

**WHARF, MOORING AND ANCHORAGE
RULES AND REGULATIONS
IN
MATTAPOISETT, MASSACHUSETTS**

SECTION 1 – PURPOSE

The purpose of these regulations is to standardize mooring and wharf practices so as to fully utilize the limited area in Mattapoisett waters while implementing uniform safety practices, and to provide maximum space for all type of recreational usage.

SECTION 2 - DEFINITIONS

2.1 "Approved Mattapoisett firm" shall mean any firm authorized and approved by the Harbormaster to work on boats at the town wharf who presents an adequate Certificate of Insurance.

2.2 Boat Sticker" shall mean the sticker to be visible on the boat and issued by the Town annually.

- "Alternate Boat Sticker" shall mean a sticker for any boat not required to have a sticker as elsewhere defined in the rules and regulations. Boat owner may purchase a sticker for safety and identification purposes. Any boat left on town property for more than three (3) days must have a current boat sticker.
- "Dealer Sticker" shall mean the boat sticker provided for businesses with a Dealer Boat Registration.

These stickers shall not apply to boats registered to moorings, skiff spaces, wharf spaces and commercial slips. (ref sec 6.2)

2.3 "Commercial Dock" shall mean any dock placed in Mattapoisett Waters for which a rental fee is charged including docks permitted by the Army Corp of Engineers.

2.4 "Day" shall mean eight (8) daylight hours or overnight and shall include Saturdays, Sundays and holidays.

2.5 "Dinghy" shall mean any boat less than or equal to ten (10) feet in length.

2.6 "Dinghy Rack" shall mean the rack designed to hold dinghies.

2.7 "Dry Dinghy Storage Area" is located between the launching ramp and "Mello Wharf".

2.8 "Dry Dock" shall mean the graveled area north of the launching ramp.

2.9 "Gas Dock" shall mean the area designated as such for the purpose of fueling boats. Fee for this space shall be calculated at the same rate as wharfage.

- 2.10 "Grandfathered Mooring" shall mean mooring set prior to April 24, 1989 and as further define in Section 12.2.
- 2.11 "Harbormaster" shall mean the Harbormaster/Wharf Commissioner as appointed by the Board of Selectmen.
- 2.12 "Hazardous materials" shall mean paint of any kind, fiberglass, resin of any kind, oil or other petroleum products, anti-freeze or substances of a similar nature.
- 2.13 "He, him, his" - refers to the male and female gender equally.
- 2.14 "Immediate Family" shall mean children, mother, father, sister, brother, spouse or lineal descendants.
- 2.15 "Inner Harbor" shall mean all waters inside the line drawn from Mattapoissett Neck
to Line 1: N41-38.582 W 70-48.447
to Line 2: N41-38.740 W 70-48.299
to Line 3: N41-38.812 W 70-48.070 and to a point at
Ned' Point Line 4: N41-39.046 W 70-47.750
- 2.16 "L.O.D." shall mean Length on Deck when measuring to determine Mooring weight.
- 2.17 "Mattapoissett Waters" shall mean all the waters from the Fairhaven line to the Marion line extending for one half mile offshore.
- 2.18 "Mooring": any device to hold a vessel in place that remains when the vessel leaves.
- "Business Mooring" shall mean a non-rental mooring owned by a business located in Mattapoissett for the use of its customers as a transient mooring.
 - "Commercial Mooring" shall mean any permanent mooring placed in Mattapoissett Waters for which a rental fee is charged including moorings permitted by the Army Corp of Engineers.
 - "Private Mooring" shall mean any mooring placed in Mattapoissett Waters which are owned by an individual.
- 2.19 "Mooring Areas" shall mean those portions of Mattapoissett Waters, which shall be designated as such by the Board of Selectmen and shown on the Waterfront Management Chart.
- 2.20 "Mooring Year" shall date annually from April 1st through March 31st, and is the period for which a mooring space is assigned.
- 2.21 "Observation Pier" – No Longer Exists.
- 2.22 "Owner" shall mean the boat owner and include individuals, corporations, societies, associations, partnerships, etc. as indicated on a bill of sale, registration, documentation or title.

- 2.23 "Personal Watercraft" shall mean Wet bikes, Jet Skis,
- 2.24 "Private Boat Float" shall mean any float placed in Mattapoissett Waters not open to the public
- 2.25 "Registered Owner" shall mean the holder of a mooring space assigned by the Harbormaster with a Mooring Permit.
- 2.26 "Resident" shall be taken to mean a person: (A) whose residence, according to Massachusetts Law, is in Mattapoissett, or (B) who owns real estate in Mattapoissett, or (C) who is living in Mattapoissett as a tenant for a period of time longer than 120 consecutive days.
- 2.27 "Skiff" shall mean any boat ten (10) to sixteen (16) in length with a maximum beam of 65 inches. Inflatable skiff may have 75" maximum beam.
- 2.28 "Skiff spaces" shall mean the area where skiffs are held on outhaulls perpendicular to the wharf.
- 2.29 "Summer Season" shall mean April 1 through October 31st (7 months).
- 2.30 "Swimming Float" shall mean any float placed in Mattapoissett Waters which are owned by an individual, association, or other entity used primarily for swimming.
- 2.31 Transient Dinghy shall mean any dinghy tied up for 3 days or less.
- 2.32 "U.F.O" shall mean Unidentified Floating Object
- 2.33 "Waiting List" shall mean the waiting lists for wharf, skiffs, dinghys and mooring spaces and transfer lists for each, on file, in the Town Clerk's Office.
- 2.34 "Wharfage" shall mean the area where boats larger than sixteen (16) feet are tied to the wharf. Fee is calculated on the assigned length of the wharfage space as determined by the Commissioner. (see section 9) Said fee does not include winter storage, repairing boats in the dry dock area or electricity.
- 2.35 "Windsurfer" single person wind driven, stand on sailing vessel.
- 2.36 "Winter Season" shall mean November 1 through March 31, (5 months).

SECTION 3 - RULES FOR OPERATING BOATS IN MATTAPOISETT WATERS

- 3.1 SPEED IN ALL MOORING AREAS - No vessel or Personal Watercraft shall operate at a speed which will cause a wash or wake that may endanger other property or life, and in no event shall any boat exceed a speed limit of five (5) mph in any mooring area. Seaplanes may land and take off outside of mooring areas but they must obey the five (5) mph speed limit just as any other motorboat. (fines \$50 and \$100 repeat).
- 3.2 INNER HARBOR SPEED LIMIT: In the inner harbor all vessels shall travel at a rate of speed that is reasonable and proper having due regard for: weather conditions, use of the waterways, the vessel's wake, and proximity to people, other vessels and objects and structures in the water. It shall be prima facie evidence that a vessel is not traveling at a reasonable and proper speed and is in violation of this provision if the vessel exceeds the posted speed for any area, or if not posted, the vessel exceeds fifteen (15) miles per hour in the inner harbor or twenty-five (25) miles per hour in a water skiing area. (fine \$25 1st \$50 repeat)
- 3.3 MATTAPOISETT RIVER SPEED LIMIT: The maximum speed limit in the river shall be five (5) mph. (fine \$25 1st \$50 repeat)
- 3.4. WATER SKIING - Water skiing is prohibited in all mooring areas, and in Mattapoisett Harbor is limited to a designated and marked area as shown on the "Harbor Anchorage Chart". (fine \$25 1st \$50 repeat)
- 3.5 OCCUPATION OF MOORING, WHARF OR SKIFF SPACE - No vessel shall occupy a mooring or wharf space for which it is not registered without advance permission of the mooring owner and approval by the Harbormaster on a "Permission to use Mooring, Wharf or Skiff" form. The Harbormaster has the authority to fine and / or move any vessel violating the provisions of this section, and such movement shall be at the vessel owner's risk and expense. At no time shall any vessel be tied to a mooring inconsistent with the mooring tackle regulations Occupation of a mooring, wharf or skiff space without permission is subject to a fifty dollar (\$50.00) fine and/or removal of the boat.
- 3.6 All skiffs, assigned to skiff spaces with or without a motor, shall have and display state registration numbers for identification, proof of ownership and safety purposes. Said registration shall be on record with the Town Clerk's office.
- 3.7. FISHING - All vessels shall use care and courtesy when passing where people are fishing. (fine \$10)

- | 3.8. REPORTING BOATING ACCIDENTS - All boating accidents occurring in Mattapoissett waters, where damage exceeds five-hundred dollars (\$500.00) or results in a death, missing person, or requires medical treatment more than first aid, shall be reported to the Harbormaster, and to:

Massachusetts Environmental Police
Boat and RV Safety Bureau
1019 Route 132
Hyannis, MA 02601

and, also, to the nearest United States Coast Guard facility if the damage is over five-hundred (\$500.00).

- | 3.9. LITTERING - To keep Mattapoissett waters clean, the discharge of non-biodegradable liquids or solids is prohibited. (fine \$25)
- | 3.10. LOBSTER POTS - No person shall place or maintain a lobster pot or buoy attached thereto within seventy-five (75) feet of a raft, float, or wharves, in the inner harbor mooring areas or in marked channels or water skiing areas located within Mattapoissett waters. Failure to comply will result in removal of the pot at owner's expense.
- | 3.11. WINDSURFING - Windsurfers are not to operate in congested mooring areas or in the marked channels or within one hundred (100) feet of any town wharf. Free access across the channel at any point is permitted, but repeated crossings shall not be permitted. (fine \$10)
- | 3.12. SWIMMING – Swimming is allowed within thirty (30) feet of the boat from which you are swimming. Swimming is NOT allowed through the mooring area, through the channel or in the vicinity of the town wharves. (fine \$10 each offense)
- | 3.13. SWIMMING AREAS – All vessels are prohibited within one hundred and fifty (150) feet of a delineated swimming area. (state law)

SECTION 4 – WAITING LISTS

- 4.1. All applications for all waiting and transfer lists are to be filed in the Town Clerk's Office and will be date and time stamped upon filing with the appropriate fee. Applicants for all lists must be a minimum of fifteen (15) years of age. (all applicants registered before 1/1/03 shall be grandfathered.)
- 4.2. Applicants on all waiting lists shall be sent renewal forms annually. There shall be an annual fee for renewal of twenty dollars (\$20). It is the applicant's responsibility to file any address changes with the Town Clerk's Office.
- | 4.3. Waiting lists are maintained for assignment to wharf, skiff, mooring and dinghy spaces, and transfers of any of the above within their category.
- | 4.4. Skiff and wharf waiting lists are limited exclusively to residents, and shall be limited one actual space or one place on each of the waiting list per husband or wife or household.

4.5 Five (5) dinghy spaces will be allotted for non-residents who must also be mooring holders.

4.5. Mooring Waiting Lists are for any closed locations within Mattapoisett Waters.

SECTION 5 – ASSIGNMENT OF SPACES:

5.1.1. All dockage privileges and spaces on the wharves and moorings may be assigned or reassigned from time to time by the Harbormaster to assure the public safety. In the case of wharf or mooring spaces, assignment shall take into consideration the size and type of boat so that it does not interfere with the orderly development of such mooring area.

5.1.2. Assignments of spaces are from the waiting lists in the order of application, with the transfer lists having priority.

5.1.3. In the event that any person having an assigned wharf or skiff space shall die, then the surviving spouse shall succeed to said boat space until the following April 1st. Thereafter, the surviving spouse may be assigned said space if said spouse presents to the Harbormaster proof of ownership of a boat to be docked in said boat space. There is no transfer of registered ownership except as stated immediately above.

5.1.4. TRANSFERS (Permits) - No mooring permit shall be transferable except within the immediate family as defined in Section 2.14. Selling of mooring spaces is not permitted. Moorings are set on Commonwealth of Massachusetts's tidelands. Moorings occupy space by permit - not title.

5.2. SKIFF ASIGNMENTS

5.2.1. Should a person on the Skiff Waiting List refuse the available space offered to him he comes off the Waiting List.

5.3. WHARFAGE ASSIGNMENTS

5.3.1. If a person on the Wharfage Waiting List does not have a boat and does not wish to acquire a boat when notified that a space is available or if that person does have a boat and it is not suitable for the spot that is available - i.e. too long or too short - he stays on the list in the same position until a suitable spot is available or he asks to be removed from the list. Should a total of three (3) space offerings be refused, his name shall then be removed from the list.

5.3.2 Wharf Spaces – Finger Pier, Mello Wharf – wharf assignment on this pier must meet the following minimum requirements, 28' length on deck, minimum beam ten (10) feet, and maximum beam twelve (12) feet.

5.3.3 Wharf Spaces – Finger Pier, Mello Wharf – Persons renting these slips will inform the Harbormaster when the space will be vacant for 24 hours or more. Said slips may then be rented to transient boats during that time.

5.4. MOORINGS SPACE ASSIGNMENTS

5.4.1. PRIVATE MOORINGS

5.4.2. Should a person on the Mooring Waiting List refuse the space he comes off the Waiting List.

5.4.3. All requests for new mooring spaces within a closed area shall be made by submitting a completed “Application for Mooring Permit” to

Town of Mattapoisett
Town Clerk
P.O. Box 89
Mattapoisett, MA 02739

5.4.4 New mooring spaces will generally be spotted only between Memorial Day and Labor Day. The Harbormaster may extend or shorten this period for reasons of Waterfront management. (Boats are most likely to be on their moorings at this time; therefore new moorings can be spotted and will not interfere with existing moorings.) If no appropriate mooring space can be assigned, the request will be added to the waiting list that will be posted in the Harbormaster’s Office and on the Town Hall Bulletin Board.

5.4.5. Assignment of mooring spaces shall be limited to one (1) per year per applicant regardless of the number of mooring permit applications on file.

5.4.6. Private moorings are limited to one (1) per boat.

5.4.7. Upon granting a mooring space or a transfer of mooring space, the Harbormaster shall provide the registered owner with a Mooring Permit, and mooring identification number. The mooring must be installed within thirty (30) days of assignment. Failure to do so shall result in loss of privilege.

5.4.8. If a registered owner of a mooring moves his boat permanently to another harbor he must remove the tackle, and the mooring space will be assigned to the next applicant on the waiting list.

5.4.9 Except for moorings permitted by the Army Corp of Engineers, each mooring in Mattapoisett waters will be assigned an identification number by the Harbormaster. This number will be displayed in contrasting colors on each mooring float, and must be at least two (2") inches in height. Numbers assigned will be keyed to mooring areas. Boat yards and commercial mooring operators shall mark their floats with their logo and assigned number. Moorings failing to display identification are subject to a fine of twenty-five dollars (\$25) and/or removal of the mooring at the owner’s expense.

5.4.10. REGISTRATION OF MOORING SPACE

5.4.10.1 No new moorings may be installed in Mattapoissett waters without filing a "Town of Mattapoissett Boat Information Card" and obtaining a Mooring Permit as outlined in Section 5.4.1. through 5.4.7. Any mooring installed without proper permit shall be removed by the Harbormaster.

5.4.10.2. After January 1st of each year, the Town Clerk's Office will mail Renewal Applications to all permit holders identified in the mooring registration records.

5.4.10.2.1 Renewal applications must be received with payment by April 1st to:

Town of Mattapoissett
Town Clerk's Office
P.O. Box 89
Mattapoissett, MA 02739

5.4.10.3. All mooring permits issued shall expire on the 31st of March following the year of issue.

5.4.10.4. Private moorings are for the use of the registered owner. Moorings can only be used by another with special permission of the Harbormaster. Permission must be requested in writing fully explaining why the registered owner's boat will not occupy the mooring that season. Permission for another boat to occupy the mooring will be given only in unusual circumstances including but not limited to sale or construction of a boat, illness, hurricane damage, ect.

5.5.1. BUSINESS MOORING ASSIGNMENTS

5.5.2 Business must own or rent commercial space in Town and be a marine industry. Space must be of appropriate size for the storage and maintenance of boats.

5.5.3 Mooring assignments shall be from a business mooring pool as determined by the harbormaster in accordance with the Waterfront Management Plan.

5.5.4 All businesses shall submit a letter of request annually for renewal showing or describing need to be reviewed by the Harbormaster

5.5.5 No business shall be assigned a new or additional mooring under this provision without first showing an increased need to the Harbormaster/Wharf Commissioner. Such need, shall include but are not limited to recurring requests, or increase in customer base. Any denial or reduction of the number of previous year moorings issued will be given a one year notification to appeal.

- 5.5.6 Business Moorings shall be for transient use only. Transient boats in the harbor for more than 2 weeks must register with the Harbormaster and acquire a transient Boat Sticker as determined by the Harbormaster.
- 5.5.7 All moorings shall meet maximum size allowed in the designated row and shall meet the scope/ tackle requirements of the designated mooring row.
- 5.5.8 All business moorings buoys shall display the maximum size boat aloud on said mooring, mooring identification number assigned by the town and the business logo or name.
- 5.5.9 All rules and regulations of the Town of Mattapoisett must be complied with including but not limited to payment of excise and real estate taxes, compliance with zoning, registration of the business or as other conditions require.

5.6 COMMERCIAL MOORING ASSIGNMENTS

- 5.6.1. Commercial Mooring Permits shall be issued exclusively to Mattapoisett business.
- 5.6.2. The owner of the mooring shall be registered as the assignee of the mooring space. (Mooring permit holder)
- 5.6.3. The seasonal lessee shall be registered by boat sticker as prescribed in Section 6.
- 5.6.4. Size and type of moorings must meet tackle requirements prescribed in Section 7.1.
- 5.6.5. Commercial moorings shall have specifically designated mooring buoys, and shall be identified as shown in Section 5.4.7.
- 5.6.6. Holders of commercial mooring permits are not allowed to rent moorings to boat owners who have not paid their boat excise taxes.

5.7. TRANSFERS (Location or space assignment)

- 5.7.1. If a person is not satisfied with the wharf, skiff or mooring space that has been assigned to him/her, after accepting the assigned space, the person may file a transfer application with the Town Clerk to be placed on the transfer list. The person may then avail themselves of another space should one become available. If the space is refused, the persons name is removed from the transfer list.

SECTION 6 - BOAT STICKERS

- 6.1. Boats assigned a sticker must be owned by the Registered Owner of the mooring, wharf or skiff space, except as authorized by Section 3.5.
- 6.2 All boats in Mattapoisett water whether on a mooring, or in a slip, must display a boat sticker at all times. Boats in violation of this section (including failure to display a sticker that was issued) shall be subject to a fine of ten dollars (\$10) per day. Boats that are in Mattapoisett waters on a business or commercial mooring for service work to be performed by a marine service company are exempt from the two (2) week limit with permission of the Harbormaster.

- 6.3. Dealer Stickers are limited to two (2) per business.
- 6.4. After February first of each year, stickers will be available from the Town Clerk.
See fees – Section 9.7.
- 6.5. Display of stickers - sticker must be placed on the top port corner of the transom on all boats.
- 6.6. No sticker shall be issued without the previous years paid excise tax bill and proof of ownership of the boat.
- 6.7. Boats moored in Mattapoissett waters for four weeks or longer may be taxed, pursuant to M.G.L. c60B.
- 6.8. All transient boats in Mattapoissett waters, two non-consecutive weeks or longer, shall register with the Harbormaster and/or Town Clerk's Office and purchases a Transient Sticker.
- 6.9. All boats on town property, i.e. Ship Street and the Town Landing must have a boat sticker. Boats on Town Property may only be placed in designated areas. All boats must be removed from November 1st to April 1st, unless special permission is obtained from the Harbormaster

SECTION 7 – GENERAL MOORING REGULATIONS

7.1 REQUIREMENTS FOR TACKLE

7.1.1 SPECIFICATION FOR MOORINGS

All mooring anchors regardless of location must meet the following minimum requirements.

Mooring weight: To determine the minimum weight of a mushroom or pyramid anchor, multiply the length on deck (ft.) by the beam (ft.) by 1.5. The product is the minimum mooring weight in pounds.

$$\text{LOD (ft.)} \times \text{Beam (ft.)} \times 1.5 = \text{Minimum Mooring Weight (lbs.)}$$

Example: Boat length 31 ft., beam 10 ft. $31 \times 10 \times 1.5 = 465$ lbs. minimum weight.
Round up to the next even mooring size.

- Mushroom or pyramid anchors are recommended, unless the owner can demonstrate holding power adequate for his boat. *Concrete or Cement blocks are not allowed.*
- Dead weight anchors length x beam x 1.5 x 2 = dead weight
- No mooring tackle may be up graded without first completing a "Mooring up-grade Form"

- Any time a boat up-grade is made the Harbormaster must be notified in writing. The Harbormaster shall have the right to reassign the mooring location of such moorings to maintain the safety and integrity of the mooring field
- Boats over forty-five (45) feet consult the Harbormaster.
- New or replacement bridal moorings shall not be allowed.
- Any person installing a mooring (new or replacement) must have a copy of the permit or permission to upgrade in your possession.

7.1.2 All moorings on the harbor grid MUST adhere to the following "Mooring Scope Chart"

"HARBOR MOORING SCOPE CHART"

(CHAIN LENGTHS IN FEET WIRE SIZE TO BE DETERMINDE FROM TABLE 1)

ROW NUMBER	*HEAVY BOTTOM	INTERMEDIATE MIDDLE	LIGHT TOP	MAXIMUM PENNANT	MAXIMUM BOAT SIZE
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SECTION 1: ROWS 1-5 MOORINGS ARE 120 FEET FROM CENTER TO CENTER

1	12'	10'	20'	18'	20'
2	12'	10'	20'	20'	26'
3	12'	10'	20'	20'	26'
4	12'	10'	20'	20'	30'
5	12'	10'	20'	20'	35'

SECTION 2: ROW 6-10 MOORINGS ARE 140 FEET FROM CENTER TO CENTER

6 - 10	18'	18	35'	30'	40'
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SECTION 3: ROW 11-30 MOORINGS ARE 160 FEET FROM CENTER TO CENTER

11 - 30	22'	22'	40'	35'	45'
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SECTION 4: ROW 31+MOORINGS ARE 200 FEET FROM CENTER TO CENTER

31+	25'	25'	40'	40'	??'
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NOTES:

- All moorings placed on the Harbor Grid with boats larger than the maximum the year prior to placement will be grandfathered for that boat only and owners of these moorings may be given priority for transfer purposes as new grid locations become available.
- All moorings on any grid must have the heavy bottom chain stretched from the southeast to the northwest each year when the winter stick is removed.
- Any mooring placed on the grid must meet all specifications and all other moorings within five (5) years of adoption of the rules.

7.2 MOORINGS OFF THE HARBOR GRID

7.2.1 Mooring tackle should meet the minimum recommendations for chain and scope as set forth in 7.2.3, chain size, scope and weight as set forth in 7.1.1. Responsibility lies with the mooring permit holder to meet or exceed these guidelines, and to provide a mooring adequate for his boat in the location where the mooring is located.

7.2.2 Shallow water (restricted) moorings: are set in less than less than 6 feet of water at high tide for boats fifteen (15) feet or less. Minimum requirements shall be length x beam = anchor weight for mushroom or pyramid anchors (minimum weight 50 pounds). Minimum chain ten (10) feet ½ inch bottom chain ten (10) feet 3/8 top chain.

7.2.3 Chain size for moorings in all Mattapoissett waters

Heavy (navy) chain

<u>BOAT SIZE</u>	<u>CHAIN SIZE</u>
Boats under 22 ft.	¾ - 1"
Boats 23 to 28ft.	1" to 1 1/8
Boats 29 to 35 ft.	1 1/8 to 1 1/4
Boats 36 to 45 ft.	1 1/4 to 1 1/2
Boats 46 to 50 ft.	1 1/2 to 2"
Over 50 ft.	Consult Harbormaster

Intermediate (middle) chain

Boats under 22 ft.	½ to 5/8
Boats 23 to 28ft.	5/8 to 3/4
Boats 29 to 40 ft.	¾ to 1"
Boats 40 to 50 ft.	1" to 1 1/4
Over 50 ft.	Consult Harbormaster

Light (top) chain

Boats under 45 ft.	½ to 5/8
Boats 36 to 50 ft.	5/8
Over 50 ft.	Consult Harbormaster

Scope for moorings off the grid

Length of heavy chain = depth of water at high tide + 3 ft.

Length of intermediate chain = depth of water at high tide + 3 ft.

Length of light chain = depth of water at high tide times two

7.2.4 Pennant diameter:	Up to	16'	1/2" Nylon
	Minimum	18' to 24'	5/8" Nylon
		25' to 36'	3/4" Nylon
		37' to 50'	1" Nylon

NOTE: Maximum pennant length shall not exceed 35 feet.

7.2.5 Moorings shall be constructed so that chain runs through a float at the surface. Mooring pennants must be connected to the chain above the float.

7.2.6 Thimbles must be used in all chain to rope splices, or metal to rope fastenings. Chafing gear at least one (1) foot long must be used on each pennant. Shackles must be properly wired to prevent pins from backing out. See Section 5.4.7 & 5.4.9.

7.3. SAFETY OF MOORINGS

7.3.1. For the safety of one's boat, and other boats in the mooring area, the original tackle and the MAINTENANCE of the original tackle is not only important, but is the boat owner's and mooring permit holder's responsibility.

7.3.2 Mooring Grid: From time to time, as the harbormaster deems necessary the town will inspect the moorings on the grid for compliance with the following:

- Wear
- Location on the grid
- Minimum and maximum scope

7.3.3. It is required that any piece of the mooring tackle such as chain, shackles, etc. be replaced if damaged or wear of more than one third (1/3) of it's normal diameter is found.

7.3.4. The minimum specifications in Section 7.1. are guidelines only. The mooring permit holder and boat owner have the responsibility to insure that his tackle is adequate for his boat. The Town has no liability in the event that the mooring permit holder's or boat owner's tackle is not adequate.

7.3.5. Should a Mooring Inspection Certificate contain false information, it may be grounds for revocation of a mooring permit and loss of space.

7.3.6. It is recommended that in the event of a pending storm or hurricane, the boat should be removed from the water.

7.4. WINTER MOORING SPARS/STICKS

7.4.1. Winter mooring spars shall be readily visible in a vertical position above the water at all times, a minimum of eighteen (18") inches showing. The mooring permit number must be displayed on the winter stick, except in the case of commercial mooring operators, who may display their logo in lieu of the permit number. If the winter stick is not removed by June 15th in the inner harbor or by July 1st in the outlying areas, the Harbormaster will fine the permit holder and/or have the mooring removed at the mooring permit holder's expense, or cut and drop the chain to the bottom. Winter spars shall be set not earlier than Labor Day. The fine for not removing a winter stick shall be fifty dollars (\$50). Should the violation not be corrected and the fine paid within fifteen (15) days of being notified of the violation by registered mail the mooring shall be forfeited.

7.5. ANCHORAGE

- 7.5.1 Anchoring within Mattapoissett waters will be limited to those designated anchorage areas shown on the "Harbor Management Chart," unless otherwise approved or directed by the Harbormaster. Failure to comply will result in fine and/or removal of the vessel at the owner's expense. (fine \$50)
- 7.5.2. No vessel will be allowed to anchor in Mattapoissett waters utilizing her own ground tackle and be left unattended. The owner or operator and party may go ashore, but shall not leave the area and shall notify the Harbormaster's Office of their whereabouts. They or their designee must be available to tend the vessel in the event of heavy weather.

7.6. RAFTING

- 7.6.1. Rafting is limited to three (3) vessels on a single mooring and will only be allowed providing it does not interfere with adjacent single moorings or anchorages. Boats in raft shall be manned at all times with the center boat made fast to the mooring. Any rafting is done at your own risk.

SECTION 8 - WHARF REGULATIONS

8.1. GENERAL REGULATIONS

- 8.1.1. Persons using the Town wharves, parking areas or any facilities thereon, do so at their own risk. The Town of Mattapoissett assumes no responsibility for any damage incurred, personal injury or articles lost or stolen.
- 8.1.2 All those having a boat space the previous year must prove ownership (as defined in 2.22) of a suitable boat to maintain the same space for the current year. In addition, all boats must be in their assigned space by July 1st of each year unless otherwise authorized by the Harbormaster. All wharf and skiff space holders must have their boat in the space for at least 50% of the Summer Season. (14 weeks). Any owner not having the registered boat in said space by July 1st shall be sent a letter of noncompliance and a fine of fifty dollars (\$50) stating that they have seven (7) days to comply and pay the fine. Said letter and fine shall be sent by registered mail. Failure to act within the allotted time will result in forfeiture of space. If a space is reassigned, this person must prove ownership of a boat suitable for the space within fifteen (15) days of notice that the space is available.

8.1.3 Abandonment and neglect of skiff / wharf spaces: any boat in a skiff or wharf space that has broken lines, sunk, filled with water and not been bailed will be considered to be neglected or abandoned. Should the condition exist for five (5) days the Harbormaster will send a registered letter to the holder of said space. Space holder will have 7 days in which the condition must be corrected. If condition is corrected, no further action will be taken.

Should second offense occur under 8.1.3 a letter again will be sent with a fine of fifty dollars (\$50) If condition is corrected, & fine paid no further action will be taken. If not corrected the space will be forfeited.

Third offense under 8.1.3 in the same season or failure to pay fine will result in loss of space.

8.1.4. Between April 1st and September 1st whenever a boat is sold, under repair or otherwise disabled the wharf or skiff space shall be forfeited unless ownership to another boat of a size suitable to said space is provided within thirty (30) days. The Harbormaster shall be notified before July 1, in writing of any special circumstances regarding, but not limited to, boat repairs, new construction, etc. and this shall be taken into consideration by the Harbormaster before ordering the space to be vacated.

8.1.5. In case any party fails to obey the orders of the Harbormaster or fails to pay a fee or fine issued by the Harbormaster, the party shall be notified by the Harbormaster that all his wharfage rights are suspended.

8.1.6. If any party refuses or neglects to move his boat or material located on the wharf property when and as directed by the Harbormaster, the Harbormaster shall fine and / or remove the same at the expense of such person. (fine \$50)

8.1.7 No buildings or structures shall be placed on the wharf property without the approval, in writing, of the Harbormaster and the Selectman.

8.1.8. There shall be no winter storage on the Town wharves.

8.2. DRY DOCK RULES

8.2.1. No boat may be placed on the dry dock without first receiving permission from the Harbormaster. If said area is full and an emergency arises with a boat in the water, this boat may be placed in the parking area for repairs provided special permission for use of the paved area is granted by the Harbormaster or Deputy in consultation with Town Administrator in the absence of the Harbormaster.

8.2.2. Boat owners repairing boats on the wharf shall clean the area around the boat at the end of each day.

8.2.3. Any person using the dry dock for the purpose of scraping, sanding, removing paint or performing any work involving a hazardous material, shall first cover the ground with tarps or plastic in such a manner that all such materials shall be collected. Said materials shall then be removed and disposed of in accordance with D.E.Q.E. regulations by the persons or firm performing the work.

8.2.4. Paint cans, brushes, any containers, rags, or other articles used in the application of hazardous materials must be removed at the end of the day by the persons or firm performing the work.

8.2.5. Any non-resident boat being serviced on dry dock must have an approved Mattapoissett firm performing the work.

8.3. FLOAT RULES

8.3.1. East Float - There shall be a time limit of twenty (20) minutes at this float. (fine \$25 1st and/or tow and \$50 repeat and/or tow.)

8.3.2. West Float and Barstow Float - There shall be a time limit of one (1) hour at this float. (fine \$25 1st and/or tow and \$50 repeat and/or tow.)

8.3.3 Pump Out Float – There shall be a time limit of fifteen (15) minutes at this float. (fine \$25 1st and/or tow and \$50 repeat and/or tow.)

8.3.4 Time Limits - The above stated time limits shall apply at all times. Other than previously stated, boats may use the float for longer time duration provided they are not unattended. For more than one (1) hour and permission has been received from the Harbormaster's Office.

8.3.5. There shall be no overnight docking. Permission will be given by the Harbormaster or his agent for unusual circumstances only. (fine \$50 1st and/or tow and \$100 repeat and/or tow.)

8.3.6. There shall be no loading or unloading of fish, shellfish, traps, pots, or other fishing gear. (fine \$10 each offence)

8.3.7. Floats are to be used for loading and unloading of passengers and their possessions.

8.3.8. Fishing and swimming are not allowed off the floats. (fine \$10 each offence)

8.3.9. The floats shall not to be used as dinghy docks. (fine \$10 each offence)

8.4 PARKING

8.4.1. Parking of motor vehicles and boat trailers on the town wharves and wharf areas shall be governed by this section.

8.4.2. Short Wharf (Mello), Middle Wharf (Makuch), Long Wharf (Freddie Brownell) and the four parking spaces abutting the northerly area between Middle Wharf and Long Wharf shall be designated as areas for "Sticker Parking." No motor vehicle may park in these areas unless the vehicle displays a sticker issued by the Town.

8.4.3. The wharf area northerly of Middle Wharf (Makuch) and the area between Middle Wharf (Makuch) and Long Wharf ([Freddie Brownell](#)), the central parking area and Holmes Wharf shall be designated as areas for "Open Parking." Any motor vehicle may park in these areas, except that overnight parking between the hours of 2:00 A.M. and 6:00 A.M. is limited to those motor vehicles displaying a sticker.

8.4.4. The area between Holmes Wharf and Shipyard Park (the bandstand area) shall be designated as the area for "Boat Trailer Parking Only." Parking of any motor vehicles with boat trailer on the town wharves and wharf areas is limited to this area and all trailer tow vehicles must display a town-parking permit. All parked motor vehicles and boat trailers shall be removed from the area by 5:00 P.M. on each Thursday and Saturday between June 15 and Labor Day. All parked boat trailers shall be removed from the area by 5:00 P.M. on each Wednesday between June 15 and Labor Day, at which time any motor vehicle may park in this area.

8.4.5. Vehicles are allowed on Barstow Wharf only for loading and unloading from June 1st to September 15th. The rest of the year, parking shall be by sticker only between the hours of 6:00 A.M. and 5:00 P.M.

8.5. DINGHY STORAGE

8.5.1. There shall be no more than thirty-five (35) dinghies stored in the dry dinghy storage area. There shall be no more than five (5) dinghies assigned to non-residents

8.5.2. Any dinghy/skiff in the Dry Dinghy Storage area that does not display an appropriate permit, shall be removed at the owner's expense.

8.5.3. Additional spaces are for the use of inflatable/small dinghies belonging to transient users of the harbor, i.e. boaters visiting for the day or boaters for landing of their small inflatable/dinghy for less than forty-eight (48) hours at no fee. Boats not assigned a seasonal space violating the forty-eight (48) hour limit shall be fined twenty-five dollars (\$25) and/or removed at the owner's expense.

8.5.4. Dinghy Dock Assignments will be 35 spaces assigned to residents and 5 will be assigned to non-resident. Non-resident space holder must also be a mooring holder.

8.6. WINTER SEASON

8.6.1. Winter season shall be offered to summer space holder first.

8.6.2. Winter season space holder shall obtain advance permission to use the lines from the summer holder and approval by the Harbormaster on a "Permission to use Mooring, Wharf or Skiff" form. Winter season holder shall then be responsible to repair/replace any damaged lines caused by his occupancy. The space shall remain vacant during the winter season if the summer holder has not agreed to a winter renter and the summer holder shall not be liable for a winter season fee.

8.6.3 The winter season boat cannot be longer than the summer season boat that occupies the space unless the Harbormaster determines that there is reasonable cause to allow otherwise.

8.6.4. Payment for winter season is due thirty (30) days from date of bill.

SECTION 9 – FEES

9.1. WHARF

Annual Rate = \$ 30.00/foot boat length - \$600.00 minimum
(Assigned Spaces)

Annual Rate = \$1,500 per space
Transient Rate = \$2 per foot on deck per night
(Finger pier Mello Wharf)

Winter Rate = \$100.00/month Boats 25' and over
(Temporary Use) \$ 50.00/month Boats under 25'
\$25.00/month in addition to above winter fees for non-residents
\$ 10.00/month for electricity

SKIFFS and DINGHYS

Annual Rate = \$ 100/ year \$75/year over 65 years of age
Non Resident \$200/year
Dinghy only

9.2. DRY DINGHY STORAGE

There shall be thirty (30) Annual Dry Dinghy Storage permits for residents at twenty dollars (\$20.00) and five (5) for non-residents at \$40.00.

9.3. DRY DOCKAGE

9.3.1. Residents shall be allowed ten (10) days, at no charge, for dry dockage. Should work not be progressing in good faith, a fee of fifty cent (\$.50) per foot per day shall be charged.

9.3.2. Non-residents shall be charged at the following rate per day.
Boats 10' to 30' - \$10.00; 31' to 39' - \$15.00: 40+' - \$20.00

9.3.3. Fee for connecting to electricity and/or water in the dry dock area will be five dollars (\$5.00) per day for all boats.

9.3.4. Firms or individuals receiving permission to use the dry dock shall be responsible for paying the appropriate fees and/or fines to the Town of Mattapoisett

9.4. DOCK FEES EAST SIDE LONG WHARF

9.4.1. Overnight docking at the east side of the long wharf is authorized only upon obtaining permission from the Harbormaster at twenty dollars (\$20) per night. Vessels being repaired and having a valid Mattapoisett Boat Sticker, no charge for the first two nights, for all others the above rate applies.

9.4.2. A connection fee to electricity and/or water overnight will be five dollars (\$5.00).

9.5. ELECTRICITY

9.5.1. All persons desiring to use electricity on wharves shall first obtain permission of the Harbormaster and shall be charged a connection fee of five dollars (\$5.00) per day.

9.6 MOORING FEES AND STICKER FEES

9.6.1 MOORING FEES

All private mooring with a boat 35 feet or less	\$1.00 per <u>foot</u> (25-foot minimum)
All private moorings with a boat <u>over</u> 35 feet	\$2.00 per foot
Commercial & Business moorings	\$50.00
Moorings without the owner's boat (inner harbor)	\$100.00
Moorings without the owner's boat (outside harbor)	\$50.00

9.6.2 STICKER FEE (25 foot minimum on all stickers) – sticker fee \$25.00

Dealer Sticker	\$100.00
Resident sticker	\$1.00 per foot
Resident sticker over age 65	\$0.50 per foot
Non-resident sticker	\$4.00 per foot
Dinghy Sticker	\$25.00
Transient Boat <u>Sticker (for 40' and over)</u>	\$100.00 <u>week</u>
<u>Less than 40'</u>	<u>\$ 50.00 week</u>
<u>Alternate Boat Sticker</u>	<u>\$ 5.00</u>

9.6.3 FEE FOR REMOVAL OF BOAT AT OWNERS EXPENSE – boat removal fee \$50.00

9.6.4 DOCKS AND FLOATS – All docks and floats in Mattapoisett waters will be charged at the following rate. All private floats will be issued a float sticker that must be displayed on the left side facing the water. All floats in Mattapoisett waters must be registered as one of the following:

Commercial Docks	\$50.00 per boat space/year
Private Boat Floats	\$50.00 per year
Swimming Floats	\$50.00 per float/year

9.6.5 Application for placement on the Wharf, Skiff, or Mooring Waiting List shall be a fee of twenty dollars (\$20.00) per list and twenty dollars (\$20.00) per year. The Transfer List is a one-time twenty dollar (\$20.00) fee.

SECTION 10 - PAYMENT OF FEES

- 10.1. Payment of wharfage, skiff, mooring or sticker fees cannot be accepted until all outstanding boat excise taxes have been paid. Failure to comply with this section does not free a person from the conditions of the following sections.
- 10.2. All fees for summer season space are due and payable in full within sixty (60) days of billing, which shall be during the month of February. Those fees not paid by April 1st will be assessed an additional fee of fifty dollars (\$50.00). April 1st bills will be sent with final notice of revocation. Any bill not paid by June 1 under this provision will result in the forfeiture of space. (see forfeiture section 11.6.4)
- 10.3. Billings for new wharf, skiff or mooring spaces issued after February 1st shall be subject to a twenty-five dollar (\$25.00) late fee if not paid within sixty (60) days of the date of billing or a fifty dollar (\$50.00) late fee if not paid within one hundred and twenty (120) days.
- 10.4. Fees for mooring will be mailed to registered owners identified in the mooring registration records and are due and payable no later than thirty (30) days from the date of billing. Note: it is the responsibility of the mooring owner to update the mailing address with the Town Clerk's office. Failure to do so may result in the loss of privileges.
- 10.5. In all instances, spaces not paid in full in accordance with the above schedule, shall mean loss of the space. The space shall then be reassigned in accordance with these regulations.
10.5.1 Any bill (not paid) that does not involve an active wait list, may be assessed an additional administrative fee of \$100 (plus all other fees & fines) in lieu of loss of loss of privileges, or at the Town's discretion privileges may be revoked.
- 10.6. Fees for other facilities or services are due and payable upon receipt of bill.
- 10.7. BOATYARDS AND MARINAS - It shall be the responsibility of the facility operators to acquire the appropriate stickers or supply the town with the names, billing address and boat description of the owners for all boats at their docks and moorings. Yards or Marinas not in compliance will receive one written warning notice with fifteen (15) days to comply. Failure to comply will result in a fine of fifty dollars (\$50.00) per day.

SECTION 11 - ENFORCEMENT

11.1 FINES

11.1.1. Unless otherwise specifically provided herein these rules and regulations shall be enforced by the Harbormaster, his Assistants, Harbor Police or other enforcing officers. In addition to specific violations that entail forfeiture of space as outlined in (Sections 8.1, 11.6, & 11.7) failure to comply with these rules and regulations may result in the imposing of fines and actions as outlined hereafter.

11.2. DRY DOCKAGE

11.2.1. The fine for failure to pay the required fees shall be one hundred dollars (\$100.00). Said fine is levied in addition to daily fees owed.

11.2.3. Any boat placed on the dry dock without permission shall be charged a fine of twenty-five dollars (\$25.00) day. – Section 8.2.1.

11.2.4. The fine for failure to comply with Section 8.2.2. through 8.2.4 inclusive shall be twenty-five dollars (\$25.00) per incident.

| 11.3. EAST ,WEST and BARSTOW FLOATS

11.3.1. The fine for exceeding time limits shall be twenty-five dollars (\$25.00) for each offense. Any boat exceeding this limit may be towed at the owner's expense and risk.

11.3.2. The fine for leaving a boat overnight without permission shall be fifty dollars (\$50.00) for the first offense, one hundred dollars (\$100.00) for the second offense and increments of fifty dollars (\$50.00) for each subsequent offense over two (2) offenses. Any boat exceeding this limit may be towed at the owner's expense and risk.

11.3.3. The fine for loading or unloading of fish, shellfish, traps, pots, or other fishing gear or fishing or swimming off the floats shall be ten dollars (\$10.00) for each offense.

11.4. MISCELLANEOUS - ENFORCEMENT

11.4.1. Failure to file "Permission to Use Mooring, Wharf or Skiff" form and obtaining approval of the Harbormaster when mooring, wharf or skiff space to be used by anyone other than the assigned owner shall be twenty-five dollars (\$25.00) for each occasion and vessel maybe removed at the owner's risk and expense.

11.4.2. Any person refusing, after written notice, to obey an order of the Harbormaster, shall be liable to a fine not less than twenty-five dollar (\$25.00).

11.5. LOSS OF PRIVILEGES

11.5.1. Failure to remove winter spars etc see section 7.4.1 for details. Non-compliance will result in a fine of fifty dollars (\$50.00) with fifteen (15) days to comply. Failure to do so will result in removal of the winter stick or the chain will be dropped.

11.5.2 Failure to meet these regulations section 8.1.2. boat in space by July 1st will result in a Fine of fifty dollars (\$50.00) and a registered letter of violation will be sent to the space holder with a fifteen (15) day compliance period. Failure to comply will result in forfeiture of the space to the next name on the transfer or waiting lists.

11.5.3. Between April 1st and September 1st whenever a boat is sold, another boat of a size suitable to said wharfage space must be in place within thirty (30) days or such longer period maybe granted by the Harbormaster. At the end of said period if the space is still vacant it shall be forfeited. See 8.1.3.

11.6 FORFEITURE OF MOORING SPACE

Any mooring permit holder shall be deemed to have forfeited his mooring space by any one of the following:

11.6.1. Removal of tackle by mooring permit holder and notification to the Harbormaster that the space is available.

11.6.2. Failure to replace any sub-standard mooring tackle within fourteen (14) days after written notice from the Harbormaster.

11.6.3. Failure to buoy or restore mooring within twenty (20) days after written notice from the Harbormaster that the mooring is submerged. In the event that a mooring is lost, the mooring permit holder must report the loss to the Harbormaster immediately.

11.6.4. Failure to pay all fines, fees and taxes relating to the use of Mattapoissett waters; i.e. boat excise, skiff, wharfage, mooring and/or sticker fees.

11.6.5. Failure of a Mooring Permit Holder to assure payment of all fines, fees and taxes relating to the use of Mattapoissett waters, i.e. boat excise, skiff, wharfage, mooring and/or sticker fees for an authorized user of mooring, regardless of who owns the boat.

11.6.6. In the event of forfeiture, the Harbormaster, to assure the public safety, has authority to have the boat removed and the mooring pulled at the registered owner's expense, or cut and chain dropped to the bottom.

11.6.7 Under this provision, any mooring permit holder whose permit has been revoked shall not reapply or be granted a replacement permit within a period of 12 months.

11.7 FINE/SUMMARY

Section 3.1	Speeding in mooring area	\$25.00 1st offense \$50.00 2nd offense
Section 3.2	Inner Harbor Speed Limit	\$25.00 1st offense \$50.00 repeat offense
Section 3.3	Mattapoissett River Speed Limit - 5mph	\$25.00 1 st offense \$50.00 repeat offense
Section 3.4	Personal Water Craft	\$25.00 1 st offense \$50.00 repeat offense
Section 3.5	Occupation of a mooring, wharf or skiff space without permission	\$50.00 Fine and/or removal of boat at owner's expense
Section 3.6	Interference with Fisherman	\$10.00
Section 3.8	Littering – discharge of non-biodegradable liquids or solids	\$25.00
Section 3.9	Lobster Pots	Failure to comply, removal of pot at owner's expense.
Section 3.10	Windsurfing within 100 ft of wharf or in channel	\$10.00 each offense
Section 3.11	Swimming beyond 30 feet of boat	\$10.00 each offense
Section 5.4.9	New Mooring without Identification	\$25.00 and/or removal of mooring at owner's expense
Section 5.4.10.2.1.	Not Registered by April 1st	\$10.00
Section 6.2	Boats without stickers In Mattapoissett Waters For more than two (2) Weeks	\$10.00 a day
Section 7.4.1	Winter Mooring Spars/Sticks	\$50.00 fine, with 15 days to comply. Removal of winter stick or chain will be dropped.
Section 7.5.1	Anchorage within Mattapoissett waters	\$50.00 and/or removal of vessel at owner's expense
Section 7.5.2	Leaving anchored vessel unattended	\$25.00
Section 8.1.2	Proof of Boat Ownership	\$50.00 if no compliance within 15 days of notice

Section 8.1.3	Abandonment of Skiff/Wharf Space	1 st Offense, Written warning \$50.00 for second offense. Loss of space on third offense.
Section 8.1.6	Refusal or neglect to remove Boat or material	\$50.00
Section 8.3.1&2	East, West & Barstow Float time limit violations	\$25.00 1 st offense, and/or tow and \$50.00 repeat offense, and/or tow
Section 8.3.5	<u>East/West & Barstow Float Overnight Violations</u>	\$50.00 1 st offense, and/or tow and \$100.00 repeat offense, and/or tow
Section 8.3.6	Loading & unloading fish, traps, pots or other fishing gear.	\$10.00 for each offense.
Section 8.3.8 & 8.3.9	Fishing & Swimming; Dinghies on float	\$10.00 for each offense.
Section 8.5.3	48 Hour Limit Violation	\$25.00 and/or removed at owner's expense
Section 11.5.2	Failure to meet regulations of Section 8.1.2	\$50.00 with 7-day compliance or space will be forfeited.
Section 11.6.3	Not restoring submerged Mooring within twenty (20) days	\$10.00

SECTION 12 – MISCELLANEOUS - GENERAL

- 12.1. If the Harbormaster, with the approval of the Selectmen, determines that any mooring area has reached its capacity; he may declare that area closed to any new moorings.
- 12.1.1 Any final notice of forfeiture for loss of privilege or place on a wait list shall be sent by registered mail.
- 12.1.2 U.F.O. – Unidentified Floating Object – The Harbormaster for safety and organizational purposes may remove or cut any UFO within Mattapoissett waters.
- 12.2. GRANDFATHER CLAUSE
- 12.2.1. MOORING AREA - INNER HARBOR - PRIVATE GRANDFATHERED MOORINGS
- 12.2.1.1. Ownership of private moorings set prior to April 24, 1989 shall be limited to one (1) mooring more than the number of boats owned by the mooring permit holder of record.
- 12.2.1.2 The Harbormaster may permit temporary use of a mooring by another boat upon completion of "Permission to Use Mooring, Wharf or Skiff Space" application by the mooring permit holder.
- 12.2.1.3. Should a mooring permit holder sell or transfer ownership of a boat(s), the mooring count shall be adjusted to reflect the new count.
- 12.2.1.4. Any skiff registered to a skiff space before July 25, 2002, shall be allowed to remain in said space for the life of the owner or spouse of owner. Should the skiff space holder wish a transfer, or purchase a new skiff, it must meet all current skiff space requirements.
- 12.3. MOORING AREA - INNER HARBOR - BUSINESS GRANDFATHERED MOORINGS
- 12.3.1. Ownership of business moorings set prior to April 24, 1989 is limited. The limit shall equal the number on file with the Harbormaster as of June 1, 1989.
- 12.3.2. Business moorings cannot be sold or transferred. This section is restricted to businesses operating on April 24, 1989.
- 12.4. MOORING AREA - OTHER THAN THE INNER HARBOR
- 12.4.1. All moorings set prior to April 24, 1989 will remain with the permit holders of records provided a Town of Mattapoissett Boat Information Card has been filed and the required fees paid.
- 12.4.2. Grandfathered mooring list shall be maintained by the Town Clerk.

SECTION 13 - NON-CRIMINAL DISPOSITION OF FINES

- 13.1. In accordance with Article I, Section 9 of the General By-Laws of the Town of Mattapoisett, the Harbormaster/Wharf Commissioner, Assistant Harbormaster/Wharf Commissioner, Police Officers or other enforcing officers, hereinafter referred to as the enforcing officer, taking cognizance of a violation of a specific by-law, rules or regulation which he is empowered to enforce, as an alternative to initiating criminal proceedings, may elect to give to the offender a written notice to appear before the clerk of the district court having jurisdiction thereof at any time during office hours, not later than twenty-one (21) days after the date of such notice. Such notice shall be in triplicate and shall contain the name and address, if known, of the offender, name of vessel, if appropriate, the specific offense charged, and the time and place for his required appearance. Such notice shall be signed by the enforcing officer, and shall be signed by the offender whenever practicable in acknowledgement that such notice has been received, all in accordance with M.G.L. Chapter 40 Section 21D (Non-Criminal Disposition of Violations) and said aforementioned Article I, Section 9.

SECTION 14 – APPEALS

- 14.1 In the event that any dispute arises over the interpretation of these Rules and Regulations, or any order issued by the Harbormaster, the disputing party shall, in writing to the Harbormaster, state their interpretation of the rule as it applies to their situation. The Harbormaster shall have ten (10) calendar days in which to respond from receipt of letter. If unable to resolve the matter, the person may appeal in writing within ten (10) days of Harbormaster response to the Board of Selectmen through the Town Administrator.

The letter of appeal shall be hand delivered or mailed to the Harbormaster, in care of the Town Clerk's office, PO Box 89 and it must be clearly marked APPEAL on the outside of the envelope. Said person must comply with the Harbormaster's ruling until a decision is made by the Board of Selectmen on the appeal. The Board, after giving the Harbormaster and the disputing party an opportunity to be heard shall render a decision and the Board's decision shall be final.

Denial of a Mooring permit will be handled under, MGL c.91 § 10A. *Any person aggrieved by a refusal to permit such temporary mooring, or by any condition or restriction imposed relative to such mooring, may appeal to the division of waterways of the department within 30 days after receiving notice of such refusal or of the imposition of such condition or restriction. Said division shall review the circumstances resulting in such appeal and shall render a ruling either confirming the action of a harbormaster, setting such action aside, or amending such action and imposing its own conditions and restrictions as deemed necessary.*

SECTION 15 – FORMS

- 15.1 The Harbormaster may develop and amend forms as needed from time to time to enforce the provisions of these rules and regulations.

Date Adopted:

| November 10, 2009