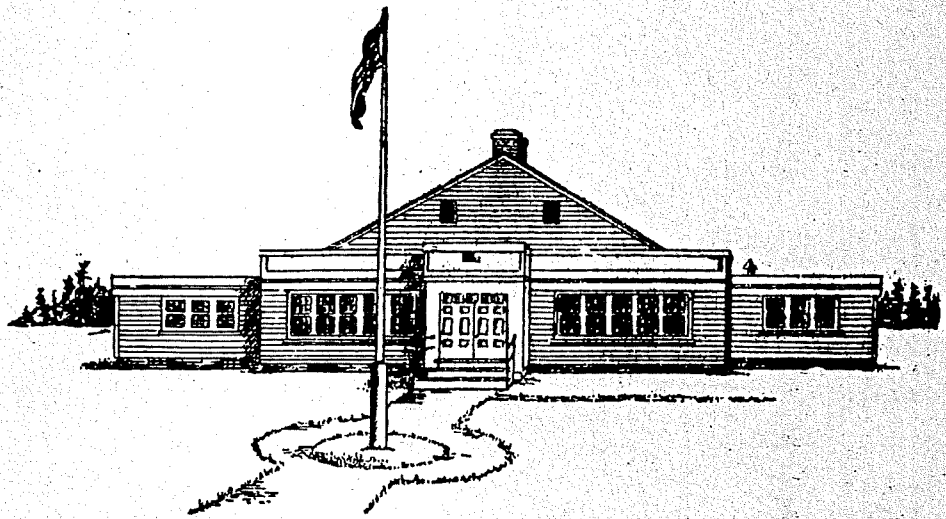


Revised 1/79 Jean

BY-LAWS
of the Town of
MASHPEE



19



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Revised October 27, 1975

This edition of the By-Laws of the Town of Mashpee excludes the Zoning By-Laws and the State Building Code (which has superseded the Town of Mashpee Building Code), which are separately published. This booklet has been compiled and edited from the 1967 publication and all amendments thereto.

It is my opinion that, with the exceptions stated above, the 1975 edition correctly sets forth all of the By-Laws of the Town as amended up to and including the date of May 1, 1975.

Richard O. Staff
Town Counsel
Town of Mashpee

MASHPEE TOWN BY-LAWS

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CHAPTER I

TOWN MEETINGS AND THE ELECTION OF OFFICERS

Article 1. Town Meetings

Section 1.

A. The Annual Town Meeting for the appropriation of money and all other matters which shall properly come before it shall be held on the first Monday in May at 7:00 p.m. in each year; and, to further provide, that the election of Town Officers shall be held on the immediate following Saturday, at such place as the Selectmen may determine. The Selectmen may insert in the warrant for the Annual Meetings all articles and/or petitions signed by ten or more legal voters, which shall have been delivered to the Selectmen, or either of them, or the Town Clerk, on or before the second Monday in March each year; but the Selectmen may insert in said warrant any article or articles received by them after said second Monday in March if in their judgement it is advisable to do so and whenever it is possible, shall, before calling a Special Town Meeting insert in a local newspaper a notice specifying the last day upon which articles to be inserted in the warrant for such meetings shall be presented to the Selectmen or Town Clerk. The warrant for the Annual Town Meeting shall also designate the Town Officers who are to be chosen by ballot and their respective terms of office. All articles submitted for inclusion in the warrant of any Town Meeting shall be printed or typewritten and in duplicate.

B. All Town Reports from each department, elected or appointed officials, shall be printed or typewritten and submitted to the Selectmen or Town Clerk on or before the second Monday of March in each year.

Section 2. Every Town Meeting Warrant, except as otherwise provided by law, shall be called in pursuance to a warrant. The warrant shall be directed to the Constable, who shall forthwith give notice at least fourteen (14) days before such meeting, by posting a copy of said warrant, one at the Town Hall, one at the Post Office and one at each of the Town Bulletin Boards, and by causing to be published in a newspaper of general circulation within the Town of Mashpee copy of said warrant.

Section 3. Conduct of Town Meetings

A. The articles shall be considered in the order in which they appear in the warrant. Articles referred from previous Town Meetings shall take

an early place in the warrant. Other articles shall be grouped together in accordance with the requests of the respective town departments or committees under whose direction the action called for in such articles is proposed to be executed.

B. All articles requiring more than a majority vote for favorable action shall be placed in the warrant next following the articles referred from previous Town Meetings.

C. The main body of the house shall be reserved for registered voters; all others are to be seated in another section.

D. If any voter rises in his place and questions an oral "yea and nay" vote, without further discussion, a hand vote shall be taken.

E. The moderator may require lengthy or involved motions to be presented in writing. All motions affecting the Zoning By-Law must be presented in writing, and must be accompanied by a survey plan, if zoned area is to be created or altered.

F. No vote involving the expenditure of any sum of money shall be reconsidered at the same meeting at which it is passed, unless public notice of the intention to move such reconsideration be given within thirty minutes of the passage of such vote. The Town Clerk shall note in writing the passage of such vote and also the time when the notice of reconsideration is given.

Article II. Annual Town Report

Section 1. The Annual Town Report shall contain:

A. The reports of all Town Boards, Officers and committees having the control or expenditure of the Town's money, including a list of all indebtedness against each department, which does not appear in its financial statement.

B. A report of all Town Meetings held during the year, including the

articles of the warrant and the action of the meeting thereon.

C. Reports or abstracts of reports of all special committees presented at any meetings held during the year, together with any action taken at said meetings, including committee appointments and resolutions passed.

Article III. Amendments

Section 1. These By-Laws may be amended at any Annual Town Meeting provided that an article or articles for that purpose be included in the town warrant.

Article IV. Quorum

Section 1. Ten percent of the number of registered voters in the Town, as certified by the Town Clerk, shall constitute a quorum at any Annual Meeting. Five per cent of the number of registered voters shall constitute a quorum at any Special Town Meeting.

CHAPTER II

TOWN OFFICERS, BOARDS AND COMMITTEES

Article 1. Selectmen

Section 1. The Selectmen shall have a general oversight of all Town affairs, whether conducted by special boards or not; and shall have the right to make any recommendations for the better conduct of the department, board or committee. If such recommendations are not heeded, they shall record the same in the Annual Town Report so that the Town may take action thereon, as seems advisable.

Section 2. The Selectmen shall have full authority as agents of the Town to employ counsel to institute and prosecute suits in the name of the Town, except suits on bonds, notes, or other securities given to the Town Treasurer, and to appear and defend suits brought against it, and to appear in proceedings before any tribunal, unless it is otherwise specially ordered by vote of the Town.

Section 3. The Selectmen shall include in their annual report to the Town:

A. A general statement of the Town's affairs during the past year and recommendations of the Selectmen for future requirements.

B. A report of all claims which are outstanding and all suits to which the Town is a party, together with a full explanation of the circumstances and the standing of each case at the time of the report.

C. A report of all streets laid out or constructed during the year, the length and width, cost of construction and amount of land damages in each instance.

D. A list of betterments assessed during the year.

Section 4. It shall be the duty of the Selectmen to purchase for the

several boards or committees, oil, coal and fuel oil. The various boards, departments and committees shall, on or before July 1 in each year (or earlier if required by the Selectmen), send in writing to the Board of Selectmen the estimated amounts of oil, coal and fuel oil required for the use of their respective boards, departments or committees for one year. The Selectmen shall, prior to the 15th of July in each year, advertise for bids to furnish the required amount of oil, coal and fuel oil, and shall award the contracts to the lowest responsible bidder. The contractor for oil, coal and fuel oil shall give bond in an amount satisfactory to the Selectmen (said bond to be in a principal amount of not less than one-quarter of the total contract) for the faithful performance of his contract.

Section 5. It shall be the duty of the Selectmen to have printed Annual Reports of the Town ready for distribution not later than seven (7) days before the Annual Town Meeting.

Section 6. The Selectmen shall appoint a Tree Warden for a term of one (1) year.

Section 7. The Board of Selectmen shall act as Park Commissioners for the Town.

Section 8. Commencing in 1974, the Selectmen shall appoint the Park and Recreation Commission and the Cemetery Commissioners.

Section 9. Commencing in 1975, the Selectmen shall appoint the Superintendent of Streets for a term of one (1) year.

Section 10. Commencing in 1976, the Selectmen shall appoint the Harbormaster for a term of one (1) year. The Personnel Board shall establish job qualifications and make their recommendations to the Board of Selectmen.

Section 11. The Selectmen shall appoint a Town Constable for a term of one (1) year, commencing in 1976.

Section 12. The Board of Selectmen, annually in March, shall appoint

an Inspector of Gas Piping and Gas Appliances under the provisions of Chapter 737, Section 2, Acts of 1960 and Section 3-0, Chapter 143, General Laws, to hold office from the first day of April following and until his successor is appointed and qualified.

Section 13. The Selectmen shall appoint an executive secretary pursuant to the provisions of Massachusetts General Laws, Chapter 41, Section 23A, for a term of one - three years.

Section 14. The Selectmen shall appoint a Board of Registrars consisting of four (4) members, one of which shall be the Town Clerk, under the provisions of Chapter 31, Section 15 of the General Laws.

Article II. Treasurer

Section 1. The Treasurer is authorized to engage counsel at the expense of the Town for the purpose of prosecuting any action at law under the provisions of the Public Statutes relating to suits on bonds, notes or other securities.

Section 2. Beginning in the year 1969, the office of the Treasurer and Tax Collector shall run for coterminous terms; and the term of the Treasurer, elected in 1969, shall end in 1971. Thereafter, the term of the offices of the Tax Collector and Treasurer shall be for three years.

Article III. Collector of Taxes

Section 1. The Collector of Taxes, ex-officio, shall be the Town Collector and it shall be his duty under the title of Town Collector to collect all accounts due and payable to the Town, excepting interest on investments of sinking or trust funds, the collection of which is not otherwise provided for by Statute, By-Law, or vote of the Town.

Section 2. If the Town Collector is unable to make prompt collection of the accounts committed to him under this By-Law, he shall so certify to the Selectmen, who may enforce collection by suit or otherwise, in accordance with the provisions of the Statutes and the By-Laws of the Town.

Article IV. Town Counsel

Section 1. The Selectmen, annually in March, shall appoint a Town Counsel to hold office for the term of one year from the first day of April following and until his successor is appointed and qualified. He shall act as the legal advisor and solicitor of the Town and as head of the Legal Department and shall receive such salary or compensation therefor as the Selectmen shall determine.

Section 2. The Selectmen may remove the Town Counsel from office if, in their opinion, the interests of the Town so require and shall fill any vacancy in said office by new appointment.

Section 3. The Selectmen shall provide suitable space for the Town Counsel, as head of the Legal Department, in the Town Office Building. All books, records, and documents, assembled by the Town Counsel in connection with the Town's legal affairs, shall be kept in files properly indexed in the offices of the Legal Department for convenient reference by the Selectmen and the Town Counsel's successor in office.

Section 4. The Town Counsel shall attend all Town Meetings and shall, at the request of the Moderator, advise the Meeting on questions of law relating to the subject matter of any article in the warrant and as to the form of proposed votes or motions or the legality of any particular action proposed to be taken in the meeting.

Section 5. Subject to the approval of the Board of Selectmen, all elective or appointive town officers, special or standing committees, boards or departments may obtain orally or in writing the advice or opinion of the Town Counsel as to any function of their respective offices or on any specific question of law in relation thereto.

Section 6. The Selectmen shall be the agents of the Town to prosecute and defend suits to which the Town, in its corporate capacity, may be a party; and, as agents of the Town, they shall have full authority to prosecute or defend all suits at law or in equity and all civil and criminal proceedings and litigation to which the Town, or any Town Officer in his of-

ficial capacity, is a party or in which its rights, duties and interests may be the subject of adjudication.

Section 7. The Selectmen shall have full authority, as agents of the Town, with the advice and consent of the Town Counsel, to compromise and settle all claims or suits against the Town if, in their opinion, such claims cannot be defended advantageously or successfully.

Section 8. Whenever any accident occurs on a way, involving personal injury or property damage by reason of an alleged defect or want of repairs of such ways, the Surveyor of Highways or any police officer or other town official or employee cognizant of the same, shall forthwith make written report of such accident to the Town Counsel containing all available information useful in defending a claim or suit against the Town founded on such alleged defect or want of repair.

Section 9. The Chief of Police, at the request of the Town Counsel and by order of the Selectmen shall assign a competent police officer to the legal department to act under the direction of the Town Counsel in the investigation of claims against the Town and to assist him in the trial or preparation for trial of any litigation to which the Town is a party.

Article V. Highway Surveyor (Superintendent of Streets)

Authority. This By-Law prescribes certain powers and duties of the Highway Surveyor. He is authorized to issue permits for work to be performed upon any Town Highways or section thereof. Except as provided herein, any person who digs up or makes an opening in a town highway without a permit or violates any other provisions of the section shall be punished by a fine of not more than fifty dollars for each continuing offense.

In this connection, attention is directed to the "Town of Mashpee By-Laws" affecting Town Highways which provides as follows:

"Digging up Town Highways; Bond; Permit." No Town Highway shall be dug up, or opening made therein for any purpose, nor shall any material

be dumped or placed thereon or removed or construction or structure placed thereon or removed therefrom or changed without the written permit of the Highway Surveyor, and the work shall be done under its supervision and to its satisfaction, and the entire expense of replacing and resurfacing the Highway at the same level and in as good condition as before, with material equal in specifications to those removed, shall be paid by the persons to whom the permit was given or by whom the work was done. The Department may require a bond to guarantee the faithful and satisfactory performance of the work and payment for any damage to town highways and facilities caused by or resulting from the operations authorized by such permit. The amount of said bond shall be not less than one thousand dollars and not more than fifty thousand dollars. Except as provided herein any person who digs up or makes an opening in a town highway without a permit or violates any other provisions of the section shall be punished by a fine of not more than fifty dollars for each day for a continuing offense.

OBJECTIVES: The fundamental objective is three-fold:

1. To provide maximum protection to the public through the orderly control of traffic moving onto and from a highway.
2. To provide a uniform practice in the design and construction of entrances and exits.
3. To provide the necessary drainage.

The following requirements are applicable to all commercial and industrial establishments, service areas and private residences having access to and/or through the right-of-way of a Town Highway. Insofar as the requirements for drainage, geometric, design, signing, type and quality of workmanship, material used, and the work performed in the areas providing ingress and egress to said property are concerned.

Any owner of abutting property desiring to gain access to a town highway shall do so only in strict accordance with the provisions of a permit issued by the Department.

Written application must be made to secure such a permit from the Department through the Highway Surveyor having jurisdiction in the area.

Location of the Highway Surveyor's Office: Highway Department, Meetinghouse Road, Mashpee, Mass. 02649.

Applications: Any owner of property abutting Town Highways shall, before beginning any construction, make written applications to the Highway Surveyor having jurisdiction in this area.

Article VI. Board of Health

Section 1. The voters of the Town shall choose by ballot beginning with the annual election in March of 1960, three members to constitute a Board of Health under the provisions of General Laws, Chapter 41, Section 1; provided that at the 1960 election, members of the Board of Health shall be elected, one for a term of three years, one for a term of two years, and one for a term of one year; subsequent annual elections to choose one member for a term of three years.

Section 2. The Board of Health shall annually in March elect one of its members as Chairman of the Board.

Section 3. The Board shall appoint one of its members as Clerk or Secretary of the Board, who shall keep an accurate record of the meetings, votes, orders and doings of the Board.

Section 4. The Selectmen shall provide a suitable space for the Board of Health in the Town Office Building and all books, records and documents pertaining to the doings of the Board, properly indexed shall be kept on file in said space for convenient inspection by the Town officials and the Board's successors in office.

Section 5. The Board of Health shall appoint a full-time Board of Health Agent.

Article VII. Finance Committee

Section 1. The Finance Committee shall consist of seven (7) voters of the Town of whom two (2) shall be elected for one year; two (2) for two

years, and three (3) for three years. All subsequent annual elections shall be for a term of three years.

Section 2. The Finance Committee shall choose one of their number as chairman, and likewise choose a clerk. Said committee may consider such questions with reference to the conduct of the town affairs as they may deem advisable, and may consult with any and all officers, boards, and committees of the town with reference to matters under their supervision; they shall consider the various articles in the warrant for any annual or special meeting, called during their tenure of office, and shall make a report of their doings and recommendations to the town.

Section 3. The Finance Committee may hold hearings if, in their judgement, it be expedient; but shall expend no money unless authorized by the vote of the Town.

Section 4. The Finance Committee shall have authority at any time to examine and investigate the books, accounts and management of any department of the town and of all officers thereof, and all official or departmental records shall be open to the inspection of the Committee or of any person authorized in writing to act for the Committee.

Section 5. The members of the Finance Committee shall serve without pay for their services, but they may be reimbursed for actual expenses incurred in the discharge of their duties hereunder, with the approval of the Board of Selectmen.

Section 6. Vacancies in said committee shall be filled in the same manner as in the case of other committees or boards of the Town.

Section 7. Members of the Finance Committee shall be elected by Australian Ballot at the annual election of Town Officers commencing with the Annual Election of 1976.

Article VIII. Planning Board

Section 1. The voters of the Town shall choose by ballot beginning

with the annual election in March of 1960, a Planning Board to consist of five members under the provisions of General Laws, Chapter 41, Section 81A; provided that at the 1960 election members of the Planning Board shall be elected, one for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years; subsequent annual elections to choose one member for a term of five years. The powers and duties of such Board shall be such as are stated in General Laws, Chapter 41, Section 81B to 81J inclusive, and Section 81Q; and further, to consider and advise upon municipal improvements at the request of other town officials, departments, boards, or committees, or upon its own initiative.

Section 2. Vacancies occurring in the Board shall be filled as provided in General Laws, Chapter 41, Section 11.

Section 3. The Planning Board upon its own initiation may, and upon the petition of ten persons, shall, hold public hearings, fourteen days public notice of which shall be given, for the consideration of any amendments to the zoning map or to the zoning by-laws; and report to a town meeting its recommendations as to what action should be taken.

Section 4. The Planning Board shall appoint a consulting engineer in accordance with Section 7C of the Salary Administration Plan.

Article IX. Council on Aging

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

Section 2. The Board of Selectmen shall appoint the Council on Aging consisting of seven (7) members. Upon acceptance of this by-law the Board shall appoint three (3) members for three (3) years, two (2) for two (2) years and two (2) members for one (1) year term. Members can be re-appointed for concurrent terms. The members of the Council shall serve without pay.

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

Section 4. The Council on Aging at its first annual meeting and thereafter, annually in April of each year, shall elect from its membership a President, 1st Vice President, 2nd Vice President, Secretary, and Treasurer. Each officer shall hold office until the next annual election. In the event a vacancy occurs in any of the offices above, the Council shall hold a special meeting for the purpose of electing one of its members to fill such vacancy.

Section 5. The Council shall prepare and submit an annual report of its activities to the Town and shall send a copy thereof to the Commission on Aging.

Section 6. The Council may appoint such clerks and other employees as it may require without compensation.

Article X. Conservation Commission

Section 1. A Conservation Commission shall be established under the provisions of General Laws, Chapter 40, Section 8C, and all amendments thereof.

A.T.M. 1962 accept.

Section 2. No land acquired by the Town through tax title proceedings shall be sold or otherwise disposed of until it shall have first been determined by a vote at a Town Meeting whether or not said land shall be held by the Town as Conservation Land, with the custody and control thereof being transferred to the Conservation Commission for all purposes included in Section 8C of Chapter 40 of the General Laws as it now reads or may hereafter be amended; shall be held by the Town for some other municipal purpose.

Section 3. The Conservation Commission may require the posting of a bond with surety, running to the municipality, and sufficient as to form and surety in the opinion of the Commissions' Counsel, to secure faithful and satisfactory performance of work required by any final "Order of

Conditions", in such sum and upon such conditions as the Commission may require. Other evidence of financial responsibility which is satisfactory to the Commission may be accepted in lieu of bonding. Notwithstanding the above, the amount of such bond shall not exceed the estimated cost of the work required or the restoration of affected lands and property if the work is not performed as required, whichever is the greater. Forfeiture of any such bond shall be recoverable at the suit of the municipality in the Superior Court.

Article XI. Personnel Board

Section 1. The Board of Selectmen shall appoint a permanent Personnel Board under the provisions of the Massachusetts General Laws, Chapter 41, Section 108C, as may be from time to time amended, consisting of five (5) registered voters, who are not otherwise employees of the Town, or serving the Town regularly in any elective capacity; their first terms of office to be one for one year; two for two years; and two for three years, and thereafter succeeding appointments to be for three-year terms.

Section 2. The Personnel Board shall have the additional duties and functions of a Personnel Review Board, pursuant to General Laws Chapter 40, Section 21B, to adjust grievances of Town employees other than those appointed by the School Committee.

Section 3. A personnel classification and administration plan shall be established under which the Personnel Board shall promulgate, and may from time to time amend, rules and regulations, after notice and hearing thereon, subject to the approval of the Board of Selectmen, and not contrary to any law:

A. To establish and administer a classification of the positions of all Town employees, other than those filled by popular election, and those under the direction and control of the school committee, into groups and classes doing substantially similar work or having substantially similar responsibilities, and establish maximum and minimum salaries for such employees and for periodic step increases based on length of service.

B. To establish and administer personnel policy dealing with working

hours, overtime, vacations, leave for sickness, military service, jury duty, bereavement, leave of absence, tenure, group insurances, and any other matter properly includable as personnel policy which shall be applicable to those employees subject to the employee classification plan described in paragraph A herein.

Such rules and regulations shall become effective upon their promulgation by the Personnel Board and approval by the Board of Selectmen and shall be consonant with those in effect by private industry and other Massachusetts governmental units.

Article XII. Historic Commission

Section 1. The Selectmen shall appoint an Historic Commission under Chapter 40, Section 8D, to consist of three members. One member for a period of one year, one member for a period of two years, and the third member for three years. A new member to be appointed each year by the Selectmen to replace the member whose term expires.

Section 2. The function of the commission is to preserve, restore and maintain the historic features of the Town of Mashpee, and to perform any other functions provided by law by such bodies.

Article XIII. General Provisions

Section 1. At any Town Meeting, when special committees are appointed or elected, a vote shall be passed naming the compensation of the committee and also a sum of money for expenses of such committee; otherwise, the Selectmen shall not draw orders on the Treasurer for either services or expenses.

Section 2. All departments are authorized and empowered to consult counsel at any time in connection with their duties.

Section 3. Funds belonging to the Town in the hands of the Tax Collector shall only be withdrawn from the bank on orders countersigned by at least two of the Selectmen.

Section 4. Any persons indebted to the Town for poll taxes or otherwise shall have such debt deducted before payment by the Treasurer from any sum due him from the Town for work on road or for any other service performed.

Section 5. On all Town work, for the performance of which competitive bids are received, the award of the contract shall be to the lowest responsible bidder; preference always going to citizens, when other conditions of the situation are equal.

Section 6. All bids for advertised contracts of the Town shall be returnable at the Selectmen's office on a specific date and hour and shall be publicly opened and read by one of the Selectmen at that time.

Section 7. All department heads of the Town shall prepare and submit to the Selectmen between January 1st and no later than February 15th of each year a complete inventory of all town-owned property for which their department is responsible.

Section 8. As authorized in Chapter 40, Section 21, Clause 11 of the General Laws, any equipment to be disposed of by various officers or departments of the town shall first be offered to any other office or department of the town who may require it.

Article XIV. Town Contracts

Section 1. On all contracts for labor, materials, supplies, equipment, merchandise or other articles, wherein the amount involved is \$500.00 or more, the board, department, committee or officials of the town in charge of the expenditure of such money, shall be required to submit the awarding of the same to public bid and no expenditure shall be permitted of \$500.00 or in excess thereof unless the same shall have been awarded upon public bid.

Section 2. All capital expenditures purchases (i.e. desks, chairs, typewriters, cabinets, etc.) of \$50.00 or more will be submitted to the Board of Selectmen for approval before the purchase is consummated.

Article XV. Transportation Regulations

Section 1. No elected officer of the Town of Mashpee, except a member of the Board of Assessors and Agents of Boards and Inspectors, shall receive any compensation for transportation within the limits of the Town.

Section 2. When any officer or member of any board, paid or unpaid, is called upon to go to any point outside the Town of Mashpee on official business connected with the duties of his office, he shall be entitled to receive pay on the following basis: If he travels by rail, water, bus, plane or any public transportation, he shall be allowed the amount of his fare. If he travels by private motor vehicle, he shall be allowed the rate of 12 cents per mile of travel.

Section 3. Where it is necessary to transport by automobile or truck any laborers employed by any department of the Town, (a) the expense incurred shall be charged in as "transportation of labor"; (b) all charges for transportation of labor shall be made on the basis of so much per hour or per day for the actual time consumed by the conveyance in transporting the labor; (c) all expenses for transportation of labor shall be charged against the appropriation for that departmental work on which the transported laborers are employed.

Section 4. Any automobile or truck employed by the Town and carrying one or more laborers whose work is connected directly with the operation of the truck, or any apparatus or materials carried by the truck, shall be charged under "trucking" at so much per hour or day, and shall not be entitled to any additional charges for transportation of labor or materials.

Article XVI. Annual Town Audit

Section 1. There shall be an annual audit of the Town's Accounts under the supervision of the Director of Accounts of the Department of Corporations and Taxation in accordance with the provisions of Section 35, Chapter 44, General Laws.

CHAPTER III

PUBLIC HEALTH, SAFETY, WELFARE, CONVENIENCE AND GOOD ORDER

Article I. General Sanitary Regulations

Section 1. No person shall throw or sweep into, or place, or drop, or suffer to remain in any street, any hoops, boards, or other wood with nails projecting therefrom or nails of any kind, shavings, ashes, hair, manure, rubbish, offal or filth of any kind, or any noxious or refuse liquid or solid substance.

Section 2. No person shall allow any sink water or other impure liquid to run from the house, barn or lot, occupied by him into any street of the town.

Section 3. No person shall barter, or trade, and collect junk without a license from the Selectmen of the Town.

Section 4. The Mashpee Town Dump shall be restricted to use by residents only. All residents must dump in designated locations. All trees must be cut in five-foot lengths. All commercial garbage and trucking outfits must be approved by the Board of Health. No autos or parts of autos will be accepted. All persons who wilfully fail or refuse to comply with these rules and regulations shall be punished by a fine of not less than \$25.00 and not more than \$50.00.

Article II. Regulation of Trailer Coach Parks and Auto-Trailers

Section 1. No license shall be granted under the provisions of Chapter 140, Section 32A to Section 32L, inclusive, of the General Laws, except by the unanimous vote of the Board of Selectmen. No renewal of such license shall be granted except by the unanimous vote of the Board of Selectmen.

Section 2. RULES AND REGULATIONS. The Board of Selectmen of the Town of Mashpee shall have the power to promulgate rules and regula-

tions for the enforcement of the provisions of this ordinance, and for the purpose of insuring the maintenance of tourist camps and structures therein in a manner compatible with public health and safety.

Section 3. Trailers may be parked throughout the Town subject to the following regulations. For the purpose of the by-law, "Trailer" is defined as follows: any of the various types of towed vehicles used for human habitation or for business purposes or adapted from such vehicles, but excluding vehicles used only for the transportation of materials, products or animals.

No person shall park, store, or occupy a trailer for living or business purposes, except:

- (1) In a garage or other accessory buildings or in the rear half of a lot owned or occupied by the owner of the trailer (if placed so as to conform to the yard requirements for main buildings in the same zone), but its use for business and living purposes is prohibited (unless temporary occupancy is permitted by the Board of Appeals incidental to the construction of a permanent home).
- (2) The owner of the land may permit occupancy of such land by non-paying guests using a trailer, for living purposes, for a period not exceeding thirty (30) days in any calendar year. A permit for this purpose must be obtained from the Selectmen before the land can be occupied. No more than one guest trailer permitted with any one residence or on any one lot.
- (3) A temporary office incidental to a construction on or development of the premises on which the trailer is located.

Article III. Rules and Regulations Regarding Wetlands.

Section 1. The purpose of this by-law is to protect the foreshores and wetlands of the Town of Mashpee by controlling activities deemed to have a significant effect upon wetland values, including but not limited to the following: public or private water supply, ground water, flood control,

storm damage, water pollution, fisheries, shellfish, wildlife, recreational esthetics. No person shall remove, fill, dredge, alter any bank, beach, dune, flat, marsh, meadow or swamp bordering on the ocean or any estuary, creek, river, stream, pond or lake, or any land under said waters or any land subject to tidal action, coastal storm flowage, or flooding, without first filing written notice of his intention so to remove, fill, dredge, or alter by sending a separate letter, by certified mail, to Mashpee Conservation Commission at least sixty (60) days prior to any removing, filling, dredging or altering. Such notice of intention shall include such plans as may be necessary to describe such proposed activity and its effect on the environment. The same plans and specifications required to be filed by an applicant under Massachusetts General Laws, Chapter 131, Section 40, will be accepted as fulfilling the requirements of this by-law. The said Commission, in its discretion, may hear any oral presentation under this by-law at the same public hearing required to be held under the provisions of said Chapter 131, Section 40 of Massachusetts General Laws.

Section 2. The term "person" as used in this by-law shall include any individual, group of individuals, association, partnership, corporation, company, business organization, trust estate, the Commonwealth or political sub-division thereof, administrative agency, public or quasi-public corporation or body, or any other legal entity or its legal representatives, agents or assigns.

Section 3. The Commission may take a determination as to whether or not this by-law applies to a specific situation prior to the filing of a written notice of intent under the provisions hereof, upon receipt of a written request from any person desiring such determination. The Commission, its agent officers and employees, may enter upon the land upon which the proposed work is to be done in response to a request for a prior determination or for the purpose of carrying out its duties under this by-law and may make or cause to be made such examination or survey as deemed necessary.

Section 4. The Conservation Commission is empowered to deny permission for any dredging, filling, or altering of subject lands within the town if, in its judgment such denial is necessary to preserve environmental

quality of either or both the subject lands and contiguous lands. Due consideration shall be given to possible effects of the proposal on all values to be protected under this by-law and to any demonstrated hardship on the petitioner by reason of a denial, as brought forth at the public hearing.

Section 5. The Commission may, as an alternative to a denial, impose such conditions as it deems necessary to contribute to the protection and preservation of subject lands in accordance with purposes of this by-law. Any Order of Conditions issued under this by-law shall be subject to the same constraints and be identical to any such order issued by the Mashpee Conservation Commission under the provisions of Mass. General Laws, Chapter 131, Section 40.

Section 6. The sixty-day notice required by the first paragraph of this by-law shall not apply to emergency projects necessary for the protection of the health and safety of the citizens of Mashpee and to be performed by an administrative agency of the Commonwealth or by the Town. Emergency projects shall mean any projects certified to be an emergency by the Commissioner of the Department of Natural Resources and the Conservation Commission, if this by-law and Massachusetts General Laws, Chapter 131, Section 40, are both applicable. In no case, shall any filling, dredging or altering commence prior to any emergency certification nor extend beyond the time necessary to abate the emergency.

Article IV. Removal of Soil, Sand and Gravel and Sand Pits

Section 1. No top soil, sub soil, gravel, sand or other earth may be removed from the Town of Mashpee without first having obtained a permit from the Selectmen. A permit with conditions imposed where necessary may be issued for the removal of top soil, sub soil, gravel, sand, and other earth if the Selectmen, after a public hearing, shall so order, provided that no such permit shall be granted except upon written application and after a public hearing of parties interested and consideration of their evidence by the Selectmen; notice of said hearing being given by publication of the time and place thereof in a local newspaper not less than two weeks before said hearing, the expense of publication to be borne by the petitioner.

After such a hearing, the Selectmen shall render a decision in writing, stating the decision and the reason thereof and file the decisions with the Town Clerk and send a copy thereof to the applicant. Such permit may be removed.

Section 2. No top soil or sub soil shall be removed from place to place within the Town of Mashpee from an area of ground consisting of more than 500 square feet unless the person removing such top soil or sub soil 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.

Section 3. No sand or gravel shall be removed from place to place within the Town of Mashpee, except that a sand gravel pit may be opened and used for such purposes, if it is located 100 feet or more from a street line and no more than one entrance and one exit can be used. If such sand and gravel pit is opened and used, the owner shall burn or cart to the Town dumping area all dead trees and stumps when any area thereof amounting to more than 5,000 square feet becomes unsuited for further use, and in such case, such area shall be replanted with trees or shrubs to prevent soil erosion.

Section 4. The foregoing by-laws shall not apply to land in public use nor shall they apply to the case of materials removed or excavated for the purpose of improving, grading, landscaping or cultivating the lot in which the soil, sand, gravel or other earth is located, nor for construction of buildings and the making of public or private improvements.

Section 5. Any person violating the provisions of this by-law shall be punished by a fine not to exceed \$20.00 for each offense.

Article V. Regulations Relative to Good Order

Section 1. Anti-Noise By-Law

A. By-Law Prohibiting Unnecessary, Excessive or Unusual Noises.

It shall be unlawful for any person or persons occupying or having

charge of any buildings or premises or any part thereof in the Town, other than that section of any establishment licensed under Chapter 138 of the General Laws to cause or suffer or allow any unnecessary, loud, excessive or unusual noises in the operation of any radio, phonograph or other mechanical sound making device or instrument, or reproducing device or instrument or in the playing of any band, orchestra, musician or group of musicians, or in the use of any device to amplify the aforesaid, or the making of loud outcries, exclamations or other loud or boisterous noises 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 the noise is plainly audible at a distance of one hundred and fifty feet from the building, structure, vehicle or premises in which or from which it is produced. The fact that the noise is plainly audible at a distance of one hundred and fifty feet from the vehicle or premises from which it originates shall constitute prima-facie evidence of a violation of this by-law. Any person violating this by-law shall be punished by a fine of not more than fifty dollars for each offense.

B. By-Law Prohibiting Unnecessary, Excessive or Unusual Noises.

It shall be unlawful for any person or persons being present in or about any building, dwelling, premises, shelter, boat or conveyance or any part thereof, other than that section of any establishment licensed under Chapter 138 of the General Laws, who, after 10:00 p.m. shall cause or suffer or countenance any loud, unnecessary, excessive or unusual noises, including any loud, unnecessary, excessive or unusual noises in the operation of any radio, phonograph or other mechanical sound making device, or instrument, or reproducing device or instrument, or in the playing of any band, orchestra, musician or group of musicians, or the making of loud outcries, exclamations, or other loud noises, or in the use of any device to amplify the aforesaid noise, where the aforesaid noise is plainly audible at a distance of one hundred and fifty feet from the building, dwelling, premises, shelter, boat or conveyance in which or from which it is produced. The fact that the noise is plainly audible at a distance of one hundred and fifty feet from the premises from which it originates shall constitute prima-facie evidence of a violation of this by-law. Any person shall be deemed in violation of this by-law, who shall make, or aid, or cause, or suf-

fer, or countenance, or assist in the making of the aforesaid and described improper noises, disturbance, breach of the peace or a diversion tending to a breach of the peace and the presence of any person or persons in or about the building, dwelling, premises, shelter, boat or conveyance or any part thereof during a violation of this by-law shall constitute prima-facie evidence that they are a countenancer to such violation. Any person violating shall be punished by a fine of not more than fifty dollars for each offense.

Section 2. Alcoholic Beverages

It shall be unlawful for any person who has not attained the age of twenty-one years to consume or have in his or her possession alcoholic beverages on public highways, including vehicles thereon, or public places within the Town of Mashpee. Whoever violates the provision of this by-law shall be fined in an amount not exceeding fifty dollars for each offense.

Section 3. Alcoholic Beverages

It shall be unlawful for any person to consume alcoholic beverages on public highways including vehicles thereon, or public places not duly licensed for such purposes within the Town of Mashpee. Whoever violates the provisions of this by-law shall be fined in an amount not exceeding fifty dollars for each offense.

Section 4. Ungaraged, Unregistered Vehicles

No person shall have more than one unregistered car or truck ungaraged on his premises in a Residential District and/or Agricultural District at any time unless authorized by the Board of Selectmen. In no event will an unregistered, unsightly car or truck be stored in the front yard. Violators shall be fined in an amount not exceeding twenty dollars for each offense.

Section 5. Profane or Obscene Language

Whoever remains in a road or street, or elsewhere in the Town of Mashpee, and accosts or addresses another person with profane or obscene

language may be arrested by a police officer without a warrant, if performed in the officer's presence; and, if unknown to such officer, kept in custody until he can be taken before the court having jurisdiction. Any person violating this by-law shall be punished in an amount not exceeding \$50.00 (fifty dollars) for each offense.

Section 6. Sleeping in a Parked Vehicle

No person shall sleep in a motor vehicle parked upon any public way or public parking area, or sleep in the open on any beach within the limits of the Town of Mashpee between the hours of 9:00 p.m. and 6:00 a.m. Any person violating this by-law shall be punished by a fine of not more than \$50.00 (fifty dollars) for each offense.

Section 7. Loitering

No person shall saunter or loiter on a street or sidewalk in such manner as to obstruct travelers; but nothing in this section shall be construed to curtail, abridge or limit the right of opportunity of any person to exercise the right of peaceful persuasion guaranteed by Section 24 of Chapter 149 of the General Laws; or to curtail, abridge or limit the intent of any Statute of the Commonwealth of Massachusetts. Whoever violates any portion of this by-law shall be punished by a fine of not more than fifty (\$50.00) dollars for each offense.

Section 8. Bicycle Registration

No resident shall operate a bicycle within the limits of the Town of Mashpee unless such bicycle is registered in the Town and unless the registration plate issued therefor is attached to the rear of such bicycle. The Police Department shall register all bicycles owned by persons residing within the Town, issue certificates of registration and record the name, address, age of the owner, make and serial number of the bicycle and registration number issued.

Section 9. Disposal of Trash, Rubbish, Refuse, Rubber Tires or Debris

Whoever places, throws, deposits or discharges, or causes to be placed,

thrown, deposited, or discharged, any trash, refuse, rubbish, rubber tires, or debris or any other materials of any kind upon land of another without permission of the owner or the person in charge thereof, shall be punished by a fine of not more than fifty dollars.

Article VI. Public Safety

Section 1. It shall be unlawful to install a mechanical protection device that is automatically keyed to and/or listed to the Mashpee Fire Department and Police Department; all such devices installed before the effective date of this section shall be removed within sixty (60) days. Mechanical protection devices shall be defined as: an electrically operated instrument composed of sensory apparatus and related hardware which automatically sends over regular telephone lines, by direct connection or otherwise, a pre-recorded 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.

Article VII. The Use of Waterways, Ponds and Lakes

Section 1. Speed Regulations

A. The use of boats with engines in excess of forty-five horsepower on John's Pond and Ashumet Pond shall be prohibited. Any violation of this by-law shall be punishable by a fine of up to \$50.00.

Article VIII. Use, Care, Regulation and Control of Public Beaches

Section 1. Setting or maintaining fires on all public beaches is prohibited, except on approval of the Mashpee Beach Committee and by special written permit therefor issued by the Mashpee Fire Department.

Section 2. The use of alcoholic beverages, including the bringing of alcoholic beverages on any of the public beaches, is absolutely prohibited.

Section 3. The playing of baseball or softball on said public beaches is prohibited.

Section 4. No dogs shall be brought upon any of said public beaches nor permitted thereon.

Section 5. All of said public beaches are closed to the public at 12:00 o'clock midnight, daylight saving time and the use thereof for bathing purposes or recreational purposes is prohibited between the hours of 12:00 o'clock midnight and 6:00 o'clock a.m., both hours being daylight saving time.

Section 6. Leaving litter, trash, rubbish or discarded lunch containers, or similar articles, upon the public beaches is strictly prohibited.

Section 7. For each and every violation of the foregoing by-laws, a penalty of not more than \$50.00 may be imposed.

Article IX. Shellfish Regulations

Section 1. No person shall take shellfish from the foreshores, flats and tidal waters of the Town of Mashpee, for commercial purposes without a permit, therefor prescribing the time, quantity and method of taking same, signed by at least two members of the Board of Selectmen.

Section 2. No commercial shellfish permit shall be granted to any person who has not resided in the town for at least six months next preceding his application for a permit. This chapter does not apply to residents of the Town of Mashpee.

Section 3. No shellfish shall be taken on Sunday for commercial purposes.

Section 4. No shellfish shall be taken in the night time; namely, from one hour after sunset until one hour before sunrise.

Section 5. No clams or quahogs shall be taken measuring less than two inches on the greatest diameter.

Section 6. Shellfish shall be taken only by hand, rake, hoe, plunger,

and tongs, excepting scallops which may be taken by dredging, but no dredging shall be allowed in inner harbors.

Section 7. Excepting in the night time and excepting from areas closed to shellfishing by order of the Selectmen, any inhabitants of this state or summer resident of the Town may take, with a permit, one-half a bushel of clams or quahogs (including shells) per day, but not more than one bushel per week and between October 1st and April 1st, both dates inclusive, one-half bushel of adult scallops (including shells) per day, but not more than one and one-half bushels per week.

Section 8. Any person to whom a shellfish permit for commercial purposes is granted shall not take more than two bushels of clams (including shells) per day, nor more than four bushels of quahogs (including shells) per day, nor more than ten bushels of scallops (including shells) per day.

Section 9. The fees for shellfish permits for commercial purposes shall be \$10.00.

Section 10. No fee paid for shellfish permit shall be abated, nor shall any permit be issued without payment of the fee for the same, excepting to persons receiving aid from the Department of Public Welfare, Bureau of Old Age Assistance, or Soldiers' Relief, or to those who, in the opinion of the Selectmen, by reason of physical disability, are unable to make full use of the permit.

Section 11. Any holder of a shellfish permit who violates any provisions of these regulations or of the laws relative to the taking of shellfish, shall forfeit his permit and shall be barred from obtaining shellfish permits for a period of not less than six months or not more than one year from the date of such violation at the discretion of the Selectmen.

Section 12. All shellfish regulations heretofore adopted inconsistent with the foregoing regulations are hereby repealed.

None of the above regulations shall limit or infringe upon the provisions of the General Laws regulating shellfish. (Chapter 130, as amended.)

CHAPTER IV

RULES AND REGULATIONS

Article 1. Rules and Regulations for the Regulation of Taxi Cabs and the Operation Thereof

The following rules and orders for the regulation of taxi cabs are hereby adopted by the Town of Mashpee:

Section 1. No person shall offer for hire a taxi cab or pick up a passenger for hire upon any way in the Town of Mashpee unless such taxi cab has a valid taxi cab license issued by the Board of Selectmen.

Section 2. Application Procedure.

All operators shall be required to have a license to operate a taxi cab and written application therefor shall be made under oath to the Board of Selectmen.

Section 3. Decision to Suspend or Revoke.

The Board of Selectmen may suspend or revoke a license at any time for cause. Cause is defined as conduct consisting of a violation of any law of the Commonwealth, any by-law of the Town, or any regulation promulgated by the Board of Selectmen under Chapter 140 of the General Laws.

Section 4. The fee for a taxi cab license shall be five dollars and fifty cents (\$5.50). The fee for a taxi cab driver's license shall be one dollar and fifty cents (\$1.50).

Section 5. Any person convicted of the violation of any provision of these rules and regulations may be punished by a fine of not more than twenty dollars (\$20.00) for each offense.

TOWN OF MASHPEE BYLAW AMENDMENTS

ANNUAL TOWN MEETING

MAY 3, 1976

Chapter I

Article I. Town Meetings

Section 1. (Page 1)

- A. (Line 9) "first Monday in February" each year;
Article 9, 1976 Annual Town Meeting
Approved by Attorney General Francis X. Bellotti August 25,
1976. Advertised 9/2, 3, 4/76.

Section 1B. (Page 1)

- B. (Line 3) the second Monday of "February" in each year.
Article 10, 1976 Annual Town Meeting
Approved by Attorney General Francis X. Bellotti, August 25,
1976. Advertised 9/2, 3, 4/76.

Article III. Amendments (Page 3)

Section 1. (Line 2) Annual Town Meeting "or Special Town Meeting"
provided that an article or articles - - - - -

Article 11, 1976 Annual Town Meeting
Approved by Attorney General Francis X. Bellotti August 25,
1976. Advertised 9/2, 3, 4/76.

Chapter II

Article I, Section 15 (Page 6)

"The Selectmen shall appoint a Shellfish Constable pursuant to the provisions of Massachusetts General Laws, Chapter 130, Section 98, for a term of three years."

Article 13, 1976 Annual Town Meeting
Approved by Attorney General Francis X. Bellotti August 25,
1976. Advertised 9/2, 3, 4/76.

Article II, Section 3 (Page 6)

"All fees received by all Town Officers by virtue of their office shall be paid over to the Town Treasury in their entirety, except that the Town Clerk shall be entitled to receive the fees provided by statute."

Article 17, 1976 Annual Town Meeting
Approved by Attorney General Francis X. Bellotti August 25,
1976. Advertised 9/2, 3, 4/76.

Article V

Authority. (Page 8, lines 3 to end of paragraph).

This should all be deleted. (Repetition of page 9, end of first paragraph.)

Article XIV. Section 2 (Page 16)

(Line 2) of "\$150.00" or more will be submitted - - - - -

Article 15, 1976 Annual Town Meeting

Approved by Attorney General Francis X. Bellotti August 25, 1976. Advertised 9/2, 3, 4/76.

Chapter III

Article II. Section 3 (Page 19)

(2nd paragraph, line 1) or occupy a trailer "or tent" for

(2) line 2 - non-paying guests using a trailer, "or tent", for living purposes - - - - -

Article 19, 1976 Annual Town Meeting

Approved by Attorney General Francis X. Bellotti August 25, 1976. Advertised 9/2, 3, 4/76.

Article V. Section 2 (Page 24, line 2)

the age of "eighteen" years to consume or have - - - - -

Article 18, 1976 Annual Town Meeting

Approved by Attorney General Francis X. Bellotti August 25, 1976. Advertised 9/2, 3, 4/76.

Article VI. Section 2 (Page 26)

"Hotels, boarding or lodging houses or family hotels which are not regulated by sections twenty-six A and twenty-six B of Chapter 148 of the General Laws shall be equipped with an automatic smoke or heat detector in each dwelling unit and each hallway floor. The head of the fire department as defined in section one of Chapter 148 shall enforce the provisions of this section

The Town hereby accepts the provisions of Chapter 148, Section 26C of the General Laws."

Article 21, 1976 Annual Town Meeting

Approved by Attorney General Francis X. Bellotti August 25, 1976. Advertised 9/2, 3, 4/76.

Article VII. (Page 26)

Section 2. Speed

A. Speed shall not exceed (6) six M.P.H. and no wash shall be created in posted area nor within (150) one hundred fifty feet of bathers, divers, small vessels propelled by means other than machinery, vessels not underway, or commercial or private docking or mooring areas.

Section 3. Pollution

A. The discharge or disposal (by motorboat operators or passengers) of oil, dead fish, waste, rubbish, debris or sewage in the waters, shores or foreshores is prohibited.

Section 4. Moorings

A. The locations, type and adequacy of every mooring must be approved by the Harbormaster or Assistant Harbormaster before placement. Any mooring may be inspected, removed or relocated whenever in the judgment of the Harbormaster or Assistant Harbormaster, the safety of the other vessels or properties, or maximum use of the area requires such action. The expense of such inspection, removal, or relocation shall be the responsibility of the owner.

B. Each mooring buoy shall be painted white with a visible blue band which can be seen from a minimum distance of (150) one hundred and fifty feet and shall be identified by the owner's name and/or designated number.

Section 5. Abandonment

A. No vessel, mooring or other object shall be abandoned, sunk or otherwise placed where it may constitute a danger to navigation. Any vessel, mooring or object so placed, or any vessel improperly secured, swamped, sunk, washed ashore or found in a restricted area must be removed and relocated by the owner at the direction of the Harbormaster or an Assistant Harbormaster. If corrective action is not taken after (72) seventy-two hours notice to the owner, or if the owner is not known, after notice has been posted for the same period at the Mashpee Town Hall, or on or near such vessel, mooring or object, the Harbormaster or Assistant Harbormaster may take corrective action. The expense of such removal or relocation and any liability incurred therefor shall be the responsibility of the owner.

B. Nothing in the above shall be deemed to restrict earlier action by the Harbormaster or an Assistant Harbormaster, with or without notice to the owner, if, in their judgment, such action is necessary to protect life or property, or if such object is a hindrance to navigation.

Section 6. Water Skiing

A. Water skiing as hereinafter permitted is subject to the provisions of Section 8, Chapter 90B of the General Laws of Massachusetts and to the further restriction that there shall be no water skiing in tidal rivers or inlets, or within (150) one hundred and fifty feet of bathers, divers, piers, docks, floats, or other boats on or off shore. No person shall operate a motor boat while drawing more than two water skiers at the same time. Water skiing is permitted only between the hours of one-half hour after sunrise and one-half hour before sunset. There shall at all times be a competent person in addition to the operator in a position to observe the person or persons being towed. (Chapter 100, Acts of 1976, requires that the observer in a motorboat towing a waterskier must have attained the age of twelve (12) years.) For the purpose of this by-law, the words "water skiing" shall include the towing or manipulation of a surf board or other similar device behind a motor boat.

B. Subject to the restrictions outlined in A above, water skiing is permitted on the tidal waters of Popponesset Bay, Nantucket Sound and Waquoit Bay only. Water skiing in these areas are subject to restrictions which may be specified by the Town by properly posted signs or markers.

Section 7. Enforcement and Penalties

A. Unless otherwise specified, the provisions of this bylaw shall be enforced by the Harbormaster, Assistant Harbormasters and by police officers empowered to patrol the waters of the Town of Mashpee.

B. Whoever violates any of the provisions of the bylaw and refuses to obey the lawful and reasonable orders of those empowered to enforce same, or resists them in the discharge of their duties shall be fined not less than ten (\$10.00) dollars nor more than fifty (\$50.00) dollars for the first violation and not less than twenty-five (\$25.00) dollars nor more than fifty (\$50.00) dollars for repeated violations.

Section 8. Jurisdiction

A. Nothing contained herein shall be held or construed to supercede, conflict with, interfere with, or limit jurisdiction of the United States Government with respect to the enforcement of the navigation, shipping, anchorage and associated laws of the United States, or to diminish the provisions of any lawful regulation of the Division of Marine and Recreational Vehicles, or laws of the Commonwealth of Massachusetts.

Section 9.

In the event that any provision, Section or clause of this bylaw is hereafter judicially found to be invalid, such decision, invalidity or voidance shall not affect the validity of the remaining portions of this bylaw.

Article 79, 1976 Annual Town Meeting

Approved by The Commonwealth of Massachusetts Division of Marine and Recreational Vehicles, Alfred F. Nataloni, Director, August 18, 1976.

Approved by Attorney General Francis X. Bellotti, September 10, 1976. Advertised 9/22, 23, 24/76.

Section 10. Speed Regulations

A. No person shall operate a motor boat, as defined in Chapter 90B of the Massachusetts General Laws on the ponds of Mashpee within (150) one hundred and fifty feet of shore at a rate of speed in excess of (6) six miles per hour. No person shall operate a motor boat in any area of any pond at a speed greater than (6) six miles per hour during the period from one hour after sunset to one hour before sunrise.

Section 11. Water Skiing

A. There shall be no water skiing within (150) one hundred and fifty feet of shorelines, bathers, boats underway by means other than motors, or boats not underway, nor in shallow or narrow areas properly posted as "no wash", "no wake", or "6 MPH maximum speed" areas. Ski starts and stops shall not be permitted within (150) one hundred and fifty feet of any shoreline except that the Town may designate an area or areas which will be properly posted indicating that starts and stops are permitted from shore within this specified beach area. All turns shall be in a counter clockwise direction. No person shall operate a motor boat while drawing more than two water skiers at the same time. No person shall water ski except during the hours of from one-half hour after sunrise and one-half hour before sunset. There shall at all times be a competent person in addition to the operator in a position to observe the person or persons being towed. (Chapter 100, Acts of 1976, requires that the observer in a motorboat towing a waterskier must have attained the age of twelve (12) years.)

Section 12. Penalties for Violations

A. Whoever violates any of the provisions of these regulations relative to the use of waterways shall be punished by a fine of not more than fifty (\$50.00) dollars except as provided in Section 14 of Chapter 90B of the Massachusetts General Laws relative to first offenders.

Section 13. Enforcement

A. The Board of Selectmen shall appoint a Director of Inland Waters and shall appoint Assistant Directors of Inland Waters to serve for one year or until a successor is appointed and qualified, with police powers for each of the ponds within the Town to enforce the bylaws relative to use of waterways. Such person to be at the recommendation of and responsible to the Mashpee Waterways Committee and the Selectmen. Duties and responsibilities of this position will provide full authority to enforce all laws, rules and regulations of the Mashpee inland waterways, with a primary concern for public safety and the preservation of our natural water resources.

Section 14. Signs

A. The Waterways Committee Director and Assistant Directors of Inland Waters shall see that speed and water skiing regulations, safety and general rules and regulations are posted at all public landings on all ponds within the Town. Further signs and markers may be placed at strategic locations throughout the waterways.

Section 15.

In the event that any provision, Section or clause of this bylaw is hereafter judicially found to be invalid, such decision, invalidity or voidance shall not affect the validity of this bylaw.

Article 80, 1976 Annual Town Meeting

Approved by The Commonwealth of Massachusetts Division of Marine and Recreational Vehicles, Alfred F. Nataloni, Director, August 18, 1976.

Approved by Attorney General Francis X. Bellotti, September 10, 1976. Advertised 9/22, 23, 24/76.