

HOUSE No. 4116

The Commonwealth of Massachusetts

PRESENTED BY:

Timothy R. Whelan

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to establish a beach capital improvement fund.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>
<i>William L. Crocker, Jr.</i>	<i>2nd Barnstable</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>

HOUSE No. 4116

By Mr. Whelan of Brewster, a petition (accompanied by bill, House, No. 4116) of Timothy R. Whelan, William L. Crocker, Jr., and Julian Cyr (by vote of the town) that the town of Yarmouth be authorized to establish a beach capital improvement fund. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act to establish a beach capital improvement fund.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 ARTICLE 46: Establish a Beach Capital Improvement Fund

2 To see if the Town will establish Chapter 82 of the Town’s General Bylaws, a Beach
3 Capital Improvement Fund, as follows, or take any other action relative thereto:

4 Chapter 82. AN ACT AUTHORIZING THE TOWN OF YARMOUTH TO
5 ESTABLISH A BEACH CAPITAL IMPROVEMENTS FUND

6 Be it enacted, etc., as follows:

7 SECTION 1. Notwithstanding section 53 of Chapter 44 of the General Laws or any other
8 general or special law to the contrary, there shall be a special fund in the Town of Yarmouth to
9 be known as the Beach Capital Improvement Fund. There shall be deposited into the fund,
10 without further appropriation, a portion of fees collected from the sale of beach daily parking
11 stickers. Appropriations from the fund in excess of \$20,000 shall be made by Town Meeting

12 with the recommendation of the Recreation Commission of the Town of Yarmouth for beach-
13 related capital improvements. Appropriations from the fund up to \$20,000 shall be made by the
14 Board of Selectmen or their designee for beach-related capital improvements.

15 SECTION 2. Twenty percent of the fee collected from the sale of a beach daily parking
16 sticker shall be deposited in the Beach Capital Improvement Fund. Thereafter, the Board of
17 Selectmen of the Town of Yarmouth may, increase or decrease the portion of the beach parking
18 sticker fee that shall be deposited into the fund, provided that such portion shall not exceed 50%
19 of the beach parking sticker fee.

20 SECTION 3. The Beach Capital Improvement Fund shall be maintained by the Town
21 Treasurer as a separate account, subject to any applicable provisions of Chapter 44 of the
22 General Laws and any interest earned thereon shall be credited to and become part of the
23 separate account.

24 SECTION 4. This act shall take effect upon its passage.