

A. OLD BUSINESS (Public Hearing) (Roll Call Majority Full Council)

BARNSTABLE TOWN COUNCIL

**ITEM# 2024-099
INTRO: 02/15/2024, 03/07/2024**

**2024-099 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I
GENERAL ORDINANCES, CHAPTER 1 GENERAL PROVISIONS, ARTICLE I
NONCRIMINAL ENFORCEMENT OF VIOLATIONS**

ORDERED: That the Code of the Town of Barnstable, Part I General Ordinances, Chapter 1 General Provisions, Article I Noncriminal Enforcement of Violations, be amended by striking Section 1-5 in its entirety and inserting the following new Section 1-5 in its place:

“§1-5. Fines for violations of Town Manager’s regulations.

Offense	Fine
Herring Regulations	
Taking herring or alewives on a closed day	\$100
Failure to remove fish caught	\$100
Obstructing passage of herring or alewives	\$100
Shellfishing Rules and Regulations	
Shellfishing without a valid permit	\$200
Taking of shellfish during a closed season	\$100
Taking of shellfish on a closed day	\$100
Removing shell from shellfish before coming ashore	\$75
Taking shellfish in excess of family weekly limit	\$100
Taking sea worms on a Saturday	\$15
Taking sea worms in excess of 100 per family per week	\$15
Selling shellfish, sea worms or eels with a family permit	\$75
Failure to visibly display permit while shellfishing	\$15
Transfer of family permit	\$75
Shellfishing under 12 years old without licensed adult	\$15
Shellfishing in closed area	\$100
Damaging public and/or private culturing gear in a closed area	\$100
Taking shellfish in excess of commercial daily limit	\$300
More than five commercial permits per boat	\$75
Commercial possession of more than 5% seed per batch of shellfish	\$300
Recreational possession of more than 5% seed per batch of shellfish	\$100
Taking scallops without a well-defined annual growth ring	\$75
Using other than tools permitted for shellfishing	\$75
Use of scallop dredge in excess of 32 inches width	\$75

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SUMMARY

TO: Town Council
THROUGH: Mark S. Ells, Town Manager
FROM: Derek Lawson, Director of Marine and Environmental Affairs
DATE: February 15, 2024
SUBJECT: Amending the Code of the Town of Barnstable, Part I General Ordinances, Chapter 1 General Provisions, Article I Noncriminal Enforcement of Violations

BACKGROUND: The Town Ordinances, as they pertain to fines for violations of the Herring, Shellfish and Dog Control regulations, are outdated. Staff has reviewed other Cape Cod towns and are proposing to adjust our fines to be more in line with our neighbors.

RATIONALE: Proposed fine changes reflect the need for increased monetary fines for more frequent offenses. Shellfish violations that are becoming more frequent include harvesting shellfish without a permit, harvesting during a closed season and harvesting during a closed day of the week. Further, the taking of shellfish from a private grant is a serious offense and, as such, deserves a significant fine. With regards to Dog Control, we are proposing a two-level approach for first and second offenses of dogs off leash, barking dogs and dogs on beaches and recreation areas violations. The proposed changes are set forth below.

Shellfish Changes

Offense	Fine
Herring Regulations	
Taking herring or alewives on a closed day	\$50 \$100
Failure to remove fish caught	\$50 \$100
Obstructing passage of herring or alewives	\$100

Shellfishing Rules and Regulations

Shellfishing without a valid permit	\$50 \$200
Taking of shellfish during a closed season	\$50 \$100
Taking of shellfish on a closed day	\$75 \$100
Removing shell from shellfish before coming ashore	\$75
Taking shellfish in excess of family weekly limit or the amount allowed on a special family permit	\$75 \$100
Taking scallops in excess of family weekly limit	\$75
Taking scallops in other than designated area	\$75
Taking sea worms on a Saturday	\$15
Taking sea worms in excess of 100 per family per week	\$15
Selling shellfish, sea worms or eels with a family permit	\$75
Failure to visibly display permit while shellfishing	\$15
Transfer of family permit	\$75
Shellfishing under 12 years old without licensed adult	\$15
Shellfishing in closed area and/or damaging public and/or private culturing gear in a closed area	\$100
Taking shellfish in excess of commercial daily limit	\$300