

MENEMSHA BULKHEAD AREA RULES AND REGULATIONS: 3/9/17
As adopted by the Select Board 4/4/17

These Rules and Regulations enumerate proscribed and prescribed Leasehold provisions in the section entitled **Use of the Bulkhead including alteration of structures** as well as general provisions directing activities of the Committee and tenants in the section entitled **Administrative**.

Use of the Bulkhead including alteration of structures

1. No tenant shall sublet or permit any other person or persons to occupy or use the leased premises except with the prior written approval of the Committee.
2. No tenant shall make or suffer to be made any additions or alterations to the leased premises except with the prior written approval of the Committee, in addition to such other approvals as may be required by law, if any.
3. Each tenant desiring to renew their lease shall make application on or before December 1 of each year for such renewal. Such application shall state the tenant's anticipated activities during the year of their lease to engage in or support commercial fishing, and their plans for future activity; and no renewal shall be granted by the Committee absent a satisfactory showing of compliance with the provisions of this lease and a finding that tenant's activities are in furtherance of the Town's Master Plan goals relative to commercial fishing. Any requested changes to lists of items approved for sale are to be included in the application for renewal.
4. Upon the expiration of a lease and any renewal thereof, if any, as may be granted, the tenant shall quit and deliver the leased premises to the Town at the end of the term in good order and condition and free of all personal property, debris and rubbish.
5. If the tenant is a commercial establishment, the tenant may only sell or offer for sale such items as are on the approved list of items for sale attached hereto and made a part hereof.
6. Designated representatives of the Town may enter to view and make improvements and/or to expel the tenant if the tenant shall fail to pay the rent, or in case of a breach of any covenants herein on the part of the tenant.
7. It is the responsibility of each tenant to maintain the leased premises (including any structure(s) thereon) in a manner that is sanitary, safe to the public and harmonious with the visual character of the area.
8. The tenant shall hold the Town harmless from any damages that may be assessed against it in connection with entry onto the leased premises by tenant, tenant's agents and invitees, and/or the use, operation and/or maintenance of the leased premises by the tenant.

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9. If at any time during the term of this Lease, or any extension or renewal thereof, in the judgement of the Committee, the best interests of the Town require the removal of any building or personal property located on a lot, the Committee shall give written notice to the tenant and the tenant shall remove such building and/or personal property at his/her own expense from the leased premises within 30 days of receipt of such notice. If the tenant fails to remove the building and/or personal property within said 30 days, it is hereby agreed that the title and ownership of such building and/or personal property shall automatically vest in the Town at the expiration of the 30 day period, and the Town may take such action regarding such property as it deems appropriate without incurring any liability to the tenant therefor. The Committee may approve a time period more than 30 days to vacate the leased premises, with advance notice.
10. No signs or billboards are to be allowed on buildings other than trade names except as shall be in compliance with Town bylaws relating to signage and with the written approval of the Committee.
11. Leased premises are to be kept free of litter.
12. No sleeping quarters are to be maintained on the leased premises, nor overnight occupancy permitted.
13. The walk in front of the Bulkhead is to be kept free and clear.
14. No storage of boats, vehicles or motors on the property without prior written Committee approval.

Administrative

1. When Town lots become available, written notice will be posted and applications of Chilmark residents may be sent to the Committee. If there are multiple applicants for a vacant lot, the Committee shall choose a tenant on the basis of the tenant's ability to contribute to the commercial fishery.
2. No lease on the Bulkhead may be given to any but one who is a Chilmark resident for at least ten months a year, or for any business that will be managed by anyone other than one who is a Chilmark resident for at least ten months a year; except that the Committee may by unanimous vote suspend this provision where the Committee finds that the benefits to commercial fishing require such suspension and that no Chilmark Lessee or viable Chilmark Manager is available. Any suspension shall be for a one year duration and may be extended following a new evaluation and vote.

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3. Leases will be limited to one year.
4. No more than one lot may be leased to an individual.
5. No new business is to be allowed on the Bulkhead that will be in competition with those already established on private land in Chilmark as of June 1, 1970.
6. Only one gas station will be permitted on the Bulkhead and it shall be a condition of tenancy that such gas station will be open for business every day of the year except when appropriate.
7. Only one marine repair will be permitted on the Bulkhead.
8. All buildings are to be shingled and have gabled roofs to retain the visual character of the area. Exceptions require prior Committee written approval.
9. No buildings or additions are to be constructed closer than ten (10) feet to the lot lines except with written permission of the Committee.
10. No tenant shall be a member of the Committee.
11. No rule, regulation or Lease provision may be changed except by the unanimous approval of the Committee.

Note:

List of items permitted for sale by Larsen's Fish Markets (winter and summer)

List of items permitted for sale by Menemsha Fish Market (winter and summer)

List of items permitted for sale by Menemsha Texaco

List of items permitted for sale by Menemsha Fish House