

HALIFAX CODE

PREFACE

Named for the English Duke of Halifax, the Town of Halifax, Massachusetts, was incorporated on July 4, 1734. The Town, located in an area once crowded with forests, ponds, wetlands and open meadows, still prides itself on maintaining the useful things of its past while keeping a practical eye on the future. Shoemaking, shipbuilding, mining, cloth manufacture and agriculture have all been a part of the Town's commercial history. Many communities may have found such a constant shift of interest to be detrimental to population growth, but Halifax has grown steadily, with founding families remaining and new families moving into the area to share in the expansion of this historic community. The Town of Halifax has, like many other municipalities, passed through the struggles that characterize all American communities in their early history. While only a few simple laws were necessary at the time of the incorporation of the Town, subsequent growth of the community, together with the complexity of modern life, has created the need for more and detailed laws for the proper function and government of the Town. The recording of local law is an aspect of municipal history, and as the community develops and changes, review and revision of old laws and consideration of new laws in the light of current trends must keep pace. The orderly collection of these records is an important step in this ever-continuing process. Legislation must be more than mere chronological enactments reposing in the pages of old records. They must be available and logically arranged for convenient use and must be kept up-to-date. It was with thoughts such as these in mind that the following codification of bylaws and rules and regulations was ordered.

Contents of Code

The Code contains the bylaws adopted by the Town Meeting as well as the rules and regulations adopted by the Board of Selectmen, the Board of Health and the Planning Board. Also contained in the Code are rules and regulations adopted by other boards or persons authorized to do so by statute or Town law.

Division of Code

The Code is divided into four major parts known as "Divisions." Division 1 contains the bylaws adopted by the Town Meeting. This Division is further broken down into Parts I and II; Part I, Administrative Legislation, contains all bylaws of an administrative nature, namely, those dealing with the administration of government, those establishing or regulating municipal departments and those affecting officers and employees. Part II, General Legislation, contains all bylaws of a regulatory nature. Bylaws in this part generally impose penalties for violation of their provisions, whereas those in Part I do not. Division 2 contains the regulations adopted by the Board of Selectmen. Division 3 contains the regulations promulgated by the Board of Health, Division 4 contains other miscellaneous regulations such as the Subdivision Regulations promulgated by the Planning Board.

Grouping of Legislation and Arrangement of Chapters

The bylaws and other rules and regulations are organized into chapters, their order being alphabetical progression from one subject to another. Wherever there are two or more ordinances dealing with the same subject, they are combined into a single chapter. Thus, for example, all bylaws dealing with streets and sidewalks may be found in the chapter entitled "Streets and Sidewalks."

Table of Contents

The Table of Contents details the arrangement of material by chapter as a means of identifying specific areas of legislation. Wherever two or more bylaws or rules or regulations have been combined by the editors into a single chapter, the titles of the several articles are listed beneath the chapter title in order to facilitate location of the individual enactments.

Reserved Chapters

Unassigned chapter numbers do not appear in the Table of Contents but are available for assignment to new enactments. In this manner, new subject matter can be included alphabetically.

Pagination

A unique page-numbering system has been used in which each chapter forms an autonomous unit. The first page of each chapter is the number of that chapter followed by a colon and the numeral "1." Thus, Chapter 6 would begin on page 6:1. By the use of this system, it is possible to add or to change pages in any chapter, or add new chapters, without affecting the sequence of subsequent pages.

Numbering of Sections

A chapter-related section-numbering system is employed in which each section of every ordinance is assigned a number which indicates both the number of the chapter in which the legislation is located and the location of the section within the chapter. Thus, the first section of Chapter 13 would be § 13-1, while the sixth section of Chapter 193 would be § 193-6.

Scheme

The Scheme is the list of section titles which precedes the text of each chapter. These titles are carefully written so that, taken together, they may be considered as a summary of the content of the chapter. Taken separately, each describes the content of a particular section. For ease and precision of reference, the Scheme titles are repeated as section headings in the text.

Chapter Histories

At the end of the Scheme in each chapter is located the legislative history for that chapter. This History indicates the specific legislative source from which the chapter was derived and its date of adoption. In the case of chapters containing articles derived from more than one item of legislation, the source of each article is indicated in the History.

General References

In each chapter containing material related to other chapters in the Code, a table of General References is included to direct the reader's attention to such related chapters.

Appendix

Certain forms of local legislation do not fall into the categories established for Divisions 1 through 4 of the Code but are of such significance that their application is community-wide or their provisions are germane to the conduct of municipal government. The Appendix of this Code is reserved for such legislation and for any other material that the municipality may wish to include.

Index

The Index is a guide to information. Since it is likely that this Code will be used by persons without formal legal training, the Index has been formulated to enable such persons to locate a particular section quickly. Each section of each chapter has been indexed. The Index should be supplemented and revised from time to time as new legislation is added to the Code.

Supplementation

Supplementation of the Code will follow the adoption of new legislation. New ordinances and amendments will be included and repeals will be indicated as soon as possible after passage.

Statutory References

References to the Massachusetts State laws used in this Code are the Annotated Laws of Massachusetts.

Acknowledgment

The editor wishes to acknowledge the generous assistance of those Town officials who helped make this codification project a successful one.

The codification of bylaws and rules and regulations of the Town of Halifax reflects an appreciation of the needs of a progressive and expanding community. As in many other municipalities, officials are faced with fundamental changes involving nearly every facet of community life. Problems increase in number and complexity and range in importance from everyday details to crucial areas of civic planning. It is the profound conviction of the General Code that this Code will contribute significantly to the efficient administration of local government. As Samuel Johnson observed, "The law is the last result of human wisdom acting upon human experience for the benefit of the public."

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