

## Chapter 32

### BEACHES AND WATERWAYS

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[**HISTORY:** Adopted by the Town of Barnstable as indicated in article histories. Amendments noted where applicable.]

#### GENERAL REFERENCES

Noncriminal disposition — See Ch. 1, Art. I.  
Boats — See Ch. 40.  
Sandy Neck— See Chs. 177 and 601.

Marinas — See Ch. 405.  
Mooring — See Ch. 406.

#### ARTICLE I Operation of Motor Vehicles

[Adopted 5-15-1978; approved 8-30-1978 (Art. XXXII of Ch. III of the General Ordinances as updated through 7-7-2003)]

##### § 32-1. Operation restricted.

- A. No person shall operate a motor vehicle on any salt or fresh water beach or dunes owned by the Town of Barnstable except as expressly allowed under Chapter 177, Sandy Neck, Article I, of the Code of the Town of Barnstable.
- B. No person shall fuel, launch, retrieve or otherwise operate from the Town property at 460 Shootflying Hill Road any personal watercraft (vessel) propelled by a water jet pump as its primary source of motive power and which is designed to be operated by persons sitting, standing or kneeling on the vessel. [Added 8-17-2006 by Order No. 2007-012<sup>1</sup> ]

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1. Editor's Note: This ordinance also stated that it would take effect upon approval by the Massachusetts Department of Fish and Game Public Access Board.

**§ 32-2. Exception for personnel acting in official capacity.**

This article shall not apply to district, Town, county, state or federal vehicles operated by authorized personnel acting in an official capacity or others under contract to any of the foregoing while acting in an official capacity under said contract.

**§ 32-3. Violations and penalties.**

Any person violating the provisions of this article shall be punished by a fine of not more than \$200 for each offense.

## ARTICLE II

**Obstruction of Public Access**

**[Adopted 11-5-1979; approved 2-26-1980 (Art. XXXIII of Ch. III of the General Ordinances as updated through 7-7-2003)]**

**§ 32-4. Obstruction prohibited.**

No person other than a duly authorized official of the Town of Barnstable shall obstruct or cause to be obstructed any way, dock, wharf, landing or other land of the Town giving access to any water or waterway, either inland or tidal.

**§ 32-5. Erection of signs by other than Town officials prohibited.**

No person other than a duly authorized official of the Town of Barnstable shall erect or maintain signs in, on, or near any way, dock, wharf, landing or other land of the Town giving access to any water or waterway which indicate or tend to indicate that the public has no right of access thereto.

**§ 32-6. Denial of access by other than Town officials prohibited.**

No person other than a duly authorized official of the Town of Barnstable shall deny access to the public to any dock, wharf, landing or other land of the Town giving access to any water or waterway, or utter any word or take any action which would tend to deny such access.

**§ 32-7. Town Manager authorized to make rules and regulations.**

The Town Manager may make reasonable rules and regulations relative to public access to the tidal and inland waters and waterways of the Town, not inconsistent with the foregoing. Such rules and regulations may include, but need not be limited to, specification of the area or areas to which this article applies. Such rules and regulations shall take effect when filed with the

Town Clerk and after publication in a newspaper having general circulation in the Town, or at such later date as may be specified therein.

**§ 32-8. Violations and penalties.**

Any person violating the provisions of this article shall be punished by a fine not to exceed \$200 for each offense. Each day such an offense continues shall constitute a separate offense.

ARTICLE III

**Approval for Buttresses and Dolphins**

**[Adopted 11-3-1994 by Order No. 95-048 (Art. LVIII of Ch. III of the General Ordinances as updated through 7-7-2003)]**

**§ 32-9. Certificate of appropriateness required.**

In addition to other permits, which include those necessary for navigational safety prior to the installation of buttresses, marine fenders, caisson or dolphin piles in Hyannis Harbor or any other harbor of the Town a certificate of appropriateness must be granted by the Barnstable Historic Commission or a District Historic Commission, if one exists, before building of the same to assure proportion, balance, design, texture, color, materials with the harbor in which they are to be installed in order to protect the historic and community character of the Town, the beauty of our harbors, and to promote styles that are indigenous to Cape Cod.

**§ 32-10. Definitions.**<sup>1</sup>

As used in this article, the term "stand-alone fender, caisson or dolphin" pile or buttresses shall mean any stand-alone structure secured in land under the ocean or in the intertidal zone and composed of a cluster of five or more timber piles; or a cluster of two or more steel or metal pipes, piles or I-beams; or any concrete pile; or any structure composed of concrete and metal.

**§ 32-11. Violations and penalties.**

Violations of this article may result in a fine not to exceed \$300 per day until such certificate is obtained.

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1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).