

**Town of Provincetown  
Public Notice  
Amendments to the Provincetown General By-Laws  
May 1, 2021 Annual Town Meeting**

Notice is hereby given that the following amendments to the Provincetown General By-Laws, as voted by the May 1, 2021 Annual Town Meeting, were approved by the Massachusetts Attorney General on August 18, 2021. This notice is published pursuant to Massachusetts General Law C.40§32. Any claims that a zoning by-law is invalid because of a defect in the procedure by which the by-law was adopted or amended may only be made within ninety (90) days of this posting. Copies of the zoning by-laws may be examined and obtained from the Town of Provincetown, Office of the Town Clerk, 260 Commercial St., Provincetown, MA 02657. By-laws are also available for viewing at the Town web site [www.provincetown-ma.gov](http://www.provincetown-ma.gov).

***Article 17. General Bylaw Amendment: Trees and Shrubs: Obstructions in the Public Way.***

To amend the Provincetown General Bylaws Chapter 11, Building Regulations as follows:

**11-6-6. Trees & Shrubs: Obstructions in the Public Ways.**

In order to preserve and promote the safety of the public, no property owner shall permit any hedge, tree, brush or natural growth to encroach within the public way in a manner that becomes a physical or visual obstruction to any vehicle or pedestrian. Each year by April 1<sup>st</sup> and November 1<sup>st</sup>, the Department of Public Works will issue a public notice requiring all property owners to trim or remove such obstructions within two weeks or the Department will remove all obstructions without further notice.

***Article 18. General Bylaw Amendment: Town's Policy Regarding Coastal Resilience and Natural Resource Protection.*** To amend the Provincetown General Bylaws by adding the following section to Chapter 6 as follows:

**6-11. Town's Policy Regarding Climate Change and Natural Resource Protection.** It shall be the Town's Policy that all considerations within Town governance shall include an evaluation of the effect that climate change, coastal resiliency and natural resource protection will have on those decisions, policies and projects.

***Article 19. General Bylaw Amendment: Outdoor Display.*** To amend the Provincetown General Bylaws, Chapter 8-11, Outdoor Display as follows:

**8-11. Outside display**

**8-11-1.** In all districts of the Town there shall be no exhibit, or display of any type of merchandise or wares, for the purpose of advertisement, sale, barter or exchange, or as an inducement thereof, outside of, upon or against any building or screened or open porch, or booth, or cart, or contiguous land, or premises unless approved by the Zoning Enforcement Officer, or specifically excepted as hereinafter provided.

An applicant shall provide a sketch plan of the property showing the street, the property line, and the proposed outside display. The approval shall specify the precise number and generic type (e.g. clothing, children's toys, newspapers and magazines, lawn care machinery, etc.) of items to be displayed and the exact location thereof indicated on a drawing or plan; any change in content

(i.e. different or additional items) or placement shall require an approval. Under no circumstances shall outdoor display be allowed on any public sidewalk, within the Town's public way or on any other Town-owned property, unless approved by the Select Board, in writing. A menu board or A-frame sign may be permitted under this section. There shall be no mechanical display or exhibit.

Approvals may be granted only if:

- (a) the proposed display does not block legal egress or pedestrian paths nor create any adverse effect due to hazard or congestion;
- (b) The proposed display is an adjunct display to, and for representative merchandise or wares of, a retail sales, service or restaurant establishment located on the same premises;
- (c) the permit holder demonstrates a legal right of access to the proposed outdoor space, through either ownership, lease or written permission of the owner.

Authorization will expire if not exercised for a full year or if the scope of the approval changes in a substantive way, including change of business or change of ownership.

**Article 20. General Bylaw Amendment: Chapter 12 Wetlands Protection Bylaw.** To amend the Provincetown General Bylaws, Chapter 12 as follows:

## 12. WETLANDS PROTECTION BYLAW

### 12-5. Notice and Hearings.

#### 12-5-1. Notice.

12-5-1-1. Permit Application. Any person filing a permit application with the Commission pursuant to Section 12-4-1 at the same time shall give written notice thereof, by hand delivery or certified mail, return receipt requested, or by certificates of mailing to all abutters at their mailing addresses shown on the most recent applicable tax list of the assessors, including owners of land directly opposite on any public or private street or way, and abutters to the abutters within 100 feet of the property line of the applicant, including any in another municipality or across a body of water. The notice to abutters shall have enclosed a copy of the permit application or request, with plans, or shall state where copies may be examined and obtained by abutters. An affidavit of the person providing such notice, with a copy of the notice mailed or delivered, shall be filed with the Commission.

12-5-1-2. Request for Determination. Upon receipt of an RFD submitted pursuant to Section 12-4-2, written notice thereof shall be given by the Town of Provincetown by hand delivery or mail to all abutters at their mailing addresses shown on the most recent applicable tax list of the assessors, including owners of land directly opposite on any public or private street or way, and abutters to the abutters within 100 feet of the property line of the applicant, including any in another municipality or across a body of water. The written notice shall state the date, time, and location of the public hearing and where copies of the RFD may be examined or obtained. When a person requesting a determination is other than the owner, the request, the notice of the hearing, and the determination itself shall be sent by the Commission to the owner as well as to the person making the request.

Emmett Catanese  
Provincetown Town Clerk

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