

Please see the attached excerpts from the Town's General Bylaws for the following:

- Shellfish Bylaw
- Shellfish Commissioners Bylaw
- Shellfish Planting Bylaw

It is highly recommended that each time you go shellfishing to call the N4 area hotline (978-356-6671) for rainfall closures, pollution closures, and any other update that may occur.

IF THE HOTLINE STATES THAT AREA N4 IS CLOSED, ALL SHELLFISHING IN THE TOWN OF ROWLEY IS CLOSED UNTIL FURTHER NOTICE.

For any other assistance please call the shellfish constable Travis Kneeland, 978-500-5792.

SHELLFISH BYLAW

Section 1.0 Definitions:

For the purpose of these bylaws, the following definitions shall apply:

- 1.1 **Product** is all aquatic life that make the marsh and/or the flats its habitat. Common name Shellfish. Product includes the following lists of species: clams, conchs, mussels, oysters, periwinkles, quahogs, razor clams or razor fish, scallops, sea scallops, winkles and sea worms.
- 1.2 **Harvest** is defined as any Product taken from a flat or marsh.
- 1.3 **Flat** is defined as all tidal land from the top of the marsh bank to mean low tide. The flat does not need to be currently productive. A common name for Flat is Clam Flat.
- 1.4 **Marsh** is defined as all land from the top of a marsh bank that will not support salt-water plant life. Marshland is an integral part of the ecology of life on and in the flats. Therefore to the same extent that the Shellfish bylaws are written to manage and protect the flats, they shall also apply equally to marshland use.
- 1.5 **Cross Tides** is defined as the harvest of shellfish products on two tides during one calendar day.
- 1.6 **Exclusions**: The following activities are not regulated under this bylaw: haying, hunting, bird-watching, walking, picnicking, nature appreciation, fishing, or any other non-destructive activity; provided, however, that in no event shall any watercraft anchor, set, or rest upon a flat other than watercraft used in the authorized management or legal harvest of product from a flat.

Section 2.0 Permits

- 2.1 The Town of Rowley issues Shellfish permits.
- 2.2 Permits are issued for one-year periods, from April 1st of one year to March 31st of the following year.
 - a. Applications for commercial permits must be submitted for approval between February 15th and March 31st of the same year the permit period commences. .
- 2.3 The fee paid for one permit shall not be applied to the fee charged for any other permit.
- 2.4 Each permit is valid only for the person named on it.
- 2.5 A person may hold only one permit in each permit category as defined in the "Permit Fees and Harvest" section of this bylaw.
- 2.5.1 Persons holding a commercial shellfish permit from any other municipality are prohibited from obtaining a Rowley Shellfish non-commercial permit.
- 2.6 An application form must be filed with the Town Clerk. The Clerk shall promptly provide a copy of the application to the Shellfish Constable and to the Shellfish Commissioners.
- 2.7 The Shellfish Commissioners may submit any comments or recommendations regarding a permit application to the Shellfish Constable. The Shellfish Constable shall either approve or disapprove the application within 14 days of its filing with the Town Clerk and shall promptly notify the Town Clerk of such approval or disapproval. Failure of the Shellfish Constable to notify the Town Clerk of such approval or disapproval within 14 days after the application is filed with the Town Clerk shall be deemed to be a denial of the application. No permit shall be issued by the Town Clerk without the approval of the Shellfish Constable.

- 2.8 For Resident Commercial, and Residents 60 years and over, residency proof is required when submitting an application. The applicant must present to the Town Clerk proof of residency in the Town of Rowley for at least one year preceding the permit year. Proof of residency may be three of the following:
- Applicant has a valid and current Massachusetts Driver's License showing a Rowley address.
 - Applicant is a registered voter in the Town of Rowley.
 - Applicant is on the Town of Rowley's most recent census list.
 - Applicant has bills from the Town of Rowley dated monthly for the past twelve (12) months showing the Applicant's name, the address where the service is being provided, and a Rowley residential address.
 - Applicant has sufficient documented evidence showing that he/she is a resident of the Town of Rowley.
 - A minor may provide an affidavit from his/her legal guardian that the minor resides with the guardian who can show proof of residency as required above.
- 2.9 For Summer Resident Non-Commercial – Summer residency proof is required when submitting an application. Proof of residency may be one of the following:
- Rental agreement for a domicile in Rowley for any period of time between June 1 and September 1 of a given year.
 - Property tax bill dated within twelve (12) months of the date of the application to the person applying for a permit. Said bill shall contain information showing that the property listed on the bill has at least one housing unit.
- 2.10 No permit issued by another Town shall be substituted for a Town of Rowley permit.
- 2.11 A Commercial permit applicant must present a valid State of Massachusetts Shellfish Transaction card.
- 2.12. Resident Junior Commercial Permit. This permit is available to all residents of Rowley between the ages of 15 years and 18 years inclusive. Residency proof is required when submitting an application. Proof of residency required for junior permit is cited in Section 2.8f. The fee is \$200.00 and the duration is April 1 through September 30 of the permit year. If a Resident Junior Commercial Permit holder desires to harvest shellfish after September 30, the fee for the remainder of the permit year is an additional \$200.00. This commitment must be made prior to September 30 of the permit year. Only those holding the April 1 through September 30 permit will be eligible for the October 1 through March 21 permit. Qualifications for this license are the same as that for a residential commercial permit.

Section 3.0 Clam Flat and Marsh Activities

- 3.1 No activity on or about any flat that does not pertain directly to managing or harvesting shellfish is allowed except as provided in Section 1.6 of this bylaw.
- 3.2 No product shall be harvested from a flat or marsh without a permit.
- 3.3 Only hand labor may be employed to produce a harvest.
- 3.4 If any other activities are combined with commercial shellfishing the last event must be shellfishing. No method of cooling product to delay bringing to shore is allowed.
- 3.5 No discharge of human or material waste is allowed.

Section 4.0 Flat and Marsh Closures

- 4.1 The Board of Health may close any flat or marsh to harvest of produce for health reason.

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- 4.2 When a flat is closed the Shellfish Constable or his delegate shall post a sign on the front door of the Rowley Town Hall; and at the Rowley Town Landing.. Either sign shall serve as the official notice to the public and permit holders of such closure.
- 4.3 The Shellfish Constable, by written notice to the Board of Selectmen, may delegate the authority to take such action under Section 4.2 to another person.
- 4.4 Courtesy signs may be posted at other locations in the Town of Rowley, but are not official.
- 4.5 The Board of Selectmen may declare a specific flat closed or open for the harvest of product for management purposes.
- 4.6 No shellfish shall be harvested on Sundays from May 1st to August 31st, inclusive.
- 4.7 No cross tides shall be harvested by any permittee from May 1st to August 31st, inclusive.

Section 5.0 Permit Fees and Harvest Schedule

5.1 Fee and Harvest Schedule:

	Permit Type	Fees	Harvest Limit	Duration
5.1	Resident Commercial	\$400.00	180 lbs. per day	April 1 to March 31
5.1.2	Resident Non-Commercial	\$40.00	20 quarts per week	April 1 to March 31
5.1.3	Non-resident/Non-Commercial	\$200.00	20 quarts per week	April 1 to March 31
5.1.4	Non-resident/One Day Only	\$30.00	10 quarts per day	One (1) day only
5.1.5	Summer Resident/Non-Commercial	\$40.00	20 quarts per week	One (1) week only
5.1.6	Resident, 60 years and over	Free	180 lbs. per day, or 20 quarts per week	April 1 to March 31
5.1.7	Resident Junior Commercial	\$200.00	180 lbs. per day	April 1 to September 30
5.1.8	Resident Junior Commercial	\$200.00	180 lbs. per day	October 1 to March 31

- 5.2 A permit also entitles the holder to harvest the following:
- One pint Sea Worms per tide
 - 30 Oysters per tide
- 5.3 All Razor Clams and Soft Shell Clams in the permittee's possession shall be combined to determine if the harvest limit has been exceeded.
- 5.4 Product Size:
- Soft Shell Clams: Minimum size TWO INCHES (2") in shell length. You may not have more than five percent (5%) of the clams in your possession, at any time, that are less than minimum size.
 - Razor Clams: Minimum size FOUR INCHES (4") in shell length. You may not have more than five percent (5%) of the clams in your possession, at any time, that are less than minimum size.
- 5.5 All persons, 15 years or older, harvesting or attempting to harvest marine products must have a license in their possession.

Section 6.0 Watercraft

- 6.1 Any watercraft occupied for more than six (6) hours during any 24-hour period must have a certificate of waste disposal that clearly states the name and location of the waste disposal facility and the dates and times of waste disposal with the waste disposal operator's initials. This certificate shall be available for inspection by any enforcement officer.
- 6.2 No watercraft shall pass closer to a shoreline embankment than the mean low tide so as to cause damage to the flats.

- 6.3 No watercraft shall interfere or disrupt in any way a person or boat engaged in the activity of shellfishing.

Section 7.0 Violation and Fines

- 7.1 The Shellfish Constable, with approval by the Board of Selectmen, shall appoint those authorized to issue citations for infractions of the Town of Rowley shellfish bylaws.
- 7.2 A citation may be issued when a bylaw or a regulation has been violated.
- 7.3 Violations and Fines:
- a. Shellfish Violations
 - i. Harvesting shellfish on a closed flat.
 - ii. Harvester does not have a permit.
 - iii. Harvester exceeds permit harvesting limit.
 - iv. Refusal to allow examination of catch by an enforcement officer.
 - v. Fleeing to avoid prosecution from enforcement officers.
 - vi. Uttering or threatening to do harm to enforcement officers.
 - vii. Other violations of this bylaw not listed above.
 - b. The Shellfish Commissions may implement the bylaw by promulgating regulations including establishing fines and penalties.

Article 31 of Special Town Meeting of Nov. 5, 2001 deleted previous Shellfish Bylaw of May 10, 1990 (Article 33) in its entirety and replaced it with the above wording. Approved by Attorney General's office on January 24, 2002 and posted according to law on January 28, 2002.

Amendments to the wording of the Shellfish Bylaw recommended by Town Counsel were accepted at Annual Town Meeting of May 13, 2002, approved by the Attorney General on October 7, 2002 and posted according to law.

Amendments to the wording of the Shellfish Bylaw regarding residency requirements and increasing fees were accepted at Special Town Meeting of November 14, 2005 (Articles #15 and 16). Attorney General approval received on March 3, 2006 and posted as proscribed by law.

Amendment to the wording of the Shellfish Bylaw regarding creation of Resident Junior Commercial license accepted at 5/19-08 STM (Art #13), approved by the Attorney General on 7/8/08 and posted according to law.

Amendment adding section #2.5.1 adopted at May 1, 2017 Annual Town Meeting (Article #29) by Unanimous vote and approved by the Attorney General's Office on July 20, 2017 and posted according to law.

Amendments to Section 7, specifically 7.2 and 7.3.b and eliminating 7.3.c entirely, adopted at May 6, 2019 Special Town Meeting (Article #27) by Voice Unanimous Vote, approved by Attorney General on Sept. 9, 2019 and posted according to law on Sept. 10, 2019.

SHELLFISH COMMISSIONERS BYLAW

Establish an Office of Shellfish Commissioners to serve in an advisory capacity to the Board of Selectmen for the purpose of promoting, regulating and protecting the shellfish industry of the Town. There are to be three (3) in number: one to be elected in May of 1985 shall serve out his term which will expire in 1987; two to be elected at the Annual Town Meeting in 1986, one for a term of two (2) years, and one for a term of three (3) years. Thereafter, one each of three to be elected each year for a term of three (3) years.

This bylaw was passed at the Annual Town Meeting held on May 6, 1985 (Article 33) by a unanimous vote. It was approved by the Attorney General on June 20, 1985 and posted as required on June 24, 1985.

SHELLFISH PLANTING BYLAW

No person shall introduce, plant or transplant shellfish in any waters or onto shellfish areas within the Town of Rowley without first obtaining a special permit therefore from the Selectmen or Licensing Authority.

This bylaw was passed at Special Town Meeting on December 28, 1966, by a unanimous vote. It was approved by the Attorney General on January 9, 1967 and published in the Newburyport Daily News on January 18, 25 and February 1, 1967.