

## **TOWN OF CHATHAM SHELLFISH RULES AND REGULATIONS**

### **SECTION 101. AUTHORITY**

(A) The Selectmen of the Town of Chatham acting under the authority granted them by the acceptance of Article 16 of the Annual Town Meeting held February 17, 1942, and by the provision of Massachusetts General Laws, Chapter 598, Sections 52 and 54 of the Acts of 1941; Chapter 130, Section 52, and by any other statutes of the Commonwealth of Massachusetts, do hereby promulgate the following rules and regulations concerning the taking of quahaugs, mussels, softshell clams, sea clams, oysters, razor clams, scallops, eels and sea worms.

(B) These rules and regulations supercede any previously issued shellfish rules and regulations and shall continue in force until amended, rescinded or replaced under MGL Chapter 130, or by rules and regulations adopted by the Board of Selectmen, or until their authority to promulgate and enforce shellfish rules and regulations is repealed.

(C) Amendments, special provisions, closed areas, and seasonal rules and regulations are posted in three public places including the shellfish bulletin board at the Town Offices, or by publishing the same once in a newspaper published in the Town of Chatham.

### **SECTION 102. APPLICABILITY**

(A) All persons harvesting or taking shellfish from the flats or waters of the Town of Chatham are subject to the provisions of these regulations.

### **SECTION 103. SEVERABILITY**

(A) In the event that any provision, section or clause of these rules and regulations is judicially found to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portion of these rules and regulations.

### **SECTION 104. DEFINITIONS**

(A) Except as specially defined in these rules and regulations, all words used in these rules and regulations carry their customary meaning. Words used in the present tense include the future, and the singular includes the plural. The word "person" includes individual, partnership, association, corporation, company or entity.

(B) In these rules and regulations –

1. **"Board"** means the Board of Selectmen of the Town of Chatham.
2. **"Boat"** (see vessel).
3. **"Bushel"** means a quantity equivalent to 32 quarts of wet measure or that contained in four (4) level, eight (8) quart pails.
4. **"Calendar/shellfish week"** means a seven day period beginning on Sunday and ending the following Saturday.
5. **"Clam"** means a marine mollusk of the species *Mya arenaria*, commonly called the softshell clam or steamer. See also **"seed clam."**
6. **"Closed Area"** means a closed season for any or all kinds of shellfish in such waters, flats, or creeks deemed necessary or expedient by the Shellfish Constable, subject to approval by the Board, to plant, grow, and protect shellfish.
7. **"Closed season"** means a time (hours, days, weeks or months) during which shellfish cannot be lawfully harvested.
8. **"Commercial"** means the taking and selling of shellfish harvested from the waters of the Town.
9. **"Commercial Fisherman Permit"** (Shellfish specially endorsed) means a permit issued to an individual by the Massachusetts Division of Marine Fisheries expressly for the purpose of harvesting shellfish and offering it for sale.
10. **"Commercial Shellfish Permit"** means the permit issued by the Town to an individual over the age of 13 expressly for the purpose of harvesting and offering shellfish for sale.
11. **"Eel"** means a catadromous marine animal of the species *Anguilla rostrata*, commonly known as the American Eel.
12. **"Elver"** means an eel under 4" in length, also known as a juvenile eel.
13. **"Family"** means a husband, wife, and dependent, providing they are living in the same dwelling and the dependent has not reached the age of 21. (See immediate family.)
14. **"Family permit"** means the permit issued by the Town of Chatham to a member of a family expressly for the purpose of harvesting shellfish for domestic, non-commercial use.
15. **"Head of Family"** means the person who assumes the responsibility for the family and is so recognized by the Board.
16. **"Immediate Family"** means member living with and supported by a head of household/family permit holder on a year-round basis. (See "family," "Family permit," and "head of family.")
17. **"Junior Commercial Permit"** means a commercial shellfish permit issued by the Board to a resident of Chatham over 13 years of age who is currently a student at a Junior or Senior High School.
18. **"Marine Worm"** means any specie of worm used for bait purposes, including what is commonly known as seaworm, sandworm, bloodworm, ribbonworm. (No size limit.)
19. **"Mussel"** means a marine mollusk of the species *Mytilus edulis*, commonly known as the blue mussel, or of the species *Modiolus demissus*, commonly known as the brown, ribbed mussel. (See also "seed mussel.")

20. "Non-Resident" means a person who is not domiciled in the Town of Chatham or does not own real estate in the Town of Chatham.
21. "Oyster" means a marine mollusk of the species *Crassostrea virginica* commonly known as the American oyster. (See also "seed oyster.")
22. "Quahaug" means a marine mollusk of the species *Mercenaria mercenaria*, commonly known as a hard-shelled clam, little neck or cherrystone. (See also "seed quahaug.")
23. "Razor Clam" means a marine mollusk of the species *Ensis directus*, also known as the common razor clam or the little green razor clam. (See also "seed razor clam.")
24. "Resident" means any person who is domiciled in the Town of Chatham or who owns real estate in the Town of Chatham.
25. "Scallop" means a marine mollusk of the species *Argopecten irradian*, commonly known as the Cape scallop, Bay scallop or blue-eyed scallop. (See also "seed scallop.")
26. "Sea Clam" means a marine mollusk of the species *Spisula solidissima* commonly known as the surf clam. (See also "seed sea clam.")
27. "Seed clam" means a clam of a size less than two inches in longest length.
28. "Seed mussel" means a mussel of a size less than two inches in the longest length.
29. "Seed oyster" means an oyster of a size less than three inches in the longest length.
30. "Seed quahaug" means a quahog of a size less than one inch shell thickness (hinge width).
31. "Seed razor clam." There is no size limit for razor clams.
32. "Seed scallop" means a scallop without a well defined raised annulus or growth ring.
33. "Seed sea clam" means a sea clam of a size less than five inches in the longest length when taken by both commercial and recreational permit holders.
34. "Seed/juvenile shellfish" means seed clams, elvers, seed mussels, seed oysters, seed quahaugs, seed scallops and seed sea clams.
35. "Shellfish" means clam, eel, marine worm, mussel, oyster, quahaugs, razor clam, sea clam and scallop.
36. "To shellfish" means to take, or attempt to take or harvest shellfish by any method or means, whether or not such method or means results in the taking or harvesting of shellfish.
37. "Tote" means a plastic container measuring 18" in length, 10 ½ " in height, and 12 1/4" in width (+/- 1/4"), holding one level bushel of scallops (shellfish) in the shell. All totes used for commercial scalloping or shellfishing must be approved by the Shellfish Constable and are subject to inspection at any time.
38. "Town" means the Town of Chatham, Massachusetts.
39. "Vessel" means every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on the water.
40. "Waters" means all the waters of the Town subject to the ebb and flow of the tide out to the three-mile limit of marine jurisdiction.

#### SECTION 201. REQUIREMENTS TO OBTAIN SHELLFISH PERMITS

- (A) For all classes of permits, it shall be the burden of the applicant, to the satisfaction of the issuing authority, the Board or their agent, to prove place of domicile or real estate ownership.
- (B) For a family permit, it shall be the burden of the applicant, to the satisfaction of the issuing authority, the Board or their agent, to prove family membership for each individual entitled to use the family permit.
- (C) Instruments of proof may consist of a current real estate tax receipt, inclusion in the roles of a current assessor's list, inclusion in the roles of a current census list, children's enrollment in a school system, a valid driver's license, a valid automobile registration, current rent receipts and/or current utility bill receipts showing address and/or other instrument deemed expedient or necessary by the issuing authority.
- (D) Permits shall be valid when signed by one member of the Board.

#### SECTION 202. FAMILY PERMIT REGULATIONS

\*NOTE: See also Sec. 104., 13, 14, 15, 16, 20, and 24

- (A) A resident family permit shall be issued to any resident who is head of family. The head of family shall provide, upon request, the names of all family members entitled to use said permit.
- (B) A non-resident family permit shall be issued to any non-resident who is head of family. The head of family shall provide, upon request, the names of all family members entitled to use said permit.
- (C) Family permits shall be issued beginning on June 1 of each year and shall expire on May 31<sup>st</sup> of the year following their issuance.

#### SECTION 203. COMMERCIAL PERMIT REGULATIONS

(A) The taking and selling of shellfish shall be deemed to be commercial. No person holding a family permit only will sell or offer for sale, for money or any other consideration, any shellfish or marine worms for commercial purpose unless he is a holder of a State (Chap. 130, Sec. 80) and Town (Chap. 130, Sec. 52) commercial shellfisherman permit.

(B) No citizen of the United States of America shall be eligible for a commercial shellfish permit, unless he fills the Town of Chatham residency requirements (see separate page) and has been domiciled in the Town of Chatham for at least one year preceding the date of issuance thereof.

(C) All commercial shellfish permit applications must be filed with the Shellfish Constable or the Board between April 1 and May 31 of each calendar year.

(D) Each applicant for a commercial shellfish permit shall be a resident and domiciled in the Town; Commercial permits are valid May 1 of each year and expire on April 30 following the date of issuance.

(E) Residency shall be established by the applicant to the satisfaction of the Board.

(F) The applicant shall provide documentary evidence of residence/domicile, including

1. A current motor vehicle driver's license;
2. A current motor vehicle excise tax bill issued by the Town;
3. A current real estate tax bill issued by the Town;
4. A current lease or rental agreement of the applicant's residence/domicile in the Town;
5. A current voter registration certificate for the Town;
6. A current listing on the Town census or list of persons.

(G) Each application shall be subject to review by the Shellfish Constable and the Board, prior to approval.

(H) All applicants must pay the permit fee for a commercial shellfish permit when application for such permit is submitted.

(J) Holders of a commercial shellfish permit shall not employ any person for wages, shares, or any other considerations, or permit any person to assist in the taking of shellfish, unless said person shall possess a valid, current, commercial shellfish permit issued in the name of said person. This provision shall not apply to a person who is accompanying or operating a boat for a person who has a valid, current, commercial shellfish permit and who is not otherwise actively engaged in or assisting in such fishery.

(K) A Junior commercial shellfish permit may be issued by the Board to a resident of Chatham, who is currently a student at a Junior or Senior High School at the time the permit is applied for.

#### SECTION 204. SENIOR CITIZEN PERMIT

(A) Any resident, domiciled in the Town, seventy (70) years of age or older by May 31 of the year of application, is entitled to a Commercial shellfish permit for a reduced fee.

(B) Any resident seventy (70) years of age or older at the date of permit issuance who is domiciled in the Town or any non-resident seventy (70) years of age or older who owns real estate in the Town is entitled to a Family shellfish permit for a reduced fee.

(C) Those residents domiciled in the Town seventy (70) years or older having received a permit for no fee prior to April 1, 2004, will continue to receive a permit for no fee.

#### SECTION 205. CLASSES OF PERMITS AND FEES

(A) Commercial Shellfish Permit .....	200.00
(B) Junior Commercial Shellfish Permit.....	100.00
(C) Family Shellfish Permit .....	25.00
(D) Non-Resident Family Shellfish Permit.....	80.00
(E) Senior Citizen Resident Family Permit.....	10.00
(F) Senior Citizen Commercial Shellfish Permit .....	50.00

#### SECTION 206. DUPLICATE PERMITS

(A) Duplicate permits shall be issued for any class of permit as a replacement for shellfish permits lost or destroyed. Duplicates shall also be issued to amend any class of permit when the family status or eligibility of a permittee to use the permit changes.

#### SECTION 301. GENERAL CONSIDERATION FOR ALL CLASSES OF PERMITS

(A) No person shall take from the flats or waters of the Town of Chatham, any softshell clams, sea clams, mussels, sea worms, quahaugs, razorfish, oysters, eels, or scallops without first obtaining from the Board of Selectmen a permit to do so. All holders of shellfish permits are subject to rules and regulations governing the taking of shellfish as promulgated by the Town of Chatham. Town of Chatham shellfish permits shall be obtained at Town Offices. New and additional rules and regulations are posted at the shellfish bulletin board, Town Offices.

(B) Permits shall be issued subject to any changes in these provisions, rules and regulations and any amendments thereto that the Board may deem necessary and expedient and so adopted under the provisions of Massachusetts General Law, Chapter 130, Section 52.

(C) Any permittee who violates any of these provisions, rules and regulations may have their shellfish permit suspended or revoked and canceled by the Board by written notice and hearing, if requested by the person to whom the shellfish permit was issued. A copy of such notice shall be filed in the Office of the Board and shall be prima facie evidence that such notice has been given.

(D) Permits are not transferable and no person shall amend, alter, or in any way modify, the information contained on a permit.

(E) Permit holders must carry their shellfish permits and identification upon their persons when shellfishing. Shellfish permits, a valid driver's license, or positive identification must be shown when requested by the Constable or Deputy Constables.

(F) Permit holders upon request shall permit Shellfish Constables to check the size and quantity of shellfish, eels and seaworms.

(G) No person shall take, or have in their possession, seed clams, seed oysters, seed scallops, seed quahaugs, seed mussels and seed sea clams except that a five (5) percent by count of seed by accident, not by design, shall be allowed.

(H) Shellfishing by diving or scuba method is prohibited in all marked water channels in the Town of Chatham during the period between April 1 through October 30.

(I) No person shall shellfish in or take shellfish from a closed, contaminated area, said closure of such contaminated areas posted and advertised as required by law.

#### SECTION 303. CATCH REPORTS

(A) All shellfish permit holders shall file an annual catch report with the Board, Town Offices, stating the amount, specie, place of shellfish harvested and number of persons using the family and non-resident family permit, for the twelve months ending on the preceding May 31. A new permit may not be issued until the catch report has been completed by the permit holder. The information will be held confidential.

#### SECTION 304. SHELLFISH HOURS AND LANDINGS

(A) No person shall take shellfish from the waters and flats within the Town of Chatham during the hours between one-half hour after sunset and one-half hour before sunrise (the exception – see scallop regulations.) All shellfish shall be landed during designated shellfishing hours.

(B) All Chatham shellfish permit holders shall shellfish within the Town boundaries and land all shellfish caught within Town boundaries in the Town of Chatham, unless permission is granted the permit holder by the Shellfish Constable or Deputies.

#### SECTION 305. QUANTITY, SEASON AND SIZE

(A) The holder of a family or non-resident family permit may not take in any one week more than:

1. One 12-quart pail of softshell clams, or
2. One 12-quart pail of quahaugs, or
3. One 12-quart pail of mussels, or
4. One 12-quart pail of oysters (in season), or
5. One-half bushel of sea clams, or
6. One bushel of scallops (in season); however, the amount taken shall not exceed in any one week ONE bushel of any or all kinds of shellfish. (See Chapter 130, Sec. 52.)

(B) Commercial limits on varied shellfish, including mussels, scallops and sea clams, and hydraulically dredged quahaugs are posted on the shellfish bulletin board, Town Offices. The commercial catch of quahaugs in Mill Creek and Buck's Creek combined shall not exceed more than two (2) level Town totes per day (see Sec. 104, Para. B-37 for definition of Town tote).

(C) The calendar/shellfish week means a seven-day period beginning on Sunday and ending the following Saturday.

(D) Quahaugs must be one (1) inch shell thickness (hinge width) or greater. A one-inch gauge must be used by the permit holder.

(E) Soft-shelled clams and mussels must be two (2) inches or longer. A two-inch ring for measuring must be used by the permit holder.

(F) Oysters must be three (3) inches long or longer when taken. A three-inch ring for measuring must be used by the permit holder. The season for taking oysters is September 1 through April 30.

(G) A commercial shellfish permit holder shall be allowed to take one 12-quart pail of oysters per week (in season) for family use only. No oysters may be sold.

(H) Softshell clams, quahaugs, mussels, sea clams, sea worms, and eels may be taken twelve months of the year.

#### SECTION 306. SHELLFISHING DEVICES

(A) The taking of shellfish from the waters and flats within the town of Chatham by any method other than that commonly known as the long-rake, scratcher, tong or clam-hoe is prohibited; (exception - see pumping, scallop dredging and hydraulic dredging regulations). No shovels, pitchforks, garden spades, etc., are allowed.

(B) Any person using any device which deviates from current shellfishing equipment as outlined in the shellfish rules and regulations must bring that device (before use) to the Shellfish Advisory Board for review. Each device must be reviewed on an individual basis with recommendations on its use given by the Shellfish Advisory Board to the Board of Selectmen for a decision on use.

(C) The taking of shellfish from waters and flats of the Town of Chatham with the aid and use of scuba (hooka) equipment, artificial breathing apparatus, is prohibited to persons holding a Commercial shellfish permit.

(D) No permit holder may use a basket rake that is in any way attached to the body. No permit holder may use a basket rake attached to a t-handle on dry ground or on shoal areas that may become dry at any time during the tidal cycle.

#### SECTION 307. TEMPERATURE REGULATIONS

(A) No permit holder may scratch or dig clams or quahaugs or razor clams on dry ground or on shoal areas that may become dry on any days tide when the air temperature as measured at the U. S. National Weather Service Station at Morris Island reads under 30 degrees F. On days when the air temperature has not reached 30 degrees F. by 11:00 a.m., there will be no shellfishing for clams or quahaugs or razor clams on dry ground or shoal areas that may become dry on any days tide, regardless of any subsequent temperature reading. There will be a blue flag on display at the Town parking lot at Stage Harbor at all times when the temperature rule is in effect.

(B) No more than one scallop dredge may be emptied and culled on the culling board or in the boat at any one time when the air temperature reads under 30 degrees F.

#### SECTION 308. CULLING SHELLFISH

(A) All shellfish shall immediately be culled when harvested and all seed shellfish immediately returned alive to the coastal waters and flats whence taken.

#### SECTION 309. TRANSPLANTING, PLANTING AND INTRODUCING SHELLFISH

(A) No person shall plant, introduce or transplant shellfish in any waters or onto shellfish flats within the Town of Chatham without first obtaining a special permit from the Constable and/or Board to do so.

#### SECTION 401. GRANTS, CLOSED AREAS, FAMILY AREAS

(A) Shellfish grants are marked by number and name. The grant locations are posted on the shellfish bulletin board, Town Offices. No shellfishing may be done in these areas by any permit holder.

(B) No person shall take, or directly or indirectly injure, the shellfish contained in or on aquacultural devices or grants, municipal or private. No person shall injure, deface, destroy, remove or trespass upon, any municipal or private aquacultural device or any mark or bound used to define the extent of the municipal or private aquacultural enterprise, or tie or fasten any vessel thereto, or injure, deface, destroy, remove, or trespass upon any materials used as part of, or in conjunction with any municipal or private aquacultural and propagative enterprise so plainly marked.

(C) That area known as the Dike (Stage Harbor side) beginning from Johnson/Horne creek and continuing to the southerly end of the Dike to the small creek in front of the Asselin property, is closed to commercial permit holders to the taking of all shellfish (except scallops in season) General Laws, Chapter 130, Section 52.

(D) Any person holding a commercial permit may not use a family permit in the family designated area of the Dike; see Section 401 (C).

(E) Town shellfish boxes, pens, netting, etc., are set in the Mill Creek Road, town landing area, Little Mill Pond, Oyster River, and Bucks Creek area. Other open areas will be posted on the shellfish bulletin Board, Town Offices. No shellfishing may be done between the ground pen boxes when posted.

(F) Shellfish Grant Policy: The Town of Chatham does not issue aquacultural leases for any area within the Town of Chatham.

SECTION 402. PREDATOR CONTROL  
(REPEALED APRIL 2000)

SECTION 403. SCALLOP REGULATIONS

(A) Complete scallop regulations are posted on the shellfish bulletin board, Town Offices, and three public places, previous to opening day of scallop season. The complete regulations will include commercial limits, opening date, hours, closed areas, etc. Such regulations are set yearly by the Board.

(B) Dredging by all permit holders shall be from 6:00 a.m. until 4:00 p.m. only.

(C) Commercial permit holders may take scallops between the hours from 6:00 a.m. until 4:00 p.m.

(D) The taking of scallops commercially is prohibited on Sunday.

(E) There will be no dredging of scallops on Sunday under any permit.

(F) A commercial permit holder shall waive his right to scallop on his family permit on any day designated open to commercial scallop fishing.

(G) All scallops taken from the waters must be adult scallops with a well-defined growth ring or raised annulus. Any scallop without such a line shall be deemed a seed scallop.

(H) No commercial, family, or non-resident family permit holder shall leave his boat, come ashore and/or land scallops, then return to the waters for the purpose of additional scalloping, without the permission of the Shellfish Constable or Deputy Constable.

(I) Scallop dredge frames shall not measure more than 36" in width and are to be the light construction type dredge. Any variations of the dredge must have prior approval of the Shellfish Advisory Committee.

(J) Commercial permit holders are required to use plastic totes when commercially scalloping; see Section 104. B. 37 for measurement and use.

(K) Family and non-resident family permit holders are allowed to take one level bushel of scallops in the shell, per permit, per calendar/shellfish week. One bushel of scallops in the shell is not to exceed that contained in four (4) level eight-quart pails.

(L) No culling of scallops except in deep water.

(M) All bay scallops shall be taken ashore in the shell.

(N) All bay scallops shucked in Chatham, shall be opened on land in a facility approved and licensed by the Board of Health.

(O) Board of Health regulations pertaining to shucking operations and storage of scallops shall be adhered to by commercial permit holders.

SECTION 404. SOFTSHELL CLAMS, PUMPING, HYDRAULIC, AND BY HAND

(A) The taking of any other shellfish by this method is prohibited unless otherwise regulated.

(B) Pumping of clams must be in 2' or more of water beyond the mean low water mark unless the exception is noted for a specific area. Additions or changes are posted on the shellfish bulletin board, Town Offices.

(C) Only Town of Chatham commercial shellfish permit holders are eligible to shellfish using the hydraulic dredge method.

(D) Areas open to pumping using hydraulic methods and hand-plunger methods are:

1. Part of the area on Monomoy known as the Powder Hole - 1' water depth, mean low tide.
2. The area adjacent to and southerly of "Outermost Harbor Marine" into a small basin easterly of Morris Island Road - 1' water depth, mean low tide.
3. The creek between Morris and Stage Islands - no water depth required.

Areas for hand-plunger only, as follows:

4. Crows Pond - 1' water depth at mean low tide.
5. Muddy Creek - no water depth required.
6. Ryders Cove - 1' water depth at mean low tide

(E) Hydraulic or hand-pump method may be used only in those areas specified in Section 404, D 1-6, otherwise clams may only be taken by clam fork, clam hoe or by hand.

#### SECTION 405. MUSSEL REGULATIONS

(A) Equipment variations and size as follows:

1. No larger than 36" in width, traditional scallop dredge (no hydraulics).
2. No larger than a 36" tooth mussel dredge (no hydraulics).
3. No larger than a 24" cutting bar sea clam dredge (no hydraulics).
4. Regular pitchfork (mussels only).

(B) Limits - The commercial limit will be 50 bushels of mussels per man, per day, but in no case, more than 100 bushels per day, per boat.

(C) Containers for mussels must be regular see-through onion skin bags and/or Town of Chatham totes as defined in Section 104. B. 37.

#### SECTION 406. SEA CLAM AND HYDRAULIC QUAHAUG REGULATIONS

(A) Areas open to the taking of quahaugs by hydraulic dredging are:

The waters of Nantucket Sound within an area that is bounded on the north and west by an imaginary line drawn from the yellow boundary buoy located at 41°39.586N, 70°00.528W westerly to the yellow boundary buoy located at 41°39.326N, 70°01.850W then southwesterly to the navigational "G3" Bell buoy located at 41°38.306N, 70°02.861W then westerly to the Chatham/Harwich town line and then southwesterly to the three mile Town waters boundary line. This line shall remain as the western boundary. To the east, the area is bounded by an imaginary line running south from the yellow boundary buoy located at 41°39.586N, 70°00.528W to the navigation "SH" bell buoy located at 41°39.153N, 69°59.972W then west to the navigational Red #4 buoy located at 41°38.611N, 70°01.384 then south to the yellow boundary buoy located at 41°35.923N, 70°00.484W then southwest to the westernmost tip of Monomoy Island. All yellow boundary buoys will be marked "Town of Chatham."

(B) Allowable catch for hydraulic quahaugs is 20 bushels per day per license with no more than 40 bushels per day per boat. Catch limits may be subject to change according to Massachusetts Division of Marine Fisheries.

(C) Quahaugs in any way fitting through a 2 ½-inch ring must be counted within a bushel (as defined in section 104 (B) (3)). The catch limit for quahaugs less than 2 ½ inches is ten bushels per license per day, not to exceed 20 bushels per boat per day. The catch limit for quahaugs over 2 ½ inches is ten bushels per license per day, not to exceed 20 bushels per boat per day.

(D) Hydraulic method may be used only in those areas specified in Section 406 (A); other quahaugs may be taken by long-rake, scratcher, tong, clam-hoe or by hand.

(E) No commercial permit holder shall leave his boat, come ashore and/or land quahaugs caught by hydraulic dredge, then return to the waters for the purpose of additional dredging for quahaugs, without the permission of the Shellfish Constable or Deputy Constables.

**(F) All other shellfish regulations pertaining to the taking of shellfish within Chatham waters pertain to this fishery**

(G) There will be no hydraulic dredging for quahaugs within one quarter of a mile of any fish weir in Chatham waters while said weir is in place and actively fishing. From May 1 - June 15 of any given year, there will be no hydraulic dredging for quahaugs in the area north of an imaginary line drawn easterly from the navigational "G3" Bell Buoy located at 41°38.61N, 70°00.484W, to the red #4 buoy located at 41°38.611N, 70°00.484W, then to the "SH" bell buoy located at 41°39.153N, 69°59.972W.

SECTION 407. ENFORCEMENT AND SUSPENSION POLICY

(A) Shellfish permits issued by the Board of Selectmen, Town of Chatham, made under provisions of Chapter 130, shall not be transferable and shall be produced for examination upon demand of any authorized person.

(B) A person who aids or assists in a violation of any provisions, rules and regulations so adopted by the Board, or shares in any of the proceeds of said violation by receiving or processing shellfish, shall be deemed to have incurred the penalties imposed thereby upon the person of such violation.

(C) The harvest of shellfish, as authorized by the Board of Selectmen, shall be defined as the harvest by lawful means and in lawful manner. Any references to the harvesting, or having in possession of, any shellfish, shall include the harvesting, or having in possession of, any part or portion thereof.

(D) Any person found violating the shellfish rules and regulations of the Town of Chatham as provided by law under Chapter 130, shall be allowed a hearing with the Board of Selectmen. The permit holder shall be notified in writing by the Board of the violation(s) and given seven days in which to request a hearing on the shellfish violation(s) with the Board and the Shellfish Constable or Deputy Constable.

(E) A person found violating the shellfish rules and regulations of the Town of Chatham as provided by law under Chapter 130, may waive his right to a hearing and may accept the suspension as prescribed in writing by the Board and sign a waiver to that effect.

(F) Unless specifically provided by law, every shellfish permit, held by a person convicted of a violation of any of the laws relating to the shellfisheries, or any person who pleads nolo contendere, or admits to sufficient facts to an allegation of a violation of any such law, rule or regulation made under authority thereof by the Board of Selectmen, Town of Chatham, shall be suspended and inoperative for a period of one month for the first offense, three months for the second offense, and one year for any subsequent offense.

(G) All suspended or void permits shall be surrendered forthwith to any officer authorized to enforce the laws and rules and regulations of the Town of Chatham relating to the shellfisheries made under provisions of Chapter 130.

(H) No person whose permit has become suspended or void shall be given a new permit under authority of any provision of law relating to Chapter 130 during the period of suspension.

(I) Whoever violates any rule or regulation made under authority of Chapter 130, General Laws of Massachusetts, unless otherwise provided, shall be punished by a fine of not less than fifty (\$50.00) dollars, nor more than one thousand (\$1000.00) dollars. Chapter 130, Section 2.

(J) No fee received for a shellfish permit which has been suspended or revoked and canceled shall be refunded.

(K) Town By-Law affords enforcing persons a third option of enforcing these rules and regulations by non-criminal disposition. If the method of non-criminal disposition is used by an enforcing person, the specific penalties for a violation of these rules and regulations shall be:

<u>Violation of</u>	<u>Penalty</u>	
Sec. 301, Par. A	Shellfishing without permit	100.00
Sec. 301, Par. D	Illegal transfer of permit.	50.00
Sec. 301, Par. E	Using false identification	50.00
Sec. 203, Par. A	Selling Shellfish without a permit	200.00
Sec. 301, Par. G	Possession of seed in excess of 5%	50.00
Sec. 305, Par. A, 1-6	Exceeding shellfish limit	25.00
Sec. 306, Par. A	Use of illegal implements, devices, contain	50.00
Sec. 401, Par. B, C, D, E	Shellfishing in a closed area	25.00
Sec. 301, Par. I	Shellfishing in closed, contaminated area	50.00
Sec. 307, Par. A, B	Shellfishing below temperature limits	25.00
Sec. 401, Par. A	Taking shellfish from shellfish grant	200.00
Sec. 403, Par. B, C	Taking scallops in non-designated scallop hours	200.00
Sec. 403, Par. D, E, F	Taking shellfish during closed season or day	50.00

**NOTES:**