include resubdivision, and, when appropriate to the context, shall relate to the process of subdivision of land or territory subdivided; provided, however, that the division of a tract of land into two (2) or more lots shall not be deemed to constitute a “subdivision” within the meaning of the Subdivision Control Law if, at the time when it is made every lot within the tract so divided has frontage on a public way or a way shown on a plan theretofore approved in accordance with the Subdivision Control Law became effective in the city or town in which the land lies, having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon, or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. Such frontage shall be of at least such distance as is then required by a zoning or other ordinance or bylaw, if any, of said town for erection of a building on such lot, and, if no distance is so required, such frontage shall be of at least twenty (20) feet. Conveyances or other instruments adding to, taking away from or changing the size and shape of lots in such a manner as not to leave any lot so affected without the frontage above set forth or the division of a tract of land on which two (2) or more buildings were standing when the Subdivision Control Law went into effect in the city or town in which the land lies into separate lots on each of which one (1) of such buildings remains standing shall not constitute a “subdivision.” (MGL C. 41, Sec. 81-L)

202-3. Plan believed not to require approval.

- A. Any person who wishes to cause to be reported in the Registry of Deeds or to be filed with the Land Court a plan of land and who believes that his plan does not require approval under the Subdivision Control Law may submit a plan prepared by a registered land surveyor, which shall clearly and legibly drawn in black India ink upon tracing cloth along with a Form A application¹¹ and a filing fee of twenty-five dollars (\$25.) to the Planning Board, accompanied by the necessary evidence to show that the plan does not require approval. Said person shall file, by delivery of registered mail, a notice with the Town Clerk stating the date of submission for such determination, accompanied by a copy of said application. If the notice is given by delivery, the Town Clerk shall, if requested, give written receipt therefor.
- B. If the Planning Board determines that the plan does not require approval, it shall, without a public hearing and without unnecessary delay, endorse on the plan the words "Approval under the Subdivision Control Law not required."
- C. The Planning Board may add to such endorsement a statement of the reason approval is not required. The plan will be returned to the applicant, and the Planning Board shall notify the Town Clerk of its action.
- D. If the Planning Board determines that the plan does require approval under Subdivision Control Law, it will so inform the applicant and return the plan. The Planning Board will also notify the Town Clerk of its action.
- E. If the Planning Board fails to act upon a plan submitted under this section within fourteen (14) days after its submission, it shall be deemed to have determined that approval under the Subdivision Control Law is not required. Said person shall file, by delivery or registered mail, a notice with the Town Clerk stating the date of submission for such determination and accompanied by a copy of said application. The day of the next regular Board meeting shall be considered to be the date of the submission for plans believed not to require approval.

202-4. Approval required prior to subdivision.

- A. No person shall make a subdivision within the meaning of the Subdivision Control Law of any land within the town or proceed with the improvement or sale of lots in a subdivision or the construction of ways or the installation of municipal services therein, unless and until a definitive plan of such subdivision has been submitted and approved by the Planning Board as hereinafter provided.
- B. This shall also include all parcels of land which fall under Sec. 81ff of the Subdivision Control Law.

202-5. Subdivisions of fewer than three lots.

In a subdivision of three (3) or fewer lots, the Planning Board may approve said subdivision without the necessity of a public hearing when it is evident from the subdivision plan that the lots cannot be further subdivided, proper access is provided and the public safety will not be impaired.

202-6. Advisory Committee for Subdivision Review.

- A. There shall be established an Advisory Committee for Subdivision Review, consisting of the following membership:

¹¹ Editor's Note: Forms are on file in the office of the Planning Board.

- (1) The Chairman of the Planning Board or his representative.
- (2) One (1) representative of the Board of Selectboard.
- (3) One (1) representative of the Board of Health.
- (4) One (1) representative of the Edgartown Water Company.
- (5) One (1) representative of the Edgartown Fire Department.
- (6) One (1) representative of the Edgartown Police Department.
- (7) One (1) representative of the Town Conservation Commission.
- (8) One (1) representative of the Town Tax Assessor's office.
- (9) One (1) representative of the Highway Department.
- (10) One (1) representative of the Sewage Department.¹²
- (11) The Town Counsel.

- B. The Planning Board may, at its discretion, call a meeting of either the entire Advisory Committee or any constituent members thereof for the purpose of reviewing any subdivision with regard to the various and respective functions which may require greater scrutiny. While only the Planning Board is permitted to rule on a subdivision, the recommendations of the Advisory Committee and/or its constituent members shall be taken into account. The Planning Board may refer a subdivision to the Advisory Committee at any time in the application process, including at the time of submission of a preliminary plan.

ARTICLE III

Plan Submission and Approval Procedure

202-7. Preliminary plan.

- A. General. It is strongly recommended that a preliminary plan be submitted by the subdivider to the Planning Board and to the Board of Health for discussion and tentative approval, modification or disapproval by each Board. The submission of such a preliminary plan will enable the subdivider, the Planning Board, the Board of Health, the Subdivision Advisory Committee and owners of property abutting the subdivision to discuss and clarify the problems of such subdivision before a definitive plan is prepared. A properly executed application Form B¹³ shall be filed with the preliminary plan submitted to the Planning Board. The day of the next regular Planning Board meeting shall be considered to be the date of submission.
- B. Contents.
- (1) The preliminary plan shall be drawn at a suitable scale and filed with two (2) copies at the office of the Planning Board. It is not necessary that this preliminary plan be prepared by an engineer or surveyor. The purposes of the preliminary plan are well served if the

¹² Editor's Note: Article 50, 4-15-1988 ATM, provided as follows: "Moved that the town vote to change the name of the Edgartown Sewer Department to the Edgartown Wastewater Treatment Facility."

¹³ Editor's Note: Forms are on file in the office of the Planning Board.

subdivider himself makes a sketch which shows the information described under the definition of a preliminary plan so as to form a clear basis for discussion of its problems and for preparation of the definitive plan (Subsection B2) and the financial arrangements (Subsection B3) will be developed. An example of a properly executed preliminary plan is available at the office of the Planning Board.

(2) Impact statement. For subdivisions of land in excess of five (5) acres or where six (6) or more lots are to be created, an impact statement containing as many of the thirteen (13) items outlined below as deemed appropriate by the Planning Board will be required for the definitive plan. Discussion of the preliminary plan will develop most of this information. Providing as much of this information as possible at the time of submission of the preliminary plan will be helpful to the Planning Board. However, only items in following Subsections B(2)(a)[1] and B(2)(m) must be included with the preliminary plan.

(a) Population changes.

[1] Increase in legal residents.

[2] Peak seasonal population.

[3] Estimated educational requirements.

(b) Increase in vehicular traffic.

(c) Provision of housing for town residents and for persons of low and moderate income, if any.

(d) Increases in various municipal service costs such as trash pickup, police protection, road maintenance, streetlighting and other costs, where applicable, and estimated increased assessed valuation.

(e) Estimated increase in groundwater consumption and/or utilities whose capacity may be strained as a result of the development in question.

(f) Natural drainage patterns and design of man-made system, if any.

(g) Estimated solid waste generated by the development.

(h) Soil types and drainage characteristics and levels of groundwater.

(i) Areas where scrub or forest vegetation cover is to be removed.

(j) Adequate design provisions to guard against pollution of the water supply.

(k) Predetermination of scenic vistas existing on the property as well as the view from the chief adjacent thoroughfare(s).

(l) Harmony with the character of the surrounding development.

(m) Open space to be set aside, if any.

(n) If the subdivision is located within the Edgartown Ponds Area District, a management plan in order to protect water quality for shellfish propagation, to protect wildlife habitats and to maintain scenic vistas. **[Added 4-10-1990 ATM, Art. 11, approved 6-29-1990]**

C. Approval. The Planning Board may give such preliminary plan its approval, with or without modification. Such approval does not constitute approval of a subdivision. Action shall be taken by the Planning Board within sixty (60) days.

202-8. Definitive plan.

A. General.

- (1) The procedures and requirements for submission and approval of a definitive plan allow the Planning Board, the Advisory Committee for Subdivision Review, the Board of Health, abutters and the town in general to review the proposed subdivision as provided by law. This process is usually expedited by a prior submission of a preliminary plan.
- (2) Any person who submits a definitive plan of a subdivision to the Planning Board for approval shall file with the Board the following:
 - (a) An original drawing of the definitive plan and three (3) contact prints thereof, dark line on white background. The original drawing will be returned after approval or disapproval.
 - (b) A properly executed application Form C.¹⁴
 - (c) A filing fee of one hundred fifty dollars (\$150.) for four (4) or fewer lots and a fee of one hundred fifty dollars (\$150.) plus twenty-five dollars (\$25.) per lot over four (4).
- (3) The applicant shall file by delivery or registered mail a notice with the Town Clerk stating the date of submission for such approval and accompanied by a copy of the completed application (Form C).¹⁵

B. Contents. The definitive plan shall be prepared by an engineer and registered land surveyor and shall be clearly and legibly drawn in black India ink upon tracing cloth. The plan shall be at a scale of one (1) inch equals one hundred (100) feet or such other scale as the Planning Board may accept to show details clearly and adequately. Sheet sizes shall preferably not exceed twenty-four by thirty-six (24 x 36) inches. If multiple sheets are used, they shall be accompanied by an index sheet showing the entire subdivision. The definitive plan shall contain the following information:

- (1) Subdivision name, boundaries, North point, date, scale and zoning classification.
- (2) Name and address of the owner of record, subdivider, engineer and surveyor and his registration stamp.
- (3) Names of all abutters as they appear in the most recent tax lists.
- (4) Lines of existing and proposed streets, ways, lots, easements, utilities and public or common areas within the subdivision. The proposed names of proposed streets shall be shown in pencil until they have been approved by the Planning Board.
- (5) Sufficient data to determine the location, direction and length of every street and way line, lot line and boundary line and to establish these lines on the ground.
- (6) Location of all permanent monuments properly identified as to whether existing or proposed.

¹⁴ Editor's Note: Forms are on file in the office of the Planning Board.

¹⁵ Editor's Note: Forms are on file in the office of the Planning Board.

- (7) Location, names and present widths of streets bounding, approaching or within reasonable proximity of the subdivision.
 - (8) Indication of the purpose of easements.
 - (9) Land or streets proposed for dedication to the Town of Edgartown or other body.
 - (10) Suitable space to record the action of the Planning Board and the signatures of the members of the Planning Board (or officially authorized person) and reference to covenants if required.
 - (11) Existing and proposed topography at a suitable contour interval if required by the Planning Board.
 - (12) If required by the Planning Board, existing profiles on the exterior lines and proposed profile on the center line of proposed streets at a horizontal scale of one (1) inch equals forty (40) feet and vertical scale of one (1) inch equals four (4) feet, or such other scales acceptable to the Planning Board. All elevations shall refer to the town datum.
 - (13) Proposed layout of storm drainage, water supply and sewerage disposal systems, including pipe lengths and diameters.
 - (14) A study and evaluation of the environmental impact of the subdivision as defined in Sec. 202-7B(2).
 - (15) Base flood elevation (the level of the one-hundred-year flood) data shall be provided for proposals greater than fifty (50) lots or five (5) acres, whichever is the lesser, for that portion within the Floodplain District.
- C. Action by the Board of Health. At the time of the filing of a definitive plan, the subdivider shall also file with the Board of Health two (2) contact prints of the definitive plan, dark line on white background. The Board of Health shall, within forty-five (45) days after filing of the plan, report to the Planning Board, in writing, approval or disapproval of said plan. Referral to the Subdivision Advisory Committee, or any components of same, may occur at this stage. If the Board of Health disapproves said plan, it shall make specific findings as to which, if any, of the lots shown on such plan cannot be used for building sites without injury to the public health and include such specific findings and the reasons therefor in such report and, where possible, shall make recommendations for the adjustment thereof. Every lot (so located that it cannot be served by a connection to the municipal sewer system) shall be provided with a cesspool or septic tank and drain field satisfactory to the Board of Health.
- D. Public hearing. Before any action on the definitive plan is taken, a public hearing shall be held by the Planning Board. Notice of such hearing and a subdivision plot plan shall be published by the Planning Board in a newspaper of general circulation in each of two (2) consecutive weeks, the first notice to be at least fourteen (14) days prior to the public hearing. A copy of said notice shall be mailed to the applicant and to all owners of land abutting upon the subdivision as appearing in the most recent tax lists.
- E. Performance guaranty. Before approval of a definitive plan of subdivision, the subdivider shall agree to complete the required improvements specified in Article V for any lots in a subdivision, such construction and installation to be secured by one (1), or in part by one (1) and in part by the other, of the following methods which may from time to time be varied by the applicant.

- (1) Final approval with bonds or surety. The subdivider shall either file a performance bond or a deposit of money or negotiable securities in an amount determined by the Planning Board to be sufficient to cover the cost of all or any part of the improvements specified in Article V not covered by a covenant under Subsection E(2) hereof. Such bond or security, if filed or deposited, shall be approved as to form and manner of execution by the Town Counsel and as to the sureties by the Selectboard and shall be contingent on the completion of such improvements within two (2) years of the date of the bond.
 - (2) Final approval with covenant. The subdivider shall file a covenant, executed and duly recorded by the owner of record, running with the land, whereby such ways and services specified in Article V not covered by bond or deposit under Subsection E(1) hereof shall be provided to serve any lot before such lot may be built upon or conveyed, other than by mortgage deed.
- F. Reduction of bond or surety. The penal sum of any such bond or the amount of any deposit held under Subsection E(1) above may, from time to time, be reduced by the Planning Board and the obligations of the parties thereto released by said Board in whole or in part. If release is by reason of covenant, a new plan of the portion to be subject to the covenant may be required.
- G. Release of performance guaranty. Upon the completion of improvements required under Article V, security for the performance of which was given by bond, deposit or covenant, or upon the performance of any covenant with respect to any lot, the subdivider may orally request and agree on terms of release with said Planning Board, or he may send by registered mail to the Town Clerk a written statement in duplicate that said construction or installation in connection with which such deposit, bond or covenant has been given has been completed in accordance to the requirements contained under Article V, such statement to contain the address of the applicant, and the Town Clerk shall forthwith furnish a copy of said statement to the Planning Board. If the Planning Board determines that said construction or installation has not been completed, it shall specify to the applicant in writing and via registered mail the details wherein said construction or installation fails to comply with the requirements contained under Article V. Upon failure of the Planning Board to act on such application within forty-five (45) days after the receipt of the application by the Town Clerk all obligations under the bond shall cease and terminate by operation of law, any deposit shall be returned, and any such covenant shall become void. In the event that said forty-five-day period expires without such specification, the deposit or release of the covenant as aforesaid, the Town Clerk shall issue a certificate to such effect, duly acknowledged, which may be recorded.
- H. Certificate of approval. The action of the Planning Board in respect to such plan shall be by vote, copies of which shall be certified and filed with the Town Clerk and sent by delivery or registered mail to the applicant. If the Planning Board modifies or disapproves such plan, it shall state in its vote the reasons for its action. Final approval, if granted, shall be endorsed on the original drawing of the definitive plan by the signatures of the majority of the Planning Board (or by the signature of the person officially authorized by the Planning Board), but not until the statutory twenty-day appeal period has elapsed following the filing of the certificate of the action of the Planning Board with the Town Clerk and said Clerk has notified the

Planning Board that no appeal has been filed. After the definitive plan has been approved and endorsed, the applicant shall furnish the Planning Board with three (3) prints thereof. Final approval of the definitive plan does not constitute the laying out or acceptance by the town of streets within a subdivision.

ARTICLE IV
Design Standards

202-9. Streets and paths.

A. Location and alignment.

- (1) All streets, pedestrian paths and bicycle paths in the subdivision shall be designed so that, in the opinion of the Planning Board, they will provide safe vehicular and pedestrian travel. Due consideration shall also be given by the subdivider to the attractiveness of layout in order to obtain the maximum livability and amenity of the subdivision and town. Rigid geometric street layouts are discouraged. A system of paths for pedestrians and/or bicyclists which does not necessarily follow the streets is encouraged as a means of increasing safety and enjoyment and for reducing traffic.
- (2) The proposed streets and paths shall conform, as far as practicable, to any Master or Study Plan (or portions thereof) in existence or adopted at the time of the subdivision application. If a subdivision is located within the Edgartown Ponds Area District, proposed streets and paths shall conform to the required management plan. **[Amended 4-10-1990 ATM, Art. 11, approved 6-29-1990]**
- (3) Provision satisfactory to the Planning Board shall be made for the proper projection of streets and paths or for access to adjoining property which is not yet subdivided.
- (4) Reserve strips prohibiting access to streets or adjoining property shall not be permitted except where, in the opinion of the Planning Board, such strips shall be in the public interest.
- (5) Street jogs with center-line offsets of less than one hundred twenty-five (125) feet should be avoided.
- (6) The minimum center-line radii of curved streets shall be one hundred (100) feet for major streets and sixty (60) feet for minor streets. Greater or lesser radii may be required or permitted based on present and future vehicular traffic.
- (7) Streets shall be laid out so as to intersect as nearly as possible at right angles. No street shall intersect any other street at less than sixty degrees (60°).
- (8) Property lines at right-of-way intersections shall be rounded so that the rights-of-way meet on a curve with not less than a thirty-foot radius.
- (9) The Highway Department may, at any time, propose changes in street specifications to the Planning Board.

B. Width.

- (1) The minimum width of street rights-of-way shall be no less than forty (40) feet for major streets and thirty (30) feet for minor streets. Greater width shall be required by the Planning Board when deemed necessary for present and future vehicular traffic.

- (2) The minimum width of the rights-of-way for pedestrian or bicycling paths shall be five (5) feet. A greater width may be required by the Planning Board based on local conditions or present and future use.
- C. Grade. Grades of streets shall be not less than five-tenths percent (0.5%). Grades shall be not more than six and zeroes tenths percent (6.0%) for principal streets nor more than twelve percent (12%) for secondary streets.
- D. Dead-end streets.
 - (1) Dead-end streets shall not be longer than five hundred (500) feet unless, in the opinion of the Planning board, a greater or lesser length is necessitated by topography or other local conditions.
 - (2) Dead-end streets shall be provided at the closed end with turnarounds (and in some cases with intermediate turnarounds) having sufficient space and configuration for a vehicle thirty (30) feet in length to turn around. Examples of possible configurations are turnarounds with sixty-foot radii and hammerheads of sixty-foot lengths with rounded edges and a thirty-foot radius curves.
 - (3) When the Planning Board approves a dead-end road longer than five hundred (500) feet, it may require that provisions be made in right-of-way design, roadway design and/or covenants or other means for intermediate turnarounds [as described in Subsection D(2) above].

202-10. Easements.

- A. Easements for utilities across lots or centered on rear or side lot lines shall be provided where necessary and shall be at least twelve (12) feet wide.
- B. Where a subdivision is traversed by a watercourse, drainageway, channel or stream, the Planning Board may require that there be provided a stormwater easement or drainage right-of-way of adequate width to conform substantially to the lines of such watercourse, drainageway, channel or stream and to provide for construction or other necessary purposes.

202-11. Parks and open spaces.

Before approval of a plan, the Planning Board may also, in proper cases, require the plan to show a park or parks suitably located for playground or recreation purposes or for providing open spaces. They shall not be unreasonable in area in relation to the land being subdivided and to the respective uses of such land. The Planning Board may, by appropriate endorsement on the plan, require that no building be erected upon such parks or open spaces without its approval. The Planning Board may also require linear greenbelts in developments along major thoroughfares, with the house lots not fronting along that road but along side access roads; this is to avoid impedance of vehicular traffic caused by development facing directly along main roads.

202-11.1. Edgartown Ponds Area District. [Added 4-10-1990 ATM, Art. 11, approved 6-29-1990]

- A. The Martha's Vineyard Commission has determined that the controlled development of lands and waters within the Edgartown Ponds Area District of Critical Planning Concern is essential in order to protect water quality for shellfish propagation, to protect wildlife habitats and to

maintain scenic vistas. Consequently, the Planning Board shall require that, for subdivisions in the Edgartown Ponds Area District, the average length of the side or rear lot lines of buildable lots in a subdivision which abut a coastal water body exceeding ten (10) acres in size, or the ocean, shall be not less than three hundred (300) feet.

- B. The Board shall have the power to and upon request may waive the three-hundred-foot requirement if the Board finds, in writing, that the development plan will protect wildlife habitat, will protect the quality of water which supports shellfish propagation and will maintain scenic vistas. In considering a request for such a waiver, the Board shall consider the following in the development plan:
 - (1) Siting of structures so as to preserve natural slopes, public view, open space and wildlife habitats.
 - (2) Landscape and site preparation consistent with natural terrain.
 - (3) Accessways following natural contours of site.
 - (4) Measures to prevent water pollution.
 - (5) Measures to prevent erosion and sedimentation.
 - (6) Such other design guidelines as the Planning Board shall, with the recommendation of the Advisory Committee, from time to time adopt.

202-12. Protection of natural features.

- A. Due regard shall be shown for the topography and all natural features such as large trees, watercourses, scenic points, historic spots and similar community assets, which, if preserved, will add attractiveness and value to the subdivision. If the subdivision is located within the Edgartown Ponds Area District, due regard shall be shown for all natural features in order to protect water quality for shellfish propagation, to protect wildlife habitats, and to maintain scenic vistas. **[Amended 4-10-1990 ATM, Art. 11, approved 6-29-1990]**
- B. If development plans call for extensive moving of soil or gravel, with related grading, or if extensive excavation is planned, then the work involved and proposed improvements must be explained in detail at the time of initial application.

ARTICLE V

Required Improvements for Approved Subdivisions

202-13. Streets and roadways.

- A. The roadway of each street or way shall be cleared of all stumps, brush, roots, boulders and like material.
- B. All loam and other yielding material shall be removed from the roadway area of each street or way and replaced with suitable material.
- C. All roadways shall be brought to a finished grade, which shall conform to the profiles on the definitive plan when such profiles have been required. A minimum of six (6) inches on top will consist of a well compacted binding material, approved by the Planning Board's agent. This roadway shall be finished to a width specified by the Planning Board, which width shall be at least eight (8) feet for each lane of traffic or for each pull-off it is to contain, to be located,

insofar as practicable, centrally within the street right-of-way. Other widths may be required when deemed necessary. The shoulder and slopes shall be a minimum of two (2) feet on either side of the roadway, loamed, graded and seeded.

- D. When deemed necessary by the Planning Board, the completed surface shall be paved for the full width of a roadway with a two-course bituminous concrete pavement, Type I, applied with a one and one-half-inch (after compaction) base course and a one and one-half-inch (after compaction) finish course. All roads proposed for layout and acceptance by the town shall be paved according to the standards in this section. No paving shall be done with frost in the ground or from November 15 to April 1, or when the air temperature is below forty-five degrees Fahrenheit (45° F.), except with written authorization from the Planning Board agent.
- E. Until such time as the town accepts the road, full and proper maintenance will be the responsibility of the developer or the collective body of lot owners.

202-14. Utilities.

- A. Sewer pipes and related equipment such as manholes and connecting Y's shall be constructed in conformity with the engineering specifications put forward by the Sewer Commission.¹⁶ When the Planning Board finds that the subdivision lies within a reasonable distance of existing water and sewer systems (or systems under construction), the developer must connect each individual lot to the available facility(-ies) and must do so at his expense and in accord with any town regulations or Planning Board specifications.
- B. Adequate disposal of surface water shall be provided, whether natural or man-made. Any catch basins and/or leaching fields required shall be built to engineering specifications put forth by the Planning Board and shall provide sufficient drainage for fifty-year storm capacity.
- C. Water pipes and related equipment, such as hydrants and main shutoff valves, shall be constructed to serve each individual lot on each street in the subdivision in conformity with specifications of the proper local agency when the subdivision lies within a reasonable distance of existing water systems and the Planning Board feels that they should be connected to it.
- D. The underground installation of utilities in a subdivision shall be mandatory in all subdivisions except when, in the opinion of the Planning Board, this requirement may be waived.
- E. All utilities shall be installed with the appropriate connections to the edge of the road layout for each lot and tested before paving.

¹⁶ Editor's Note: Article 51, 4-15-1988 ATM, provided as follows: "Moved that the town vote to change the name of the Edgartown Sewer Commission to the Edgartown Wastewater Commission."

202-15. Sidewalks

- A. Pedestrianways. Pedestrianways and/or bicycle paths shall be cleared of all vegetation which would inhibit walking or bicycling. Application of hardening materials or paving may be required according to specification of the Planning Board.
- B. Sidewalks shall be constructed in conformity with specifications of the Highway Department or Planning Board when such sidewalks are deemed necessary by the Planning Board for the proper improvement of the land and the safety of pedestrians.

202-16. Street trees.

- A. Requirements. The subdivider may be required to plant trees on the planting strip on any street in the proposed subdivision wherever there are no existing woodlands. When required, not less than one (1) tree for each lot shall be provided, nor shall the distance between each tree be more than fifty (50) feet.
- B. Specifications. Before the trees are planted, a plan showing their proposed location and species shall be submitted to the Planning Board for study and recommendation, and the Board may prevent the planting of certain species that are subject to pests or disease or susceptible to the damage of salt spray or which might eventually tend to become nuisances because of their roots growing in sewers, water mains and in other similar utilities.

202-17. Monuments.

Monuments shall be installed at all street intersections, at all points of change of direction or curvature of streets and at other points where, in the opinion of the Planning Board, permanent monuments are necessary. Such monuments shall conform to the standard specifications of the proper local agency and shall be set according to such specifications. No permanent monuments shall be installed until all construction which would destroy or disturb the monuments is completed.

202-18. Cleanup and removal of materials.

The developer is prohibited from leaving piles of dirt and gravel, cut vegetation, excess lumber or any other waste material resulting from the subdivision of land, including materials from related construction of any kind. Proper reduction or removal of the material or agreement to do so must be carried out as a condition of approval.

202-19. Streetlights.

The installation of streetlights may be required when the Planning Board deems they are necessary for the safety of the inhabitants in the neighborhood.

ARTICLE VI
Inspection and Testing

202-20. Work subject to review.

All work performed as a consequence of these rules and regulations shall be subject to the review of the Planning Board, which shall approve and accept or disapprove and reject each phase or portion of such work and, at completion, shall recommend the acceptance of all work or disapproval of the work, with reasons therefore.

202-21. Designation of agent.

The Board may designate an agent for the inspection of the work to ensure compliance with these rules and regulations and to report to the Board his recommendations as to the approval or disapproval of the work. The Planning Board's agent will make certain inspections as prescribed herein in order to check the adequacy of the work at various stages prior to such work's being covered by subsequent work. However, the Board, its agent and such other persons as the Board may designate shall have the right to inspect the work at any time. Therefore, the applicant shall at all times provide safe and convenient access to all parts of the work for inspection by the Board or its authorized agents.

202-22. Disapproved work.

All work which has been disapproved or is not acceptable to the Board shall be removed and replaced or otherwise corrected to the point of complying with the requirements of the Board for acceptance. Any work which has been covered by subsequent work prior to acceptance or is otherwise not available or obscured to the point of rendering inspection of the work difficult shall be considered to be not acceptable to the Board. Such subsequent work shall be removed and directed by the Planning Board's agent to ensure availability of the work to be inspected as required herein. The release of the performance guaranty shall depend upon the acceptance of all work prescribed herein and on the definitive plan as directed by the Board.

202-23. Points of inspection.

At points as further described hereinafter, the construction of the required improvements shall be inspected by the Board's authorized agent, and unless approval of the completed work, including approval of materials used, to each such point has been given in writing, no further work shall be commenced.

202-24. Inspection procedures.

The Board will notify the applicant of the name and address of the agent designated as its representative to perform the inspections as required herein and otherwise act as the Board's agent to ensure compliance with these rules and regulations. The applicant shall keep the agent fully informed as to the status and progress of the work and shall notify the agent directly in writing at least twenty-four (24) hours in advance that the work has progressed to a stage that an inspection is required. In the event that the agent is unable for twenty-four (24) hours after the work is ready to make such inspection or examination, the applicant shall notify the Chairman or Clerk of the Board to such effect, who will designate an alternate to make such inspection and shall so notify the applicant.

202-25. Additional inspections.

If the Planning Board's agent makes an inspection of the work at the time designated and finds that such work is not at the proper state of completion or that the work has been covered or otherwise obscured, the agent shall notify the applicant and the Board as to the additional steps the applicant shall take to complete the work to the point required or to the extent the work shall be uncovered or exposed to full view. The applicant shall be liable for all costs and fees incurred by the Board as a result of requests by the applicant for an inspection of the work, which, in the opinion of the Board, was not at an acceptable stage of completion for such inspection.

202-26. Lines and grades.

The Planning Board's agent will advise the Board at any time during the construction if, in his opinion, he believes that the work has not been laid out to the lines and grades shown on the definitive plan.

202-27. Order of inspections.¹⁷

- A. First inspection. An inspection will be made of the work upon completion of all clearing, grubbing and excavation and all work incidental thereto as may be required or implied by the Board's rules and regulations or shown on the definitive plan. No fill shall have been placed at the time of this inspection.
- B. Second inspection. An inspection will be made of the completed drainage system (without backfill) as required or implied by the Board's rules and regulations or shown on the definitive plan. At the same time, or such other time as the work may be available, an inspection will be made of the completed utility installations (without backfill) as required or implied by the Board's rules and regulations or shown on the definitive plan. The inspection of the required services will be made by the agency responsible for the particular service. Backfill of any portion of the drainage system, utility installations or other services shall not be made until after receipt of notification or approval or acceptance by the Planning Board's agent or agency.
- C. Third inspection. An inspection will be made of the compacted fill required to bring the roadways to their proposed grades. The applicant shall notify the Planning Board's agent as to his source of material for fill as soon as such information is known.
- D. Fourth and fifth inspections. An inspection will be made of the binder course and of the required finish course.
- E. Sixth inspection. An inspection will be made of the topsoil, curbing and sidewalks (where required), side slopes, monuments, bounds, road signs, paths and planting of grass, trees and other vegetation.

¹⁷ Editor's Note: See inspection check-off list on file in the office of the Planning Board.

- F. Seventh inspection. A final inspection will be made by the Planning Board of all subsequent work as required herein or as shown on the definitive plan to include the final cleanup.

ARTICLE VII

Administration

202-28. Variances.

Strict compliance with the requirements of these rules and regulations may be waived when, in the judgment of the Planning Board, such action is in the public interest and not inconsistent with the Subdivision Control Law.

202-29. Statutory provisions to govern.

For matters not covered by these rules and regulations, reference is made to MGL C. 41, Sec. 81K to 81GG.

202-30. Erection of buildings.

No building shall be erected until the subdivision plan has been officially approved.

ARTICLE VIII

Time Limitation

202-31. Deadline for completion.

The construction of the roads and the installation of municipal services required under these rules and regulations shall be completed within two (2) years from the date of endorsement of the plan. At the discretion of the Board, an extension may be granted. Failure to so complete the construction of roads and the installation of municipal services within the specified two-year period shall be deemed by the Board to be grounds for rescission of its approval of the plan under the provision of MGL C. 41, Sec. 81W.

SUBDIVISION OF LAND
Steps the Subdivider Should Take
Town of Edgartown

1. The applicant secures a copy of the rules and regulations of the Planning Board and may confer informally with it.
2. The applicant submits the preliminary plan to the Planning Board for approval and notifies the Town Clerk of this action.
3. The subdivider consults with the Planning Board for recommendations preliminary to making the definitive plan.
4. The Planning Board returns the preliminary plan to the applicant with approval or recommended changes with sixty (60) days.
5. The applicant submits an original and three (3) prints of the definitive plan to the Planning Board for approval and notifies the Town Clerk of this action.
6. The applicant submits a copy of the definitive plan to the Board of Health and Town Conservation Commission when deemed necessary; within forty-five (45) days, the Board of Health and Town Conservation Commission report to the Planning Board approval or disapproval of the plan.
7. The Planning Board holds a public hearing on the definitive plan, giving notice in newspaper advertisements and by mail to abutters.
8. The Planning Board makes a decision within sixty (60) days of submission of a plan or at the end of such further time as may be agreed upon at the written request of the applicant. The Board files a certificate of its action with the Town Clerk and notifies the applicant of its action.
9. Performance guaranty.
 - (a) Final approval with bonds or surety.
 - (b) Final approval with covenant.
10. An appeal (with the Superior Court, if taken), must be filed within twenty (20) days after the Board's decision is filed with the Town Clerk.

Chapter 205

ZONING BOARD OF APPEALS RULES AND REGULATIONS

ARTICLE I

General Provisions

- 205-1. Election of officers.
- 205-2. Chairperson.
- 205-3. Vice Chairperson.
- 205-4. Clerk.
- 205-5. Alternate members.
- 205-6. Quorum.
- 205-7. Meetings.

ARTICLE II

Applications to Board

- 205-8. Application forms.
- 205-9. Filing period.
- 205-10. Plan to accompany petition.
- 205-11. Fees.

ARTICLE III

Hearings

- 205-12. Notice.
- 205-13. Hearings to be public.
- 205-14. Representation; absence.
- 205-15. Order of business; questioning.
- 205-16. Filing of briefs.

ARTICLE IV

Disposition by Board

- 205-17. Voting requirements.
- 205-18. Withdrawal of applications.
- 205-19. Reconsideration.
- 205-20. Reapplication.
- 205-21. Time limit.

ARTICLE V
Policies and Advice

205-22. Advice not to be binding.

ARTICLE VI
Amendments

205-23. Amendment procedure.

[HISTORY: Adopted by the Zoning Board of Appeals of the Town of Edgartown 10-8-69; amended 10-3-79. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Zoning – See Ch. 175.

ARTICLE I
General Provisions

205-1. Election of officers.

At the first regular meeting following the confirmation of the annual appointee, the Board shall elect all officers of the Board, to include a Chairperson and Vice Chairperson and Clerk. Alternates do not participate in this act.

205-2. Chairperson.

- A. The Chairperson shall vote and be recorded on all matters coming before the Board. Subject to these rules, he/she shall decide all points of order, unless overruled by a majority of the Board in session at the time. He/she shall appoint such committees as may be found necessary or desirable.
- B. In addition to powers granted by general laws and local ordinances and subject to these rules and further instructions of the Board, the Chairperson shall transact the official business of the Board, supervise the work of the Clerk, request necessary help, direct the work of all subordinates and exercise general supervisory power. He/she shall, at each meeting, report on all official transactions that have not otherwise come to the attention of the Board.

205-3. Vice Chairperson.

The Vice Chairperson shall act as Chairperson in case the Chairperson is absent, disabled or otherwise unable to perform his/her duties.

205-4. Clerk.

The Clerk shall be such person as may be designated by the Board. Subject to the direction of the board and its Chairperson, he/she shall supervise all of the clerical work of the Board, including all correspondence of the Board, sending of all notices required by law and rules and orders of the Board, receive and scrutinize all applications for compliance with the rules of the Board, keep

dockets and minutes of the Board's proceedings, compile all required records, maintain necessary files and indexes and call the roll at all Board meetings.

205-5. Alternate members.

The Chairperson of the Board shall designate an alternate member to sit on the Board in case of the absence, inability to act or conflict of interest on the part of any Board member. In the event of a vacancy on the Board, the Chairperson may designate an alternate member to act as a member of the Board until someone is appointed to fill the unexpired portion of the vacated term.

205-6. Quorum.

A quorum of the Board shall consist of five (5) members.

205-7. Meetings.

Meetings may be called as required by the Chairperson or at the request of two (2) members. Written notice thereof shall be given to each member at least forty-eight (48) hours before the time set, except that announcement of a special meeting at any meeting attended by all members shall be sufficient notice of such meeting. Notices shall be posted publicly as required by law. Said meetings shall be held in the Town Hall.

ARTICLE II

Applications to Board

205-8. Application forms.

Every application for action by the Board shall be made on the official form. These forms shall be furnished by the Clerk upon request. Any communication purporting to be an application shall be treated as mere notice of intention to seek relief until such time as it is made on the official application form. All information called for by the form shall be furnished by the applicant in the manner therein prescribed.

205-9. Filing period.

Every application shall be filed and every appeal taken within thirty (30) days from the date of refusal of a permit by or the date of the order, ruling decision or determination of the Building Inspector.

205-10. Plan to accompany petition.

- A. Each application and petition to the Board shall be accompanied by eleven (11) copies of the following described plan:
- (1) The size of the plan shall be not less than eight and one-half by eleven (8 ½ x 11) inches drawn to scale.
 - (2) It shall have a North point, names of streets, zoning districts, property lines and location of buildings on surrounding properties.

- (3) The location of buildings or use of the property where a variance or special permit is requested and distances from adjacent buildings and property lines shall be verified in the field and shown on the plan.
 - (4) The dimensions of the lot, buildings and the required parking spaces shall be shown.
 - (5) Entrances, exits, driveways, etc., that are pertinent to the granting of the variance or special permit shall be shown.
 - (6) All proposed data shall be shown in red.
- B. All plans presented shall remain a part of the records of the Board of Appeals.

205-11. Fees.

Applications shall be accompanied by a check of seventy-five dollars (\$75.) payable to the Town of Edgartown.

ARTICLE III
Hearings

205-12. Notice.

Notice of hearings shall be advertised as required by the provisions of the General Laws, Chapter 40A. In addition, a copy of the advertised notice shall be sent by mail, at least fourteen (14) days prior to the date of the hearing, postage prepaid, to the applicant or petitioner, to the owners of all property deemed by the Board to be affected thereby as they appear on the most recent local tax list, to the Planning Board of every abutting town and to the Building Inspector and all those listed in the law.

205-13. Hearings to be public.

All hearings shall be open to the public. No person shall be excluded unless he is considered by the Chairperson to be a serious hindrance to the workings of the Board.

205-14. Representation; absence.

An applicant may appear in his/her own behalf or be represented by an agent or attorney. In the absence of any appearance without due cause on behalf of an applicant, the Board may decide on the matter using the information it has otherwise received.

205-15. Order of business; questioning.

- A. The order of business shall be as follows:
 - (1) Reading of petition and legal notices by the Clerk, together with presentation of exhibits, if any.
 - (2) Applicant's presentation.
 - (3) Opponents' presentation, if any, and questions by those seeking information.
 - (4) Applicant's rebuttal, restricted to matters raised by opponent's presentation.
- B. Members of the Board who are hearing the case may direct appropriate questions during the hearing.

205-16. Filing of briefs.

- A. It is recommended that every appeal and every application for a variance or special permit be supported by a brief setting forth in detail all facts relied upon by the parties. This is particularly desirable in the case of a variance when the following points, based on MGL C. 40, Sec. 10, should be clearly identified and factually supported:
 - (1) The particular use proposed for the land or building.
 - (2) The conditions especially affecting the property for which a variance is sought.
 - (3) Facts which make up the hardship.
 - (4) Facts relied upon to support a finding that the relief sought will be desirable and without substantial detriment to the public good.
 - (5) Facts relied upon to support a finding that the relief sought may be given without nullifying or substantially derogating from the intent or purpose of the Zoning Ordinance.¹⁸
- B. Briefs may be filed at the public hearing or within such time thereafter as may be fixed by the Board, but in no case later than five (5) days after the public hearing.
- C. A detailed record of proceedings, including the vote on each question, must be filed with the Town Clerk within fourteen (14) days of the decision.

ARTICLE IV

Disposition by Board

205-17. Voting requirements.

- A. The concurring vote of at least four (4) members of the Board shall be necessary in any action taken by the Board.
- B. The record shall show the vote of each member upon each question or, if absent or failing to vote, shall indicate such fact. It shall, in addition, set forth clearly the reason or reasons for its decisions.

205-18. Withdrawal of applications.

An application may be withdrawn by notice in writing to the Clerk at any time prior to the hearing by the Board. After an advertisement, withdrawal shall be only by Board approval.

205-19. Reconsideration.

Once a petition has been voted upon and the meeting adjourned, there shall be no reconsideration of a decision of the Board.

205-20. Reapplication.

In order to have a petition reheard within two (2) years, the petitioner must request permission from the Planning Board and the permit granting authority, showing new evidence that substantially alters the conditions of the petition. At least four (4) members of the Planning Board

¹⁸ Editor's Note: See Ch. 175, Zoning.

must agree that this condition has been met. Once the Boards agree, the petitioner must reapply to the Board of Appeals in the normal manner.

205-21. Time limit.

- A. If an application is granted by the Board, all permits necessary for the prosecution of the work shall be obtained and construction shall be commenced within one (1) year from the date of filing of the Board's decision in the office of the Town Clerk,
- B. Reasonable extension of said time may be granted by the Board in the case of an appeal to the Superior Court under MGL C. 40A, Sec. 21, or for any good cause shown.

ARTICLE V

Policies and Advice

205-22. Advice not to be binding.

Any advice, opinion or information given by any Board member or the Clerk or any other official or employee of the Town of Edgartown shall not be binding on the Board. Because of the annoyance caused by individuals appealing personally to members of the Board, it is declared to be the policy of the Board to discourage any such personal appeals.

ARTICLE VI

Amendments

205-23. Amendment procedure.

These rules may be amended by an affirmative vote of not less than four (4) members of the Board, provided that such amendment shall be presented in writing at a regular meeting of said Board.

ACCEPTANCE AND LAYOUT OF WAYS.....	111
ACCIDENT REPORTS	
Vehicles and traffic.....	169
ACCOUNTANT	See TOWN ACCOUNTANT
ADVISORY COMMITTEE FOR SUBDIVISION REVIEW	
Membership	175
Subdivision of land	175
AIRFIELD APPROACH ZONE	195
Katama Airfield and Conservation Area District	191
ALARM SYSTEMS	53
Exemptions.....	53
False alarms.....	53
Fire alarm systems required in certain establishments	53
Hotels, motels, lodging houses	53
Inspections	53
Notices.....	53
Smoke detectors	53
Submission of plans.....	53
Violations and penalties	53
ALCOHOLIC BEVERAGES	54
Possession in public.....	54
Violations and penalties	54
Floodplain Zone.....	216
ANIMAL CONTROL OFFICER	
Appointments.....	63

Dogs and other animals	63
ANNUAL AUDIT.....	27
ANNUAL TOWN MEETING.....	50
ANTENNAS	
Historic District.....	75
APPEALS	
Historic District.....	78
Wetlands	140
Zoning Board of Appeals	189
APPOINTMENTS.....	<i>See specific boards, departments, officers, etc.</i>
ASSESSOR	
Officers and employees.....	36
Selectboard not to hold office	36
AUDITS	
Finances.....	29
BALLOONS.....	56
BATTERY-OPERATED SMOKE DETECTORS.....	<i>See SMOKE DETECTORS</i>
BEACH AREA AND WETLANDS REGULATIONS.....	<i>See also WETLANDS</i>
BICYCLES	
Direction of operation.....	57
Exceptions	57
Streets and sidewalks.....	57
BIRTH RECORDS AND CERTIFICATES	<i>See PUBLIC RECORDS AND VITAL STATISTICS</i>
BOVINES	<i>See DOGS AND OTHER ANIMALS</i>
BUILDING CONSTRUCTION ADMINISTRATION	

Building Inspector	58
Fees	58
Fire districts.....	58
Licenses and permits.....	58
BUILDING DEMOLITION	See DEMOLITION OF BUILDINGS
BUILDING INSPECTOR	
Appointments.....	58
Building construction administration.....	58
Floodplain Zone.....	58
Officers under authority of Inspector	58
Powers and duties.....	58
Salaries and compensation	58
Terms of office	58
BUILDING PERMITS	See LICENSES AND PERMITS
BUILDINGS, MOVING OF	See MOVING OF BUILDINGS
BUILDINGS, NUMBERING OF	
Licenses and permits.....	60
Notices.....	60
Responsibility of owner.....	60
Size and display of numbers.....	60
Street numbers required.....	60
Violations and penalties	61
BULK REGULATIONS.....	See AREA, YARD AND BULK REGULATIONS
BURGLAR ALARMS.....	See ALARM SYSTEMS
BURIAL PLACES OR CEMETERIES	

Fees	65
Public records and vital statistics	65
BUS STOPS	
Parking regulations and facilities	146
Vehicles and traffic.....	146
BUSINESSES, SMALL-SCALE <i>See SMALL-SCALE BUSINESS AND INDUSTRY</i>	
BYWAYS COMMITTEE	
Appointments.....	14
Election of officers.....	14
Membership	14
Powers and duties	14
Qualifications	14
Quorum	15
Records.....	15
Reports	15
Salaries and compensation	15
Terms of office	15
CABLE TELEVISION SERVICE	
Assisted housing.....	174
Island independent living	176
CABS..... <i>See TAXICABS</i>	
CAMPING OR SLEEPING IN OPEN	
Peace and good order	98
Violations and penalties	98
CAPITAL PROGRAMS COMMITTEE	

Appointments.....	16
Establishment.....	16
Expenditures	16
Hearings	16
Investigations	16
Membership.....	16
Officers	16
Powers and duties	16
Reports	16
Residency requirements	16
Terms of office	16
Vacancy	16
CEMETERIES.....	See BURIAL PLACES OF CEMETERIES
CERTIFICATE OF APPROPRIATENESS	
Historic District.....	73
Certificate of hardship	
Historic District.....	73
CLOSING OF STREETS	
Vehicles and traffic.....	110
COASTAL DISTRICT.....	138
COASTING, STREETS RESERVED FOR	
Vehicles and traffic.....	230
COLLECTOR OF TAXES	See also TAX COLLECTOR
Fees	27

Finances.....	27
COMMERCIAL MARINE LICENSE.....	81
COMMERCIAL VEHICLES	
Vehicles and traffic.....	168
COMMUNITY PRESERVATION COMMITTEE.....	18
CONTAINERS.....	59
CONTRACTS	
Finances.....	29
Historic Advisory Committee	32
COUNCIL ON AGING	
Appointments.....	21
Clerks and other employees.....	21
Establishment.....	21
Filling of vacancies.....	21
Membership.....	21
Reports	21
Salaries and compensation	21
Terms of office	21
COUNSEL, TOWN	
Appointments.....	22
Salaries and compensation	22
COWS	See DOGS AND OTHER ANIMALS
CROSSWALKS	
Vehicles and traffic.....	109
CURFEW	

Loitering	62
Minors	62
Unlawful activity.....	62

DEATH RECORDS AND CERTIFICATES..... See PUBLIC RECORDS AND VITAL STATISTICS

DELINQUENT TAXPAYERS

Licenses and permits.....	84
---------------------------	----

DEMOLITION OF BUILDINGS

Historic District.....	73
Streets and sidewalks.....	109

DEPARTMENTAL REVOLVING FUNDS.....25

DOGS AND OTHER ANIMALS

Animal Control Officer	63
Apprehension of unrestrained dogs	63
Dogs.....	63
Fees	63
Female dogs	64
Impoundment	64
Kennels	64
Littering	64
Notices.....	64
Nuisances	64
Reclamation	64
Records.....	64
Restraining	64
Running at large	64

Streets and sidewalks.....	64
Violations and penalties.....	64
DUTIES.....	See specific boards, departments, officers, etc.

EASEMENTS

Wetlands.....	132
---------------	-----

EDGARTOWN AFFORDABLE HOUSING TRUST FUND.....10

EDGARTOWN PONDS AREA ADVISORY COMMITTEE

Appointments.....	23
Membership.....	23
Powers and duties.....	24
Records.....	24
Reports.....	25
Termination.....	25
Terms of office.....	23
Vacancy.....	24

ELECTIONS

Hours of registration.....	26
Town Meetings.....	47

ELECTRONIC PERSONAL ASSISTANCE MOBILITY DEVICES.....106

EMERGENCIES

Wetlands.....	131
---------------	-----

EXCAVATIONS

Streets and sidewalks.....	110
----------------------------	-----

EXPLOSIVES

Firearms..... 68

FALSE ALARMS

Alarm systems 53

FEES

Building construction administration..... 58

Burial places or cemeteries 66

Collector of Taxes 28

Dogs and other animals 64

Fees enumerated 65

Finances..... 28

Public records and vital statistics 65

Sewers.....104

Streets and sidewalks..... 110

Town Clerk's fees 65

Wetlands 138

FINANCES

Audits 29

Collector of Taxes fees, disposition of 30

Contracts 30

Estimated receipts..... 30

Exceptions 30

Fees 28

Licenses and permits, disposition of 30

Moneys to be paid over to Town Treasurer..... 30

Personal interest prohibited	30
Reports	30
FINANCIAL ADVISORY COMMITTEE	
Appointments.....	31
Establishment.....	31
Membership	31
Notices.....	31
Organization.....	31
Powers and duties	31
Terms of office	31
Vacancies.....	31
FINES	<i>See VIOLATIONS AND PENALTIES</i>
FIRE ALARMS.....	53
FIRE DISTRICTS	
Building construction administration.....	54
FIREARMS	
Exceptions	68
Explosives	68
Hunting.....	68
Prohibited activity	68
FORECLOSURES	
Zoning.....	172
GENERAL PROVISIONS	
General penalty.....	9
Noncriminal disposition of offenses	9

Notices.....	9
Repealer	9
GOOD ORDER	See PEACE AND GOOD ORDER
GUNS.....	See FIREARMS
HARBOR MASTER	
Officers and employees.....	40
Refusal to obey rules and regulations.....	40
Rules and regulations, annual	40
Violations and penalties	40
HAWKERS AND PEDDLERS	
Selectboard to promulgate regulations	70
HEARINGS	
Capital Programs Committee	16
Historic District.....	77
Licenses and permits, revocation, denial or suspension of	84
Wetlands	138
Zoning Board of Appeals	191
HEIGHT REGULATIONS	
Fences.....	113
HISTORIC ADVISORY COMMITTEE	
Appointments.....	32
Authorities.....	32
Consultations with interested parties.....	33
Contracts	33

Establishment.....	32
Membership.....	32
Modifications, review of	33
Plaques, furnishing of.....	33
Powers and duties.....	33
Records.....	33
Reports	33
Residency requirements	33
Salaries and compensation	33
Terms of office	33
Vacancies.....	33

HISTORIC DISTRICT

Amendments.....	79
Antennas	75
Appeals.....	78
Architectural standards.....	74
Aspects not to be considered.....	74
Certificates of appropriateness.....	72
Certificates of hardship	72
Certificates of nonapplicability	72
Definitions	73
Demolition of buildings	73
Design standards	74
Determinations.....	77

Driveways	76
Enforcement.....	78
Enlargement or reduction of Historic District	79
Establishment.....	71
Hearings	77
Historic District Commission	71
Licenses and permits	74
Lighting.....	75
Map	71
New construction	74
Notices.....	77
Ordinary maintenance not affected.....	75
Records.....	77
Signs	75
Streets and sidewalks.....	75
Terraces.....	75
Violations and penalties	78

HISTORIC DISTRICT COMMISSION

Appointments.....	72
Historic District.....	72
Limits of authority	75
Meetings.....	77
Membership.....	72
Powers and duties.....	76
Qualifications	72

Quorum	77
Residency requirements	72
Salaries and compensation	73
Terms of office	72
Vacancies.....	72
HORSES.....	See DOGS AND OTHER ANIMALS
HUNTING	
Firearms.....	65
ICE REMOVAL	See SNOW AND ICE REMOVAL
ILLUMINATION	See LIGHTING
IMPOUNDMENT	
Dogs and other animals	63
IN-LINE SKA1TES	103
INSPECTIONS	
Alarm systems	53
Milk.....	90
INSPECTOR OF ANIMALS	
Milk.....	89
Powers and duties	89
INSPECTOR OF MILK	
Milk.....	89
Powers and duties	89
INSPECTOR OF WIRES	
Appointments.....	40
Officers and employees.....	40

INVESTIGATIONS

Capital Programs Committee 16

JUNK DEALERS

KENNELS

Dogs and other animals 63

LAYOUT AND ACCEPTANCE OF WAYS111

LICENSES AND PERMITS

Building construction administration..... 58

Buildings, numbering of 60

Commercial Marine License 81

Delinquent taxpayers 84

Denial, revocation or suspension 84

Exceptions 85

Finances..... 30

Hearings concerning revocation, denial or suspension 84

Historic District..... 78

Junk dealers..... 80

Launch service 83

Moving of buildings 108

Parades 96

Payment agreement..... 85

Streets and sidewalks..... 109

Taxicabs 114

Waiver 85

Wetlands 138

Yard sales.....	142
LIGHTING	
Historic District.....	75
LITTERING.....	88
Dogs and other animals	59
Prohibited activity	88
LOITERING	
Curfew	62
L	
MARINE ADVISORY COMMITTEE	
Appointments.....	34
Election of officers.....	34
Membership	34
Powers and duties	34
Records.....	34
Salaries and compensation	34
Terms of office	34
Vacancy	34
MARRIAGE RECORDS AND CERTIFICATES	See PUBLIC RECORDS AND VITAL STATISTICS
Meetings	
Historic District Commission	32
MEETINGS.....	See also TOWN MEETINGS
MEMBERSHIP	See specific boards, departments, commissions, etc.
MILK	
Bovines, ear tags for.....	89

Bovines, maintenance of	89
Containers	89
Inspections	89
Inspector of Animals	89
Inspector of Milk	89
Raw milk and cream standards	89
Right of entry.....	89
Sales	89
MINORS	
Curfew	62
MODERATOR.....	37
MOTORIZED VEHICLES.....	100
MOVING OF BUILDINGS	
Licenses and permits	111
Streets and sidewalks.....	111
NOISE	
Bands, orchestras and other musicians	91
Construction	91
Leaf Blowers.....	94
Prohibited activity	91
Radios and phonographs.....	91
Violations and penalties	91
NOTICES	
Alarm systems	53
Buildings, numbering of	60

Dogs and other animals	63
Streets and sidewalks.....	109
Wetlands	138
NUDITY	97
NUISANCES	
Dogs and other animals	63
NUMBERING OF BUILDINGS.....	60
OFFICERS AND EMPLOYEES	
Assessor.....	41
Harbor Master	40
Inspector of Wires	40
Tax Collector.....	41
Town Accountant	41
Town Clerk.....	40
Town Moderator	42
Town Treasurer	37
OFF-STREET PARKING	See PARKING REGULATIONS AND FACILITIES
ONE-WAY STREETS	
Vehicles and traffic.....	161
OXEN	63
PARADES	
Chief of Polices, submission of application to.....	96
Licenses and permits.....	96
Violations and penalties	96
PARK DEPARTMENT	

Police Department, authority of	45
PARKING REGULATIONS AND FACILITIES.....	150
PEACE AND GOOD ORDER	
Camping or sleeping in open.....	98
Peeping and spying	98
Profanity.....	98
Public nudity.....	98
Urinating in public.....	99
PEDDLERS	See HAWKERS AND PEDDLERS
PEEPING AND SPYING	
Peace and good order	98
Violations and penalties	98
PENALTIES	See VIOLATIONS AND PENALTIES
PERMITS	See LICENSES AND PERMITS
PERSONNEL POLICIES.....	43
PLANNING BOARD	
Appointments.....	44
Establishment.....	44
Membership.....	44
Powers and duties.....	44
Subdivision Control Law, nonacceptance of	44
Terms of office	44
PLASTIC BAGS.....	54
POLICE DEPARTMENT	
Enforcement of Park Department regulations.....	45

Vehicles and Traffic.....	100
PROFANITY	
Peace and good order	98
Violations and penalties	98
PROPERTY, SALE OF	
Authorization.....	46
Foreclosures	46
PUBLIC HEARINGS.....	See HEARINGS
PUBLIC NUDITY	
Definitions	98
Exceptions	98
Peace and good order	98
Prohibited activity	98
Violations and penalties	98
PUBLIC PROFANITY.....	98
PUBLIC RECORDS AND VITAL STATISTICS	
Birth records and certificates.....	66
Burial places or cemeteries	67
Business, discontinuance, retirement of or withdrawal from	66
Certificates of persons conducting business under title other than his real name	66
Closing-out sales	66
Death records and certificates	66
Fees	65
Marriage records and certificates	66
Orders granting locations to poles, piers, abutments or conduits	66

Powers of attorney.....	66
Professional persons, certificates issued to	66
QUALIFICATIONS	See specific boards, departments, officers, etc.
QUIET ZONES	See ZONES OF QUIET
QUORUM.....	See TOWN MEETINGS and specific boards, departments, commissions, etc.
RECORDS	See PUBLIC RECORDS AND VITAL STATISTICS
Byways Committee.....	14
Dogs and other animals	63
Edgartown Ponds Area Advisory Committee	23
Historic Advisory Committee	32
Historic District.....	71
Marine Advisory Committee	34
Taxicabs.....	114
RECREATIONAL VEHICLES	
Definitions.....	100, 142
Exemptions.....	100
Prohibited use, areas of	100
Violations and penalties	100
REGISTRATION	
Elections	27
REPORTS.....	See also ACCIDENT REPORTS
Byways Committee.....	14
Capital Programs Committee	16
Council on Aging.....	21
Edgartown Ponds Area Advisory Committee	25

Finances.....	28
Historic Advisory Committee	33
Shellfish Committee	49
RESIDENCY REQUIREMENTS.....	See specific boards, departments, officers, etc.
RESPONSIBILITIES	See specific boards, departments, officers, etc.
RIGHT OF ENTRY	
Milk.....	89
ROADS.....	See STREETS AND SIDEWALKS
ROLLER SKATES, SKATEBOARDS AND IN-LINE SKATES	
Use prohibited in certain locations	103
Violations and penalties	103
ROOM OCCUPANCY TAX.....	100
RUBBISH	See GARBAGE, RUBBISH AND REFUSE
SALARIES	See specific boards, departments, officers, etc.
SALE OF PROPERTY	See PROPERTY, SALE OF
SALE OF VEHICLES	See VEHICLES, SALE OF
SALES.....	See also CLOSING-OUT SALES and YARD SALES
Milk.....	89
SEASONAL COMMUNITY DESIGNATION.....	47
SEWER COMMISSION	
Election of members	47
Establishment.....	47
Membership	47
Powers and duties	47

Terms of office	47
SEWERS	
Assessments, appointment of.....	104
Fees	104
General and special benefit sewerage systems, separation of.....	104
Subdivision of land	104
SHELLFISH COMMITTEE	
Appointments.....	48
Membership.....	48
Powers and duties.....	48
Qualifications	48
Reports	48
Salaries and compensation	48
Terms of office	48
Vacancies.....	48
SIDEWALKS	See STREETS AND SIDEWALKS
SKATEBOARDS	103
SKATES	103
SLEEPING IN OPEN	98
SMOKE DETECTORS	
Alarm systems	53
SNOW AND ICE REMOVAL	
Authority	111
Conditions	111
Private ways	111

Streets and sidewalks.....	112
SPECIAL PERMITS.....	See LICENSES AND PERMITS
SPEED LIMIT IN THICKLY SETTLED OR BUSINESS DISTRICT	103
SPYING	98
STORAGE	
Vehicles, unregistered.....	127
STREETS AND SIDEWALKS.....	110-112
STRCTCH ENERGY CODE	59
SWIMMING POOLS	
Enclosure of outdoor, in-ground swimming pools required.....	113
Fences.....	113
Safety equipment.....	113
Violations and penalties.....	113
TAX COLLECTOR.....	See also COLLECTOR OF TAXES
Office hours, required number of	41
Officers and Employees.....	41
TAXATION.....	See DELINQUENT TAXPAYERS
TAXICABS	
Licenses and permits.....	114
Rates of fare	114
Records.....	114
TERMS OF OFFICE	See specific boards, departments, officers, etc.
TOWN ACCOUNTANT	
Appointments.....	41
Office-hours, required.....	41

Officers and Employees.....	41
TOWN CLERK	
Fees	65
Office hours, required	40
Officers and employees.....	40
Terms of office	40
TOWN COUNSEL	22
TOWN MEETINGS	
Adjournment not to affect elections.....	50
Annual election	50
Articles to be acted upon	50
Filing of Articles to be acted upon	50
Posting of warrants	50
Quorum	51
Time to be held	50
TOWN MODERATOR	
Officers and employees.....	37
Terms of office	37
TOWN TREASURER	
Office hours, required	37
Officers and employees.....	37
TRAPS	
Prohibited acts	134
Violations and penalties	134

TRASH..... See GARBAGE, RUBBISH AND REFUSE

URINATING IN PUBLIC

Peace and good order 99

Prima facie evidence of violation 99

Violations and penalties 99

UTILITIES.....See PUBLIC UTILITIES

VEHICLE WEIGHT LIMITS

Vehicles and traffic..... 168

VEHICLES AND TRAFFIC

Accident reports 169

Bus stops 146

Care in starting, stopping, turning or backing..... 164

Closing of streets 148

Coasting, streets reserved for 149

Commercial vehicles 168

Definitions 146

Direction of traffic 161

Distance between slow moving vehicles 164

Driving on roads under construction or repair 167

Driving on sidewalks..... 168

Driving through safety zones 168

Driving within marked lanes 163

Dropping or leaking loads from vehicles..... 168

Emerging from alleys or driveways 168

Enactment 146

Enforcement.....	147
Exemptions.....	147
Following too closely.....	164
Funerals and other processions	168
Horns, sounding of	168
Interference prohibited.....	149
Intersections designated	164
Keeping to right of roadway divisions.....	167
Obedience required	149
Obedience to isolated stop signs	164
Obedience to yield signs	164
Obstructing traffic and crosswalks.....	163
One-way streets	161
Operation of vehicles	163
Overtaking of other vehicles	163
Parking regulations and facilities	150
Police, authority and duties of	148
Rental of Vehicle.....	85
Right-of-way of overtaking vehicles.....	154
Service zones.....	154
Signals, Markings and Zones	147
Signs	148
Stopping and turning signals.....	164
Taxicab stands	154
Traffic control devices	148

Use of right lane	163
Vehicle weight limits	168
Violations and penalties	169
Zones of quiet.....	150

VEHICLES, SALE OF

Parking regulations and facilities	161
--	-----

VEHICLES, UNREGISTERED

Exemptions.....	136
Limit to be kept on premises.....	136
Storage	136
Violations and penalties	136
Zoning.....	136

VIOLATIONS AND PENALTIES

Alarm systems	53
Alcoholic beverages	54
Buildings, numbering of	61
Camping or sleeping in open.....	98
Dogs and other animals	64
General provisions	9
Harbor Master	40
Historic District.....	78
Littering	88
Noise.....	91
Parades.....	96
Peeping and spying	98

Profanity.....	98
Public nudity.....	98
Recreational vehicles	100
Roller skates, skateboards and in-line skates	103
Streets and sidewalks.....	112
Swimming pools	113
Traps.....	134
Urinating in public	99
Vehicles and traffic.....	169
Vehicles, unregistered.....	136
Wetlands	138
Yard sales.....	142
VITAL STATISTICS	See PUBLIC RECORDS AND VITAL STATISTICS
WAGES	See specific boards, departments, officers, etc.
WATER	
Backflow prevention devices	137
Cross-connections	137
Termination of water service	137
WEIGHT LIMITS.....	See VEHICLE WEIGHT LIMITS
WETLANDS	138
Appeals.....	140
Bonds.....	141
Burden of proof.....	140
Determination of applicability, request for	139
Easements	141

Emergencies	140
Enforcement.....	141
Fees	139
Hearings	139
Imposition of additional conditions	140
Licenses and permits.....	138
Notices.....	139
Promulgation of rules and regulations.....	141
Right of entry.....	139
Security.....	141
Violations and penalties	141

YARD SALES

Licenses and permits.....	142
Violations and penalties	142

ZONING BOARD OF APPEALS

Absence	193
Advice not to be binding	195
Amendments.....	195
Appeals.....	189
Applications to Board.....	192
Briefs, filing of	194
Chairperson	191
Clerk	191
Disposition by Board	194
Election of officers.....	191

Fees 193

Filing period..... 192

Hearings 193

Licenses and permits..... 194

Meetings..... 192

Membership 192

Notices..... 193

Order of business 193

Plan to accompany petition 192

Questioning 193

Quorum 192

Reapplication..... 194

Reconsideration 194

Records..... 194

Representation..... 193

Time limit 195

Vacancies..... 192

Vice Chairperson 191

Voting requirements 194

Withdrawal of applications 194

Zoning..... 194

ZONING BOARD OF APPEALS, CHAIRPERSON

Powers and duties..... 191

Zoning Board of Appeals 191

ZONING BOARD OF APPEALS, CLERK

Powers and duties 191
Zoning Board of Appeals 191

ZONING BOARD OF APPEALS, VICE CHAIRPERSON

Powers and duties 191
Zoning Board of Appeals 191