



TOWN OF SHELTER ISLAND

**38 NORTH FERRY ROAD - P.O. BOX 1549
SHELTER ISLAND, NEW YORK 11964-1549**

**DOROTHY S. OGAR
TOWN CLERK**

**ADMINISTRATIVE (631)-749-1166
FAX NUMBER (631)-749-3436**

Chapter 108

SHELLFISH

- § 108-1. Title.
- § 108-2. Definitions.
- § 108-3. Taking of shellfish restricted.
- § 108-4. Permit required; exception.
- § 108-5. Regulations.
- § 108-6. Regulations pertaining to specific shellfish.
- § 108-7. Marine Reserve Zones.
- § 108-8. Town Board authority regarding limits.
- § 108-9. Penalties for offenses.

[HISTORY: Adopted by the Town Board of the Town of Shelter Island 9-21-2001 by L.L. No. 13-2001, also repealing former Chapter 108 adopted 7-10-1964, as amended. Amendments noted where applicable.]

GENERAL REFERENCES

Waterways - See Chapter 128.

§ 108-1. Title.

This Chapter shall be known as the "Shellfish Ordinance of the Town of Shelter Island."

§ 108-2. Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

CHURNING - the agitation and/or displacement of town lands with a propeller for the purpose of taking soft clams and razor clams.

DIGGER'S PERMIT - A permit issued by the NYSDEC to allow the commercial taking of shellfish.

NYSDEC - The New York State Department of Environmental Conservation.

PECK - one quarter (1/4th of a bushel; two (2) gallons).

RESIDENT - Any owner of real property within the Town of Shelter Island or any person who resides in the Town of Shelter Island pursuant to a thirty-day or longer rental agreement. The immediate family (spouse or children) of residents, as defined above, shall also be deemed to be "residents."

SHELLFISH - For purposes of this Chapter, Shellfish shall include blue crabs, crabs, scallops, hard clams, lobsters, mussels of all kinds, oysters, periwinkles, razor clams, shrimp and soft clams.

TOWN LANDS - All waters and lands under tidewater in any harbor, bay, lake or creek, title to which land is vested in the Town of Shelter Island, and the right of fishing which is vested in the Town of Shelter Island.

§ 108-3. Taking of shellfish restricted.

No person shall take any shellfish from Town lands except in accordance with the provisions of this Chapter.

§ 108-4. Permit required; exception.

A. Except as specified in Subsection B, no person shall take any shellfish from any Town lands without first obtaining a permit from the Clerk of the Town of Shelter Island. A permit shall not be issued to any person who is not a resident of the Town of Shelter Island as defined in this Chapter. Application for such permit shall be made by sworn statement, in writing, on a form to be prescribed by the Clerk of the Town of Shelter Island, showing the applicant's eligibility for such a permit. All permits issued shall expire on the first day of April next following the issuance thereof, unless sooner revoked for cause or by law. A permit issued to any person may be terminated, upon his conviction of a violation, for a period of up to six (6) months from the date of such conviction. The fee for such permit shall be the sum of ten dollars (\$10.)

B. Guests may accompany the permit holder to assist in taking the allowable amount of shellfish under the permit without the requirement for an additional permit.

§ 108-5. Regulations.

A. No person shall take shellfish from Town lands between sunset and sunrise other than whelks and crabs.

B. No person shall take any shellfish from any Town lands which may have been restricted for any purpose whatsoever by the Town Board, provided that such restricted Town lands shall have been properly designated by resolution duly passed by the Town Board, and shall have been properly marked and/or posted.

C. All persons are prohibited from taking shellfish from Town lands by the use of churning, or by the use of dredges propelled or operated in any manner other than by hand power except that scallops may be taken from Town lands by the use of dredges not more than thirty-six (36") inches in width, operated and hoisted by hand and towed by boats propelled in any manner. [Amended 1-10-2003 by LL No. 1 - 2003]

D. A person with a NYSDEC Digger's Permit may take shellfish in commercial quantities from the inland waters of the Town of Shelter Island provided that he has also been a resident of the Town of Shelter Island for a period of at least six (6) months immediately prior to such taking.

E. A person without a NYSDEC Digger's Permit may take no more than one (1) peck of any type of shellfish from Town lands in any one (1) calendar day, except such person may take two (2) pecks of scallops.

§ 108-6. Regulations pertaining to specific shellfish.

A. Hard clams.

1. It shall be unlawful for any person or persons to take from Town lands any hard clams less than one (1") inch in thickness at any time except for propagation purposes in Town lands, and this may only be done after a permit has been granted by the Town Board.

2. A person with a NYSDEC Digger's Permit may take up to a total of five (5) bushels of hard clams from Town lands in any one (1) calendar day.

B. Soft clams and razor clams.

1. It shall be unlawful for any person or persons to take from Town lands any soft clams (so-called) less than two (2") inches long or any razor clams less than four (4") inches long, nor shall it be lawful for such clams to be possessed at any time. Any such clams shall be immediately returned to the lands at the place where taken.

2. A person with a NYSDEC Digger's Permit may take up to a total of five (5) bushels of soft clams and razor clams from Town lands in any one (1) calendar day.

C. Crabs.

1. It shall be unlawful to take from Town lands any hard-shell blue-claw crabs less than five (5") inches point to point or soft-shell crabs less than three (3") inches point to point, and it shall be unlawful to take sponge (egg-bearing) crabs from Town lands at any time.

2. The use of lights when taking crabs is permitted.

D. Oysters.

1. It shall be unlawful for any person or persons to take any seed oysters from Town lands without permission of the Town Board after written request. Seed oysters are oysters less than three (3") inches in length.

2. A person with a NYSDEC Digger's Permit may take up to a total of one (1) peck of oysters in the shell from Town lands in any one (1) calendar day.

E. Scallops

1. Scallops may be taken from Town lands from the third Monday of October to the 31st day of March, inclusive, in each and every year. The Town Board reserves the right to change the dates for the beginning and ending of scallop season by resolution.

2. It shall be unlawful for any person or persons to take from Town lands scallops which do not show the annual growth ring, nor shall it be lawful for such scallops to be possessed at any time. Any scallops not showing the annual growth ring taken from Town lands shall be immediately returned to the lands at the place where taken.

3. A person with a NYSDEC Digger's Permit may take up to a total of five (5) United States bushels of scallops in the shell from Town lands in any one (1) calendar day. If there are two (2) or more licensed persons with digger's permits in any one (1) boat taking scallops, not more than five (5) United States bushels of scallops in the shell shall be taken by any one (1) boat during any one (1) calendar day, regardless of the number of persons therein.

F. Starfish and whelks.

It shall be unlawful for any person to return any starfish or whelks to Town lands.

§ 108-7. Marine Reserve Zones.

A. In an effort to increase the amount of shellfish in Shelter Island waters, Marine Reserve Zones which will be closed to harvesting hard clams are hereby created and described as follows:

1. Pt. Foxen Creek in Coecles Harbor

- Coordinates: 041° 04.0280' N, 072° 18.8740' W
Area: approximately 100' x 100'
2. Head of Harbor in Coecles Harbor
Coordinates: 041° 05.1060' N, 072° 19.321' W
Area: approximately 100' x 100'
 3. Menantic Creek
Coordinates: 041° 03.5480' N, 072° 20.5980' W
Area: Approximately 10,000 square feet.
 4. Harbor View Acres Cove
Coordinates: from 41.06275 x 72.367 to 41.062333 x
41.062333 x 72.366516 to 41.062633 x 72.366566 [Added
10-28-2005 by L.L. No. 8-2005, effective 11-2-2005]
 5. West Neck Creek
Coordinates: 41.05167° N x 72.35345° W to 41.05190° N x
72.35328° W to 41.05170° N x 72.35273° W to 41.05148° N x
72.35287° W. Approximately 170' x 91'. [Added 10-24-2008
by L.L. No. 10-2008, effective 10-29-2008]

B. The Marine Reserve Zones shall be marked with buoys and a sign which demarcates the boundaries and explains the no hard clamming policy.

C. It shall be unlawful for any person or persons to take any hard clams from any Town lands which are designated as Marine Reserve Zones.

§ 108-8. Town Board authority regarding limits.

The Town Board reserves the right to change the amount of shellfish permitted to be taken from Town lands by resolution.

§ 108-9. Penalties for offenses.

An offense against the provisions of this Chapter shall constitute a violation under the Penal Law of the State of New York, and shall be punishable by a fine of not more than two hundred fifty dollars (\$250.) or by imprisonment for not more than fifteen (15) days, or both.