GENERAL

BYLAWS

of the

TOWN OF TRURO

Amended through Annual Town Meeting, September 2020

TOWN OF TRURO
GENERAL BYLAWS

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CHAPTER I TOWN AFFAIRS

Section 1 GENERAL

1.1.1 **Severability.** These General Bylaws and their various parts, sections, sentences, and clauses thereof, are hereby declared to be severable. If any part, section, sentence, or clause is adjudged invalid, it is hereby provided that the remainder of this Bylaw shall not be affected thereby.

1.1.2 **Effective Date.** These General Bylaws shall be published as soon as possible in a newspaper having circulation in the Town, and shall be immediately posted in the Town Hall and at the Transfer Station. It will become effective as soon as the process described in Massachusetts General Laws, Chapter 40, Section 32, has been completed. Any and all new contracts signed by the Town after its effective date or renewals of existing contracts shall be consistent with the provisions of this Bylaw.

1.1.3 **Repeal of Conflicting bylaws.** All Bylaws or parts of Bylaws, ordinances, resolutions, regulations, or other documents inconsistent with the provisions of these General Bylaws are hereby repealed to the extent of such inconsistency.

1.1.4 **Fines for violation of bylaw.** The violator of any of these bylaws, and other state and local regulations, shall be subject, for each offense, to the penalty specified in Appendix A to these bylaws, but not exceeding the maximum penalty authorized by G.L. ch. 40, § 21, as amended. Said fines may be enforced through either a criminal complain or non-criminal disposition in accordance with G.L. ch. 40, § 21D. In either case, each day on which any violation exists shall be deemed to be a separate offense.

1.1.5 **Criminal complaint.** Whoever violates any provision of these bylaws may be penalized by indictment or on complaint brought in the District Court. Except as may be otherwise provided by law and as the District Court may see fit to impose, the maximum penalty for each violation, or offense shall not exceed the maximum penalty specified in G.L. c.40, § 21, as amended.

1.1.6 **Alternative Method of Enforcement/Non-criminal Dispositions.** Whoever violates any provisions of these bylaws, the violation of which is subject to a specific penalty, may at the discretion of the town employee who is the appropriate enforcing authority, be penalized by a non-criminal disposition as provided in G.L. ch. 40, § 21D. The non-criminal method of disposition may also be used for violations of any rule or regulation of the Town of Truro's boards, commissions, committees and officers, which is subject to a specific penalty.

1.1.7 **Town Meeting - Two-Thirds Vote.** On all matters to come before Town Meeting requiring a two thirds vote by statute, a count need not be taken unless the vote as declared by the Moderator is immediately questioned by seven or more registered voters. (4/2017 [eff 10/20/2017])

Section 2 ACCESSES TO TOWN ROAD

1-2-1 Any person wishing to construct a private road or driveway having an access to a town road must obtain a permit from the Department of Public Works and obtain approval from the all required town boards and committees. Such permit shall be obtained prior to issuance of any building permit or occupancy permit for the property(ies) to be served by such private road or driveway. (4/2018)

Section 3 CONVEYANCES OF TOWN PROPERTY

1-3-1 The Town Clerk shall have the custody of the town seal.

1-3-2 All conveyances which may hereafter be executed by the town, pursuant to a vote of the town shall be sealed with such seal and subscribed by a majority of the Board of Selectmen.

1-3-3 It shall be the duty of the Town Clerk to see that every conveyance to the town of any interest in land is properly recorded in the registry of deeds.

Section 4 LEGAL AFFAIRS

1-4-1 Except as otherwise provided by law or by vote of the town, the Board of Selectmen shall have the full and exclusive authority as agents of the town to institute, prosecute, defend, compromise, and settle all claims, suits and actions brought by or against the town, provided, however, that no claim or action against the town, unless reduced to the form of an execution or decree of court, shall be compromised or settled by the payment of any amount in excess of twenty-five thousand dollars ($25,000.00), without a special vote of the town.

Section 5 NAMING OF PUBLIC AND PRIVATE WAYS

1-5-1 For purposes of identification and public safety, public and private ways shall be named. In the event a way is not presently named, the Planning Board shall assign a name. Town Meetings shall have the authority to change or alter the names of public and private ways.

Section 6 NUMBERING OF STREETS

1-6-1 **Policy Requirement.** Every building used for residential, commercial, industrial and/or any other purpose situated in whole or part in the Town of Truro shall have affixed thereto or otherwise posted on the premises, in a location approved by the Building Commissioner, the street number which has been assigned to said building. Street numbering shall conform to standards set forth in this chapter.

1-6-2 **Assignment of Numbers.** Street numbers shall be assigned from time to time by the Truro Assessors Office, who shall, as soon after the assignment as practical, cause notice of the number assigned to be mailed to the party or any one (1) of the parties listed as an owner of the premises on the tax records or the Town as of January 1 of the year in which the number was assigned or notice mailed, whichever occurs later. Such notice may, at the option of the Truro Assessors Office be given in person or by postal service mail. *(4/2010 [eff 9/30/2010])*

The Town Clerk's Office shall have assigned house numbers on file for owners' information.

For all new roads, the developer or owner of record must submit an application and requested information on an approved form available at the Town Clerk's Office.

1-6-3 **Size, Color and Material of Numbers**

1-6-3-1 The size of numbers shall not be less than three (3) inches nor more than twelve (12) inches in height.

1-6-3-2 The color of said numbers shall contrast with the color of the building, mailbox or other background materials.

1-6-3-3 Numbers shall be blocked face. Roman Numerals, Script or Longhand shall not be used.

1-6-3-4 Numbers shall be visible from both directions from the main road and may be of reflective material.

1-6-3-5 The Truro Department of Public Works shall keep on file a list of accepted materials, which may be updated from time to time.

1-6-4 **Location Requirements**

1-6-4-1 Buildings with a door(s) visible from the nearest named street, road or way, as provided for in subsection 1-6-3-1 above, shall have street numbers affixed to them so as to be visible from the driveway or access-way which services said building(s).

1-6-4-2 Buildings which are not visible from the nearest named street, road, or way, as provided for in subsection A above, shall have street numbers affixed to them so as to be visible from the driveway or access-way which services said building(s).

1-6-4-3 The owners of said buildings shall also cause street numbers to be placed on the mailbox, wooden sign or other suitable device at the entrance to the driveway or access-way servicing such building so as to be visible from the nearest named street, road or way.

1-6-4-4 Condominiums, Apartments and other group uses.

A. Condominiums, apartment houses, hotels, motels, boarding or lodging houses, dormitories, inns, nursing homes or similar entities shall have their street numbers posted on a sign located in front of the property, visible from the nearest named street, road or way and on the aforementioned structures if deemed appropriate by the Truro Police Department.

B. Unit numbers shall be assigned by the owner or developer in accordance with regulations.

C. All units shall be clearly identified by letter or number.

D. Shopping centers, malls, plazas, business complexes or similar entities shall have street numbers and unit numbers posted on each unit/business entity not otherwise required by this chapter. There shall be a sign posted at the entrance to the complex/business, visible from the nearest named street, road or way.

1-6-5 **Compliance Required, Violations and Penalties**

1-6-5-1 Every owner of a building shall be required to post, in accordance with the provisions of this section, the street number or unit number, as the case may be, assigned to such building(s) within thirty days (30) after receiving such notice of such assignment(s), in accordance with the provisions of this section. Any owner who fails to post the street number or unit number as required, to keep such number posted, or to maintain such number in a legible condition shall be subject to a penalty as described in Appendix A of this document. Each day such number is not so posted, kept posted or maintained in a legible condition shall constitute a separate offense.

1-6-5-2 Any person who unlawfully removes, defaces or conceals said street or unit numbers posted under this section shall be subject to a penalty as described in Appendix A of this document.

Section 7 PROVINCETOWN WATER SYSTEM CONSERVATION

1-7-1 **Non-Essential Use:** From May 1st through October 31st of each year, no person or persons served by the Provincetown Water System shall use municipal water for the purpose of (a) lawn sprinklers, sprinkler hose or unattended watering of any kind, (b) washing of automobiles, buildings, windows, sidewalks, etc., or (c) as a coolant in a central air conditioning system.

1-7-2 **Prohibited Uses:** No person or persons may use water from the Provincetown Water System to (a) fill or cure any swimming pool without express permission in writing from the Provincetown Water and Sewer Board, or (b) attach any over or underground sprinkler system to the municipal water system supplying their property.

1-7-3 **Use of Municipal Fire Hydrants:** Fire hydrants attached to the municipal water system may be used for municipal purposes only. Hydrants shall be operated by an agent of the Provincetown Water Department or an officially appointed fire person of the Town.

1-7-4 **Penalty and Enforcement:** Violations of this Bylaw shall, for each offense, not exceed the maximum penalty as specified by Massachusetts General Laws, Chapter 40, Section 21, as amended, or the Provincetown Water Department Rules and Regulations as amended. This Bylaw shall be enforced by the Truro Police Department which may be assisted by the Provincetown Water Department.

1-7-5 By attaching to the Provincetown Water System, Truro residents are agreeing to subject themselves to the Provincetown Water Department Rules and Regulations, as amended from time to time by the Provincetown Water Department, and as enforced by the Truro Police Department as assisted by the Provincetown Water Department.

Section 8 SOIL REMOVAL

1-8-1 The removal of topsoil, loam, sand, gravel, clay, hardening, subsoil, and earth from any parcel of land not in public use in the Town of Truro except as hereinafter provided, shall be allowed only after a written permit therefore is obtained from the Building Commissioner.

1-8-2 Issuing a permit under this Bylaw, the Building Commissioner may impose such conditions as it may deem necessary for adequate protection of the neighborhood and the town. Any condition imposed by the Town shall be attached to and made part of the permit. The Town may, in addition, require a bond, certified check or other security in compliance with said conditions, or as evidence of good faith to the completion of any proposed construction. The Town may further impose reasonable conditions as to the methods of removal, the re-establishment of ground levels and grades, and the planting of the area as to suitable cover. The Town may, after a public hearing on proof of violation of any condition revoke any permits so issued. No permit shall be issued under the provisions of this Bylaw for a period of more than three years.

1-8-3 Not withstanding the provisions of the above, the Building Commissioner shall issue a permit for the removal of topsoil, loam, sand, gravel, clay, hardening, subsoil, and earth from any parcel in the town where such removal is necessarily incidental to and in connection with the construction of a road or other facility involving a permanent change in the use of the land. The Building Commissioner shall issue no permits unless they are reasonably satisfied that the construction will be completed.

1-8-4 Removal of topsoil, loam, sand, gravel, clay, hardening, subsoil, and earth not exceeding 50 cubic yards in any calendar year shall be exempt from this Bylaw.

1-8-5 The penalty for any violation of this section shall be in accordance with G.L. ch. 40, §

21, cl. 17, as provided in Appendix A of this document.

Section 9 PRIVATE AND PUBLIC WAYS AND PLACES

1-9-1 No person except the officers of the Department of Public Works, or its authorized agent(s) in the lawful performance of their duties shall obstruct, break, dig up, or excavate any public sidewalk, highway, town way, or street or any part thereof, or break or dig the ground of the same, without first obtaining a written permit from the Selectmen. Every person receiving such permit shall execute a written agreement or bond to indemnify and save harmless the town against all loss, damage or cost suffered or claimed on account of the existence of such obstruction or excavation, and shall leave the street or way at the completion of the work in as good condition as the same was before the work was commenced. Any person receiving such a permit to excavate shall have the entire excavated area, including on-site stored materials, properly marked and lighted from sunset to sunrise in order to prevent public injury. Whoever violates the provisions of this Bylaw shall be subject to a penalty as described in Appendix A of this document.

1-9-2 No person shall throw, place or cause to be thrown or placed upon any street, roadside or sidewalk, or on the shore or on any private way, without the consent of the owners, any dirt, ashes, stones, hoops, boards or other wood with nails, projecting there from, shavings, sawdust, manure, nails, spikes, screws, glass, tin cans, filth, rubbish, or any noxious or refuse liquid or solid matter or substance. Whoever violates the provisions of this Bylaw shall be subject to a penalty as described in Appendix A of this document.

1-9-3 No person shall enter any public building in this town clad in a bathing costume, unless some garment is worn over such costume adequately covering the person of the wearer thereof.

1-9-4 Unless, for particular buildings, the law should vest such power in a different board or unless Town Meeting should direct otherwise, the Board of Selectmen shall fix the fees to be paid for the private use of any public building, the rooms therein, or any public land and shall make policies for the use thereof.

The Board of Selectmen may direct the Chief of Police to assign one or more police officers to be present in or about the building or on the land site whenever in their judgment the preservation of peace and good order may require it; the cost thereof shall be paid by the organization or persons using the public building or land.

1-9-5 No person shall drive a motor vehicle upon the public beaches of this Town without a permit from the Selectmen. Whoever violates the provisions of this Bylaw shall be subject to a penalty as described in Appendix A of this document.

1-9-6 No person shall, with offensive and disorderly acts or language, accost or annoy any persons, shall engage in lewd, wanton, or lascivious behavior, shall be idle and disorderly persons, or shall be disturbers of the peace. Whoever violates the

provisions of this Bylaw shall be subject to a penalty as described in Appendix A of this document.

1-9-7 No person shall permit any vehicle under his care or control, to stand on or across any public highway or street, in such a manner as to obstruct the travel over the same, for an unnecessary length of time; no person shall stop with a vehicle in any public street so near to another vehicle as to obstruct public travel; and no person shall stop with any vehicle upon any crossing in any street or highway in the town. Whoever violates the provisions of this Bylaw shall be subject to a penalty as described in Appendix A of this document. *(4/2017 [eff10/20/2017)*

1-9-8 No person shall occupy any part of the public street as permanent storage room for any vehicles. Whoever violates the provisions of this Bylaw shall be subject to a penalty as described in Appendix A of this document.

1-9-9 No person not in the employ of the town shall set fire to any bushes, leaves, grass or other combustible substance in any of the streets of the town; nor nearer than 100 feet to any fence or building not owned or occupied by himself, without the consent of the occupant.

1-9-10 No person shall discharge any gun, pistol or other firearm within any street, public way, place or square in this town, except with the permission of the police department; provided, however, that this section shall not apply to any firing in accordance with law.

1-9-11 Any company desiring to construct a transmission line upon, along, under, or across a public way shall in writing petition the Town for permission to erect or construct upon, along, under, or across a public way any necessary wires, poles, piers, abutments, or conduits, and in order to repay to the town its costs for advertising and hearing the petition, the company shall first pay the current fee.

1-9-12 **Building Materials and Rubbish.** Any person who intends to erect, repair or take down any building on land abutting on any way which this town is obliged to keep in repair, and desires to make use of any portion of said way for the purpose of placing thereon building materials or rubbish, shall give notice thereof to the Building Commissioner. Thereupon, the Building Commissioner may grant a permit to occupy such a portion of said way to be used for such purposes as in their judgment the necessity of the case demands and the security of the public allows-such permit in no case to be in force longer than ninety days, and to be on such conditions as the Building Commissioner may require; and especially in every case, upon condition that during the whole of every night, from sunset in the evening until sunrise in the morning, lighting shall be placed so effectually to secure all travelers from liability to come in contact with such building material or rubbish.

1-9-13 **Public Safety Clearing Guidelines.** In order to provide safe passage for safety and emergency vehicles and personnel the following standards/requirements for the clearing of vegetation of private ways ("roadways") and driveways in excess of fifty (50) feet in length, shall be met:

1-9-13-1 The traveled way of any roadway or driveway shall be no less than (8) feet wide.

1-9-13-2 The combined traveled way and clearance of any obstacles including vegetation shall be no less than fourteen (14) feet.

1-9-13-3 Height clearance shall be no less than fourteen (14) feet from the road surface.

1-9-13-4 If boundaries do not allow full compliance with 1-9-13-1 and 1-9-13-2, then the required width shall be reduced to the full width the current physical boundaries allow.

1-9-13-5 Compliance Required, Violations and Penalties: Every roadway and driveway in excess of fifty (50) feet shall be in compliance with these requirements within one (1) year of the date of adoption, May 2, 2014. Those roadways and driveways not in compliance shall be subject to a penalty as described in Appendix A of these general bylaws.

(4/2013[eff 8-5-2013])

Section 10 SUNDOWN CLAUSE

Any encumbered but unexpended balance of an appropriation made for a specific purpose, except appropriations made through Capital or Debt Exclusion votes and/or proceeds from bonds or notes, shall be transferred to surplus revenue two years after the date the appropriation becomes available. Unexpended balances may be transferred earlier to surplus revenue upon receipt of a statement that the specific purpose has been accomplished and that no liabilities remain, unless any balance is earlier transferred to another use by town meeting vote, or unless a date is otherwise specified in the original appropriation vote.

The Board of Selectmen may, by majority vote, extend the expiration date upon written request from the responsible department on a year to year basis for a period not to exceed a total of five years from the date of the availability of the appropriation.

Any amount encumbered through a valid contract/Purchase Order does not fall under this bylaw, only the unencumbered balance.

This by-law does not apply to funds appropriated with capital or debt exclusion votes, to funds held in trust, to funds held for a designated purpose under specific statutory authority, to funds appropriated for revolving funds, enterprise funds, or reserve funds, to the proceeds of bonds, notes and grants, to funds received as gifts, or to funds held in the stabilization fund. *(4/2012 [eff11/21/2012])*

Section 11 TAX EXEMPTION FOR AFFORDABLE ACCESSORY DWELLING UNITS

A. Applicability

Pursuant to Chapter 306 of the Acts of 2014, Affordable Accessory Dwelling Units permitted in accordance with §40.2 of the Truro Zoning Bylaw occupied by income eligible households and rented for an amount not to exceed the fair market rents established by the United States Department of Housing and Urban Development shall be exempt from taxation under Chapter 59 of the General Laws provided they meet the following qualifying factors.

B. Exemption Calculation

The exemption shall be equal to the tax otherwise owed on the property based on the assessed valued of the property, including ADUs, multiplied by the square footage of the living space of all dwelling units on the property that are restricted to occupancy by low or moderate income households, divided by the total square feet of structures on the property. For a property with a single dwelling unit, the exemption allowed shall not exceed 50% of the tax otherwise owed. For purposes of determining the assessed value of the property, if by income approach to value, the assessment shall assume that all housing units are rented at fair market rent as determined by the US Department of Housing and Urban Development. To be eligible for exemption, the housing unit shall be leased to a low or moderate income household at such rents for the entire fiscal year for which the exemption is sought.

C. Affordability Requirements

1. Households leasing and occupying the affordable dwelling unit shall upon initial application and annually thereafter on the first of September in each calendar year, submit to the Town or its agent the documentation necessary to confirm their eligibility to occupy the dwelling unit. Specifically, all dwelling units must be rented to those meeting the following guidelines for a low or moderate-income family: (1) low income families having an income not exceeding eighty (80) percent of the Barnstable County median family income, and (2) moderate income families having an income between eighty (80) and one hundred twenty (120) percent of the Barnstable County median family income and, as determined by the United States Department of Housing and Urban Development (HUD) Published Income Guidelines, as they may from time to time be amended.
2. Maximum rents shall be established in accordance with Fair Market Rental Guidelines published from time to time by the United States Department of Housing and Urban Development (HUD). Property owners are required *t9* submit to the Town or its agent information on the rents to be charged. Each year thereafter on the first of September, they shall submit to the Town or its agent information on annual rents to be charged. Forms for this purpose shall be provided by the Town. Rents may be adjusted upward and shall be adjusted downward annually in accordance with adjustments to the Fair Market Rental Guidelines. (4/2017 [eff 10/20/2017])

CHAPTER II LICENSING AND PERMITS

Section 1 RENTING OR LEASING BUILDINGS

2-1-1 No building may be leased or rented residentially for any period of one hundred twenty (120) or fewer days until the building or appropriate portion of it has been registered with the Licensing Agent. (Separate rental or lease periods totaling more than one hundred twenty (120) days in any calendar year will not excuse compliance with this Bylaw if any single rental or lease period is one hundred twenty or fewer days in length.) The rental or lease of summer homes is the principal, but not exclusive, subject of this Bylaw. *(09/2020 [eff 06/11/2021)*

2-1-2 The Town's Licensing Agent shall determine the number of persons that the premises can legally accommodate and shall issue a certificate of registration of the premises. The Licensing Agent will follow the Board of Health regulations and the Board of Health's bedroom count in such determination. The certificate shall be posted conspicuously on the registered premises and reflect this number.

2-1-3 Every property owner who offers registered living accommodations for rent shall have available, when absent, an agent authorized to act in case of an emergency that endangers the property or the welfare of any person on the premises. Failure to provide the services of a competent person to act in an emergency shall be deemed sufficient cause, upon an Order of Violation from the Licensing Agent for a fine and/or for the revocation or suspension of the certificate of registration, as described in Appendix A of this document.

2-1-4 Any building or portion thereof which must be registered in accordance with this Bylaw must be so registered each year, and a fee may be charged for this registration. This fee shall be fixed annually by the Board of Selectmen, and the amount of this fee shall bear a reasonable relationship to both the cost of administering the rental registration program and the benefits conferred upon the property owners and the tenants.

2-1-5 The tenant occupying a portion or all of a building registered in accordance with the provisions of this Bylaw shall be eligible to park at all Town beach parking lots, including those available only to holders of a resident's beach sticker, and shall be eligible for a beach parking sticker at a non-resident's rate. Regardless of the length of their occupancy, such tenants shall become eligible for off-road vehicle (ORV) permits at non-resident rates, and they shall also become eligible for transfer-station stickers at non-resident rates.

2-1-6 The funds generated by the rental registration fees shall be available generally to defray the costs of registration record keeping, the administration of the beach program, the maintenance and improvement of Town beaches and parking lots, the installation of signs, the furnishing of sanitary facilities, the provision of facilities for the physically handicapped, and the supply and operation of associated amenities.

2-1-7 Failure to comply with any section of this Bylaw shall subject the owner to a fine for each offense as described in Appendix A and loss of rental certificate.

Section 2. YARD SALES

2-2-1 Any person or organization may conduct a yard sale by first obtaining a permit from the Licensing Agent for a fee to be determined by the Board of Selectmen. Not more than four such permits may be granted for any particular location per calendar year. Each yard sale may occur for not more than two consecutive calendar days. Each permit must be posted conspicuously on the premises during the sale. The permit holder shall be responsible for the parking of motor vehicles so as not to hinder the free flow of traffic. Any signs advertising the sale 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.

Whoever violates the provisions of this Bylaw shall be subject to a penalty as described in Appendix A of this document. Each day a violation exists shall be deemed a separate offense.

Section 3. LICENSES AND PERMITS

2-3-1 The provisions of M.G.L. ch. 40, § 57, as amended by St. 1996, c. 74, §§1, 2, relative to the granting or renewing of certain licenses and permits in cities and towns are accepted.

2-3-2 The Tax Collector shall annually furnish to each department, board, commission, or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments, or other municipal charges for not less than a twelve-month period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the Appellate Tax Board.

2-3-3 The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the tax collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the tax collector; provided, however, that written notice is given to the party and the Tax Collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen days after said notice. Said list shall be prima facie evidence for denial, revocation, or suspension of said license or permit to any party. The Tax Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation, or suspension. Any findings made by a licensing authority with respect to such license denial, revocation, or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law,

except for any appeal from such license denial, revocation, or suspension. Any license or permit denied, suspended, or revoked under this section shall not be reissued or renewed until the license authority receives a certificate issued by the Tax Collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments, or other municipal charges, payable to the Town on the date of issuance of said certificate.

2-3-4 Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

2-3-5 The Board of Selectmen may waive such denial, suspension, or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders if any, or members of his immediate family, as defined in Section 1 of Chapter 268 in the business or activity conducted in or on said property. This Bylaw shall not apply to the following licenses and permits issued under the authority of the following cited General Laws: open burning, Section 13 of Chapter 48; bicycle permits, Section 11A of Chapter 85; sales of articles for charitable purposes, Section 33 of Chapter 101; children work permits, Section 69 of Chapter 149; clubs, associations dispensing food or beverage licenses, Section 21E of Chapter 140; dog licenses, Section 137 of Chapter 140; fishing, hunting, and trapping licenses, Section 12 of Chapter 131; marriage licenses, Section 28 of Chapter 207; and theatrical events, public exhibition permits, Section 181 of Chapter 140.

CHAPTER III PUBLIC HEALTH

Section 1 ALCOHOLIC BEVERAGES

It shall be unlawful for any person to consume alcoholic beverages on public ways including vehicles, public beaches and public places not duly licensed for such purposes within the Town of Truro. Whoever violates the provisions of this Bylaw shall be subject to a penalty as described in Appendix A of this document.

Section 2 NOISE

3-3-1 Between the hours of 11:00 p.m. and 7:00 a.m., the using, operating, or permitting to be played any radio, musical instrument or instruments, phonographs, or any machine or device for the production of sound so as to disturb the peace, quiet, and comfort of neighboring inhabitants, shall be deemed unlawful. The operation of any radio, musical instrument or instruments, or phonographs between the hours of 11:00 p.m. and 7:00 a.m. in such a manner to exceed 62 decibels or at any time day or night to exceed 72 decibels when measured at a point no less than 200 feet from the building, structure, or vehicle in which it is located, shall constitute prima facie evidence of a violation of this Bylaw. Any person who violates this Bylaw shall be punished by a fine of not more than fifty dollars for each offense.

Section 3 SWIMMING POOLS

3-3-1 Any replacement of, or 50% repair of, pre-existing fence enclosures around private swimming pools shall comply with all provisions of this Bylaw, and all applicable state laws and regulations. All enclosures of private swimming pools shall be subject to an annual inspection by the Building Department. Violations of the provisions of the Bylaw shall result in a fine as described in Appendix A of this document.

3-3-2 Water Supply: the filling of a swimming pool that includes 25% or more of its operational capacity must be with water trucked to the site by a commercial water supply company, i.e. not to be filled from the Provincetown water system or private wells within Truro.

Section 4 TENTING AND/OR OUTDOOR CAMPING

3-4-1 Tenting or outdoor camping is forbidden on all public beaches, parks, landings, ways, roads, parking areas, or other real estate belonging to the Town of Truro. Whoever violates the provisions of this Bylaw shall be subject to a penalty as described in Appendix A of this document.

3-4-2 Tenting or outdoor camping is forbidden on private property within the Town of

Truro without express permission from the owner of said property. Persons tenting or camping with said permission may be ordered to remove said camp or tent if the Board of Health or Police Department deems said camp or tent site a nuisance or injurious to health. Whoever violates the provisions of this Bylaw shall be subject to a penalty as described in Appendix A of this document.

3.4.3 No person shall sleep in vehicles on any public way or public place in Town. Whoever violates the provisions of this Bylaw shall be subject to a penalty as described in Appendix A of this document.

Section 5 TOBACCO CONTROL

3-5-1 Smoking shall be prohibited in all public places as provided in MGL ch. 270 s. 22, and on all town owned beaches. *(4/2015 [eff 12/22/2015])*

Section 6 SINGLE-USE PLASTIC BAG REDUCTION

3-6-1. Purpose and Intent

The use and disposition of single-use plastic bags, including bags made of high density polyethylene, low-density polyethylene, "biodegradable," "compostable" or "oxobiodegradable" materials, have significant impacts on the marine and terrestrial environment of all coastal communities, including but not limited to:

1. Contributing to the injury and potential death of marine and terrestrial animals through ingestion and entanglement;
2. Contributing to pollution and degradation of the terrestrial and coastal environment;
3. Clogging storm drainage systems; and
4. Creating mechanical and disposal burdens for solid waste collection and recycling facilities.

Studies have shown that even those plastic bags made from "biodegradable," "compostable" or "oxo-biodegradable" materials, which all require very specific and controlled environments to fulfill their claims, are for all intents and purposes identical to single-use high or low-density polyethylene plastic bags in their potential impacts to the environment as set forth above. Bags of these types are therefore also subject to the requirements herein. The goal of this Bylaw is to protect, conserve and enhance the Town's unique natural beauty and irreplaceable natural resources through the elimination, within the retail sector, of certain single-use plastic bags and by encouraging the use of reusable bags within the retail and municipal sectors. Therefore the Town of Truro seeks to phase out the use of single-use plastic bags by March 31, 2016.

3-6-2. Definitions

An "Establishment" means any business in Truro selling goods, articles, food or personal services to the public, including but not limited to markets, restaurants, bars, take-out food purveyors, merchandise retailers, florists and galleries.

A "single-use plastic bag" for the purposes of this Bylaw is defined as a bag made of plastic, including but not limited to bags made of high-density polyethylene, low-density polyethylene, "biodegradable," "compostable" or "oxo-biodegradable" materials, with a thickness of less than 1.5 mils provided at the checkout stand, cash register, point of sale or other point of departure and that are intended for the purpose of transporting food or merchandise out of the Establishment.

Single-use plastic bags **do not include** plastic bags which are a maximum of 11 inches by 17 inches and are without handles provided to the customer:

1. To transport produce, bulk food, candy or meat from a department within a store to the point of sale;
2. To hold prescription medication dispensed from a pharmacy;
3. To segregate food or merchandise that could damage or contaminate other food or merchandise when placed together in a point-of-sale bag;
4. To distribute newspapers; or
5. To protect clothing in dry-cleaning establishment.

A "reusable bag" is defined as a bag with handles that is specifically designed and manufactured for multiple reuse and is either:

1. Made of cloth or other machine washable fabric;
2. Made of durable plastic that is at least 3.5 mils thick, or
3. Other durable material suitable for reuse.

3-6-3. Use Regulations

Single-use plastic bags shall not be distributed or sold at any Establishment beginning March 31, 2016, by which date existing stock of single-use plastic bags shall be phased out; any stock remaining after that date shall be disposed of properly (e.g., recycled or returned to manufacturer) by the Establishment.

Customers are encouraged to bring their own reusable shopping bags to Establishments. Establishments may provide paper or reusable bags at no charge, or charge a fee which would be kept by the Establishment, as they so desire.

3-6-4. Administration and Enforcement

This Bylaw may be enforced by any Town police officer, enforcement officer or agent of the Board of Health.

This Bylaw may be enforced through any lawful means in law or in equity, including, but not limited to, non-criminal disposition pursuant to G.L. c. 40, §21D. If non-criminal disposition is elected, then any Establishment which violates any provision of this Bylaw shall be subject to the following penalties;

$50.00 for first offense
$100.00 for second offense
$200.00 for third and subsequent offenses
Each day that such violation continues shall be considered a separate offense.

(11/2015 [eff 3/8/2016]

CHAPTER IV PUBLIC SAFETY

Section 1 AUTOMATIC ALARMS

(11/06)

4-1-1 **Alarm Device:** Any device which when activated transmits a signal to a person or company who in turn relays information to the Police Department or Fire Department, or produces an audible or visible signal to which the Police or Fire Department is expected to respond. A thermostatically controlled colored light bulb shall not be considered an alarm device.

4-1-2 **Governmental Liability:**
This Bylaw is not intended to, nor will it, create any new or additional duty or obligation, express or implied, of response by government emergency personnel and any and all such liability claimed under this Bylaw is hereby disclaimed. By applying for an Alarm Registration, the Alarm User acknowledges that police/fire department response, or lack thereof, may be influenced by factors such as: the availability of police/fire units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history.

4-1-3 **Installation:** No person shall install, maintain, or use any signaling device that automatically activates any type of response system, without the written permission of the Police Chief and/or Fire Chief. Every alarm user shall submit to the Chief of the appropriate department, their name, address, telephone number, and at least one (1) other person (caretaker) who is authorized to respond within 30 minutes to an emergency signal transmitted by an alarm device and who can open the premises in which the alarm device is located. Information shall be updated by the owner of the alarm if any changes are made concerning the caretaker, or the alarm company.

4-1-3-1 Any residence with a fire, burglar, panic, hold-up or Medical alarm shall be equipped with a "lock box", which, in case of an emergency, will allow first responders and/or the Caretaker to gain entry. Whoever violates the provisions of this Bylaw by not becoming in compliance within two years of the passage of this Bylaw shall be subject to a penalty as described in Appendix A of this document.

4-1-4 **False Alarms:** If the Police Department or Fire Department is notified of an alarm and the alarm through negligence of the alarm user, or their employee(s), or improper installation, mechanical failure, malfunction, or any other causes, which after investigation is determined to be false, then the alarm user shall be assessed a service charge as outlined in Appendix A of this document.

4-1-5 If these payments are not made voluntarily, they may be collected in accordance with the provisions of Massachusetts General Laws, Chapter 40, Section 21D.

4-1-6 **AUTOMATIC DIALING MECHANICAL PROTECTION DEVICE**

4-1-6-1 No person shall install, maintain, or use a protection device that automatically activates the telephone lines of the Police or Fire departments, without written permission from the Police Chief, and /or the Fire Chief.

4-1-7 All alarm systems installed with an outside audible bell, horn, siren or other signal shall be equipped with a device that will shut off such signal within fifteen minutes after the activation of the alarm system.

Section 2 DOGS

(11/06)

4-2-1 All dogs shall be restrained by a leash unless under the command and visual control by their master or confined to property of their owners, except when used for hunting during the hunting season and while hunting under the control of its owner. Whoever violates the provisions of this Bylaw shall be subject to a penalty as described in Appendix A of this document.

4-2-2 Dog Excrement and Removal. No owner shall permit a dog to defecate upon public ways, beaches, or Town-owned land or structures without immediately and permanently removing the excrement there from, nor shall said person permit such excrement to remain on private property without consent of the owner or occupant of same. Whoever violates the provisions of this Bylaw shall be subject to a penalty as described in Appendix A of this document.

4-2-3 Any dog found running at large may be removed and impounded. Any dog so impounded may be claimed within ten (10) days, but the owner shall be liable for boarding fee at a rate established by the kennel. The Town, acting under the provision of Massachusetts General Laws, Chapter 140, Section 173A, as amended by Chapter 627 of the Acts of 1973, established a schedule of fines for violation of this Bylaw or any section of Chapter 140 relating to the control of dogs running at large.

Section 3 HANDICAPPED PARKING (HP)

(11/06)

This Bylaw implements the provisions of Massachusetts General Law G.L. ch. 40, § 21, cl. 23, as amended by St. 2002, c. 450, §1 and as may be amended from time to time, requiring all off-street public or private parking areas used by the public to provide reserved parking spaces for vehicles which bear an HP plate or placard or a disabled veterans plate.

4-3-1 **Handicapped Parking Regulations.** All parking lots for customers or visitors (with the exception of valet parking) must have accessible spaces for vehicles with proper identification.

4-3-2 **Parking Spaces.** Accessible spaces should be at least 12 feet wide by 20 feet long, including a level cross-hatched access aisle not less than 5 feet wide. Two accessible spaces of 9 feet in width may share a common aisle of 5 feet in width.

Spaces should be in a level location providing the shortest safe, accessible route of travel to an accessible entrance. With more than one accessible entrance, the spaces should be located near each accessible entrance. Sidewalks at such spaces shall have curb cuts at each access aisle, so a person is not required to enter the stream of traffic to get to a sidewalk.

The requirement for designated spaces, in accordance with M.G.L. ch. 40, § 21, cl. 23, amended by St. 1986, ch. 251 § 1, is as follows:

15 to 25 spaces	1 designated space
26 to 40 spaces	5% but not less than 2 designated spaces
41 to 100 spaces	4% but not less than 3 designated spaces
101 to 200 spaces	3% but not less than 4 designated spaces
201 to 500 spaces	2% but not less than 6 designated spaces
501 to 1,000 spaces	1.5% but not less than 10 designated spaces
1,001 to 2,000 spaces	1% but not less than 15 designated spaces
2,001 to 5,000 spaces	.75% but not less than 20 designated spaces
More than 5,000 spaces	.5% but not less than 30 designated spaces

Facilities specializing in treatment or services for people with mobility impairment: 20% of total spaces.

4-3-3 **Van Parking.** One of eight handicapped spaces (minimum of one) should be a "van accessible" space, 12 feet wide by 20 feet long with a cross hatched access aisle 8 feet wide allowing a van to operate a lift.

4-3-4 **Signs.** There should be an above grade sign at each space or pair of spaces with white lettering against a blue background showing the international symbol of accessibility and bearing the words "Handicapped Parking: Special Plate Required. Unauthorized Vehicles May Be Removed at Owner's Expense." "Van spaces" should have an additional sign below saying "Van Accessible." Signs should be permanently located at a height of not less than 5 feet, nor more than 8 feet to the top of the sign.



4-3-5 **Enforcement.** Whoever violates the provisions of this Bylaw may be sanctioned through the non-criminal disposition process under the provisions of MGL, C. 40, S. 21D, as amended from time to time. A penalty for unauthorized parking in a designated handicapped space, or in the cross hatched handicapped access aisle, or for blocking access to a designated handicapped space or its aisle shall be established by the Board of Selectmen. Whoever violates the provisions of this Bylaw shall be subject to a penalty as described in Appendix A of this document.

4-3-6 An HP placard may be used in association with the transportation of the authorized user of the placard while a vehicle is parked in a designated handicapped space from which the authorized user is entering or exiting, including immediate drop off or pick up. For the purposes of this section, "immediate" shall mean within ten (10) minutes.

Section 4. MOTOR VEHICLES

(11/06)

4-4-1 It shall be unlawful for the owner or operator of any motor vehicle to park said motor vehicle on any property, public or private, without permission from the person in legal possession thereof. Any police officer who finds any motor vehicle violating the provisions of this Bylaw shall cause the vehicle to be ticketed and/or towed away to a place for safe-keeping at the expense of the vehicle's owner.(4/2017 [eff 10/20/2017])

4-4-2 No person shall have any more than two unregistered motor vehicles, or any part or portion thereof, ungaraged on premises owned, occupied, or controlled by him in any residential or business area. A commercial garage being the only exception to the preceding and they shall have not more than four (4) unregistered motor vehicles, or any part or portion thereof, ungaraged on premises owned, occupied or controlled by them. If after due notice the illegal vehicle is not removed, the Board of Selectmen shall have the right to order its removal. This Bylaw shall not apply to premises duly licensed under the provisions of Sections 58 and 59 of Chapter 140 of the General Laws. Any person failing to move such vehicle within seven (7) days after notice by the Police Department shall be subject to a penalty as described in Appendix A of this document.

Section 5 OBSTRUCTION OF CERTAIN TOWN OFFICERS

(11/06)

4-5-1 It shall be unlawful for any person to obstruct or interfere with any town official acting in the lawful performance of their official duties, including but not limited to any member of the fire department, rescue squad, Harbormaster, Shellfish Constable, Health/Conservation Agent, Building Commissioner, Dog Officer, police officer or constable, or shellfish warden in the lawful performance of his duties. Whoever violates the provisions of this Bylaw shall be subject to a penalty as described in Appendix A of this document.

Section 6 OUTDOOR LIGHTING

(11/06)

4-6-1 **Purpose**

The regulation of outdoor lighting is intended to enhance public safety and welfare by providing for adequate and appropriate outdoor lighting, provide for lighting that will complement the character of the town, reduce glare, encourage energy savings, and minimize light trespass onto other properties. See figure 1 within this section for examples.

4-6-2 **Applicability**

The requirements of this Bylaw shall apply to outdoor lighting on lots and parcels in all residential and commercial districts, but shall not apply to street lighting, seasonal holiday lighting, public athletic fields, light fixtures with a lighting output of less than 1200 lumens (75 wattage incandescent lighting or equal), lights that control traffic, or for public safety on streets and ways. Municipal facilities shall comply with this Bylaw except as required for emergency services and public safety.

4-6-3 **Definitions**

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

LIGHT FIXTURE A lighting device that may be secured to a wall, ceiling, pole, or post and is used to hold one or more lamps. Lighting fixtures are designed to distribute the light, to position and protect the lamp(s), and to connect the lamp(s) to the electrical power supply.

HEIGHT OF THE LIGHT FIXTURE: The vertical distance from the finished grade of the ground directly below the light fixture to the lowest point of the lamp of the light fixture.

LAMP: A bulb, which is a component of a light fixture.

GLARE: Light emitted from a lamp with an intensity great enough to produce a reduction in a typical viewer's ability to see.

LIGHT TRESPASS: The shining of direct light produced by a light fixture onto an abutting lot, parcel, or street.

FULLY SHIELDED LIGHT FIXTURE: A light fixture closed at the top with shielding so that the lower edge of the shield is at or below the centerline of the light source or lamp so as to minimize the light rays emitted above the horizontal plane.

4-6-4 **Control of Glare and Light Trespass**

4-6-4-1 To the greatest extent feasible, all light fixtures shall be equipped with shielding, lenses, or cutoff devices required to eliminate light trespassing onto a street or abutting lot or parcel and to minimize glare to persons on any street or abutting lot or parcel.

4-6-4-2 All light fixtures, regardless of their intended use or mounting configuration, shall be fully shielded, and directed downward. Downward direction may be waived by the Building Commissioner when illuminating architectural feature such as building sections, spires, American flags, or landscaping features, provided efforts are made to minimize glare.

4-6-4-3 All light fixtures shall also be positioned on the site so as to direct light into the site, lot or parcel and away from the property boundaries of the site, and or abutting properties.

4-6-5 **Pole Height**

4-6-5-1 Wherever outside light fixtures are proposed for parking areas, the height of the light fixture, including the pole, base and light fixture itself shall not exceed 15 feet in height.

4-6-5-2 Wherever outside light fixtures are proposed for walkway lighting, the height of the light fixture, including the pole, base and light fixture itself shall not exceed 12 feet in height.

4-6-5-3 Wherever outside light fixtures are proposed for walls or building surfaces, the height of the light fixture, including the light fixture itself, shall not exceed 12 feet in height.

4-6-5-4 Wherever outside light fixtures are proposed for accenting architectural features of building surfaces, the height of the light fixture shall be exempt from the height requirements granted, provided the light fixture is in compliance with all other provisions of this Bylaw.

4-6-6 **Compliance**

When an existing outdoor lighting fixture is being modified, extended, expanded, or added to, outdoor lighting shall be subject to this section. All other outdoor lighting fixtures must come into conformance with this section within 5 years of its effective date.

4-6-7 **Enforcement and Appeals**

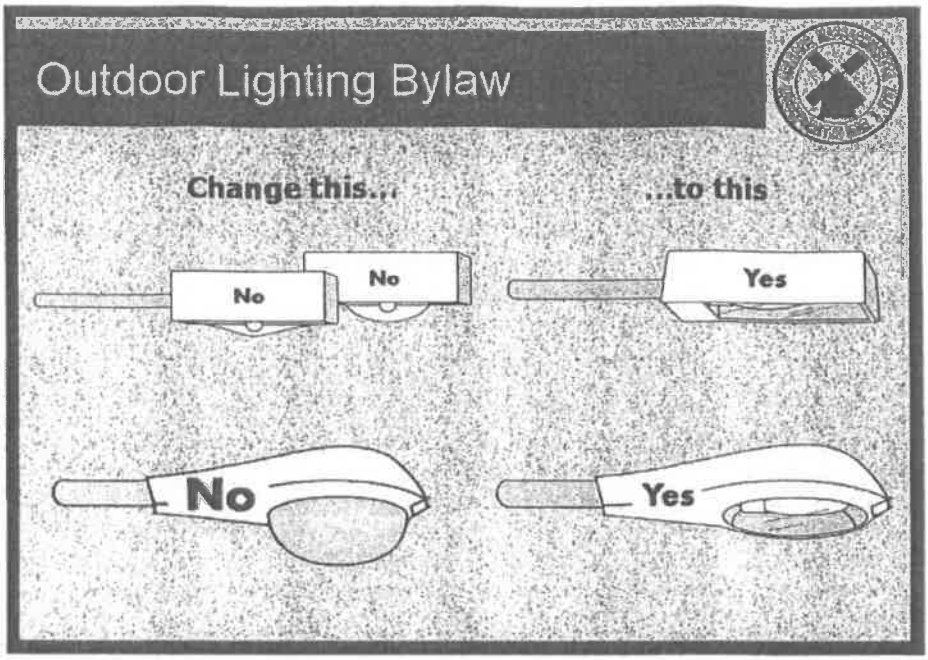
This Bylaw shall be enforced by the Building Commissioner, or his designee.

4-6-7-1 This bylaw shall be enforced by the Building Commissioner, or his designee. Whoever violates the provisions of this Bylaw shall be subject to a penalty as described in Appendix A of this document.

4-6-7-2 If the Building Commissioner or his designee shall find any provision of this section is being violated, he/she shall notify such person deemed responsible for the violation in writing, indicating the nature of the violation and the action necessary to correct it.

4-6-7-3 Any order or decision of the Building Commissioner made in accordance with 4-7-7-2 and the administration of this bylaw may be appealed by any person aggrieved, to the Board of Selectmen. Any such appeal shall be taken within thirty (30) days from the date of the decision or order which is being appealed by filing a notice of appeal, specifying the grounds thereof with copy to the Town Clerk's Office.

4-6-7-4 An order of the Board of Selectmen may be appealed to Court.



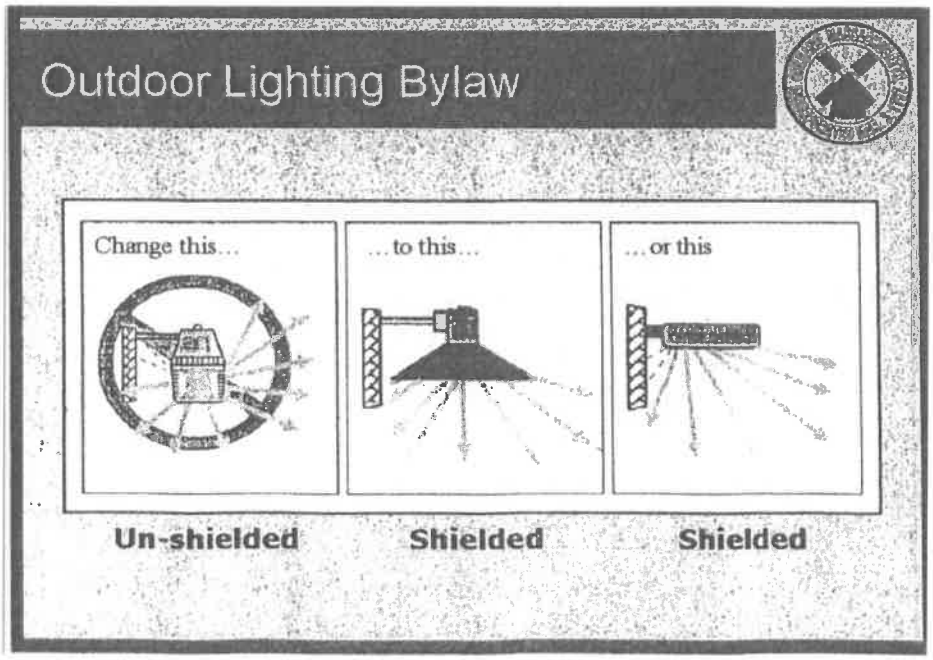


Figure 1: Lighting examples as defined by the bylaw.

Section 7 PERSONAL WATERCRAFT (PWCs) *(11/06)*

4-7-1 Personal Watercraft shall mean a vessel, propelled by a water jet pump or other machinery as its primary source of motor propulsion, which is designed to be operated by a person sitting, standing or kneeling on the vessel rather than being operated in the conventional manner by a person sitting or standing inside the vessel. [323 CMR 4.02]

4-7-2 Personal watercraft operations within the Town of Truro shall be governed by the provisions of Massachusetts General Law, Chapter 90B, Section 9A; No person shall operate a jet ski, surf jet or wet bike (a) on the waters of the Commonwealth unless the person is sixteen (16) years of age or older; (b) within one hundred fifty feet of a swimmer, shore or moored vessel, except at headway speed; (c) on waters of the Commonwealth of less than seventy-five (75) acres; (d) without wearing an approved personal floatation device; or (e) between sunset and sunrise. For the purposes of this section, the term "headway speed" shall mean the slowest speed at which a personal watercraft, jet ski, surf jet or wet bike can be operated and maintain steerage way. In addition, the following regulations shall apply;

4-7-3 Operation of personal watercraft is prohibited within or from the Pamet River and Pamet Harbor, except that personal watercraft may use the marked channels of the Pamet River only from the launching ramp through the jetties as a means to exit or enter the Pamet Harbor. There will be absolutely no wake in the anchorage or mooring area. Speed will not exceed 5 mph, or the minimum speed required for steerage, from the entrance jetties, throughout the channel and inner harbor.

4-7-4 Personal watercraft shall be launched only from the public ramp at Pamet Harbor. (Before the initial launch, operator to receive copy of regulations, for which he/she will sign.)

4-7-5 Personal watercraft are prohibited on Town-owned beaches.

4-7-6 Buffer Zone: Except for traveling directly from its launch point to the ¼ mile limit, and except for returning directly from that limit, no personal watercraft shall be operated within ¼ mile of the shoreline of Truro (as measured from mean low water).

4-7-7 Operation of personal watercraft is prohibited in the waters of the Town of Truro within the boundaries of the Cape Cod National Seashore as set forth in Public Law 87-126, dated 7 August 1961, and as most recently surveyed by the U. S. Department of the Interior.

4-7-8 A personal watercraft may be operated on the waters described above for the purpose of enforcement, search and rescue, training, or other emergency, provided it is under the direction of a duly authorized federal, state or local law enforcement or emergency response agency.

4-7-9 Criminal complaint. Any violation of this Bylaw shall be punishable by a fine as established in Appendix A for each offense. Each day on which a violation occurs or continues shall be deemed a separate offense, subject to the penalties stated herein.

CHAPTER V DOMESTIC PARTNERSHIP

Section 1 RECOGNITION AND SCOPE

The Town of Truro recognizes the diverse composition of its citizenry and realizes that a perpetuation of the traditional meaning of "family" can exclude a segment of the Truro population by: (1) depriving them of recognition and validation; and (2) denying them certain rights that should be afforded to persons who share their homes, hearts, and lives. Recognizing its commitment to fair treatment of its citizens, the Town adopts this Bylaw that acknowledges domestic partnerships.

People in committed relationships who meet the criteria established by the Town as constituting a domestic partnership are provided an opportunity by this Bylaw to register at the office of the Town Clerk, obtain a certificate attesting to their status, and share in certain rights and benefits conferred under this Bylaw.

Section 2 DEFINITIONS

5-2-1 Domestic Partnership means the entity formed by two persons who jointly file a Domestic Partnership Form and declare under penalty of perjury that they meet all the following criteria:

(1) They are in a relationship of mutual support, caring, and commitment;
(2) They intend to remain in such a relationship
(3) They are not married or in any other domestic partnership
(4) They are not related by blood closer than would bar marriage in the Commonwealth of Massachusetts
(5) They are competent to enter a contract
(6) They are eighteen (18) years of age or older
(7) They agree to notify the Town of Truro of any change in the status of their domestic partnership.

5-2-2 Mutual support means that each domestic partner contributes in some fashion, though not necessarily equally or financially, to the maintenance and support of the domestic partnership.

5-2-3 Competent to enter a contract means eighteen (18) years of age and mentally competent to contract.

5.2.4 Domestic partner means a person who meets the criteria set out in the definition of domestic partnerships in paragraph 5.2.1 or who is registered as such in another jurisdiction or who has entered a civil union in another jurisdiction.

5.2.5 Dependent means a minor who lives within the household of the domestic partner and is: (1) a biological child, adopted child, or foster child of a domestic partner; (2) a

dependent as defined under IRS regulations; or (3) a ward of a domestic partner as determined in a guardianship proceeding.

Section 3 REGISTRATION, AMENDMENT, TERMINATION AND EFFECT OF TERMINATION

5-3-1 **Registration.** Persons who meet the criteria set out in the definition of domestic partnership in paragraph 5.2.1 may make an official record of their domestic partnership by filing a Domestic Partnership Registration Form with the Town Clerk. The Domestic Partnership Registration Form shall include the name and date of birth of each of the domestic partners, the address of their household(s) and the names and dates of birth of any dependents of the domestic partnership. The form shall be signed by both partners.

5-3-1-1 No person who has filed a Domestic Partnership Registration Form may file another Domestic Partnership Registration Form until six (6) months after a Domestic Partnership Termination Form terminating a previous partnership has been filed with the Town Clerk.

5.3.2 **Amendment.** Domestic partners may file a Domestic Partnership Amendment Form to add or delete dependents or change an address. Any amendment shall be signed, under the pains and penalties of perjury, by both domestic partners.

5.3.3 **Termination.** A domestic partnership is terminated by the death of a partner or by one of the partners filing, by hand delivery or certified mail, with the Town Clerk a Domestic Partnership Termination Form. The person filing such form must declare under the pains and penalties of perjury that the domestic partnership is terminated and that a copy of the Domestic Partnership Termination Form has been sent by certified mail to the other domestic partner at his or her last known address; that address must be included in the form. The termination shall be effective immediately upon the death of a domestic partner or seven (7) days following the receipt of a Domestic Partnership Termination Form by the Town Clerk.

5.3.4 **Effect of Termination.** There shall be no required waiting period prior to filing another Domestic Partnership Registration Form if a domestic partnership is terminated by the death of a domestic partner. If a domestic partnership is terminated voluntarily by the filing of a Domestic Partnership Termination Form with the Town Clerk, both domestic partners must wait until six (6) months have elapsed from the effective termination date before filing another Domestic Partnership Registration Form.

Section 4 TOWN CLERK FEES AND RECORDS

5.4.1 **Fees.** The Town Clerk shall collect a fee for filing a Domestic Partnership Registration Form and issuing a Certificate of Domestic Partnership, and for filing of a Domestic Partnership Termination Form. The filing fees required by this subparagraph shall be the same as required for issuance of a Marriage License.

5.4.2 **Records.** Upon receipt of a Domestic Partnership Registration Form and filing fee, the Town Clerk shall: (1) issue a Certificate of Domestic Partnership to the domestic partners; and (2) maintain records of domestic partnerships registered in the Town, including forms filed and certificates issued. The Town Clerk shall provide all forms referenced in this Bylaw to persons requesting them to the same extent and in the same manner as marriage licenses.

Section 5 RIGHTS OF DOMESTIC PARTNERS

Persons who have registered their domestic partnerships at the office of the Town Clerk in accordance with these Bylaws are entitled to the following rights:

5-5-1 **Health care facility visitation rights.** A domestic partner shall have the same visitation rights as a spouse or parent of a patient in any and all health care facilities in the Town of Truro. A dependent may have the same visitation rights as a patient's child. The term "health care" facility includes, but is not limited to, hospitals, convalescent facilities, mental health care facilities, and other short and long term care facilities that are in the Town of Truro.

5.5.2 **Correction facility visitation rights.** A domestic partner shall have the same visitation rights as a spouse or parent of a person in custody. A dependent shall have the same visitation rights afforded to a child of a person in custody. The term "correctional facilities" includes, but is not limited to, holding cells, jails, and juvenile correction centers that are owned by the Town of Truro.

5.5.3 **Access to schools.** A domestic partner, who is also the parent or legal guardian of a child, may file a form at, or send a letter to, the child's school to indicate that the partner's domestic partner shall have access to the child's records, access to school personnel in matters concerning the child, and access to the child, including the right to remove such child from the school for sickness or family emergency. The school shall afford such domestic partner access as directed by the child's parent or guardian. When a domestic partnership is terminated pursuant to the Bylaw, it is the responsibility of the parent or guardian to notify the school, in writing, of the termination of the rights of the former domestic partner. The term "school" includes any school, pre-school programs, after-school programs, day-care programs or recreation programs operated by the Town of Truro.

Section 6 DISCRIMINATION PROHIBITED

No person shall discriminate or retaliate against any person who seeks the benefit of this Bylaw, registers or makes a declaration pursuant to its provisions, or assists another person in obtaining the benefits of this Bylaw.

Section 7 EFFECT ON OTHER TOWN BYLAWS

When the term "spouse" is used in other Town Bylaws, it shall be interpreted to include a domestic partner. When the term "family" is used, it shall be interpreted to include domestic partnerships.

CHAPTER VI PRESERVING HISTORIC PROPERTIES

Section 1 PURPOSE

6-1-1 This Bylaw is enacted for the purpose of preserving and protecting significant buildings, structures and sites within the Town of Truro. The intent is to promote the public welfare and to safeguard the Town's heritage. This Bylaw aims to encourage owners of historic properties to seek alternatives to demolition.

6-1-2 To this end, procedures are established herein for the Town, together with the owner of a historically significant property, to explore alternatives to demolition prior to, and as a condition of, the issuance of a demolition permit.

Section 2 DEFINITIONS

6-2-1 **Significant Building.**

6-2-1-1 Any building or structure listed on the National or State Register of Historic Places, or which has been found eligible for such a listing. (4/2017 [eff 10/20/2017])

6-2-1-2 Any building constructed in whole or in part 75 years or more prior to the date of application for a demolition permit; or *(4/07)*

6-2-1-3 Any building:
(a) That is historically or architecturally significant in terms of period, style, method of building construction, or association with a famous architect; or
(b) That is importantly associated with one or more historic persons or events, or with the broad architectural, cultural, political, economic or social history of the Town or the Commonwealth.
(4/07) (4/2017 [eff 10/20/2017])

6-2-2 **Demolition.**

6-2-1-1 The act of pulling down, destroying, removing, dismantling, or razing a building or a substantial portion thereof or commencing the work of total or substantial destruction with the intent of completing the same, all as determined by the Building Commissioner. The term "demolition" shall not include ordinary maintenance or repair of any building. In addition, the term "Demolition" shall include the act of enclosing or encapsulating an existing building within new exterior walls or roofed areas.
(4/07) (4/2017 [eff 10/20/2017])

6-2-3 **Preferably Preserved.**

6-2-3-1 Any significant building which the Truro Historical Commission determines, following a public hearing, that it is in the public interest to be preserved rather than demolished. A preferably preserved building is subject to demolition delay period under this bylaw. (4/07) (4/2017 [eff 10/20/2017])

Section 3 TRURO HISTORICAL COMMISSION COMPOSITION AND APPOINTMENTS (4/2017 [eff 10/20/2017])

6-3-1 The Truro Historical Commission is charged with implementing the Preserving Historic Properties Bylaw and empowered to advise the Truro Building Commissioner with respect to the issuance of demolition permits for historically significant buildings and structures. The Truro Historical Commission shall be appointed by the Board of Selectmen. It shall consist of seven (7) people chosen at large for their interest in and knowledge of historic buildings and structures. The term of office shall initially be for one, two, and three years respectively, and for three years thereafter. *(4/07)* (4/2017 [eff 10/20/2017])

6-3-2 Four (4) affirmative votes shall be required to adopt a motion. (4/2017 [eff 10/20/2017])

Section 4 TRURO COMMISSION POWERS AND DUTIES

(4/2017 [eff 10/20/2017])

6-4-1 The Truro Historical Commission shall: (4/2017 [eff 10/20/2017])

6-4-1-1 Utilizing the *Truro Community-wide Historic Survey (2011),* as updated from time to time, maintain a list or register of historically, culturally, or architecturally significant buildings and structures located within the Town of Truro. (4/2017 [eff 10/20/2017])

6-4-1-2 Make the above referenced list available to the Town Clerk, Building Commissioner, the Truro Public Library, and the Truro Historical Society, and post a list on the town website. (4/2017 [eff 10/20/2017])

6-4-1-3 Inform applicants of guidelines for alternatives to demolition such as preservation, renovation, rehabilitation, restoration, or relocation such as the U. S. Secretary of Interior's *Standards for the Treatment of Historic Properties* and the Cape Cod Commission's *Technical Bulletin 96-001 Designing the Future to Honor the Past: Design Guidelines for Cape Cod.* (4/2017 [eff 10/20/2017])

6-4-1-4 Provide links to the above referenced guidelines on the town website. (4/2017 [eff 10/20/2017])

6-4-1-5 Review applications for demolition permits forwarded to it by the Building Commissioner in order to determine if the building or structure involved is subject to the hearing process.

6-4-1-6 Hold public hearings on demolition permit applications to determine if the intended demolition would be detrimental to the historical, cultural or architectural heritage of the Town; whether the work proposed will

materially diminish the building or structure's significance to the Town's heritage; and to explore alternatives to demolition.

6-4-1-7 Impose demolition delays of up to twelve (12) months on demolition permit applications as described in Section 6-5-5 below.

(4/07) (4/2017 [eff 10/20/2017])

Section 5 PROCEDURES FOR REVIEW OF APPLICATIONS

6-5-1 Application for Demolition (4/2017 [eff 10/20/2017])

6-5-1-1 An applicant proposing to demolish a building subject to this bylaw shall file with the Building Commissioner an application containing the following information:

- The address of the building to be demolished.
- The owner's name, address and telephone number.
- A description of the building or portions proposed to be demolished including the age of existing materials to be removed.
- A photograph or photograph(s) of the building.
- The reason for requesting a demolition permit.
- A brief description of the proposed reuse and plans for the reconstruction or replacement. (4/2017 [eff 10/20/2017])

6-5-1-2 The Building Commissioner shall, within ten (10) working days of receipt of proposed building plans an application for a demolition permit, forward a copy of the proposed building plans and demolition permit application to the Truro Historical Commission. *(4/07)* (4/2017 [eff 10/20/2017])

6-5-2 The Chair or, if the Chair is not available, the Vice Chair of the Truro Historical Commission shall within fifteen (15) working days inform the Building Commissioner if the building or structure in question is significant and therefore subject to the hearing process. *(4/07)* (4/2017 [eff 10/20/2017])

6-5-3 If the building or structure in question is deemed significant and subject to the hearing process, then within thirty (30) working days of such determination, the Truro Historical Commission shall hold a public hearing to review plans submitted by the applicant to determine if the intended demolition or any alternative construction would be detrimental to the historical, cultural, or architectural heritage of the Town; if less than a complete demolition is proposed, whether the work will materially diminish the building or structure's significance to the Town's heritage; and to explore the alternatives to demolition. The Owner's failure to maintain or repair a building or structure so as to compromise its structural integrity or usability shall not constitute grounds for a finding of no feasible alternative to demolition.

(4/07) (4/2017 [eff 10/20/2017])

6-5-4 Notice of the time, place, and subject matter of the Truro Historical Commission hearings shall be provided by publication in a newspaper of general circulation in the Town once a week for two (2) consecutive weeks, the first notice to appear at least fourteen (14) days before the day of the hearing (including the day of publication and excluding the day of the hearing); and the applicant is responsible for obtaining the list of certified abutters (which includes direct abutters and abutters to abutters within 300 feet), mailing public hearing notice by certified mail, return receipt to the owner or applicant, to all abutters to the subject property, and to the Truro Historical Commission, the Building Commissioner, the Board of Selectmen, the Planning Board, and such other persons as the Truro Historical Commission may determine and demonstrate that they have done so. (4/16) (4/2017 [eff 10/20/2017])

6-5-5 Within fifteen (15) working days of the close of the public hearing, the Chair or Vice Chair of the Truro Historical Commission shall notify the owner or applicant and the Building Commissioner of the Commission's decision. If Truro Historical Commission has determined that the building is "preferably preserved" and that the proposed demolition would destroy or substantially diminish the building or structure's significance to the Town's heritage, it is empowered to impose a demolition delay of up to twelve (12) months from the close of the public hearing to afford the applicant and the Truro Historical Commission time to develop alternatives to demolition. (4/07) (4/2017 [eff 10/20/2017])

6-5-6 To expedite the review process, the Truro Historical Commission encourages applicants to submit revised plans and to request a review meeting with the Truro Historical Commission at any time during the mandated review delay period. The Building Commissioner may issue a demolition permit prior to the end of the mandated delay only upon receipt of written notice from the Chair or Vice Chair of the Truro Historical Commission that it is satisfied that the applicant has made a serious but unsuccessful effort to develop an alternative to demolition and that there is no reasonable likelihood that the applicant or potential purchasers will be willing or able to rehabilitate, restore, relocate, or otherwise preserve the building or structure. *(4/07)* (4/2017 [eff 10/20/2017])

6-5-7 If, at the end of the mandated delay, the owner or applicant has failed to develop an alternative to demolition, the Chair or Vice Chair of the Truro Historical Commission shall within ten (10) working days notify the Building Commissioner who may then issue the demolition permit. *(4/07)* (4/2017 [eff 10/20/2017])

Section 6 EMERGENCY DEMOLITION

6-6-1 Nothing in this Bylaw shall restrict or prevent the Building Commissioner from ordering the immediate demolition of any building or structure determined by the Building Commissioner to present a clear and present danger to the safety of the public which only demolition can remedy. The Building Commissioner shall provide the Truro Historical Commission written notice of the circumstances of the permit issuance. (4/2017 [eff 10/20/2017])

Section 7 ENFORCEMENT

6-7-1 The Building Commissioner shall be authorized to enforce the provisions of this Bylaw and to institute any and all actions and proceedings as may be necessary and appropriate to obtain compliance, including injunctive relief to enjoin and restrain any violations or threatened Special violations thereof.

Section 8 NON-COMPLIANCE

6-8-1 Anyone who undertakes demolition of any historically significant building or structure, in whole or in part, without complying with the provisions of this Bylaw, shall be subject to a fine established in Appendix A. Each day such demolition continues shall constitute a separate offense.

6.8.2 No building permit shall be issued or be valid for a period of two (2) years from the date of notification of the offense for any parcel or premises upon which a historically significant building or structure has been demolished in violation of the Bylaw.

Section 9 SEVERABILITY (4/2017 [eff 10/20/2017])

6-9-1 If any provision of this Bylaw is determined to be invalid or unconstitutional by any court of competent jurisdiction, said determination shall not affect the validity of any other section hereof. (4/2017 [eff 10/20/2017])

CHAPTER VII COMMUNITY PRESERVATION COMMITTEE

Section 1 CREATION OF THE COMMUNITY PRESERVATION COMMITTEE

(a) Purpose
There is hereby established a Community Preservation Committee (hereafter CPC) consisting of nine voting members pursuant to the Provisions of G.L. c.44B, sec. 5, including its definitions. The CPC shall study the needs, possibilities and resources of the Town regarding community preservation. The CPC shall make recommendations to the Town Meeting for the acquisition, creation and preservation of open space, for the acquisition and preservation of historic resources, for the acquisition, creation, preservation of land for recreational use, for the creation, preservation and support of community housing and for rehabilitation or restoration of such open space, historic resources, land for recreational use and community housing that is acquired or created as provided in this section. *(4/08)*

(b) Membership of the CPC
The composition of the CPC, the appointing authority and the term of office for the committee members shall be as follows: one member of the Conservation Commission, as designated by said Commission; one member of the Historical Commission, as designated by said Commission; one member of the Housing Authority, as designated by said Authority; one member of the Open Space Committee, as designated by said Committee; one member of the Planning Board, as designated by said Board; one member of the Recreation Commission, as designated by said Commission; and three members at large, to be appointed by the Board of Selectmen. *(4/08)*

Each member of the Committee shall serve for a term of three years, or until the person no longer serves in the position or on the board or committee as set forth above, whichever is earlier. Vacancies on this Committee shall be filed by the corresponding appointing authority. Should any of the boards, commissions, or committees who have appointing authority under this by-law be no longer in existence for whatever reason, the Board of Selectmen shall appoint suitable person(s) to serve in their place(s).

(c) Responsibilities
The CPC shall consult with existing municipal boards, including the Conservation Commission, the Historical Commission, the Housing Authority, the Open Space Committee, the Planning Board, the Recreation Commission, and the Local Comprehensive Plan Committee or persons acting in those capacities or performing like duties, in conducting its studies. As part of its study, the CPC shall hold one annual public informational hearing, or more at its discretion, on the needs, possibilities and resources of the Town regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the Town.

When necessary, the CPC will be responsible for interpreting the CPA (and related regulations), and for ensuring that it is properly and legally implemented in Truro. The CPC may consult with the Board of Selectmen in this regard.

Section 2 ADMINISTRATION

(a) Proposals for consideration by the CPC may be submitted at any time, by any regularly-constituted town committee or any group of ten (10) or more citizens, but no later than November 1 of the calendar year, said proposals to be submitted in writing and signed by a quorum of the members.

(b) In every fiscal year, the CPC must recommend that the Annual or special Town Meeting either spend, or set aside for later spending, not less than 10% of the annual revenues in the Community Preservation Fund for open space (not including land for recreational use); not less than 10% of the annual revenues in the Community Preservation Fund for historic resources; and not less than 10% of the annual revenues in the Community Preservation Fund for community housing. *(4/06)*

With respect to community housing, the CPC shall recommend, wherever possible, the reuse of existing buildings, or construction of new buildings, on previously developed sites.

The CPC may include in its recommendation(s) to the Annual or special Town Meeting a recommendation to set aside, for later spending, funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose, or to set aside, for later spending, funds for general purposes that are consistent with community preservation. *(4/06)*

The CPC allocation recommendation to the Annual or special Town Meeting must account for 100% of all annual revenues and revenues previously set aside, and shall be in the form of an Article in the Warrant, for Town Meeting consideration. *(4/06)*

(c) For those committees receiving community preservation funds, these funds shall only augment them, not replace existing operating funds. No single purpose shall dominate over a long period of time, i.e. not to exceed five years.

(d) Prior to the Annual Town Meeting and after receiving recommendation(s) from the CPC (by February 1), the Board of Selectmen and the Finance Committee shall each meet at a regularly-scheduled meeting to deliberate and vote on them, and shall provide their committee recommendation(s) within the CPC Article(s) in the Warrant.

Section 3 REQUIREMENT FOR A QUORUM AND COSTESTIMATES

The CPC shall comply with the provisions of the Open Meeting Law, G.L. c. 39, sec. 23B and the Truro Town Charter. The Committee shall not meet or conduct business without the presence of a majority of the members of the CPC. The CPC shall approve its actions by majority vote of those present.

Recommendations to the Annual or special Town Meeting shall include the committee's anticipated administrative and operating costs, not to exceed five percent (5%) of the annual revenues in the Community Preservation Fund. *(4/06)*

Section 4 AMENDMENTS

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

Section 5 SEVERABILITY

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

Section 6 WHEN EFFECTIVE

Provided that the Community Preservation Act, MGL c. 44B, is accepted at the 2005 Annual Town election, this section shall take effect upon approval by the Attorney General of the Commonwealth and after all requirements of MGL. c. 40, sec. 32 have been met. Each appointing authority shall have thirty (30) days after the effective date to make its appointments.

CHAPTER VIII TRURO CONSERVATION BYLAW (eff 9/30/2010)

Section 1 PURPOSE

8-1-1 The purpose of this Bylaw is to protect the natural resources and wetlands existing in the Town of Truro by review and control of activities deemed to have a significant direct or cumulative adverse effect upon resource area values, including but not limited to public or private water supply, groundwater supply and quality, flood control, erosion and sedimentation control, storm damage prevention including coastal storm flowage, water quality, water pollution control, fisheries, shellfisheries, wildlife habitat, rare species habitat including rare plant and animal species, and aquaculture.

Section 2 DEFINITIONS

8-2-1 Except as otherwise provided in this Bylaw or in regulations of the Conservation Commission (hereinafter "Commission"), the definition of terms in this Bylaw shall be as set forth in the Wetlands Protection Act (G.L. c. 131 s.40) and Regulations thereunder (310 CMR 10.00).

Section 3 JURISDICTION

8-3-1 No person shall remove, fill, dredge, build upon, degrade, discharge into or otherwise alter any Resource Area or buffer zone without first filing a written Notice of Intent with the Commission of the Town of Truro and receiving and complying with an Order of Conditions issued by said Commission pursuant to this Bylaw.

8-3-2 Other than for emergency exemption identified in Section 9 herein, and the agricultural exemption contained in the Wetlands Protection Act (G.L. c. 131 s.40) and Regulations thereunder (310 CMR 10.00), no other exemptions shall apply to this Bylaw, and a permit shall be required as set forth in this Bylaw whether or not an Order of Conditions is also required under the Wetlands Protection Act or Regulations thereunder.

Section 4 APPLICATIONS AND PROCEDURE

8-4-1 A written application in the form of a Notice of Intent (NOI) shall be filed with the Commission prior to the performance of any activities which involve removing, filling, dredging, building upon, degrading, discharging into or otherwise altering any Resource Area protected by this Bylaw. The permit application shall include such information and plans as are deemed necessary by the Commission to describe both the proposed activities and their effects on the Resource Areas protected by this Bylaw. The NOI application shall be sent by certified mail or be hand-delivered to the Commission at the Town Offices.

8-4-2 Upon the written request of any person, the Commission may make a Determination of Applicability of this Bylaw to any proposed activity or to any area. Such a Request for Determination of Applicability (RDA) shall include such information and plans as are deemed necessary by the Commission to make the determination.

8-4-3 Filing of NOI or RDA application may be accomplished in the same manner as provided in the Massachusetts Wetlands Protection Act (G.L. c. 131 s.40) and Regulations thereunder, and shall conform in all respects with any submission guidelines adopted by the Commission as part of its Regulations. The Commission, in its discretion, may hear any oral presentation under this Bylaw at the same public hearing required to be held under the provisions of the Wetlands Protection Act. The Commission may combine the orders issued under this Bylaw with the orders issued under the Wetlands Protection Act.

8-4-4 At the time of filing an NOI or RDA application with the Commission, the applicant shall pay a filing fee set by the Commission to cover the costs of administering this local Bylaw. This fee is in addition to that required by the Wetlands Protection Act. These fees are not refundable.

8-4-5 Upon receipt of an application, or at any point during the hearing process, the Commission is authorized to require an applicant to pay a consultant fee for the reasonable costs and expenses borne by the Commission for specific expert engineering and other consultant services deemed necessary by the Commission to come to a final decision on the application. The specific consultant services may include, but are not limited to, performing or verifying the accuracy of resource area survey and delineation; analyzing resource area functions and values, including wildlife habitat evaluations, hydro geologic and drainage analysis; and researching environmental or land use law. The exercise of discretion by the Commission in making its determination to require the payment of a consultant fee shall be based upon its reasonable finding that additional information available only through outside consultants is necessary for the making of an objective decision.

Section 5 NOTICE AND HEARING

8-5-1 Any person filing an NOI, RDA or any other application with the Commission shall, at the same time, give written notice thereof, by certified mail (return receipt requested) or by hand delivery, to all abutters at their mailing addresses shown on the most recent applicable tax list of the assessors, including owners of land directly opposite any water body or any public or private street or way, and abutters to the abutters within 300 feet of the property line of the applicant, including any in another municipality. The notice to abutters shall enclose a copy of the application or request, and shall state where site plans and additional information filed with the Commission may be examined and obtained by abutters. An affidavit of the person providing such notice, with a copy of the notice mailed or delivered, shall be filed with the Commission. Written notice of the public hearing on such application shall be given by the Commission at the cost of the applicant at least five business days prior to the hearing, in a newspaper of general circulation in the municipality.

8-5-2 The Commission shall commence the public hearing within 21 days of receipt of a completed application unless an extension is authorized in writing by the applicant. The Commission shall have authority to continue the hearing to a specific date announced at the hearing, for reasons stated at the hearing, which may include the need for additional information from the applicant. The Commission shall issue it's decision, order or determination in writing within 21 days of the close of the public hearing thereon unless the applicant consents, in writing, to an extension.

Section 6 ACTION ON APPLICATION

8-6-1 If the Commission, after a public hearing, determines that the activities which are subject to the permit application or the land and water uses which will result therefrom, are likely to have a significant individual or cumulative effect upon the resource area values protected by this Bylaw, the Commission shall issue an Order of Conditions, permitting the activities requested or denying the application.

8-6-2 If the Commission issues an Order of Conditions permitting the work, the Commission shall impose conditions which the Commission deems necessary or desirable to protect those values, and all activities shall be done in accordance with those conditions.

8-6-3 Where the work cannot be conditioned to avoid or prevent significant or cumulative effects upon the Resource Areas protected under this Bylaw, the Commission shall issue an Order of Conditions denying the project for failure to meet the requirements of this Bylaw. It may also deny a permit application for failure to meet the performance standards and other requirements provided for in the regulations of the Commission.

8-6-4 The Commission shall take into account the cumulative adverse effects resulting from past activities, permitted and exempt, and foreseeable future activities. In all determinations of the Commission, the applicant shall have the burden of proving by clear and convincing evidence that the activity proposed will not have a significant direct or cumulative effect upon the environmental values protected by this Bylaw. Due consideration shall be given to any demonstrated hardship on the applicant by reason of denial, as presented at the public hearing. Failure to provide adequate evidence to the Commission supporting this burden shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions.

Section 7 ORDER OF CONDITIONS PERMITTING THE WORK

8-7-1 An Order of Conditions ("Order") shall expire three (3) years from the date of issuance. Any Order may be extended for a period of up to two (2) additional years, provided that a request for renewal is received in writing by the Commission prior to the expiration. Notwithstanding the above, an Order may identify specific conditions which shall remain enforceable for a stated number of years beyond three (3), or indefinitely, or until permanent protection is in place, and shall be applicable to all successor owners of the land.

8-7-2 If any work subject to an Order of Conditions issued under this Bylaw is not completed within three (3) years from the date of issuance thereof, or any timely granted extension thereof, a new Notice of Intent must be filed, public hearing(s) held and the work re-conditioned or denied by the Commission applying all regulations in effect at the time of re-application.

8-7-3 The Commission may grant waivers and/or administrative review in cases where warranted, pursuant to rules adopted by the Commission.

Section 8 APPEALS

8-8-1 Any person aggrieved by the Commission's order or determination or failure to act may appeal to the Department of Environmental Protection and to an appropriate court.

Section 9 EMERGENCY REPAIR EXEMPTION

8-9-1 Emergency Repairs. The NOI application required by Section 4 of this Bylaw shall not apply to emergency projects necessary for the protection of the property, or health or safety of the citizens of the Town of Truro. As used in this Section, the term "emergency project" means a project to remedy an unsafe or dangerous condition arising from storm, fire, or other disaster. The work permitted by this Section shall only include such work as shall be immediately necessary to ensure safety and to prevent further damage. Where storm or water damage washes out or undermines structure in coastal areas, property owners may secure such structures and may remove debris, and with the prior approval of the conservation agent and at least one member of the Commission, may also add, move or remove sand. In all instances, the emergency project shall be limited in scope to the work necessary to secure the area and prevent further damage. Any more extensive remediation shall only be undertaken in conformity with the procedures set forth in Section 4 of this Bylaw.

8-9-2 Procedure. The work of an "emergency repair" must be detailed in an "Emergency Repair Application" available from the Conservation Agent, and must be filed prior to the commencement of the work or within 24 hours after commencement. No filing fee shall be required. Following inspection of the site by the Conservation Agent, such application may be approved by the Agent, except as to those applications to move, add or remove sand, which may be approved by the Agent and at least one member of the Commission, following the site inspection. Upon completion of the "emergency repair" the applicant shall so certify to the Commission. All emergency repair applications, permits and certificates of completion shall be reviewed at the next regularly scheduled meeting of the Conservation Commission. All "Emergency Repair Applications," permits and certificates of completion shall be maintained as public records of the Commission.

Section 10 SECURITY

8-10-1 The Commission may require the posting of security in the form of a deposit of money, or negotiable securities, or other undertaking of financial responsibility, or a bond with surety running to the municipality, and sufficient as to form and surety in the opinion of the Commission's Counsel, to secure faithful and satisfactory performance of the work required by any Order of Conditions, in such sum and upon such conditions as the Commission may require. The amount of such bond shall not exceed 150% of the estimated cost of the work required or the restoration of affected lands and properties if the work is not performed as required, whichever is greater.

Section 11 ENFORCEMENT

8-11-1 The Commission, its agents and a constable shall have authority to enforce this Bylaw, its regulations and Orders issued thereunder by violation notices, administrative orders, citations, and civil court actions. Any person who violates provisions of this Bylaw may be ordered to restore the property to its original condition and take other action deemed necessary to remedy such violations, or may be fined, or both.

8-11-2 Any person who violates any provision of this Bylaw, or regulations, permits or administrative orders issued thereunder, may be punished by a fine of not more than $300.00. Each day or portions thereof during which a violation continues shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

Section 12 REGULATIONS

8-12-1 After public notice and public hearing, the Commission may promulgate and, from time to time, amend, rules and regulations to effectuate the purpose of this local Bylaw, which shall become effective when voted by the Commission and filed with the Town Clerk. Failure or delay by the Commission in promulgating such regulations, or a legal declaration of their invalidity by a court of law, shall not act to suspend or invalidate the effect of this Bylaw, nor shall such failure be construed to require the Commission to apply only the minimum standards contained in the Wetlands Protection Act and Regulations where this Bylaw authorizes greater protection for Resource Areas protected by this Bylaw.

8-12-2 The Commission's regulations issued under the provisions 8-12-1 shall be subject to the following referendum process:

(a) Ten (10) voters registered in Truro may petition the Commission to rescind a regulation.
(b) If the Commission does not rescind its regulation within sixty (60) days after receiving the petition, the petitioners shall notify the Board of Selectmen which shall, for the next Town Meeting for which a Warrant has not been posted, place on the Warrant an Article in substantially this form: Shall the Conservation Commission's regulation stating [insert text] be disapproved?
(c) If a majority of the voters at the Town Meeting vote to disapprove the regulation, the regulation shall thereby be repealed; otherwise, the regulation shall remain in effect.

Section 13 SEVERABILITY

8-13-1 The invalidity of any section or provision of this Bylaw shall not invalidate any other section or provision thereof, nor shall it invalidate any order of determination which previously has been issued.

Chapter VIII adopted Annual Town Meeting, April 27, 2010)

CHAPTER IX STRETCH ENERGY CODE

§ 9-1 DEFINITIONS

International Energy Conservation Code (IECC) 2009 - The International Energy Conservation Code (IECC) is a building code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency, and is updated on a three year cycle. Since July 1, 2010, the baseline energy conservation requirements of the MA State Building Code defaulted to the latest published edition, the IECC 2009, with Massachusetts amendments as approved by the Board of Building Regulations and Standards.

Stretch Energy Code - Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA of the 8th edition Massachusetts building code, the Stretch Energy Code is an appendix to the Massachusetts building code, based on further amendments to the International Energy Conservation Code (IECC) to improve the energy efficiency of buildings built to this code.

§ 9-2 PURPOSE

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

§ 9-3 APPLICABILITY

This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 13, 34, 61, or 93, as applicable.

§ 9-4 AUTHORITY

A municipality seeking to ensure that construction within its boundaries is designed and built above the energy efficiency requirements of 780 CMR may mandate adherence to this appendix.
780 CMR 115.AA may be adopted or rescinded by any municipality in the commonwealth in the manner prescribed by law.

§ 9-5 STRETCH CODE

The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA, including any future editions, amendments or modifications, is herein incorporated by reference into the Town of Truro General Bylaws, Chapter IX.

The Stretch Code is enforceable by the inspector of buildings or building commissioner.

(4/2011)

APPENDIX A

Section 1	Except as otherwise provided by law, prosecutions for offenses under the Bylaws of the Town may be made by any constable or police officer of the Town

Chapter & Section	Subject	Fine $	Enforcing Authority
1-6-5-1	Failure to post building numbers	$50.00 per offense	Building Commissioner, Police Department
1-6-5-2	Removal, defacing or concealing street numbers	$50.00 per offense/per day	Building Commissioner, Police department
1-8-5	Removal of soil, loam or gravel	MGL ch.. 40 s. 21 1st offense $50.00 2nd offense $100.00 Subsequent offense $200.00	Building Commissioner Police Department
1-9-1	Excavation of public sidewalk street, highway etc	$200.00 per offense	Building Commissioner, Police Department Licensing Agent
1-9-2	Dumping on street	$50.00 per offense	Police Department
Chapter & Section	**Subject**	**Fine $**	**Enforcing Authority**
1-9-4	Driving motor vehicle on public beach without a permit	$20.00 per offense	Police Department, Beach Department
1-9-5	Disorderly acts or language	$50.00 per offense	Police Department
1-9-7	Vehicle obstruct public street	$50.00 per offense	Police Department
1-9-8	Occupying public street as storage room for vehicles	$100.00 per offense	Police Department
1-9-13	Public Safety Clearing	$25.00 per offense	Building Commissioner
2-1-3	Renting, leasing	$50.00 per offense	Licensing agent
2-1-4	Renting, leasing	$50.00 per offense	Licensing agent
2-2-1	Yard Sales	$50.00 per offense	Police Department, Licensing agent

3-1	Alcoholic beverages	$50.00 per offense	Police Department
3-2	Noise	$50.00 per offense	Police Department
3-3	Swimming pools	$50.00 per offense	Health Agent, Building Commissioner
3-4-1	Tenting, camping on public property	$100.00 per offense	Police department, Board of Health,
3-4-2	Tenting, camping on private property	$100.00 per offense	Police department, Board of Health
3-4-3	Sleeping in vehicles	$100.00 per offense	Police department, Board of Health

Chapter & Section	Subject	Fine $	Enforcing Authority
4-1-3-1	Failure to install lock box	$20.00 per day	Police department, licensing agent
4-1-4	Burglar/hold-up alarms/panic alarms	A. Second false alarm within 30 day period $25.00 B. Third false alarm within 30 day period $50.00 C. Fourth and consecutive false alarm within 30 day period $200.00	Police Department
4-2-1	Failure to Restrain or Control Dogs	$50.00 Per Offense	Dog/Animal Control, Police Department
4-2-2	Failure to remove dog excrement	$50.00 Per Offense	Dog/Animal Control, Police Department
4-2-3	Dogs running at large	MGL Ch. 140 sec 173A	Dog/Animal Control, Police Department
4-3-5	Handicap Parking	$100.00 - $300.00 and removal in accordance with MGL Ch. 40 sec 22D	Police Department, Beach Department
4-4-2	Unregistered Vehicles	$50.00 Per Day	Police Department, Board of Health
4-5-1	Interfering with Town Officers	$50.00	Police Department

Chapter & Section	Subject	Fine $	Enforcing Authority
4-6-7-1	Outdoor Lighting	$50.00 Per Day	Building Commissioner
4-7-9	Personal Watercraft	$50.00 Per Offense	Harbor Master, Police Department
6-8-1	Demolition of Historic Structures	$300.00 Per Day	Building Commissioner

*(11/06) (4/2013[eff 8-5-2013]) (4/2016[eff10-27-2016]) (4/2017 [*eff 10/20/2017])