

## **The Charter**

CHATHAM CODE

**Chapter C**

**HOME RULE CHARTER**

**[Adopted at the May 11, 1995 Annual Election; amended by Article 21 of the May 14, 2001 Annual Town Meeting. Subsequent amendments noted where applicable.]**

PART I  
**Incorporation and Authority**

**Section 1-1. Incorporation Continued.**

The inhabitants of the Town of Chatham, Massachusetts, within its territorial limits as now or may hereafter be established by law, shall continue to be a body politic and corporate, known as the Town of Chatham.

**Section 1-2. Short Title.**

This instrument may be cited and shall be known as the Chatham Home Rule Charter.

**Section 1-3. Division of Powers. [Amended 1-13-2021 by Chapter 344, Acts of 2020]**

All legislative powers of the Town shall be vested in a town meeting open to all voters. The administration of all town fiscal, prudential and municipal affairs shall be vested in the executive branch headed by the select board and town manager.

**Section 1-4. Powers of the Town. [Amended 1-10-2013 by Chapter 457, Acts of 2012]**

The intent and purpose of this charter is to secure for the Town of Chatham, through the adoption of this charter, all the powers possible for town government under Article LXXXIX (89) of the Amendments to the Constitution of the Commonwealth and Laws of the Commonwealth, as fully as though each such power were specifically and individually enumerated herein.

**Section 1-5. Interpretation of Powers.**

The powers of the town under the charter shall be construed and interpreted liberally in favor of the town and the specific mention of any particular power is not intended to limit in any way the general powers of the town as stated in Section 1-4.

**Section 1-6. Consistency with Town By-laws. [Added 5-11-2009 ATM by Art. 31, approved 5-13-2010 Annual Town Election<sup>1</sup>; amended 1-10-2013 by Chapter 457, Acts of 2012]**

Where provisions of this charter conflict with provisions of town by-laws, rules, regulations, orders, general laws, special acts and acceptances of general laws, the charter shall govern. All town by-laws, rules, regulations, orders and special acts not superseded by this charter shall remain in force.

**Section 1-7. Intergovernmental Relations. [Amended 1-10-2013 by Chapter 457, Acts of 2012; 1-13-2021 by Chapter 344, Acts of 2020]**

The town, through the select board, may enter into agreements with any other unit of government to perform jointly or in cooperation, by contract or otherwise, any of its powers or functions.

**Section 1-8. Ethical Standards. [Added 5-11-2009 ATM by Art. 31, approved 5-13-2010 Annual Town Election; amended 1-10-2013 by Chapter 457, Acts of 2012]**

Elected and appointed officers, officials and employees of the town of Chatham are expected to

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1. Editor's Note: This article also redesignated former Section 1-6 as Section 1-7.

demonstrate, in their general conduct and in the performance of their duties and responsibilities, the highest ethical standards. Elected and appointed officers, officials and employees of the town of Chatham are expected to recognize that they hold their offices or positions for the benefit of the public and that while acting in their official capacities they are expected to faithfully discharge the duties of their offices in the public interest, regardless of personal considerations. Elected and appointed officers, officials and employees of the town of Chatham shall not use their official positions to secure or to grant special consideration, treatment, advantage, privilege or exemption to themselves or to any other person beyond that which is available to every person.

PART II  
**Legislative Branch**

**Section 2-1. Open Town Meeting.**

The legislative powers of the town shall be exercised by a town meeting open to all voters.

**Section 2-2. Presiding Officer.**

All sessions of the town meeting shall be presided over by a moderator, elected as provided in Part III. The moderator shall regulate the proceedings, decide questions of order, and make public declaration of all votes. The moderator shall have all of the powers and duties given to moderators under the constitution and the laws of the commonwealth, and such additional powers and duties as may be authorized by the charter, by bylaw or by other town meeting vote.

**Section 2-3. Annual Town Meeting.**

The annual town meeting shall be held on such date or dates as may from time to time be fixed by bylaw.

**Section 2-4. Special Town Meetings [Amended 1-13-2021 by Chapter 344, Acts of 2020]**

Special town meetings shall be held at the call of the select board at such times as it may deem appropriate and whenever a special meeting is requested by the voters in accordance with procedures made available by the laws of the commonwealth.

**Section 2-5. Clerk of the Meeting.**

The town clerk shall serve as the clerk to the town meeting. In the event of unavoidable absence, the town clerk shall designate a substitute; otherwise, the moderator shall appoint a clerk pro tempore. The town clerk shall give notice of all meetings to the public, keep a journal of its proceedings and perform such other functions as may be provided by the laws of the commonwealth, by the charter, by bylaw or by other town meeting vote.

**Section 2-6. Warrant Articles. [Amended 1-13-2021 by Chapter 344, Acts of 2020]**

Except for procedural matters, all subjects to be acted on by town meeting shall be placed on warrants issued by the select board. The select board shall receive all petitions addressed to it which require the submission of particular subject matter to the town meeting in accordance with the laws of the commonwealth. All such requests for the inclusion of subjects shall be in writing but they shall not be required to conform to any particular style or form except that each request for a particular subject shall be submitted as a separate petition.

**Section 2-7. Publication and Distribution of the Warrant. [Amended 1-13-2021 by Chapter 344, Acts of 2020]**

In addition to any notice required by the laws of the commonwealth, the select board shall cause the annual town meeting warrant to be mailed to each residence of one or more voters. Such distribution shall occur at least fourteen (14) days prior to the town meeting. Failure of a voter to receive such warrant shall not invalidate the action of the town meeting.

**Section 2-8. Town Meeting Action. [Added 5-11-2009 ATM by Art. 31, approved 5-13-2010 Annual**

**Town Election; amended 1-10-2013 by Chapter 457, Acts of 2012]**

The exercise of the legislative power by a vote of town meeting shall be presumed to be binding and shall be implemented by a designated town agency or department in conformance with the law or such vote.

PART III  
Elected Town Officers

**Section 3-1. Elected Town Officers, In General. [Amended 5-11-2015 ATM by Art. 26, approved 5-12-2016 Annual Town Election; 1-13-2021 by Chapter 344, Acts of 2020]**

The offices to be filled by the voters shall be a select board, the town's representatives for the Monomoy Regional School Committee, a moderator, housing authority and such other regional authorities, districts or committees as may be required by law of the commonwealth or inter-local agreement.

**Section 3-2. Select Board. [Amended 5-11-2009 ATM by Art. 31, approved 5-13-2010 Annual Town Election; 1-10-2013 by Chapter 457, Acts of 2012; 1-13-2021 by Chapter 344, Acts of 2020]**

(a) Composition, Term of Office

There shall be a select board composed of five members elected for terms of three (3) years each, so arranged that the terms of as nearly an equal number of members as is possible shall expire each year.

(b) Powers and Duties

The executive authority of the town shall be vested in the select board who shall serve as the chief policy making agency of the town. The select board shall continue to have and to exercise all the powers and duties vested in boards of selectmen and/or select boards by the laws of the commonwealth, and such additional powers and duties authorized by the charter, by bylaw or by vote of the town, except those powers and duties granted to the town manager under this charter.

The select board shall have the powers and duties of a water and sewer commission, unless the select board choose to delegate those powers and duties to another town agency. The select board shall cause the laws and orders for the government of the town to be enforced and shall cause a record of all its official acts to be kept. To administer and implement its policies and aid the board in its official duties, the select board shall appoint a town manager as provided in Part IV of this charter.

(c) Appointment Powers

The select board shall appoint a town manager, town counsel, registrars of voters, and election officials. The select board shall appoint members of boards, commissions or committees for which no other appointment provision is made in this Charter.

(d) Investigative Powers

The select board may investigate or may authorize the town manager to investigate the affairs of the town and the conduct of any town agency.

(e) Licensing Power

The select board shall be the licensing board of the town and shall have the power to issue licenses, to make all necessary rules and regulations regarding the issuance of such licenses, and to attach such conditions and restrictions thereto as it deems to be in the public interest.

The select board shall enforce the laws relating to all businesses for which it issues any licenses. The select board may delegate such licensing authority unless specifically prohibited by the laws of the commonwealth.

**Section 3-3. (Reserved)<sup>2</sup>****Section 3-4. Moderator.****(a) Term of Office**

A moderator shall be nominated and elected by the voters for a term of three years. In the event of absence of the moderator the town meeting may elect a temporary moderator for the purpose of presiding over the meeting.

**(b) Powers and Duties**

The moderator shall have the powers and duties provided that office by the constitution and the laws of the commonwealth, by the charter, or by bylaw or by other town meeting vote. The moderator shall appoint a finance committee of nine members. Should the moderator fail to fill a vacancy on the finance committee within 45 days of having been notified in writing by the town clerk of said vacancy, a majority of the remaining members of the finance committee may nominate a person for each such vacancy. Should the moderator fail to take action on said nomination within 21 days, the nominee shall become a member of the finance committee.

**Section 3-5. Housing Authority.****(a) Composition, Term of Office**

There shall be a housing authority composed of five members serving terms of five (5) years each, so arranged that the term of one member expires each year. Four members shall be elected by the voters and the fifth member shall be appointed as provided for by the laws of the commonwealth.

**(b) Powers and Duties**

The housing authority shall make studies of the housing needs of the town and shall provide programs for housing. The authority shall have all the powers and duties given to housing authorities under the laws of the commonwealth.

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2. Editor's Note: Former Section 3-3, School Committee, was repealed by Art. 26 of the 5-11-2015 ATM and approved at the 5-12-2016 Annual Town Election.



## PART IV

**Town Manager**

**[Amended 5-11-2015 ATM by Art. 26, approved 5-12-2016 Annual Town Election; 1-13-2021 by Chapter 344, Acts of 2020]**

**Section 4-1. Appointment, Qualifications, Term of Office.**

The select board shall appoint a town manager and shall annually evaluate the performance of the town manager. The town manager shall be a person of proven administrative ability, especially qualified by education and training with at least five years full-time experience as a city or town manager or an assistant city or town manager or the equivalent experience in the public or private sector. The select board may from time to time establish such additional qualifications as deemed necessary and appropriate.

The town manager shall devote full time to the duties of the office and shall not hold any other elective or appointive town office, nor shall the town manager engage in any other business unless such action is approved in advance in writing by the select board.

**Section 4-2. Relationship of Town Manager and the Select Board.**

The town manager shall be the primary officer responsible for the implementation of policy directives and guidelines adopted by the select board. The daily administration of the affairs of the town shall be the responsibility of the town manager.

**Section 4-3. Vacancy in Office.**

Any permanent vacancy in the office of town manager shall be filled as soon as possible by the select board. Pending appointment of the town manager or the filling of any vacancy the select board shall, within a reasonable period of time, appoint some other qualified person to perform the duties of the town manager.

**Section 4-4. Temporary Absence.**

The town manager may designate by letter filed with the select board and town clerk a qualified officer of the town to perform the duties of the town manager during a temporary absence or disability. If such temporary absence or disability shall exceed thirty (30) days, any designation made by the town manager shall be subject to the approval of the select board. In the event of failure of the town manager to make such designation, or if the person so designated is for any reason unable to serve, the select board may designate some other qualified person to perform the duties of the town manager until the town manager shall return.

**Section 4-5. Compensation.**

The town manager shall receive such compensation for services as the select board shall determine but such compensation shall be within the limits of available appropriations.

**Section 4-6. Powers of Appointment.**

Except as otherwise provided by this charter, the town manager shall appoint, based on merit and fitness alone, and may remove all department heads, assistant department heads, officers, subordinates, employees serving under elected and appointed boards, commissions, committees and employees for whom no other method of selection and removal is provided in this charter except employees of the housing authority.

Appointment of department heads by the town manager shall become effective on the fifteenth day

following the day on which notice of the proposed appointment is filed with the select board unless the select board shall, within such period, by majority vote of the full select board, vote to reject such appointment.

#### **Section 4-7. Administrative Powers and Duties.**

The town manager shall be the administrative officer of the town and shall be responsible to the select board for the proper operation of town affairs for which the town manager is given responsibility under this charter. The powers, duties and responsibilities of the town manager shall include, but are not intended to be limited to, the following:

- (a) to supervise, direct and be responsible for the efficient administration of all officers appointed by the town manager and their respective departments, and of all functions for which the town manager is given responsibility, authority, or control by this charter, by bylaw, by town meeting vote, or by vote of the select board;
- (b) to administer and enforce either directly or through a person or persons supervised by the town manager, in accordance with this charter, all provisions of the laws of the commonwealth or special laws applicable to the town, all bylaws, and all regulations established by the select board;
- (c) to coordinate activities of all town departments;
- (d) to attend all regular and special meetings of the select board, unless excused;
- (e) to attend all sessions of the town meeting and to answer all questions addressed to the town manager and which are related to warrant articles and to matters under general supervision of the town manager;
- (f) to keep the select board fully informed as to the needs of the town, and to recommend to the select board for adoption such measures requiring action by them or by the town as the town manager deems necessary or expedient;
- (g) to insure that complete and full records of the financial and administrative activity of the town are maintained and to render reports to the select board as may be required;
- (h) to be responsible for rental, use, maintenance, repair and the development of a comprehensive maintenance program for all town facilities;
- (i) to serve as the chief procurement officer and be responsible for the purchase of all supplies, materials and equipment except books and other educational materials for schools, and approve the award of all contracts for all town departments;
- (j) to develop and maintain a full and complete inventory of all town owned real and personal property;
- (k) to administer personnel policies, practices, and rules and regulations, any compensation plan and any related matters for all municipal employees, and to administer all collective bargaining agreements entered into by the town;
- (l) to fix the compensation of all town employees and officers appointed by the town manager within the limits established by appropriation and any applicable compensation plan and collective bargaining agreements;
- (m) to be responsible for the negotiation of all contracts with town employees over wages and other terms and conditions of employment, except employees. The town manager may, subject to the approval of

the select board, employ special counsel to assist in the performance of these duties. Contracts shall be subject to the approval of the select board;

- (n) to prepare and submit an annual operating budget and capital improvement program as provided in Sections 6-1 and 6-2 of this charter;
- (o) to keep the select board and the finance committee fully informed as to the financial condition of the town and to make recommendations to the select board as the town manager deems necessary;
- (p) to investigate or inquire into the affairs of any town department or office;
- (q) to delegate, authorize or direct any subordinate or employee of the town to exercise any power, duty or responsibility which the office of town manager is authorized to exercise, provided, that all acts which are performed under such delegation shall be deemed to be the acts of the town manager;
- (r) to perform such other duties as necessary or as may be assigned by this charter, by bylaw, by town meeting vote, or by vote of the select board.

#### **Section 4-8. Removal of Town Manager.**

The select board, by affirmative vote of three of its members, may vote to terminate, remove or suspend the town manager. If so requested by the town manager, the select board shall provide a written statement setting forth the reasons for the removal or termination within ten (10) working days.

Within five (5) days after the vote to terminate, remove or suspend the town manager from office, the town manager may request a public hearing by filing a written request for such hearing with the select board. The purpose of such hearing is to provide the town manager with an opportunity to provide information and make a statement concerning removal from said office. If such a hearing is requested, the hearing shall be held at a meeting of the select board not later than twenty days from the date of request.

PART V  
**Administrative Organization**

**Section 5-1. Organization of Town Government. [Amended 5-11-2009 ATM by Art. 31, approved 5-13-2010 Annual Town Election; 1-10-2013 by Chapter 457, Acts of 2012; 5-11-2015 ATM by Art. 26, approved 5-12-2016 Annual Town Election]**

- (a) Method of Organization — Town Departments. The organization of town government into operating departments for the provision of services and the administration of government shall be the responsibility of the town manager. Subject only to the express prohibitions in the laws of the commonwealth or the provisions of this charter, the town manager may by administrative order reorganize, consolidate, create, merge, divide or abolish any town department or office, in whole or in part, establish such new town departments or offices as the town manager deems necessary or advisable, and prescribe the functions and the administrative procedures to be followed by all such departments or offices. **[Amended 1-13-2021 by Chapter 344, Acts of 2020]**

At a minimum, the town manager shall provide for the following governmental functions:

(i) administrative and finance; (ii) law enforcement; (iii) fire protection and rescue services; (iv) operation and maintenance of the town's roads, parks, buildings and other facilities; (v) management and protection of coastal resources; (vi) town planning and enforcement of zoning and building codes; (vii) enforcement of health and environmental regulations; and (viii) operation of the water and sewer systems.

Administrative orders made by the town manager shall become effective on the thirtieth (30) day following the day on which notice of the proposed administrative order is filed with the select board and the office of the town clerk unless the select board shall, within such period, by majority vote of the select board, vote to reject such administrative order or has earlier voted to affirm it. For the convenience of the public, copies of administrative orders and votes of the select board establishing the nature of the town organization and any amendments thereto shall be available from the office of the town manager and the office of the town clerk and posted electronically and via other means that allow access by the public.

- (b) Method of Organization — Town Boards, Commissions or Committees **[Amended 1-13-2021 by Chapter 344, Acts of 2020]**

Unless otherwise provided by this charter, the establishment and organization of boards, commissions or committees shall be the responsibility of the select board. Subject only to the express prohibitions of the laws of the commonwealth or the provisions of this charter, the select board may by vote prescribe the term of office, reorganize, consolidate, create, merge, divide or abolish any town board, commission or committee, in whole or in part, establish such new board, commission or committee as deemed necessary or advisable, and prescribe the functions, purpose and responsibilities of such boards, commissions or committees. Nothing in this section shall prohibit the town meeting from authorizing the appointment of one or more committees. Votes of Town Meeting which authorize the formation of such committees shall state the charge, composition and town agency to be the appointing authority, if it is not the select board. The tenure of any such committee shall continue under its charge and until abolition by or change by a subsequent town meeting.

(c) Failure to Fill Vacancies — Town Boards, Commissions or Committees

Should the appointing authority fail to fill a vacancy on a board, commission, or committee within 60 days of having been notified in writing by the town clerk of said vacancy, a majority of the remaining members of the board, commission, or committee may nominate a person for each such vacancy. Should the appointing authority fail to take action on said nomination within twenty-one (21) days, the nominee shall become a member of said board, commission or committee.

(d) Report of Activities [**Amended 1-13-2021 by Chapter 344, Acts of 2020**]

All boards, committees or commissions shall annually, on a date determined by the select board, submit a report of activities, achievements and other information to the select board.

**Section 5-2. Sunset Provision. [Amended 1-10-2013 by Chapter 457, Acts of 2012; 5-11-2015 ATM by Art. 26, approved 5-12-2016 Annual Town Election; 1-13-2021 by Chapter 344, Acts of 2020]**

Annually, the select board shall consider the administrative and practical needs of all town boards, commissions and committees under the jurisdiction of the select board. During the course of such consideration, the select board shall review whether each board, commission or committee has a defined purpose or functions or if there is another possible method of achieving the mission of the board, commission or committee. If the select board determines that any board, commission or committee does not appear to serve a purpose or that another method of achieving the board, commission or committee's mission is desirable, the select board shall hold a public hearing and take any action deemed necessary.

**Section 5-3. Personnel System. [Added 5-11-2009 ATM by Art. 31, approved 5-13-2010 Annual Town Election; amended 1-10-2013 by Chapter 457, Acts of 2012; 1-13-2021 by Chapter 344, Acts of 2020]**

Subject to the approval of the select board, the town manager shall adopt rules and regulations establishing a personnel system. The adoption of rules and regulations shall be subject to a public hearing. The personnel system shall make use of modern concepts of personnel management and shall include at least the following elements:

- a method of administration;
- personnel policies indicating the rights, obligations and benefits of employees;
- a classification plan;

- a compensation plan;
- a method of recruiting and selecting employees based on merit;
- a centralized record keeping system;
- disciplinary and grievance procedures;
- a written performance evaluation system for all full-time year-round employees;
- a professional development, and training program; and other elements that are deemed necessary.

All town agencies and positions shall be subject to the rules and regulations adopted under this section excluding employees of the school department and employees covered by collective bargaining agreement. The personnel rules and regulations shall not apply to the position of town manager.

The select board may appoint a 3-member personnel committee which shall serve in an advisory capacity to the town manager. One member of the personnel committee shall be a town employee who is subject to the personnel rules and regulations. That member shall be appointed by the select board upon a majority vote of the non-union employees who are subject to the personnel rules and regulations. The remaining 2 members shall have training background and education in human resource issues.

PART VI  
Financial Provisions

**Section 6-1. Budget Process. [Added 5-11-2009 ATM by Art. 31, approved 5-13-2010 Annual Town Election; amended 1-10-2013 by Chapter 457, Acts of 2012; 5-11-2015 ATM by Art. 26, approved 5-12-2016 Annual Town Election; 1-13-2021 by Chapter 344, Acts of 2020]**

At the onset of the annual budget process, the town manager shall meet with the select board, the Monomoy Regional School Committee and the finance committee to discuss the upcoming operating and capital budgets.

Within a time fixed by by-law, prior to the annual meeting, the town manager shall submit to the select board and the finance committee a proposed operating and capital budget for all town departments, including the operating and capital budgets as adopted by the Monomoy Regional School Committee, for the ensuing fiscal year with an accompanying budget message and supporting documents.

The budget as adopted by the Monomoy Regional School Committee shall be submitted to the town manager in sufficient time to enable the town manager to consider the effect of the school department's requested appropriation on the total town budget which is required to be submitted under this section.

The budget message submitted by the town manager shall explain the budget in fiscal terms and in terms of work programs. It shall outline the proposed fiscal policies of the town for the ensuing fiscal year, describe important features of the proposed budget and indicate any major variations from the current budget, fiscal policies, expenditures and revenues together with reasons for the changes. The proposed budget shall provide a complete fiscal plan of all town funds and activities and shall be in the form the select board deems desirable.

Upon receipt of the town manager's proposed operating budget, the select board shall announce the date on which they intend to act on the budget, but that date shall not be earlier than 30 days after receipt.

**Section 6-2. Capital Improvement Program. [Amended 5-11-2009 ATM by Art. 31, approved 5-13-2010 Annual Town Election; 1-10-2013 by Chapter 457, Acts of 2012; 5-11-2015 ATM by Art. 26, approved 5-12-2016 Annual Town Election; 1-13-2021 by Chapter 344, Acts of 2020]**

The town manager shall submit a five-year capital improvement program to the select board and the finance committee at the date fixed by bylaw for the submission of the proposed operating budget unless some other time is provided by bylaw. The capital improvement program shall contain information regarding the cost of such program including a schedule of the existing principal and interest owed by the town. In addition, at least once every 10 years, a long-term facility master plan shall be created and/or updated for each of the major facility groups including but not limited to buildings, roads, sewer, water, storm drains, landings and piers, sidewalks, and parking facilities showing all major capital investments anticipated for the ensuing 20-25 years. Year one of the five-year capital improvement program shall be submitted as the capital improvement budget with the operating budget for the ensuing fiscal year.

Upon receipt of the town manager's proposed capital improvement budget, the select board shall announce the date on which they intend to act on the budget, but in no case earlier than 30 days after receipt.

**Section 6-3. Finance Committee Action. [Amended 5-11-2009 ATM by Art. 31, approved 5-13-2010 Annual Town Election; 1-10-2013 by Chapter 457, Acts of 2012; 5-11-2015 ATM by Art. 26, approved 5-12-2016 Annual Town Election]**

(a) The finance committee shall, upon receipt of the operating and capital budgets from the town

manager, consider in public meetings the detailed expenditures for each town department and agency. The finance committee may request the town manager to provide necessary information from any town agency. The town manager shall promptly meet requests of the finance committee.

- (b) The finance committee shall make budget recommendations and report those recommendations to the select board in sufficient time for the select board to consider those recommendations prior to the select board voting on the operating and capital budgets. **[Amended 1-13-2021 by Chapter 344, Acts of 2020]**
- (c) The finance committee shall report to the voters at the annual town meeting or at a special town meeting its advisory recommendations on all articles on the warrant for such town meetings.

**Section 6-4. Select Board Action. [Added 5-11-2009 ATM by Art. 31, approved 5-13-2010 Annual Town Election<sup>3</sup>; amended 1-10-2013 by Chapter 457, Acts of 2012; 1-13-2021 by Chapter 344, Acts of 2020]**

Within a time fixed by by-law, the select board shall review the operating and capital budget improvements program, make changes as deemed appropriate and place their approved budget on the annual town meeting warrant. The select board shall transmit their approved budget to the finance committee.

**Section 6-5. Town Meeting Action. [Added 5-11-2009 ATM by Art. 31, approved 5-13-2010 Annual Town Election; amended 1-10-2013 by Chapter 457, Acts of 2012; 1-13-2021 by Chapter 344, Acts of 2020]**

The finance committee shall vote their recommendations for action on the budget as received from the select board. Additionally, the finance committee shall file a report of its recommendations for action prior to the date on which the town meeting is to act on the budget. The report of the finance committee shall include the fiscal and tax implications of the budget and a statement outlining support or opposition to the budget or sections of the budget. The report of the finance committee shall be prepared in sufficient time to be incorporated in the annual town meeting warrant. The budget to be acted upon by the town meeting shall be the budget approved by the select board with the accompanying recommendations of the finance committee.

**Section 6-6. Approval of Warrants for Payment. [Amended 1-10-2013 by Chapter 457, Acts of 2012]**

Warrants for payments of town funds, prepared by the town accountant, shall be submitted to the town manager for approval. The approval of any such warrant by the town manager shall be sufficient authority to authorize payment by the town treasurer.

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3. Editor's Note: This article also redesignated former Section 6-4 as Section 6-6.



PART VII  
**Recall of Elected Officers**

**Section 7-1. Application.**

Any office holder of an elected office in the town may be recalled therefrom by the voters of the town as herein provided.

**Section 7-2. Recall Petition. [Amended 1-13-2021 by Chapter 344, Acts of 2020]**

Any one hundred voters of the town may initiate a recall petition by filing with the town clerk an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall.

The town clerk shall thereupon deliver to said voters copies of petition blanks demanding such recall, copies of which printed forms the town clerk shall keep available. Such blanks shall be addressed to the select board and shall contain the names of all persons to whom they are issued, the number of blanks so issued, the name of the person whose recall is sought, the office from which the removal is sought, the grounds of recall as stated in the affidavit, and shall demand the election of a successor in said office. A copy of the petition shall be entered in a record book to be kept in the office of the town clerk.

Said recall petition shall be returned and filed with the town clerk within twenty days after the filing of the affidavit, and shall have been signed by at least twenty-five percent of the registered voters of the town as of the date of the most recent preceding annual town election, who shall add to their signature the street and number, if any, of their residence.

**Section 7-3. Recall Election. [Amended 1-13-2021 by Chapter 344, Acts of 2020]**

If the petition shall be found and certified by the town clerk to be sufficient, the town clerk shall submit the same with such certificate to the select board within five working days and the select board shall, within five working days, give written notice of the receipt of the certificate to the officer sought to be recalled and shall, if the officer does not resign within five days thereafter, order an election to be held on a date fixed by them not less than sixty and not more than ninety days after the date of the town clerk's certificate that a sufficient petition has been filed; provided, however that if any other town election is to occur within one hundred days after the date of the certificate the select board shall postpone the holding of the recall election to the date of such other election.

No person shall be subject to recall if the term of office of such person expires within ninety days of the certificate. If a vacancy occurs in said office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section.

**Section 7-4. Nomination of Candidates.**

Any officer sought to be removed may be a candidate to succeed to the same office and unless the officer requests otherwise in writing, the town clerk shall place the name of the officer on the ballot without nomination. The nomination of other candidates, the publication of the warrant for the removal election, and the conduct of the same, shall all be in accordance with the provisions of law relating to elections unless otherwise provided in the section.

**Section 7-5. Office Holder.**

The incumbent shall continue to perform the duties of the office until the recall election. If said incumbent is not removed the incumbent shall continue in office for the remainder of the unexpired term subject

to recall as before. If not reelected in the recall election, the officer shall be deemed removed upon the qualification of the successor who shall hold office during the unexpired term. If the successor fails to qualify within five days after receiving notification of election, the incumbent shall thereupon be deemed removed and the office vacant.

**Section 7-6. Ballot Proposition. [Amended 1-10-2013 by Chapter 457, Acts of 2012]**

Ballots used in a recall election shall submit the following propositions in the order indicated:

For the recall of (name of officer)

Against the recall of (name of officer)

Immediately at the right of each proposition there shall be an area in which the voter, by making a mark in accordance with the instructions on the ballot may vote for either of the said propositions. Under the propositions shall appear the word "Candidates," the directions to the voters required by section forty two of chapter 54 of the General Laws, and beneath this the names of the candidates nominated in accordance with the provisions of law relating to elections. If two-thirds of the votes cast upon the question of recall are in the affirmative, the candidate receiving the highest number of votes shall be declared elected. If more than one-third of the votes on the question are in the negative the ballots for candidates need not be counted.

**Section 7-7. Repeat of Recall.**

No recall petition shall be filed against an officer within ninety days after taking office, nor, in the case of an officer subjected to a recall election and not recalled thereby, until at least ninety days after the election at which the officer's recall was submitted to the town.

**Section 7-8. Office Holder Recalled.**

No person who has been recalled from an office or who has resigned from an office while recall proceedings were pending against such person shall be appointed to any town office within one year after such recall or such resignation.

**PART VIII**  
**Provisions**

**Section 8-1. Charter Revision or Amendment.**

The charter may be replaced, revised or amended in accordance with any procedure made available by Article LXXXIX of the Amendments to the Constitution of the Commonwealth and any laws of the Commonwealth enacted to implement said constitutional amendment.

**Section 8-2. Periodic Charter Review. [Added 5-11-2009 ATM by Art. 31, approved 5-13-2010 Annual Town Election; amended 5-11-2015 ATM by Art. 26, approved 5-12-2016 Annual Town Election; 1-13-2021 by Chapter 344, Acts of 2020; 5-14-2022 ATM by Art. 46, approved 5-11-2023 Annual Town Election]**

In each year ending in a zero, beginning with the year 2030, a special committee shall be appointed by the select board for the purpose of reviewing the provisions of the charter and shall have the title of charter review committee. The charter review committee shall submit a report to town meeting concerning any proposed amendments or revisions to the charter which such committee deems necessary.

**Section 8-3. Severability.**

The provisions of this charter are severable. If any of the provisions of this charter are held to be unconstitutional, or invalid, the remaining provisions of this charter shall not be affected thereby. If the application of this charter, or any of its provisions, to any person or circumstances is held to be invalid, the application of said charter and its provisions to other persons or circumstances shall not be affected thereby.

**Section 8-4. Rules of Interpretation.**

The following rules shall apply when interpreting the charter:

- (a) Specific provisions to prevail: To the extent that any specific provision of the charter shall conflict with any provision expressed in general terms, the specific provision shall prevail.
- (b) Number: Words imparting the singular number may extend and be applied to several persons or things; words imparting the plural number may include the singular. **[Amended 5-11-2015 ATM by Art. 26, approved 5-12-2016 Annual Town Election]**
- (c) References to General Laws: All references to the General Laws or the Laws of the Commonwealth contained in the charter refer to the General Laws of the Commonwealth of Massachusetts and are intended to include any amendments or revisions to such chapters and sections or to the corresponding chapters and sections of any rearrangement of the General Laws enacted subsequent to the adoption of the charter.
- (d) Computation of time: In computing time under the charter, if seven days or less, only business days not including Saturdays, Sundays or legal holidays shall be counted; if more than seven days, every day shall be counted.

**Section 8-5. Definitions.**

- (a) Charter: the word "charter" shall mean this charter and any amendments to it made through any methods provided under Article LXXXIX of the Amendments to the Constitution of the

Commonwealth.

- (b) Town: the word "town" shall mean the Town of Chatham.
- (c) Voters: the word "voters" shall mean registered voters of the town.
- (d) Majority Vote: the words "majority vote" shall mean a majority of those present and voting, provided a quorum is present when a vote is taken, unless a higher number is required by law. **[Amended 5-11-2015 ATM by Art. 26, approved 5-12-2016 Annual Town Election]**
- (e) Town agency or agency: the words "town agency" or the word "agency" shall mean any board, commission, committee, department or office of town government, whether elected, appointed or otherwise constituted.
- (f) Town department or department: The words "town department" or "department" shall be any office, organizational unit or function under the direction of the town manager.
- (g) Interlocal: The word "interlocal" shall mean between or among units of government.

PART IX

**Transitional Provisions**

**[Amended 5-11-2009 ATM by Art. 31, approved 5-13-2010 Annual Town Election; 1-10-2013 by Chapter 457, Acts of 2012]**

**Section 9-1. Continuation of Existing Laws.**

All town bylaws, resolutions, rules, regulations, orders, special acts, and votes of the town meeting which are in force, not inconsistent with the provisions of this charter, shall continue in full force until amended or repealed.

**Section 9-2. Transfer of Records and Property. [Amended 1-10-2013 by Chapter 457, Acts of 2012]**

All records, property and equipment of any office, board, commission, committee or agency or part thereof, the powers and duties of which are assigned in whole or in part to another town office, board, commission or agency shall be transferred forthwith to such office, board, commission or agency.

**General Bylaws**

**Administrative Legislation**

**Chapter 1**

**GENERAL PROVISIONS**

**[HISTORY: Adopted by the Town Meeting of the Town of Chatham as indicated in article histories. Amendments noted where applicable.]**

## ARTICLE I

**Construction and Penalties****[Adopted May 1997 ATM by Art. 11 as Ch. 1 of the 1997 Bylaws]****§ 1-1. Short title.**

These bylaws shall be known and may be cited as the "General Bylaws, Town of Chatham."

**§ 1-2. Amendments.**

- A. Except as otherwise provided, the General Bylaws may be amended, repealed or revised from time to time, by a majority vote of the Town Meeting, unless a different majority is required by Massachusetts General Laws.
- B. All proposed bylaw amendments shall be submitted to the Town Clerk prior to Town Meeting action to ensure proper formatting and numbering.

**§ 1-3. Definitions.**

- A. The provisions of Section 8-4 (Rules of Interpretation) and Section 8-5 (Definitions) of the Charter are hereby incorporated into these bylaws.
- B. In addition the following words, for the purposes of these bylaws, shall, unless another meaning is clearly apparent for the way in which the word is used, have the following meanings:

BYLAWS — Means the General Bylaws, Town of Chatham, as the same may be amended from time to time.

MGL — Means Massachusetts General Laws.

PUBLIC LANDS OR PLACES — Means any public parking area, beach, square, park, common, playing field, golf course, conservation area, Town landing, open areas surrounding municipal buildings, and tennis courts, owned, controlled and/or maintained by the Town.

STREET — Means any public way, highway, street, avenue, boulevard, alley and court located within the Town, but shall not include private ways.

TOWN BULLETIN BOARD — Means the bulletin board on which official Town notices are posted, located in the main Town office building, and maintained by the Town Clerk.

TOWN OFFICE — Means a position in the Town held by Town officers as defined.

TOWN OFFICER — Means an elected or appointed official of the Town.

**§ 1-4. Town Seal.**

- A. The Town shall have a Seal which shall be in the following style:





- B. The Town Clerk shall be the keeper of the Seal. Papers or documents issued from any Town agency may be attested by use of the Town Seal.

**§ 1-5. Enforcement.**

- A. Unless otherwise specified, the provisions of these General Bylaws shall be enforced by the Town Manager or his designee, police officers, and other officers or individuals employed by the Town and designated to prosecute violations of these bylaws, hereinafter referred to as the "enforcing person."
- B. The Town Manager shall be empowered to direct the Town Counsel to initiate civil proceedings, including injunctive relief, to secure compliance with the provisions of these General Bylaws.

**§ 1-6. Criminal complaint.**

- A. Whoever violates any provision of these bylaws may be penalized on complaint brought in the

## District Court.

- B. Except as otherwise provided by law and as the District Court may see fit to impose, the maximum penalty for each violation, or offense, brought in this manner, shall be \$300.
- C. Each day or portion thereof during which a violation continues shall constitute a separate offense, and each provision of these bylaws, regulations, or permit violated shall constitute a separate offense.
- D. All prosecutions of any such violations shall be begun within six months from the date of the offense or the discovery of the offense, whichever occurs later.

**§ 1-7. Noncriminal disposition; penalties. [Amended May 2000 ATM by Art. 23; 5-12-2003 ATM by Art. 12]**

- A. Whoever violates any provision of these bylaws, the violation of which is subject to a specific penalty, may be penalized by a noncriminal disposition as provided in MGL c. 40, § 21D.
- B. For the purposes of this section, each day on which a violation exists shall be deemed to be a separate offense.
- C. The noncriminal method of disposition may also be used for violations of any rule or regulation of any municipal officer, board, or department which is subject to a specific penalty.
- D. Without intending to limit the generality of the foregoing, it is the intention of this provision that the following chapters and sections of chapters are to be included within the scope of this section, that the specific penalties as listed here shall apply in such cases and that in addition to police officers, who shall in all cases be considered enforcing persons for the purposes of this provision, the municipal personnel listed for each section, if any, shall also be enforcing persons for such chapters or sections. [Amended 6-12-2021ATM by Art. 55; 5-13-2024ATM by Art. 41; 5-13-2024ATM by Art. 43]

## Chapter 107, Alarms (Police Chief, Fire Chief)

§ 107-13A More than 3 false alarms per year	\$50
§ 107-13B Intentional false alarm	\$100

## Chapter 115, Animal Control (Animal Control Officer)

§ 115-8 Kennel operation	\$50
Remainder of chapter up to	\$300

Chapters 124, Buildings, Moving of	\$200
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Chapters 136, Earth Removal	\$200
Chapter 145, Art. II, Fire Hydrants	
First Offense	\$50
Maximum	\$200
Chapter 158, Historic Preservation (Historic Commission)	\$300
Chapters 170, Junk Dealers	\$200
Chapters 180, Licenses and Permits, Art. I	\$200
Chapter 200, Art. I, Handicapped Parking	
§ 200-1 Failure to designate (Building Commissioner)	\$200
§ 200-2 Unauthorized vehicles in designated spaces (police)	\$50
Chapter 208, Peace and Good Order	
First offense	\$50
Maximum	\$200
Chapter 225, Signs (Building Commissioner/Sign Agent)	\$100.00
Chapter 240, Streets and Sidewalks	
§ 240-4, House numbers	\$50

Chapter 254, Tree Protection	\$300
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Chapter 261, Water Supply Emergencies (Select Board)	
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First offense	Warning
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Second offense	\$100
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Each subsequent offense	\$200
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Chapter 265, Waterways (Harbormaster/harbor patrol)	\$300
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Chapter 272, Wetlands Protection (Conservation Commission)	Up to \$300
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**§ 1-8. Severability.**

In the event that any provisions, sections or clauses of the General Bylaws are hereafter judicially found to be invalid, such decision, invalidity, or voidance shall not affect the validity of the remaining portions of the General Bylaws.

GENERAL PROVISIONS

§ 1-8

ARTICLE II  
**Adoption of Code**

**[At the Annual Town Meeting held on May 8, 2006, under Article 15, it was voted to accept the codification of the General Bylaws of the Town of Chatham as set forth in Division 2 of this Code. Article 8 was approved by the Attorney General on August 28, 2006.]**



**Chapter 10****BOARDS, COMMITTEES AND COMMISSIONS**

**[HISTORY: Adopted May 1997 ATM by Art. 11 as Ch. 7 of the 1997 Bylaws. Amendments noted where applicable.]**

**§ 10-1. General provisions.**

- A. Boards, committees and commissions shall be appointed in accordance with Sections 3-2, 3-4, 5-1, 5-2, 5-3 and 6-3 of the Charter.
- B. Members of the Finance Committee, School Committee, Select Board, Board of Assessors and all boards, committees and commissions with regulatory powers shall be residents and registered voters of the Town. The Select Board may appoint nonresident property-owning taxpayers to the Council on Aging, Cultural Council and all Town advisory committees. For purposes of these bylaws, the Select Board shall assume and retain the status of the formerly designated Select Board and shall assume all powers and duties vested in a board of selectmen by general or special law, home rule charter, these bylaws or other applicable authority. **[Amended 5-11-2009 ATM by Art. 22; 5-10-2010 ATM by Art. 18; 6-12-2021ATM by Art. 55]**
- C. Unless otherwise specified, members of boards, committees and commissions shall serve without pay for their services, but may be reimbursed for actual, approved expenses incurred in the discharge of their duties.

**§ 10-2. Standing committees. [Amended 5-11-2009 ATM by Art. 22; 6-12-2021ATM by Art. 55]**

- A. The following standing committees shall be appointed by the Select Board, in accordance with the Charter and any regulations adopted by them:
  - (1) Airport Commission.
  - (2) Board of Assessors.
  - (3) Board of Health.
  - (4) Cemetery Commission.
  - (5) Conservation Commission.
  - (6) Council on Aging.
  - (7) Historic Business District Commission.
  - (8) Historical Commission.
  - (9) Park and Recreation Commission.
  - (10) Personnel Advisory Committee.
  - (11) Planning Board.
  - (12) Shellfish Advisory Committee.
  - (13) Water and Sewer Advisory Committee.

- (14) Waterways Committee.
- (15) Zoning Board of Appeals.
- (16) Sign Code Appeals Committee.
- (17) Public Ceremonies Committee.

- B. The Select Board may appoint any other committees deemed necessary for the improvement of the Town.
- C. The number of members and terms of service shall be established by the Select Board.

### **§ 10-3. Finance Committee.**

- A. The following committee shall be appointed by the Moderator, as set forth in Section 3-4(b) of the Charter: Finance Committee consisting of the number of members prescribed by the Charter, who shall be residents and registered voters of the Town, each to be appointed for a term of three years. Members of the Committee shall hold no other Town office. Members shall serve without pay for their services, but may be reimbursed for actual, approved expenses incurred in the discharge of their duties.
- B. In addition to the duties set forth in Section 6-3 of the Charter, it shall be the duty of the Finance Committee to report to the voters at the Annual Town Meeting or at a Special Town Meeting its advisory recommendations on all articles in the warrant for such Town Meetings. (Note: The Planning Board is required to hold a public hearing, report, and make recommendations to a Town Meeting on Zoning Bylaw articles under MGL c. 40A.)
- C. The Committee shall have authority at any time to investigate the books, accounts and management of any department of the Town, and the books and accounts of the Town shall be open to the inspection of the Committee or any person authorized to act for the Committee.

### **§ 10-4. Community Preservation Committee. [Added 5-13-2002 ATM by Art. 17]**

- A. With the acceptance of the Community Preservation Act, Sections 3 to 7, inclusive,<sup>4</sup> there shall be a Community Preservation Committee consisting of nine citizens of the Town. The Community Preservation Committee shall include the following: one member of the Conservation Commission, one member of the Planning Board, one member of the Historical Commission, one member of the Chatham Housing Authority, one member of the Park and Recreation Commission, one member of the Chatham Open Space Committee, and one member of the Chatham Community Housing Partnership. These boards, commissions, committees, and the Housing Authority shall recommend members to the Select Board for appointment to the Committee. The remaining two members shall be at large citizens appointed by the Select Board. These appointments shall be for a term of three years, staggered such that the members of the Chatham Housing Authority, Park and Recreation Commission, and one at large member shall serve an initial one-year appointment. The Planning Board, Historical Commission and one at large member shall serve an initial two-year appointment. All remaining members shall have initial three-year appointments. All subsequent appointments shall be for three years. Should any of the commissions, boards, partnership, authority or committees which are represented under this section of the bylaw be no longer in existence for whatever reason, the Select Board shall appoint a person of its choosing. **[Amended 5-13-2019 ATM by Art. 52;**

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4. Editor's Note: See MGL c. 44B.



**6-12-2021ATM by Art. 55; 5-13-2024ATM by Art. 45]**

- B. The Community Preservation Committee shall study the needs, possibilities, and resources of the Town regarding community preservation. The Committee shall consult with existing municipal boards, including the Conservation Commission, the Historical Commission, the Planning Board, the Park and Recreation Commission and the Housing Authority, or persons acting in those capacities or performing those duties, in conducting such studies. As part of its study, the Committee shall hold at least one public hearing on the needs, possibilities and resources of the Town regarding community preservation possibilities and resources. Notice of such public hearings shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the Town. Such notice shall be sent to the following: Select Board, Planning Board, Conservation Commission, Housing Authority, Historical Commission, and Park and Recreation Commission. **[Amended 6-12-2021ATM by Art. 55]**
- C. The Community Preservation Committee shall make recommendations to Town Meeting, as the Town's legislative body, for the acquisition, creation and preservation of open space, for the acquisition and preservation of historic resources, for the acquisition, creation and preservation of land for recreational use, for the creation, preservation and support of community housing and for rehabilitation or restoration of such open space, historic resources, land for recreational use and community housing that is acquired or created as provided in this section. With respect to community housing, the Committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.
- D. The Community Preservation Committee may include in its recommendations to Town Meeting a recommendation 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 that specific purpose or to set aside for later spending funds for general purposes that are consistent with community preservation.
- E. The Community Preservation Committee shall not meet or conduct business without the presence of a quorum. A majority of the members of the Committee shall constitute a quorum. The Committee shall approve its actions by majority vote. Recommendations to Town Meeting shall include their anticipated costs.
- F. Town Meeting, as the Town's legislative body, shall then take such action on the recommendations and expenditures from the Community Preservation Fund as set forth in accordance with MGL c. 44B, § 6.

**§ 10-5. Affordable Housing Trust Fund. [Added 5-8-2006 ATM by Art. 16]**

- A. The Affordable Housing Trust shall be managed by a seven-member Board of Trustees appointed by the Select Board. **[Amended 6-12-2021ATM by Art. 55; 5-6-2023ATM by Art. 40]**
  - (1) In appointing members of the Board of Trustees, the Select Board shall:
    - (a) Designate two of its members to serve on the Board of Trustees;
    - (b) Appoint one member of the Chatham Community Housing Partnership to serve on the Board of Trustees; and
    - (c) Appoint the remaining four members of the Board of Trustees from the community at large, considering a broad range of expertise, including education and experience in real

estate development and financing.

- (2) Members of the Board of Trustees shall be sworn to the faithful performance of their official duties. A majority of the seven members shall constitute a quorum for the transaction of any business. The Board of Trustees shall elect from among its members a Chairman, Vice Chairman, clerk, and such other officers as it shall deem necessary, and shall determine their respective duties.
- (3) The original members of the Board of Trustees shall be appointed within 60 days following the effective date of this bylaw amendment. The term of each appointment shall be established by the Select Board, provided that no term shall exceed two years. In the event of a vacancy on the Board of Trustees, a successor member shall be appointed to complete the unexpired term.
- (4) Any member of the Board of Trustees may be removed by the Select Board for cause after reasonable notice and a public hearing convened by the Select Board unless such notice and hearing are expressly waived in writing by the member subject to removal.
- (5) The members of the Board of Trustees shall not receive compensation for the performance of their duties, but each member shall be reimbursed by the Trust for expenses incurred in the performance of the member's duties.

BUDGET

**Chapter 15**

**BUDGET**

**[HISTORY: Adopted May 1997 ATM by Art. 11 as Ch. 9 of the 1997 Bylaws. Amendments noted where applicable.]**

**§ 15-1. Operating budget schedule.**

The annual operating budget schedule shall be as follows:

- A. On or before 5 January of each year the School Committee shall submit the operating and capital budgets as adopted by the Committee to the Town Manager.
- B. On or before 15 February of each year the Town Manager shall submit to the Select Board a comprehensive operating budget for all Town functions for the next fiscal year. **[Amended 6-12-2021ATM by Art. 55]**
- C. The Select Board shall formally vote their recommendations on the operating budget presented by the Town Manager. **[Amended 6-12-2021ATM by Art. 55]**
- D. On or before 1 March of each year the Town Manager shall forward the operating budget, including the recommendations of the Select Board, to the Finance Committee. **[Amended 6-12-2021ATM by Art. 55]**
- E. The Town of Chatham will employ a Fire Chief who will have all the powers and responsibilities consistent with MGL c. 48, §§ 42 to 44, that was adopted by Annual Town Meeting in 1966. **[Added 1-22-2013 STM by Art. 4]**

**§ 15-2. Capital improvement program schedule. [Amended 6-12-2021ATM by Art. 55]**

The capital improvement program schedule shall be as follows:

- A. On or before 15 February of each year the Town Manager shall submit to the Select Board a capital budget for all Town functions for the next fiscal year.
- B. The Select Board shall formally vote their recommendations on the capital budget presented by the Town Manager.
- C. On or before 1 March of each year the Town Manager shall forward the capital budget, including the recommendations of the Select Board, to the Finance Committee.

CHATHAM CODE

**Chapter 28**

**ELECTIONS**

**[HISTORY: Adopted May 1997 ATM by Art. 11 as Ch. 5 of the 1997 Bylaws. Amendments noted where applicable.]**

**§ 28-1. Date of annual election.**

The annual election to fill elected Town offices (as prescribed by the Charter) and to determine any matters which are required to be determined by referendum election shall take place within an eight-day period after the commencement of the Annual Town Meeting.

**§ 28-2. Hours of voting.**

- A. During all annual Town elections and any special Town elections, the polls shall open at 7:00 a.m. and shall remain open until 8:00 p.m. at which time they will close subject to the following.
- B. The officer in charge of each polling place shall at 8:00 p.m. determine the voter last arrived before then, shall record his name, and shall permit him and any voters who arrived at the polling place and remained in line before him to vote.

**§ 28-3. Place of elections. [Amended 6-12-2021ATM by Art. 55]**

All elections shall be held at a place designated by the Select Board.

## EMERGENCY MANAGEMENT

### Chapter 33

## EMERGENCY MANAGEMENT

**[HISTORY: Adopted May 1997 ATM by Art. 11 as Ch. 11 of the 1997 Bylaws; amended 5-11-1998 ATM by Art. 11. Subsequent amendments noted where applicable.]**

**§ 33-1. Mutual aid.**

- A. The Fire-Rescue and Emergency Services Department of the Town shall go to the aid of another city, town or fire district in extinguishing fires and providing ambulance and rescue service or other emergency service therein and, while in the performance of such duties in extending such aid, a member of the Department shall have the same immunities and privileges as if performing such duties within the Town of Chatham.
- B. The head of the Department is authorized to extend such aid, subject to the conditions and restrictions herein prescribed.
- C. The Town, if aided by the fire-rescue and emergency services department of another city, town or fire district in extinguishing fire and providing ambulance and rescue service or other emergency service within the Town of Chatham, may compensate such other city, town or fire district for rendering such aid for the whole or any part of any damage to its property sustained in the course of rendering the same, and may reimburse it in whole or in part for any payments lawfully made to any member of its fire-rescue and emergency services department or to his/her widow/widower or other dependents on account of injuries or death suffered by him in the course of rendering aid as aforesaid or of death resulting from such injuries.

**§ 33-2. Indemnification for use of publicly owned vehicles.**

The Town shall (within certain limits) indemnify emergency management volunteers, officers and employees of the Town who are driving publicly owned vehicles for emergency management purposes, for expenses and damages incurred by them as a result of claims for injury, death or property damage arising out of the operation of such publicly owned motor vehicles within the scope of their official duties, provided that the defense against or settlement of such claim shall have been made by the Town Counsel or an attorney employed by the Town for that purpose.

CHATHAM CODE

**Chapter 35**

**ENERGY EFFICIENCY IN TOWN PROCUREMENT**

**[HISTORY: Adopted by the Town of Chatham as indicated in article histories. Amendments noted where applicable.]**

## ARTICLE I

**Design Services for Capital Facility Projects****[Adopted 6-12-2021ATM by Art. 57]****§ 35-1. Purpose.**

The purpose of this bylaw is to mitigate the threat of climate change by reducing greenhouse gas emissions from the Town's public buildings by evaluating design options for reduced emissions from the first stage of the design process for new public buildings, providing for thorough analysis of the feasibility, cost and impacts of net zero emission designs, and analysis of each element of design which could facilitate reduction in emissions where net zero design is not yet feasible.

**§ 35-2. Definitions.**

The following, for the purposes of this article of these bylaws, shall, unless another meaning is clearly apparent for the way in which the word is used, have the following meanings:

**ALTERNATIVE DESIGN RECOMMENDATION** — Any design recommendation other than a compliant design recommendation.

**CAPITAL FACILITY PROJECT** — Any capital facility project as defined MGL c. 7C, § 1.

**COMPLIANT DESIGN RECOMMENDATION** — A design recommendation which is fully compliant with both the Efficiency Code and the Zero Code.

**DESIGN RECOMMENDATION** — Any master plans, studies, cost estimates, programs, drawings, plans or specifications prepared for a capital facility project as part of design services as defined herein.

**DESIGN SERVICES** — Any design services as defined in MGL c. 7C, § 44, and which not exempted from the jurisdiction of the State Designer Selection Board pursuant to MGL c. 7C, § 46(e).

**ECONOMIC IMPACT** — The estimated long-term financial costs and benefits including costs of initial development of the capital facility project and the present value of projected future operating expenses for the capital facility project.

**EFFICIENCY CODE** — The 2021 International Energy Efficiency Code applicable to nonresidential buildings as promulgated and most recently updated by the International Code Council.

**EMISSIONS IMPACT** — The estimated long-term impact on total emissions of greenhouse gases resulting from development and operation of the capital facility project.

**GREENHOUSE GASES** — Gases that trap heat in the atmosphere as defined by the United States Environmental Protection Agency including carbon dioxide, methane, nitrous oxide and fluorinated gases.

**ZERO CODE** — The Zero Code Renewable Energy Appendix to the Efficiency Code as incorporated in Code Change Proposal CE264-19 submitted by the American Institute of Architects or as subsequently adopted and incorporated into the Efficiency Code by the International Code Council.

**§ 35-3. Provisions of requests for proposals for design services; effective date.**

- A. Economic impact evaluation of design recommendations. The purpose of this bylaw is solely to assure that the decision of the Town regarding any future capital facility project is fully informed by the thorough evaluation of alternatives and nothing in this bylaw shall be construed to require the Town to select a compliant design recommendation for any capital facility project. Every request for proposals for design services for any capital facility project which is issued by any instrumentality of

the Town shall require at least one compliant design recommendation and may at the discretion of the issuing authority request evaluation of an alternative design recommendation, in which case the design recommendations shall evaluate the comparative economic impacts of the compliant design recommendation and the alternative design recommendation.

- B. Emissions impact evaluation of alternative design recommendation. In the event that the design services include an alternative design recommendation, the design recommendations shall evaluate the comparative emissions impacts of the alternative design recommendation and the compliant design recommendation together with the relative economic impacts and relative emissions impacts of each major design element related to energy generation and usage to facilitate assessment of lower-emission alternatives to the alternative design recommendation.
- C. Effective date. This bylaw shall apply to any request for proposals issued on or after January 1, 2022.



ARTICLE II  
**Motor Vehicles**

[Adopted 6-12-2021ATM by Art. 58]

**§ 35-4. Purpose.**

The purpose of this bylaw is to mitigate the threat of climate change by reducing greenhouse gas emissions from the Town's motor vehicles by transitioning the Town motor vehicle fleet to zero emission vehicles at the earliest feasible time as Town vehicles are replaced or added.

**§ 35-5. Definitions.**

The following, for the purposes of this article of these bylaws, shall, unless another meaning is clearly apparent for the way in which the word is used, have the following meanings:

**BATTERY ELECTRIC VEHICLE** — A vehicle that draws propulsion energy solely from an on-board electric storage device during operation that is charged from an external source of electricity, as defined in MGL c. 25A, § 16(a).

**CONVENTIONAL MOTOR VEHICLE** — Any motor vehicle which is not an electric vehicle or fuel cell vehicle.

**ELECTRIC VEHICLE** — Any battery electric vehicle or plug-in hybrid electric vehicle, as defined in MGL c. 25A, § 16(a).

**FUEL CELL VEHICLE** — A new qualified fuel cell motor vehicle as defined in 26 U.S.C. § 30B(b)(3).

**LISTED VEHICLE** — An electric vehicle or fuel cell vehicle which the Cape Cod Commission has determined:

- A. Is capable of serving particular functions required by a category of municipal user in the normal usage of such motor vehicle; and
- B. The total lifetime cost of such electric vehicle or fuel cell vehicle is not likely to materially exceed the total lifetime cost of a conventional motor vehicle.

**MATERIALLY EXCEEDS** — Exceeds by more than the greater of 5% or \$5,000.

**MOTOR VEHICLE** — Any vehicle included in the definition of motor vehicles, as defined in MGL c. 90, § 1.

**PLUG-IN HYBRID ELECTRIC VEHICLE** — A vehicle with an on-board electric energy storage device that can be recharged from an external source of electricity which also has the capability to run on another fuel, as defined in MGL c. 25A, § 16(a).

**TOTAL LIFETIME COST** — The total net cost to the Town of a motor vehicle over its expected useful life including the price for purchase or leasing plus the total net cost to the Town of purchasing fuel or other energy and replacement parts, and performance of repairs and maintenance, over the expected useful life of the vehicle.

**ZERO EMISSION VEHICLE** — A battery electric vehicle or a fuel cell vehicle.

**§ 35-6. Energy efficiency standards for procurement of motor vehicles by Town departments; effective date.**

- A. Priority for procurement of zero emission vehicles. Any instrumentality of the Town which intends

to procure a motor vehicle by purchase or lease shall select a zero emission vehicle if there is such a listed vehicle and otherwise unless the head of such instrumentality documents in writing that there is no commercially available zero emission vehicle capable of serving the functions required the Town in the normal usage of such motor vehicle or that it is likely that the total lifetime cost of such zero emission vehicle would materially exceed the total lifetime cost of a conventional motor vehicle.

- B. Preference for procurement of plug-in hybrid electric vehicles. In the event that there is no commercially available zero emission vehicle that would meet the requirements of Subsection A, the instrumentality shall procure a plug-in hybrid electric vehicle for such purposes if there is such a list vehicle and otherwise unless the head of such instrumentality documents in writing that there is no commercially available zero emission vehicle capable of serving the functions required by the Town in the normal usage of such motor vehicle or that it is likely that the total lifetime cost of such zero emission vehicle would materially exceed the total lifetime cost of a conventional motor vehicle.
- C. Exception for emergency procurement of motor vehicles. The Town Manager may authorize the purchase of a conventional motor vehicle by an instrumentality of the Town if he or she determines that an emergency exists which requires the immediate purchase of a motor vehicle by the Town and that it is not feasible to complete the procurement of a zero emission vehicle within the time frame required by such emergency.
- D. Effective date. This bylaw shall apply to any procurement which will be completed on or after January 1, 2022.



CHATHAM CODE

**Chapter 37**

**FUNDS**

**[HISTORY: Adopted by the Town Meeting of the Town of Chatham as indicated in article histories. Amendments noted where applicable.]**

ARTICLE I  
**Department Revolving Funds**  
**[Adopted 5-8-2017 ATM by Art. 40]**

**§ 37-1. Purpose.**

This bylaw establishes and authorizes revolving funds for use by Town departments, boards, committees, agencies or 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, § 53E 1/2.

**§ 37-2. 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 bylaw 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 Town Meeting on or before July 1 of that fiscal year, or an increased amount of that authorization that is later approved during the fiscal year by the Select Board and Finance Committee.

**§ 37-3. Interest.**

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

**§ 37-4. Procedures and reports.**

Except as provided in General Laws Chapter 44, § 53E 1/2 and this bylaw, the laws, Charter provisions, bylaws, 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 bylaw. The Town Accountant/Finance Director shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in the regular report the Town Accountant/Finance Director provides the department, board, committee, agency or officer on appropriations made for its use.

**§ 37-5. Authorized revolving funds. [Amended 5-13-2024ATM by Art. 42; 5-13-2024ATM by Art. 44]**

The table establishes:

- A. Each revolving fund authorized for use by a Town department, board, committee, agency, or officer;
- B. The department or agency head, board, committee or officer authorized to spend from each fund;
- C. The fees, charges and other monies charged and received by the department, board, committee, agency or officer in connection with the program or activity for which the fund is established that

shall be credited to each fund by the Town Accountant/Finance Director;

- D. The expenses of the program or activity for which each fund may be used;
- E. Any restrictions or conditions on expenditures from each fund;
- F. Any reporting or other requirements that apply to each fund; and
- G. The fiscal years each fund shall operate under this bylaw.

<b>A Revolving Fund</b>	<b>B Department, Board, Committee, Agency or Officer Authorized to Spend from Fund</b>	<b>C Fees, Charges or Other Receipts Credited to Fund</b>	<b>D Program or Activity Expenses Payable from Fund</b>	<b>E Restrictions or Conditions on Expenses Payable from Fund</b>	<b>F Other Requirements/ Reports</b>	<b>G Fiscal Years</b>
Airport Revolving Fund	Airport Commission and Town Manager	Lease receipts	Expenses related to further operations of Chatham Municipal Airport			Fiscal Year 2019 and subsequent years
Bassett House Revolving Fund	Town Manager	Lease receipts	Expenses related to the maintenance expenses of the Bassett House			Fiscal Year 2019 and subsequent years
Inspection Services	Community Development Department and Town Manager	30% of all monies from the issuance of all inspection permits	Expenses associated with the approval of inspectional permits, including salaries or wages of full-time employees and costs of fringe benefits associated with such wages or salaries			Fiscal Year 2025 and subsequent years

<b>A Revolving Fund</b>	<b>B Department, Board, Committee, Agency or Officer Authorized to Spend from Fund</b>	<b>C Fees, Charges or Other Receipts Credited to Fund</b>	<b>D Program or Activity Expenses Payable from Fund</b>	<b>E Restrictions or Conditions on Expenses Payable from Fund</b>	<b>F Other Requirements/ Reports</b>	<b>G Fiscal Years</b>
Marconi Station Revolving Fund	Town Manager	Lease receipts	Expenses related to the inspection and maintenance of the buildings operated by the lessees at the Marconi Station			Fiscal Year 2019 and subsequent years
Recycling Revolving Fund	DPW and Town Manager	Receipts from sale of recycling bins, compost bins, rain barrels, kitchen scrap buckets, water-saving devices, recycling bags/ totes, and other items particular to recycling.	Purchase of additional recycling containers and items particular to recycling and conservation, including advertising the availability of such items			Fiscal Year 2019 and subsequent years
Tree Protection Bylaw Revolving Fund	DPW and Town Manager	Donations, penalties, fines, or other sums received by the Town pursuant to the Tree Protection Bylaw, MGL Chapter 87 (Shade Trees), or funds that the Town may appropriate to this fund	Expenses related to costs associated with tree replacements, maintenance, or mitigation plantings			Fiscal Year 2025 and subsequent years

<b>A Revolving Fund</b>	<b>B Department, Board, Committee, Agency or Officer Authorized to Spend from Fund</b>	<b>C Fees, Charges or Other Receipts Credited to Fund</b>	<b>D Program or Activity Expenses Payable from Fund</b>	<b>E Restrictions or Conditions on Expenses Payable from Fund</b>	<b>F Other Requirements/ Reports</b>	<b>G Fiscal Years</b>
Waterways User Fee Revolving Fund	Department of Natural Resources, after consultation and recommendation from the Waterways Advisory Committee and the Harbormaster, with the approval of the Town Manager	All monies received from the Waterways user fee, Fish Pier docking permit fees, Fish Pier lease revenue, and Fish Pier fuel revenue	Expenses for design, permitting, construction, major repair, or replacement of public waterfront/ waterway infrastructure	Salaries or wages of full-time employees shall be paid from the annual budget appropriation of the Natural Resource Department and not from the fund.		Fiscal Year 2019 and subsequent years





**Chapter 60****MEETINGS**

**[HISTORY: Adopted May 1997 ATM by Art. 11 as Ch. 3 of the 1997 Bylaws. Amendments noted where applicable.]**

**§ 60-1. Manner in which Town Meetings are to be called. [Amended 6-12-2021ATM by Art. 55]**

- A. Every Town Meeting shall be called pursuant to a warrant issued by the Select Board which shall state the time and place at which the meeting is to convene and the subjects to be acted upon.
- B. The Select Board shall cause copies of the warrant for each Town Meeting to be posted on the Town bulletin board, and in one public place in each of the post offices of the Town, at least 14 days before the meeting is to convene. Such posting shall be deemed to be the legal notification of such meeting, and the legal service of such warrant.

**§ 60-2. Time of meetings.**

- A. The Town Meeting shall meet, in annual meeting, once each calendar year and, in special meetings, at such other times as the Select Board may direct, or as otherwise provided by law. **[Amended 6-12-2021ATM by Art. 55]**
- B. The legislative sessions of all Town Meetings shall be conducted at a time and place as the Select Board deem best. **[Amended 6-12-2021ATM by Art. 55]**
- C. The Annual Town Meeting shall begin on the second Monday of May, unless the Select Board votes on or before December 31 of the preceding year to establish another date within the month of May, and shall continue, by adjournment from time to time, until disposition has been made of all articles contained in the warrant. **[Amended 6-12-2021ATM by Art. 56]**

**§ 60-3. Quorum.**

At all Town Meetings a quorum shall consist of 100 registered voters of the Town.

**§ 60-4. Participation.**

- A. During the legislative session of any Town Meeting, the floor where such Town Meeting is held shall be occupied solely by registered voters of the Town, except that the Moderator may designate a space to be occupied by non-voters.
- B. During the polling of votes, the Moderator may clear the floor of all non-voters.

**§ 60-5. Adjournment.**

A Town Meeting may be adjourned from time to time without a quorum being present.

**§ 60-6. Certification of votes. [Amended 6-12-2021ATM by Art. 55]**

Within 21 days of the completion of each session of any Town Meeting the Town Clerk shall furnish the Select Board a certified copy of all votes cast.

**§ 60-7. Declaration of votes. [Amended 5-12-2003 ATM by Art. 3]**

In matters which by statute require a two-thirds vote, the Moderator need not take a count and record the vote, and may use his discretion in declaring the outcome, unless seven or more members of the Town Meeting request that a count be taken and recorded.

**General Legislation**

**Chapter 100****AIRPORT APPROACH PROTECTION**

**[HISTORY: Adopted May 1997 ATM by Art. 11 as Ch. 13 of the 1997 Bylaws. Amendments noted where applicable.]**

**§ 100-1. Authority and purpose.**

- A. This chapter is adopted pursuant to the authority conferred by MGL c. 90, §§ 40A through 40I.
- B. It regulates and restricts the height of structures and objects of natural growth in the vicinity of the Chatham Airport by the creation of airport approach protection regulations and establishing the boundaries therefor.
- C. Its purpose is to promote the health, safety and general welfare of the public by preventing the creation, establishment and maintenance of airport hazards, thereby protecting the lives and property of users of the Chatham Airport and of the occupants of land in its vicinity and preventing destruction or impairment of the airport and the public investment therein.

**§ 100-2. Definitions.**

The following words, for the purposes of this chapter of these bylaws, shall, unless another meaning is clearly apparent for the way in which the word is used, have the following meanings:

**AIRPORT** — Means the Chatham Airport.

**AIRPORT APPROACH ZONE** — Means any airspace above the areas defined and shown on a map titled "Map of Approach Zones Chatham Airport, Chatham, Massachusetts," dated February 1958 and which is on file in the Town Clerk's office and made a part of this chapter.

**AIRPORT HAZARD** — Means any structure or tree which extends into any airport approach zone.

**PERSON** — Means any individual, firm, partnership, corporation, company, association or joint-stock association, and includes any trustee, receiver, assignee or other similar representative thereof.

**STRUCTURE** — Means any object or structure installed by man, including any object regulated or licensed under any other provision of law.

**TREE** — Means a tree or other object of natural growth.

**§ 100-3. Declaration of airport hazards.**

- A. It is hereby declared that the existence of any airport hazard endangers the lives and property of the users of the Chatham Airport and the occupants of the land in its vicinity, and effects a reduction of the area available for the landing, taking off and maneuvering of aircraft, thus tending to impair the utility of the airport and the public investment therein.
- B. Accordingly, it is necessary in the interest of the public health, safety and general welfare that the creation, establishment or maintenance of airport hazards be prevented by exercise of police power, without compensation to any person, except as herein specifically provided.

**§ 100-4. No obstructions permitted.**

- A. Except as otherwise provided in this chapter no structure may be erected or altered or any tree

§ 100-4

AIRPORT APPROACH PROTECTION

permitted to grow or be maintained to a height which would exceed the elevation of the end of the runway by a vertical distance hereby established for each of the following areas, as shown and indicated on the map referred to in the definition of "airport approach zone" in § 100-2 above.

- (1) Area 'A' -- 1/20 of the shortest horizontal distance from the structure or tree (or any part thereof) to a line 200 feet outward from and parallel to the end of the runway within the approach zone in which the structure or tree is located.
- B. The limitations prescribed in this chapter shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to these regulations as of the effective date thereof or otherwise interfere with the continuance of any nonconforming use. **[Amended 5-13-2024ATM by Art. 39]**
- C. Nothing herein contained shall be construed to permit any nonconforming structure or tree to be substantially altered or repaired, rebuilt, allowed to grow or replanted so as to become a greater hazard to air navigation than it was on the effective date of this chapter.
- D. The Airport Commission, in its sole and absolute discretion and in the exercise of its administrative and enforcement authority hereunder, may, upon consideration of relevant hardships and practical necessities, utilize its own staff and/or agents to survey and identify trees or other vegetation located on properties in the vicinity of the Chatham Airport which have been determined to constitute an airport hazard and to remove, lower or otherwise change the same, as the Airport Commission shall deem necessary and appropriate; and, further in pursuance thereof, the Airport Commission may expend Town or Airport funds legally appropriated and authorized for this purpose to cover the cost of any such survey, identification and removal, lowering or other change with respect to such trees and vegetation. **[Added 5-6-2023ATM by Art. 44]**

**§ 100-5. Administration and appeals.**

The Chatham Airport Commission is designated as the administrative agency charged with the duty of administering and enforcing the regulations herein prescribed.

**§ 100-6. Variances and permits.**

- A. Any person desiring to erect or increase the height of any structure, or to permit the growth of any tree, in a manner not conforming to this chapter or to establish the right so to do may apply to the Airport Commission for a variance from the regulations applicable to his property.
- B. Such variance may be allowed where a literal application or enforcement of such application would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest.
- C. Any permit or variance granted under this section shall be conditioned to require the owner of the structure or tree to permit the Town at its own expense to install, operate and maintain suitable obstruction markings or obstruction lights thereon.
- D. Any variance granted by the Airport Commission shall be filed with the Town Clerk and recorded at the Registry of Deeds.

**Chapter 107****ALARMS**

**[HISTORY: Adopted May 1997 ATM by Art. 11 as Ch. 15 of the 1997 Bylaws. Amendments noted where applicable.]**

**GENERAL REFERENCES**

Enforcement and penalties — See Ch. 1, Art. I.

Fire prevention — See Ch. 145.

Emergency management — See Ch. 33.

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**§ 107-1. Findings.**

It is determined that the number of false alarms being made to the Police and Fire Departments hinders the efficiency of those Departments, lowers the morale of Department personnel, constitutes a danger to the general public in the streets during responses to false alarms, and jeopardizes the response of volunteers, and that the adoption of this chapter will reduce the number of false alarms and promote the responsible use of alarm devices in the Town of Chatham.

**§ 107-2. Definitions.**

The following words, for the purposes of this chapter of these bylaws, shall, unless another meaning is clearly apparent for the way in which the word is used, have the following meanings:

**ALARM SYSTEM** — Means an assembly of equipment and devices or a single device such as a solid-state unit which plugs directly into a one-hundred-ten-volt AC line, arranged to signal the presence of a hazard requiring urgent attention and to which police and/or fire fighters are expected to respond. Fire alarm systems and alarm systems which monitor temperature, smoke, humidity or any other condition not directly related to the detection of an unauthorized intrusion into a premises or an attempted break at a premises are included.

**CONTRACTOR** — Means any firm or corporation in the business of supplying and installing alarm devices or serving the same.

**FALSE ALARM** — Means:

- A. The activation of an alarm system through mechanical failure, malfunction, improper installation or negligence of the user of an alarm system or of his employees or agents.
- B. Any signal or oral communication transmitted to the Police or Fire Department requesting or requiring or resulting in a response on the part of the Police or Fire Department when in fact there has been no unauthorized intrusion, robbery, burglary, attempted threat, or fire or threat of fire, illness, injury or threat of life.
- C. For purpose of this definition, activation of alarm systems by acts of vandals or by acts of God, including but not limited to power outages, hurricanes, tornadoes, earthquakes and similar weather or atmospheric disturbance, shall not be deemed to be a false alarm.

**PROTECTION DEVICE** — Means an electrically operated instrument composed of sensory apparatus and

related hardware which automatically sends over regular telephone lines, by direct connection or otherwise, a prerecorded voice alarm upon receipt of a stimulus from the sensory apparatus that has detected a physical force or condition inherently characteristic of a fire or unauthorized intrusion.

USER — Means the occupant of the premises containing the alarm systems.

**§ 107-3. Administrator.**

- A. There shall be in the Town an administrator for alarm devices who shall have the powers and duties granted under this chapter.
- B. The Police and Fire Chiefs or their designee shall be the administrator under the direction and control of the Select Board which is authorized to adopt regulations for the administration of this chapter. **[Amended 6-12-2021ATM by Art. 55]**

**§ 107-4. Alarm Appeal Board.**

- A. There shall be in the Town an Alarm Appeal Board which shall have the powers and duties granted to it under this chapter.
- B. The Alarm Appeal Board shall consist of the Select Board. **[Amended 6-12-2021ATM by Art. 55]**

**§ 107-5. Registration required.**

Each alarm user shall register his alarm device or devices with the administrator prior to use, provided that alarm devices in use as of the effective date of this chapter may be registered no later than 60 days from such date.

**§ 107-6. Confidential information.**

All information in the possession of the administrator, the Police Department or the Fire Department concerning particular alarm users and particular alarm devices shall be confidential and shall not be divulged without the written consent of the alarm user or users concerned.

**§ 107-7. Control and curtailment of signals emitted by alarm systems.**

- A. Every user shall submit to the Police and/or Fire Chief the names and telephone numbers of at least two other persons who are authorized to respond to an emergency signal transmitted by an alarm system and who can open the premises wherein the alarm system is installed.
- B. All alarm systems installed after the effective date of this chapter using an audible signal shall be equipped with a device that will shut off such signal within 10 minutes after activation of the alarm system.

**§ 107-8. Protection devices.**

It shall be unlawful to install a protection device that is automatically keyed to and/or activates the telephone (numbers) lines controlled by and/or listed to the Chatham Police or Fire Department.

**§ 107-9. Notification and appeal.**

- A. False alarm charges.

- (1) The administrator shall notify the responsible alarm user of any false alarm charge by mail. Within 30 days after the mailing of such notice, the alarm user may file with the administrator information to show that the alarm was not a false alarm within the meaning of this chapter.
  - (2) The administrator shall consider such information, reaffirm or rescind the false alarm charge, and notify the alarm user of his decision by mail. Within 30 days after the mailing of such notice, the alarm user may file with the Alarm Appeal Board an appeal in writing.
- B. Upon receipt of a timely appeal from a false alarm charge, the Alarm Appeal Board shall hold a hearing to consider it and shall mail notice of the time and place of said hearing to the alarm user taking the appeal at his last known address at least 15 days before the hearing. On the basis of information provided by the alarm user and other information introduced at the hearing, the Board shall affirm the charge if it finds that the charge was properly imposed or rescind the charge if the charge was not properly imposed.
- C. Each notice of a false alarm charge or the reaffirmation of such charge by the administrator shall refer to and provide instructions concerning the alarm user's right to further recourse by filing information with the administrator or an appeal with the Alarm Appeal Board, as the case may be.

**§ 107-10. Appeal fees.**

- A. There shall be a fee of \$10 for each appeal to the Alarm Appeal Board.
- B. The amount of the fee for taking an appeal may be raised or lowered from time to time at the discretion of the Alarm Appeal Board.

**§ 107-11. Charges and fees paid into general fund.**

Charges for false alarms and appeal fees will be collected by the administrator and deposited in the general fund.

**§ 107-12. Town assumes no responsibility for devices.**

Notwithstanding the provisions of this chapter, the Town, its departments, officers, agents and employees shall be under no obligation whatsoever concerning the adequacy, operation or maintenance of any alarm device or of the alarm monitoring facilities at police and fire headquarters. No liability whatsoever is assumed for the failure of such alarm devices or for monitoring facilities or for failure to respond to alarms or for any other act or omission in connection with such alarm devices. Each alarm user shall be deemed to hold and save harmless the Town, its departments, officers, agents and employees from liability in connection with the alarm user's alarm device.

**§ 107-13. Violations and penalties.**

- A. Upon receipt of three or more false alarms within a calendar year, the Police or Fire Chief:
- (1) May in writing order the user to discontinue the use of the alarm.
  - (2) May disconnect any direct connections to the Police or Fire Department.
  - (3) May order that further connections to the communications console in the police or fire station will be contingent upon the user equipping any alarm system with a device that will shut off any audible signal within 10 minutes after activation of the alarm system.



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ALARMS

- B. Any person who performs or causes to be performed any of the following acts shall be subject to the penalty provided for in Chapter 1 of these bylaws, specifically:
- (1) Intentional causing of a false alarm.
  - (2) Failure to register an alarm device or give notice of changes in registration information as required by this chapter; each day of such failure shall constitute a separate violation.

**§ 107-14. Exceptions.**

The provisions of this chapter shall not apply to alarm devices on premises owned or controlled by the Town, nor to alarm devices installed in a motor vehicle or trailer.

**Chapter 115****ANIMAL CONTROL**

**[HISTORY: Adopted May 1997 ATM by Art. 11 as Ch. 17 of the 1997 Bylaws. Amendments noted where applicable.]**

**GENERAL REFERENCES**

**Enforcement and penalties — See Ch. 1, Art. I.**

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**§ 115-1. Purpose.**

The purpose of animal control is to encourage the safe, humane treatment of animals, to establish and foster responsible animal ownership, to effectively control the spread of contagious disease, and to maintain a safe environment for both animals and people.

**§ 115-2. Definitions.**

The following words, for the purposes of this chapter of these bylaws, shall, unless another meaning is clearly apparent for the way in which the word is used, have the following meanings:

**ADOPTION** — Means the delivery of a cat or dog to any person 18 years of age or older for the purpose of harboring as a pet.

**ANIMAL** — Means any member of the domesticated dog or cat family.

**ANIMAL CONTROL OFFICER/ANIMAL INSPECTOR** — Means one or more individuals hired by the Town to perform the duties outlined in this chapter.

**CAT SAFETY COLLAR** — Means a cat neck collar, specifically designed to either break or stretch if the cat hooks it around a branch or otherwise gets entangled.

**DANGEROUS/VICIOUS** — Means any animal that has a verifiable record of inflicting injury on a human being without provocation, or has killed a domestic animal without provocation, or any dog owned or harbored primarily, or in part, for the purpose of fighting or any animal trained for fighting.

**DOMESTIC ANIMAL** — Means livestock and fowl and all other animals (other than dogs or cats) owned or kept by man. This definition does not include those animals that are illegal to own or keep under the laws of the Commonwealth of Massachusetts.

**KENNEL** — Means a single premises where more than three dogs or more than five cats over the age of six months are owned, kept, harbored, or temporarily cared for, regardless of purpose.

**LICENSING PERIOD** — Effective January 1, 1998, the licensing period means the time between January 1 and the following December 31, both dates inclusive.**[Amended 1997 ATM by Art. 22]**

**OWNER/KEEPER** — Identifies an individual or group of individuals who own or care for an animal and are responsible for the animal and the animal's health, well-being and behavior.

**POTENTIALLY DANGEROUS** — Means any dog which, when unprovoked, chases or approaches a person upon the public ways or on any public or private property (other than the animal's own premises) in a menacing fashion or in an apparent attitude of attack; or any dog with a known propensity, tendency, or

disposition to attack when unprovoked, to cause injury, or to otherwise threaten the safety of human beings or domestic animals.

**RESEARCH INSTITUTION** — Any institution operated by the United States or by the Commonwealth, or a political subdivision thereof, or any school or college of medicine, public health, dentistry, pharmacy, veterinary medicine, or agriculture, medical diagnostic laboratory or biological laboratory, hospital or other educational or scientific establishment within the Commonwealth above the rank of secondary school which, in connection with any of its activities, investigates or gives instruction concerning the structure or functions of living organisms, or causes, prevention, control or cure of diseases or abnormal conditions of human beings or animals.

**WILD/ABANDONED ANIMAL** — Means all types of animals naturally found in the wild, to animals as defined above, and/or to domestic animals as defined above, that are living in a wild state with no identifiable owner/keeper.

### § 115-3. Authority.

- A. The Select Board shall set the fee schedule within the Town. Changes to regulations and fees and fines shall require that the Select Board hold a public hearing on the matter after providing seven days' notice. Amendments and changes shall be deemed effective upon publication. **[Amended 6-12-2021ATM by Art. 55]**
- B. The Town Manager and the Chief of Police shall, when necessary, appoint an individual to serve as the Animal Control Officer. Supervision of the Animal Control Officer shall be the responsibility of the Chief of Police. It shall be the responsibility of the Animal Control Officer to enforce the animal control provisions of this chapter.
- C. No Animal Control Officer shall be a licensed animal dealer.
- D. The Town Clerk shall be responsible for issuing licenses for animals and kennels in the Town. All funds received from licensing, fines, impoundment fees, sale of animals, and any other source related to animal control as outlined in this chapter shall be paid into the general fund.

### § 115-4. Animal licenses.

- A. The owner/keeper of a dog or a cat kept within the Town of Chatham shall cause that dog or cat to be licensed when it attains the age of six months and annually thereafter. The licensing period shall be between January 1 and December 31, inclusive. **[Amended 1997 ATM by Art. 22]**
- B. No license may be issued unless the owner/keeper of the animal provides proof of rabies vaccination. Proof may be in the form of a certificate or letter issued by a veterinarian stating the animal has been vaccinated in accordance with the then current regulations of the Massachusetts Department of Public Health. In the case of a neutered or spayed animal, a letter or a certificate from a veterinarian stating that neutering/spaying has occurred is required.
- C. A licensing form shall be provided by the Town Clerk's office that shall include the name of the owner/keeper of the animal, the address in Chatham where the animal is kept, the name of the animal, whether the animal is a cat or a dog, the age, the breed, color and any other identifying characteristics. There shall be one form for each animal owned. The Town Clerk shall record the license and issue a registration number and tag for each animal. **[Amended 1997 ATM by Art. 22]**
- D. The owner/keeper shall keep a copy of the dog license in his home in a readily accessible place. The dog shall wear around its neck or body a collar or harness to which is securely attached the tag issued

for that animal.

E. The owner/keeper shall keep a copy of the cat license in his home in a readily accessible place.

(1) A cat that is allowed outdoors shall wear around its neck a safety collar to which is securely attached the tag issued for that animal.

(2) The owner/keeper of a cat that is kept within the confines of a building and is never allowed outside will not be required to cause the cat to wear a safety collar/tag but will be required to keep the license and tag on the premises in an immediately accessible place. If the owner or keeper decides to allow the cat to go outside, the cat must be collared and tagged. **[Amended 1997 ATM by Art. 22]**

F. In the case of lost, defaced or destroyed tags, a substitute tag may be obtained from the Town Clerk. Owner/keepers must obtain substitute tags within 10 working days. **[Amended 1997 ATM by Art. 22]**

G. The owner/keeper of any animal shall provide proof of licensing upon request of the Animal Control Officer, police officers, health agents, shellfish wardens, wharfinger, harbormaster, or other authorized officials.

H. An animal license duly recorded and issued in another jurisdiction will be transferred to the Town within 10 days of moving to the Town. A prorated fee will be charged for the license.

I. Any dog or cat found running loose in the Town whose owner/keeper cannot prove current licensing and rabies inoculation in another city or town shall be required to obtain a license from the Town of Chatham.

J. Dogs specifically trained to assist a disabled person shall not be charged a licensing fee but will be required to adhere to the provisions of this chapter. Proof of animal training will be required at the time of licensing.

K. No dog or cat license shall be issued to persons who have been convicted of cruelty to animals as defined in MGL c. 272, § 77, 80A, 94 or 95.

#### **§ 115-5. Kennel licenses.**

A. Any owner/keeper of a kennel as defined in this chapter shall be required to obtain a kennel license from the Town Clerk on an application form provided by that office. Before applying for the license, all other applicable permits and licenses, both state and local, must be obtained.

B. If a kennel owner/keeper wishes to expand the capacity of the kennel within a licensing year, a license modification must be applied for before the expansion. Before applying for the license, all other applicable permits and licenses, both state and local, must be obtained.

#### **§ 115-6. Animal control.**

A. No owner/keeper of an animal shall allow that animal to become a nuisance to other persons, domestic animals, or animals. Dogs shall be leashed on public property. It shall be unlawful for the owner/keeper of any dog to permit it to be at large upon premises other than those where it is lawfully kept, except with the permission of the landowner. The presence of a dog at large upon premises other than those of its owner/keeper shall be prima facie evidence that the required permission was not obtained.

- B. Animals running at large will be retrieved and impounded by the Animal Control Officer or other authorized agents of the Town. If the animal is licensed and the owner/keeper is known, the Animal Control Officer will enter a complaint against the owner/keeper for failure to comply with the provisions of this chapter. If the animal is unlicensed and the owner/keeper unknown, the Animal Control Officer will keep it for a period of 10 days, at the end of which time, if the animal is unclaimed, the animal will either be given up for adoption or sale to any qualified person or destroyed. If the owner/keeper of an unlicensed animal comes to claim the animal, he must first obtain a license from the Town Clerk. If the animal is adopted or sold, the new owner/keeper must first obtain a license for the animal. Money taken for animals sold will not exceed \$50. All cost of impoundment, required medical care and/or licensing will be assumed by the known owner/keeper of the animal. In the case of adoption or sale, such costs will be assumed by the Town.
- C. No dog or cat confined or impounded by an Animal Control Officer shall be sold, placed or turned over to a research institution.
- D. Any individual injuring an animal must report it to the police or the Animal Control Officer as soon as possible.
- E. The owner/keeper of an injured animal is responsible for the costs of rescue of any animal or domestic animal injured or killed by a motor vehicle and shall be responsible for all fees related to the injury or death.
- F. It shall be unlawful for the owner/keeper to permit a dog to disrupt another person's right to peace or privacy by making loud and/or continuous noise. Upon a complaint of a barking/howling dog which has been creating a noise nuisance for not less than 10 continuous minutes, where such noise is plainly audible at a distance of 150 feet from the building or premises where the complaint is issued, the Animal Control Officer (or a police officer in consultation with the Animal Control Officer) will issue a written warning to the owner/keeper of the animal creating the nuisance. If the owner/keeper fails to remedy the situation, a warning may be followed by a citation to the owner/keeper for failure to remedy.
- (1) Failure to permanently remedy the nuisance may result in the issuance of penalties and in other disciplinary actions voted by the Select Board, including but not limited to permanent confinement, banishment from the Town, or destruction of the dog. **[Amended 6-12-2021 ATM by Art. 55]**
  - (2) Within 10 days after such order the owner or keeper of such dog may bring a petition in the District Court within the judicial district in which the dog is owned or kept praying that the order may be reviewed by the Court in accordance with MGL c. 140, § 157. **[Amended 1997 ATM by Art. 22]**
- G. It shall be unlawful for the owner/keeper of a dog which has exhibited vicious, dangerous or potentially dangerous behavior to fail to safeguard humans or other animals from attack or threat from this dog.
- (1) Upon complaint of a dangerous, potentially dangerous, or vicious dog, the Animal Control Officer or a police officer in consultation with the Animal Control Officer shall make an investigation into the complaint and shall take whatever steps are deemed necessary to remedy the complaint. The owner/keeper of the animal creating the complaint may be issued a written warning and ordered to immediately, permanently confine the dog. If the owner/keeper fails to remedy the situation, the warning may be followed by a citation to the owner/keeper for failure to remedy.

- (2) Failure to permanently remedy the nuisance may result in the issuance of penalties and in other disciplinary actions voted by the Select Board. **[Amended 6-12-2021ATM by Art. 55]**
- H. The Animal Control Officer shall maintain records on all dogs cited for noise or for being a dangerous/vicious or potentially dangerous dog. In the case of noise citations, three or more citations in a six-month period or, in the case of a potentially dangerous dog, two or more citations within a month shall be brought to the attention of the Select Board. **[Amended 6-12-2021ATM by Art. 55]**
- (1) All citations against a dangerous dog shall be brought to the attention of the Select Board immediately.
- (2) The Select Board may call a public hearing to discuss the dog, the dog's behavior and the responsibility of the owner/keeper and to take whatever actions it may deem necessary, in accordance with MGL c. 140, § 157 [see Subsection F(2) above], including but not limited to permanent confinement, banishment from the Town, or destruction of the dog.
- I. All costs of confinement, banishment or destruction of the animal will be assumed by the owner/keeper.
- J. If an individual has suffered the loss of domestic animals through the actions of a dog, the claimant must, within 24 hours, notify the Animal Control Officer and the Police Department. The claimant may not be the owner/keeper of the dog in question and may not disturb the scene of the kill in any way.
- (1) Evidence must be presented to the Animal Control Officer that the loss was caused by a dog or an eyewitness must attest to this fact. The Animal Control Officer will then determine whether or not the damage was done by the dog(s).
- (2) Domestic animals so killed that are raised for food or pelts are eligible for reimbursement by the Town. Damage of over \$50 must be witnessed by at least two police officers and the Animal Control Officer. Based on the evidence, the Animal Control Officer, within 10 days, shall make a written report to the Select Board, describing the incident, the number and kind of animals damaged, and the extent of the damage. Claims will be based on the market value of animals killed, to be judged by age, weight, and price per pound, or based on veterinary bills for injured animals treated in an attempt to save them. The report shall be countersigned by the two police officers who witnessed the damage. After reviewing the written report, the Select Board shall instruct the Town Treasurer to pay the claim. **[Amended 6-12-2021ATM by Art. 55]**
- (3) No owner/keeper of domestic animals shall be reimbursed for damages inflicted by his own dog(s), nor shall there be reimbursement if the claimant is the owner/keeper of an unlicensed dog.
- (4) No reimbursement will be made for damages unless the domestic animals are kept in proper houses or in suitable enclosures as described in the Town of Chatham Board of Health's animal regulations. No reimbursement will be made for damage to wild animals (as defined in § 115-2 of this chapter) or for domestic animals that are not raised for food or pelts. Awards for damages in no case shall exceed the fair cash market value of such domestic animals.
- K. The owner/keeper of a dog which has done damage to domestic animals shall be liable for such damage, and the Select Board may order the owner/keeper to pay such damages after an investigation and appraisal by the Animal Control Officer and an appraisal done by a person chosen by the persons sustaining the damage and an appraisal done by a third person chosen by the other two. These three

people shall submit a report to the Select Board stating the type of damage, the number and kind of animals, damages, and whether any animals required medical treatment by a veterinarian to save them. **[Amended 6-12-2021ATM by Art. 55]**

- (1) In the event that the owner or keeper of such dog known to have done damage to domestic animals refuses to pay upon the order of the Select Board, it shall enter or cause to be entered a complaint in District Court for the enforcement of the order.
  - (2) If a dog which has previously been ordered restrained by the Animal Control Officer or the Select Board or, upon review, by the District Court wounds any person, or maims or kills any domestic animals, the owner/keeper or keeper of such dog will be liable to the person injured thereby in treble the amount of damages sustained by him/her.
- L. It shall be unlawful for any dog to harass, worry, chase, or maim any wild animal except when the dog is engaged in the trained retrieval of a wild animal wounded or killed by a licensed hunter who is actively engaged in the sport during the proper season.
- M. Any person or persons found guilty of a violation of any provisions of MGL c. 272, § 77, 80A, 94 or 95, within the Town of Chatham, will forfeit the right to own or keep any animal and must immediately, upon conviction, surrender all animals in his/her possession to the Animal Control Officer or make other suitable arrangements for the sale or transfer of said animals away from the property of the current owner/keeper.

#### **§ 115-7. Rabies/contagious disease control.**

- A. All animals shall be vaccinated against rabies upon attaining the age of six months and will adhere to the revaccination schedule recommended by the Massachusetts Department of Public Health.
- B. All animal bites, regardless of severity, shall be reported to the Animal Control Officer or the police, within 24 hours of the incident, by the victim, any medical attendant, owner/keeper of the animal or other witness.
- C. The Animal Control Officer will order any animal or domestic animal, if there is reason to believe it is infected with rabies, to be quarantined. Quarantine may take place upon the premises of the owner/keeper or at any other such place the Animal Control Officer may designate. The owner/keeper of the animal shall be responsible for all costs incurred during the quarantine. Any animal so quarantined shall be assumed to be infected with rabies and shall be kept from all human or other domestic or wild animal exposure.
- D. It shall be unlawful for the owner/keeper of an animal which has bitten or scratched and broken the skin of a person to fail to comply with a quarantine order issued by the Animal Control Officer. Failure to comply or keep a quarantine order will result in a fine, each offense being treated as a separate offense.

#### **§ 115-8. Kennel operation.**

- A. All kennels shall keep accurate records on their premises of all the animals under their care. Records shall include a description of the animal, age, color, identifying marks, sex, pertinent medical records, including whether or not the animal has been spayed or neutered, and copies of licenses issued. If an animal is sold or conveyed to someone other than the original owner/keeper, the kennel operator or original owner/keeper shall forward to the clerk of the city or town where the new owner/keeper resides copies of all pertinent records.

- B. Kennels must be maintained in a sanitary and humane manner. Sufficient space, protection from weather, easily obtainable water, proper food, and exercise must be provided to animals kept at the kennel. Breeding kennels must provide adequate medical care when necessary.
- C. Inspections of kennels shall take place annually and on complaint. Inspections shall be conducted by the Animal Control Officer or other authorized agent of the Town. If, at the time of inspection, the kennel is found to be unsanitary and/or the animals within the kennel are judged to be inhumanely kept, the Animal Control Officer may require the owner/keeper to have the animals inspected by a veterinarian and to remove the unsanitary conditions/inhumane treatment or have his license revoked or suspended.
- D. The owner/keeper has the right to a hearing before the Select Board showing why he feels that his license should not be revoked or suspended. A request for a hearing must be made in writing within seven days of the revocation or suspension of the license. Upon receipt of the request, the Select Board shall set a time and place for the hearing and shall inform the petitioner in writing. The hearing shall be held not later than 21 days after the date on which the revocation or suspension occurred. The hearing may be postponed by the petitioner if, in the opinion of the Board, there is good and sufficient cause for such postponement. **[Amended 6-12-2021ATM by Art. 55]**
  - (1) At the hearing, the petitioner shall be given an opportunity to be heard and to show cause why the revocation should be reversed.
  - (2) After the hearing, the Select Board shall sustain, modify or withdraw the revocation and shall inform the petitioner in writing of its decision.
- E. Upon petition to the Select Board, by 25 citizens of the Town, setting forth that they are aggrieved or annoyed to an unreasonable extent by one or more animals at a kennel located in the Town, because of excessive noise or vicious disposition of such animals or other conditions connected with the kennel that constitute a public nuisance, the Select Board shall, within seven days of the filing of such petition, give notice to all parties concerned of a public hearing to be held within 14 days after the date of such notice. **[Amended 6-12-2021ATM by Art. 55]**
  - (1) Within seven days after the public hearing, the Board shall make an order either revoking or suspending such kennel license or otherwise regulating the operation of said kennel, or shall dismiss such petition.
  - (2) Within 10 days after such order, the holder of such kennel license may bring a petition in District Court within the judicial district in which such kennel is located, praying that such order be reviewed by the Court.



BICYCLES

**Chapter 120**

**BICYCLES**

**[HISTORY: Adopted at the 5-13-2013 Annual Town Meeting of the Town of Chatham by Art. 31.**

**Amendments noted where applicable.]**

**§ 120-1. Riding on sidewalk restricted.**

No bicyclists shall ride on the sidewalks in the downtown area on Main Street, from the rotary traffic circle at Main Street and Old Harbor Road, east to the Lighthouse Beach parking lot.

**§ 120-2. Enforcement; violations and penalties.**

Any Town of Chatham police officer may enforce this bylaw. Violations of this bylaw are subject to a fine of \$25 for the first offense and \$50 for each subsequent offense and may be enforced by noncriminal disposition.

CHATHAM CODE

**Chapter 124**

**BUILDINGS, MOVING OF**

**[HISTORY: Adopted May 1997 ATM by Art. 11 as Ch. 23, § 23001 of the 1997 Bylaws.  
Amendments noted where applicable.]**

GENERAL REFERENCES

Enforcement and penalties — See Ch. 1, Art. I

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**§ 124-1. Bond required. [Amended 6-12-2021ATM by Art. 55]**

Before any building shall be moved over or through any public street or square of the Town, the owner of said building and the person or persons moving the same shall give a joint and several bond to the Town in a sum and with sureties satisfactory to the Select Board, conditioned to hold the Town harmless and indemnified from all damages, costs and expenses for which the Town may be liable or which it may be compelled to pay in consequence of such removal or any obstruction, incumbrance or injury occasioned thereby.

BOTTLED WATER

**Chapter 125**

**BOTTLED WATER**

**[HISTORY: Adopted by the Town of Chatham as indicated in article histories. Amendments noted where applicable.]**

ARTICLE I  
**Procurement by Town**  
**[Adopted 5-13-2019 ATM by Art. 64]**

**§ 125-1. Bottled water prohibited; exception.**

- A. The purpose of this bylaw is to protect the Town's beauty, reduce litter, protect the health of present and future generations, and save the citizens of the Town money needlessly spent on packaged water, or other beverages, from distant sources in plastic one-use bottles. The Town has high quality tap water, and provides regular governmental reports on its quality.
- B. Except where required for public health and public safety purposes, or to comply with applicable regulations or statutes, effective January 1, 2020, it shall be unlawful for the Town to procure drinking water or any other beverage in plastic one-use bottles.
- C. In the event of a declaration (by Emergency Management Director, or other duly authorized Town, commonwealth, or United States official) of an emergency affecting the availability and/or quality of drinking water for Chatham residents the Town shall be exempt from this bylaw until seven calendar days after such declaration has ended.

ARTICLE II  
**Commercial Sale or Distribution**  
**[Adopted 6-12-2021ATM by Art. 59]**

**§ 125-2. Sale of single-use plastic water bottles.**

Effective on December 31, 2021, it shall be unlawful to sell non-carbonated, unflavored drinking water in single-use plastic bottles of less than one gallon in the Town of Chatham. Enforcement of this regulation will begin December 31, 2021.

**§ 125-3. Definitions.**

SINGLE-USE PLASTIC BOTTLE — A beverage container made from any type of plastic resin.

**§ 125-4. Exemptions.**

Sales or distribution of non-carbonated, unflavored drinking water in single-use plastic bottles occurring subsequent to a declaration of emergency (by the Emergency Management Director or other duly authorized Town, county, commonwealth or federal official) 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.

**§ 125-5. Enforcement; violations and penalties; inspection of businesses.**

- A. Enforcement of this article shall be the responsibility of the Town Manager or his/her designee. The Town Manager shall determine the inspection process to be followed, incorporating the process into other Town duties as appropriate.
- B. Any establishment conducting sales in violation of this article shall be subject to a noncriminal disposition fine as specified in MGL c. 40 § 21D. The following penalties apply:
  - (1) First violation: written warning.
  - (2) Second violation: \$150 fine.
  - (3) Third and subsequent violations: \$300 fine.
- C. Each day a violation continues constitutes a separate violation, incurring additional fines. Any such fines collected shall be payable to the Town of Chatham.
- D. All businesses will be routinely inspected until the Town Manager deems the inspection to no longer be required.



## CLIMATE POLICY

### Chapter 130

## CLIMATE POLICY

**[HISTORY: Adopted by the Town of Chatham 6-12-2021ATM by Art. 60. Amendments noted where applicable.]**

**§ 130-1. Policy adopted.**

The Town of Chatham recognizes that the climate emergency, driven by human activity including energy consumption and land use practices and leading to global warming, rising seas, deadly storms, dangerous heat waves, acidifying oceans, and melting ice sheets, poses an imminent threat to the health, safety and economic security of the residents of the Town. The Town of Chatham therefore adopts as its policy the objective of reducing net greenhouse gas emissions from human activity within and by the Town to zero at the earliest technically and economically feasible time, and directs that all officers and departments of the Town take such measures within the scope of their respective responsibilities and authority as may be necessary and prudent to facilitate such policy and objective.

**Chapter 136****EARTH REMOVAL**

**[HISTORY: Adopted May 1997 ATM by Art. 11 as Ch. 23, § 23005 of the 1997 Bylaws. Amendments noted where applicable.]**

**GENERAL REFERENCES**

**Enforcement and penalties — See Ch. 1, Art. I**

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**§ 136-1. Permit required.**

- A. No topsoil, subsoil, gravel, sand, or other earth may be removed from the Town unless a permit is first obtained from the Select Board, or building permit from the Building Commissioner. **[Amended 6-12-2021ATM by Art. 55]**
- B. Such a permit, with conditions imposed where necessary, may be issued for the removal of topsoil, subsoil, gravel, sand, and other earth if the Select Board shall so order, provided that no such permit shall be issued except upon written application and after a public hearing of parties interested and consideration of their evidence by the Select Board. **[Amended 6-12-2021ATM by Art. 55]**
- C. Notice of such public hearing shall be given by publication of the time and place in a local newspaper not less than two weeks before said hearing, the expense of publication to be borne by the petitioner.
- D. After such a hearing the Select Board shall render a decision in writing stating the decision and the reasons therefor and shall file the decision with the Town Clerk and send a copy to the applicant. **[Amended 6-12-2021ATM by Art. 55]**
- E. Such permit may be renewed.

**§ 136-2. Replanting area of removal.**

No topsoil or subsoil shall be removed from place to place within the Town from an area of ground consisting of more than 5,000 square feet unless the person removing such topsoil or subsoil shall replant annually the entire area of such removal with rye, vetch, wheat, legumes or other soil-improving plants, or plant with a permanent cover crop or reforest the area.

**§ 136-3. Sand and gravel.**

- A. Unless a permit is first obtained from the Select Board, no sand or gravel shall be moved from place to place within the Town and no sand or gravel pit may be opened and used for such purpose if it is located 100 feet or less from a street line. **[Amended 6-12-2021ATM by Art. 55]**
- B. If such sand and gravel pit is opened and used:
  - (1) No more than one entrance and one exit can be used.
  - (2) The owner shall legally dispose of all dead trees and stumps when any area amounting to more than 5,000 square feet becomes unsuited for further use.



- (3) In such latter case the area shall be replanted with trees or shrubs to prevent soil erosion.
- C. A permit, with conditions imposed where necessary, may be issued for the moving of sand and gravel or for a sand and gravel pit if the Select Board shall so order, provided that no such permit shall be issued except upon written application and after a public hearing of parties interested and consideration of their evidence by the Select Board. Notice of such public hearing shall be given by publication of the time and place in a local newspaper not less than two weeks before said hearing, the expense of the publication to be borne by the petitioner. **[Amended 6-12-2021ATM by Art. 55]**
- D. After such a hearing, the Select Board shall render a decision in writing stating the decision and the reasons and shall file the decision with the Town Clerk and send a copy to the applicant. Such permit may be renewed. **[Amended 6-12-2021ATM by Art. 55]**

**§ 136-4. Exemptions.**

- A. All residents of the Town engaged prior to February 16, 1953, in the moving of loam, sand or gravel within the Town and all sand and gravel pits in existence and use prior to February 16, 1953, are exempt from the provisions of this chapter.
- B. Other provisions herein above set forth in this chapter notwithstanding, a permit shall not be required by any person:
- (1) Who removes soil, loam, sand or gravel in compliance with a subdivision plan approved by the Planning Board.
  - (2) Who is regularly engaged in the business of landscaping or florist in the Town when moving loam, sand or gravel outside the Town, provided said loam, sand or gravel is used in the planting of trees, shrubs or flowers in the regular course of business engaged in by such person.

CHATHAM CODE

**Chapter 145**

**FIRE PREVENTION**

**[HISTORY: Adopted by the Town Meeting of the Town of Chatham as indicated in article histories. Amendments noted where applicable.]**

GENERAL REFERENCES

Emergency management — See Ch. 33.

Alarms — See Ch. 107.

ARTICLE I

**Adoption of State Regulations**

**[Adopted 5-13-2002 ATM by Art. 15 (Ch. 16 of the 1997 Bylaws)]**

**§ 145-1. Regulations incorporated.**

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

**§ 145-2. Violations and penalties.**

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

## ARTICLE II

**Fire Hydrants****[Adopted May 2000 ATM by Art. 23 (Ch. 20 of the 1997 Bylaws)]****§ 145-3. Definitions.**

FIRE HYDRANT — Shall mean a water main appurtenance as referenced in the latest revision of the Town of Chatham Rules and Regulations of the Water Department, under, but not limited to, Article VII, Water Mains and Appurtenances, and Article VIII, Specifications for Installation of Water Main and Services.

PRIVATE FIRE HYDRANT — Shall mean any fire hydrant that is located on private property for which the Town does not hold an easement for the installation and maintenance of the water main servicing the fire hydrant and/or the fire hydrant.

**§ 145-4. Hydrant obstructions.**

In order to preserve and promote the safety of the public the following restrictions and requirements shall apply to fire hydrant obstructions, defined as structures, fences, shrubs, hedges and other plantings, and enclosure walls on any premises within the Town on which an approved fire hydrant is sited.

- A. No such fire hydrant obstruction shall be permitted on any such premises if it obstructs the view of any fire hydrant for a distance of 250 feet along the street in each direction.
- B. Fire hydrant access. No person shall obstruct access to a fire hydrant. Fire hydrants shall have a three-foot clear radius measured from the center of the stem of the top of the hydrant. No foliage, fencing, parking space or other objects shall obstruct the clear area. No person shall landscape to change the grade around the base of the hydrant so as to prevent the use of a four-inch cap. A minimum grade of one inch and not more than six inches below the breakaway flange of the hydrant shall be maintained around the hydrant within the three-foot clear radius. Locations where existing objects or grades such as, but not limited to, buildings, walls, fences, trees, or sloping grades do not permit a three-foot clear radius may be granted a waiver by the Water Department and Fire Department. Before any waiver of this bylaw is granted, all other possible locations and/or alternatives must be considered.

**§ 145-5. Private fire hydrant maintenance.**

All fire hydrants must be maintained in proper working order. Fire hydrants which are located on private property and therefore are the responsibility of the owner of said property must be maintained to ensure they operate properly when needed. Maintenance shall include, but not be limited to, replacement of gaskets, packing, valves and valve seats; greasing; painting; and any other maintenance as deemed appropriate by the Town of Chatham. All maintenance work shall be accomplished according to acceptable standards and specifications of the Chatham Water Department and with the Water Department's approval.

**§ 145-6. Violations and penalties.**

In addition to the first offense's penalty of \$50 and maximum penalty of \$200 provided for violation of these bylaws,<sup>5</sup> if the owner, abutter, or occupant of premises on which a violation of this article exists has not corrected such violation within seven days after receipt of written notice by the Police Department, the Water Department Manager or the Fire Chief or their authorized agents may perform the necessary

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5. Editor's Note: See Ch. 1, Art. I.

trimming, pruning, maintenance or other action required to effect compliance with this article and the expense may be charged to such owner or occupant.



**Chapter 158****HISTORIC PRESERVATION**

**[HISTORY: Adopted May 1997 ATM by Art. 11 as Ch. 19 of the 1997 Bylaws. Amendments noted where applicable.]**

**GENERAL REFERENCES**

Constructions and penalties — See Ch. 1, Art. I.

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**§ 158-1. Intent and purpose.**

It is the intent and purpose of this chapter to preserve and protect from demolition, whenever possible, historically significant buildings or structures; to encourage owners of such buildings or structures to explore and develop alternatives to such demolition; and thereby to preserve the historic resources of the Town, make the Town a more attractive and desirable place in which to live, and so promote the general welfare.

**§ 158-2. Definitions.**

The following terms, for the purposes of this chapter of these bylaws, shall, unless another meaning is clearly apparent for the way in which the word is used, have the following meanings:

**BUILDING COMMISSIONER** — Means the person occupying the office of Commissioner of Buildings or otherwise authorized to issue demolition permits.

**BUILDING or STRUCTURE** — Means any combination of materials forming a shelter or site for persons, property, or animals.

**COMMISSION** — Means the Chatham Historical Commission.

**DEMOLITION** — Means the act of pulling down, destroying, removing, or razing a building or structure, in whole or in part (including the demolition of exterior walls or roof), so as to cause the loss of historically significant materials, or commencing such work with the intent of completing the same, including the removal of historically significant materials in connection with an addition; provided, however, that the term "demolition" shall not include the ordinary maintenance or repair to any building or structure."**[Amended 5-9-2016 ATM by Art. 47]**

**HISTORICALLY SIGNIFICANT BUILDING OR STRUCTURE** — Means any building or structure located within the Town which is, in whole or in part, 75 years old or more, and:

- A. Which is listed on or is within an area listed on the National or State Register of Historic Places or is the subject of a pending application for such listing; or
- B. Which is located within any historic district; or
- C. Which is or has been designated by the Chatham Historical Commission to be a historically significant building or structure, following a finding by the Commission that such building or structure:
  - (1) Is associated with one or more historical persons or events, or with the cultural, economic, social

or political history of the Town or Commonwealth; or

- (2) Possesses architectural value or significance in terms of period, style, method of construction, or association with an historically prominent architect or builder, either by itself or in conjunction with a group of buildings or structures.

**HISTORICALLY SIGNIFICANT MATERIALS** — Means exterior or structural materials more than 75 years old and which have been determined by the Commission to meet one or more of the three conditions (Subsection A or B or C) set forth in § 158-2, Definitions, under "historically significant building or structure."**[Added 5-9-2016 ATM by Art. 47]**

**HISTORIC DISTRICT** — Means any historic district that may from time to time be established by federal, state, or local law, excluding the Town Historic Business District.

**TOWN** — Means any part of the Town of Chatham, excluding the area contained within the Town Historic Business District established pursuant to Massachusetts General Laws, Chapter 641 of the Acts of 1985.

### **§ 158-3. Procedure.**

- A. Before any building or structure whose age is 75 years or more is the subject of demolition, a notice of intent to demolish shall first be filed by the applicant and/or owner with the Commission, and a copy of such notice shall promptly be forwarded by the Commission to the Building Commissioner.
  - (1) The said notice shall be in the form provided and established by the Commission and shall include a copy of the demolition plan, a description of the building or structure to be demolished, the reasons for the demolition and the proposed reuse of the property.
  - (2) If the applicant and/or owner is unable to specify the exact age of the building or structure, the notice shall so state and shall set forth the most approximate age known and the basis for such approximation.
- B. Hearing.
  - (1) Within 65 days of the date of filing of the notice of intent to demolish, the Commission shall hold a public hearing to: **[Amended 5-12-2003 ATM by Art. 25]**
    - (a) Determine if the subject building or structure is historically significant.
    - (b) Determine, if less than a complete demolition is proposed, whether the work to be done will materially diminish its historical significance.
    - (c) Explore alternatives to demolition.
  - (2) Notice of the time, place and subject matter of the hearing shall be mailed to the applicant and/or owner and given by publication in a newspaper of general circulation in the Town once each week for two successive weeks, the first notice to appear at least 14 days before the day of the hearing (including the day of publication and excluding the day of the hearing).
- C. If after such hearing, and not later than 14 days therefrom, the Commission determines by written finding that the building or structure is not historically significant, or where less than a complete demolition is being proposed that the work to be done will not materially diminish its historical significance, then it shall promptly notify the applicant and/or owner of its determination and file a copy thereof with the Building Commissioner who may thereafter proceed with the proposed demolition in accordance with applicable law. Each such determination shall not run with the land



and shall not be transferrable from the current applicant/owner to a successor in interest or subsequent owner. The failure of the Commission to issue its written determination within 14 days after such hearing shall be deemed to constitute a determination that the building or structure is not historically significant. **[Amended 5-13-2019 ATM by Art. 5]**

D. Demolition delay.

- (1) If after such hearing and within 14 days therefrom the Commission determines by written finding that the building or structure is historically significant and that the proposed work would materially diminish its historical significance, then the Commission is hereby empowered to impose a demolition delay of up to 540 days from the date of such determination. Each such determination shall not run with the land and shall not be transferrable from the current applicant/owner to a successor in interest or subsequent owner. **[Amended 5-12-2003 ATM by Art. 23; 5-14-2007 ATM by Art. 30; 5-13-2019 ATM by Art. 5]**
- (2) Written notice of its determination and the period of delay imposed shall be mailed promptly to the applicant and/or owner, and a copy thereof shall be furnished to the Building Commissioner who shall not issue a demolition permit during the period specified therein; provided, however, that such permit may be issued prior to the end of such period if the Commission notifies the Building Commissioner that the applicant and/or owner:
  - (a) Has made a bona fide, reasonable and unsuccessful effort to locate a purchaser for the building or structure who has agreed to preserve, rehabilitate, restore or relocate same; or
  - (b) Has agreed to alternatives to demolition as set forth in § 158-4.

**§ 158-4. Alternatives to demolition.**

- A. If the Commission imposes a demolition delay as set forth in § 158-3D and/or if alternatives to demolition are developed in the public hearing which are acceptable to the applicant and/or owner, then the Commission is hereby empowered, in its discretion, to enter into an agreement with such applicant and/or owner providing for such alternatives and a time period for implementation of same.
- B. A copy of said agreement shall be filed with the Building Commissioner and any other applicable Town agency, and thereafter no work shall be done on the building or structure except in accordance with the terms of said agreement unless and until a new notice of intent is filed and processed hereunder.

**§ 158-5. Expiration of demolition delay.**

At the end of any period of demolition delay as set forth in this chapter, including any alternatives agreed upon pursuant to § 158-4, the Commission shall notify the Building Commissioner that the period of delay has expired, and the applicant and/or owner shall be entitled to apply for all necessary demolition permits to allow the work to go forward as set forth in the notice of intent to demolish, and pursuant to applicable law.

**§ 158-6. Expiration of findings. [Amended 5-12-2003 ATM by Art. 24]**

All determinations by written finding made by the Historical Commission pursuant to § 158-3C and D(1) and (2) above shall expire two years from the date of the written finding if the work authorized has not commenced.

**§ 158-7. Emergency demolition.**

- A. Nothing in this chapter shall restrict or prevent the Building Commissioner from ordering the immediate demolition of any building or structure which is determined to be imminently dangerous or unsafe to the public.
- B. The Building Commissioner shall file a copy of any such order of emergency demolition with the Commission.

**§ 158-8. Enforcement and remedies.**

- A. The Building Commissioner and/or the Commission shall be authorized to enforce the provisions of this chapter and to institute any and all actions and proceedings as may be necessary and appropriate to obtain compliance with same, including injunctive relief to enjoin and restrain any violations or threatened violations thereof.
- B. No building permit shall be issued or be valid for a period of up to two years after completion of such demolition with respect to any parcel or premises upon which an historically significant building or structure has been demolished by an intentional or grossly negligent violation of this chapter.
- C. The remedies and enforcement procedures set forth in this section (§ 158-8) may be applied separately or in conjunction with one another, at the discretion of the Building Commissioner and/or the Commission.

## JUNK DEALERS

### Chapter 170

## JUNK DEALERS

**[HISTORY: Adopted May 1997 ATM by Art. 11 as Ch. 23, § 23003 of the 1997 Bylaws. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Enforcement and penalties — See Ch. 1, Art. I.

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#### **§ 170-1. License required. [Amended 6-12-2021ATM by Art. 55]**

Any person who proposes to carry on in the Town the business of a junk dealer, such as collecting and buying or selling of junk or old metals, shall first obtain a license therefor from the Select Board or other appropriate licensing authorities of the Town.

#### **§ 170-2. License fee. [Amended 6-12-2021ATM by Art. 55]**

The fee for such license shall be established by the Select Board for any one year or portion thereof, except that corporations and other organizations established and operating solely for religious or charitable purposes and their agents and any person under 16 years of age shall not be required to pay a fee for the license.

CHATHAM CODE

**Chapter 180**

**LICENSES AND PERMITS**

**[HISTORY: Adopted by the Town Meeting of the Town of Chatham as indicated in article histories. Amendments noted where applicable.]**

**GENERAL REFERENCES**

**Enforcement and penalties — See Ch. 1, Art. I.**

## ARTICLE I

**Denial, Suspension or Revocation for Nonpayment of Charges**  
**[Adopted May 1997 ATM by Art. 11 as Ch. 23, § 23007 of the 1997 Bylaws]****§ 180-1. List furnished by Tax Collector.**

Pursuant to MGL c. 40, § 57, the Tax Collector shall annually furnish to each department, board, and commission, 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.

**§ 180-2. Procedure.**

The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers, of any party whose name appears on said list furnished to the licensing authority from the Tax Collector, 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 Tax Collector; provided, however, that written notice is given to the party and the Tax Collector, as required by applicable provisions of the law, and the party is given a hearing, to be held not earlier than 14 days after said notice.

- A. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party.
- B. The Tax Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension.
- C. 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 proceedings 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.
- D. Any license or permit denied, suspended or revoked under this article shall not be reissued or renewed until the license authority receives a certificate issued by the Tax Collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges payable to the municipality as of the date of issuance of said certificate.

**§ 180-3. Payment agreement.**

- A. 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.
- B. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit, provided that the holder be given notice and a hearing as required by applicable provisions of the law.

**§ 180-4. Waiver; exceptions.**

- A. The Select Board may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in MGL c. 268A, § 1, in the business or activity conducted in or on said property. **[Amended 6-12-2021ATM by Art. 55]**
- B. This article shall not apply to the following licenses and permits issued under the following Massachusetts General Laws: open burning, MGL c. 48, § 13; bicycle permits, MGL c. 85, § 11A; sales of articles for charitable purposes, MGL c. 101, § 33; children work permits, MGL c. 149, § 69; clubs, associations dispensing food or beverage licenses, MGL c. 140, § 21E; dog licenses, MGL c. 140, § 137; fishing, hunting, trapping license, MGL c. 131, § 12; marriage licenses, MGL c. 207, § 28; and theatrical events, public exhibition permits, MGL c. 140, § 181.



CHATHAM CODE

**Chapter 188**

**MARIJUANA ESTABLISHMENTS**

**[HISTORY: Adopted by the Town of Chatham 5-14-2018 ATM by Art. 20. Amendments noted where applicable.]**

**§ 188-1. Purpose.**

By vote approving Ballot Question 4 at the Massachusetts General Election on November 8, 2016, the voters of the commonwealth approved a law allowing the non-medical cultivation, distribution, possession and use of marijuana for recreations purposes (Chapter 334 of the Acts of 2016). The law was subsequently amended by the General Court and the Governor effective December 15, 2016 (Chapter 334 of the Acts of 2016), and, thereafter, on July 29, 2017 (Chapter 55 of the Acts of 2017). The law, as amended, is codified at MGL c. 94G. Municipalities are authorized by Section 3 therein to adopt bylaws for the purpose of regulating said activities. This bylaw prohibits the operation of all types of marijuana establishments within the Town of Chatham.

**§ 188-2. Definitions.**

The terms of this bylaw shall be construed and implemented in accordance with the definitions set forth in MGL c. 94G, § 1.

**§ 188-3. Prohibition of marijuana establishments.**

In accordance with the provisions of MGL c. 94G, § 3(a)(2)(i), all types of marijuana establishments, including marijuana cultivators, independent testing laboratories, marijuana product manufacturers, marijuana retailers, or any other type of licensed marijuana-related businesses, are prohibited within the Town of Chatham.



PARKING

**Chapter 200**

**PARKING**

**[HISTORY: Adopted by the Town Meeting of the Town of Chatham as indicated in article histories. Amendments noted where applicable.]**

**GENERAL REFERENCES**

**Enforcement and penalties — See Ch. 1, Art. I.**

ARTICLE I

**Handicapped Parking**

**[Adopted May 1997 ATM by Art. 11 as Ch. 21 of the 1997 Bylaws]**

**§ 200-1. Designation of handicapped parking spaces.**

- A. Any person or body that has lawful control of a public or private way or of improved or enclosed property used as off-street parking areas for businesses, shopping malls, theaters, auditoriums, sporting or recreational facilities, cultural centers, residential dwellings, or for any other place where the public has right of access as invitees or licensees shall be required to reserve parking space in said off-street parking areas for any vehicle owned and operated by a disabled veteran or handicapped person whose vehicle bears the distinguishing license plate authorized by MGL c. 90, § 2, according to the rules and regulations of the Architectural Access Board (521 CMR).
- B. All existing and new parking areas must comply with Architectural Access Board rules and regulations (521 CMR).

**§ 200-2. Unauthorized vehicles prohibited.**

- A. No person shall park a motor vehicle, motorcycle or like means of transportation in a designated parking space that is reserved for vehicles owned and operated by disabled veterans or by handicapped persons unless said vehicles bear distinctive license plates authorized by MGL c. 90, § 2.
- B. Unauthorized vehicles shall be prohibited from parking within parking spaces designated for use by disabled veterans or handicapped persons as authorized by § 200-1 of this article or parking in such a manner as to obstruct such parking spaces or curb ramps designated for use by handicapped persons as a means of egress to a street or public way.



**Chapter 208****PEACE AND GOOD ORDER**

**[HISTORY: Adopted May 1997 ATM by Art. 11 as Ch. 17 of the 1997 Bylaws. Amendments noted where applicable.]**

**GENERAL REFERENCES**

**Enforcement and penalties — See Ch. 1, Art. I.**

**Animal control — See Ch. 115.**

**Alarms — See Ch. 107.**

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**§ 208-1. Throwing object in public streets.**

No person shall throw stones, snowballs or other missiles, or shoot with or use a bow and arrow, air gun or sling, or play at ball in any street in the Town.

**§ 208-2. Discharge of firearms in public streets.**

No person shall discharge a firearm in any street of the Town, except in performance of a public duty or in self-defense.

**§ 208-3. Animals in public streets.**

No person shall permit any swine, horse, cow or other cattle to go at large in any street in the Town.

**§ 208-4. Obstruction of passage on streets.**

No person shall willfully or negligently obstruct the free passage of any travelers in any street in the Town.

**§ 208-5. Obstructing crosswalk.**

No owner, driver, or other person having the care of any team or vehicle shall stand or place such team or vehicle in a street so as to obstruct unnecessarily or unreasonably any crosswalk or the entrance or passage to or through any gate, door, stairway, driveway or other passage opening on or from such street.

**§ 208-6. Bonfires in streets or on any public place or land.**

No person shall make any bonfire or other fire in any street of the Town or on any public place or land.

**§ 208-7. Horses or animals on sidewalks.**

No person shall ride or drive a horse or other animal upon any of the sidewalks of the Town.

**§ 208-8. Swine near public place, street or dwelling.**

No person shall keep any swine within a distance of 50 feet of any public place or street or dwelling house not his own, without a permit from the Board of Health.

**§ 208-9. Refuse from other towns.**

No refuse which does not originate in the Town of Chatham shall be deposited in any public dumping ground.

**§ 208-10. Illegal dumping.**

No person shall throw or leave upon any street, way, yard, vacant lot or public place in the Town not designated as a public dumping ground, or in any pond or body of water, any swill, garbage, rubbish, house offal, dead animals or refuse of any kind.

**§ 208-11. Protection of freshwater ponds.**

No foreign matter in the form of poisons or chemicals (including pesticides and herbicides) shall be put into any freshwater pond unless approved by the Board of Health and the Conservation Commission.

**§ 208-12. Public advertisements.**

No person shall attach or cause to be attached to any guideposts of the Town any advertisements, placards or boards.

**§ 208-13. Distribution of handbills.**

No person shall distribute or cause to be distributed advertising, on handbills, cards, signs or in any form, by placing the same on or in vehicles which are parked on the streets, in public parking places or in other areas open to the public.

**§ 208-14. Loitering.**

No person shall stand or remain in any doorway or upon any stairs, doorstep, portico or other projection from any house or building, or upon any wall or fence on or near any street or public place (except on his own property), after having been requested to move therefrom by the owner or any lawful occupant of the premises or by any police officer employed by the Town.

**§ 208-15. Time of public dance or amusement.**

- A. No person shall conduct a public dance, bowling alley, or other public place of amusement between the hours of 2:00 a.m. and 6:00 a.m.
- B. Unless otherwise licensed or authorized by the Select Board, no public dance shall be conducted unless there is present a police officer in uniform, who shall be designated by the Chief of Police and whose services shall be paid for by the person or organization conducting the dance. **[Amended 6-12-2021ATM by Art. 55]**

**§ 208-16. Roadside obstructions.**

In order to preserve and promote the safety of the public, the following restrictions and requirements shall apply to structures, fences, shrubs, hedges and other plantings, and enclosure walls (herein referred to as "roadside obstructions") on premises within the Town which abut streets:

- A. No such roadside obstruction shall be permitted on any such premises if it obstructs the view of motorists on such streets.

- B. Where streets intersect, no such roadside obstruction (except a slatted or wire fence in which the solid area is not more than 5% of the total area) shall be permitted on any corner lot between horizontal parallel planes 2 1/2 feet and seven feet above the street level within each triangular area bounded by side lines of the streets and a straight line connecting points on such side lines 25 feet distant from each corner of the intersection. No off-street parking shall be permitted within such triangular areas, and all trees within such triangular areas shall have their limbs trimmed to the height of at least six feet above the street level (shade trees subject to the provisions of MGL c. 87).
- C. No roadside obstruction as described in this section shall be permitted within or along the layout of any Town road where the boundaries of said road are known or can be ascertained upon review of available public records. Any roadside obstruction placed within or along a Town road layout or within or on Town property that prevents or impedes motor vehicle parking and/or pedestrian passage shall be prohibited. Roadside obstructions deemed to be in violation of this section by the Chatham DPW Director or the Chatham Police Department Officer shall be removed immediately upon request by the person(s) that placed the roadside obstruction. Roadside obstructions that are removed immediately shall not be subject to penalties. If any roadside obstruction violation hereunder has not been corrected within seven days of a request to remove same, the provisions of Subsection D shall apply. **[Added 5-11-2015 ATM by Art. 34<sup>6</sup>]**
- D. In addition to the penalties provided for violation of these bylaws, if the owner or occupant of premises on which a violation of this section exists has not corrected such violation within seven days after receipt of written notice by the Police Department or the Highway Surveyor, the Highway Surveyor or the Tree Warden or their authorized agents may perform the necessary trimming, pruning or other action required to effect compliance with this section and the expense may be charged to such owner or occupant. **[Amended 5-11-2015 ATM by Art. 34]**

**§ 208-17. Unregistered and ungaraged motor vehicles. [Amended 6-12-2021ATM by Art. 55]**

No person shall have more than one unregistered and ungaraged motor vehicle or trailer that can be seen on his premises from a public or private way in any district of the Town at any time unless authorized by the Select Board. This section shall not be applicable to a licensed new or used car dealer or licensed gasoline service station.

**§ 208-18. Noise control.**

- A. It shall be unlawful for any person or persons occupying, having charge of, or being present in or about any building, structure, premises, shelter, vehicle, boat or conveyance, or any part thereof, in the Town (other than that section of any establishment licensed under MGL c. 138) at any time to cause, suffer, allow or countenance any unnecessary loud, excessive or unusual noise, including any such noise in the operation of any radio, phonograph or other sound-making device or instrument, or reproducing device or instrument, or in the playing of any band, orchestra, musician or group of musicians or in the use of any device to amplify the aforesaid, or the making of loud outcries, exclamations or other loud or boisterous noise or loud and boisterous singing by any person or group of persons or in the use of any device to amplify the aforesaid noise, where such noise is plainly audible at a distance of 150 feet from the building, structure, premises, shelter, vehicle, boat or conveyance in which or from which it is produced.
- B. The fact that the noise is plainly audible at said distance of 150 feet shall constitute prima facie evidence of a violation of this section. Any person shall be deemed in violation of this section who

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6. Editor's Note: This article also redesignated former Subsection C as Subsection D.

shall make, or aid and abet, or cause, or suffer, or countenance, or assist in making of any such noise.

- C. In addition to the penalties provided for in Chapter 1 of these bylaws, a person who violates this section is also subject to arrest.

**§ 208-19. Alcoholic beverages.**

- A. The serving or consumption of alcoholic beverages of all kinds is prohibited in any public establishment, including restaurants, inns, hotels and motels, excluding sleeping quarters, unless said establishments are duly licensed to serve said alcoholic beverages by the local licensing authority in accordance with the provisions of MGL c. 138.
- B. It shall be unlawful for any person who has not attained the age of 21 years to consume or have in his possession alcoholic beverages in public places within the Town.
- C. It shall be unlawful for any person to consume alcoholic beverages on public streets or in public parking places, including vehicles thereon, within the Town.
- D. In addition to the penalties provided for in Chapter 1 of these bylaws, a person who violates this section is also subject to arrest.

**§ 208-20. Sleeping in the open.**

- A. No person shall, between the hours of 8:00 p.m. and 8:00 a.m., sleep in the open or sleep in any vehicle, on any property, public or private, without the permission of the owner of such property within the Town
- B. In addition to the penalties provided for in Chapter 1 of these bylaws, a person who violates this section is also subject to arrest.

**§ 208-21. Campers and trailers.**

- A. No person shall park, store or occupy a tent, trailer, camper, camping vehicle or mobile home within the Town for any purpose whatsoever, except in a garage located on, or in the rear half of, a lot owned and occupied by the owner of such tent, trailer, camper, camping vehicle or mobile home. Such tent, trailer, camper, camping vehicle or mobile home shall be placed on the lot so as to conform to the setback requirements for the zoning district in which it is located.
- B. Temporary occupancy of a construction or office trailer on active construction sites for a period not to exceed six months is permitted provided a permit is first obtained from the Building Commissioner.
- C. Incidental parking of campers and camping vehicles when used for transportation purposes only does not constitute a violation of this section, nor does the use of a large tent in connection with a one-time event, such as a wedding, festival or similar occasion, with the prior approval of the Building Commissioner.
- D. For the purpose of this section the terms "camper," "camping vehicle," "trailer" and "mobile home" shall have the meanings set forth in the Town Chatham Protective Zoning Bylaw.
- E. In addition to the penalties provided for in Chapter 1 of these bylaws, a person who violates this section is also subject to arrest.

**§ 208-22. Peeking or spying.**

No person, except an officer of the law in the performance of his duties, shall enter upon or remain upon the premises of another with the intention of peeking, spying or looking into the window, door or other aperture of a house or other structure, in any manner or upon any person or persons therein.

**§ 208-23. Sale of goods on Town property. [Amended 6-12-2021ATM by Art. 55]**

No person shall vend, hawk, or peddle goods for sale on publicly owned property within the Town of Chatham except by special permit from the Select Board.

**§ 208-24. Outdoor display of goods. [Amended 5-14-2001 ATM by Art. 30; 5-12-2008 ATM by Art. 32; 5-11-2015 ATM by Art. 32]**

- A. The purpose of this bylaw is to limit the amount, size and type of outdoor displays (or outdoor sales) in order to help maintain the aesthetic continuity of the downtown business district, its sense of orderliness and tone, and to allow the appropriate movement and safety of pedestrians in a crowded area.
- B. The downtown business district is in the geographical area within an area of 250 feet on either side of Main Street from the western side of the rotary to Mulford Howes Lane.
- C. The outdoor display (or outdoor sale) of goods or merchandise shall be prohibited except as allowed in Subsection D.
- D. Permit.

- (1) Upon application made to the Director of Community Development, or his/her appointed designee, a permit may be granted to display a single item (or grouping of items) for placement on, upon or against the outer wall or door of the commercial establishment, with such item (or grouping of items) to be limited in size, height, type, arrangement and placement as the Director/designee, in his/her reasonable discretion and giving consideration to the setting and physical structure of the commercial establishment, may determine is in keeping with the purpose of this bylaw.

- (a) A permit may be granted for up to one year, subject to renewal, and may be conditioned on such basis as the Director/designee deems appropriate, or may be denied as not being in keeping with the purposes of this bylaw.
- (b) Any denial or conditions imposed on such application may be appealed to the Select Board. **[Amended 6-12-2021ATM by Art. 55]**
- (c) The Director/designee shall act to approve, deny or approve with conditions any such application within 21 days following the proper filing of same (which period can be extended by agreement of the applicant), failing which the application shall be deemed to have been approved.

- (2) Special events such as church, library and other charitable or nonprofit outdoor displays, sales and fairs, one-day/weekend business district-wide and holiday displays and sales, or other similar limited and specific activities which include the outdoor display or outdoor sale of goods or merchandise, shall require the filing of an application with and the receipt of a permit from the Select Board. After holding a public meeting, the Board may grant or deny such application or make such permit subject to limits and conditions as the Board may determine to be in



keeping with the purposes of this bylaw, including but not limited to making any such permit applicable on a year-to-year basis, unless, in the judgment of the Board, there are material changes in the scope and nature of the activities and/or display/sale involved. **[Amended 6-12-2021ATM by Art. 55]**

- E. The Select Board shall have the power and authority, after a public hearing, to establish further regulations, not inconsistent with this bylaw, to define and/or clarify the above provisions. **[Amended 6-12-2021ATM by Art. 55]**
- F. Violations of this section shall be subject to noncriminal disposition pursuant to the provisions of Chapter 1, § 1-7A through D of these bylaws; provided, however, that:
  - (1) The Director of Community Development or his/her designee shall be considered as an additional enforcing person(s) for purposes of these provisions.
  - (2) Notwithstanding the general penalties set forth under Chapter 1, § 1-7 of these bylaws, the specific penalties for violations of this section shall be as follows:
    - (a) First offense: written warning.
    - (b) Second offense: \$50.
    - (c) Third offense: \$200.
  - (3) In addition to the penalties set forth above, the Director or his/her designee shall be authorized to institute any and all actions and proceedings as may be necessary and appropriate to obtain compliance with this section, including injunctive relief to enjoin and restrain any violations or threatened violations thereof, or take any other action in relation thereto.

**§ 208-25. Mitchell River Drawbridge. [Added 5-12-2008 ATM by Art. 26]**

In order to preserve and promote the safety of the public, the following restrictions shall apply to the use of the drawbridge:

- A. No person or persons may fish from the draw span over the navigation channel in the designated no fishing area.
- B. No person or persons may jump or dive from any portion of the bridge into the water.
- C. No unauthorized vehicles may stop or park on the drawbridge or approaches between the east and west road gates.
- D. When the bridge is being opened or being prepared to open, persons traveling over the bridge shall follow the directions of the bridge tender. Vessel operators transiting under the bridge span shall also follow the instructions of the bridge tender.
- E. All vessels transiting under the bridge shall pass in accordance with CFR Title 33, Section 117.15, "Signals."

**§ 208-26. Prohibition on sale and use of balloons. [Added 5-14-2018 ATM by Art. 18]**

- A. The purpose of this bylaw is to address public concerns regarding the environmental hazards to wildlife and marine life in the Town of Chatham posed by the release and improper disposal of balloons.

- B. Effective September 15, 2018, no person shall sell or distribute to the public any type of balloon (including, but not limited to, plastic, latex, rubber or Mylar balloons) inflated with any type of lighter-than-air gas (including, and not limited to, helium gas). For purposes of this bylaw, a "lighter-than-air-gas" refers to a gas that is buoyant in air because it has an average density lower than that of air.
- C. No person shall throw, deposit, discard, or otherwise discharge inflated or uninflated balloons into any street, alley, waterway, park, beach, or other public place in the Town of Chatham.
- D. Further, no person shall knowingly release or cause to be released into the air any balloon(s) inflated with any lighter-than-air gas (including, and not limited to, helium gas).
  - (1) Launching or operation of lighter-than-air aircraft or the launching of balloons inflated with lighter-than-air gas by government agencies or scientific organizations is allowed.
- E. Violations of this bylaw shall be subject to noncriminal disposition pursuant to the provisions of Chapter 1, § 1-7, of these bylaws.
- F. Any police officer of the Town of Chatham shall be an enforcing authority for purposes of this bylaw.
- G. Notwithstanding the general penalties set forth under Chapter 1, § 1-7, of these bylaws, the specific penalties for violations of this bylaw shall be as follows:
  - (1) First offense: written warning.
  - (2) Second offense: \$25.
  - (3) Third offense: \$100.

**§ 208-27. Single-use plastic straw ban. [Added 5-13-2019 ATM by Art. 66]**

- A. Intentions and findings.
  - (1) It has been found that:
    - (a) Plastic straws are rarely recycled.
    - (b) Chatham's proximity to the ocean means that plastic straws that go uncollected by DPW have a high chance of ending up on beaches or in bodies of water.
    - (c) Plastic straws take up to 200 years to degrade and are never fully absorbed by the planet.
    - (d) The degrading of plastic straws releases chemicals toxic to wildlife and the environment.
    - (e) The United States uses 500 million straws per day.
    - (f) There is currently a national movement to reduce and ban the use of plastic straws and reasonable affordable alternatives are available.
  - (2) Because Chatham has a duty to protect the natural environment, the economy, and the health of its citizens, this amendment proposes to ban the sale or dispensing of single-use plastic straws, including those made from polyethylene, polypropylene, and polystyrene, by any food establishment, retail establishment, or public venue in the Town of Chatham.
- B. Definitions.

**FOOD ESTABLISHMENTS** — Any operations including without limitation schools, farmers markets and other public venues that store, prepare, package, serve, vend or otherwise provide food for human consumption. Any establishment requiring a permit to operate in accordance with the State Food Code, 105 CMR 590.000 et seq., shall be considered food establishments for the purposes of this bylaw.

**PLASTIC STRAW** — Any single use plastic straw including but not limited to those made from polyethylene, polypropylene, and polystyrene.

**PUBLIC VENUES** — Operations including but not limited to meeting halls, churches, schools, Town buildings and offices.

**RETAIL ESTABLISHMENTS** — Any commercial business facility that sells goods directly to consumers including but not limited to grocery stores, pharmacies, liquor stores, convenience stores, retail stores and vendors selling clothing, food, and personal items, dry cleaning services, theaters and all other food services establishments.

- C. Use regulations. Plastic straws shall not be used, dispensed, or sold by food establishments and/or retail establishments within the Town of Chatham on or after January 1, 2020. Any stock remaining after that date shall be accepted for disposal free of charge, through January 31, 2020, at the Chatham Transfer Station.
- D. Administration and enforcement.
  - (1) This Bylaw may be enforced by any Town Police Officer or agent of the Board of Health through any lawful means in law or in equity, including but not limited to noncriminal disposition pursuant to MGL c. 40, § 21D, and Article VII General Section 37, Penalties And Enforcement of the Town's General Bylaws. If noncriminal disposition is elected, then any establishment which violates any provision of this Bylaw shall be subject to the following penalties:
    - (a) First offense: \$100 fine.
    - (b) Second offense: \$200 fine.
    - (c) Third and subsequent offenses: \$300 fine for each offense.
  - (2) Offenses occurring within two years of the date of first reported offense will be considered as subsequent offenses. Each day or portion thereof shall constitute a separate offense, to do or act anything thereon. The Board of Health, after a hearing conducted in accordance with the procedures set forth in 105 CMR 590.14 and 590.15, may suspend or revoke the food service permit for any establishment failing to comply with this bylaw.
- E. Severability. If any provision of this bylaw is declared invalid, or unenforceable, the other provisions shall not be affected thereby.

**Chapter 215****POLYSTYRENE AND EXPANDED POLYSTYRENE FOAM**

**[HISTORY: Adopted by the Town of Chatham 5-13-2019 ATM by Art. 65. Amendments noted where applicable.]**

**§ 215-1. Polystyrene and expanded polystyrene foam (aka Styrofoam) ban.**

- A. The purpose of this bylaw is to protect the health and welfare of Town inhabitants because these products have significant impacts on the marine and land environment, when recycled the only byproducts are toxic wastes, and require the use of millions of barrels of nonrenewable fossil fuel in their manufacture.

- B. Definitions:

BIODEGRADABLE PACKAGING — Any packaging other than plastic or Styrofoam.

DISPOSABLE FOOD SERVICE CONTAINER — Single-use disposable products for serving or transporting prepared, ready-to-consume food or beverage. This includes but is not limited to plates, cups, bowls, trays and hinged or lidded containers. This definition does not include single use disposable utensils, nor does it include single-use disposable packaging for unprepared foods.

EXPANDED POLYSTYRENE (EPS) — Polystyrene that has been expanded or "blown" using a gaseous agent into a solid foam.

FOOD ESTABLISHMENT — An operation that stores, prepares, packages, severs, vends, or otherwise provides food for human consumption, as further defined in 105 CMR 590.002. Any establishment requiring a permit to operate in accordance with the State Food Code, 105 CMR 590.00 et seq., shall be considered a "food establishment" for purposes of this Bylaw.

POLYSTYRENE — Expanded polystyrene which is a thermoplastic petrochemical material utilizing a styrene monomer and processed by any number of techniques, including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion-blow molding (extruded foam polystyrene).

PREPARED FOOD — Any food or beverage prepared for consumption on the food establishment's premises, using any cooking or food preparation technique. This does not include any raw uncooked meat, fish or eggs unless provided for consumption without further food preparation.

- C. Effective January 1, 2020, a food establishment is prohibited from dispensing prepared food to customers in disposable food service containers that are made in whole or part from polystyrene.
- D. Effective January 1, 2020, all packaging added to merchandise of any type being removed from an establishment shall use biodegradable packaging to the maximum extent reasonably practicable.
- E. This bylaw shall not apply to:
- (1) Polystyrene foam insulation used in the construction industry.
  - (2) Polystyrene foam used as moorings. **[Amended 5-14-2022ATM by Art. 45]**
  - (3) Polystyrene foam coolers.
  - (4) Loose-fill polystyrene foam packaging reused from shipments originating outside Chatham.

- (5) Items in the original manufacturer's packaging.
- F. Violations of this bylaw shall be subject to noncriminal disposition pursuant of the provisions of Chapter 1, § 1-7, of these bylaws.
- G. Any Town police officer or agent of the Board of Health shall be an enforcing authority for purposes of this bylaw.
- H. Notwithstanding the general penalties set forth under Chapter 1, § 1-7, of these bylaws, the specific penalties for violations of this bylaw shall be as follows:
  - (1) First offense: written warning.
  - (2) Second offense: a fine of \$25.
  - (3) Third offense or subsequent offense: a fine of \$50.

**Chapter 225****SIGNS**

**[HISTORY: Adopted by the 1965 Annual Town Meeting of the Town of Chatham by Art. 28; amended 10-17-1977 STM; 5-9-1983 ATM; 11-13-1984 STM; 9-9-1985 STM; 5-12-1987 STM. Subsequent amendments noted where applicable.]**

**§ 225-1. Purposes.**

The purposes of this bylaw are for the regulation and restriction of billboards, signs and other advertising devices within the Town of Chatham on public ways, or on private property within public view of a public way, public park or reservation; to preserve for the citizens of Chatham and their children the natural, architectural and historical assets and other qualities which distinguish the Town as a desirable community for permanent residence and for summer recreational purposes; to protect its income from the recreational business by exercising prudent control over the assets; to preserve for the citizens their rights to a customary means of earning a living; and to encourage growth of the community along the traditional architectural lines.

**§ 225-2. Authority and interpretation.**

This bylaw is hereby declared to be remedial and protective and is to be so construed as to secure the beneficial interests and purposes thereof. This bylaw is adopted pursuant to Massachusetts General Laws Chapters 93, 40A and 43B.

**§ 225-3. Definitions.**

**A-FRAME OR EASEL SIGN** — A double-faced sign, with the two faces connected at the top and spaced at the bottom so as to form the shape of the letter "A" and therefore being self-supporting on a flat surface, or a single-faced sign similarly self-supporting.

**BANNER** — A piece of cloth, plastic or similar material attached at one or more points to a pole, staff or other support.

**GROUND** — Natural earth or soil level of the particular area or normal finished grade.

**GROUND SIGN** — A sign, single- or double-faced, supported from ground level by posts or similar vertical supports.

**LADDER SIGN** — A ground sign with two vertical supports, with two or more horizontal crosspieces serving as individual signs for identification or advertising purposes.

**NONCONFORMING SIGN** — A sign which is not allowed by the current bylaw but which, when first constructed, was legally allowed by the Town.

**OFF-PREMISES SIGN** — A sign which is not appurtenant to the use of the property, a product sold or a service offered upon the property where the sign is located.

**PERSON** — The definition of person for the purposes of this bylaw shall include an individual, corporation, society, association, partnership, trust or other entity, public or private.

**PROJECTING AND OVERHANGING SIGNS** — A sign which projects over a public way.

**PUBLIC WAY** — For purposes of this bylaw, a public way shall include a private way that is open to public use.

**RIDGELINE** — The highest point of the main roof structure or highest point on a parapet, but shall not include cupolas, pylons, projections or minor raised portions of the roof.

**ROOF SIGN** — A sign attached to a roof of a building not extending higher than the roofline.

**SIGN** — A sign shall mean any material or any structure or part thereof or device attached thereto on which is painted, represented, displayed or included a letter, word or figure which attracts or tends to attract attention to itself. Signs herein shall also mean all advertising devices or insignia, whether lettered or not, designed to promote a business, the sale of a product or of a service. The word "sign" as used in this bylaw shall also include any lettered or worded advertisement not outdoors which is visible and is intended to be read from the outdoors. The term shall not include any flag, badge or insignia of any government or governmental agency or of any civic, charitable, religious, patriotic or fraternal organization. "Sign face" shall mean the side of a sign intended to be read.

**TEMPORARY SIGN** — A sign intended to be displayed for a limited period for the purpose of advertising a special sale or promotion or announcing a bona fide charitable, religious, educational or civic event, or promoting the election of a political candidate.

**WALL SIGN** — A sign attached parallel to, or painted on, the vertical wall of a building exterior.

**WINDOW SIGN** — A sign displayed on or within the window of a building visible from outside the building.

**ZONES** — Zones as used in this bylaw shall mean the zones described in Section 5, Protective Bylaw of the Town, as amended.

#### **§ 225-4. Regulations for general, business and industrial zones.**

The following signs may be erected in the general business areas:

- A. Wall signs. One wall sign per established business for each street frontage not exceeding a total of 10% of that building face including the window area, but not to exceed three feet in height, advertising only the business carried on and/or services and products made or sold on the premises.
- B. Window signs. Window signs shall not exceed 25% of the individual window area or 10% of the glass area of any required exit door.
- C. Ground signs (including ladder signs). In addition to the wall sign specified in Subsection A above, there shall be but one single- or double-faced sign of not over 20 square feet area within 15 feet of the street or boundary; if said sign is located between 15 and 20 feet from the road boundary it may be 30 square feet in area, and if located more than 20 feet from the road boundary it may contain not over 40 square feet in area with the upper and lower edge to be determined by the existing grade level and the approval of the sign agent, but in no case shall the height exceed 18 feet above the sign's foundation or the existing grade level at the foundation.
- D. Roof signs. In lieu of, but not in addition to, a wall sign, a sign which shall not exceed a height of three feet, nor the ridgeline of the structure, may be affixed to the roof of a building. All roof signs shall be properly and safely erected and approved by the Select Board or their agent. **[Amended 6-12-2021ATM by Art. 55]**
- E. Signs for gasoline stations, garages and commercial boating facilities. Such businesses may, if they elect to do so, divide that one exterior sign affixed to the front wall of the building to which they are entitled as hereinabove provided into separate signs affixed to and parallel to such wall and indicating the separate operations or departments of the business; provided, however, that the total of the area

of the separate signs shall not exceed the maximum area permitted under this bylaw for a single exterior sign on such wall. In addition, one ladder sign, subject to the limitations as defined under Subsection C, Ground signs, may be permitted. In addition, one sign, standing or otherwise, indicating the company whose gasoline is being sold may be erected subject to approval of the sign code agent. The standard type of gasoline pump bearing thereon, in usual size and form, the name or type of gasoline and the price thereof, shall not be deemed to be in violation of this bylaw. Temporary or moveable signs of any and every type are specifically prohibited.

- F. Projecting, overhanging signs. A projecting, overhanging sign shall be permitted in the general business area designated as GB-1 and GB-2. These signs shall be limited to one per store occupancy and shall not exceed six square feet per sign space. They must have a clear height of 10 feet (in accordance with the State Building Code) and be erected and secured in such a manner as to preclude their becoming a safety hazard to the public. The Select Board or their agent must be shown or provided with proof of adequate public liability insurance coverage applicable to signs extended over Town property. The Town of Chatham may require possession of the policy. **[Amended 6-12-2021ATM by Art. 55]**
- G. Signs on Town-owned property. The Select Board or their agent shall have the sole discretion as to the suitability of all signs erected or to be erected on Town-owned property, under lease of private enterprise or otherwise, but all said signs shall conform to the existing sign code. **[Amended 5-13-2013 ATM by Art. 32; 6-12-2021ATM by Art. 55]**
- H. Signs for shopping centers and plazas. In all general business areas other than GB-1 a shopping center or plaza will be defined as more than one business establishment on the same or adjacent properties using a common parking area and in which the buildings adjacent to the common parking area are not more than 50 feet apart. Shopping centers and plazas as defined herein shall be allowed only one ground sign which may be a ladder-type sign, single- or double-faced, not to exceed a height of 15 feet from natural grade. Said sign may advertise the name of the shopping center or plaza, and each ladder rung may contain the name of one business in the shopping center or plaza, but said business shall be allotted not more than one rung per shopping center or plaza.
- I. Signs for industrial zones. Industrial zones shall be allowed, in addition to other signs as allowed in general business zones, one ladder-type sign, single- or double-faced, not to exceed a height of 15 feet from natural grade. Said sign may advertise the name of the industrial area, and each ladder rung may contain the name of one business in the zone, but said business shall be allotted not more than one rung per zone.
- J. Theater signs. Motion-picture theaters, stage and summer theaters shall be permitted, in addition to other permitted signs, a theater marquee in lieu of a projecting, overhanging sign as defined under Subsection F. In addition, there will also be permitted the usual conventional bulletin areas on either side of the main entrance not to exceed six square feet each.
- K. Awnings and canopies.
  - (1) The lowest portion of any awning shall not be less than seven feet above the level of a sidewalk or public right-of-way. No awning may extend beyond a point 12 inches inside the curbline. There is no limitation on the horizontal width of an awning.
  - (2) The lowest portion of any canopy shall not be less than eight feet above the sidewalk or public right-of-way. No canopy may extend beyond a point 12 inches inside the curbline without approval by the Sign Code Appeals Committee under such terms and conditions as it may require. No canopy shall exceed eight feet in width. There shall be no advertising on any awning



or canopy except that the business name may be painted on the vertical portion of the street apron which is geometrically parallel to the building front.

- L. Direction signs. Wall or ground signs not exceeding one square foot of sign face area may be used for a driveway entrance, exit, or for warning purposes.
- M. All residences in zones other than residential zones shall have the privileges and restrictions of residential zone regulations under this bylaw.

#### **§ 225-5. Regulations for residential zones.**

The following signs may be erected in the residence zones:

- A. One single- or double-faced sign per dwelling unit which may be erected from the ground or suspended from a post, or attached to the building face, not to exceed two square feet per sign face.
- B. One single- or double-faced sign per dwelling unit advertising an allowed home occupation or profession shall not exceed six square feet per sign face.
- C. Ladder-type signs for property owners, group listings in remote residential areas except within 100 feet of a state highway.
- D. One wall or ground sign, single- or double-faced, not exceeding 18 square feet per sign face area, on the premises of a church, library, school or other public building, giving only the name and nature of the occupancy and information as to the schedule of use or occupancy. In addition, wall or ground signs not exceeding one square foot of sign face area may be used for a driveway entrance, exit, or for warning purposes.
- E. Sale or rent, single-faced signs erected only on the property to be sold or rented but not placed on trees or rocks and not exceeding six square feet of sign face area per area face and which shall be removed within 48 hours of sale or termination of sale or rental contract.
- F. Builders, architects, developers and engineers shall be permitted one temporary, single-faced group sign per multiple- or single-unit construction site which shall not exceed 24 square feet of sign face area. These signs shall be removed within 48 hours of issuance of a certificate of occupancy.
- G. Real estate developers concerned with long-range property development sale shall be restricted to one sign, single- or double-faced, not to exceed 24 square feet in sign face area. Such sign may be located at each appropriate road junction in the project but not nearer than 1,000 linear feet and not in a direct line of sight or visible from each sign as erected. A permit for such sign shall be obtained from the sign agent and a fifty-dollar bond for such sign shall be posted with the Town Clerk. Upon posting the said fifty-dollar bond a one-year permit, renewable at the discretion of the sign agent, shall be issued.
- H. One ground-type name sign per major entrance of a subdivision not to exceed 18 square feet per sign face and not to exceed a height of 10 feet from natural grade.

#### **§ 225-6. Public information signs.**

Public information signs, including service club, religious, public building, charitable or civic organizations or hospital signs, shall not exceed six square feet per sign face area.

#### **§ 225-7. Prohibited signs.**

- A. No person shall post, erect, display or maintain within public view from a highway within the Town limits of Chatham any off-premises billboard signs or other advertising device except as provided for in the rules and regulations for the control and restriction of billboards, signs and other advertising devices promulgated by the Commonwealth of Massachusetts, or as otherwise or further limited herein.
- B. Signs of the following type, or types closely related to them, except as elsewhere permitted by this code, are specifically prohibited in all zones in the Town of Chatham:
- (1) Roof signs or display signs placed above or supported on the top of a building or structure;
  - (2) Advertising signs tacked, posted, painted or otherwise attached to poles, posts, trees, sidewalks, curbs or rocks;
  - (3) Banners, streamers and advertising flags;
  - (4) No exposed neon or similar tube type of illumination, including open light bulbs, shall be permitted. Further, no flashing, blinking or rotating lights shall be permitted for either permanent or temporary signs;
  - (5) Internally lighted signs shall be prohibited in all zones. Existing internally lighted signs shall become nonconforming signs as defined below under § 225-10 and shall be brought into conformance within three years from the date on which this amendment became effective (July 5, 1983).

#### **§ 225-8. Illuminated signs.**

The light from any sign or advertising lights shall be so shaded, shielded or directed or shall be maintained at a sufficiently low level of intensity and brightness that it shall not adversely affect neighboring premises nor the safe vision of operators of vehicles moving on public roads and highways. All lighted signs and advertising lights shall be so shaded, shielded or directed so that they shall not reflect or shine on or into residential structures to an extent that would adversely affect them.

#### **§ 225-9. Action signs.**

No sign shall be permitted which moves by any means.

#### **§ 225-10. Existing signs.**

Existing signs are defined as those erected before the passage of this bylaw or any amendments thereto, and are classified as one of three categories which are:

- A. Conforming signs which comply with all provisions of this bylaw.
- B. Nonconforming signs not meeting the requirements of this bylaw but not expressly prohibited by this bylaw. Such signs shall be considered legal and permitted until they are expressly prohibited by this bylaw. Existing off-premises signs for nonconforming businesses, while not specifically allowed by this bylaw, may be allowed if approved by the Sign Code Appeals Committee. If state approval is required, necessary permits must be obtained. Nonconforming businesses or properties with signs which conform with the provisions of this code, other than by zoning classification, may be issued permits for said signs.
- C. Illegal signs: existing but prohibited by this bylaw. Illegal signs shall be removed at the direction of

the sign agent.

**§ 225-11. Off-premises directional signs.**

Off-premises directional signs shall meet the following requirements:

- A. No more than three square feet in area.
- B. Placed only by permission of the landowner.
- C. Only permitted for nonconforming businesses in remote residential areas.
- D. By permit of the sign agent or, if refused, to be referred to the proper authority for appeal.
- E. Shall contain no more than an arrow and the business name.

**§ 225-12. Signs on vehicles.**

No sign shall be erected or attached to any vehicle except for signs applied directly to the surface of the vehicle. The primary use of such vehicle shall be in the operation of the business and not in advertising or identifying the business premises. The vehicle shall not be parked in a public right-of-way for the purposes of advertising.

**§ 225-13. Permits and inspections.**

- A. No sign shall be erected, altered or enlarged until an application on the appropriate form furnished by the sign agent has been filed containing such information, including photographs, plans and scale drawings, as the sign agent may require and a permit for such erection, alteration or enlargement has been issued by him, and upon response of the Select Board and/or Architectural Review Board such a permit shall be issued only if the sign agent determines that the sign complies with, or will comply with, all applicable provisions of this bylaw. **[Amended 6-12-2021ATM by Art. 55]**
- B. A schedule of fees for permits may be determined from time to time by the Select Board. **[Amended 6-12-2021ATM by Art. 55]**
- C. At the discretion of the sign agent substantial changes of sign design, changes of ownership, type or content, or the like, may require a new permit.

**§ 225-14. Right of entry.**

In the discharge of his duties the sign agent shall have the authority to enter during normal business hours any building, structure or premises in the Town to enforce the provisions of this code.

**§ 225-15. Accessory signs.**

All accessory signs shall be incorporated within the body of permitted signs:

- A. Unless waived by the sign agent, all signs for which a permit is required shall be subject to the following inspections:
  - (1) Footing inspection of all freestanding signs;
  - (2) Electrical inspection of all illuminated signs;

- (3) An inspection of braces, anchors, supports and connections of wall signs;
  - (4) Site inspection to ensure that the sign has been constructed according to approved application and valid sign permit.
- B. There shall be no fees charged for permits for signs to be erected by a service club, charitable, civic or religious organization.
- C. Non-permit signs.
  - (1) Signs bearing the name of the occupant of a dwelling;
  - (2) Real estate signs advertising "For Sale" or "For Rent" not exceeding six square feet;
  - (3) Signs prohibiting trespass, hunting and the like, signs warning of danger such as "High Voltage" and necessary public utility signs;
  - (4) Window signs (see § 225-4B);
  - (5) Street name signs, public or private, and signs erected by the Town, County or Commonwealth;
  - (6) Signs designating historical places or points of interest erected by governmental authority or by a duly chartered historical association or the like;
  - (7) Signs indicating "Entrance," "Exit," "Parking" or the like erected on a premises for the direction of persons or vehicles;
  - (8) Quarter boards attached to buildings that other than commercial or retail establishments;
  - (9) Signs not exceeding one square foot bearing the words "For Sale" and the item price or phone number.
- D. Accessory and temporary signs requiring permits. **[Amended 5-11-2015 ATM by Art. 33]**
  - (1) Tag, yard or garage sales, etc., will require a permit from the sign agent. Only two sign permits per calendar year per residence may be allowed.
    - (a) A maximum of four signs per sale, not to exceed four square feet per sign, erected on their own post will be allowed.
    - (b) Signs may be placed in the Town layout provided that the sign does not obstruct the sight lines for motor vehicles, pedestrian access, and roadside maintenance.
    - (c) Permits are not to be issued more than seven days prior to the sale and signs shall be removed within 48 hours of the sale.
    - (d) A bond of \$25 must be posted before a permit is issued. Said bond will be returned if all signs are removed within 48 hours of the sale.
  - (2) Temporary signs, banners and posters, except posters intended for window display, will require a permit from the sign agent.
    - (a) A maximum of four signs per event, not to exceed four square feet per sign, erected on their own posts will be allowed.
    - (b) Signs may be placed in the Town layout provided that the sign does not obstruct the sight

lines for motor vehicles, pedestrian access, and roadside maintenance.

- (c) Permits for these signs are not to be issued more than seven days prior to the scheduled event and signs are to be removed within 48 hours after the event.
- (d) A bond of \$25 must be posted before a permit is issued. Said bond will be returned if all signs are removed within 48 hours of the sale.
- (e) Signs promoting the election of a political candidate are exempt from these requirements.

#### **§ 225-16. Maintenance of signs.**

- A. In the opinion of the sign agent, any sign which is or shall become dangerous or unsafe in any manner whatsoever or any sign erected hereafter contrary to the provisions of this bylaw shall be repaired, made safe, made attractive, and in conformity with this bylaw or shall be taken down and removed by the owner, lessor, agent, or occupant of the building, property or land upon which it is placed or to which it is attached.
- B. The Select Board or their agent shall have the power to order the repair or removal of any sign which in their opinion is or is likely to become dangerous or unsafe, is abandoned, or maintained contrary to this bylaw, after notice shall have been given as herein provided. **[Amended 6-12-2021ATM by Art. 55]**
- C. The Select Board or their agent shall serve written notice upon the owner, agent or person having control of said sign, directing him to repair or remove the same as the case may be, within a time as stipulated by the sign agent. The maximum time allowed by the sign agent for removal shall not exceed 15 days after receipt of such notice. **[Amended 6-12-2021ATM by Art. 55]**
- D. In case of failure of such owner or agent or other person having control as aforesaid to comply with such notice, the Select Board shall have the power, under due process of law, to enter upon or into the lands, house or property upon which said sign is erected and to remove or cause the same to be removed. **[Amended 6-12-2021ATM by Art. 55]**

#### **§ 225-17. Protection of subsequent purchasers.**

Any vendor or lessor who sells or leases any real property which includes a nonconforming sign has a duty to disclose to his vendee or lessee the time remaining in the amortization or transition period applicable to the sign in question.

#### **§ 225-18. Appeals.**

- A. A Sign Code Appeals Committee of five regular members and two alternate members who will serve in the absence of the regular members shall be appointed by the Select Board as required by law. **[Amended 6-12-2021ATM by Art. 55]**
- B. A person aggrieved by the refusal of the sign agent to issue a permit for the erection of a sign or by any order of the sign agent under this bylaw may appeal to the Sign Code Appeals Committee. The provisions of the Zoning Bylaw as to the time for taking such appeal and as to notice of any hearing thereon to be held and the decision to be rendered by the Board of Appeals shall apply to appeals under this bylaw.

#### **§ 225-19. Appeal permits.**

- A. The Sign Code Appeals Committee, in granting a permit which in any way varies specific requirements of this bylaw, or in granting a permit as otherwise required by this bylaw, shall consider the following criteria before granting such permit:
- (1) The specific site is an appropriate location for the proposed sign or signs;
  - (2) The proposed sign or signs will not be a nuisance or a hazard to vehicles or pedestrians;
  - (3) The proposed sign or signs will not adversely affect properties in the neighborhood;
  - (4) The special requirements for the permit are in accord with the general spirit and intent of the bylaw.
- B. An appeal denied by the Sign Code Appeals Committee shall not be resubmitted or acted favorably upon within a period of two years after the date of denial unless the sign agent determines that specific and material changes in the conditions upon which the previous appeal was based have occurred and been presented.

#### **§ 225-20. Exceptions.**

Signs erected by the municipal, county or federal government as may be deemed necessary for their respective functions are exempt from the provisions of this bylaw but are expected to conform to the intent of this bylaw.

#### **§ 225-21. Violations and penalties.**

Whoever violates any provision of this bylaw shall be punished by a fine not exceeding \$100 for each offense. Each day that such a violation continues to exist shall constitute a separate offense. The imposition of a penalty shall not excuse violations and shall not be held to prevent the enforced removal of prohibited conditions where they continue to exist as a violation of this bylaw.

#### **§ 225-22. Administration and enforcement; severability. [Amended 6-12-2021ATM by Art. 55]**

Administration and enforcement of this bylaw shall be the authority of the Select Board or their legally appointed representative. Every section of this bylaw and every subdivision or separate part thereof shall be considered as a separate regulation to the extent that if any such section, subdivision or separate part thereof shall be declared ineffective, invalid or unconstitutional it shall not affect the remaining parts of this bylaw.

#### **§ 225-23. Inspection markings.**

- A. Permanent signs. All permanent signs regulated by this bylaw shall be marked with a permanent identification number at the direction of the sign agent.
- B. Temporary signs. All temporary signs shall be marked by a sticker furnished by the Town sign agent.

#### **§ 225-24. Regulations for small business zones.**

The following signs may be erected:

- A. One single- or double-faced sign per dwelling unit which may be erected from the ground or suspended from a post or attached to the building face not to exceed six square feet per sign face.

- B. One single- or double-faced sign per property advertising an allowed business use which shall not exceed six square feet per face.
- C. Properties containing multiple commercial uses may erect one single- or double-faced sign per property, advertising the allowed commercial uses, which shall not exceed eight square feet per sign face nor a height of six feet from the natural grade. In addition, each allowed commercial use may erect one wall sign which shall not exceed one square foot.
- D. One wall or ground sign, single- or double-faced, not exceeding 18 square feet per sign face area, on the premises of a church, library, school or other public building, providing information as to the schedule of use or occupancy. In addition, wall or ground signs not exceeding one square foot of sign face area may be used for a driveway entrance, exit, or for warning purposes.
- E. Sale or rent, single-faced signs, erected only on the property to be sold or rented, but not placed on trees or rocks and not exceeding six square feet of sign face area, and which shall be removed within 48 hours of sale or termination of sale or rental contract.
- F. Builders, architects, developers and engineers shall be permitted one temporary, single-faced group sign per multiple- or single-unit construction site which shall not exceed six square feet of sign face area. These signs shall be removed within 48 hours of issuance of a certificate of occupancy.
- G. Real estate developers concerned with long-range property development sale shall be restricted to one sign, single- or double-faced, not to exceed six square feet in sign face area, such may be located at each appropriate road junction in the project but not nearer than 1,000 linear feet, and not in a direct line of sight or visible from each sign as erected. A permit for such sign shall be obtained from the sign agent and a fifty-dollar bond and a one-year permit, renewable at the discretion of the sign agent, shall be issued.
- H. One ground-type name sign per major entrance of a subdivision, not to exceed six square feet per sign face and not to exceed a height of 10 feet from the natural grade.

CHATHAM CODE

**Chapter 232**

**SMOKING**

**[HISTORY: Adopted by the Town Meeting of the Town of Chatham as indicated in article histories. Amendments noted where applicable.]**



## ARTICLE I

**Restaurants****[Adopted May 1997 ATM by Art. 11 as Ch. 27 of the 1997 Bylaws]****§ 232-1. Definitions.**

The following words, for the purposes of this article of these bylaws, shall, unless another meaning is clearly apparent for the way in which the word is used, have the following meanings:

RESTAURANT — Means any establishment which serves food for consumption on the premises and provides seating for 75 or more persons indoors.

SMOKING — Means the lighting of or the having in one's possession of any lighted cigar, cigarette, pipe, or other tobacco product.

**§ 232-2. Smoking permitted except in designated areas.**

Smoking shall be permitted in any restaurant except in specifically designated no-smoking areas and areas prohibited by the Fire Marshal, law, or regulation.

- A. Smoking and no-smoking areas may be designated by the proprietor(s) or other person(s) in charge of a restaurant, except in places where smoking is prohibited by the Fire Marshal, law or regulation.
- B. No-smoking areas are determined by vote of the Board of Health.

**§ 232-3. Prevention of smoking in no-smoking areas.**

The proprietor(s) or other person(s) in charge of a restaurant shall make reasonable efforts to prevent smoking in the no-smoking areas by:

- A. Posting appropriate signs.
- B. Arranging seating to provide a smoke-free area.
- C. Asking smokers to refrain from smoking in the no-smoking area.

**§ 232-4. Exemptions.**

Exempted from this article are inns and hotels where a majority (50% or more) of the diners are on the American plan (room and board), and also private functions unless determined otherwise by vote of the Board of Health.



**Chapter 238****STORMWATER MANAGEMENT**

**[HISTORY: Adopted by the Town of Chatham 5-13-2019 ATM by Art. 56. Amendments noted where applicable.]**

**§ 238-1. Purpose.**

- A. Increased and contaminated stormwater runoff is a major cause of impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater; contamination of drinking water supplies; alteration or destruction of aquatic and wildlife habitat; and flooding.
- B. Regulation of illicit connections and discharges to the municipal storm drain system is necessary for the protection of Chatham's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment.
- C. The objectives of this bylaw are:
  - (1) To prevent pollutants from entering Chatham's municipal separate storm sewer system (MS4);
  - (2) To prohibit illicit connections and unauthorized discharges to the MS4;
  - (3) To require the removal of all such illicit connections;
  - (4) To comply with state and federal statutes and regulations relating to stormwater discharges; and
  - (5) To establish the legal authority to ensure compliance with the provisions of this bylaw through inspection, monitoring, and enforcement.

**§ 238-2. Definitions.**

For the purposes of this bylaw, the following shall mean:

**AUTHORIZED ENFORCEMENT AGENCY** — The Department of Public Works, its employees or agents designated to enforce this bylaw.

**BEST MANAGEMENT PRACTICE (BMP)** — An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

**CLEAN WATER ACT** — The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) as hereafter amended.

**DISCHARGE OF POLLUTANTS** — The addition from any source of any pollutant or combination of pollutants into the municipal storm drain system or into the waters of the United States or commonwealth from any source.

**GROUNDWATER** — Water beneath the surface of the ground.

**ILLICIT CONNECTION** — A surface or subsurface drain or conveyance, which allows an illicit discharge into the municipal storm drain system, including without limitation sewage, process wastewater, or wash water and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this bylaw.

**ILLICIT DISCHARGE** — Direct or indirect discharge to the municipal storm drain system that is not composed entirely of stormwater, except as exempted in § 238-8. The term does not include a discharge in

compliance with an NPDES stormwater discharge permit or a surface water discharge permit, or resulting from firefighting activities exempted pursuant to § 238-8 of this bylaw.

**IMPERVIOUS SURFACE** — Any material or structure on or above the ground that prevents water infiltrating the underlying soil.

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAIN SYSTEM** — The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Chatham.

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER DISCHARGE PERMIT** — A permit issued by United States Environmental Protection Agency or jointly with the state that authorizes the discharge of pollutants to waters of the United States.

**NONSTORMWATER DISCHARGE** — Discharge to the municipal storm drain system not composed entirely of stormwater.

**PERSON** — An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

**POLLUTANT** — Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is or may be introduced into a municipal storm drain system or waters of the commonwealth. Pollutants shall include without limitation:

- A. Paints, varnishes, and solvents;
- B. Oil and other automotive fluids;
- C. Nonhazardous liquid and solid wastes and yard wastes;
- D. Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, accumulations and floatables;
- E. Pesticides, herbicides, and fertilizers;
- F. Hazardous materials and wastes; sewage, fecal coliform and pathogens;
- G. Dissolved and particulate metals;
- H. Animal wastes;
- I. Rock, sand, salt, soils, unless being applied for roadway safety;
- J. Construction wastes and residues; and
- K. Noxious or offensive matter of any kind.

**PROCESS WASTEWATER** — Water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.

**RECHARGE** — The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

**STORMWATER** — Stormwater runoff, snow melt runoff, and surface water runoff and drainage.

**SURFACE WATER DISCHARGE PERMIT** — A permit issued by the Department of Environmental Protection (DEP) pursuant to 314 CMR 3.00 that authorizes the discharge of pollutants to waters of the Commonwealth of Massachusetts.

**TOXIC OR HAZARDOUS MATERIAL OR WASTE** — Any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as toxic or hazardous under MGL c. 21C and 21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

**WASTEWATER** — Any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product or waste product.

**WATERCOURSE** — A natural or man-made channel through which water flows or a stream of water, including a river, brook or underground stream.

**WATERS OF THE COMMONWEALTH** — All waters within the jurisdiction of the commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

### **§ 238-3. Applicability.**

This bylaw shall apply to flows entering the municipally owned storm drainage system or discharging into a watercourse or into the waters of the commonwealth.

### **§ 238-4. Authority.**

This bylaw is adopted under the authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule Procedures Act, and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34.

### **§ 238-5. Responsibility for administration.**

The Department of Public Works shall administer, implement and enforce this bylaw. Any powers granted to or duties imposed upon the Department of Public Works may be delegated in writing by the Director of the Department of Public Works to employees or agents of the Department of Natural Resources.

### **§ 238-6. Regulations.**

The Department of Public Works may promulgate rules and regulations to effectuate the purposes of this bylaw. Failure by the Department of Public Works to promulgate such rules and regulations shall not have the effect of suspending or invalidating this bylaw.

### **§ 238-7. Prohibited activities.**

- A. Illicit discharges. No person shall dump, discharge, cause or allow to be discharged any pollutant or nonstormwater discharge into the municipal separate storm sewer system (MS4), into a watercourse, or into the waters of the commonwealth.

- B. Illicit connections. No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drain system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.
- C. Obstruction of municipal storm drain system. No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior written approval from the Department of Public Works.
- D. No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, left, or maintained, in or upon any premises, public or private property, driveway, parking area, street, ally, sidewalk, component of the MS4, or any surface water of Chatham, any object or material, including, but not limited to, refuse, rubbish, garbage, animal waste, litter, yard waste, or other discarded or abandoned objects, articles, and accumulations, so that the same may cause or contribute to the pollution, or interfere with the operation, maintenance, and access to the MS4. Waste deposited in the street in proper waste receptacles for collection are exempted from the prohibition.

**§ 238-8. Exemptions.**

- A. Discharge or flow resulting from firefighting activities.
- B. The following nonstormwater discharges or flows are exempt from the prohibition of nonstormwaters provided that the source is not a significant contributor of a pollutant to the municipal storm drain system:
  - (1) Waterline flushing.
  - (2) Landscape irrigation.
  - (3) Diverted stream flows.
  - (4) Rising groundwater.
  - (5) Uncontaminated groundwater infiltration [as defined at 40 CFR 35.2005(20)].
  - (6) Uncontaminated pumped groundwater.
  - (7) Discharge from potable water sources.
  - (8) Water from uncontaminated foundation drains.
  - (9) Air-conditioning condensate.
  - (10) Irrigation water, springs.
  - (11) Water from uncontaminated crawl space pumps.
  - (12) Water from uncontaminated footing drains.
  - (13) Lawn watering.
  - (14) Individual resident car washing.
  - (15) Flows from riparian habitats and wetlands.
  - (16) Municipal street wash waters.

**§ 238-9. Emergency suspension of storm drainage system access.**

The Department of Public Works may suspend municipal storm drain system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event any person fails to comply with an emergency suspension order, the authorized enforcement agency may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

**§ 238-10. Requirement to prevent, control, and reduce stormwater pollutants by the use of best management practices.**

- A. The Department of Public Works will adopt requirements identifying best management practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the United States. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and nonstructural BMPs.
- B. Further, any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system.
- C. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPP) as necessary for compliance with requirements of the NPDES permit.

**§ 238-11. Notification of spills.**

Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of or suspects a release of materials at that facility or operation resulting in or which may result in discharge of pollutants to the municipal drainage system or waters of the commonwealth, the person shall take all necessary steps to ensure containment and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the municipal Fire and Police Departments and Natural Resources and Public Works Departments. In the event of a release of nonhazardous material, the reporting person shall notify the authorized enforcement agency no later than the next business day. The reporting person shall provide to the authorized enforcement agency written confirmation of all telephone, facsimile or in-person notifications within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

**§ 238-12. Enforcement; violations and penalties; appeals.**

- A. The Department of Public Works, or any authorized agent of the Department of Public Works, shall enforce this bylaw, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

- B. Civil relief. If a person violates the provisions of this bylaw, regulations, permit, notice, or order issued thereunder, the Department of Public Works may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.
- C. Orders. The Department of Public Works, or an authorized agent of the Department of Public Works, may issue a written order to enforce the provisions of this bylaw or the regulations thereunder, which may include:
  - (1) Elimination of illicit connections or discharges to the MS4;
  - (2) Performance of monitoring, analyses, and reporting;
  - (3) That unlawful discharges, practices, or operations shall cease and desist; and
  - (4) Remediation of contamination in connection therewith.
- D. If the enforcing person determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, Chatham may, at its option, undertake such work, and expenses thereof shall be charged to the violator.
- E. Within 30 days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Chatham, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Department of Public Works within 30 days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within 30 days following a decision of the Department of Public Works affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in MGL c. 59, § 57, after the 31st day at which the costs first become due.
- F. Violations of this bylaw shall be subject to noncriminal dispositions pursuant of the provisions of Chapter 1, § 1-7, of these bylaws.
- G. Notwithstanding the general penalties set forth under Chapter 1, § 1-7, of these Bylaws, the specific penalties for violations of this bylaw shall be as follows:
  - (1) First offense: a fine of \$50.
  - (2) Second offense: a fine of \$100.
  - (3) Third and subsequent offense: a fine of \$150.
- H. Entry to perform duties under this bylaw. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Department of Public Works, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this bylaw and regulations and may make or cause to be made such examinations, surveys or sampling as the Department of Public Works deems reasonably necessary.
- I. Appeals. The decisions or orders of the Department of Public Works shall be final. Further relief shall be to a court of competent jurisdiction.



- J. Remedies not exclusive The remedies listed in this bylaw are not exclusive of any other remedies available under any applicable federal, state or local law.

**§ 238-13. Severability.**

The provisions of this bylaw are hereby declared to be severable. If any provision, paragraph, sentence, or clause of this bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this bylaw.

**Chapter 240****STREETS AND SIDEWALKS**

**[HISTORY: Adopted May 1997 ATM by Art. 11 as Ch. 29 of the 1997 Bylaws. Amendments noted where applicable.]**

**GENERAL REFERENCES**

**Enforcement and penalties — See Ch. 1, Art. I.**

**Parking — See Ch. 200.**

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**§ 240-1. Road layout and construction. [Amended 6-12-2021ATM by Art. 55]**

Before the Select Board shall act upon any petition for laying out, relocation or alteration of a public way over privately owned property the petitioners shall have complied with the following:

- A. A plan shall be presented, drawn and prepared by a registered professional engineer and/or a registered land surveyor.
  - (1) Said plan shall be prepared on tracing cloth in black India ink, in suitable dimensions, showing details consisting of side lines of traveled ways, buildings, location of poles, curbing, property lines, width of proposed layout with bearings and distances, drainage disposal areas, and drainage easement when required, full names of owners of record of adjoining properties, case numbers, certificates, book and page numbers on which certificates are recorded of all Land Court parcels.
  - (2) The plan shall also include parcel numbers and areas of taking, as well as all pertinent engineering data, including the location of concrete monuments set on the side lines of the roads.
  - (3) A sketch plan, including profiles, will be accepted for the hearing.
  - (4) Recommended changes after the hearing shall be included in the finished plan.
- B. A separate drawing showing existing profile on center line of road, with proposed finished profile, shall be presented; it shall also show bench marks used, the existing and the finished elevations on the center line of the road at each fifty-foot station, and the grades of all proposed drainage easements. The cross section shall show cuts, fills, subgrade, finished surface, shoulders, berms and slopes.
- C. A separate drawing shall give the details of the proposed construction, showing installation of fences, guard posts, islands, curbing, leaching basins, catch basins, storm sewer, berms, leadoffs, etc.
- D. Minimum of 33 feet in width, with a minimum clearance of 28 feet and hardened surface of 20 feet.
- E. The specifications shall set forth the area to be cleared, excavated and filled. The finished construction shall have a minimum grade of 5/10 of 1% and a maximum grade of 7%.
  - (1) The subgrade shall be graded to proper elevation and cross section, rolled to an even, firm foundation, without ruts or soft, yielding places. Each layer shall be compacted by rolling with a ten-ton or heavier roller until a smooth, even and uniformly compacted course is obtained.
  - (2) The surface of any layer shall be maintained in its finished condition until the succeeding layer

is placed.

- (3) The base shall be properly drained at all times.
  - (4) The finished roadbed shall consist of gravel, mixed with loam or clay hardening, compacted in layers and to a minimum depth of four inches, rolled to an even, firm surface without ruts or soft spots, all as approved by the Surveyor of Highways.
  - (5) During construction, grades as shown on the proposed finished profile must be maintained.
  - (6) Finished surface construction shall consist of Class I bituminous concrete, Type 1-1, laid in two courses, binder two inches and finish one inch. Construction methods shall conform to those required in Section B-18, Standard Specifications for Highways and Bridges, Commonwealth of Massachusetts, as amended.
- F. Concrete bounds to be set at all angle points, points of curvature, and points of tangents, on one side of the road, using 5 x 5 x 32" concrete bounds.
- G. Executed deeds or deeds by owners of land conveying to the Town for nominal consideration the land included in the proposed layout and for drainage easements shall be delivered to the Select Board prior to the time the article in the warrant is to be presented for acceptance at Town Meeting.
- (1) The complete cost of the work under all of the foregoing headings shall be borne by the petitioners.
  - (2) Strict compliance with the requirements of this section may be waived when, in the judgement of the Select Board after consultation with the Planning Board, such action is not contrary to the best interests of the Town.

**§ 240-2. Betterment assessment.**

- A. A betterment assessment program is established under the provisions of Chapter 80 of the Massachusetts General Laws for assessing betterments to the abutters on any private way which may be constructed or brought up to established standards only after the Town has voted to accept such ways.
- B. Before the Town shall vote to accept any private way under this program, there shall have been filed with the Select Board a petition for such acceptance containing the signatures of 3/4 of the owners of lots abutting and/or having access on said way; the Board shall have prepared a preliminary range of costs based on a rough estimate of charges to be levied against all abutters, including engineering, legal, construction or reconstruction, administration and interest; this preliminary estimate will be communicated by letter to each abutter; should they still desire to pursue the betterment, return a signed copy of the letter requesting the Board to proceed to incur the engineering costs on their behalf so that a final specific estimate of all costs can be developed; should 2/3 of the letters be returned favorably, the Board shall proceed to finalize the cost estimates and hold a public hearing on the original petition after due notice to said abutters and shall advise them at this time of the total cost to be borne by them individually and collectively for the betterment. **[Amended 6-12-2021ATM by Art. 55]**
- C. The Select Board shall act upon all private ways proposed to be accepted by the Town under the betterment assessment program strictly in accordance with the provisions of Chapters 80 and 82 of the Massachusetts General Laws. **[Amended 6-12-2021ATM by Art. 55]**

**§ 240-3. Street names. [Amended 6-12-2021ATM by Art. 55]**

The name of any street in the Town shall not be changed until a petition for an article in the warrant for the Annual Town Meeting is presented to the Select Board, with a majority of the landowners on said street signing such petition, and the article is favorably acted upon by the voters at such Annual Town Meeting.

**§ 240-4. House numbers.**

- A. Every building on a public or private way within the Town shall be provided with a clear and legible street number placed in such a manner as to be clearly visible from such ways.
- B. The Building Commissioner shall determine the street numbers to be assigned to all buildings located on public or private ways.
- C. All new buildings erected or located in the Town must have street numbers affixed prior to the date of occupancy.

## STRETCH ENERGY CODE

### Chapter 245

## STRETCH ENERGY CODE

**[HISTORY: Adopted by the Town of Chatham 5-13-2019 ATM by Art. 54. Amendments noted where applicable.]**

#### **§ 245-1. Title.**

This bylaw shall be cited and may be referred to as the Stretch Energy Code.

#### **§ 245-2. Purpose.**

The purpose of the Stretch Energy Code (780 CMR 115.AA) is to provide a more energy efficient alternative to the base energy code applicable to the relevant sections of the building code for both new construction and existing buildings.

#### **§ 245-3. Applicability.**

This code applies to residential and commercial buildings as set forth in 780 CMR 115.AA. Buildings not included in this scope shall comply with 780 CMR 13 and 51 as applicable.

#### **§ 245-4. Definitions.**

The following, for the purposes of this chapter of these bylaws, shall, unless another meaning is clearly apparent for the way in which the word is used, have the following meanings:

**INTERNATIONAL ENERGY CONSERVATION CODE (IECC)** — The IECC is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency, and is updated on a three-year cycle. The baseline energy conservation requirements of the Massachusetts State Building Code and 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 the 9th edition Massachusetts Building Code, the Stretch Energy Code is an appendix to the Massachusetts Building Code, based on further amendments to the IECC to improve the energy efficiency of buildings built to this code.

#### **§ 245-5. Enforceability.**

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 Chatham General Bylaws, Chapter 245. The Stretch Code is enforceable by the Building Commissioner or local Building Inspector.

CHATHAM CODE

**Chapter 247**

**TAX TITLE PAYMENT AGREEMENTS**

**[HISTORY: Adopted by the Town of Chatham 5-14-2018 ATM by Art. 19. Amendments noted where applicable.]**

**§ 247-1. Payment agreements authorized; terms and conditions.**

In accordance with the provisions of MGL c. 60, § 62A, payment agreements are hereby authorized between the Treasurer and persons entitled to redeem parcels in tax title, subject to the following terms and conditions.

- A. Each such agreement shall be for a term of five years and shall waive 50% of the interest that has accrued on the tax title account. No tax principal or collection costs/fees may be waived pursuant to the terms of any such agreement.
- B. Payment of 25% of the total tax title account balance as of the date of the agreement must be received by the Treasurer upon final approval/execution of the agreement.
- C. Such agreements and waivers shall be available for and uniformly applied to parcels of real property with an assessed valuation, as of the January 1 preceding the date of the agreement, equal to or less than 150% of the mean assessed value of residential properties in the Town.
- D. During the term of the agreement, the Treasurer may not bring an action to foreclose the subject tax title unless payments are not made in accordance with the schedule set out in the agreement or timely payments are not made on other municipal taxes, assessments, or charges due to the Town that constitute a lien on the subject tax title parcel. In the event of any default in payment obligations stipulated in said agreement, the Treasurer may pursue any or all remedies prescribed by MGL c. 60 for the collection of unpaid taxes, including, but not limited to, tax title foreclosure.
- E. The failure of the property owner to comply with any of the conditions or requirements imposed under this bylaw or to make payments in accordance with the terms of any agreement executed pursuant hereto shall be cause to rescind the waiver of interest and to reinstitute the interest that was waived. In the event of such noncompliance, the tax account for the property shall be recalculated to reflect the amount of taxes and statutory interest that would have been then due and payable but for the initial waiver of interest.
- F. Nothing in this bylaw shall preempt or preclude the authority of the Treasurer to accept partial payments or to negotiate and enter into payment agreements authorized by the provisions of MGL c. 60, §§ 22 and 22A, or any other statutory authority.

**Chapter 254****TREE PROTECTION**

**[HISTORY: Adopted by the Town of Chatham 5-13-2024ATM by Art. 43. Amendments noted where applicable.]**

**§ 254-1. Preamble and purpose.**

- A. The purpose of this bylaw is to minimize ambiguities and to clarify and amplify the provisions of Massachusetts General Laws Chapter 87, Shade Tree Law (MGL c. 87), and to provide standards for the proper care of Chatham's trees. Section 254-15 of this bylaw addresses special provisions that apply to Town-owned trees which are not protected by the Shade Tree Law.
- B. This bylaw does not apply to trees on private property.
- C. Trees are recognized for their ability to improve air quality, protect from glare, heat, and noise, aid in the stabilization of soil, provide natural flood and drainage control, create wildlife habitats, enhance aesthetics and property values, contribute to the distinct character of neighborhoods, provide natural privacy from neighbors, and reduce ambient carbon in the atmosphere. Therefore, in order to preserve Chatham's tree canopy and street trees, when trees are lost, they should be replaced so future generations can benefit from their presence.

**§ 254-2. Definitions.**

**CERTIFIED ARBORIST** — Is a tree professional who is certified by the ISA (International Society of Arboriculture).

**DBH (DIAMETER AT BREAST HEIGHT)** — Means the diameter of the trunk of a tree 4 1/2 feet above the existing grade at the base of the tree.

**DRIPLINE** — Means a vertical line running through the outermost portion of the crown (i.e., the outer branch tips) of a tree and extending to the ground.

**PUBLIC RIGHT-OF-WAY** — Means the strip of land controlled or owned by the Town within which a public street or road lies. Typically, the public right-of-way is wider than the road surface and often includes curbs, sidewalks, utilities, public shade trees, and grass strips.

**PUBLIC SHADE TREE** — Means any tree on or within the boundaries of a public right-of-way except for a state highway in accordance with the provisions of MGL c. 87.

**TOWN** — Means any employee or official of the Town of Chatham, consultant or contractor acting on behalf of the Town.

**TREE FUND** — Means a fund established as a revolving fund pursuant to MGL c. 44, § 53E 1/2, for use by the Town for the purchase, planting, protection and care of Chatham's trees.

**TREE REMOVAL** — Means the cutting down of any public shade tree or town-owned tree and any other act that will cause such a tree to die within a three-year period, including but not limited to improper or excessive pruning and construction, demolition, and excavation activities.

**§ 254-3. Applicability and jurisdiction.**

- A. **Applicability.** This bylaw applies to all public shade trees and Town-owned trees. This bylaw is intended to supplement Chapter 87 of the Massachusetts General Laws, known as the Shade Tree

Act. It extends certain protection to trees growing on Town-owned lands as specified in § 254-15, Special provisions for Town-owned trees, of this bylaw. This bylaw does not apply to trees on private property.

- B. Tree Warden. The Tree Warden shall have jurisdiction over all trees to which this bylaw applies.
- C. Coordination with other Town regulators. If any public shade tree may be impacted by construction, demolition, or excavation activities under the jurisdiction of the Town's Building Department, Planning Board, Zoning Board of Appeals, or other Town department or board, such regulatory agency shall, to the extent permitted by law, require the owner of the affected property and any person engaging in such activities to comply with the provisions of this bylaw and notify the Tree Warden of such activities.
- D. Planning Board. The Planning Board shall forward site plan review and special permit applications to the Tree Warden for review and comment where the activities proposed therein could potentially impact trees protected by this bylaw.

#### **§ 254-4. Activities requiring permit.**

A public shade tree may not be trimmed, pruned, or removed by any person other than the Tree Warden until and unless the Tree Warden issues a written permit pursuant to this bylaw. The following activities require a permit:

- A. Planting a public shade tree.
- B. Removal of a public shade tree.
- C. Pruning of a public shade tree, including root pruning or disturbance.
- D. Construction activities within the dripline of a public shade tree or that may be damaging to the tree.
- E. Engaging in excavation activities that may disturb a public shade tree, including but not limited to the installation of utility lines.

#### **§ 254-5. Prohibited activities.**

It shall be unlawful for any person to engage in any of the following activities relating to public shade trees:

- A. Carving.
- B. Breaking of limbs.
- C. Poisoning tree roots.
- D. Girdling tree trunks or nailing.
- E. Posting of signs (other than those posted by the Tree Warden regarding a public hearing).
- F. Topping, stubbing or otherwise damaging tree branches.
- G. Injuring or otherwise putting public trees at risk.

#### **§ 254-6. Permit application procedures.**



- A. A person who wishes to initiate any activity affecting a tree for which a permit is required under this bylaw shall submit an application to the Tree Warden in accordance with application requirements established by the Tree Warden. Application forms shall be available at the office of the Town Clerk and the office of the Tree Warden. There shall be no fee for filing an application.
- B. The permit issued by the Tree Warden may specify schedules, terms, and conditions as deemed appropriate by the Tree Warden. A permit shall be valid for 120 days from issuance unless the permit specifies otherwise.

**§ 254-7. Public hearing.**

- A. Except as may be provided in MGL c. 87, the Tree Warden shall not remove a public shade tree or grant an application to any person for the removal of a public shade tree without first conducting a public hearing. Where a public hearing is required, the Tree Warden shall issue a notice of the time and place of the hearing. The Tree Warden shall post the notice in two or more public places in Chatham and in public view upon the tree at least 14 days before such hearing and shall publish it in a newspaper of general circulation in Chatham. The costs of notice, posting and publication shall be borne by the applicant.
- B. When a public hearing must be held under the provisions of this bylaw and also under MGL c. 40, § 15C, regarding scenic roads, such hearings shall be consolidated into a single public hearing before the Tree Warden and the Planning Board.
- C. When the public shade tree to be removed is on conservation lands managed by, or resource areas under the jurisdiction of, the Chatham Conservation Commission, the public hearing required under the provisions of this bylaw shall be consolidated into a single public hearing before the Tree Warden and the Conservation Commission.
- D. For activities which require a permit hereunder, except removal of a tree, the Tree Warden shall issue or deny the permit within 14 business days of receipt of a completed application. A permit will be valid for 120 days from issuance unless specified in the permit.

**§ 254-8. Approval criteria.**

The Tree Warden shall approve removal of a public shade tree under the provisions of this bylaw upon a determination by the Tree Warden, or when deemed appropriate, by a certified arborist, that one of the following criteria is satisfied:

- A. The public shade tree interferes with structures, utilities, streets, sidewalks or proposed necessary improvements and there are no alternatives to removal;
- B. The public shade tree is dead, diseased, injured, in danger of falling, dangerously close to existing structures, causing disruption of public utility services, causing passage problems upon rights-of-way, or posing a threat to pedestrians, vehicles, or property damage;
- C. The removal of the public shade tree is necessary for other reasons and serves a public benefit as determined by the Tree Warden.

**§ 254-9. Appeals.**

Any decision of the Tree Warden under this bylaw may be appealed to the Select Board. The notice of appeal must be in writing and must be received by the Select Board within 30 calendar days of the issuance

of the Tree Warden's decision; or the appeal may be made at the public hearing if the Tree Warden issues his decision during or at the close of the public hearing. The Select Board shall make a final decision within 30 calendar days from the date of its receipt of the notice of appeal.

#### **§ 254-10. Tree planting.**

The Tree Warden shall establish standards for planting public shade trees for which a permit is required under § 254-4 of this bylaw. Such standards shall include 1) listing of native tree species acceptable for planting, 2) site selection, 3) priorities for tree planting locations, 4) spacing of street trees, and 5) planting guidelines. See current edition of Chatham's Tree Care Handbook.

#### **§ 254-11. Tree replacement.**

Any person who removes or severely injures a public shade tree, including the driver of any vehicle that knocks down or severely injures such a tree, shall be required to replace it within 12 months of the date of its removal, at such person's cost and in accordance with the permit application procedures set forth in § 254-6 of this bylaw, as follows:

- A. The replacement of a public shade tree shall be procured from a tree nursery professional approved by the Tree Warden. Such professional shall plant and ensure the health of the tree for one year.
- B. The replacement tree shall be of the same or similar species, or of such other native species, as is deemed advisable by the Tree Warden and shall have the same or equivalent size, as measured in DBH inches, as that of the tree that was removed.
- C. If a tree of equivalent size cannot be obtained or is not deemed appropriate as a replacement, the Tree Warden shall determine a suitable alternative, including planting two or more smaller replacement trees that are the largest available and appropriate for transplanting. The tree(s) shall be planted in the same location or proximate to the location of the removed tree. Only if it is not possible for trees to be planted on, or proximate to, the location of the removed tree shall the Tree Warden permit payment into the Tree Fund in lieu of the replanting. Said payment shall be in an amount equivalent to the value of the tree that was removed, as determined by a certified arborist based on industry standards and shall include the estimated cost of planting the tree and maintenance thereof for three years.

#### **§ 254-12. Emergencies.**

- A. Pruning or removal shall be allowed without a permit for any public shade tree that is determined by emergency response officials to create a public hazard so as to immediately endanger public safety or cause an immediate and severe disruption of public services, including public utilities. Such officials shall prepare a written notice of their determination of such public hazard and shall submit it to the Tree Warden within 14 calendar days of such determination.
- B. The Tree Warden may waive the provisions of this bylaw with respect to any action deemed to be an emergency response to a hurricane, windstorm, flood, or other act of nature.

#### **§ 254-13. Enforcement.**

- A. Any person who violates any provision of MGL c. 87, § 8, shall be subject to fines of up to \$500, or such other penalty as may be authorized therein, for each separate violation. Where any person violates a provision of this bylaw but not the provisions of MGL c. 87, § 8, the person shall be subject to a fine of \$300 for each separate violation hereof. Each act causing damage to a separate tree shall constitute a separate violation hereunder. Fines shall be assessed and collected by noncriminal

disposition pursuant to § 1-7 of these bylaws and/or pursuant to any other procedure authorized by law.

- B. These remedies shall not be in derogation of the Town's right to enforce the provisions of MGL c. 242, § 7, as against any person who without a permit willfully cuts down, girdles, or otherwise destroys a public shade tree or a tree on Town-owned property, or the Town's right to apply or enforce any other applicable Massachusetts law or Town bylaw.
- C. Fines, penalties and damages paid to the Town under this bylaw shall be paid into the Tree Fund.

#### **§ 254-14. Severability.**

If any segregable part of this bylaw is for any reason declared invalid, unenforceable or unconstitutional by any court of competent jurisdiction, every other part hereof shall remain in full force and effect.

#### **§ 254-15. Special provisions for Town-owned trees.**

Town-owned trees that are not shade trees pursuant to MGL c. 87 shall be subject to this bylaw, with the exception of §§ 254-6 through 254-13 which shall not apply to such trees. For purposes of this bylaw, a distinction is made between Town-owned trees that grow in managed public spaces like parks or golf courses, referred to as Town trees, and trees that grow in a woodland setting, referred to as Town woodland trees.

- A. Definitions. In addition to the terms defined in § 254-2 of this bylaw, the following terms shall further define Town-owned trees:

**TOWN TREE** — Is a tree other than a public shade tree growing in a public park, golf course, or other land owned, managed, or controlled by the Town of Chatham.

**TOWN WOODLAND TREE** — Is a tree growing on Town land that is in a wild state, in an area that is undisturbed, such as woodland or forested land. For purposes of this bylaw, a Town woodland tree is differentiated from a Town tree by its location.

- B. Applicability of this bylaw to Town trees.

- (1) Permit application shall not be required. However, the Town is required to alert the Tree Warden to any planned tree removal that may involve Town tree(s). If the Tree Warden determines the Town tree is significant in size or has historical value, a permit shall be required in accordance with § 254-7 (Public hearing) and determinations made in accordance with § 254-8 (Approval criteria).
- (2) Replacement of Town trees lost due to storms, disease, or other cause. The Tree Warden shall require the Town to replace public shade trees or Town trees that come down in a storm, have died from disease or otherwise have been removed, unless replacement at the original situs is not consistent with the purpose of an active or proposed Town project, in which case replacement shall be effectuated at another location in Chatham with the schedule, location and species of the replacement tree to be determined by the Tree Warden. The Tree Warden shall approve the replanting location, the tree size, and species. When appropriate, the Tree Warden shall notify any abutting property owner(s) of tree replacement prior to planting.
- (3) The replacement tree shall be of the same or similar species, or such other native species as deemed advisable by the Tree Warden and shall be planted during the next growing season.

C. Applicability of this bylaw to Town woodland trees.

- (1) When removal of Town woodland trees is necessary for development of Town infrastructure benefiting the citizens of Chatham (such as water treatment plants or sewer pump stations) the terms of this bylaw shall not apply, except for the following:
  - (a) The site plan for the development of such infrastructure shall indicate the area of the woodland to be disturbed and the number of trees greater than three inches DBH that will be taken.
  - (b) The Town or its contractor shall make every effort to minimize disturbance and to preserve the trees wherever possible. The awarded contract shall include a plan for the revegetation/rewilding of the area with native trees and other plant material after construction. The revegetation plan shall be approved by the Select Board and revegetation shall take place during the next planting season. The Tree Warden will monitor the implementation and success of the vegetation plan.
  - (c) In an effort to preserve Chatham's tree canopy, the Town shall replant disturbed areas with native trees and make every effort to ensure their survival by providing water and care as needed and replacement if necessary.

**§ 254-16. Tree Care Handbook.**

The Tree Warden shall develop and maintain a Tree Care Handbook, which shall be subject to the approval of the Select Board, for the purpose of applying best practices and standards for the proper planting and care of all Chatham shade and town trees. The handbook shall be available as a helpful guide for all Chatham citizens who wish to plant and care for the trees on their properties.

**§ 254-17. Tree Fund.**

The Town shall establish a Tree Fund pursuant to MGL c. 44, § 53E 1/2 (Revolving Fund). The purpose of the Tree Fund is to receive the penalties, fines and other payments required by this bylaw and MGL c. 87, as well as any other monies that the Town may appropriate to the fund. The Town is authorized to expend the funds for the planting and care of Chatham's trees, as provided in the Revolving Fund Bylaw.

**Chapter 261****WATER SUPPLY EMERGENCIES**

**[HISTORY: Adopted May 1997 ATM by Art. 11 as Ch. 33 of the 1997 Bylaws. Amendments noted where applicable.]**

**GENERAL REFERENCES**

**Enforcement and penalties — See Ch. 1, Art. I.**

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**§ 261-1. Authority.**

This chapter is adopted by the Town under its police powers to protect public health and welfare and home rule powers of the Town pursuant to its authority under MGL c. 40, § 21 and implements the Town's authority under MGL c. 40, § 41A, conditioned upon a declaration of water supply emergency issued by the Department of Environmental Protection.

**§ 261-2. Purpose. [Amended 1997 ATM by Art. 23]**

The purpose of this chapter is to protect, preserve, and maintain the public health, safety, and welfare whenever there is in force a state of water supply conservation or a state of water supply emergency by providing for enforcement of any restrictions, requirements, provisions or conditions imposed by the Town of Chatham or by the Massachusetts Department of Environmental Protection (DEP).

**§ 261-3. Definitions.**

The following words, for the purposes of this chapter of these bylaws, shall, unless another meaning is clearly apparent for the way in which the word is used, have the following meanings:

**ENFORCEMENT AUTHORITY** — Means the Select Board as the Board of Water Commissioners, or its designees. **[Amended 6-12-2021 ATM by Art. 55]**

**PERSON** — Means any individual, corporation, trust, partnership, state, federal, or municipal government or political subdivision or association or other entity.

**STATE OF WATER SUPPLY CONSERVATION** — Means a state of water supply conservation declared by the Town pursuant to § 261-4 of this chapter.

**STATE OF WATER SUPPLY EMERGENCY** — Means a state of water supply emergency declared on petition of the Town by the Massachusetts Department of Environmental Protection pursuant to MGL c. 21G, §§ 15 through 17, and c. 111, § 160, or by the Governor.

**WATER USERS or WATER CONSUMERS** — Means all public and private users of the Town's public water system, irrespective of any person's responsibility for billing purposes for water used at any particular facility.

**§ 261-4. Declaration of state of water supply conservation.**

The Town of Chatham, through its Board of Water Commissioners, may declare a state of water supply conservation upon a determination by a majority vote of the Board that a shortage of water exists and

conservation measures are appropriate to ensure an adequate supply of water to all water consumers. Public notice of a state of water conservation shall be given under § 261-6 of this chapter before it may be enforced.

**§ 261-5. Restricted water uses.**

- A. Declaration of a state of water supply conservation or water supply emergency shall include but not be limited to one or more of the following restrictions, conditions, or requirements limiting the use of water as necessary to protect the water supply:
  - (1) Outdoor watering by water users with odd-numbered addresses is restricted to odd-numbered days. Outdoor watering by water users with even-numbered addresses is restricted to even-numbered days.
  - (2) Outdoor watering is prohibited.
  - (3) Outdoor watering is permitted only during daily periods of low demand; watering times will be specified in the declaration of a state of water supply conservation or state of water supply emergency and public notice thereof.
  - (4) Filling of swimming pools is prohibited.
  - (5) The use of outdoor irrigation automatic sprinkler systems is prohibited.
  - (6) The washing of automobiles, driveways, and sidewalks is prohibited.
- B. The applicable restrictions, conditions or requirements shall be included in the public notice required under § 261-6 of this chapter.

**§ 261-6. Public notice; notification of Department of Environmental Protection.**

- A. Notification of any provision, restriction, requirement or condition imposed by the Town as part of a state of water supply conservation or state of water supply emergency shall be published in a newspaper of general circulation within the Town or by such other means reasonably calculated to reach and inform all users of water of the state of water supply conservation or state of water supply emergency.
- B. Any restriction imposed under § 261-5 shall not be effective until such notification is provided.
- C. Notification of the state of water supply conservation shall also be simultaneously provided to the Massachusetts Department of Environmental Protection.

**§ 261-7. Termination of state of water supply conservation or emergency.**

- A. A state of water supply conservation may be terminated by a majority vote of the Board of Water Commissioners, upon a determination that the water supply shortage no longer exists.
- B. Public notification of the termination of a state of water supply conservation or state of water supply emergency shall be given in the same manner required by § 261-6 of this chapter.

**§ 261-8. Violation of orders prohibited. [Amended 1997 ATM by Art. 23]**

Upon publication of public notice, as stated in § 261-6, that a declaration of a state of water supply

conservation has been issued by the Town of Chatham's Board of Water Commissioners or a state of water supply emergency has been issued by the Massachusetts Department of Environmental Protection, no person shall violate any provision, restriction, requirement, or condition of any order approved or issued by the Board of Water Commissioners and/or Department of Environmental Protection intended to bring about an end to the state of water supply conservation or water supply emergency.

**Chapter 265****WATERWAYS**

**[HISTORY: Adopted May 1997 ATM by Art. 11 as Ch. 35 of the 1997 Bylaws. Amendments noted where applicable.]**

**§ 265-1. Application and regulations.**

- A. This chapter applies to all persons, vessels, objects or structures on or using the waters of the Town of Chatham, including all salt and fresh water ponds.
- B. The Harbormaster is authorized to prescribe regulations to carry out this chapter.
- C. Before prescribing any regulation under this chapter the Harbormaster shall present said regulations to the Waterways Advisory Committee, which shall hold a public hearing on the proposed regulations. **[Amended 5-12-2008 ATM by Art. 34]**
- D. Failure of the Harbormaster to prescribe regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this chapter.

**§ 265-2. Definitions. [Amended 5-14-2001 ATM by Art. 32; 5-12-2008 ATM by Art. 34; 5-14-2022ATM by Art. 43]**

- A. The following words, for the purposes of this chapter of these bylaws, shall, unless another meaning is clearly apparent for the way in which the word is used, have the following meanings:

**AGGRIEVED PERSON** — Any person or entity whose mooring permit has been revoked or not renewed; any person who leases a mooring from a recreational boating facility and whose lease is cancelled or not renewed; any person or entity whose name appears on a Town or private waiting list and who was passed over when a mooring became available.

**COMMERCIAL FISHING VESSEL MOORING/WAITLIST CLASSIFICATION** — Any person or entity meeting the following criteria:

- (1) License issued by the Commonwealth of Massachusetts, Department of Marine Fisheries to sell and harvest seafood products;
- (2) Vessel must be documented or commercially registered in Massachusetts. There shall be 220 commercial fishing mooring permits issued each calendar year; and
- (3) Must be a resident of the Commonwealth of Massachusetts.

**DILIGENT SUPERVISION** — Means that the supervising adult shall be sufficiently close to the supervised person so as to visually oversee the operation of the personal watercraft.

**HEADWAY SPEED** — Means the slowest speed at which all vessels and personal watercraft may be operated and maintain steerage way. To be considered operating at headway speed under this chapter, the operator shall be either kneeling or sitting.

**MOORING ADVISORY BOARD** — Shall consist of the Waterways Advisory Committee along with a designated member of the Select Board.

**PERSONAL WATERCRAFT** — Means a vessel propelled by a water-jet pump or other machinery as its primary source of propulsion that is designed to be operated by a person sitting, standing, or



kneeling on the vessel rather than being operated in the conventional manner by a person sitting or standing inside the vessel.

**RECREATIONAL BOATING FACILITY** — All marinas, boatyards and yacht clubs who have been assigned multiple moorings by the Town for use by their patrons, customers or members.

**VESSEL** — Means every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on the water.

**WATERSKIING** — Means the towing or manipulating of a surfboard or other similar device behind any vessel.

- B. The definitions found in MGL c. 91, § 1 and MGL c. 90B, § 1 are hereby incorporated by reference. If any definition above conflicts with MGL c. 91, § 1 and MGL c. 90B, § 1, the above definition shall control.

**§ 265-3. Speed limit and No Wake; posted areas and safety zone.**

- A. Speed limit and No Wake.

- (1) Vessels shall not exceed five miles per hour and shall make No Wake, in posted areas.
- (2) Vessels shall make No Wake within 150 feet of: bathers, divers, piers, docks, floats, small vessels propelled by means other than machinery, vessels not underway, or the shore.

- B. The following areas are posted "No Wake" annually from 15 June to 15 September: **[Amended 5-14-2022ATM by Art. 43]**

- (1) Stage Harbor, Oyster River, Mitchell River, and the Mill Ponds from Stage Harbor Buoy 4 to the head of the Little Mill Pond, and to the entrance of the Oyster Pond.
- (2) Aunt Lydia's Cove, from the entrance of the Fish Pier channel to the northerly end of the dredged mooring basin.
- (3) Ryder's Cove, Frost Fish Creek and Crow's Pond, from the entrance to Ryder's Cove to the head of Ryder's Cove and Frost Fish Creek, and in the Crow's Pond entrance channel.
- (4) Taylor's Pond and Mill Creek, from the entrance of Mill Creek to the head of Taylor's Pond.

- C. The number and location of five mph and/or No Wake areas may be changed at the discretion of the Harbormaster providing that such action is approved by the Select Board at a public meeting and that a two-week period of public comment is allowed for. **[Amended 6-12-2021ATM by Art. 55; 5-14-2022ATM by Art. 43]**

- D. In addition to any other provisions of this section, a safety zone is established in Stage Harbor from Stage Harbor Buoy 7 to Stage Harbor Buoy 10, effective annually from 15 June to 15 September. In the safety zone there shall be no swimming, anchoring, water skiing or scuba diving in the channel. Sailboarders, kiteboarders and other similar watersport craft may use this area to transit between Stage Harbor and Nantucket Sound in accordance with § 265-8. **[Amended 5-11-2015 ATM by Art. 35]**

**§ 265-4. Town floats; tie-up time limit.**

- A. Without the express permission of the Harbormaster, an assistant Harbormaster, or the Wharfinger no vessel may remain tied up to Town-owned floats for longer than 15 minutes.

- B. At all floats where this section applies the Harbormaster shall post a sign indicating that there is a tie-up time limit.

**§ 265-5. Freshwater ponds. [Amended 6-12-2021ATM by Art. 55; 5-14-2022ATM by Art. 43]**

In order to protect the purity of the water and prevent the deterioration of the freshwater ponds, no one shall operate or permit to be operated any vessel powered by any internal combustion engine on any freshwater pond in the Town of Chatham except under the direction of a law enforcement officer, fire or rescue officer, or other authorized official for the purpose of aiding in rescue, other emergency, or for a specified public need with the permission of the Select Board.

**§ 265-6. Waterskiing.**

- A. Waterskiing is prohibited in the posted areas listed in § 265-3B, in marked channels, and within 150 feet of bathers, divers, piers, docks, floats, other boats or the shore.
- B. Waterskiing is permitted in other areas subject to the provisions of Massachusetts General Laws, Chapter 90B.

**§ 265-7. Operation of personal watercraft. [Amended 5-14-2001 ATM by Art. 32; 5-14-2022ATM by Art. 43]**

- A. The purpose and scope of this section is to protect safety by establishing rules of conduct governing the operation of personal watercraft, by promoting voluntary compliance with the rules and, when necessary, by deterring, through fines and penalties, noncompliance with the rules. The Town of Chatham intends to improve, through this chapter, the safe and appropriate use of personal watercraft. The following shall apply in addition to the requirements of MGL Chapter 91 and MGL Chapter 90B and their implementing regulations.
- B. No person shall operate a personal watercraft if such person is:
- (1) Under the age of 16; or
  - (2) Sixteen or 17 years of age without first having received a safety certificate evidencing satisfactory completion of a training course in safe operation conducted by the United States Power Squadron, the Massachusetts Environmental Police, the Division of Law Enforcement or such other entity approved in writing by the Director of the Division of Law Enforcement.
- C. No person shall operate a personal watercraft in a negligent manner. The following are examples of negligent operation:
- (1) Unreasonable jumping or attempting to jump the wake of another vessel.
  - (2) Following within 150 feet of a water skier.
  - (3) Weaving through congested vessel traffic.
  - (4) Speeding in restricted areas.
  - (5) Crossing unreasonably close to another vessel.
  - (6) Operating a personal watercraft in such a manner that it endangers the life, limb or property of any person.

- D. Except as otherwise provided in this chapter, no person shall operate a personal watercraft:
- (1) Within the boundaries of the Cape Cod National Seashore as set forth in Public Law 87-126, 7 August 1961, as most recently surveyed by the U.S. Department of Interior, and on the tidal waters of Pleasant Bay and Chatham Harbor contiguous to the Cape Cod National Seashore to a line running westerly from the southernmost boundary of the Cape Cod National Seashore at the southerly tip of Nauset (South) Beach, west to Monomoy Island, including but not limited to Muddy Creek (Monomoy River), Crows Pond, Bassing Harbor, Ryder's Cove, Aunt Lydia's Cove, and any adjoining river, inlet, cove, pond, embayment or harbor.
  - (2) On the tidal waters of Nantucket Sound southerly of the Stage Harbor Channel (as most recently dredged by the U.S. Army Corps of Engineers) to the "SH buoy" (LLN 138555 in position 41° 39.15'N/070° 00.0'W), then easterly of a line drawn from the "SH buoy" along 70° 00'W south to 41° 36'N, then northerly of a line drawn from 41° 36'N/70° east to Monomoy Island.
- E. A personal watercraft may be operated in the areas described in Subsection D above for search and rescue, or other emergency uses, provided it is under the direction of a duly authorized federal, state or local law enforcement or emergency response agency.

**§ 265-8. Sailboards, kiteboards and similar watersport craft. [Amended 5-11-2015 ATM by Art. 36]**

- A. The use of sailboards, kiteboards and other similar watersport craft is prohibited in marked navigational channels, guarded swimming areas, and within 150 feet of bathers, divers, piers, docks, and moored/anchored vessels. Sailboarders, kiteboarders and other similar watersport craft are allowed to operate within the area of outer Stage Harbor as defined in § 265-20C.
- B. If sailboarders, kiteboarders or other similar watersport craft must cross a marked channel to gain access to another area, they shall do so as nearly practicable at right angles to the vessel traffic flow.

**§ 265-9. Use of aids to navigation.**

- A. No authorized aid to navigation in the harbors and waterways of the Town shall be used as starting, finishing or turning mark for any formal or informal race, regatta or other competition.
- B. This prohibition does not include aids to navigation in the waters of the Town in Nantucket Sound seaward of Stage Harbor Entrance Buoys 1 and 2.

**§ 265-10. Pollution. [Amended 5-14-2022ATM by Art. 43; 5-14-2022ATM by Art. 44]**

- A. The discharge or disposal of petroleum products, dead fish or shellfish, fish frames, garbage, waste, rubbish or debris on the waters, shores or beaches is prohibited.
- B. The use of bare foam flotation for constructing new floating docks or swim floats or floats attached to a land-accessed structure (except floats held in place with single point mooring anchors already regulated by Consolidated Waterways Regulations § 1011 6.g.) is prohibited in all tidal and fresh waters. New floats shall use plastic float boxes or similar commercially manufactured flotation devices, or foam flotation material designed specifically for in-water applications encapsulated by high molecular weight polyethylene (hardshell) or equivalent. Existing floats with bare foam flotation shall be brought into compliance whenever repairs or maintenance to the foam flotation is performed or when the foam flotation exhibits damage, fragmentation, loss of beads, or other degradation resulting in loss of material into the environment.

**§ 265-11. Abandonment and removal of vessels.**

- A. No vessel, mooring or other object shall be abandoned, sunk or placed where it may constitute a hazard to navigation as determined by the Harbormaster. **[Amended 5-14-2022ATM by Art. 43]**
- B. Any vessel, mooring or object constituting a hazard to navigation, and any vessel or object improperly secured, swamped, sunk, washed ashore or found in a restricted area, may be removed or relocated at the direction of the Harbormaster or an Assistant Harbormaster if corrective action is not taken after 72 hours' notice to the owner, or if the owner is unknown, after notice has been posted for the same period at the Town office or on or near such vessel, mooring or object.
- C. The expense of such removal or relocation, storage, and liability incurred therefor shall be the responsibility of the owner. **[Amended 5-14-2022ATM by Art. 43]**
- D. Nothing in the above subsections shall restrict earlier action by the Harbormaster or an Assistant Harbormaster, with or without notifying the owner if, in his judgment, such action is necessary to protect life or property.

**§ 265-12. Divers and vessel operations near divers.**

- A. In addition to the requirement found in MGL Chapter 90B and its implementing regulations, for special purposes permission is granted in writing by the Harbormaster to otherwise protect divers, any person or persons skin diving or scuba diving shall adhere to the following requirements: **[Amended 5-14-2022ATM by Art. 43]**
  - (1) Display a diver's flag consisting of a red field with a white diagonal stripe, of a size not less than 12 by 15 inches.
  - (2) Display a flag on a vessel or surface float or similar device holding such flag upright at a minimum distance of three feet above the surface of the water.
  - (3) Stay within 100 feet of the aforesaid float or vessel or tow the float and flag with the diver while the diver is submerged and surface thereunder.
  - (4) Vessels restricted in their ability to maneuver because divers are attached to the vessel shall, in addition to the above, display the dayshape required by the Navigation Rules.
- B. A vessel operating within sight of a diver's flag or the dayshape required in the subsections above shall proceed with caution, and within a radius of 100 feet of such flag or dayshape shall proceed at a speed not to exceed three miles per hour.

**§ 265-13. Moorings.**

- A. The Harbormaster or an Assistant Harbormaster shall assign the location, and approve the type and adequacy of every mooring in the waters of the Town of Chatham.
- B. The mooring permit holder shall comply with all reasonable requests of the Harbormaster or an Assistant Harbormaster and all mooring and mooring permit regulations and shall ensure that: **[Amended 5-12-2008 ATM by Art. 34]**
  - (1) Each mooring owned by a permit holder shall meet the requirements of the Harbormaster's Waterways Regulations. **[Amended 5-14-2022ATM by Art. 43]**
  - (2) Each mooring is maintained in good and serviceable condition on the assigned location for the

mooring.

- (3) All mooring buoys, markers, mooring spars, lobster cars, vessels, or similar objects attached to a mooring are clearly visible at all times, and properly and clearly identified as prescribed by regulations adopted under this chapter.<sup>7</sup>

- C. The owner of a mooring may sell or transfer the ownership of mooring tackle owned by him.
- D. The assigned location of the mooring shall not be transferred to anyone else without the approval of the Harbormaster or an Assistant Harbormaster.
- E. The Harbormaster may designate a mooring field in which specified types of mooring systems and/or tackle may be required. Such plan must be reviewed by the Waterways Advisory Committee, Shellfish Advisory Committee, Aunt Lydia's Cove Committee and South Coastal Harbor Plan and approval by the Select Board after a public hearing. [Added 5-14-2022ATM by Art. 43]

**§ 265-14. Mooring permits. [Amended 5-12-2008 ATM by Art. 34; 6-12-2021ATM by Art. 555-14-2022ATM by Art. 43]**

- A. Before placing in the water or using any mooring, the owner of a mooring tackle shall obtain from the Harbormaster or an Assistant Harbormaster a mooring permit.
- B. The Harbormaster shall adopt regulations regarding the period of time that a mooring permit is valid, procedures for renewal and the issuance of new permits.
- C. A mooring permit may be revoked by the Harbormaster at any time for failure to comply with the requirements of this chapter, or regulations prescribed by the Harbormaster regarding moorings or mooring permits.
- D. When a mooring permit is revoked or expires, the permit holder/owner shall, within 30 days, unless otherwise authorized by the Harbormaster, surrender the mooring permit and remove or dispose of the mooring.
- E. When a permit holder/owner of a mooring no longer owns the vessel described in the mooring permit or another approved vessel, the permit holder may retain the mooring location for a period not to exceed two years from the date of disposition, transfer, or sale of the vessel described on the permit, and the mooring may be used by another vessel as prescribed in § 265-18. If after two years the permit holder/owner does not own a vessel requiring a mooring, the Harbormaster shall reassign the mooring permit.
- F. The Select Board, in consultation with the Waterways Advisory Committee, shall set the fees for mooring permits.
- G. The Harbormaster shall annually, by May 1, publish a list of active mooring permits including the permit number and mooring category on the Town website.

In the event a mooring assigned to a commercial fishing vessel under the commercial fishing vessel mooring/waitlist classification is relinquished or converted by the mooring permit holder to a recreational private status, the Harbormaster shall assign the next available, suitable mooring to a commercial fishing vessel applicant.

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7. Editor's Not: Former Subsection B(4), regarding mooring spar standards, which immediately followed this subsection, was repealed 5-14-2022ATM by Art. 43.

- H. Mooring permits are temporary permits as defined in MGL c. 91. The permits are not property rights and as such are only transferable in strict conformity with this bylaw.
- I. Subject to federal, state, and local permitting requirements, no person shall rent or lease a mooring permit or mooring location.

**§ 265-15. Recreational boating facilities. [Added 5-12-2008 ATM by Art. 34; 6-12-2021ATM by Art. 55amended 5-14-2022ATM by Art. 43<sup>8</sup>]**

- A. Mooring permits issued to recreational boating facilities may, consistent with the provisions of this bylaw and the rules and regulations of the Harbormaster, be assigned or leased to customers, patrons and/or members of such facilities, and may be used by such facilities for service or repair of vessels.
- B. No recreational boating facility shall fail to renew or revoke a mooring rental/assignment without having complied with the applicable provisions of state and local regulations. Copies of the notice shall be sent to the Harbormaster simultaneously with the notice to the lessee/assignee. Any person aggrieved by such non-renewal or revocation shall be entitled to pursue the appeal and local review process. If an aggrieved person files an appeal/petition with the Harbormaster, the mooring in question shall not be re-assigned until all appeals and local review are fully adjudicated.
- C. Failure of the recreational boating facility to conform to the requirements of this bylaw and to the specific requirements below may result in the non-renewal of some or all of its mooring permits.
  - (1) Recreational boating facilities shall provide safe and adequate access for their customers which include parking, bathrooms, dinghy storage or launch services, boat repair, boat maintenance and boat storage on or off property or both. Adequate bathrooms shall not include porta-johns, except on a temporary basis. Adequate parking is considered the amount of parking available as of January 1, 2020.
  - (2) Each recreational boating facility that offers the sale of gasoline as of January 1, 2019, shall continue to offer gasoline to their customers and the public.
  - (3) Recreational boating facilities shall annually provide the Office of the Harbormaster the current waiting list with names and contact information and list of new and returning permit holders by March 1.
- D. Upon the sale or transfer of the recreational boating facility to a new owner, the mooring permits assigned to that recreational boating facility may be transferred to the successor owner, provided that:
  - (1) The facility continues to operate so as to meet the requirements of § 265.15C(1), (2) and (3); and
  - (2) The Harbormaster approves such transfer, which approval shall be based upon the facility's compliance with this Bylaw and specific requirements of § 265.15C(1),(2) and (3).

Sale or transfer shall include any sale or transfer of more than 51% of the stock of the recreational boating facility.

- E. The sale or transfer to any person or entity that ceases or fails to operate as set forth in this section

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8. Editor's Note: This article also redesignated this section, formerly § 265-14.1, and former §§ 265-15 and 265-16 as §§ 265-16 and 265-17, respectively.

will cause the mooring permits to be revoked or not reissued and such permits may be reassigned by the Harbormaster.

- F. The Harbormaster, at his discretion, may issue "service moorings" to boat/repair commercial facilities not qualified under "recreational boating facilities" as required by them to facilitate their normal operations.
- G. Recreational boating facilities shall cooperate with the Harbormaster to maximize mooring use during storm events.

**§ 265-16. Waiting lists for mooring location assignment. [Amended 5-12-2008 ATM by Art. 34]**

- A. In areas that have reached maximum mooring saturation, the Harbormaster shall, in order to equitably assign mooring locations, establish waiting lists and procedures for the administration of such waiting lists.
- B. Recreational boating facilities shall likewise establish waiting lists and procedures similar to the Harbormaster's for assignment of vacant moorings under their control for those willing to pay the rental fee for such moorings. In the event such facility has no one on its waiting list and no one is interested in renting its available moorings, it shall be offered to the owner of a suitable vessel who is listed first on the applicable Harbormaster Waiting List and is willing to enter into the mooring rental assignment agreement then offered by the recreational boating facility. Recreational boating facilities shall be required to submit to the Harbormaster the information set forth in Subsections E and F of this section.
- C. In the establishment of the written waiting list procedures, the Harbormaster or recreational boating facilities shall comply with the provisions of 310 CMR 9.07(2)(a). The fair and equitable assignment from a waiting list shall at a minimum include:
  - (1) Date of application;
  - (2) Physical characteristics of vessels, e.g., size and type;
  - (3) Purpose of vessel use, e.g. commercial vs. recreational or public vs. private; and
  - (4) In the case of a recreational boating facility, renewal of a mooring rental assignment or issuance of a mooring rental assignment to individual patrons, members or customers of the facility.
- D. A list of all mooring wait lists and assignment lists shall be kept at the Harbormaster's office and posted on the Town website. These lists will have the date an individual first appeared on the wait list. The assignment list will have the date the mooring was assigned to that individual. When the Harbormaster makes any changes either by issuing new moorings or removing moorings then that change will be reflected on the respective list within 15 days of said change. The Harbormaster's office shall maintain these records as public documents in paper and electronic form and shall keep these records for public review indefinitely or until otherwise instructed by the Select Board/Town Manager. **[Amended 6-12-2021ATM by Art. 55; 5-14-2022ATM by Art. 43]**
- E. The Harbormaster shall publish the mooring wait lists on the Town website. **[Amended 6-12-2021ATM by Art. 55; 5-14-2022ATM by Art. 43]**
- F. When a new mooring is established and assigned or added to the Harbormaster's own inventory of available Town moorings, the notification shall be posted at the Town Clerk's office and on the official Town website. **[Amended 6-12-2021ATM by Art. 55; 5-14-2022ATM by Art. 43]**

- G. All new assignments of the moorings shall be taken from the first suitable vessel on the waiting list. If the vessel selected for a mooring is not the next in line on the wait list then the Harbormaster shall provide by electronic mail a written reason for such a selection to the Select Board/Town Manager, the Waterways Advisory Committee, and to all individuals on the waiting list who have been passed over within 15 days of such an assignment. [Amended 6-12-2021ATM by Art. 55; 5-14-2022ATM by Art. 43]

**§ 265-17. Moving, relocating, removal and inspection of moorings. [Amended 5-12-2008 ATM by Art. 34; 5-14-2022ATM by Art. 43.]**

- A. Moorings shall not be moved from an approved location without the prior approval of the Harbormaster or an Assistant Harbormaster.
- B. Lost moorings. In the event that a mooring is lost it shall be the responsibility of the permit holder/owner to, at the earliest possible opportunity, locate, mark and properly identify said lost mooring. If, during a period not to exceed six months, the permit holder/owner fails to locate, mark and properly identify a lost mooring, the permit holder/owner may request permission from the Harbormaster to install a new mooring and tackle at their approved location.
- C. The Harbormaster or an Assistant Harbormaster may, at any time, inspect any mooring and may remove or cause to be removed any mooring that fails to meet mooring regulations or specifications.
- D. The Harbormaster or an Assistant Harbormaster may relocate, remove or cause to be removed or relocated any mooring whenever, in their judgment, the safety of other vessels or the maximum use of the area requires such action.
- E. All moorings shall pass an inspection by a qualified person before being placed in service.
- F. Any expense of such inspection, removal or relocation and any liability incurred therefor shall be the responsibility of the permit holder/owner of said mooring.

**§ 265-18. Moorings used by persons other than permit holder. [Amended 5-14-2022ATM by Art. 43]**

At times when a mooring is not being used by the mooring permit holder/owner, the mooring may be used by another vessel, provided prior approval is obtained from both the permit holder/owner of the mooring and the Harbormaster or an Assistant Harbormaster, subject to the following provisions:

- A. When a mooring is used by a vessel owned and operated by an individual who is not the permit holder/owner of the mooring, it shall be the responsibility of the owner/operator of said vessel to maintain the mooring and leave it in the same condition as when first used by them.
- B. If during the period of use by another vessel the mooring is lost, dislocated or damaged, the owner/operator of the vessel using the mooring shall be liable to the permit holder/owner of the mooring for a sum of money sufficient to recover, restore, renew or relocate the mooring to the approved location, and to the condition it was first used by them.

**§ 265-19. Sale of moorings at auction. [Amended 5-14-2022ATM by Art. 43]**

The Harbormaster shall have the authority to sell at public auction on behalf of the Town any mooring and

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9. This article also repealed former § 265-17, Lost moorings, as amended. See now Subsection B below.



associated equipment removed under the authority of this bylaw if the mooring has not been identified and claimed by its owner within six months of its removal.<sup>10</sup>

**§ 265-20. Anchoring and mooring in Stage Harbor.**

- A. Vessels shall not anchor in Stage Harbor in the inner harbor, east of Stage Harbor Buoy 10 or in the area on the north side of the dredged channel, west of Stage Harbor Buoys 11 and 13. **[Amended 5-11-2015 ATM by Art. 37]**
- B. Vessels may use the anchorage, in Stage Harbor, on a temporary basis, in the area on the southeast side of the dredged channel, using the Town moorings within the following positions: 41°39'33.7"N 069°58'39.9"W, 41°39'24.1"N 069°58'32.7"W, 41°39'26.5"N 069°58'32.1"W, and 41°39'35.5"N 069°58'37.6"W. **[Amended 5-11-2015 ATM by Art. 37; 5-8-2017 ATM by Art. 39]**
- C. No moorings shall be placed south of the following positions: in outer Stage Harbor south/southeast from position 41°39'35.50"N 69°58'37.60"W and a line drawn northeast to position 41°39'50.50"N 69°58'17.10"W continuing northeast to position 41°39'53.6"N 069°58'07.4"W and east to the tip of Stage Island at position 41°39'53.2"N 69°57'58.0"W. **[Amended 5-8-2017 ATM by Art. 39]**
  - (1) Moorings may be placed along the southeast side of the navigation channel between positions 41°39'43.51"N 069°58'26.91"W, 41°39'50.50"N 69°58'17.10"W continuing northeast to position 41°39'53.6"N 069°58'07.4"W and east to the tip of Stage Island at position 41°39'53.2"N 69°57'58.0"W for the use by displaced commercial fishing vessels under the commercial fishing vessel mooring/waitlist classification permitted in Aunt Lydia's Cove or Chatham Harbor due to shoaling in the area north of the Lighthouse and south of Minister's Point. Moorings may be only be placed in the area southeast of the federal navigation channel described above upon recommendation of the Harbormaster and notification to the Select Board after a public hearing held by the Waterways Advisory Committee in accordance with § 265-1B and C. **[Amended 5-14-2022ATM by Art. 43]**

**§ 265-21. Operation and responsibility.**

- A. Vessel and personal watercraft operators are responsible for their wake at all times and shall not operate a vessel in a reckless or negligent manner so as to endanger the life, safety, or property of any person. **[Amended 5-14-2022ATM by Art. 43]**
- B. No person shall operate any vessel in a manner that violates Massachusetts General Laws, Chapter 90B, or any regulations adopted thereunder, or any other state or federal law that may apply.
- C. Nothing in these regulations shall exonerate any vessel, or the owner, master or crew thereof, from the consequences of any neglect to comply with this chapter or the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.

**§ 265-22. Statutory appeals and local review. [Added 5-14-2022ATM by Art. 43<sup>11</sup>]**

- A. Statutory appeals. Any individual or entity aggrieved by a decision of the Harbormaster shall have the right to pursue and appeal to the Division of Waterways as more fully set forth in MGL c. 91, § 10A, and 310 CMR 9.07(5).

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10. Editor's Note: Original § 35039, Mooring specifications, which immediately followed this section, was deleted 5-11-1998 ATM by Art. 14.

11. Editor's Note: This article also redesignated former §§ 265-22 and 265-23 as §§ 265-23 and 265-24, respectively.

B. Local review.

- (1) A person or entity aggrieved by a decision of the Harbormaster pursuant to MGL c. 91 § 10A, 310 CMR 9.07(5)(a), this bylaw and/or any regulations pursuant to this bylaw may file a petition with the Mooring Advisory Board for a recommendation within seven days of notice of the Harbormaster's decision. Upon the filing of a petition, the Mooring Advisory Board shall render a recommendation in writing within 21 days.
- (2) Either party of a dispute between a recreational boating facility and a lessee of a rental mooring may appeal any written decision to the Harbormaster. The decision of the Harbormaster may be further reviewed by filing a petition with the Mooring Advisory Board for a recommendation within seven days of notice of the Harbormaster's decision. Upon the filing of a petition, the Mooring Advisory Board Select Board shall render a recommendation in writing within 21 days.
- (3) Failure to abide by time frames for renewal of waitlist or moorings is not grounds for local review.
- (4) In rendering its recommendation, the Mooring Advisory Board shall determine if the Harbormaster's decision:
  - (a) Is arbitrary, capricious, or an abuse of discretion;
  - (b) Conflicts with an overriding state, regional, or federal public interest;
  - (c) Fails to meet any requirement contained in 310 CMR 9.07;
  - (d) Was based on plans or other documentation submitted with the application which contained substantially inaccurate or incomplete depictions of the structure and its surroundings; or
  - (e) Allows floats, rafts, or small structures which significantly interfere with public rights to use waterways for fishing, fowling, and navigation or for other lawful purposes.

**§ 265-23. Jurisdiction. [Amended 5-14-2022ATM by Art. 43]**

Nothing contained in this chapter shall be held or construed to supersede or conflict with or interfere with or limit jurisdiction of the United States government with respect to the enforcement of the navigation, shipping, anchorage or other associated federal laws, or regulations, or any laws or regulations of the Commonwealth of Massachusetts.

**§ 265-24. Severability. [Amended 6-12-2021ATM by Art. 55; 5-14-2022ATM by Art. 43]**

If any section, paragraph or part of this bylaw is for any reason declared invalid or unconstitutional by any court, every other section, paragraph, and part shall continue in full force.

**Chapter 272****WETLANDS PROTECTION**

**[HISTORY: Adopted May 1997 ATM by Art. 11 as Ch. 37 of the 1997 Bylaws. Amendments noted where applicable.]**

**GENERAL REFERENCES**

**Enforcement and penalties — See Ch. 1, Art. I.**

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**§ 272-1. Purpose. [Amended 5-10-2004 ATM by Art. 15]**

The purpose of this chapter is to protect the wetlands, related water resources and adjoining land areas in the Town by controlling activities deemed by the Conservation Commission ("the Commission") to have an impact or cumulative effect upon wetland values, including but not limited to the following: public water supply, groundwater and groundwater quality, water quality in the numerous ponds of the Town, flood control, erosion and sedimentation control, storm damage prevention, prevention of water pollution, wildlife and wildlife habitat, fisheries, shellfish, aquaculture, marshland and eelgrass beds, marine and shoreline ecology, rare and endangered species habitat, including plant species, and passive recreational enjoyment of wetlands and adjoining uplands (collectively, the "interests protected by this chapter").

**§ 272-2. Definitions. [Amended 5-10-2004 ATM by Art. 15]**

The following words, for the purpose of this chapter of these bylaws, shall, unless another meaning is clearly apparent for the way in which the word is used, have the following meanings:

**ADJACENT UPLAND RESOURCE AREA** — Means the land within 100 feet of any freshwater wetland, coastal wetland, marsh, wet meadow, bog, vernal pool or swamp, bank, beach, dune or flat, any lake, river, pond, stream, estuary, watercourse or the ocean, or land subject to flooding or inundation by groundwater, surface water, or tidal action as articulated in § 272-3 of the bylaw. It shall also mean the land within 200 feet of a perennial stream or river. **[Amended 5-12-2014 ATM by Art. 46]**

**ALTER** — Means, without limitation, the following activities when undertaken to, upon, within or affecting resource areas protected by this chapter:

- A. Removal, excavation or dredging of soil, sand, gravel, or aggregate materials of any kind;
- B. Changing of preexisting drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns, or flood retention characteristics;
- C. Drainage or other disturbance of water level or water table;
- D. Dumping, discharging or filling with any material;
- E. Placing of fill, or removal of material;
- F. Driving of piles, erection of buildings, or structures of any kind;
- G. Placing of obstructions or objects in water;

- H. Destruction of plant life including cutting of trees;
- I. Changing water temperature, biochemical oxygen demand, or other physical or chemical characteristics of water;
- J. Any activities, changes or work which may cause or tend to contribute to pollution of any body of water or groundwater.

FISHERIES and/or MARINE FISHERIES — Means:

- A. The fish and shellfish resource itself, including all fish and shellfish found in fresh, salt or brackish waters and any organisms including plants that make up part of the food chain of such animals regardless of their commercial value; and/or
- B. The recreational or commercial catching of fish or shellfish from the ocean or from freshwater bodies.

NO-DISTURB ZONE — Means that part of an adjacent upland resource area that extends 50 feet landward from an abutting resource area and which is designated by the Commission to be an area where no substantial activity (other than maintenance of an already existing structure), which will result in the building within or upon, filling, removing, or altering of land, shall be permitted by the Commission, except for that which is allowed under a conservation variance.

PASSIVE RECREATION — Means activities which have no significant adverse impact on the natural environment and are consistent with the rules and regulations promulgated by the Commission to achieve the purposes of this chapter.

PERSON — Means any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to Town bylaws, administrative agency, public or quasi-public corporation or body, this municipality, and any other legal entity, its legal representatives, agents or assigns.

### **§ 272-3. Jurisdiction. [Amended 5-10-2004 ATM by Art. 15]**

Except as permitted by the Commission or as provided in this chapter, no person shall remove, fill, dredge, build upon, or alter the following resource areas:

- A. Upon or within 100 feet of any freshwater wetland, coastal wetland, marsh, wet meadow, vernal pool, bog or swamp;
- B. Upon or within 100 feet of any bank, beach, dune or flat;
- C. Any lake, river, pond, stream, estuary, watercourse, or the ocean;
- D. Within 100 feet of any lake, pond, stream, estuary, watercourse, or the ocean;
- E. Within 200 feet of any river;
- F. Any land under said waters;
- G. Upon or within 100 feet of any land subject to flooding or inundation by groundwater, surface water, or tidal action;
- H. Any land subject to coastal storm flowage; **[Amended 5-12-2014 ATM by Art. 46]**
- I. Within the boundaries of any area of critical environmental concern.

**§ 272-4. Exceptions. [Amended October 1997 STM by Art. 11; 5-10-2004 ATM by Art. 15]**

- A. Public structures or facilities. The permit and application required by this chapter shall not be required for maintaining, repairing, or replacing an existing and lawfully located structure or facility which is used in the service of the public to provide electric, gas, water, sanitary sewer, storm drainage, public roadway, public transportation facility, telephone, telegraph, or other telecommunication services, provided that written notice has been given to the Commission prior to the commencement of work and that the structure or facility will not be, in the opinion of the Commission, substantially changed or enlarged.
- B. Conservation variance provision. In rare and unusual circumstances the Commission, at its discretion, may grant a conservation variance from the requirements of the fifty-foot no-disturb zone. Such a conservation variance shall be granted only in the following cases:
  - (1) Where maximum feasible compliance is achieved; or
  - (2) Where there are clear and compelling reasons of public safety and welfare; or
  - (3) Where the proposed project will enhance the environmental values protected by the bylaw; or
  - (4) Upon a clear and convincing showing of evidence by the applicant that the proposed work will not adversely affect the environmental values protected by the bylaw.
- C. Emergency projects.
  - (1) The permit and application required by this chapter shall not apply to emergency projects necessary for the protection of the health and safety of the public, provided that the work is to be performed by or has been ordered to be performed by an agency of the Commonwealth or a political subdivision thereof, provided that adequate notice, oral or written, has been given to the Commission prior to the commencement of work or, in any event, provided that written notice is given to the Commission within 24 hours after commencement, provided that a majority of the Commission certifies the work as an emergency project, and provided that the work is performed only for the time and place certified by the Commission for the limited purpose necessary to abate the emergency.
  - (2) Within 21 days of commencement of an emergency project, a permit application shall be filed with the Commission for review as provided in this chapter.
- D. Eastward Ho! Country Club.
  - (1) Projects necessary for the protection of the property of Eastward Ho! Country Club, Inc., said property being bounded easterly by the private properties located on Rush Drive; southeasterly by Fox Hill Road and the private properties located on Fox Hill Road; southwesterly by Route 28 (Orleans Road), and northerly by property of the Town of Chatham and Pleasant Bay, more specifically shown on the Assessor's records as Parcel 10M-2-1, shall be exempt from the following portion of Section 2.05(3) of the Town of Chatham Wetlands Protection Regulations:

"(a) no new bulkhead, revetment, seawall, groin or other coastal engineering structure shall be permitted on or within 100 feet of a coastal bank, except that such a coastal engineering structure shall be permitted when required to prevent storm damage to buildings constructed prior to August 10, 1978 or constructed pursuant to a Notice of Intent (issued under MGL c. 131, § 40) filed prior to August 10, 1978, including reconstruction of such buildings subsequent to the effective date of these regulations..."

- (2) Such projects shall be subject to the requirements set forth in Section 2.05(3)(a)(I), (ii), (iii) and (iv).

**§ 272-5. Application for permit; request for determination.**

- A. Written application shall be filed with the Commission to perform activities regulated by this chapter affecting resource areas protected by this chapter.
- (1) The application shall include such information and plans as are deemed necessary by the Commission to describe proposed activities and their effects on the environment.
- (2) No activities shall commence without receiving and complying with a permit issued pursuant to this chapter.
- B. The Commission in an appropriate case may accept as the application and plans under this chapter the notice of intent and plans filed under the Wetlands Protection Act (MGL c. 131, § 40).
- C. Any person desiring to know whether or not proposed activity or an area is subject to this chapter may in writing request a determination from the Commission. Such request for a determination shall contain data and plans specified pursuant to this chapter.
- D. At the time of application or request the applicant shall pay a filing fee specified in the regulations of the Commission promulgated pursuant to this chapter.

**§ 272-6. Notice and hearings. [Amended 5-10-2004 ATM by Art. 15]**

- A. Any person filing an application or a request for determination with the Commission at the same time shall give written notice thereof, by certified mail or hand delivery, to all abutters according to the most recent records of the Assessors, including those across a traveled way, and to all other persons as the Commission shall in writing require.
- (1) The notice shall enclose a copy of the application or request with plans, or shall state where copies may be examined and obtained by abutters.
- (2) When a person requesting a determination is other than the owner, the request, the notice of the hearing and the determination itself shall be sent by the Commission to the owner as well as to the person making the request, and the applicant shall supply the Commission with the name and current address of the owner.

- B. The Commission shall conduct a public hearing on any application or request for determination, with written notice published at the expense of the applicant, five working days prior to the hearing, in a newspaper of general circulation in the Town.
- C. The Commission shall commence the public hearing within 21 days from receipt of a completed application or request for determination.
- D. The Commission shall issue its permit or other action, or determination, in writing within 21 days of the close of the public hearing thereon.
- E. The Commission in an appropriate case may combine its hearing under this chapter with the hearing conducted under the Wetlands Protection Act, MGL c. 131, § 40.
- F. The Commission shall have the authority to continue the hearing to a date certain announced at the hearing, for reasons stated at the hearing, which may include receipt of additional information offered by the applicant or others, information and plans required of the applicant, deemed necessary by the Commission in its discretion, or comments and recommendations of other local or state boards and officials. In the event the applicant objects to a continuance, the hearing shall be closed and the Commission shall take action on such information as is available.

**§ 272-7. Permits, conditions and determinations. [Amended 5-8-2000 ATM by Art. 24; 5-10-2004 ATM by Art. 15]**

- A. If the Commission after a public hearing determines that the activities which are the subject of the application are likely to affect the interests protected by this chapter, the Commission, within 21 days of the close of the hearing, shall issue or deny a permit for the activities requested.
- B. If it issues a permit, the Commission shall impose conditions which the Commission deems necessary or desirable to protect those interests, and all activities shall be done in accordance with those conditions.
- C. The Commission is empowered to deny a permit for failure to meet the requirements of this chapter; for failure to submit necessary information and plans requested by the Commission; for failure to meet the design specifications, performance standards, and other requirements in regulations of the Commission; for failure to avoid or prevent unacceptable or cumulative effects upon wetland values protected by this chapter; and where no conditions are adequate to protect those values.
- D. If the activities are not deemed to affect the interests protected by this chapter, the Commission shall so inform the applicant that the activities do not require a permit.
- E. Permits, excepting those for maintenance dredging, shall expire three years from the date of issuance. Any such permit may be renewed annually for an additional year, up to a maximum of three years, upon request for an extension received in writing by the Commission prior to expiration.
- F. Permits for maintenance dredging shall expire 10 years from issuance. The applicant shall provide written notice to the Commission at least 30 days prior to each commencement of dredging. Such notice shall contain the location of the project, the permit number, the proposed work start date and the name of the applicant.
- G. For good cause the Commission may revoke or modify a permit issued under this chapter after public notice and public hearing, and notice to the holder of the permit.
- H. The Commission in an appropriate case may combine the permit or other action on an application

issued under this chapter with the order of conditions issued under the Wetlands Protection Act, MGL c. 131, § 40.

- I. To prevent potential wetland loss or damage, the Commission shall require applicants to:
- (1) Avoid wetlands loss or damage wherever feasible;
  - (2) Design the project so as to minimize potential impact on the wetlands using best management practices (BMPs);
  - (3) Provide adequate mitigation.

**§ 272-8. Regulations.**

- A. After public notice and public hearing the Commission shall 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 effect of this chapter.
- B. At a minimum these regulations shall define key terms in this chapter not inconsistent with this chapter.

**§ 272-9. Security.**

- A. As a part of a permit issued under this chapter, in addition to any security required by any other Town or state board, agency or official, the Commission may require that the performance and observance of the conditions imposed hereunder be secured wholly or in part by one or more of the methods described below:
- (1) By a proper bond or deposit of money or negotiable securities in an amount sufficient in the opinion of the Commission and payable to the Town of Chatham.
  - (2) By a conservation restriction, easement or other covenant enforceable in a court of law, executed and duly recorded (or registered in the case of registered land) by the owner of record, running with the land to the benefit of this municipality and members of the public, whereby the permit conditions shall be performed and observed before any lot may be conveyed other than by mortgage deed.

**§ 272-10. Burden of proof.**

- A. The applicant for a permit shall have the burden of proving by a preponderance of the credible evidence that the activities proposed in the application will not harm the interests protected by this chapter.
- B. Failure to provide adequate evidence to the Commission supporting a determination that the proposed activities will not harm the interests protected by this chapter shall be sufficient cause for the Commission to deny a permit.

**§ 272-11. Enforcement and remedies.**

- A. The Building Commissioner, the Director of Health and Environment, and/or the Commission and/or agents of the Commission shall be authorized to enforce the provisions of this chapter and to institute any and all actions and proceedings as may be necessary and appropriate to obtain compliance with



same, including injunctive relief to enjoin and restrain any violations or threatened violations thereof. **[Amended 5-10-2004 ATM by Art. 15]**

- B. Upon request of the Commission, the Select Board and Town Counsel shall take legal action for enforcement under civil law. Upon request of the Commission, the Chief of Police shall take legal action for enforcement under criminal law. **[Amended 6-12-2021 ATM by Art. 55]**
- C. The remedies and enforcement procedures set forth in this section (§ 272-11) may be applied separately or in conjunction with one another, at the discretion of the Building Commissioner and/or the Commission.
- D. Any person who violates any provision of this bylaw, regulations thereunder or permits issued thereunder may be subject to a fine of up to \$300. Each day or portion thereof during which a violation continues shall constitute a separate offense and each provision of the bylaw, regulations or permits violated shall constitute a separate offense. **[Amended 5-8-2000 ATM by Art. 24]**

#### **§ 272-12. Relationship to Wetlands Protection Act.**

This chapter is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule Statutes, independent of the Wetlands Protection Act (MGL c. 131, § 40) and regulations thereunder.

### **Appendix**

**Chapter A500****GENERAL LAWS ACCEPTED****§ A500-1. Massachusetts General Laws accepted by the Town.**

A chronological list of those Massachusetts General Laws which required Town acceptance by either election ballot vote or Town Meeting vote. Once accepted, such law became part of the Town's legal base. Since the adoption of the Chatham Home Rule Charter in 1985, these certain laws effective only if not in conflict with the Charter.

1.	Acts of 1970	Swine going at large (ATM 03/26/1722)
2.	Jury Boxes/Law	Regulation of jury boxes (ATM 03/07/1757)
3.	Regulations as to Sundays, etc.	Meeting on Sundays and other religious days (STM 09/01/1817)
4.	Special Act of March 1852 pertaining to Chatham	Re: Frost Fish Creek Bridge (ATM 03/07/1853, Art. 3) (Rejected)
5.	1839 Act	Re: sea coast fisheries (ATM 02/28/1854, Art. 1)
6.	Acts of 1854, Chapt. 294	Re: truant children (ATM 02/07/1860, Art. 10)
7.	Special Act Pertaining to Chatham	Re: railroad stock (STM 10/01/1863, Art 1) (Rejected)
8.	Acts of 1839	Re: fisheries (ATM 02/03/1868)
9.	Acts of 1813	Re: eel fishery (ATM 02/02/1880)
10.	Acts of 1880	Re: shellfish (STM 05/03/1880)
11.	Acts of 1885, Chapt. 96	Re: elections (STM 02/02/1885)
12.	Acts of 1886, Chapt. 221	Re: Town purchase of RR stock (STM 11/12/1886)

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| 13. | Acts of 1886, Chapt. 221   | Re: Town purchase of RR stock<br>(STM 03/02/1887)   |
| 14. | Acts of 1888, Chapt. 431   | Superintendent of Schools with<br>Yarmouth or Dennis<br>(STM 03/02/1891)  |
| 15. | Acts of 1888, Chapt. 431   | Superintendent of Schools with<br>Yarmouth or Dennis: Rescinded<br>(STM 04/20/1892)   |
| 16. | Public Statutes, MGL Chapt. 91,<br>Sect. 68 as amended by Acts of<br>1889, Chapt. 391. | Re: shellfish<br>(STM 04/02/1898, Art 5)  |
| 17. | Acts of 1901, Chapt. 345   | Liability for DPW work<br>(STM 07/01/1901, Art. 2)  |
|     | Acts of 1901, Chapt. 345   | Liability for DPW work<br>(ATM 02/02/1902, Art. 23)   |
| 18. | Revised Laws of 1902, Chapt. 11<br>(See MGL Chapt. 50-57)                              | Re: official ballots and elections<br>(STM 05/19/1906, Art. 2)  |
| 19. | Acts of 1906, Chapt. 524, Sect.<br>23  | Re: Mitchell River Bridge<br>Commission<br>(ATM 02/04/1907, Art. 16)  |
| 20. | Revised Laws, Chapt. 91, Sect.<br>85, Acts of 1904, Chapt. 282                         | Re: shellfish<br>(ATM 02/05/1906, Art. 25)<br>(STM 08/20/1909, Art. 3)  |
| 21. | Acts of 1909, Chapt. 403, Sect. 2  | Re: shellfish<br>(STM 08/20/1909, Art. 4)<br>"Nor shall they prohibit any<br>person at any time from taking<br>scallops found on the flats or<br>shores above mean low water<br>mark" |
| 22. | Acts of 1912, Chapt. 503 (MGL<br>Chapt. 32, Sec. 28)                                   | Town employees: pensions<br>(Elect: 11/05/1912, Quest. 3)   |
| 23. | Acts of 1908, Chapter 209  | Re: forest fire protection<br>(ATM 02/04/1913, Art. 34)   |
| 24. | Acts of 1913, Chapt. 807; MGL<br>Chapt. 152, Sects. 69-74A                             | Town employees and workmen's<br>comp.<br>(Elect: 11/04/1913, Quest. 3)  |

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25.	Acts of 1914, Chapt. 217	Town employees and vacations (Elect. 11/03/1914, Quest. 1). Rejected.
26.	Acts of 1914, Chapt. 688	Saturday/half holiday (Elect. 11/03/1914, Quest. 2). Rejected.
27.	Acts of 1914, Chapt. 790	Abolition of party enrollment, primaries (Elect. 11/03/1914, Quest. 3)
28.	Acts of 1913, Chapt. 807	Employees and workmen's comp. (ATM 02/01/1915, Art. 3)
29.	Rev. Laws, Chapt. 122, Sect. 18	Inspector of Wires (ATM 02/05/1917, Art. 14)
30.	(Reserved)	
31.	Rev. Laws, Chapt. 102, Sect. 122-7	Smoke nuisances (ATM 2/1917, Art. 17)
32.	Rev. Laws, Chapt. 11, Sect. 336	Surveyor of Highways, Rescinded former vote (ATM 02/05/1918, Art 21)
33.	Rev Laws, Chapt. 25, Sects. 85, 86	Supt. of Streets (ATM 02/05/1918, Art 21)
34.	Revised Laws, Chapt. 78, Sect. 18	Cemetery Trust Funds (ATM 02/03/1919, Art. 21)
35.	Acts of 1917, Chapt. 344, Sects 85, 86	Supt. of Streets. Rescinded former vote (STM 05/16/1919, Art. 5)
36.	Acts of 1913, Chapt. 835, Sect. 402	Surveyor of Highways (STM 05/16/1919, Art. 5)
37.	Acts of 1919, Chapt. 311G	Continuation of school for employed minors
	MGL Chapt. 71, Sects. 21-26	(Elect. 11/04/1919, Quest. 2)
38.	Acts of 1919, Chapt. 116	Re: savings banks (Elect. 11/04/1919, Quest. 3)
39.	Acts of 1920, Chapt. 240; MGL Chapt. 136	Sunday sports (STM 07/20/1920, Art. 2)
40.	MGL Chapt. 45, Sects. 1-9	Re: public parks (STM 06/16/1921, Art. 6)

41.	Acts of 1920, Chapt. 147	Re: Boxing (STM 06/16/1921, Art. 10) Rejected.
42.	MGL Chapt. 41, Sect. 100	Police and fire indemnification (ATM 02/06/1922, Art. 15)
43.	MGL Chapt. 41, Sect. 97	Police Department (STM 03/01/1922, Art. 11)
44.	Acts of 1922, Chapt. 516; MGL Chapt. 44, Sects. 35-38	Town accounting system (Elect. 02/05/1923, Quest. 1)
45.	MGL Chapt. 143, Sect. 3	Building regulations (ATM 02/05/1924, Art 20)
46.	MGL Chapt. 45, Sect. 14	Recreation Committee (ATM 02/03/1925, Art. 38)
47.	MGL Chapt. 41, Sects. 70-72	Planning Board (STM 10/28/1925, Art. 4)
48.	MGL Chapt. 45, Sect. 14	Recreation Committee (ATM 02/03/1926, Art. 30)
49.	MGL Chapt. 114, Sects. 22-26	Cemetery Commissioners (STM 11/16/1926, Art. 4)
50.	Acts of 1915, Chapt. 128	Shellfish (ATM 02/09/1927, Art. 26)
51.	MGL Chapt. 45, Sect. 14	Recreation Committee (ATM 02/09/1927, Art. 49)
52.	MGL Chapt. 130, Sect. 84 (later repealed by state)	Shellfish/eel permits (ATM 02/05/1929, Art. 18)
53.	MGL Chapt. 130, Sect. 152	Shellfish Constable (ATM 02/05/1929, Art. 21)
54.	Acts of 1929, Chapt. 327	Cemeteries and commissioners (STM 12/11/1929, Art. 2)
55.	Acts of 1929, Chapt. 108	World War I Memorial (ATM 02/04/1930, Art. 19)
56.	MGL Chapt. 44, Sect. 35	Annual audit (ATM 02/04/1930, Art. 21)
57.	Acts of 1930, Chapt. 351, Sect. 6B; MGL Chapt. 40, Sect. 6B	Police and fire uniforms (ATM 02/17/1931, Art. 25)

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58.	MGL Chapt. 41, Sect. 55	Town Accountant (ATM 02/16/1932, Art. 25)
59.	MGL Chapt. 130, as amended by the Acts of 1933, Chapt. 329, Sects. 2, 48, 55 and 57	Re: shellfish (ATM 02/18/1934, Art 31)
60.	MGL Chapt. 136, Sects. 21-25	Sunday sports (ATM 02/20/1934, Art. 32)
61.	MGL Chapt. 40, Sect. 25	Zoning (ATM 02/18/1936, Art. 31)
62.	MGL Chapt. 143, Sects. 3-12	Building inspections (ATM 02/18/1936, Art. 32)
63.	MGL Chapt. 41, Sect. 73	Board of Survey (ATM 02/18/1936, Art. 34)
64.	MGL Chapt. 48, Sects. 42-44	Fire Dept. Rejected (STM 05/17/1937, Art. 3)
65.	Acts of 1936, Chapt. 403; MGL Chapt. 152	Workmen's Comp/Town employees (STM 02/23/1938, Art. 36)
66.	Acts of 1938, Chapt. 169	Barnstable County advertising recreational advantages (Elect. 11/08/1938)
67.	MGL Chapt. 31, Sects. 48 and 49	Police and Fire Dept./civil service. Rejected (ATM 02/21/1939, Art. 21)
68.	MGL Chapt. 91, Sect. 29	Liability for DPW work (ATM 02/20/1940, Art. 51)
69.	MGL Chapt. 41, Sects, 70-72	Planning Board. Rescinded former vote. (ATM 02/20/1940, Art. 52)
70.	MGL Chapt. 41, Sects. 1 and 2 as amended by Sect. 2 of Chapt. 341 of the Acts of 1938 and Chapt. 3 of the Acts of 1939	Election of a Tree Warden (ATM 02/20/1940, Art. 55)
71.	MGL Chapt. 40, Sect 6A	Municipal advertising (ATM 02/17/1942, Art. 23)
72.	MGL Chapt. 130, Sect. 52; Acts of 1941	Shellfish (ATM 02/17/1942, Art. 16)

73.	Acts of 1943, Chapt. 114	Fish Pier (ATM 02/23/1944, Art. 24)
74.	MGL Chapt. 40, Sect. 6A	Advertising (ATM 02/23/1944, Art. 35)
75.	Acts of 1941, Chapt. 598, Sect. 98	Shellfish Constable (02/19/1946, Art. 12)
76.	Acts of 1945, Chapt. 723	Veterans services (ATM 02/19/1946, Art. 24)
77.	Acts of 1946, Chapt. 166 (MGL Chapt. 32, Sect. 28)	Town employees contributory retirement system (Election 11/05/1946)
78.	MGL Chapt. 71, Sect. 40	Minimum and equal pay for teachers (Elect. 02/23/1947, Quest. 1)
79.	MGL Chapt. 40, Sect. 6A	Advertising Town (ATM 02/17/1948, Art. 26)
80.	MGL Chapt. 45, Sect. 14	Recreation Committee (ATM 02/23/1949, Art. 25)
81.	MGL Chapt. 41, Sect. 81A	Planning Board (ATM 02/23/1949, Art. 37)
82.	MGL Chapt. 90, Sects. 35-52 (as amended by the Acts of 1939, Chapt. 393; Acts of 1941, Chapt. 537, 695; Acts of 1946, Chapt. 507, 582, 583, 607, 613; Acts of 1947, Chapt. 70, 292, 319, 332, 501, 593)	Airport/Airport Commission (ATM 02/23/1949, Art. 42)
83.	MGL Chapt. 40, Sect. 6A	Advertising Town (ATM 02/23/1949, Art 47)
84.	MGL Chapt. 45, Sect. 14	Memorial Auditorium (ATM 02/21/1950, Art. 27)
85.	MGL Chapt. 85, Sect. 11A; Acts of 1941, Chapt. 710	Registration of bicycles (ATM 02/21/1950, Art. 32)
86.	MGL Chapt. 40, Sect. 6A	Advertising Town (ATM 02/21/1950, Art 35)
87.	MGL Chapt. 39, Sect. 23	Town elections (ATM 02/21/1950, Art. 44)

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88.	MGL Chapt. 40, Sect. 6A	Advertising Town (ATM 2/19/1951, Art. 17 and ATM 2/16/1953, Art. 19)
89.	MGL Chapt. 54, Sect. 103A	Absentee voting (ATM 04/27/1951, Art. 2)
90.	MGL Chapt. 138, Sect. 11	Liquor licenses (Election 11/04/1952, Quest. 1)
91.	MGL Chapt. 136, Sect. 4B; Acts of 1946, Chapt. 207	Sunday bowling licenses (STM 10/11/1954, Art. 1)
92.	MGL Chapt. 32B	Town employees contributory insurance (Election 03/08/1956, Quest. 1)
93.	Acts of 1956, Chapt. 401; MGL Chapt. 32B	Civil defense: indemnification of employees and volunteers; use of public vehicles (ATM 03/05/1957, Art. 53)
94.	MGL Chapter 40, Sect. 6(c)	Appropriations for ice and snow removal from private ways (Election 03/07/1957, Quest. 1)
95.	Acts of 1957, Chapt. 273	Appointment of Planning Board (ATM 03/04/1958, Art. 22. Rejected.)
96.	MGL Chapt. 74, Sect. 3	State-aided vocational education (ATM 03/04/1958, Art. 28)
97.	MGL Chapt. 90, Sects. 40A-I	Airport hazards (ATM 03/04/1958, Art. 34)
98.	MGL Chapt. 40, Sect. 5 (34)	Expenses of attending Assessors meetings outside of commonwealth (ATM 03/02/1959, Art. 23)
99.	MGL Chapt. 41, Sect. 4A	Park Commission compensation (ATM 03/02/1959, Art. 29)
100.	MGL Chapt. 32, Sect. 28 (Acts of 1959, Chapt. 493)	Town employees: increased retirement allowances and pensions (STM 12/15/1959, Art. 4) (ATM 03/09/1961, Art. 33) (ATM 03/09/1965, Art. 55)



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101.	MGL Chapt. 136, Sects. 7 and 8	Frozen desserts, Sunday sales (ATM 03/07/1960, Art. 21)
102.	MGL Chapt. 40, Sect. 8(c)	Est. Conservation Commission (ATM 03/08/1960, Art. 32)
103.	MGL Chapt. 91, Sect. 29(A)	Town liability for damage to private property (ATM 03/09/1965, Art. 13)
104.	Acts of 1965, Chapt. 48	Historic District Commission. Rejected (ATM 03/09/1965, Art. 62)
105.	MGL Chapt. 41, Sect. 97	Police Dept. Rescinded (ATM 03/15/1966, Art. 32)
106.	MGL Chapt. 41, Sect. 97A	Police Dept., Police Chief (ATM 03/18/1966, Art. 32)
107.	MGL Chapt. 48, Sect. 45-47	Fire Department Rescinded (ATM 03/15/1966, Art. 61)
108.	MGL Chapt. 48, Sects 42-44	Fire Dept./Fire Chief (ATM 03/18/1966, Art. 61)
109.	Acts of 1965, Chapter 48	Historic District Commission. Rejected (ATM 03/18/1966, Art. 62)
110.	MGL Chapt. 130, Sect. 8A	Enforcement of Marine Fisheries Protection Laws (ATM 03/18/1966, Art. 64)
111.	Acts of 1967, Chapter 199	Town acquisition of Baptist Cemetery (ATM 03/14/1968, Art. 43)
112.	MGL Chapt. 80	Road betterment assessments (ATM 03/14/1968, Art. 52)
113.	MGL Chapt. 40, Sect. 44A	Regional Refuse Disposal Planning Committee (ATM 03/10/1969, Art. 23)
114.	MGL Chapt. 83, Sects 14 and 15	Sewer betterments assessments (ATM 03/10/1969, Art. 28)
115.	MGL Chapt. 121, Sect. 26K (Now Chapt. 121B, Sect. 3)	Housing Authority created (ATM 03/10/1969, Art. 34)

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116.	MGL Chapt. 40, Sect. 21 Acts of 1965, Chapt. 316	Increased penalties for bylaw violations (ATM 03/13/1969, Art. 75)
117.	MGL Chapt. 90, Sect. 20(c)	Parking violations, penalties (ATM 03/13/1969, Art. 77)
118.	MGL Chapt. 71, Sect. 14	Vocational Regional School District Planning Committee (ATM 03/13/1969, Art. 86)
119.	MGL Chapt. 41	Election of Board of Sewer Commissioners; appointment of Supt. of Sewerage (ATM 03/09/70, Art. 40)
120.	MGL Chapt. 71, Sects. 16-151	Regional School District (STM 05/21/1970)
121.	Acts of 1970, Chapter 430	Chatham police/tenure (Election 03/12/1971, Quest. 1)
122.	MGL Chapt. 83, Sect 10	1972 Annual Town Meeting adopted (as required by law) rules and regulations for sewers and drains (public and private): installation, connection, discharge of wastes, etc. (Note: Any amendments must also be adopted by a Town Meeting.)
123.	MGL Chapt. 40, Sect. 5(40C)	Authority for mental health appropriations (ATM 03/13/1972, Art. 15)
124.	Chapt. 48, Sect. 58	Firemen, average weekly duty and overtime (ATM 03/15/1972, Art. 44)
125.	Acts of 1971, Chapt. 486	Licensing beano. Rejected (Election 03/17/1972, Quest. 3)
126.	MGL Chapt. 44, Sect. 53(c)	Disposition of money received from off-duty police details/administration fee (ATM 04/10/1973, Art. 70)
127.	MGL Chapt. 40, Sect. 8(b)	Est. Council On Aging (ATM 05/13/1974, Art. 42)

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128.	MGL Chapt. 40, Sect. 15(c)	Designation of scenic roads (ATM 05/13/1974, Art. 61)
129.	MGL Chapt. 40, Sect. 8(D)	Est. Historical Commission, powers and duties (ATM 05/13/1975, Art. 41)
130.	MGL Chapt. 140, Sect. 173(A)	Dog control, penalties (ATM 05/13/1975, Art. 44)
131.	MGL Chapt. 54, Sect. 42(A)	Licensing beano/non-binding question (Election 05/16/1975)
132.	MGL Chapt. 40, Sect. 8G	Mutual police aid (ATM 05/26/1976, Art. 49)
133.	MGL Chapt. 40, Sect. 32, 32A, 40A; Chapt. 40B, Sect. 2; Chapt. 240, Sect. 14A; Acts of 1975, Chapt. 808	Zoning (ATM 05/15/1978, Art. 32)
134.	MGL Chapt. 138, Sect. 17	Re: liquor licenses. Rejected (STM 10/30/1978, Art. 2)
135.	MGL Chapt. 148, Sect. 26(c)	Smoke and heat detectors in public lodgings (STM 11/19/1979, Art. 9)
136.	MGL Chapt. 32B, Sect. 7A	Town employees/insurance. Rejected (ATM 05/12/1980, Art. 5A)
137.	MGL Chapt. 71, Sect. 71E	Appropriations for adult and cont. ed. (ATM 05/12/1981, Art. 38)
138.	MGL Chapt. 40, Sects. 22B and 22D	Municipal parking areas/removal of illegally parked cars (STM 09/28/1981, Art. 8)
139.	MGL Chapt. 90, Sect. 20A 1/2	Parking violations/hearings (STM 09/28/1981, Art. 9)
140.	MGL Chapt. 98, Sect. 56	Sealing of weights and measures devices (ATM 05/09/1983, Art. 30)
141.	MGL Chapt. 40, Sect. 81	Energy Resource Commission est./powers and duties/planning (ATM 05/14/1984, Art. 82)

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142.	MGL Chapt. 152, Sects. 68 75	Town employees; workmen's comp. definitions
143.	Acts of 1984, Chapt. 264	Treasurer/Collector appointed
144.	MGL Chapt. 40, Sect. 5D	Contributory Retirement Fund (ATM 05/17/1984, Art. 99)
145.	MGL Chapt. 41B, Sect. 41	Town employees direct deposit of paychecks (ATM 11/26/1983, Art. 21)
146.	MGL Chapt. 148, Sect. 26G	Installation of sprinkler system (ATM 05/13/1985, Art. 38)
147.	MGL Chapt. 40; Acts of 1984, Chapt. 265	Establish Water Department (ATM 05/13/1985, Art. 87)
148.	MGL Chapt. 40, Sects 42A to 42F	Collection of water rates and charges (STM 09/09/1985, Art. 9)
149.	MGL Chapt. 40, Sects. 42G-42I	Laying water pipes/assessments (STM 09/09/1985, Art. 10)
150.	MGL Chapt. 44, Sect. 53E	Operating costs of Water Dept. (STM 09/09/1985, Art. 11)
151.	Acts of 1985, Chapter 513	Town Clerk of Chatham now appointed (STM 09/09/1985, Art. 13)
151.	MGL Chapt. 41, Sect. 23A	Appointment of Town Executive Secretary (ATM 05/12/1986, Art. 27)
152.	Acts of 1985, Chapter 640 (See MGL Chapt. 40, Sect. 57)	Deny or suspend licenses or permits for nonpayment of local taxes (STM 5/13/1986, Art. 8)
153.	Acts of 1985, Chapt. 598 (See MGL Chapt. 59, Sect. 57A)	Payment of property tax (ATM 06/02/1986, Art. 78)
154.	Acts of 1984, Chapt. 491	Package store alcoholic licenses
155.	MGL Chapt. 41, Sect. 25	Appointment of Assessors (STM 12/09/1986, Art. 24)
156.	MGL Chapt. 40, Sect. 15C	Scenic roads (ATM 05/12/1986, Art. 70)

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157.	MGL Chapt. 44, Sect. 53A	Municipal scholarship (ATM 05/11/1987, Art. 38)
158.	MGL Chapt. 40, Sect. 15C	Scenic roads (ATM 05/11/1987, Art. 71)
159.	MGL Chapt. 121B, Sect. 39	Elderly housing (STM 11/17/1987, Art. 9)
160.	MGL Chapt. 40, Sect. 42I-42G	Water betterment assessments (STM 11/17/1987, Art. 12)
161.	MGL Chapt. 64G, Sect. 3A	4% local motel/hotel occupancy tax (ATM 05/09/1988, Art. 85)
162.	MGL Chapt. 59, Sect. 57B	Single bill for property tax under \$50 (ATM 05/09/1988, Art. 90)
163.	MGL Chapt. 59, Sect. 57A	Single bill for property tax under \$25 Rescinded (ATM 05/09/1988, Art. 90)
164.	MGL Chapt. 41, Sect. 81U	Planning Board: spending proceeds of bond deposit to secure performance (STM 05/09/1989, Art. 6)
165.	MGL Chapt. 262, Sect. 34	Amend Town Clerk's fees (ATM 05/09/1989, Art. 18)
166.	MGL Chapt. 626, Acts of 1987	Liens on real property for local landfill charges (ATM 5/10/89, Art. 19)
167.	Chapter 641, Acts of 1985	Historic Business District, certain areas (ATM 05/11/1988, Art. 93)
168.	MGL Chapt. 32B, Sect. 7A	Town's share of retiree's insurance 50% and employee's insurance to 60% (ATM 05/08/1989, Art. 5C)
169.	MGL Chapt. 44, Sect. 53E and MGL Chapt. 41, Sect. 69B	Water/sewer est. receipts (5/10/89, Art. 57)
170.	MGL Chapt. 30B, Sect. 2	Chief Procurement Officer (STM 05/15/90, Art. 9)

171.	MGL Chapt. 138, Sects. 17A and 17B	Grant additional pkg. store licenses (ATM 5/15/90, Art. 40)
172A.	MGL Chapt. 32	Town's share of employee insurance to 70%
172.	MGL Chapt. 32, Sect. 22D	Retirement Fund (STM 12/10/90, Art. 7)
173.	MGL Chapt. 98, Sect. 56	Fees: Sealer of Weights and Measures (STM 12/10/1990, Art. 15)
174.	Acts of 1990, Chapt. 291	911 System (ATM 05/22/1991, Art. 23)
175.	MGL Chapt. 148, Sect. 26I	Automated sprinklers (ATM 6/24/1991, Art. 36)
176.	MGL Chapt. 148, Sect. 26E	Smoke alarms (ATM 06/24/1991, Art. 37)
177.	MGL Chapt. 40, Sect. 22F	Boards, commissions and officers: authorized to set reasonable fees with permission of appointing board if that board is elected (ATM 05/11/1992)
178.	MGL Chapt. 140, Sect. 147A	Authorized withdrawal from county dog program and enactment of bylaws relative to regulation of dogs (ATM 05/11/1992, Art. 10)
179.	MGL Chapt. 40, Sect. 21E	Interest: delinquent bills (ATM 05/09/1994, Art. 26)
180.	MGL Chapt. 41, Sect. 69B	Water Dept. operation and revenues (ATM 05/09/1994, Art. 21)
181.	MGL Chapt. 83, Sect. 16	Sewer operation and revenue (ATM 05/09/1994, Art. 22)
182.	MGL Chapt. 83, Sect. 16A-16F	Sewer operation (ATM 05/09/1994, Art. 25)

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| 183. | Acts of 1993, Chapt. 110, Clause 22, 22A, 22B, 22C, 22D, 22E | Assessors and veterans exemptions<br>(ATM 05/09/1994, Art. 32)  |
| 184. | MGL Chapt. 44, Sect. 53E 1/2                                 | Airport Revolving Fund<br>(ATM 05/13/1996, Art. 5)  |
| 185. | MGL Chapt. 44, Sect. 53E 1/2                                 | Board of Health Composting Bin Revolving Fund<br>(ATM 05/13/1996, Art. 14)<br><br>Town Manager authorized to dispose of Town-owned equipment with value less than \$500<br>(ATM 05/13/1996, Art 17) |
| 186. | MGL Chapt. 59, Sect. 5, Clause 41c                           | \$500 elderly exemption on property taxes<br>(ATM 5/12/1997, Art. 31)   |
| 187. | MGL Chapt. 60, Sect. 2                                       | Abatement of property taxes under \$10<br>(ATM 05/11/1998, Art. 3)  |
| 188. | MGL Chapt. 44, Sect. 53D                                     | Est. Park and Recreation Revolving Fund<br>(ATM 05/11/1998, Art. 37)  |
| 189. | MGL Chapt. 80, Sect. 13B                                     | Allowing deferral and recovery agreements for betterments<br>(ATM 05/11/1998, Art. 38)  |
| 190. | MGL Chapt. 41, Sect. 108L                                    | Quinn Bill re: educational achievements by police officers<br>(ATM 5/14/2001, Art. 13)  |
| 191. | MGL Chapt. 59, Sect. 5, Clause 54                            | A minimum fair cash value of \$10,000 must be established before personal property tax applicable<br>(ATM 5/14/01, Art. 36)   |
| 192. | MGL Chapt. 59, Sect. 5, Clause 41A(2)                        | Tax deferral and recovery agreement<br>(ATM 5/14/01, Art. 35)   |
| 193. | MGL Chapt. 44, Sect. 55C                                     | Affordable Housing Trust Fund<br>(ATM 5/8/06, Art. 16)  |

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| 194. | MGL Chapt. 39, Sect. 23D           | Allowing members of boards, commissions and committees who have missed a single adjudicatory hearing to participate in a decision on the matter under certain circumstances (ATM 5/14/2007, Art. 27) |
| 195. | MGL Chapt. 32, Sects 22(f) and 103 | Early retirement incentive program (STM 12/6/2010, Art. 8)   |
| 196. | MGL Chapt. 64L, Sect. 2(a)         | Local meals excise tax (ATM 5/9/2011, Art. 11)   |



**Chapter A501****SPECIAL ACTS****§ A501-1. Special acts and resolves of Massachusetts Legislature pertinent to Chatham.**

Note: Where provisions conflict with the Charter, the Charter shall govern (Part IX, Charter).

06-11-1712	Chapter 34: Act of Incorporation Chatham. Extract from General Court Records, Vol 9, pg 207
1715-1716	Chapter 126: Petition of Elisha Hedge and Co. continued to next session
1716-1717	Chapter 18: Petition of Elisha Hedge re: Monomoy Beach heard
1764-1765	Chapter 92: Order granting Joseph Doane permission to keep an Inn
1769-70	Chapter 164: Resolve remitting the Province Tax of L98.7 to Town of Chatham
1775-1776	Chapter 54: Resolve allowing Prince Gorham to ship fish and onions to the Island of St. Eustatia  Chapter 387: Resolve empowering the Committee of Correspondence of Chatham to detain the schooner Williams belonging to John Prince, a Tory  Chapter 462: Resolves directing delivery to Thomas Ludlow, Jr., of articles from the sloop Ellizabeth
1780	Chapter 73: Resolve granting L600 to the Town of Chatham
1780	Chapter 54: Resolve re: tax abatements in the County of Barnstable, etc., Town of Chatham and others
1780	Chapter 153: Resolve re: purchasing of beef, Town of Chatham and others
1781	Chapter 368: Resolve re: repair of several towns in County of Barnstable  Chapter 379: Resolve directing a committee to go into the towns for the purposes aforementioned

1783	Chapter 79: Resolve re: taxes
1785	Chapter 54: Resolve re: abatement of taxes
1788	Chapter 50: Resolve re: abatement of taxes
1790	Chapter 13: Resolve re: abatement of taxes
1795	Chapter 72A: Order on the petition of the Town of Eastham for a permanent line between Eastham and Chatham
1796	Chapter 8: Resolve on the petition of the Town of Eastham appointing a committee to settle the boundary line between the Towns of Chatham and Eastham
1797	Chapter 95B: Resolve on the petition of inhabitants of certain towns in the County of Barnstable
1798	Chapter 25: An Act incorporating a number of the inhabitants of the towns of Harwich, Dennis and Chatham in the County of Barnstable into a distinct and separate religious society
1799	Chapter 19: An Act extending Chapter 30 of the Acts of 1787 to Chatham re: the regulation of oysters and other shellfish
1799	Chapter 96: Resolve on the petition of the Selectmen of the Town of Chatham re: a committee appointed to establish a line between Orleans and Chatham
1805	Chapter 83: Resolve on the petition of the Selectmen of the Towns of Chatham and Orleans re: fixed boundary between the towns
1813	Chapter 132: An Act to preserve, regulate the Eel Industry in Town of Chatham
1827	Chapter 44: An Act to incorporate Chatham and Harwich Mfg. (cotton, woolen goods) Company
1829	Chapter 11: An Act to incorporate (Proprietors of Chatham Academy)
1832	Chapter 27: An Act to improve Chatham harbor (allowed Towns of Chatham and Orleans to open a passage through Nauset Beach within the limits of the Town of Chatham)

1842	Chapter 30: An Act to incorporate Chatham Marine Insurance Company
1847	Chapter 81: An Act authorizing the County Commissioners for the County of Barnstable to lay out a road and construct a bridge across Frost Fish Creek in Chatham and Wading Place Creek in Chatham and Harwich (the arches over both creeks must be high enough to allow boats and scows to pass under at full sea)
1851	Chapter 19: An Act to incorporate the Chatham Marine Railway.
1855	Chapter 75: An Act to authorize Samuel Young of Chatham to construct a Fish Weir on Nauset Flats
1855	Chapter 88: An Act to authorize Thomas Sparrow and associates to construct a Fish Weir at westerly shore of Monomoy (Stewards Hole)
1861	Chapter 90: Resolves: joint committee formed to investigate boundary lines between the Towns of Chatham, Harwich and Orleans
1862	Chapter 121: An Act to establish the boundary line between the Towns of Harwich and Chatham
1862	Chapter 122: An Act to establish the boundary line between the Towns of Chatham and Orleans
1863	Chapter 96: An Act to authorize the Town of Chatham to take stock in the Cape Cod Central Railroad Company
1869	Chapter 98: An Act to authorize the building of a bridge over Mitchell's River in Chatham. (Construction subject to approval of Harbor Commissioners; Commissioners to build bridge; Town of Chatham pays expense; three years to complete.)
1877	Chapter 130: An Act to authorize the Town of Chatham to construct a bridge across Oyster Pond River
1878	Chapter 70: An Act concerning (validating) the election of Moderator in the Town of Chatham

1885	Chapter 96: An Act to confirm the proceedings of certain Town Meetings held in 1885 (despite defects in the warrant elections not invalid)
1886	Chapter 221: An Act to authorize the Town of Chatham to take stock in a railroad corporation
1886	Chapter 11: Resolve: clerical error in favor of the Overseers of the Poor
1892	Chapter 207: An Act to authorize the Town of Chatham to refund a portion of its debt (empowered for this particular instance to issue bonds, notes or script)
1894	Chapter 37: An Act relative to the Wading Place Bridge between the Towns of Harwich and Chatham
1896	Chapter 491: An Act to incorporate the Eldredge Public Library
1903	Chapter 47: Resolve to authorize the Board of Harbor and Land Commissioners to build certain structures in the vicinity of Stage Harbor in the Town of Chatham
1904	Chapter 90: additional monies for above
1904	Chapter 102: Resolve to authorize the Board of Harbor and Land Commissioners to improve the entrance of Red River in the Town of Chatham
1905	Chapter 54: Resolve to authorize and direct commissioners of Fisheries and Game to take control of the Powder Hole, so called, at Monomoy Point in the Town of Chatham, for the propagation of lobsters
1906	Chapter 524: An Act to authorize the Town of Chatham to build a bridge across Mitchell's River and to borrow money therefor
1907	Chapter 444: An Act to authorize the Town of Chatham to build a bridge across Mitchell's River and to borrow money therefor (increases interest rate on bonds from 4% to 5%)
1909	Chapter 246: An Act to confirm the organization and proceedings of the Chatham Seaside Cemetery Corporation

1909	Chapter 120: Resolve related to the Improvement of Hummarock Beach in the Town of Scituate and Buck's Creek in the Town of Chatham
1909	Resolve relative to the construction of breakwaters and other structures to protect the Town of Chatham from damage by the sea
1917	Chapter 252: An Act to legalize the organization and proceedings of the Union Cemetery Corporation in the Town of Chatham
1918	Chapter 20: An Act to legalize the conveyance of certain cemetery property by the First Congregational Parish in the Town of Chatham (Church gave land to Union Cemetery)
1919	An Act directing Secretary of Commonwealth to furnish certain books and documents to the Town of Chatham: SJC decisions, revised laws, books and documents required by Chapter 9 of revised laws, ballot boxes, etc.
1923	Chapter 208: An Act validating certain acts and proceedings of the Town of Chatham and of its Park Commissioners between June 16, 1921 and April 4, 1923
1923	Chapter 416: An Act authorizing the Town of Chatham to incur indebtedness for schoolhouse and other municipal purposes
1925	Amended Chapter 208, 1923 (see Park Commissioners above)
1926	Chapter 346: An Act to incorporate Chatham Water Company (Note Section 9 states Town may buy CWC)
1928	Chapter 204: An Act providing for forest fire patrol in certain towns in Barnstable County
1929	Chapter 271: An Act relative to appropriations by the Town of Chatham for public amusement (also validates Article 15 of Annual Town Meeting)
1929	Chapter 327: An Act authorizing certain cemetery corporations in the Town of Chatham to transfer the cemeteries and other property and trust funds of said corporations to Town (Union, Seaside, Peoples, South Chatham, Methodist-Episcopal)

1930	Chapter 333: An Act ceding jurisdiction of the United States of America over certain tracts of land in Boston, Quincy, Scituate, Chatham and Town of Nantucket. (for national defense)
1936	Chapter 198: An Act removing certain restrictions on the use of proceeds of bonds issued by Chatham Water Company
1941	Chapter 516: An Act authorizing the Town of Chatham to borrow money for meeting its share of the cost of dredging the present channel or a new channel into Chatham Harbor
1941	Chapter 86: Resolve relative to Stage Harbor improvements: authorized contingent upon congressional approval of federal funds
1943	Chapter 114: An Act authorizing the Town of Chatham to erect a wharf, bulkhead, and fish packing house on certain property in said Town (Chatham Town Wharf)
1951	Chapter 241: An Act authorizing the Town of Chatham to convey a certain portion of the old William Nickerson cemetery in said Town (action taken by Annual Town Meeting validated. Town may convey to John and Idamarie Hallihan a ten-foot section of Nickerson cemetery)
1953	Chapter 52: An Act relative to appropriations by the Town of Chatham for municipal advertising purposes  Chapter 517: An Act providing for harbor improvements at the entrance to Ryders Cove in the Town of Chatham
1959	Chapter 346: An Act authorizing the conveyance by the Commonwealth to the Town of Chatham certain land on Stage Harbor
1960	Chapter 2: An Act increasing the amount the Town of Chatham may appropriate for municipal advertising purposes
1965	Chapter 168: An Act authorizing conveyance by the Commonwealth to the Town of Chatham certain land (Hardings Beach, Morris Island areas)

1966	Chapter 507: An Act authorizing the Shellfish Constable of the Town of Chatham to enforce within said Town certain laws relative to dragging for fish (Shellfish Constable has powers of Natural Resource Officer, MA General Laws Chapter 21)
1967	Chapter 199: An Act authorizing the Town of Chatham to acquire, administer and maintain the property of a cemetery located therein known as Queen Ann Road Baptist Cemetery
1968	Chapter 54: Towns of Barnstable County are authorized to contribute to the establishment and maintenance of the Otis Memorial at Otis Air Force Base
1969	Chapter 734: An Act authorizing the Towns of Brewster, Chatham, Harwich and Orleans to acquire land in the Town of Harwich for the construction and operation of an ice skating rink thereon by the Department of Natural Resources. (Chatham, Brewster and Orleans pay Harwich; Selectmen of Harwich in charge of getting the land; land to be conveyed to Commonwealth; Dept. of Natural Resources will construct and operate rink; Harwich Selectmen must have approval of other towns; Towns pay Harwich Treasurer.)
1969	Chapter 403: An Act authorizing the Town of Chatham to reimburse Nauset Airways, Inc., the amount paid by Nauset Airways Inc., for the construction of an apron in front of the new hanger at Chatham Airport
1969	Chapter 849: Fiscal year of all counties, cities, towns and certain districts changed to conform with Commonwealth's fiscal year
1970	Chapter 346: An Act increasing the amount the Town of Chatham may appropriate for municipal advertising purposes
1970	Chapter 430: An Act providing tenure of office until age 65 for certain officers and members of the police force of the Town of Chatham
1977	Chapter 455: An Act providing that the Town of Chatham Sewer Commission shall be designated and known as the Town of Chatham Water Pollution Control Board

1983	Chapter 322: An Act authorizing the Town of Chatham to establish a revolving fund for the propagation, cultivation, protection and study of shellfish
1984	Chapter 264: An Act establishing the office of Town Treasurer-Collector in the Town of Chatham
1984	Chapter 265: An Act establishing a Municipal Water Department in the Town of Chatham
1985	Chapter 513: An Act which provides for the appointment of the Town Clerk
1985	Chapter 641: An Act establishing an Historic Business District Commission in the Town of Chatham and establishing certain areas as an Historic Business District
1985	Chapter 707: An Act which validated Question 3 of the annual Town election ballot which exempted amounts required to pay for bonds to be issued in order to purchase the water company
1986	Chapter 532: An Act authorizing the Town of Chatham to combine the powers and duties of the Water Commissioners and the Water Pollution Control Board as an appointive body
1987	Chapter 26: An Act authorizing the Department of Veterans Services to pay a certain amount of money to the Town of Chatham for certain veterans benefits paid by said Town (\$41,024 maximum)
1987	Chapter 695: An Act validating action taken at a special election in the Town of Chatham (Library: bonding: purchase of land and construction of an addition)
1989	Chapter 369: An Act relative to certain borrowing by the Town of Chatham: for the dredging of Chatham Harbor
1991	Chapter 500: An Act validating a certain act of a Special Town Meeting of the Town of Chatham to allow for the imposition of betterments/laying of water pipes by allowing acceptance at a Special Town Meeting held September 9, 1985 to the same extent as if the acceptance was at an Annual Town Meeting, MA General Laws Chapter 40, §§ 42G to 42I, inclusive



1992	Chapter 316: An Act relative to orders of condition for recreational activities at Nauset Beach within the Towns of Orleans and Chatham
1996	Chapter 73: An Act relative to an increase in parking fines in the Town of Chatham (to \$25/\$30/\$35)
1997	Chapter 201: An Act authorizing the Town of Chatham to grant an easement in certain conservation land (for the installation of a well, pumping station, water mains and appurtenances on, through and across five parcels of Town owned lands that were acquired for conservation purposes) Note: Technical correction made to this Act by Chapter 137 of the Acts of 2000 but still not correct: therefore, a new petition was unanimously adopted at the 2001 ATM and transmitted to the Great and General Court for legislative action. Approved in 2001 as Chapter 151 of the Acts of 2001.
2000	Chapter 137: An Act relative to certain conservation land in the Town of Chatham
2000	Chapter 415: An Act relative to road improvements in the Town of Chatham
2001	Chapter 151: An Act authorizing the Town of Chatham to grant an easement in certain conservation land
2003	Chapter 113: An Act relative to the Historic Business District of the Town of Chatham
2004	Chapter 79: An Act relative to parking fines in the Town of Chatham

**Chapter A502****TOWN AGENCY RULES AND REGULATIONS****§ A502-1. List of rules and regulations of Chatham Town Agencies.****Building Department: Business Registration Form****Building Department: Permit Fee Schedule**

- |      |   |
|------|---|
| (1)  | Above-ground pool.  |
| (2)  | Accessory building.                                       |
| (3)  | Chimney.  |
| (4)  | Commercial construction; new, repairs, alterations.       |
| (5)  | Deck.   |
| (6)  | Demolition.   |
| (7)  | Dock.   |
| (8)  | Inspection and reinspection.                              |
| (9)  | In-ground pool.   |
| (10) | Garage.   |
| (11) | Gas permit: application and per-<br>fixture fee schedule. |
| (12) | Moving (building).  |
| (13) | Occupancy.  |
| (14) | Pier.   |
| (15) | Plumbing: application and per-<br>fixture fee schedule.   |
| (16) | Ramp.   |
| (17) | Residential construction: new, repairs, alterations.      |
| (18) | Sign.   |
| (19) | Solar.  |
| (20) | Stairs.   |
| (21) | Stove.  |
| (22) | Tennis court.   |
| (23) | Tent.   |
| (24) | Wiring permit and inspection fee<br>for same.             |

**Building Department:** Permit Fee Schedule

**Cemeteries:** rules and regulations: flowers, plants, watering, etc.

**Cemetery Commission:** cemetery user fee schedule: lots, etc.

**Conservation Commission:** use of land under Commission control

**Conservation Commission:** wetlands protection: regulations and procedures

**Conservation Commission:** fee schedule: filing, advertising, etc.

**Demolition Permit** application form: (see procedure outlined in Town Bylaw, Chapter 158)

**Disabled, Committee:** rules of procedure by the Committee (not yet approved by Selectmen)

**Fire-Rescue Department Permits:** fee schedule (oil burners, open burning, smoke detectors, etc.)

**Harbormaster:** Permit regulations for anchoring, docks, moorings, mooring permits, slips, etc.

**Health, Board of:** rules and regulations:

(1)

**Alternative Septic Treatment Technologies:** Board reserves right to impose additional conditions or monitoring requirements to those allowed by DEP. (3/30/1995)

(2)

**Animal Regulations:** enclosures, setbacks, feed rooms, etc., for farm animals, poultry, horse or pony

(3)

**Fee Schedule** for permits and licenses issued by Board of Health. (7/3/1996)

(4)

**Floor Drain Regulations:** floor drains leading to leaching structures and septic systems; requirements for existing and new facilities; penalties. (7/30/1996)

(5)

**Food Establishments:** minimum sanitation standards. (3/17/1994)

**Building Department: Permit Fee Schedule**

(6)

**Fuel Storage Systems:**

regulations: residential and commercial fuel storage systems for use on the premises for the purpose of heating a building; farm and residential fuel storage systems of 1,100 gallons' capacity or less used for storing motor fuel for noncommercial purposes. (10/16/1995)

(7)

**Hazardous Materials, Handling and Storage of Toxic or:** all Chatham's businesses and industries storing or using hazardous substances in quantities exceeding those associated with reasonable household use must have an emergency plan of action for their employees in case of fire, explosion or other accident.

(8)

**Landfill Solid Waste Disposal Facility:** for the smooth operation of the solid waste disposal area and transfer station; to actively encourage recycling, composting and the re-usable of usable items.

(9)

**Massage Therapist:** applies to any person who engages in the practice of massage except any physicians, dentists, nurses, physical and occupational therapists, acupuncturists or other medical practitioners who are duly licensed to practice their respective professions by the Commonwealth of Massachusetts and any duly licensed, by the Commonwealth, barber or beautician who practices facial and scalp massage. (1/1/1997, revised 2/1/1999)

**Building Department: Permit Fee Schedule**

(10)

**Nitrogen Loading and Calculation Worksheet**  
(principally from individual sewage disposal systems and fertilizers from lawn care practices.)

(11)

**Radioactive Waste:** disposal prohibited whether deregulated or not.

(12)

**Real Estate Transfer Regulation:** inspection of existing septic system prior to transfer of property. (8/1/1987)

(13)

**Sewage Discharge Permit Regulation:** project or development with a design flow of 2,000 gallons per day or greater. Subdivisions comprised of single family house lots are exempt from this regulation. (4/1988)

(14)

**Sewage, Subsurface Disposal of Sanitary:** (more strict than recently revised state "Title V" requirements) includes regulations for disposal system installer's permit, septage handler's permit, disposal system construction permit; determination if connection to common sewer is possible, construction in fill; sewage disposal in floodplain zone: sewage disposal and well on same lot as structure to be served; locations, leaching, humus toilets, hearing procedure, appeals process, penalties.

(15)

**Sewer Moratorium Related Regulations, Interim:** because state imposed a moratorium on new sewer hookup and sewer use expansion.

**Building Department: Permit Fee Schedule**

(16)

**Smoking Regulation:** smoking prohibited in enclosed public places; vending machines for dispensing cigarette products prohibited, etc. (rev. 9/1998 effective date 1/1/1999)

(17)

**Wastewater Treatment Plants, Small:** design, operation and maintenance: pertains to any structure or combination of structures intended for the treatment or disposal of sewage or wastewater that is not an on-site disposal system and is not owned or operated by any government or its agent.

(18)

**Well Design:** monitoring and sampling guidelines: monitoring program, monitoring well construction, monitoring well sampling, monitoring well maintenance.

(19)

**Well Regulations, Private:** definitions; registration of well drillers; well installation, alteration and repair; well construction permit; well driller's report; well destruction; existing well not used for human consumption; well location; water quality; well approval; wells serving rental properties; test of water quality upon transfer of real estate; variance and enforcement procedures.

**Highway Department: excavation/construction within public ways:** permit required to cut any street, berm, curb or sidewalk surface, construct a driveway or excavate any shoulder within the limits of a Town way. Application must be made at least 72 hours prior or within 72 hours following the start of an emergency repair.

**Highway Department: minimum road standards:** drainage, catch and leaching basins; hot-mix aprons, road crack filling and resurfacing; road shoulders loamed and seeded; trees and shrubs cleared back; easement and road bounds recorded; dead-end road turnaround; street signs.

**Building Department: Permit Fee Schedule**

**Historic Business District Commission:** certain areas determined as Historic Business District in Chapter 641 of the Acts of 1985 (Acts of MA Legislature); composition of Commission; location of district; certificate of appropriateness required for erection, reconstruction, alteration or restoration of a building or structure within the district; permit required to raze or move building within the district; erection or display of any sign exceeding two feet in length and six inches in height, or more than one such sign within the district must be approved; function of the Commission; exempt features; approvals; disapproval; appeals to the Board of Selectmen; appeals to Superior Court; violations, etc.

**Historic Business District Commission: rules and regulations:** districts; considerations; preapplication conference; work requiring certificate of appropriateness; guidelines for alterations, additions, new structures, demolition, removal, relocation, color; signs, temporary signs; approvals, disapproval, violations, appeals, application fees, late filing fees.

**Historical Commission:** rights and duties, composition of commission, etc., as defined in MGL c. 40, § 8D. This Commission administers Town Bylaw, Chapter 158.

**Park Department:**

- |     |   |
|-----|---|
| (1) | Beach and park rules and regulations: includes South Beach, Sears Memorial Park, Kate Gould Park, Chase Park. Veterans' Field: open fires, functions, gatherings with permission, littering; washing automobiles or other vehicles, use of soaps or other detergents; erection of tents or parking of trailers or mobile homes prohibited; animals in park and beach areas must be restrained, defecation must be picked up; dogs, cats, horses and other livestock not allowed on beaches from April 1 through September 15; no alcoholic beverages or public nudity allowed; hours of beaches and park areas, commercial vendors must have permission, etc. |
| (2) | Jazzercise, aerobics, tennis, COA, all sports: fee schedules.   |
| (3) | Summer programs, beach parking fees (res/nonresidents): fee schedules   |

**Building Department:** Permit Fee Schedule

**Planning Board:** filing fee schedule: approval not required plans (ANR); preliminary plans; definitive plans; covenant release; road inspections; site plans; flexible development special permit, variable fee.

**Planning Board: Rules and Regulations Governing the Subdivision of Land:** authority; definitions; procedure for the submission and approval of plans; definitive plans; filing procedure; contents; profiles and cross sections of proposed streets; review by Board of Health as to suitability of land; public hearing; performance guarantee, reduction of bond or surety; release of performance guarantee; approval of definitive plan; design standards; streets; blocks; easements; storm and surface drainage; open space, parks and playgrounds; protection of natural features; required improvements; improvement specifications; installation of improvements; waiver of compliance; amendments.

**Police Department:** Fee Schedule: accident report copies; police service, bike reg. (Not received from CPD as of October 1, 2001)

**Selectmen, Board of:**

- |     |   |
|-----|---|
| (1) | <b>Alcoholic Licenses:</b> fee schedule; annual; seasonal, extended seasonal regulations  |
| (2) | <b>(Alcoholic) liquor regulations for licensed establishments:</b> last call, closing hour, employees, private clubs, kegs, banding of kegs, tags for kegs, etc.      |
| (2) | <b>Alewife (herring) fisheries:</b> regulations governing the use and maintenance of  |
| (3) | <b>Ambulance fees, billing and payment policies</b> (July 20, 1998)   |
| (4) | <b>Animal Control Bylaw Citations and Fines</b> (10/06/1993)  |
| (5) | <b>Appointed committees handbook</b>  |
| (6) | <b>Boat Decals and Mooring Permit Noncompliance Penalties</b> (1989)  |
| (7) | <b>Chatham Fish Pier Rules and Regulations</b> (aka Town Wharf): docking permits, fuel permits, vehicle permits, fees, fish packer lease, supervision and enforcement |



**Building Department: Permit Fee Schedule**

- |      |   |
|------|---|
| (8)  | <b>Disposal (Solid Waste) Facility:</b> fees for permits; trip schedule; transfer station waste (commercial packers by ton, multiple dwelling by ton); brush and yard waste (automobile, pickup truck or trailer, one-ton truck); demolition waste; roof shingles; road asphalt (permit required); mixed nontransferable waste; other waste (i.e., metals to the pile, white goods, uncontaminated fish gurry, compostables.) |
| (9)  | <b>Entertainment Licenses</b> (see MGL c. 80, § 27)   |
| (10) | <b>Landfill/Recycling:</b> rules, sticker regulations, resident and commercial; fees  |
| (11) | <b>Nauset Beach:</b> regulations for ORVs; stickers; hours; dogs, etc.  |
| (12) | <b>Nonalcoholic permits and licenses issued by Selectmen:</b> common victualer, Sunday dessert; lodging house; inn holder, Class I, II and III motor vehicle; miscellaneous (junk, automated amusement, etc.)   |
| (13) | <b>Permit Department:</b> list of Town permits issued at the Permit Department in the annex.  |
| (14) | <b>Recycling Stickers for the Landfill:</b> residents/commercial vehicles   |

**Building Department: Permit Fee Schedule**

(15)

**Shellfish Regulations:**

commercial, junior commercial, family, nonresident and senior citizen permits for the taking of quahogs, mussels, softshell clams, sea clams, oysters, razor clams, scallops. eels and sea worms.

(16)

**Taxicabs and operation:**

license, fees, inspections, other

(17)

**Traffic Rules and Orders:** one-way streets, streetlights, etc.

(18)

**Septage Collection:** regulations governing the collection and discharge of septic wastes into the public treatment facility; pumpers, pumping business and license required; financial responsibility of owner of cesspool and/or septic tank; surcharges; transportation of septage to Chatham Water Pollution Control Facility; use of septage facility, protection from unlawful dumping; penalties.

(19)

**Water Department rules and regulations** govern the relationship between the Water Department and its consumers, contractors, developers and all other persons who install, tie into or use water from Chatham Water System.

**Building Department: Permit Fee Schedule**

(20)

**Water and Sewer Department:**

service charges and metered rates: winter/summer, service charges; testing of meter; shutoff for nonpayment; turn on/off; meter or service repair/replacement; demand charge; interest; water connection application fee; utility installer fee; meter installation fee based on meter size; system development charge based on service pipe size.

(21)

**Sewers and Drains:** public and private; installation and connection of building sewers; discharge of waters and wastes into public sewer system. Residential or commercial building sewer permit or industrial building sewer permit required; inspection, etc.

(22)

**Town Landings** rules and regulations

**Town Clerk:** fee schedule as adopted by 1989 Annual Town Meeting: births, marriage or death certificates; recordings, filings, state hunting and fishing licenses; etc.

**Town Manager:** Personnel policies for non-union employees

**Treasurer-Collector:** Fee Schedule: municipal lien certificate; tax title costs, interest.

**Zoning Board Of Appeals:** petitions, application fee (\$150); referral form and plot plan required, etc.

**Derivation Table**

CHATHAM CODE

**Chapter DT**

**DERIVATION TABLE**

**Disposition List**

**Chapter DL****DISPOSITION LIST**

**The following is a chronological listing of legislation of the Town of Chatham adopted since the publication of the Code, indicating its inclusion in the Code or the reason for its exclusion. [Enabling legislation which is not general and permanent in nature is considered to be non-Code material (NCM).] The last legislation reviewed for the original publication of the Code was Art. No. 16 adopted at the May 8, 2006, Annual Town Meeting.**

**§ DL-1. Disposition of legislation.**

<b>Enactment</b>	<b>Adoption Date</b>	<b>Subject</b>	<b>Disposition</b>
ATM, Art. 27	5-14-2007	General Law acceptance	Ch. A500
ATM, Art. 30	5-14-2007	Historic preservation amendment	Ch. 158
ATM, Art. 26	5-12-2008	Peace and good order amendment	Ch. 208
ATM, Art. 32	5-12-2008	Peace and good order amendment	Ch. 208
ATM, Art. 34	5-12-2008	Waterways amendment	Ch. 265
ATM, Art. 22	5-11-2009	Boards, committees and commissions amendment	Ch. 10
ATM, Art. 31	5-11-2009	Charter amendment	Parts I, II, III, V, VI, VIII, IX
ATM, Art. 18	5-10-2010	Boards, committees and commissions amendment	Ch. 10
STM, Art. 8	12-6-2010	General Law acceptance	Ch. A500
ATM, Art. 11	5-9-2011	General Law acceptance	Ch. A500
Chapter 457, Acts of 2012	1-10-2013	Charter amendment	Parts I, II, III, V, VI, VII, IX
STM, Art. 4	1-22-2013	Budget amendment	Ch. 15
ATM, Art. 31	5-13-2013	Bicycles	Ch. 120
ATM, Art. 32	5-13-2013	Signs amendment	Ch. 225
ATM, Art. 46	5-12-2014	Wetlands protection amendment	Ch. 272
ATM, Art. 26	5-11-2015; approved 5-12-2016 Annual Town Election	Charter amendment	Sections 3-1; 3-3; 4-1; 4-6; 4-7; 5-1; 5-2; 6-1; 6-2; 6-3; 8-2; 8-4; 8-5

Enactment	Adoption Date	Subject	Disposition
ATM, Art. 32	5-11-2015	Peace and good order amendment	Ch. 208
ATM, Art. 33	5-11-2015	Signs amendment	Ch. 225
ATM, Art. 34	5-11-2015	Peace and good order amendment	Ch. 208
ATM, Art. 35	5-11-2015	Waterways amendment	Ch. 265
ATM, Art. 36	5-11-2015	Waterways amendment	Ch. 265
ATM, Art. 37	5-11-2015	Waterways amendment	Ch. 265
ATM, Art. 47	5-9-2016	Historic preservation amendment	Ch. 158
ATM, Art. 39	5-8-2017	Waterways amendment	Ch. 265
ATM, Art. 40	5-8-2017	Funds: department revolving funds	Ch. 37, Art. I
ATM, Art. 18	5-14-2018	Peace and Good Order Amendment	Ch. 208
ATM, Art. 19	5-14-2018	Tax Title Payment Agreements	Ch. 247
ATM, Art. 20	5-14-2018	Marijuana Establishments	Ch. 188
ATM, Art. 52	5-13-2019	Boards, Committees and Commissions Amendment	Ch. 10
ATM, Art. 5	5-13-2019	Historic Preservation Amendment	Ch. 158
ATM, Art. 54	5-13-2019	Stretch Energy Code	Ch. 245
ATM, Art. 56	5-13-2019	Stormwater Management	Ch. 238
ATM, Art. 64	5-13-2019	Bottled Water: Procurement by Town	Ch. 125, Art. I
ATM, Art. 65	5-13-2019	Polystyrene and Expanded Polystyrene Foam	Ch. 215
ATM, Art. 66	5-13-2019	Peace and Good Order Amendment	Ch. 208

Enactment	Adoption Date	Subject	Disposition	Supp. No.
Chapter 344, Acts of 2020	1-13-2021	Charter Amendment (Nomenclature change: Select Board)	Parts I, II, III, IV, V, VI, VII, VIII	19
ATM, Art. 55	6-12-2021	Boards, Committees and Commissions Amendment; Nomenclature Change (Select Board)	Ch. 10; General Bylaws	16
ATM, Art. 56	6-12-2021	Meetings Amendment	Ch. 60	16
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ATM, Art. 59	6-12-2021	Bottled Water: Commercial Sale or Distribution	Ch. 125, Art. II	16
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ATM, Art. 43	5-14-2022	Waterways Amendment	Ch. 265	18
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ATM, Art. 44	5-6-2023	Airport Approach Protection Amendment	Ch. 100	20
ATM, Art. 39	5-13-2024	Airport Approach Protection Amendment	Ch. 100	21
ATM, Art. 41	5-13-2024	General Provisions: Construction and Penalties Amendment	Ch. 1, Art. I	21
ATM, Art. 42	5-13-2024	Funds: Department Revolving Funds Amendment	Ch. 37, Art. I	21
ATM, Art. 43	5-13-2024	General Provisions: Construction and Penalties Amendment; Tree Protection	Ch. 1, Art. I; Ch. 254	21
ATM, Art. 44	5-13-2024	Funds: Department Revolving Funds Amendment	Ch. 37, Art. I	21
ATM, Art. 45	5-13-2024	Boards, Committees and Commissions Amendment	Ch. 10	21