

ARTICLE VII
GENERAL

Section 1. The words "street" and "streets" where used in these by-laws shall be construed as including all public ways, roads, alleys, lanes, and sidewalks, also those parts of all public squares, and public places which form traveled parts of the highways

Section 2. Repealed.

Section 3. No person shall break or dig up the ground in any street or erect any staging for building, or place or deposit any stone, brick, timber or other building material thereon without first obtaining the written permission of the Selectmen.

Section 4. The Selectmen may grant a permit in writing to any person for the purpose of building or other lawful purpose to dig up, obstruct or encumber so much and such parts of any street as they deem to be safe and proper.

Section 5. The person licensed under the preceding section shall comply with all regulations in such permit and shall at all times maintain suitable barriers around any excavation or obstruction made by him in the street and shall so light the same by lanterns or other means from twilight through the whole night to daylight, as to render the street safe and convenient for travelers.

Section 6. No person shall throw or sweep into or place or drop and permit to remain in any street or public way, any hoops, boards or other wood or material with nails projecting therefrom, or nails, shavings, hair, manure, rubbish, offal or filth of any kind or nature, or any noxious or refuse liquid or solid substance.

Section 7. No person shall coast, roller skate, scooter, play ball, skateboard or engage in any other athletic game on Holbrook Ave., Commercial and East Main Streets or streets or public parking lots of the Central District or upon Route 6 except in accordance with orders and permits given by the Selectmen.

Section 8. No person shall throw stones, snowballs or other missiles or shoot with or use a bow and arrow, or sling in any street or public way.

Section 9. No person shall post or affix in any manner, paint or write or cause to be painted, printed or written, a notice, advertisement or bill upon a post, fence, wall or building in the Town, unless he has previously obtained the consent so to do from the person or persons having possession of such fence, pole, post, wall or building or property. With respect to Town property, permission must be obtained from the Board of Selectmen.

Section 10. No person shall make any indecent figures or write, print, paint or cut any obscene word or words upon or break, deface or injure in any manner any fence, post, sign or building or extinguish or remove without authority any street light so placed as to denote

an obstruction in any place or way.

Section 11. No person shall accost or address another person in any street or public place with any obscene or profane language.

Section 12. No person shall willfully or negligently obstruct the free passage of travelers in any street or upon any public sidewalk, nor shall any person so obstructing said street or sidewalk remain steadfast in any or upon any sidewalk after being directed by a police officer to move on.

Section 13. No person shall behave in an indecent or disorderly manner, nor use profane, indecent language, in any public place, building or any street or sidewalk of the Town.

Section 14. Three or more persons shall not continue to stand or remain in a group or near to each other on any street, sidewalk or in any public place in such a manner as to obstruct free passage of other pedestrians after having been requested by the Police or Constable, employed by the Town, to move on.

Section 15. No person shall by loud hallooing, hooting or the making of loud and unseemly noises in the streets or public places willfully annoy or disturb another person.

Section 16. No person shall fire or discharge any kind of firearms, air or spring pistol or rifle, or set fire to any powder or combustible or throw any form of combustible or explosive article in any street or public place except in the discharge of some legal duty, without the permission of the Selectmen.

Section 17. No person shall make any bonfire or any other open fire except under a permit obtained from the Fire Warden.

Section 18. Repealed.

Section 19. It shall be unlawful for any person to consume alcoholic beverages on public highways or in public parking places, including vehicles thereon, including all Town owned property, within the Town of Wellfleet. However, the Board of Selectmen may make exceptions to this bylaw in the case of special events and are authorized to issue special permits to private vendors to serve beer and wine exclusively in accordance with general law, and bylaws governing the issuance of temporary liquor licenses.

Section 20. 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 in public places within the Town of Wellfleet.

Section 21. No person, except an officer of the law in 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 structure in any manner or upon any person or persons therein.

Section 22. No one shall operate or permit to be operated an internal combustion engine on any fresh water pond in the Town of Wellfleet except under the direction of any law enforcement officer, fire or rescue officer, or other authorized official for the expressed purpose of aiding in rescue or other emergency situations.

Section 23. CAMPING, TENTING, SLEEPING IN THE OPEN BY-LAW

No person shall set up between the hours of 8 p.m. and 8 a.m. on any property public or private, without permission of the owner thereof, a camp, tent, or sleep in the open on any property, public or private, without the permission of the property owner within the territory limits of the Town of Wellfleet.

Section 24. BEACH VEHICULAR TRAFFIC BY-LAW

No person shall operate a motorized vehicle on any tidal beach or flat or other land below mean high water except:

- 1) in an emergency for the purpose of protecting endangered persons, animals or property;
- 2) a town, county, state or federal official or employee on official business;
- 3) for the purpose of launching or retrieving a boat not exceeding twenty (20) feet in overall length at a launching point designated by the Selectmen;
- 4) for the purpose of work duly authorized and conditioned by the Conservation Commission and other appropriate authorities;
- 5) for the purpose of setting or retrieving a mooring, entering and leaving the beach at a point designated by the Selectmen;
- 6) a person legally engaged in or working in commercial shellfishing or holding a grant.

Whoever violates this bylaw shall be fined in an amount of two hundred (\$200.00) dollars for each offense.

The Town of Wellfleet Police Department (including special officers), the Harbormaster, the Assistant Harbormaster, the Shellfish Constable, the Deputy Shellfish Constable, the Assistant Shellfish Constable, the Health and Conservation Officer, and any other official whom the Board of Selectmen may from time to time designate shall have authority to enforce this Section.

Section 24A. No person shall operate or park a motorized vehicle on:

- (1.) Any bicycle, pedestrian, or bridle path or trail owned or maintained by the Town of Wellfleet, Barnstable County, the Commonwealth of Massachusetts, or the United States, and prohibited to motorized vehicles by competent authority;
- (2.) Any real property of the Town of Wellfleet above the mean-high water line not encompassed within the layout or boundaries of any public or private road, way, public landing, or parking area designated for the parking and operation of motorized vehicles.

EXCEPT

- 1.** In an emergency for the purpose of protecting endangered persons, animals, or property.
- 2.** A town, county, state, or federal official, employee, or authorized agent on official business.

In addition to notice required by General Laws, Chapter 40, Section 32, the Town of Wellfleet shall post signs reasonably calculated to apprise operators of motorized vehicles of the requirements of this bylaw.

The Town of Wellfleet Police Department (including special officers) shall have authority to enforce this bylaw, which enforcement shall include without limitation the non-criminal disposition procedure provided for in General Laws, Chapter 40, Section 21D.

Section 25. DOG LEASH BY-LAW

No person shall permit a dog to enter within the boundaries of any cemetery in the Town of Wellfleet. All dogs within the territorial limits of the Town of Wellfleet shall be restrained by a leash unless confined to property of their owners. Any dog found running at large will be removed and impounded. "If it is the first offense subject to this section committed by a person within a calendar year, the charge shall be dismissed without the payment of any fine; if it is the second offense so committed in the calendar year, the payment of a fine of twenty-five (\$25) dollars shall operate as final disposition of the case; if it is the third offense so committed in a calendar year payment of a fine of thirty (\$30) dollars shall operate as final disposition of the case; if it is the fourth or subsequent offense so committed the payment of a fine of fifty (\$50) dollars shall operated as a final disposition of the case." The owner of any dog so removed is also liable for boarding expenses at the pound at the established rate. The Town of Wellfleet Police Department (including special officers), the Dog Officer, and any other officials whom the Board of Selectmen may from time to time designate shall have the authority to enforce this Section.

Section 26. It shall be unlawful for any person or persons occupying, having the charge of, or being present in or about any building, structure, premises, shelter, mobile or stationary vehicle, boat, or any conveyance, or any part thereof, in the Town, from 10:00 p.m. until 8:00 a.m., at any time to cause, suffer, allow, or countenance any unnecessarily loud, excessive or unusual noise, including any such noise in the operation of any radio, phonograph or other mechanical or electronic 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 boisterous noise, or loud or boisterous singing by any person or persons or the use of any device to amplify the aforesaid noise, where such noise is plainly audible at a distance of one hundred and fifty (150) feet from the building, structure premises, shelter, mobile or stationary vehicle, boat, or any conveyance, or any part thereof in which and/or from which it is produced. The fact that the noise is plainly audible at said distance of one hundred and fifty (150) feet shall constitute prima facie evidence of a violation of this bylaw. Except as authorized by the Board of Selectmen, any person or persons shall be deemed in violation of this bylaw who shall make, aid and abet, or cause, suffer, allow, or countenance the making of such noise, and shall be subject to punishment by fine.

Section 27. Repealed.

Section 28. To allow for the ready passage of emergency and other vehicles, the Highway Surveyor may, as he deems necessary in consultation with the Selectmen and the Police and Fire Department Chiefs', smooth out irregularities on private primary residential access roads in Wellfleet on the following conditions in accordance with Chapter 40, Section 6N of the Massachusetts General Laws:

(a) That those roads have been open for public use for six years;

(b) That fifty (50) percent of the abutters sign an agreement with the Town that (1) the task of major maintenance, repair, drainage, and surfacing remains the obligation of the abutters regardless of the action of the Town under the authority of this article; (2) instead of any betterment charges being assessed, the road, while remaining private, be open for public use for the purposes for which public roads are commonly used, and that signs reading "Private Road Public May Use at Own Risk" be posted; (3) the Town would be indemnified and held harmless, as at present, in connection with any personal and property injury resulting from any Town work on or any defects in such road, such agreement to be recorded in the Barnstable Registry of Deeds, and the Highway Surveyor to maintain a record of labor costs, equipment use and materials to be reviewed by the Selectmen and Finance Committee each January.

Section 29. No person shall after July 1, 1986 have more than one unregistered motor vehicle and one unregistered trailer or any part or portion thereof, un-garaged on premises owned or operated or controlled by him at any time unless authorized by the Board of Selectmen. This by-law shall not apply to trailer parks, boat yards commercial/private, licensed campgrounds, farms or like endeavors, premises duly licensed under provisions of Section 58 and 59 of Chapter 140 of the Massachusetts General Laws. Any person failing to remove such vehicles within seven (7) days after notice by Building Inspector of the Town shall be subject to a fine of one hundred dollars (\$100) and a fine of one hundred and fifty dollars (\$150) for each additional period of seven (7) days of non-compliance. The Town of Wellfleet Police Department (including special officers), the Building Inspector, and any other officer whom the Board of Selectmen may from time to time designate shall have authority to enforce this Section.

Section 30. In order to protect the quality of the waters of the harbor and other wetlands within the town limits, no road or other surface shall be re-graded, constructed, or maintained in such a manner as to divert or direct the flow of runoff, defined as including storm water or any other surface waters, excepting natural pre-existing water courses, into any wetland, as defined in Massachusetts General Laws Chapter 131,S.40. Uncontaminated runoff shall be directed in such a way as to recharge the groundwater

within the lot where it originates and in such a manner as not to alter natural runoff into any wetland, nor to cause erosion, pollution or siltation into or towards any wetland. Any owner of property on which a violation of this Section occurs or is occurring shall be warned by the Town of Wellfleet Police Department (including special officers), the Building Inspector, the Health and Conservation Officer, the Shellfish Constable, the Deputy Shellfish Constable, the Assistant Shellfish Constable, the Harbormaster, the Assistant Harbormaster, or any other officer whom the Board of Selectmen may from time to time designate. If the violation continues for a period of more than ninety (90) days beyond the date of such warning, the owner in violation shall be fined one hundred dollars (\$100) for each day or fraction of a day of continued violation. The above said officials shall have authority to enforce this Section.

Section 31. ANIMALS CONSTITUTING A NUISANCE

American Staffordshire Terrier, a/k/a American Pit Bull Terrier or Bull Terrier.

Repealed 11/13/2009

Section 32. MECHANICAL PROTECTION DEVICES BYLAW

It shall be unlawful to install, maintain or use a mechanical protection device that is automatically keyed to and/or activates the telephone (numbers) lines controlled by and/or listed to the Wellfleet Fire Department and/or Police Department. All such devices now installed shall be removed within 60 days of the effective date of this bylaw. For the purpose of this section, 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, pre-recorded voice alarm upon receipt of a stimulus from the sensory apparatus that has detected a physical force or unauthorized intrusion, or condition inherently characteristic of a fire. Violation of this section shall be punished by a fine of fifty (\$50.00) dollars for the first offense and two hundred (\$200) dollars each subsequent offense. The Town of Wellfleet Police Department (including special officers) and any other official whom the Board of Selectmen may from time to time designate shall have authority to enforce this Section.

Section 33. No person shall dump or discharge treated or untreated sanitary waste, debris, refuse, garbage, hydrocarbons, or any other pollutant in the great ponds or marine waters within the Town of Wellfleet. Any person who violates this section shall be fined one hundred dollars (\$100) for the first offense and two hundred dollars (\$200) for each subsequent offense. The Town of Wellfleet Police Department (including special officers), the Harbormaster, the Assistant Harbormaster, the Shellfish Constable, the Assistant Shellfish Constable, the Health-Conservation Agent, and any other official whom the Board of Selectmen may from time to time designate shall have authority to enforce this section, which enforcement shall include without limitation the non-criminal disposition procedure provided for the General Laws, Chapter 40, Section 21D.

Section 34. Within the marine waters of the Town of Wellfleet, no person shall remain overnight aboard a boat without a Coast Guard approved marine sanitation device or

holding tank. Any person who violates this section shall be fined one hundred dollars (\$100) for the first offense and two hundred dollars (\$200) for each subsequent offense. The Town of Wellfleet Police (including special officers), the Harbormaster, the Assistant Harbormaster, the Shellfish Constable, the Assistant Shellfish Constable, the Health-Conservation Agent, and any other official whom the Board of Selectmen may from time to time designate shall have authority to enforce this section, which enforcement shall include without limitation the noncriminal disposition procedure provided for in the General Laws, Chapter 40, Section 21D.

Section 35. PARKING AREAS FOR THE HANDICAPPED

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 business, shopping malls, theaters, auditoriums, sporting or recreational facilities, cultural center, residential dwellings, or for any other place where the public has a right of access as invitee or licensees shall reserve parking spaces 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 said MGL Chapter 90, Section 2 or for any vehicle transporting a handicapped person and displaying the special identification plate authorized by MGL Chapter 90, Section 2 or for any vehicle bearing the official identification of a handicapped person issued by any other state, or any Canadian province, according to the following formula:

If the number of parking spaces in any such area is more than fifteen but not more than twenty-five, one parking space; more than twenty-five but not more than forty, five percent of such spaces but not less than two; more than forty but not more than one hundred, four percent of such spaces but not less than three; more than one hundred but not more than two hundred, three percent of such spaces but not less than four; more than two hundred but not more than five hundred, two percent of such spaces but not less than six; more than five hundred but not more than one thousand, one and one half percent of such spaces but not less than ten.

Parking spaces designated as reserved under the provisions of this Section shall be identified by the use of above-grade signs with white lettering against a blue background and shall bear the words "Handicapped Parking: Special Plate Required, Unauthorized Vehicles May be Removed at Owner's Expense," shall be as near as possible to a building entrance or walkway; shall be adjacent to handicapped curbs, ramps or other unobstructed methods permitting sidewalk access to a handicapped person; and shall be twelve feet wide or two eight-foot wide areas with four feet of cross hatch between them.

Any person having lawful control of an off-street parking area which is in any respect not in compliance with this section may be warned by a written notice issued by the Wellfleet Police Department (including special officers) or any other official whom the Board of Selectmen may from time to time designate specifying the existing violation or violations. If said violation or violations continue for a period of more than thirty (30) days beyond the date of said warning, the person in violation shall be fined twenty-five dollars (\$25) and fifty dollars (\$50) for each additional period of thirty (30) days non-compliance. The Wellfleet Police Department (including special officers) or any other official whom the Board of Selectmen may from time to time designate shall have authority to enforce this section which enforcement shall include without limitation the non-criminal disposition procedure

provided in General Laws Chapter 40, Section 21D.

Section 36. PARKING IN SPACES RESERVED FOR HANDICAPPED PERSONS

No person shall park an unauthorized vehicle within a space designated for use exclusively by disabled veterans or handicapped persons as authorized by Section 35 or in such a manner as to obstruct a ramp designed for use by handicapped persons as a means of access to or egress from a street.

Any person who violates this Section shall be fined three-hundred dollars (\$300.00) and the vehicle may be removed in accordance with the provisions of MGL 266, Section 120D. The Town of Wellfleet Police Department (including special officers) and any other official whom the Board of Selectmen may from time to time designate shall have authority to enforce this Section which enforcement shall include without limitation the non-criminal disposition procedure provided in General Laws Chapter 40, Section 21D.

Section 37. PENALTIES AND ENFORCEMENT

Any person who violates the following sections of this Article shall be fined the following amounts:

Section	First Offense	Each Subsequent
3	\$100	\$200
5	100	200
6	100	200
7	5	10
8	5	10
9	5	10
10	200	200
11	200	200
12	200	200
13	200	200
14	200	200
15	50	200
16	200	200
17	200	200
19	50	100
20	50	100
21	200	200
22	200	200
23	25	100
24A	50	100
26	50	200
32	50	200
44	100	200

The Town of Wellfleet Police Department including special officers and any other official whom the Board of Selectmen may from time to time designate shall have the authority to enforce said Sections.

Section 38. Repealed (4/27/09)

Section 39. Repealed (4/27/09)

Section 40. Repealed (4/27/09)

Section 41. No person shall operate a motorized vehicle within the boundaries of a burial ground or cemetery at a speed in excess of ten (10) miles per hour; or in such a manner as to enter or exit the burial ground or cemetery elsewhere than at a designated entrance gate; or outside the roadways designated for motorized vehicles except for the purposes of maintenance or repair of the cemetery; or in such a manner as to endanger or cause damage to public or private property. Any person who violates this section shall be fined three hundred dollars (\$300) for each offense. The Town of Wellfleet Police Department (including special officers), the Town of Wellfleet Cemetery Commissioners, and any official whom the Board of Selectmen may from time to time designate shall have authority to enforce this section, which enforcement shall include without limitation the non-criminal disposition procedure provided in the General Laws, Chapter 40, Section 21D.

Section 41a. Any person or organization may conduct a yard sale by first obtaining a permit from the Chief of Police. Not more than two such permits may be granted for any particular location per calendar year. Each yard sale may extend for not more than three consecutive calendar days. The permit holder shall be responsible for the parking of motor vehicles so as not to hinder the free flow of traffic. Any signs posted by the permit holder must be removed by the end of the sale. At the yard sale, the offering for sale of used articles by others may take place with the concurrence of the owner of the property on which the sale takes place. For the purpose of this Bylaw, "Yard Sale" is defined as the offering for sale of property originally acquired for personal use and not for the purpose of resale.

Violations of this Bylaw shall be punishable by a fine of \$50 for each offense. Each day a violation exists shall be deemed a separate offense.

Section 42 The purpose of this bylaw is to protect the public 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, non-compliance with the Bylaw. The Town of Wellfleet intends to improve, through this bylaw, the safe and appropriate use of personal watercraft.

Personal Watercraft

1. Definition of terms. For the purpose of the Bylaw, the term "Personal Watercraft" shall mean a small vessel which uses an inboard motor powering a water jet pump

as its primary source of motive power and which is designed to be operated by persons sitting, standing or kneeling on the vessel. The term includes, but is not limited to jet-skis, wet-bikes or surf-jets, so-called.

2. The use of Personal Watercraft is prohibited within 150 feet of swimmers. (Per Director of Mass. Environmental Police May 12, 2000)ATM 4-26-1999
3. The use of Personal Watercraft is prohibited in Wellfleet Harbor from the groin at Mayo Beach westerly to the Herring River and northerly and entirely to the terminus of the river. Operators of Personal Watercraft shall not enter any marked shellfish grant license areas in Wellfleet Harbor.
4. Personal Watercraft shall be launched only at the municipal ramp at the Wellfleet Marina.
5. Personal Watercraft are prohibited in any Town-owned beach parking lots or on any Town-owned beaches.
6. Criminal complaint. Any violation of this Bylaw shall be punishable by a fine of not more than fifty (\$50.00) dollars for each offense. Each day on which a violation occurs or continues shall be deemed a separate offense, subject to the penalties stated herein.
7. Non-Criminal Disposition. As an alternative to initiating criminal proceeding pursuant to sub-section 6 above, the enforcing agent may dispose of a violation pursuant to the following procedures. Whoever violates any provision of this Bylaw may, in the discretion of the Police Officers, Beach Administrator, Beach Guard Captain, Head Lifeguard, Harbormaster, Assistant Harbormaster, Board of Health, conservation Agent, Shellfish Constable, Deputy Shellfish Constables, Dog Officer or Board of Selectmen, be penalized by a non-criminal complaint pursuant to the provision of M.G.L. Ch. 40, Section 21D. Whoever violates any provision of this Bylaw shall be subject to a fine of twenty-five (\$25.00) dollars for each offense. Each day on which a violation occurs or continues shall be deemed a separate offense, subject to the penalties stated herein.

Section 43 Penalties and Enforcement - street number posting

An owner or occupant who fails to post on his premises the street number assigned thereto within six months after being given notice as hereafter provided of the number which has been assigned or receiving actual notice thereof, whichever occurs earlier, or any owner or occupant who fails to keep said number posted or maintained in a legible condition or any person who unlawfully removes, defaces or conceals said number shall be subject to a fine of fifty (\$50) dollars for each offense. Each case of a failure to post, keep posted or maintained in a legible condition shall constitute a separate offense.

Section 44 Scenic Roads

Except under emergency conditions, defined as unforeseen events that prevent safe travel or effective emergency access, no forestry, repair, maintenance, reconstruction or paving work done with respect thereto shall involve or include the cutting or removal of trees, or the tearing down or destruction of stone walls, or portions thereof, within the layout of a

Scenic Road except with prior written consent of the Planning Board after a public hearing held in accordance with MGL c. 40, § 15C. In addition to the notice requirements of the statute, notice of the public hearing shall be sent no less than fourteen (14) days prior to the hearing by first class mail to abutters within 300 feet of the site of the work, as determined by current Assessors' records.