



NAHANT POLICE DEPARTMENT
198 NAHANT ROAD, NAHANT, MA 01908-1298
Timothy M. Furlong, Chief

TEL. 781-581-1212
FAX 781-581-1907
www.nahantpolice.org



To: Antonito Barletta, Town Administrator
Fr: Timothy M. Furlong, Chief of Police
Re: Article to Amend Firearm Discharge By-Law

Tony,

At last year's Annual Town Meeting, there was an article to amend Police By-Law Article 11 Section 1. The By-Law restricts the discharge of a firearm within the Town of Nahant as well as limits hunters shooting at game in the water at a minimum of 300 yards of mean low tide. The amendment would double the size to 600 yards of mean low tide.

The By-Law as it stands, supersedes Massachusetts General Laws, and Colonial Ordinances of 1641-1647. These laws maintain the "historical right of access to fish or fowl tidelines held by private party subject to an easement of the public for the purposes of navigation and free fishing and fowling and of passing freely over and through the water".

I spoke with the Massachusetts Environmental Police regarding our By-Law as it pertains to Massachusetts General Law. It was discovered that the Environmental Police will not enforce the Town's By-Law. The duck hunters are restricted to 100 feet from a roadway and 500 feet from a dwelling house in use. Therefore, they are allowed to hunt within these distances of the Town of Nahant.

The enforcement of this By-Law would require access to a boat. The duck hunting season coincides with the dry-docking of Nahant's Harbormaster Boat, rendering enforcement of this By-Law almost impossible. Unless the boat in question is launched from Nahant territorial waters, the call would be referred to the Environmental Police who do not enforce Nahant Town By-Laws.

I have reviewed the Nahant Police Departments calls for service pertaining to duck hunters / shots fired. A five-year search of our database revealed a total of twenty (20) calls for service. In all the calls for service, not one violation was observed. One call revealed an outside agency confirmed the lack of violations by the duck hunters. The Environmental Police were on scene investigating potential violations by the duck hunters, which yielded negative results.

In a more refined search of our system, we received 10 calls pertaining to gun shots alone. Of which, 3 calls were mistaken for fireworks. This left only 7 calls for service pertaining to gun shots. Of those, all 7 were duck hunters. As previously stated, there were no violations of any laws detected nor did there appear to be any public safety concerns.

The minimal numbers of calls for service, do not indicate that the public is at risk. It appears that the concerned citizens take to social media to voice their concerns. It appears that the concern is more of a nuisance than a public safety concern.

It is my professional opinion that amending this existing By-Law would be moot by nature. An examination of the enforcement of the current By-Law may require legal review as State laws allow for such activity even on privately owed waters.



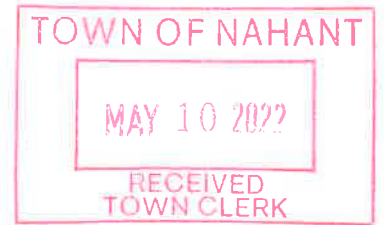
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In closing, I would ask the residents to contact the Nahant Police Department directly, as a potential violation of any crime or by-law, is occurring. Any delay in reporting lessens the chance of accurate information being collected. The Nahant Police Department does not field complaints through the various social media outlets, as they can be easily fabricated. If a resident has a complaint, prompt notification to the police station via a phone call is the best practice.

Regards,

Timothy M. Furlong
Chief of Police



A TRUE COPY, ATTEST:

Diane M. Dwyer

TOWN CLERK



A COMMUNITY POLICING DEPARTMENT