

TOWN OF PROVINCETOWN CHARTER

Revised by the voters on April 17, 1990 and effective July 1, 1990

Subsequent Amendments by Home Rule Petition:

<i>Citation</i>	<i>Title of Act</i>	<i>Date Enacted</i>	<i>Charter sections amended thereby</i>
C.252, St.1991	An act relative to charter enforcement in the Town of Provincetown	October 9, 1991	§5-2-3
C.253, St.1991	An act relative to the charter of the Town of Provincetown	October 9, 1991	§3-1-2, §3-4-3, §3-4-4, §4-4-4, §7-2-4, §10-4-2, §10-4-3, §11-2-8
C.352, St.1992	An act relative to the charter of the Town of Provincetown	January 11, 1993	§4-2-7, §6-16-3
C. 74, St. 1993	An act relative to the charter of Provincetown	June 18, 1993	§3-1-4, §10-2-1
C. 22 St. 1996	An act relative to the charter of Provincetown	February 16, 1996	§6-5-1
C. 30, St. 1996	An act relative to the charter of Provincetown	February 26, 1996	§10-1-6
C.195, St.1996	An act relative to the charter of Provincetown	July 26, 1996	§2-3-13, §3-4-9, §6-9-1, §6-10-1, §6-12-1
C.193 St.1997	An act relative to the charter of the town of Provincetown (Residency Requirements)	November 26, 1997	§8-1-1
C.178 St.1998	An act relative to the charter of the town of Provincetown (Annual Budget Timeline)	July 21, 1998	§9-1-2, §9-1-5, §9-2-3
C. 259 St.2000	An act relative to a stipend for the board of selectmen of the town of Provincetown.	Sept. 7, 2000	§3-4-7, §3-4-10
C. 261 St. 2000	An act relative to the filling of vacancies on boards in the town of Provincetown.	Sept. 7, 2000	§3-1-2
C. 358 St. 2002	An act relative to the charter of the town of Provincetown.	Oct. 30, 2002	§2-3-1
C. 14 St. 2006	An act relative to the Board of Assessors of the Town of Provincetown	February 3, 2006	§6-4-1, §6-4-3
C. 232 St. 2006	An Act relative to the Historic District Commission of the Town of Provincetown.	August 9, 2006	§3-4-9

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1990 REVISION COMMENTARY

Provincetown has been a community in search of a workable government since the Mayflower Compact was signed within its harbor in 1620. This revised charter of 1990 is the latest attempt to "enact, constitute and frame such just and equal laws...as be thought most meet and convenient for the general good". Through most of its history Provincetown has been governed by laws generally applicable to all towns in the Commonwealth. In 1953 the state legislature enacted "An Act to Establish the Selectman-Town Manager form of Government in the Town of Provincetown". This was, in a sense, the first charter of the town.

In 1966 the Home Rule Amendment to the Massachusetts Constitution was adopted so as to allow a town to adopt or revise a local charter, provided that it "shall not be inconsistent with the constitution or any laws enacted by the general court". In 1973 Provincetown adopted a new charter under the Home Rule Amendment. In 1982 the charter was amended in a number of respects, most notably in abandoning the requirement of having two annual town meetings.

In 1988 the town voted to create a charter review committee. In an attempt to gather as much information as possible, the charter review committee sent individual invitations to the principal town officials and virtually every member of a town board, to come before the committee and express their views on the charter. With each hearing it became more apparent that a comprehensive revision of the charter was necessary.

In 1989 the town voted to create the charter commission and elected the charter commissioners, many of whom had been members of the charter review committee. The commission reinvited a number of those persons who had come before the charter review committee to speak to the commission.

Following the hearings, the commission began its work on its revision of the charter, and attempted to discuss all recommendations which had been made to it by town officials and board members. The best of those recommendations were translated into revisions of existing sections or entirely new sections. Each provision of the existing charter was examined for form, and an attempt was made to eliminate any ambiguous, pointless, or redundant language. The charter as a whole was examined for internal consistency and organization. Following the publication of a preliminary draft of the charter in *The Advocate* and a series of public hearings, the commission made additional revisions.

There is no doubt that Provincetown has experienced years of ineffectual government. Little goes the way it should. Boards of Selectmen and town managers seem to drift from one crisis to another. Inefficiency and lack of foresight continually result in expensive mistakes. Our tax rate is one of the highest in the Commonwealth. Conflicts and infighting are commonplace.

To some extent these problems are caused by the existing charter or could be cured by a revised charter. We here enumerate the principal revisions in the order in which they appear in and with an appropriate reference to the revised charter.

1. Preliminary hearings and reports on town meeting warrant articles will be given greater emphasis. 2-2-1 et. seq.
2. The date of the annual town meeting will be moved from the second Monday in March to

the first Monday in April. 2-3-1.

3. The date of the annual election will be moved from the third Tuesday in April to the first Tuesday in May. 2-4-2.

4. If an appointing authority fails to make an appointment within forty-five days, the power to the make appointment will shift to the moderator. 3-1-2.

5. Most appointed town boards will have an alternate member to assume the powers of an absent regular member. 3-2-3, Chapter 6.

6. Certain boards will be required to adopt rules and regulations governing the conduct of adjudicatory hearings. 3-3-2.

7. Terms on town boards, including the board of selectmen, will be limited to three consecutive terms. 3-4-4.

8. The board of selectmen will be encouraged to adopt written policies, plans and goals. 4-3-1, et seq.

9. The board of selectmen will prepare a written contract under which the town manager will be appointed. 4-4-1, 7-1-3.

10. An elected charter enforcement commission will be created to encourage and compel compliance with the charter. 5-2-1.

11. The board of library trustees, now appointed by the town manager, will be elected. 5-4-1.

12. Appointments to town boards will usually be made by the board of selectmen. Chapter 6.

13. The three-member board of assessors, which includes the town assessor, will be superseded by a five member board independent of the assessor's office. 6-4-1.

14. A building committee will be created to keep the selectmen advised as to any ongoing construction work for the town. 6-5-1.

15. A licensing board will be created to act as the licensing authority with respect to all licenses issued by the town to operate a business or any part of a business. 6-10-1.

16. A water and sewer board will be created to oversee matters related to water supply and sewage disposal. 6-14-1.

17. A personnel board will be created to formulate personnel rules and to mediate personnel disputes. 6-11-1.

18. Greater flexibility will be afforded to the town manager to organize administrative functions. 7-2-2, 7-2-3.

19. The town manager will be clearly and expressly responsible for the hiring of all town employees. 7-2-4.

20. If the town manager resigns or is removed, the assistant to the town manager will become the acting town manager. 7-4-1.

21. Key public safety officials will be required to live in Provincetown. 8-1-1.

22. Provisions regarding the preparation of the budget and capital improvements program will be clarified and, to some extent, modified. Chapter 9.

23. Town departments will be discouraged from spending their budget balances in the final months of the fiscal year. 9-6-2.

24. Provisions regarding the involuntary termination of service will be consolidated into one chapter and clarified. Chapter 10.

25. The personnel board will hear, and by a two-thirds vote will decide, controversies pertaining to the removal of the town manager, members of appointed town boards, and non-union paid town employees. 10-2-1, 10-3-8, 10-4-3.

This commission has spent considerable amount of time pondering the state of your local government. Consequently, we believe that the following observations may be of some value.

Ideally, the board of selectmen should be concerned with the development of policies, and the town manager with the carrying out of those policies. Realistically, it is impossible to draw a clear line between the two roles, but under any circumstances, the line will only be so clear as the policies adopted by the board of selectmen. A town manager who has no policy to guide him must deal with a problem using only his best judgement. If the board of selectmen have a different view of the problem, and overrule the town manager under the guise of enunciating their policy, then conflict may result. Such conflicts would not be as frequent or as sharp if the board of selectmen would adopt written policies. Under the revised charter, the selectmen have no policy unless it is in writing.

It is sometimes desirable on a question of policy that there be an initial difference of opinion among the members of the board of selectmen. The best policy is often formulated as the result of such conflict. However, as the strength of the board of selectmen largely depends upon the extent to which its members are ultimately able to agree and work together, they must be given the time to work out their differences on major matters of public concern. The charter creates a licensing board, a personnel board, and a water and sewer board to handle duties which have hitherto robbed the board of selectmen of much of the time to accomplish its main purpose.

Beyond a point, there is little a charter can do to eliminate the conflicts between the board of selectmen and the town manager, or among the selectmen themselves. Civility cannot be legislated.

We strongly urge the voters of Provincetown to adopt this revised charter. We are convinced that by doing so you will permit those who govern the town to better serve you.

THE PROVINCETOWN CHARTER COMMISSION

Dana A. Berry, Chairman
 Marjorie Heiser, Vice Chairman
 Elden Johnson, Clerk
 Mary Francis Daviess

Fernando Gonsalves
 Richard B. Knudson
 Alberta Romano
 Patricia R. Shultz

Paul Asher, Recording Secretary

PREAMBLE

We, the people of the town of Provincetown, Massachusetts, in order to reaffirm the customary and traditional liberties of our local government, and to take the fullest advantage of the Home Rule Amendment to the Constitution of the Commonwealth of Massachusetts, do hereby adopt the following home rule charter for this town.

Chapter 1

THE FRAME OF GOVERNMENT

Section 1: Powers of the Town

1-1-1 The present town of Provincetown, Massachusetts, within its territorial limits, as now or shall hereafter be established by law, is hereby continued as a body politic and corporate under the name of "Town of Provincetown".

1-1-2 The town shall possess, exercise, and enjoy all powers possible under the Constitution of the Commonwealth of Massachusetts as fully and completely as though they were expressly enumerated in this charter.

1-1-3 The powers of the town under this charter shall be construed liberally in favor of the town, and the specific mention of particular powers in the charter shall not be construed as limiting in any measure the general powers of the town as stated in the charter.

1-1-4 The town shall exercise any of its powers or perform any of its functions and participate in the financing thereof, by contract or otherwise, jointly or in cooperation with any municipality, county, state, or the United States, or any governmental division or agency.

Section 2: The Provincetown Charter

1-2-1 To the extent that any specific provision of this charter shall conflict with any provisions expressed in general terms, the specific provision shall prevail.

1-2-2 In this charter the following words, unless a different meaning is required by context or is specifically prescribed, shall have the following meanings: (a) "Good Cause": any ground which is put forward in good faith and which is not arbitrary, irrational, unreasonable, or irrelevant to the duties with which the employee is charged, including incapacity other than temporary illness, inefficiency, insubordination, or misconduct. (b) "Town employee": a person performing services for or holding an office, position, employment or membership in a municipal agency of the town of Provincetown, whether by election, appointment, contract of hire or engagement, whether serving with or without compensation, on a full, regular, part-time, intermittent or consultant basis. (c) "Town board": a town board, committee, commission or council, including

the board of selectmen, but not including the board of fire engineers, created by the Massachusetts General By-Laws, a vote of the town meeting, the board of selectmen, or this charter.

1-2-3 In computing time under this charter every calendar day shall be counted.

1-2-4 This charter may be replaced, revised, or amended in accordance with the Constitution of the Commonwealth of Massachusetts or the Massachusetts General Laws.

1-2-5 If any provision of this charter or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the charter which can be given effect without the invalid provisions or application, and to this end the provisions of this act are severable.

1-2-6 The provisions of this charter shall not be waived by the board of selectmen, the town manager, or any other town board or person.

Chapter 2

THE TOWN MEETING AND ELECTIONS

Section 1: Preparation of the Warrant

2-1-1 The board of selectmen shall prepare the warrant for all town meetings.

2-1-2 The board of selectmen shall include in the warrant all articles submitted by the town manager, the board of selectmen, or any town board.

2-1-3 The board of selectmen shall include in the warrant for an annual town meeting all articles submitted which are supported by a petition signed by ten registered voters of the town.

2-1-4 The board of selectmen shall include in the warrant for a special town meeting all articles submitted which are supported by a petition signed by one hundred registered voters of the town.

2-1-5 The board of selectmen shall also include in the warrant for a special town meeting all subjects the insertion of which shall be included in the request for the special town meeting.

2-1-6 The board of selectmen shall include all proposed operating expenditures in a single article on the warrant, and all regular proposed capital improvement expenditures in a single article in the warrant.

2-1-7 The warrant shall be closed thirty days prior to the date of the meeting, shall be published in a newspaper of general circulation within the town at least seven days prior to the meeting and shall be posted in at least ten public places in the town at least seven days prior to the annual town meeting, and at least fourteen days prior to a special town meeting.

2-1-8 At least fourteen days prior to the date of the town meeting, a copy of the warrant shall be mailed by the board of selectmen to the moderator, town counsel, and each town board.

2-1-9 At least seven days prior to the annual town meeting, copies of the town report shall be made available for distribution at the town hall, and at least seven days prior to any town meeting copies of the finance committee report shall be made available at the town hall.

Section 2: Preliminary Hearings and Reports

2-2-1 Prior to the town meeting on whose warrant is a petitioned article concerning the natural environment, the conservation commission shall hold a public hearing on the article, and prior to a vote at the town meeting on the article the conservation commission shall state the numbers of its members in favor of and opposed to the article, and its chairman, or his or her designee, shall explain the view of the majority to the meeting.

2-2-2 Prior to the town meeting on whose warrant is a petitioned article concerning public health, the board of health shall hold a public hearing on the article, and prior to a vote at the town meeting on the article the board of health shall state the numbers of its members in favor of and opposed to the article, and its chairman or his or her designee, shall explain the view of the majority

to the meeting.

2-2-3 Prior to the town meeting on whose warrant is a petitioned article concerning land use or development, the planning board shall hold a public hearing on the article, and prior to a vote at the town meeting on the article the planning board shall state the numbers of its members in favor of and opposed to the article, and its chairman, or his or her designee, shall explain the view of the majority to the meeting.

2-2-4 Prior to the town meeting on whose warrant is a petitioned article concerning this charter, the charter enforcement commission shall hold a public hearing on the article, and prior to a vote at the town meeting on the article the charter enforcement commission shall state the numbers of its members in favor of and opposed to the article and its chairman, or his or her designee, shall explain the view of the majority to the meeting.

Section 3: Conduct of the Town Meeting

2-3-1 The annual town meeting shall be held on the first Monday in April of every year and shall be called to order at 6:00 p.m.¹ for the purpose of transacting all business of the annual town meeting except the election of such officers and the determination of such matters as are required by law to be elected or determined by ballot.

2-3-2 The board of selectmen may call a special town meeting as provided by the Massachusetts General Laws.

2-3-3 The board of selectmen shall call a special town meeting upon the request, in writing, upon a form approved by the Secretary of the Commonwealth, of two hundred registered voters. A special town meeting shall be held not later than forty-five days after the receipt of said request.

2-3-4 Except as otherwise delegated to the board of selectmen by chapter 4, the legislative powers of the town shall be exercised by annual town meetings and special town meetings open to all registered voters of the town.

2-3-5 The town meeting shall consider and act upon, with or without amendments, all proposed operating and capital improvement budgets, bond issues, and other financial proposals of the town.

2-3-6 The moderator shall preside at all sessions of the town meeting, and a temporary moderator shall be elected by the town meeting in the absence of the moderator.

2-3-7 In all procedural matters, the town meeting shall follow the latest revised edition of **Town Meeting Times: A Handbook of Parliamentary Law**, by Johnson, Trustman, and Wadsworth, except as otherwise provided by the Massachusetts General Laws, the Provincetown General By-Laws, or this charter.

2-3-8 The quorum for the conduct of business by any annual town meeting or special town meeting shall be one hundred registered voters.

¹ Revised April 2002 ATM 57 & Acts of 2002 C. 358

2-3-9 The order of consideration of articles as printed in the warrant shall be changed only by a two-thirds vote of the town meeting.

2-3-10 Prior to a vote on an article concerning the expenditure of town funds, the finance committee shall state the number of its members in favor of and opposed to the article, and its chairman, or his or her designee, shall explain the view of the majority to the meeting.

2-3-11 Prior to a vote on an article submitted by a town board, the town board shall state the numbers of its members in favor of and opposed to the article, and its chairman, or his designee, shall explain the view of the majority to the meeting.

2-3-12 If action required by sections 2-2-1, 2-2-2, 2-2-3, 2-2-4, 2-3-10, or 2-3-11 has not been taken with respect to an article, the article may be considered and acted upon only by a majority vote of town meeting.

2-3-13 No session of an annual or special town meeting shall be held on a holiday.²

Section 4: Elections

2-4-1 The board of registrars, together with such assistant registrars as may be required and regularly designated, shall conduct and supervise all local elections in accordance with the laws of the Commonwealth of Massachusetts and local laws not inconsistent therewith.

2-4-2 The regular elections to any office shall be by official ballot held on the first Tuesday in May of each year.

2-4-3 Any registered voter of the town shall be eligible for election to any office, but no person shall concurrently hold more than one elected office.

2-4-4 Elections to any office shall be nonpartisan, and election ballots for town officers shall be printed without any party mark, emblem, or designation whatsoever.

2-4-5 A person duly elected to an office shall take up the duties of his or her office immediately following his or her certification after being sworn to the faithful performance of his or her duties by the town clerk.

² Added by Ch. 195, Acts of 1996, effective July 26, 1996.

Chapter 3

TOWN BOARDS

Section 1: Membership on Town Boards

3-1-1 All appointing authorities of the town shall file with the town clerk a copy of each notice of appointment to a town board, or any rescinding of appointments thereto, and the same shall be a public record.

3-1-2 The chairman of any town board shall notify the appointing authority in writing when a vacancy occurs on the town board. The appointing authority shall fill the vacancy within sixty days of the receipt of the notice of vacancy. In the event of the failure of the appointing authority to fill the vacancy within the allowed time, the moderator shall then be charged with filling the vacancy within sixty days. In the event of the failure of the moderator to fill the vacancy within the allowed time, the town board shall fill the vacancy.¹ In the event of the failure of the town board to fill the vacancy within sixty days for the sole reason that the board lacks a quorum to act, the appointing authority shall thereafter fill the vacancy and the appointment process set forth in this section shall be repeated until such time as the vacancy is filled.²

3-1-3 A member or alternate member of any town board, who is absent from three consecutive meetings without informing the chairman, shall automatically cease to be a member of the board.

3-1-4 The chairman of a town board who is absent from three consecutive meetings without informing the appointing authority and without appointing an acting chairman for such meetings shall automatically cease to be a member of such board.³

Section 2: Meetings of Town Boards

3-2-1 At least forty-eight hours before any meeting of a town board is to be held, an agenda containing all items which are scheduled to come before the town board at the meeting shall be posted on the town bulletin board.

3-2-2 A quorum for a meeting of any town board shall be a majority of the maximum complement of the town board. No action of a town board shall be valid and binding unless taken or ratified by an affirmative vote of the majority of the members attending the meeting, unless another

¹Amended by Ch. 253 Acts of 1991 effective Oct. 9, 1991

²Amended by Ch. 261 Acts of 2000 effective Sept. 7, 2000

³Amended by Ch. 74, Acts of 1993 effective June 18, 1993

quantum of vote is allowed or required by the Massachusetts General Laws.

3-2-3 If a member of a town board is absent or excuses himself from voting on a certain issue, an alternate shall assume the powers of a member. If two alternates are present but only one is needed, the one shall be selected by lot.

3-2-4 All town boards shall annually elect a chairman and other necessary officers; establish a quorum requirement for their meetings as provided in section 3-2-2; and maintain minutes including a record of votes, copies of which shall be a public record filed regularly with the town clerk, and kept in a place convenient to the public at all times.

Section 3: Rules of Procedure

3-3-1 In all procedural matters, meetings of town boards shall follow the latest revised edition of *Robert's Rules of Order*, except as provided in section 3-3-2.

3-3-2 The board of selectmen, the charter enforcement commission, the conservation commission, the board of health, the licensing board, the personnel board, the planning board, and the zoning board of appeals shall adopt rules and regulations governing the conduct of adjudicatory hearings. An adjudicatory hearing is a hearing in which the legal rights, duties or privileges of specifically named persons are required by law to be determined after an opportunity for a hearing.

3-3-3 A copy of all rules and regulations adopted by an officer, department, or town board, shall be filed in the office of the town clerk and made available for review by any person who requests such information.

Section 4: Prohibited Activities

3-4-1 A person shall not be a member of a town board unless he or she is a registered voter of the town of Provincetown.

3-4-2 A paid town employee shall not be a member of a town board which is any way related to his employment.

3-4-3 A paid town employee with supervisory duties shall not be a member of a town board which is in any way related to his employment during his or her term of office or for at least one year after leaving office.⁴

3-4-4 A member of a town board shall not serve on that town board for more than three consecutive terms. For the purposes of this section, service to complete the term of another member shall constitute service for one term if the balance of said term being completed is more than fifty percent of the original term. A person who has been prohibited from serving on a town board by this section may be reelected or reappointed to that board after two years have elapsed from the ending date of his or her previous service.⁵

⁴Amended by Ch. 253, Acts of 1991 effective Oct. 9, 1991

⁵Amended by Ch. 253, Acts of 1991 effective Oct. 9, 1991

3-4-5 A member of a town board shall be a volunteer and shall not receive compensation for service on the board except reimbursement for vouchered expenses pertaining to town business.

3-4-6 A member of a town board shall not be paid for any work done for the town, or be allowed to bid on any town contract for a job, which is in any way related to the board on which he or she serves or on which he or she has served within the past year.

3-4-7 A member of the board of assessors, the finance committee, the personnel board, or the school committee shall not receive any payment from the town except reimbursement for vouchered expenses pertaining to town business.⁶

3-4-8 Town employees and members of town boards shall be governed by the ethical standards set forth in Chapter 268A of the Massachusetts General Laws, the Provincetown General By-Laws, and this charter.

3-4-9 No person shall serve simultaneously as a member/alternative member of more than one of the following regulatory town boards: conservation commission, board of health, historic district commission, licensing board, planning board or zoning board of appeals.⁷

3-4-10 Notwithstanding any provisions of this charter to the contrary, the town may, by by-law, establish an annual stipend for members of the board of selectmen.⁸

⁶Amended by Ch. 259, Acts of 2000 effective Sept. 7, 2000

⁷ Added by Ch. 195, Acts of 1996, effective July 26, 1996. Amended by Ch. 232, Acts of 2006, effective August 9, 2006.

⁸ Added by Ch. 259, Acts of 2000, effective Sept. 7, 2000.

Chapter 4

THE BOARD OF SELECTMEN

Section 1: Composition

4-1-1 There shall be a board of selectmen consisting of five members elected for three-year overlapping terms so arranged that the term of at least one member shall expire each year.

4-1-2 If a member of the board of selectmen dies, resigns, or ceases to be a registered voter, a vacancy shall result which shall be filled in accordance with G.L. c. 41, s. 10.

4-1-3 A member of the board of selectmen shall not hold any other appointed or elected, paid or non-paid, position in town government, including any temporary, or ad-hoc committee created at town meeting, or otherwise.

Section 2: General Powers

4-2-1 The board of selectmen shall be the primary policy making, planning, and goal setting agency of the town.

4-2-2 The board of selectmen shall make provisions for traffic regulation and control.

4-2-3 The board of selectmen shall insure that the Provincetown General By-Laws shall be up to date and republished at least every five years and that copies shall be available.

4-2-4 The board of selectmen shall be recognized as the head of town government for all ceremonial purposes.

4-2-5 The board of selectmen shall exercise the powers and duties prescribed by the Massachusetts General Laws, the Provincetown General By-Laws, or this charter, except as provided herein.

4-2-6 The board of selectmen shall exercise the powers and duties which are not vested in a town officer or another town board by the Massachusetts General Laws, the Provincetown General By-Laws, or this charter.

4-2-7 Notwithstanding any other provisions of this charter, the board of selectmen shall be the issuing authority for all fishing and shellfishing grants, permits and licenses that are issued under the provisions of chapter one hundred and thirty of the General Laws and over which the state's division of marine fisheries has any power of review or administrative control.¹

Section 3: Written Records

4-3-1 The board of selectmen shall keep a written record of their official acts and shall cause the record to be made available to those requesting it.

¹Added by Ch. 352, Acts of 1992 effective Apr. 12, 1993

4-3-2 Any policy, plan, or goal adopted by the board of selectmen shall be made in writing.

4-3-3 No person shall be accountable for failure to carry out an order emanating from the board of selectmen unless it shall be made in writing.

Section 4: Powers of Appointment

4-4-1 The board of selectmen shall establish an employment contract with the town manager for a period of time not to exceed three years, to provide the conditions of employment, including but not limited to, duties, termination and severance pay, disability, salary, performance evaluation, hours of work, outside activities, moving expenses, home sale and purchase expenses, automobile use and expenses, vacation, sick leave, military leave, disability insurance, health insurance, life insurance, retirement, dues and subscriptions, professional development, general expenses, civic club membership, indemnification and bonding.

4-4-2 Said contract shall be in accordance with and subject to the provisions of the General By-Laws and this charter, and the compensation to be paid to the town manager shall be within the amount appropriated by the town.

4-4-3 Nothing contained in this section shall affect the appointment and removal powers of the town over the town manager, nor shall it grant tenure to the town manager.

4-4-4 The board of selectmen shall appoint a town manager, a secretary to the board of selectmen, and members of those town boards designated in chapter 6 of this charter, subject to the provisions of section 3-1-2 of this charter. ²

Section 5: Investigatory Powers

4-5-1 The board of selectmen may investigate and may authorize the town manager to investigate the affairs of the town and the conduct of any town department or town board, including any claim against the town.

4-5-2 For the purposes of this section, the board of selectmen may subpoena witnesses, administer oaths, take testimony, and require the production of evidence.

4-5-3 The report of the investigation shall be placed on file in the office of the town clerk, and a report summarizing the investigation shall be printed in the next town report.

²Amended by ch. 253, Acts of 1991 effective Oct. 9, 1991

Chapter 5

THE MODERATOR AND ELECTED TOWN BOARDS

Section 1: The Moderator

5-1-1 There shall be a moderator elected for a term of three years.

5-1-2 The moderator shall receive for his or her services compensation on a per diem basis as may annually be provided for that purpose by appropriation.

5-1-3 The moderator shall appoint members to the finance committee and personnel board, subject to the provisions of section 3-1-2 of this charter.

Section 2: The Charter Enforcement Commission

5-2-1 There shall be a charter enforcement commission consisting of five members and elected for three-year overlapping terms so arranged that the term of at least one member shall expire each year.

5-2-2 A vacancy on the commission may be filled by the remaining members of the commission, but only until the next annual election.

5-2-3 The commission shall take action only after receiving a written petition filed by a voter or voters alleging a violation of this charter by reason of an act or failure to act of the town manager, the acting town manager, the moderator, the board of selectmen, the school committee, or the finance committee, or members of those committees.¹

5-2-4 The petition shall state the specific section of this charter which is subject of the violation, the officer or board who is responsible for the violation, and the act or failure to act resulting in the violation.

5-2-5 The petition shall be filed by deliver to the town clerk, who shall note the date of its receipt on the petition and mail a copy to each member of the commission within one week of its receipt.

5-2-6 Within three weeks of the receipt of a petition by the town clerk, the commission shall vote whether to dismiss the petition without further action, and if the commission so votes, the chairman shall notify the town clerk.

5-2-7 If the commission does not vote to dismiss the petition, the chairman shall set a time and date for the hearing, and shall mail notice of the hearing to the town clerk who shall post and publish the notice, and to the petitioner and the officer or board named in the petition. The hearing date shall be not less than three weeks nor more than eight weeks from the date of the receipt of the petition by the town clerk.

5-2-8 At the hearing the commission shall allow any person to address the commission as

¹Amended by Ch. 252, Acts of 1991 effective Oct. 9, 1991

to the merits of the petition.

5-2-9 Within three weeks of the hearing, the commission shall vote whether there has been a violation of this charter as alleged in the petition, and shall mail a notice of its vote to the town clerk, who shall post a copy of the vote for a period of four weeks, and to the petitioner and the officer or board named in the petition.

5-2-10 If the commission shall vote that there has been a violation of this charter as alleged by the petition, and if following its vote there continues to be a violation, the commission may file a petition with the Superior Court.

5-2-11 The town may establish a fund to enable the commission to pay the costs and expenses, including attorney's fees, related to the filing of a complaint with the Superior Court.

5-2-12 Sections 5-2-3 through 5-2-11 shall not limit the right to seek enforcement of this charter as otherwise provided by law.

Section 3: The Housing Authority

5-3-1 There shall be a housing authority consisting of five members, one member appointed by the Commonwealth and four members elected for five year overlapping terms so arranged that the term of at least one member shall expire each year.

5-3-2 The housing authority shall exercise the powers and duties prescribed by G.L. c. 121B, the Provincetown General By-Laws, or this charter.

Section 4: The Board of Library Trustees

5-4-1 There shall be a board of library trustees consisting of five members elected for three-year overlapping terms so arranged that the term of at least one member shall expire each year.

5-4-2 The board of library trustees shall exercise the powers and duties prescribed by G.L. c. 78, s 11, the Provincetown General By-Laws, or this charter.

Section 5: The School Committee

5-5-1 There shall be a school committee consisting of five members and elected for three year overlapping terms so arranged that the term of at least one member shall expire each year.

5-5-2 Prior to submitting the school budget to the town manager, the school committee shall conduct a public hearing on the school budget and shall have preliminary summaries of its recommendations available at said hearing, which recommendations shall be distributed to those requesting them.

5-5-3 On or before the tenth day of December of each year, the school committee shall submit the school budget to the town manager.

Chapter 6

APPOINTED TOWN BOARDS

Section 1: The Council on Aging

6-1-1 There shall be a council on aging as provided by G.L. c. 40, s 8B, consisting of five regular members and one alternate member appointed by the board of selectmen for three-year overlapping terms so arranged that the term of at least one regular member shall expire each year.

6-1-2 The council on aging shall exercise the powers and duties prescribed by the Massachusetts General Laws, the Provincetown General By-Laws, and this charter.

Section 2: The Airport Commission

6-2-1 There shall be an airport commission as provided by G.L. c. 90, s 51E consisting of five regular members and one alternate member appointed by the board of selectmen for three-year overlapping terms so arranged that the term of at least one regular member shall expire each year.

6-2-2 The airport commission shall exercise the powers and duties prescribed by the Massachusetts General Laws, the Provincetown General By-Laws, and this charter.

Section 3: The Art Commission

6-3-1 There shall be an art commission as provided by G.L. c. 41 s 82, consisting of five regular members and one alternate member appointed by the board of selectmen for three-year overlapping terms so arranged that the term of at least one regular member shall expire each year.

6-3-2 The art commission shall exercise the powers and duties prescribed by the Massachusetts General Laws, the Provincetown General By-Laws, and this charter.

Section 4: The Board of Assessors

6-4-1 There shall be a board of assessors as provided by G.L. c. 41, §24, consisting of five regular members and one alternate member. The assessor appointed by the town manager pursuant to Charter §7-2-5 shall be a regular member of the board of assessors and said assessor shall not be subject to the provisions of Chapter 3, Article 4 of this charter. The remaining members shall be appointed by the board of selectmen for three-year overlapping terms so arranged that the term of at least one regular member shall expire each year.

6-4-2 The board of assessors shall exercise the powers and duties prescribed by the Massachusetts General Laws, the Provincetown General By-Laws, and this charter.

6-4-3 The term limits established by §3-4-4 of this charter shall not apply to members of the board of assessors.

Section 5: The Building Committee

6-5-1 There shall be a building committee, consisting of five regular members and one alternate member appointed by the board of selectmen for three-year overlapping terms so arranged that the term of at least one regular member shall expire each year.¹

6-5-2 The building committee shall interview prospective architects and general contractors, review blueprints and contracts, and oversee the payment of vouchers, for any construction work to be done by the town. The building committee shall make recommendations to the board of selectmen, but shall have no independent authority.

Section 6: The Conservation Commission

6-6-1 There shall be a conservation commission as provided by G.L. c. 40 s 8C, consisting of five regular members and one alternate member appointed by the town manager with the approval of the board of selectmen for three-year overlapping terms so arranged that the term of at least one regular member shall expire each year.

6-6-2 The conservation commission shall exercise the powers and duties prescribed by the Massachusetts General Laws, the Provincetown General By-Laws, and this charter.

Section 7: The Finance Committee

6-7-1 There shall be a finance committee as provided by G.L. c. 39 s 16, consisting of nine regular members and two alternate members appointed by the moderator for three-year overlapping terms so arranged that the terms of at least three regular members shall expire each year.

6-7-2 The finance committee shall exercise the powers and duties prescribed by the Massachusetts General Laws, the Provincetown General By-Laws, and this charter.

6-7-3 A member of the finance committee shall not be a member of any other town board.

Section 8: The Board of Health

6-8-1 There shall be a board of health as provided by G.L. c. 111, consisting of five regular members, one of whom shall be a professional health practitioner, and one alternate member appointed by the board of selectmen for three-year overlapping terms so arranged that the term of at least one regular member shall expire each year.

¹ Amended by Ch. 22, Acts of 1996 effective Feb. 16, 1996

6-8-2 The board of health shall exercise the powers and duties prescribed by the Massachusetts General Laws, the Provincetown General By-Laws, and this charter.

Section 9: The Historical Commission

6-9-1 There shall be an historical commission as provided by Section eight D, of Chapter forty of the General Laws consisting of five regular members and two alternate members appointed by the town manager with the approval of the board of selectmen for three-year overlapping terms so arranged that the term of at least one regular member shall expire each year.²

6-9-2 The historical commission shall exercise the powers and duties prescribed by the Massachusetts General Laws, the Provincetown General By-Laws, and this charter.

Section 10: The Licensing Board

6-10-1 There shall be a licensing board, consisting of five regular members and two alternate members appointed by the board of selectmen for three-year overlapping terms so arranged that the term of a least one regular member shall expire each year.³

6-10-2 The licensing board shall act as the licensing authority with respect to all licenses issued by the town to operate a business or any part of a business.

Section 11: The Personnel Board

6-11-1 There shall be a personnel board as provided by G.L., c. 41 s 108C, consisting of five regular members and one alternate member appointed by the moderator for three-year overlapping terms so arranged that the term of at least one regular member shall expire each year.

6-11-2 In conjunction with and subject to the approval of the town manager, the personnel board shall formulate and from time to time amend, rules for all town positions, except those of the school department.

6-11-3 The personnel board shall exercise the powers and duties prescribed by the Massachusetts General laws, the Provincetown General By-Laws, and this charter.

Section 12: The Planning Board

6-12-1 There shall be a planning board as provided by section eighty-one A of chapter forty-one of the General Laws consisting of five regular members and one alternate member appointed by the board of selectmen for three year overlapping terms so arranged that the term of at least one regular member shall expire each year.⁴

² Amended by Ch. 195, Acts of 1996, effective July 26, 1996.

³ Amended by Ch. 195, Acts of 1996, effective July 26, 1996.

⁴ Amended by Ch. 195, Acts of 1996, effective July 26, 1996.

6-12-2 The planning board shall exercise the powers and duties prescribed by the Massachusetts General Laws, the Provincetown General By-Laws, and this charter

6-12-3 The planning board shall make recommendations to the town manager, the board of selectmen, and to the town meeting on all matters concerning the physical, economic, and environmental development of the town.

6-12-4 The board shall develop and periodically update a master or comprehensive plan, subject to the approval by the town meeting, which shall be utilized as the basis of all major developments in the town, and shall report annually to the town meeting on the status of the plan.

Section 13: *The Board of Registrars of Voters*

6-13-1 There shall be a board of registrars of voters as provided by G.L. c. 51, s 15, appointed by the board of selectmen.

6-13-2 The board of registrars of voters shall exercise the powers and duties prescribed by the Massachusetts General Laws, the Provincetown General By-Laws, and this charter.

6-13-3 The board of registrars of voters shall submit an annual written report at the Town Meeting which shall set forth the following:

- (a) the population of the town according to the previous United States census and most recent local census;
- (b) the number of citizens entitled to vote at the preceding regular town election;
- (c) the number of citizens including absentee voters, who actually voted at the preceding regular town election;
- (d) the number of new voter registrations enrolled upon the voting lists during the preceding year; and
- (e) the number of voter names removed from the registration rolls during the preceding year due to (1) death, (2) removal from the town, or (3) other causes.

Section 14: *The Water and Sewer Board*

6-14-1 There shall be a water and sewer board as provided by G.L. c. 41, consisting of five regular members and one alternate member appointed by the board of selectmen for three-year overlapping terms so arranged that the term of at least one regular member shall expire each year.

6-14-2 The water and sewer board shall exercise the powers and duties prescribed by the Massachusetts General Laws, the Provincetown General By-Laws, and this charter.

Section 15: *The Zoning Board of Appeals*

6-15-1 There shall be a board of appeals as provided by G.L. c. 40A, s 12, consisting of five regular members and five alternate members appointed by the board of selectmen for three-year overlapping terms so arranged that the term of at least one regular member shall expire each year.

6-15-2 The board of appeals shall exercise the powers and duties prescribed by the

Massachusetts General Laws, the Provincetown General By-Laws, and this charter.

Section 16: *Other Town Boards*

6-16-1 The town boards which exist as of the effective date of this charter shall continue to exist subject to section 6-16-2 and the town may from time to time establish other town boards for particular purposes.

6-16-2 Any town board created by vote of the town meeting shall continue to exist until dissolved by vote of the town meeting, unless the vote creating the board provides for a definite time of dissolution.

6-16-3 Unless otherwise provided by the vote creating a town board, the board shall consist of five regular members plus one alternate and may have two alternates when formally requested to do so by the board in question and approved of by the board of selectmen for three-year overlapping terms so arranged that the term of at least one regular member shall expire each year.⁵

⁵Amended by Ch. 352, Acts of 1992 effective Apr. 12, 1993

Chapter 7

THE TOWN MANAGER

Section 1: Qualifications

7-1-1 The town manager shall be a person especially fitted by education, training, or previous experience in public administration, to perform the powers and duties of the office.

7-1-2 The town manager shall be a resident of Provincetown, or shall become a resident within six months following his or her appointment.

7-1-3 The town manager shall be employed under an employment contract prepared by the board of selectmen as provided in this charter.

7-1-4 The town manager shall execute a bond in favor of the town for the faithful performance of his or her duties in such sum and with such surety as shall be fixed or approved by the board of selectmen, who shall not waive the requirement of a performance bond.

7-1-5 The town manager shall not hold any other public office, nor engage in another business or occupation during his or her term, and shall devote his or her full time to the office of town manager.

7-1-6 The town manager shall not have served in an elective office in the town government for at least six months prior to his or her appointment.

Section 2: Powers and Duties

7-2-1 The town manager shall be responsible for the administration of all town functions including those related to the assessment and collection of taxes, the receipt and disbursement of monies, accounting of funds, the auditing of accounts, streets, parks, wharves, cemeteries, public grounds, the municipal water system, the disposal of sewage and waste, the providing of recreation, the town clerk, the town library, veterans' services, licensing, parking, civil defense, disaster relief, the police department, the fire department, the rescue squad, public health, public safety, the inspection of buildings and businesses, and such other matters as shall be assigned by this charter, the general by-laws, or vote of the board of selectmen.

7-2-2 The town manager, with the approval of the board of selectmen, may organize such functions into such departments or offices as he or she prefers, and establish, reorganize, consolidate, or abolish any department or office under his or her discretion and supervision.

7-2-3 The town manager, with the approval of the board of selectmen, may transfer the powers and duties from one department or office to another and, with the approval of the finance committee, may transfer the appropriation of one such department or office to another.

7-2-4 The town manager shall hire all town employees, except the secretary to the board

of selectmen.¹

7-2-5 The town manager shall hire the following town employees with the approval of the board of selectmen:

- (a) accountant;
- (b) assessor;
- (c) assistant town manager;
- (d) clerk;
- (e) licensing agent;
- (f) police chief;
- (g) tax collector;
- (h) town counsel; and
- (i) treasurer.

7-2-6 All appointments and promotions of town officers and employees shall be made on the basis of merit and fitness demonstrated by examination and other evidence of competence.

7-2-7 The town manager shall appoint members to those town boards designated in Chapter 6 and Chapter 8 of this charter, subject to the provisions of section 3-1-2 of this charter.

7-2-8 The town manager shall be the commissioner of public safety.

7-2-9 The town manager shall establish, maintain, and keep current a complete inventory of all town property and town equipment.

7-2-10 The town manager shall be responsible for purchasing for all town departments and offices, and if so requested, for the school committee or the board of library trustees.

7-2-11 The town manager shall be responsible for the development and annual revision of a capital improvements program in accordance with this charter.

7-2-12 The town manager shall prepare and present to the board of selectmen all annual and capital budgets of the town except the budget of the school committee.

7-2-13 The town manager shall attend all meetings of the board of selectmen, except when excused, and shall have the right to speak but not to vote.

7-2-14 The town manager shall keep the board of selectmen fully informed regarding all operations, fiscal affairs, general problems and administrative actions, and shall submit periodic reports to the board of selectmen.

7-2-15 The town manager shall have such other powers and duties as may be conferred or assigned by vote of the board of selectmen, vote of the town meeting, the Provincetown General By-Laws, or this charter.

Section 3: Resignation

7-3-1 The town manager shall provide the board of selectmen with thirty days written

¹Amended by Ch. 253, Acts of 1991 effective Oct. 9, 1991

notice of his or her intention to resign.

7-3-2 If a town manager resigns, the town treasurer shall pay to him or her from the funds appropriated to pay the assistant town manager severance pay of an amount equal to the compensation which he or she would have received had he or she continued in office for four weeks.

Section 4: The Acting Town Manager

7-4-1 If the office of the town manager shall become vacant, then the assistant town manager shall become the acting town manager, and if there is no assistant town manager then the town clerk shall become the acting town manager.

7-4-2 The acting town manager shall have all of the powers and duties of the town manager and shall be the recipient of the funds voted by the town meeting to pay the town manager.

7-4-3 No member of the board of selectmen shall be an acting town manager.

Chapter 8

PUBLIC SAFETY

Section 1: Residency Requirements

8-1-1 ²The director of the department of public works, the police chief, and the fire chief shall be residents of Provincetown, or shall become residents within three months of assuming office.

Section 2: The Police Department

8-2-1 The town manager shall make all appointments within the police department.

8-2-2 The town manager shall appoint the chief of police with the approval of the board of selectmen.

8-2-3 No appointment within the police department, whether temporary or permanent in character, shall be made until a determination as to whether an applicant is a resident of the town and a veteran, in which event such applicant shall be given preference.

8-2-4 The chief of police shall be responsible for the administrative policy of his department, subject to the direction of the town manager.

8-2-5 The chief of police shall have the complete responsibility within his framework for the maintenance of law and order within the limits of the town.

8-2-6 The chief of police shall have full charge and custody of all the equipment of the police department.

8-2-7 The chief of police shall have complete command of all personnel assigned to the police department and shall outline and assign their police duties and working hours, with union contract.

8-2-8 The chief of police shall submit reports as directed to the town manager, who in turn shall submit the reports to the board of selectmen at such intervals as the board may direct.

8-2-9 The chief of police shall appoint a police officer who shall be next in command to the chief, and who shall assume the duties of chief when the chief is absent or incapacitated.

Section 3: The Fire Department

8-3-1 The town manager shall appoint not more than seven members of a board of fire engineers for a one year term, who shall in turn appoint a fire chief from the board of fire engineers.

²Amended by Ch. 193 Acts of 1997, approved November 26, 1997

8-3-2 The fire chief shall submit reports as directed to the town manager, who in turn shall submit the reports to the board of selectmen at such intervals as the board may direct.

Chapter 9

FINANCIAL PROCEDURES

Section 1: The Annual Budget

9-1-1 For the purpose of enabling the town manager to make up the annual estimate of expenditures, all boards, officers, and committees shall, upon his or her written request, furnish all information in their possession and submit to him or her in writing a detailed estimate of the appropriations required for the efficient and proper conduct of their respective departments during the next fiscal year.

9-1-2 ³On or before the third Monday of December in each year, the town manager shall submit to the board of selectmen a careful, detailed estimate in writing of the probable expenditures of the town government for the ensuing fiscal year, stating the amount required to meet the interest and maturing bonds and notes or other outstanding indebtedness of the town and showing specifically the amount necessary to be provided for each fund and department, together with a statement of the expenditures of the town for the same purposes in the two preceding years and an estimate of the expenditures for the current year.

9-1-3 The town manager shall also submit a statement showing all revenues received by the town in the two preceding fiscal years and an estimate of the amount of income from all sources of revenue exclusive of taxes upon property in the ensuing year.

9-1-4 The town manager shall also submit a budget message which shall:

- (a) explain the budget both in fiscal terms and in terms of work programs;
- (b) outline the proposed financial policies of the town for the ensuing fiscal year;
- (c) describe the important features of the budget;
- (d) indicate any major changes from the current year in financial policies, expenditures, and revenues, together with the reasons for such changes;
- (e) summarize the town's debt position; and
- (f) include such other material as the town manager deems appropriate.

9-1-5 ⁴The board of selectmen shall consider the tentative budget submitted by the town manager and make such recommendations relative thereto as they deem expedient and proper in the interests of the town. On or before the thirty-first day of January of each year the board of selectmen shall transmit a copy of the budget together with their recommendations relative thereto to each member of the finance committee.

9-1-6 The board of selectmen and the finance committee shall jointly hold one or more public hearings on the proposed budget not less than twenty-one days before the town meeting at

³Amended by Ch. 178 Acts of 1998, approved July 21, 1998

⁴Amended by Ch. 178 Acts of 1998, approved July 21, 1998

which it is to be submitted for adoption.

9-1-7 The town manager shall present the budget, including the budget adopted by the school committee, to the town meeting.

9-1-8 The budget shall first be subject to amendments, if any, proposed by the finance committee before any other amendments may be proposed.

9-1-9 The town meeting shall adopt the budget, with or without amendments, at the annual town meeting.

Section 2: The Capital Improvement Program

9-2-1 The town manager shall prepare a five-year capital improvements program which shall include:

- (a) a clear summary of its contents;
- (b) a list of all improvements proposed to be undertaken during the next five fiscal years, together with supporting data, including:
 - (1) acquisition and construction, including expansion of existing facilities;
 - (2) repairs and major maintenance; and
 - (3) replacement program, including existing equipment and vehicles;
- (c) cost estimates, methods of financing, and recommended time schedules; and
- (d) the estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

9-2-2 The above information may be revised and extended each year with regard to capital improvements pending or in the process of construction or acquisition.

9-2-3⁵The town manager shall submit the capital improvements program to the board of selectmen by the third Monday of December prior to the annual town meeting. The board of selectmen shall act thereon or before the thirty-first day of January and shall then submit it to the finance committee, which shall issue its recommendations as part of its printed report on the annual budget.

9-2-4 The finance committee shall publish, in one or more newspapers of general circulation in the town, the general summary of the capital program and notice stating:

- (a) the times and places where copies of the capital improvement program are available for inspection; and
- (b) the date, time, and place, not less than seven days following such publication, when the committee shall conduct a public hearing on said program.

9-2-5 The board of selectmen shall present the capital improvements program to the annual town meeting.

⁵Amended by Ch. 178 Acts of 1998, approved July 21, 1998

Section 3: Publication of Financial Information

9-3-1 The budget and the capital improvements program shall be public records, published in the town report, and copies shall be kept available for inspection at the office of the town clerk and at the public library.

Section 4: Collections and Disbursements

9-4-1 Except as otherwise provided by general law, all monies and fees received by the town or by any division, department, officer or employee thereof, shall, upon their receipt by such division, department, officer or employee, be paid daily into the town treasury.

9-4-2 Warrants for the payment of town funds, prepared and signed by the town accountant in accordance with general law procedures, shall be submitted to the town manager, and his or her approval thereof shall be sufficient authorization for payment by the town treasurer. At least three selectmen shall approve all warrants in the event of a vacancy in the office of town manager.

Section 5: Lapse of Appropriations

9-5-1 Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned. The purpose of any such appropriation shall be deemed to be abandoned if five years pass without any disbursement for or encumbrance of the appropriation.

9-5-2 In the final three months of any fiscal year, no division, department, commission, office or agency may expend, except for amounts previously encumbered, more than one-twelfth of its annual appropriation in each of those three months, except with the approval of the finance committee.

Chapter 10

TERMINATION OF SERVICE

Section 1: Elected Officials

10-1-1 Any fifty registered voters of the town may file with the town clerk an affidavit duly subscribed as to each signer by a person qualified to administer oaths in the Commonwealth of Massachusetts, which affidavit shall contain the name of the officer sought to be recalled and a complete enumeration of the specific grounds for recall.

10-1-2 No recall petition shall be filed against an officer within three months after he or she takes office, nor, in the case of an officer subjected to a recall election and not recalled thereby, until at least six months after the election at which his or her recall was submitted to the voters of the town has elapsed.

10-1-3 The town clerk shall thereupon deliver to said voters making the affidavit copies of petition blanks demanding such recall, copies of which printed forms he or she shall keep available. The blanks shall be issued by the town clerk with his or her signature and official seal attached thereto. They shall be dated, shall be addressed to whom they are issued, the name or names of the person or persons whose recall is sought, the grounds of the recall as stated in the affidavit, and shall demand the election of the successor in the said office. A copy of the petition shall be entered in a record book to be kept in the office of the town clerk.

10-1-4 The recall petition shall be returned and filed with the town clerk within twenty days after the filing of the affidavit, and shall have been signed by at least ten percent of the registered voters of the town, who shall add to their signatures the street and number, if any, of their residences.

10-1-5 The town clerk shall within twenty-four hours of receipt, submit the petition to the registrars of voters of the town, and the registrars shall forthwith certify thereon the number of signatures which are names of registered voters of the town. If the petition shall be found and certified by the town clerk to be sufficient, he or she shall submit the same with his or her certificate to the selectmen without delay.

10-1-6 The selectmen shall forthwith give written notice of the receipt of the certificate to the officer sought to be recalled and shall, if the officer does not resign his office within five days thereafter, order an election to be held on a date fixed by them not less than seventy-five or more than eighty-five days after the date of the town clerk's certificate that a sufficient petition has been filed; provided, however, that if any other town election is to occur within one hundred days after the date of such certificate, the selectmen shall postpone the holding of the recall election to the date of such other election. If a vacancy occurs in such office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section. Candidates to fill a vacancy shall be

nominated in the same manner as for an annual election.¹

10-1-7 Ballots used in a recall election shall submit the following propositions in the order indicated:

For the recall of [name of officer]

Against the recall of [name of officer]

Immediately at the right of each proposition there shall be a square in which the voter, by making a mark, may vote for either of the propositions. Under the propositions shall appear the word "candidates", the directions to voters required by G.L. c. 54, s 42, and beneath this the names of candidates nominated as hereinbefore provided.

10-1-8 The nomination of candidates, the publication of the warrant for the removal election, and the conduct of the same, shall all be in accordance with provisions of law relating to elections, unless otherwise provided in this section.

10-1-9 An officer sought to be removed may be a candidate to succeed himself or herself, and unless he or she requests otherwise in writing, the town clerk shall place his or her name on the ballot without nomination.

10-1-10 The incumbent shall continue to perform the duties of his or her office until the recall election. If then re-elected or, alternatively, if the recall election shall fail, he or she shall continue in office for the remainder of the unexpired portion of his or her term, subject to recall as before, except as provided in this section. If recalled, and if his or her successor fails to qualify within five days after receiving notification of his or her election, the office shall be declared vacant.

10-1-11 A majority vote of the voters shall be required to recall such elective officer but shall not be effective unless a total of at least twenty-five percent of the electors entitled to vote on the question shall have voted for recall. If such total is not achieved, then the ballots for candidates need not be counted.

10-1-12 No person who has been recalled from an office, or who has resigned from office while recall proceedings were pending against him or her, shall be appointed to any town office or town board within two years after such recall or such resignation.

Section 2: Appointed Officials

¹ Amended by Ch.30, Acts of 1996 effective Feb. 26, 1996

10-2-1 Any non-elected member of a town board may be removed by the appointing authority for good cause, in accordance with the following procedure: (a) A written notice of the intent to remove and a statement of the reasons therefor shall be delivered by registered mail to the last known address of the member sought to be removed. (b) Within fourteen days of delivery of the notice the member may request a public hearing before the appointing authority. (c) If the member fails to request a public hearing, then he shall be discharged forthwith. (d) Such member may be represented by counsel at the hearing, and shall be entitled to present evidence, to call witnesses, and to examine any witness appearing at such hearing. (e) Within ten days after the public hearing is adjourned, the appointing authority may, by a majority vote, remove the member for good cause. (f) A notice of a decision to remove the member and the reasons therefor shall be delivered by registered mail to the last known address of the member. (g) Within fourteen days of delivery of such notice, such member may request a public hearing before the personnel board. (h) If such member fails to request a public hearing, then he shall be discharged forthwith. (i) Such member may be represented by counsel at the hearing, and shall be entitled to present evidence, to call witnesses, and to examine any witness appearing at such hearing. (j) Within ten days after the public hearing is adjourned, the personnel board may, by a two-thirds vote, reinstate such member, but such member shall otherwise be removed.²

10-2-3 Nothing in this section shall be construed as granting a right to such a hearing when a member who has been appointed to a fixed term is not reappointed when his or her original term expires.

Section 3: The Town Manager

10-3-1 The first six months of the term of the town manager shall be considered a trial period, and during this period the board of selectmen may remove the town manager by an affirmative vote of at least three members.

10-3-2 After the town manager has been in office longer than six months, the board of selectmen may initiate his or her removal by adopting a resolution to that effect and delivering a copy to the town manager in person or by registered mail to his or her place of residence.

10-3-3 No such resolution shall be adopted within ninety days following any town election that has resulted in a change in the incumbents on the board.

10-3-4 The adoption of the resolution shall serve to suspend the town manager for a period of no more than forty days.

10-3-5 Within five days following the adoption of such resolution, the town manager may file with the board of selectmen, the board personnel board and the town clerk a written request for a public hearing before the personnel board.

10-3-6 If such hearing is requested, then the personnel board shall advertise the hearing in a newspaper of local circulation in the town, and shall hold the hearing in a public place within two weeks of the request.

10-3-7 The moderator, or if he or she is unable to be present, the chairman of the

²Amended by Ch. 74, Acts of 1993 effective June 18, 1993

personnel board, shall preside at the hearing.

10-3-8 At any such hearing, the reasons for the removal shall first be read aloud. The town manager shall then have the right to respond either personally or through counsel. The board of selectmen and the town manager shall have the right to call and cross-examine witnesses and to subpoena any and all town records.

10-3-9 Within seven days after the public hearing is adjourned the personnel board shall vote at a public hearing whether to reinstate or to remove the town manager. The town manager shall be removed unless at least two-thirds of the personnel board vote to reinstate.

10-3-10 A copy of all notices, requests, and motions adopted by the board of selectmen and the personnel board, and a transcript of the public hearing, if one is held, shall be filed in the office of the town clerk, and shall be a public record.

10-3-11 The town treasurer shall pay from free cash to a town manager who has been suspended, during the period of suspension, an amount equal to that which he or she would have otherwise received as compensation.

10-3-12 The town treasurer shall pay from the funds appropriated to pay the assistant town manager, or from free cash if such funds are insufficient, to a town manager who has been removed, for four weeks severance pay in an amount equal to the compensation which he or she would have otherwise received as compensation.

Section 4: Non-Union Paid Town Employees

10-4-1 The town manager may suspend or discharge any non-union paid town employee as provided herein, except as provided by the state civil service laws, tenure provisions, and this charter.

10-4-2 The town manager may suspend with pay any non-union paid town employee for up to fifteen days for good cause or if the town manager deems the suspension to be necessary to protect the interests of the town. The town manager may, after a hearing, suspend without pay any non-union paid town employee for good cause. (a) Within fourteen days of the conclusion of the period of suspension, an employee who has been suspended may request a hearing before the personnel board, which hearing shall take place within forty days of the request. (b) The employee may be represented by counsel at the hearing, and shall be entitled to present evidence, to call witnesses, and to question any witness appearing at the hearing. (c) Within ten days after the public hearing is adjourned the personnel board shall render its opinion as to whether the suspension was justified, and in the case of a suspension without pay may, by at least a two-thirds vote, restore any or all lost pay.³

10-4-3 The town manager may, after a hearing, discharge any non-union paid town employee for good cause, subject to the following provisions: (a) The town manager shall deliver a written notice of the discharge and a statement of the reasons therefor by registered mail to the last known address of the employee. The employee shall be discharged as of the time of the mailing of said notice. (b) Within fourteen days of mailing of the notice the employee may

³Amended by Ch. 253, Acts of 1991 effective Oct. 9, 1991

request a public hearing before the personnel board, which hearing shall take place within forty days of the request. (c) The employee may be represented by counsel at the hearing, and shall be entitled to present evidence, to call witnesses, and to question any witness appearing at the hearing. (d) Within ten days after the public hearing is adjourned the personnel board, by at least a two-thirds vote, may reinstate the employee and may restore any or all lost pay, but the employee shall otherwise be removed.⁴

⁴Amended by Ch. 253, Acts of 1991 effective Oct. 9, 1991

Chapter 11

TRANSITIONAL PROVISIONS

Section 1: Effective date

11-1-1 Upon adoption by the voters, this revised charter shall take effect on July 1, 1990, except as provided therein.

Section 2: Town Boards

11-2-1 Those elective offices which continue in accordance with this revised charter, the terms of which would have expired on the fourth Tuesday in April, shall continue to serve until the first Tuesday in May, or until their successors have been qualified.

11-2-2 The appointed board of library trustees shall continue in service and continue to have its existing powers and duties until it is replaced by an elected board of library trustees on May 7, 1991.

11-2-3 The members of the charter enforcement commission shall be elected on May 7, 1991. The two candidates receiving the highest number of votes shall have terms of three years, the two candidates receiving the next highest number of votes shall have terms of two years, and the candidates receiving the next highest number of votes shall have a term of one year. The moderator shall appoint members of the charter enforcement commission to serve until May 7, 1991.

11-2-4 The members of the elected board of library trustees shall be elected on May 7, 1991. The two candidates receiving the highest number of votes shall have terms of three years, the two candidates receiving the next highest number of votes shall have terms of two years, and the candidate receiving the next highest number of votes shall have a term of one year.

11-2-5 A vacancy on an appointed town board created by the adoption of this revised charter shall be filled by the appointing authority before January 1, 1991.

11-2-6 All committees, commissions, departments, officers, and other agencies of the town shall continue to perform their duties until reappointed, reelected, or until successors to their respective positions are duly appointed or elected or their duties have been transferred.

11-2-7 The building committee, the licensing board, the personnel board, and the water and sewer board shall assume their powers and duties as of January 1, 1991.

11-2-8 The provisions of section 3-4-4 shall not apply to any service on a town board prior to July 1, 1990.¹

¹Amended by Ch. 253, Acts of 1991 effective Oct. 9, 1991

Section 3: The Town Manager and Paid Employees

11-3-1 The board of selectmen shall establish an employment contract with the town manager, as provided in section 4-4-1, before April 23, 1991.

11-3-2 The assistant to the town manager shall become the assistant town manager and the position of assistant to the town manager shall be abolished on July 1, 1990.

11-3-3 Any person holding an office or position in the administrative service of the town shall retain such office or position and shall continue to perform his or her duties until provisions shall have been made in accordance with this revised charter for the performance of the said duties by another person or agency; provided, however, that no person in the permanent full time service or employment of the town shall forfeit his or her pay grade or time in service. All such persons shall be retained in a capacity as similar to their former capacity as it is practical to do so.

Section 4: Laws, Contracts and Litigation

11-4-1 All special acts, by-laws, resolutions, rules, regulations, and votes of the town meeting in force on the effective date of this revised charter not inconsistent with its provisions shall continue in force until amended or repealed, including, if any, by-laws which have been passed, amended, or repealed, or passed and approved or pending approval by the Attorney General but which have not been published.

11-4-2 All contracts, leases, franchises and obligations entered into by the town or for its benefit prior to the effective date of this revised charter shall continue in full force and effect.

11-4-3 No action or proceedings, civil or criminal, in law or in equity, pending at the time this revised charter takes effect, brought by or against the town or any office, department or other agency thereof, shall be affected or abated by the adoption of this revised charter.

Section 5: Records and Property

11-5-1 All records, property and equipment whatsoever of any office, department, or agency or part thereof, the powers and duties of which are assigned in whole or in part to another office or agency, shall be transferred forthwith to the office, department, or agency to which such powers and duties are assigned.

Appendix A

TABLE OF ACCEPTANCES

GENERAL AND SPECIAL ACTS OF THE LEGISLATURE

General Laws citation MGL C._§ _	Added, amended by		Date of Action E= election T= town meeting	Result of Action	Topic/Title of Legislation
	Chapter	Acts of			
C.39, §23D			2006 (T) November STM	accept	Town Board quorums at adjudicatory hearings.
C.137	137	2003, as amended	2006 (T) November STM	accept	Military Leaves of Absence.
C.83B §§16A through 16F			2004 (T) October STM	accept	Acceptance of lien upon real estate to secure payment of sewer use charges.
C.44B §3 through 7			2004 (E)	accept	Adoption of the Community Preservation Act.
C.55 §11	55	2003	2004 (E)	accept	Establish Ferry embarkation fee.
C.40 §42J			2004 (T)	accept	Deferral of water charges for low income elderly.
C.90 §20A1/2			2004 (T)	accept	Increase Parking fines (cancels out acceptance of MGL. C.90 §20A).
	408	2002	2003 (E)	accept	Establish property tax exemption for affordable year-round rental housing.
C.59 §2A(a)			2003 (T)	accept	Add new growth properties to tax base 6 months earlier.
C.59 §5 clause 41c			2003 (T)	accept	Adjustments to tax exemption eligibility requirements for those 70 years or older.
C.148 §26g			2003 (T)	accept	Buildings or additions – automatic suppressant or sprinkler systems required for space over 7,500 sq. ft.
C.58 §8c			2002 (T)	accept	Abatement of Tax Title Taxes for Affordable Housing.
C.80 §13B			2001 (T)	accept	Sewer Betterment Assessment Deferral For low-income elderly.
C.32B §4 (2b1/2)			2001 (T)	accept	Credit of time served to Provincetown firefighters with full-time service pension rights. C.32B §4 (2b1/2)
C.59, 41A §5	138	1991	2001 (T)	accept	Increase the maximum income limit for tax deferral.
C.59 §57C			2001 (T)	accept	Allows the Town to send out property tax bills on a

General Laws citation MGL C._§ _	Added, amended by		Date of Action E= election T= town meeting	Result of Action	Topic/Title of Legislation
	Chapter	Acts of			
					quarterly basis.
C.59 §5	181	1995	2000(T)	accept	Abatement exemptions - cost of living increase for surviving spouse, minor child or elderly person.
C.59 §5K			2000(T)	accept	Senior citizen property tax work-off abatement.
C.83 §16G			2000 (T)	accept	Deferral of sewer use charges for owners 65 years old and older.
C.60 § 3D			1999 (T)	accept	Establish town to fund the elderly & disabled of low income
C.40 § 22F			1997 (T)	accept	Setting municipal fees and charges for local license, permits, certificates
C.32 § 85H1/2			1997 (T)	accept	Disability, pensions for call & volunteer fire fighter, reserve, police etc.
C.138,§12	481	1993	1994 (T)	accept	Sale of liqueurs or cordials by common victualers with wine & malt license.
	281	1990	1992 (T)	accept	Abate outstanding bills under \$10.
C.59,§57B			1992 (T)	accept	Single tax bill not in excess of \$50.
C.59,§5	727	1985	1992 (T)	accept	Exempt property up to \$400,000 for veterans organizations
C.60A,§1	597	1982	1992 (T)	accept	Excise tax exemption for POW vehicles
	291	1990	1991 (T)	accept	Enhanced 911 system
C.59,§5 clause 17D	73	1986	1991 (T)	accept	Tax exemption for surviving families & elderly
C.44,§53F½			1991 (T)	accept	Establish a water enterprise fund
C.40,§8J			1991 (T)	accept	Establish a handicapped commission
	626	1989	1990 (E)	<u>reject</u>	Exempt Provincetown Police from Civil Service Law
	245	1988	1989 (T)	accept	Increase the amount of subdivision default funds
	201	1987	1989 (T)	accept	Include legal fees & costs arising out of criminal complaint
	194	1986	1988 (T)	accept	Authorizing a city or town to establish a scholarship fund
	236	1987	1988 (T)	accept	Expenditures of default funds by Planning Board
C.148,§26C			1987 (T)	accept	Automatic smoke or heat detectors
C.59,§5 141C	73	1986	1987 (T)	accept	Relief from impact of revaluation

General Laws citation MGL C._§ _	Added, amended by		Date of Action E= election T= town meeting	Result of Action	Topic/Title of Legislation
	Chapter	Acts of			
C.40,§6A			1987 (T)	accept	Municipal advertising
	640	1985	1986 (T)	accept	Revoking licenses for non-payment of taxes
C.64G,§3A			1986 (T)	accept	Impose 2.3% local room occupancy tax
C.40,§6C			1986 (T)	accept	Snow and ice removal from private ways
	292	1984	1985 (E)	reject	Exempt police department from civil service
	291	1984	1985 (T)	accept	Increase zoning violation penalty
	258	1982	1985 (T)	accept	Tax exemption for blind
	653	1982	1985 (T)	accept	Tax exemption for elderly
C.71,§71E			1983 (T)	accept	Adult education
	790	1982	1982 (T)	accept	Parking funds to reduce tax levy
C.32B,§9E			1982 (T)	accept	Health insurance for retirees
C.32B,§7A			1982 (T)	accept	Health insurance for employees
	339	1981	1982 (E)	accept	Estimated receipts to offset appropriations
	746	1981	1982 (T)	accept	Transferring parking tickets to Town
C.138,§17A			1982 (T)	accept	Additional liquor licenses
C.41,§4A5			1981 (T)	accept	Selectmen act as commissioners of trust funds
C.258,§13			1981 (E)	accept	Indemnify officers appointed or elected
C.40,§22A			1977 (T)	accept	Receipts from parking meters
C.272,§73A			1977 (T)	accept	Remove gravestones for repair
C.90,§20C				accept	Time off for union conventions
	576	1978	1979 (T)	accept	Assessments
C.40,§42G			1979 (T)	accept	Lay pipes on private way
C.148,§56			1979 (T)	accept	Open air parking
C.41,§100F			1978 (T)	accept	Harbormaster indemnification
C.41,§100F			1977 (T)	reject	Harbormaster indemnification
C.41,§100I			1977 (T)	accept	Personal liability indemnification
C.40,§86			1976 (T)	accept	Mutual police aid
C.10,§38	486	1971	1975 (E)	accept	Beano

General Laws citation MGL C._§ _	Added, amended by		Date of Action E= election T= town meeting	Result of Action	Topic/Title of Legislation
	Chapter	Acts of			
C.71,§16			1974 (E)	accept	Regional school district
	497	1968	1975 (T)	accept	Truro wellfield
	802	1972	1974 (T)	accept	State Building Code
	835	1970	1972 (T)	reject	Police pay incentives
	362	1970	1971 (T)	reject	School employees legal counsel
C.90,§20C			1970 (T)	accept	Parking fines
C.40,§22D			1970 (T)	accept	Towing
C.40,§8D			1970 (T)	accept	Creating historical commission
C.85,§11A			1970 (T)	reject	Bicycles
C.71,§16			1970 (T)	accept	Regional school district
C.262,§53			1968 (T)	accept	Comp time police
C.32B			1966 (E)	accept	Insurance for retirees
C.40,§22D			1965 (T)	accept	Towing
C.32B			1965 (E)	accept	Group insurance
	486	1964	1965 (T)	accept	Pensions
	478	1963	1964 (T)	accept	Pensions
C.31,§47			1963 (E)	reject	Civil Service
C.32B			1963 (E)	reject	Group insurance
C.40,§8C			1963 (T)	accept	Conservation commission
C.32B			1962 (T)	accept	Group insurance
C.40,§6B			1962 (T)	accept	Police uniforms
C.40, §§42A- 42F			1958 (T)	accept	Water liens
C.45,§14			1956 (T)	accept	Recreation commission
	624	1952	1953 (T)	reject	Retirement
	78	1953	1953 (E)	accept	Selectmen/Town Mgr Govt
	206	1953	1953 (T)	accept	Town advertising
	508	1938	1953 (T)	reject	Taxi stands

General Laws citation MGL C._§ _	Added, amended by		Date of Action E= election T= town meeting	Result of Action	Topic/Title of Legislation
	Chapter	Acts of			
	537	1951	1953 (T)	accept	Welfare raises
	537	1951	1952 (T)	reject	Welfare salaries
	47	1950	1951 (E)	accept	Board of public works
	166	1946		accept	Contributory retirement
	701	1945	1950 (E)	accept	Civil Service
C.45,§14			1949 (T)	accept	Recreation commission
	318	1946	1948 (T)	accept	Baseball legal on Sunday
	477	1948	1948 (T)	accept	Absentee voting Sec. 1 & 2
	442	1947	1948 (T)	accept	Installing parking meters
C.54,§87			1948 (E)	accept	Civil service
C.121 §26K			1948 (T)	accept	Housing Authority
C.41, §81A to 81J			1947 (T)	accept	Planning Board
	613	1946	1947 (T)	accept	Airport commission
C.32,§28			1946 (E)	accept	Retirement
	723	1945	1946 (T)	reject	Veterans agent
	727	1945	1946 (E)	accept	Equal pay for women
C.131,§105B			1947 (E)	reject	Suspend use of steel traps
C.54,§103A			1941 (T)	accept	Absentee voters
C.147,§32			1940 (T)	accept	Boxing
C.45,§14			1940 (T)	accept	Recreation commission
C.45,§14			1939 (T)	reject	Recreation commission
	169	1938		accept	Recreation advantages
	55	1938	1938 (T)	accept	Lease of wharf
C.152,§69	403	1936	1939 (T)	accept	Workman's comp.
C.139,§1			1935 (T)	accept	Burned buildings
	253	1928	1928 (T)	accept	Town pier
	391	1923	1924 (T)	accept	Water rates

General Laws citation MGL C._§ _	Added, amended by		Date of Action E= election T= town meeting	Result of Action	Topic/Title of Legislation
	Chapter	Acts of			
C.136,§21			1922 (T)	accept	Sunday sports
	516	1922	1923 (E)	accept	Accounting system
C.82,§37			1922 (T)	accept	Building lines
	311	1919		accept	Continuation schools
	293	1916	1919 (T)	accept	Taxis
	104	1916	1916 (E)	accept	Jan. 1 a holiday
	790	1914	1914	accept	Political parties
	688	1914	1914	accept	1/2 day Saturday
	217	1914	1914	accept	Vacations
	807	1913	1913 (E)	accept	Workman's Compensation
	503	1912		accept	Pension laborers
	494	1911	1914 (E)	accept	8 hour day
	483	1907	1907 (T)	accept	Supply water
	276	1889	1905 (T)	accept	Violation water
	158	1871	1893	rescind	Road Commissioners
	154	1882	1892	accept	Public parks
	186	1884	1892	accept	Cemetery gifts
	264	1890		accept	Public Cemeteries
	431	1888	1891	accept	Supt. of schools
	158	1871	1891	accept	Road Commissioners
	186	1884	1891	accept	Cemetery gifts
	386	1890	1891	accept	Election of officials
C.27,§70	203	1883	1887	accept	Overseers of the Poor
C.27,§64	203	1883	1887	accept	Elect Selectmen
C.69,§25			1884	reject	Harbormaster
C.57,§1			1884	accept	Milk inspector
C.101,§1				accept	Suppression of nuisances

General Laws citation MGL C._§ _	Added, amended by		Date of Action E= election T= town meeting	Result of Action	Topic/Title of Legislation
	Chapter	Acts of			
	158	1871	1879	rescind	Road Commissioners
	158	1871	1875	accept	Road Commissioners
	201	1873	1874	accept	Demolition of buildings

Appendix B

TEXT OF CERTAIN SPECIAL ACTS OF THE LEGISLATURE RELATIVE TO THE TOWN OF PROVINCETOWN

Full text of these Acts on file in the Town Clerk's office

<i>Citation</i>	<i>Purpose</i>	<i>Date Enacted</i>	<i>Date accepted (if required)</i>
C. 232 St. 2006	An Act relative to the Historic District Commission as a regulatory board.	August 9, 2006	§3-4-9
St. 2006, C. 14	An act relative to the Board of Assessors of the Town of Provincetown	February 3, 2006	
St. 2002, C.408	An act relative to a property tax exemption for affordable year-round rental housing.	December 19, 2002	May 6, 2003
St. 2002, C.260	An act relative to making perfecting amendments to the Provincetown Public Pier Corp.	August 10, 2002	
St.2002, C.230	An act relative to establishing an Affordable Housing Trust Fund.	August 7, 2002	
St.2002, C.204	An act relative to sewer betterment assessments.	August 5, 2002	
St.2000, C. 13	An act relative to the Provincetown Pier Corporation.	January 28, 2000	
St.2000, C. 43	An act relative to affordable housing in the town of Provincetown.	March 16, 2000	
St.2000, C.134	An act relative to certain borrowing by the town of Provincetown (MacMillan pier)	July 19, 2000	
St.2000, C.157	An act authorizing the town of Provincetown to operate a sewer system. (Wastewater Mgmt District)	July 28, 2000	
St.2000, C.191	An act authorizing a privatized wastewater facility for the town of Provincetown.	August 7, 2000	
St.2000, C.241	An act authorizing the division of capital asset management and maintenance to grant an easement to the town of Provincetown (Portions of route 6).	August 10, 2000	
St.1998, C. 194 Sec.351	Determine valuation of property destroyed by the fire of February 10, 1998.	July 31, 1998	
St. 1998, C. 278	An act authorizing the simultaneous land exchange of certain parcels of land between the town of Provincetown, the Commonwealth and the United States of America.	August 10, 1998	

<i>Citation</i>	<i>Purpose</i>	<i>Date Enacted</i>	<i>Date accepted (if required)</i>
St. 1998, C. 391	An act relative to the room occupancy excise of the town of Provincetown.	November 25, 1998	
St. 1996, C. 178	An act establishing a tourism fund	July 24, 1996	
St. 1995, C. 17	An act authorizing the Town to hold a recall election to coincide with the May 2, 1995 Annual Election	April 24, 1995	
St. 1993, C.133	An act exempting the Provincetown chief of police from the provisions of civil service	August 4, 1993	
St.1993, C. 74	An act changing Charter Sections 3-1-4 and 10-2-1	June 18, 1993	
St. 1992, C. 352	An act adding Charter Section 4-2-7 and changing Section 6-16-3	January 11, 1993	
St. 1991, C. 264	An act relative to direction of bicycle traffic on Commercial Street	October 11, 1991	
St. 1991, C. 252	An act changing Charter Section 5-2-3	October 9, 1991	
St. 1991, C. 253	An act changing Charter Section 3-1-2,3-4-3,3-4-4, 4-4-4,7-2-4,10-4-2,10-4-3 and 11-2-8	October 9, 1991	
St. 1989, C. 200	An act creating the Barnstable County Commission	July 5, 1989	Voted March 27, 1989
St. 1989, C. 626	An act exempting Police Chief and all other positions from Civil Service	December 27, 1989	Defeated April 17, 1990
St. 1986, C. 508	An act relative to the reimbursement of monies expended for Veterans' services	November 4, 1986	
St. 1984, C. 292	An act providing Chief of Police and members of department exempt for Civil Service	November 27, 1984	Defeated April 16, 1985
St. 1981, C. 790	An act authorizing the use of parking receipts to reduce the tax levy	January 13, 1982	October 27, 1982
St. 1979, C. 18	An act relative to action taken at a Special Town Meeting in 1978	March 12, 1979	
St. 1977, C. 419	An act relative to the operation of bicycles on Commercial Street	July 13, 1977	Voted April 18, 1978
St. 1969, C. 300	An act authorizing borrowing money for Harbor Improvement purposes	May 15, 1969	
St. 1965, C. 485	An act authorizing the DPW to convey land of the Commonwealth to certain towns	May 22, 1965	
St. 1964, C. 501	An act providing for height requirements for police	June 10, 1964	Voted July 20,

<i>Citation</i>	<i>Purpose</i>	<i>Date Enacted</i>	<i>Date accepted (if required)</i>
	officers		1964 STM
St. 1962, C. 701	An act conveying certain tidelands in the Town	July 21, 1962	
St. 1961, C. 588	An act conveying certain tidelands	May 27, 1961	
St. 1957, C. 7	An act authorizing use of unexpended balance of a water loan for other water purposes	January 27, 1957	
St. 1957, C. 422	An act authorizing appropriation for celebration of the Mayflower II	June 7, 1957	
St. 1955, C. 139	An act authorizing the Town to borrow money for municipal wharf purposes	March 3, 1955	
St. 1955, C. 397	An act authorizing relocation of the Landing Monument	June 1, 1955	
St. 1955, C. 615	An act establishing the Beach Point Fire Hydrant District	July 28, 1955	
St. 1953, C. 270	An act authorizing the DPW to convey a certain parcel of land (Motta Field)	April 17, 1953	
St. 1953, C. 206	An act authorizing the Town to appropriate money for municipal advertising purposes	March 23, 1953	Voted June 22, 1953 STM
St. 1953, C. 78	An act to establish Selectmen-Town Manager form of government	February 19, 1953	Voted March 30, 1953 Special Election
St. 1952, C. 439	An act authorizing the Town to supply itself with water	June 12, 1952	Voted November 24, 1952 STM
St. 1950, C. 373	An act authorizing the Town to refund indebtedness	May 1, 1950	
St. 1950, C. 47	An act authorizing the Town to establish a Board of Public Works	February 3, 1950	Voted February 12, 1951
St. 1950, C. 768	An act enforcing rules and regulations within the Province Lands in the Town	August 16, 1950	
St. 1949, C. 231	An act authorizing the Town to refund certain indebtedness	April 29, 1949	
St. 1947, C. 476	An act authorizing the Town to construct and operate a sewer system	May 29, 1947	Voted June 26, 1947 STM
St. 1947, C. 314	An act authorizing the sale of a certain parcel of state land	May 2, 1947	

<i>Citation</i>	<i>Purpose</i>	<i>Date Enacted</i>	<i>Date accepted (if required)</i>
St. 1946, C. 70	A resolve establishing a special commission to study storm protection along the coast	June 13, 1946	
St. 1943, C. 439	An act temporarily authorizing fishing of coastal waters	June 5, 1943	
St. 1941, C. 615	An act authorizing the conveyance of a certain parcel of state land	August 4, 1941	
St. 1938, C. 151	An act regulating the taking of fish by means of lights from coastal waters	March 29, 1938	
St. 1938, C. 55	An act authorizing the Town to lease the wharf and certain public landing	February 25, 1938	
St. 1937, C. 372	An act relative to hunting and other uses of the Province Lands	May 23, 1937	
St. 1937, C. 24	An resolve providing for an investigation by the DPW to certain traffic improvements	May 12, 1937	
St. 1930, C. 386	An act authorizing the conveyance of state land to the USA and the Town's cessation of jurisdiction	May 28, 1930	
St. 1930, C. 300	An act providing for mosquito-breeding prevention in the Province Lands	May 10, 1930	
St. 1928, C. 253	An act authorizing the Town to acquire Railroad Wharf etc.	April 18, 1928	Voted May 21, 1928 STM
St. 1928, C. 204	An act providing for forest fire patrol in Barnstable County	April 10, 1928	
St. 1921, C. 389	An act to provide for the taxation of certain property	May 11, 1921	
St. 1920, C. 203	An act to provide further for the reclamation of the DPW of the Province Lands	March 27, 1920	
St. 1919, C. 366	An act to provide for the recognition of the historic importance of the Town	December 17, 1919	
St. 1919, C. 253	An act to provide for expenses for the celebration of the historic importance of the Town	December 23, 1919	
St. 1917, C. 230	An act to provide that a certain highway in the Town shall be maintained as a state highway	May 9, 1917	
St. 1917, C. 21	A resolve to provide for an investigation into changing harbor lines	February 28, 1917	
St. 1916, C. 254	An act making an appropriation for the reclamation of the Province Lands	April 14, 1916	

<i>Citation</i>	<i>Purpose</i>	<i>Date Enacted</i>	<i>Date accepted (if required)</i>
St. 1915, C. 195	An act to make a state highway of the road on the Province Lands	April 21, 1915	
St. 1915, C. 97	A resolve for the protection of certain territory in the Town	May 13, 1915	
St. 1914, C. 112	A resolve to authorize the estimate of improving certain harbors and rivers	June 15, 1914	
St. 1913, C. 415	An act relative to the use of motor boats in the Town	March 29, 1913	
St. 1913, C. 582	An act authorizing the Town to restore certain cemetery trust funds	May 2, 1913	
St. 1913, C. 88	A resolve to provide for repairing a road in the Province Lands	May 13, 1913	
St. 1912, C. 346	An act making appropriations for the reclamation of the Province Lands	March 29, 1912	
St. 1908, C. 545	An act making an appropriation for the reclamation of the Province Lands	May 26, 1908	
St. 1907, C. 470	An act authorizing the Town to raise money for the celebration of the laying of the corner stone of the Pilgrim Monument	June 4, 1907	
St. 1907, C. 483	An act authorizing the Town to supply itself with water	June 7, 1907	Voted October 26, 1907 STM
St. 1906, C. 108	An act authorizing Towns in the County to contribute to the Pilgrim Memorial Monument	February 23, 1906	
St. 1905, C. 396	An act making an appropriation for the reclamation of the Province Lands	May 12, 1905	
St. 1904, C. 352	An act authorizing the Town to borrow money for the Pilgrim Monument	May 20, 1904	
St. 1902, C. 127	A resolve in favor of the Cape Cod Pilgrim Memorial Association	June 27, 1902	