



WATERWAYS REGULATIONS
TOWN OF DENNIS, MASSACHUSETTS

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Section 1. Authority, Purpose, Applicability and Severability

The Dennis Waterways Regulations are adopted by the Board of Selectmen under the authority granted it in the Code of the Town of Dennis, Massachusetts Chapter 36, Section 5 and Section 9. These Regulations are intended to promote the protection of public safety and welfare by encouraging voluntary compliance and by deterring noncompliance through penalties and fines. These Regulations are a compilation of Massachusetts General Laws, CMR's, Harbormaster Regulations, the former Dennis Waterways Regulations, and various existing Dennis General Bylaws and regulations. All persons using waterways or water-dependent facilities under the jurisdiction of the Town of Dennis, hereafter referred to as Town, shall comply with these Regulations and any additional applicable local, state and federal bylaws, regulations or statutes. The Town assumes no responsibility in the event of fire, theft, or damage of any nature to any boat or property connected therewith, nor for personal injury to any person arising out of the use of waterways under the jurisdiction of the Town or any facility in or related to said waterways. In the event that any provision, section or clause of these Regulations is hereafter judicially found to be invalid, such decision, invalidity or voidance shall not affect the validity of the remaining portion of these regulations.

Section 2. Definitions

In these Regulations, unless the context otherwise requires, the following words shall have the following meanings:

10A float: A moored, floating dock not attached to the shore authorized by the Harbormaster under MGL Chapter 91, Section 10A.

Beam: The extreme straight line measurement perpendicular to the keel centerline from the port gunwale to the starboard gunwale.

Buoy: A floating object anchored in a body of water to mark a channel or warn of danger.

Dinghy, Pram, Tender: A small boat not to exceed ten (10) feet in length and used to transport crew, gear, or supplies to and from a larger boat.

Harbormaster: An appointed official responsible for the management of the waterways and water-dependent facilities of the Town and enforcement of any applicable local, state and federal regulations, by-laws or statutes. For the purposes of these Regulations, the term "Harbormaster" shall include any appointed assistant Harbormasters.

Headway speed: The minimum speed at which a vessel may be operated and maintain steerage way, but not to exceed six (6) miles per hour or five (5) knots.

Town Landing: A municipal water-dependent facility used for boating activities to include temporary dockage, loading and off-loading of gear and passengers.

Municipal marina: A municipal facility used to secure and dock boats.

Mooring: A place where or an object can be made fast, a device (as a chain or line) by which an object is moored.

Personal Watercraft (PWC): Also referred to as jet-ski or wet-bike. A Class-A inboard motorboat which is specifically designed to be operated by a person or persons sitting, standing, or kneeling on the vessel.

Launch Ramp: A facility to launch and retrieve trailered or car-carried vessels.

LOA: Length overall. The total length of a vessel including any pulpit, swim platform, engine bracket or trimmed outboard engines.

Screw Embedment: A type of anchoring system that has been screwed by mechanical means into the sea floor.

Transient: Remaining in place only a brief time.

Wake: The visible track of turbulence or waves left by a vessel moving through the water.

Waterways Commission: An appointed board of Dennis citizens that shall advise the Town Administrator of water related concerns.

Personal flotation devices (PFD or life jacket): A Coast Guard approved device designed to turn an unconscious person in the water from a face downward position to a vertical or slightly backward position.

Section 3. Operation

A) Numbering of vessel

No vessel propelled by means of machinery shall be operated within the waters of the Town unless said vessel is numbered in accordance with Chapter 90B, Section 2, of the Massachusetts General Laws and said valid Certificate of Number shall be carried in the vessel at all times.

This regulation shall not apply to: (1) A vessel owned in a country other than the United States temporarily using the waters of the commonwealth; (2) A vessel owned by an agency of the United States government or by a state, county, city or town; (3) A vessel numbered in accordance with the numbering system of another state, which system has been approved by the secretary; provided, that the certificate of number or similar document awarding a number to such vessel is in full force and effect; and provided, further, that such vessel shall not have been within the commonwealth for a period of time in excess of sixty consecutive days; (4) A vessel which has a valid marine document issued by the Bureau of Customs of the United States government.

B) Speed limits / No wake zones

No vessel shall be operated at any time on the waters of the Town at a speed greater than is reasonable and proper having regard to the lives and safety of the public; the state of visibility; the traffic density; the maneuverability of the vessel; the state of wind, water and current; and the proximity of navigational hazards. In the absence of a specified speed limit established by federal, state or local law for the particular water body or area, speed by a vessel, in excess of forty five (45) miles per hour shall be presumed to be in excess of a reasonable and proper speed.

A vessel shall not be operated at more than headway speed: (1) When the operator's vision is obscured under a bridge or by bends or curves or in any other manner; (2) When the vessel is operated within one hundred fifty (150) feet of a marina, boat launching facility, raft or float, jetty, bulkhead or other artificial coastal structure; (3) When the vessel is operated within one hundred fifty (150) feet of a swimmer.

Any vessel propelled by machinery operating in Bass River, Sesuit Harbor, Sesuit Creek, Swan River, Follin's Pond, Chase Garden Creek, Quivett Creek or tributaries thereof or in any fresh water ponds or lakes of the Town shall travel at headway speed except in the following areas: (1) Follin's Pond northerly from the upper narrows of Bass River and; (2) from buoy #30 to buoy #33 in Bass River.

C) Water skiing – Bass River

Water skiing is permitted only in the following areas: (1) Follin's Pond northerly from the upper narrows of Bass River and; (2) from buoy #30 to buoy #33 in Bass River. No person shall operate any vessel on the waters of the Town towing a person or persons on water skis, a surfboard, a tube or other similar device, unless there is in such vessel a person who has attained age twelve (12) in addition to the operator in a position to observe the person or persons being towed, and unless such vessel is equipped with a ladder, steps or similar means by which any person being towed can be taken from the water.

D) Personal Watercraft (PWC)

1. No person shall operate a personal watercraft in the following areas: Swan Pond River, Swan Pond, Chase Garden Creek, Quivett Creek or on any fresh water pond within the Town.
2. Minimum Age. No person shall operate a personal watercraft if such person is: (a) Under the age of sixteen (16); (b) sixteen (16) or seventeen (17) years of age without first having received an approved safety certificate.
3. Personal Flotation Device. Any person aboard a personal watercraft shall wear at all times a Coast Guard approved personal flotation device of Type I, II, III or V.
4. Towing. No person shall tow a water skier or any person in any other manner from a personal watercraft.
5. Evening Operation. No person shall operate a personal watercraft between the hours of sunset and sunrise or when vision is unduly restricted by the weather.
6. Safe Operation. No person shall operate a personal watercraft except in a safe and prudent manner, having due regard for other waterborne traffic, posted speed and wake restrictions and all other attendant circumstances, so as not to endanger the life, limb or property of any person. No person who owns, rents, operates or who otherwise has charge of a personal watercraft shall permit said personal watercraft to be operated in

violation any local or state applicable regulation or statute. No person shall operate a personal watercraft in a negligent manner. The following are prohibited as examples of negligent operation: (a) Unreasonably jumping, or attempting to jump, the wake of another vessel; (b) Following within one hundred fifty (150) feet of a water skier; (c) Weaving through congested vessel traffic; (d) Speeding in restricted areas; (e) Crossing unreasonably close to another vessel; (f) Operating a personal watercraft in such a manner that it endangers the life, limb or property of any person; (g) Towing a water-skier or any person in any manner from a personal watercraft and; (h) Operating a personal watercraft during the evening.

7. Automatic Cut-Off. Every person operating a personal watercraft equipped by the manufacturer with a lanyard type engine cut-off switch shall attach said lanyard to his person, clothing, or personal floatation device as is appropriate for the specific craft.
8. Minimum Age. No person shall lease, hire or rent a personal watercraft to any person under sixteen (16) years of age, nor to any person sixteen (16) or seventeen (17) years of age unless said person produces a certificate evidencing compliance with 323 CMR 4.03(1)(b).
9. Notice of Regulations. No person shall lease, hire or rent a personal watercraft to any person unless said lease, hire or rental is accompanied by a copy of 323 CMR 4.00.
10. Safety Rules Stickers. No person shall lease, hire or rent a personal watercraft to any person unless said personal watercraft shall have the most current version of the Safety Rules Sticker prominently affixed thereto so that it is visible and readable by the operator.
11. Safety Equipment and Education. A personal flotation device complying with 323 CMR 4.03 shall be provided with all rented personal watercraft. The safe operation of the personal watercraft shall be explained by the rental livery.

E) Public swimming beaches

Any vessel propelled by machinery shall not be operated within one hundred fifty (150) feet of shoreline which is being used as a public swimming beach, or within fifty (50) feet of the seaward boundary of a public swimming beach, if designated by markers, floats or otherwise. When the vessel is operated within three hundred (300) feet of a shoreline being used as a public swimming area, operators shall not operate vessels at more than headway speed. Boat operators shall not take aboard or discharge passengers (including, without limitation, boaters, water skiers, divers or fishermen) at any public swimming beach operated by the Town.

F) Fresh water ponds and lakes

The use of outboard motors on fresh water ponds or lakes is limited to engines of not more than six (6) horsepower unless authorized by the Harbormaster.

G) Sailboats – Sesuit Harbor

Sailboats not under auxiliary power are prohibited from using the inner harbor unless authorized by the Harbormaster.

H) Safety Certificate for minors

Any person of at least twelve (12) years of age and less than sixteen (16) years of age shall satisfactorily complete a training course in boating. Courses approved include those sponsored by the Division of Law Enforcement, boating agencies of other states in the U.S.A., the United States Coast Guard Auxiliary, the United States Power Squadron, or any other entity approved by the Director. Any such person who satisfactorily completes said course will be issued a safety certificate, which shall be in possession when operating a vessel propelled by machinery and available for inspection by empowered law enforcement officers. The provisions of this section shall not apply if the person (minor) who is operating the vessel is accompanied on-board and directly supervised by a competent person eighteen (18) years of age or older. No person under twelve (12) years of age may operate a vessel propelled by machinery on the waters of the Town, unless accompanied onboard and directly supervised by a competent person eighteen (18) years of age or older.

I) Negligent Operation

Vessel operators are responsible for their wake at all times and shall not operate in a reckless or negligent manner so as to endanger the life, safety or property of any person. Any officer authorized to enforce these Regulations who determines that a vessel being used without personal flotation devices onboard required under these Regulations or which is in an overloaded or other unsafe condition and which, in his judgment, presents a substantial risk of injury or loss of life by the use of said vessel, may terminate such use and direct the operator to take whatever immediate and corrective steps which are necessary for the safety of the persons aboard such vessel, including, but not limited to, directing the operator to proceed to a mooring and to remain there until such vessel is deemed to be safe. As used in this section the term "other unsafe condition" shall mean: (1) the vessel is not displaying the navigation lights between sunset and sunrise; (2) the vessel has fuel leakage from either the fuel system or engine; (3) the vessel has an accumulation of fuel in the bilges or in a compartment other than a fuel tank; (4) the vessel does not meet the ventilation requirements for tanks and engine spaces; or (5) the vessel does not meet the requirements for backfire flame control.

J) Obstructing navigation or access

It shall be prohibited to: (1) operate a vessel or conduct activity from a vessel in such a way that said operation or activity interferes unnecessarily with the safe navigation of other vessels or the public safety; (2) anchor a vessel in the travelled portion of a marked navigational channel in a way that will prevent or interfere with any other vessel passing through the same area; (3) moor or attach a vessel to a buoy (other than a mooring buoy), beacon, light, or any other navigational aid placed on waters of the Town by proper authorities; (4) move, displace, tamper with, damage, or destroy any navigational aid or; (5) obstruct a pier, wharf or boat ramp owned by the Town for a period in excess of fifteen (15) minutes unless otherwise authorized by the Harbormaster.

Any vessel or object constituting a potential hazard to navigation and any vessel or object improperly secured, swamped, sunk, washed ashore or found in an abandoned condition may be removed or relocated by the Harbormaster or his agent. Any expense or liability incurred shall be the responsibility of the vessel or object's owner. The last owner of record of a vessel at the time it was abandoned shall be presumed to be the person who abandoned the vessel.

Section 4. Conduct

A) Pollution

The discharge of untreated sewage, waste material, petroleum products, fish parts or waste, animal parts or waste, or rubbish or refuse of any kind into tidal waters of the Town or at any water-dependent facility or property owned by the Town shall be prohibited.

B) Criminal activities

No vessel within the waters of the Town shall be used to transport, store, or sell controlled substances or stolen property. All persons shall conduct themselves in a peaceful and orderly manner and shall not threaten or cause, directly or indirectly, any bodily harm to any person or damage to any property and shall not create any hazard or nuisance which may affect any person or property. Mooring permit and slip holders shall be responsible for the conduct of their guests on all waters of the Town.

C) Swimming – Prohibited areas

Swimming, diving or snorkeling is prohibited within all areas of Sesuit Harbor and Bass River Park unless authorized by the Harbormaster. There shall be no jumping or diving off any bridges, docks, piers or jetties owned by the Town. Swimming is prohibited in all marked navigation channels.

D) Fish cleaning – Prohibited areas

The cleaning or dragging of fish on piers, floats and gangways owned by the Town is prohibited.

E) Fueling or power washing

Fueling while berthed at the municipal marina at Sesuit Harbor is prohibited except at the west side courtesy float. Smoking is prohibited in any area where re-fueling is authorized. There shall be no power washing of any vessel's hull below the waterline on any land owned by the Town.

F) Commercial Use Permit – Conducting of business / Solicitation

No part of the municipal marinas located at Sesuit Harbor and Bass River Park or other water-dependent facilities owned by the Town shall be used for the conducting or solicitation of business of any kind without having first obtained a license from the Town to do so. Said license may authorize the following commercial operations: fishing, towing, charter fishing, aquaculture, sightseeing or other water-dependent uses. Applications for a Commercial Use Permit must be filed on a form provided by the Harbormaster and shall be approved or denied by the Harbormaster after necessary and appropriate consultation with the Town Administrator, the Waterways Commission, the Planning Board or the Board of Selectmen and acted upon within ninety (90) days of receipt. The Harbormaster may impose additional terms, conditions or restrictions as he shall deem necessary in the interest of public safety or efficient use of the facility.

G) Fish storage

The retaining of live fin fish, shellfish, lobster or crabs in pens, cars or similar devices within Sesuit Harbor is prohibited unless authorized by the Harbormaster. The Harbormaster may issue a special permit for the temporary placement of a float, up-weller, bags or similar device(s) used for the over-wintering of shellfish provided that the applicant obtains all necessary approvals from the Shellfish Constable of the Town prior to applying for said permit. The Harbormaster may impose additional terms, conditions or restrictions as he shall deem necessary in the interest of public safety or efficient use of the facility.

H) Personal Watercraft and Non-motorized vessel launching – Prohibited areas

The launching of personal watercraft, canoes, kayaks, row boats or paddle boats from the west side of the Sesuit municipal marina shall be prohibited.

I) Loading / Unloading

Berthing of vessels to any float or pier owned by the Town shall be, unless otherwise authorized within these Regulations or by the Harbormaster, limited to a period not to exceed fifteen (15) minutes. Any individual utilizing the west-side commercial dock, pier or bulkhead at Sesuit Harbor for loading or unloading shall be required to pay the appropriate fee as specified in the fee schedule of the Town. The Harbormaster may impose additional terms, conditions or restrictions as he shall deem necessary on loading / unloading at any float or pier owned by the Town in the interest of public safety or efficient use of the facility.

J) Storage on Town property

Unless otherwise authorized within these Regulations or by the Harbormaster, the storage of any vessel, vehicle, trailer or other personal items or property on land owned by the Town is prohibited. The Harbormaster may remove or cause to be removed any property determined to be in violation of this section. Any expense or liability incurred shall be the responsibility of the boat owner. The last owner of record of a vessel at the time it was abandoned shall be presumed to be the person who abandoned the boat.

Section 5. Required Equipment – Vessels

In addition to any other state or federal requirements, the following equipment shall be carried on all vessels at all times when within the waters of the Town:

- A) U.S.C.G. Approved Personal Flotation Devices as prescribed by Massachusetts General Laws (MGL) Chapter 90B, Section 5.
- B) A valid Certificate of Number, if required by MGL Chapter 90B, Section 2
- C) From sunset to sunrise or during periods of restricted or limited visibility, lights that comply with MGL Chapter 90B, Section 5
- D) Anchor and line adequate to hold the vessel
- E) Bailer
- F) Paddle or oar
- G) Whistle (Boats sixteen (16) feet or over)
- H) Horn (Boats twenty-six (26) feet or over)
- I) Ladder or similar device (if engaged in water skiing)
- J) Dive flag, if applicable, in accordance with MGL Chapter 90B, Section 13A

Section 6. Sesuit Harbor / Bass River Park Dockage and Swan River beach storage

A) Issuance and renewal - Slips and storage spaces

1. Administration. The Harbormaster Department shall maintain records of assigned slips or storage spaces at Sesuit Harbor municipal marina, Bass River Park municipal marina and Swan River Landing. If a slip or storage space is relinquished by an assignee for any reason it shall immediately void all rights of the assignee to that slip or storage space.
2. Application. An initial application for dockage, storage or for a transient vessel berthed in excess of thirty (30) days, shall be provided by the Harbormaster Department. A completed application shall include the owner's name and contact information and all requested vessel information. An application shall be accompanied by the following: (1) the established fee in full; (2) a copy of the vessel's registration / documentation. The slip / storage space holder and registered / documented owner shall be the same. No slip or storage space may be held by a Corporation, LLC or Trust; (3) an active Certificate of Insurance demonstrating Liability Coverage for the vessel in the amount of no less than \$300,000. All information and documentation provided shall remain up to date. Any change to vessel information or required documents must be approved by the Harbormaster prior to said change occurring.
3. Vessel length. The length of the vessel shall be determined by its overall length (LOA) – including pulpit, swim platform, engine bracket or trimmed outboard engine(s). Slips located at the Bass River municipal marina shall be for vessels no longer than twenty one (21) feet LOA. Any vessel change request for an existing slip holder must be submitted to and approved by the Harbormaster prior to said change occurring. A vessel change request may be subject to the provisions of Section 6.B.5.a within these Regulations.
4. Renewal. A slip or storage space agreement may be renewed on an annual basis per the terms and conditions within these Regulations. A renewal application for a slip or storage space shall be returned to the Harbormaster Department and submitted or postmarked by March 1 of each year. Failure to renew by this date shall result in forfeiture of the slip or storage space. A renewal application shall meet the requirements listed in Section 6.A.2 within these Regulations.
5. Slip assignments. Slips and storage spaces shall be assigned by the Harbormaster. The Harbormaster reserves the right to relocate any vessel in order to make the most efficient use of available space or to provide for the public safety. No vessel may be relocated without prior authorization of the Harbormaster.
6. Decals. Upon receipt of an application that meets the requirements of Section 6.A.2 within these Regulations, slip holders shall be issued an annual decal from the Harbormaster Department. Said decal shall be positioned on the vessel so as to be clearly visible when berthed.
7. Slip use. A slip holder shall be required to have their approved vessel berthed in their assigned slip by no later than June 15 annually unless otherwise authorized by the Harbormaster. Any slip holder unable to have their vessel in their assigned slip by June 15 must notify the Harbormaster in writing prior to that date and provide an estimated date of slip occupancy. A slip holder shall be required to remove their vessel from their assigned slip by November 15 annually unless otherwise authorized by the Harbormaster. If a slip holder is unable to utilize their slip for any period in excess of seven (7) days, they shall be required to provide notice to the Harbormaster. In the event that an existing slip holder requests relocation but does not own a vessel, they shall pay the fee for the

vessel described in their Slip Relocation Request form. Failure to occupy a slip for a period in excess of one (1) season shall result in forfeiture of the slip.

B) Administration of Waiting Lists – Slips and storage spaces

1. Initial application. An applicant for a slip or storage space waiting list shall complete and submit an initial waiting list application form provided by the Harbormaster accompanied by the appropriate application fee. An applicant may submit only one application per individual waiting list. The applicant shall provide current and accurate vessel information on their waiting list application. Any subsequent changes to the vessel information contained within the initial application must be approved by the Harbormaster. Failure to provide current and accurate vessel information may result in removal from the waiting list.
2. Renewal. A waiting list application must be renewed on an annual basis per the terms and conditions within these Regulations. A renewal waiting list application for a slip or storage space shall be returned to the Harbormaster Department and submitted or postmarked by November 1 of each year. Failure to renew by this date shall result in removal from the waiting list. A renewal application shall meet the requirements listed in Section 6.B.1 within these Regulations.
3. The Harbormaster shall annually review available slips or storage spaces and award said locations on or about June 1 annually.
4. The Harbormaster Department shall maintain five (5) slip / storage waiting lists as follows:
 - a) Sesuit Harbor #1 – Vessels \leq twenty two (22) feet LOA
 - b) Sesuit Harbor #2 – Vessels twenty three (23) to thirty two (32) feet LOA
 - c) Sesuit Harbor #3 – Vessels \geq thirty three (33) feet LOA
 - d) Bass River marina – Limited to vessels \leq twenty one (21) feet LOA
 - e) Swan River racks and beach anchors – Limited to canoes, kayaks, rowboats and sailboats \leq eighteen (18) feet LOA.
5. Available slips at Sesuit Harbor or Bass River municipal marinas shall be offered according to the following procedures:
 - a) Relocation. An existing slip holder may, between October 1 and October 15 inclusive each year, submit a request to the Harbormaster Department to relocate their vessel to a different slip. Said request shall be in writing using the Slip Relocation Request form provided by the Harbormaster Department. Incomplete forms shall not be accepted. Eligibility for relocation shall be determined by the Harbormaster based on vessel dimensions, dimensions of the slip requested and any other matter that may impact navigation, public safety or the most efficient use of space. Relocation requests shall be reviewed by the Harbormaster in an order determined by random drawing. Said drawing shall be at a time and place determined by the Harbormaster and shall be open to the public. Upon authorization by the Harbormaster for relocation, the vessel owner requesting relocation shall be required to forfeit their previous slip.
 - b) Waiting lists. Upon completion of slip relocations, the Harbormaster shall offer any available slip to an individual from the appropriate waiting list. Eligibility for slip issuance shall be determined by the Harbormaster and shall be based on vessel dimensions, dimensions of the slip requested and any other matter that may impact navigation, public safety or the most efficient use of space. A waiting list

applicant may decline a slip offering and retain their seniority on the waiting list for a maximum of one (1) year, otherwise their name shall be removed from the waiting list.

6. Any available storage space or beach anchor at Swan River landing shall be offered to an individual from the appropriate waiting list.
7. The Harbormaster reserves the right to temporarily utilize any slip(s) or storage space(s) that are or may become available at any time due to extraordinary or unforeseen circumstances for transient vessel dockage, storage or municipal purposes.

C) Transfer, renting, leasing of slip prohibited

The transfer of a slip, other than to the spouse of a vessel owner, shall be prohibited. In addition, no slip holder may rent or lease their slip to any person. Temporary use of a slip by any person other than the slip holder must be authorized by the Harbormaster.

D) Transient dockage

The Town reserves the right to provide and maintain transient slips for public use. The number, size and locations of said transient slips, in addition to the use by the Town of any unoccupied slip for transient dockage purposes shall be determined by the Harbormaster. Transient dockage for a vessel shall, unless otherwise authorized by the Harbormaster, be limited to a period not to exceed fourteen (14) consecutive days.

E) Dinghies, prams or tenders

Dinghies, prams or tenders berthed in Sesuit Harbor shall be owned by Sesuit slip or Sesuit mooring permit holders only and shall be kept aboard vessels or placed where the Harbormaster directs. Vessels used as dinghies, prams or tenders shall: (1) not exceed ten (10) feet in length unless otherwise authorized by the Harbormaster; (2) display an annual decal issued by the Harbormaster Department and; (3) be removed from property or waters of the Town by no later than November 15 annually.

Section 7. Moorings

A) Mooring permit required

Unless otherwise provided for within these Regulations, no person shall moor or anchor any vessel greater than ten (10) feet in overall length or any float or raft in or on the waters, flats or shores of the Town without having first obtained a mooring permit from the Harbormaster.

B) Transient / Temporary anchorage

A vessel owner may receive authorization from the Harbormaster to temporarily anchor in the waters of the Town. The vessel owner shall anchor his vessel in a location to be specified by the Harbormaster. In no case shall temporary anchorage continue for a period in excess of seven (7) consecutive days per calendar year unless otherwise authorized by the Harbormaster.

C) Mooring permit types

1. Type 1 – Recreational: A Type 1 permit may be issued to an individual vessel owner for a specific vessel and shall allow the permit holder to moor their vessel at a location designated by the Harbormaster.
2. Type 2 – Blanket permit: A Type 2 permit may be issued to a private water-dependent facility or organization and shall allow the permit holder to maintain a mooring field. The location and number of moorings in said field shall be determined by the Harbormaster.
3. Type 3 – Commercial: A Type 3 permit may be issued to an individual vessel owner utilizing their vessel exclusively for commercial fishing and shall allow the permit holder to moor their vessel at a location designated by the Harbormaster. Eligibility for a Type 3 permit shall be determined by the Harbormaster. In all cases, the applicant shall be required to provide sufficient evidence of valid local, state or federal commercial fishing permits or licenses and any other requested supporting documentation.
4. Type 4 – 10A Float: A Type 4 permit may be issued to an individual for a moored floating dock not connected to the shore and shall allow the permit holder to moor their float at a location designated by the Harbormaster.

D) Issuance and renewal – Mooring permits

1. Administration. The Harbormaster Department shall maintain records of all mooring permits issued and establish and define designated mooring fields in the waters of the Town. If a mooring permit is relinquished by an assignee for any reason it shall immediately void all rights of the assignee to that mooring location.
2. Application. The initial application for a mooring permit shall be provided by the Harbormaster Department. A completed application shall include the owner's name and contact information and all requested vessel or float information. An application shall be accompanied by the following: (1) the established fee in full and; (2) a copy of the vessel's registration / documentation. The mooring permit holder and registered / documented owner shall be the same. An application for a Type 4 permit shall meet the requirements of Section 7.J.6 within these Regulations. The Harbormaster shall act upon any application within fifteen (15) days of receipt. All information and documentation provided shall remain up to date. Any change to vessel information or required documents must be approved by the Harbormaster prior to said change occurring.
3. Eligibility. The determination as to whether a mooring permit will be issued shall be made by the Harbormaster. In making that decision, the Harbormaster may consider, but shall not be limited to, one or more of the following:
 - a) A chronological waiting list of mooring permit requests
 - b) The number of vessels or floats currently moored in the area
 - c) Physical characteristics of the vessel or float (*e.g. size and type*)
 - d) Availability of and proximity to parking or lawful access
 - e) Potential for impact on navigation
 - f) Potential for impact on any natural resource
 - g) Purpose of vessel or float use (*e.g. commercial or recreational*)
4. Vessel length. The length of the vessel shall be determined by its overall length (LOA) – including pulpit, swim platform, engine bracket or trimmed outboard engine(s). Any vessel size change request for an existing mooring permit holder must be submitted to and approved by the Harbormaster prior to said change occurring.

5. Renewal. A mooring permit may be renewed on an annual basis per the terms and conditions within these Regulations. A renewal application for a mooring permit shall be returned to the Harbormaster Department and submitted or postmarked by March 1 of each year. Failure to renew by this date shall result in forfeiture of the mooring permit. A renewal application shall meet the requirements listed in Section 7.D.2 of these Regulations.
6. Mooring location assignment. A mooring location shall be assigned by the Harbormaster. The Harbormaster reserves the right to relocate any vessel or float in order to make the most efficient use of available space or to provide for the public safety. No vessel or float may be relocated without prior authorization of the Harbormaster.
7. Relocation. An existing mooring permit holder may, between October 1 and October 15 inclusive each year, submit a request to the Harbormaster Department to relocate their mooring to another location. Said request shall be in writing using the Mooring Relocation Request form provided by the Harbormaster Department. Incomplete forms shall not be accepted. Eligibility for relocation shall be determined by the Harbormaster based on vessel dimensions, available space in the area requested and any other matter that may impact navigation, public safety or the most efficient use of space. Relocation requests shall be reviewed by the Harbormaster in an order determined by random drawing. Said drawing shall be at a time and place determined by the Harbormaster and shall be open to the public. Upon authorization by the Harbormaster for relocation, the vessel owner requesting relocation shall be required to forfeit their previous mooring location.
8. Decal. A mooring permit holder shall annually be issued a decal from the Harbormaster Department. Said decal shall be positioned on the port side of the vessel or side of float so as to be clearly visible when moored.
9. Mooring use. A mooring permit holder shall be required to have their approved vessel or float on its permitted mooring by no later than July 1 annually unless authorized by the Harbormaster. Failure to utilize a permitted mooring for a period in excess of one (1) season shall result in forfeiture of the mooring permit.

E) Administration of Waiting Lists – Moorings

1. The determination as to whether a mooring waiting list will be established for a specific area shall be made by the Harbormaster. In making that decision, the Harbormaster may consider, but shall not be limited to, the following factors:
 - a) The number, size, and type of vessels or floats currently moored in the area
 - b) Availability of and proximity to parking or lawful access
 - c) Potential for impact on navigation
 - d) Potential for impact on any natural resource
2. The Harbormaster Department shall maintain twelve (12) mooring waiting lists as follows:
 - a) Aunt Julia Ann's
 - b) Ferry Street
 - c) Follin's Pond
 - d) Grand Cove
 - e) High Bank
 - f) Kelly's Bay

- g) Stage Island
 - h) Uncle Freeman's
 - i) Weir Creek
 - j) Wilbur Cove
 - k) Sesuit Harbor – Inner basin
 - l) Sesuit Harbor – Outer basin
3. Initial application. An applicant who is denied a mooring permit by the Harbormaster and wishes to be placed on a mooring waiting list shall complete and submit an initial waiting list application form provided by the Harbormaster accompanied by the appropriate application fee. The applicant shall provide current and accurate vessel or float information on their waiting list application. Any subsequent changes to the vessel or float information contained within the initial application must be approved by the Harbormaster. Failure to provide current and accurate vessel or float information may result in denial of the waiting list application. Upon receipt of an approved application, the Harbormaster shall enter the date of receipt on the application and add the name of the applicant to the chronological mooring waiting list for the area(s) requested.
 4. Renewal. A mooring waiting list applicant shall be required to renew their waiting list annually per the terms and conditions within these Regulations. A renewal application shall be returned to the Harbormaster Department and submitted or postmarked by November 1 of each year. Failure to renew by this date shall result in removal from the waiting list. An application shall meet the requirements of Section 7.E.3 within these Regulations.
 5. Award from waiting list. The Harbormaster shall review available mooring spaces and award said locations per Section 7 within these Regulations on or about June 1 annually. A waiting list applicant may decline a mooring permit offering and retain their seniority on the waiting list for a maximum of one (1) year otherwise their name shall be removed from the waiting list.

F) Transfer, renting or leasing of mooring prohibited

The transfer of a mooring permit, other than to the spouse of a vessel owner, shall be prohibited. In addition, no Type 1, Type 3 or Type 4 mooring permit holder may rent or lease their slip to any person. Temporary use of a mooring by any person other than the mooring permit holder must be authorized by the Harbormaster.

G) Mooring relocation or removal

The Harbormaster or his agent may, at any time, relocate, remove, or cause to be relocated or removed, any mooring, vessel or float not in compliance with the provisions of these Regulations or whenever in his judgment the safety of other vessels is in jeopardy or maximum use of the area requires such action. Any expense for relocation or removal of a mooring, vessel or float and any liability incurred shall be the responsibility of the mooring permit holder.

H) Mooring inspections

The Harbormaster or his agent may, at any time, inspect any mooring located in the waters of the Town and may remove or cause to be removed any mooring that fails to meet all of the provisions of Section 7 within these Regulations. Any expense for inspection or removal and

any liability incurred shall be the responsibility of the permit holder or owner of said mooring. At a minimum, all mooring tackle shall be inspected by a mooring inspector approved by the Town every three (3) years.

I) Dinghies, prams or tenders

Any dinghy, pram or tender kept at a town landing shall: (1) be owned by a mooring permit holder and used exclusively for access to their moored vessel; (2) not exceed ten (10) feet in length unless otherwise authorized by the Harbormaster; (3) display an annual decal issued by the Harbormaster Department and; (4) be removed from property or waters of the Town by no later than November 15 annually.

J) Equipment and specifications – Moorings

The tackle specifications outlined below are minimum standards and are not adequate for unprotected areas or storm or hurricane protection:

Vessel Length	Mushroom	Screw Anchor (lbs. torque)	Pyramid (Dormor®)	Chain Size	Hardware size	Line Size
≤ 12.9'	50 lbs.	1,500 lbs.	70 lbs	3/8"	3/8"	7/16"
13.0'-16.9'	75 lbs.	1,500 lbs.	135 lbs	3/8"	3/8"	7/16"
17.0'-20.9'	100 lbs.	2,500 lbs.	200 lbs	1/2"	1/2"	1/2"
21.0'-24.9'	200 lbs.	4,000 lbs.	300 lbs	1/2"	1/2"	5/8"
25.0'-27.9'	250 lbs.	5,000 lbs.	350 lbs	5/8"	5/8"	3/4"
28.0'-30.9'	300 lbs.	7,000 lbs.	500 lbs	3/4"	3/4"	*7/8"
31.0'-40.9'	350 lbs.	10,000 lbs.	1,000 lbs	*1"	*1"	*1"
41.0'-50.9'	400 lbs.	12,000 lbs.	2,000 lbs	*1"	*1"	*1-1/8"
≥ 51.0'	As specified by the Harbormaster					
Floats/Docks/(*)	As specified by the Harbormaster					

1. All pennants shall be three-strand or braided nylon or equivalent with adequate chafing gear and shall measure three (3) times the height of the bow of the vessel.
2. Total length of mooring, chain and pennant shall be equal to at least three (3) times but not be more than four (4) times the depth of the water at mean high water where the mooring is located unless otherwise authorized by the Harbormaster. Total length of chain shall be equal to one-third (1/3) or more of the total length of scope.
3. Mooring buoys shall be white with a blue horizontal band unless otherwise authorized by the Harbormaster and shall be marked with the assigned mooring permit number and last name of the mooring permit holder so as to be visible at all times.
4. All shackles shall be wired, welded or otherwise secured to prevent accidental opening.
5. The use of outhauls shall be prohibited unless otherwise authorized by the Harbormaster.

6. An applicant for a Type 4 mooring permit shall, in addition to meeting all applicable requirements of Section 7 within these Regulations, be required to submit their initial request in the form of a letter to the Harbormaster. Said written request shall contain the following information: (1) the proposed mooring location; (2) the size of the proposed float; (3) the proposed type of use and, if applicable; (4) the length, type and number of vessels to be berthed to the float. The Harbormaster may impose additional conditions, restrictions or supplemental tackle requirements that he deems necessary.

Section 8. Parking

- A) The Town reserves the right to charge for and regulate parking at Sesuit Harbor and any town landings. Vehicle owners shall comply with all posted regulations, requirements for decal use and payment of parking fees. Failure to comply may result in issuance of a citation or towing of the vehicle in violation.
- B) Unless otherwise provided for in the Sticker Issuance Guidelines of the Town, a slip or mooring permit holder authorized to berth or moor their vessel in Sesuit Harbor may receive one (1) blue area parking decal free of charge and may purchase one (1) additional blue area parking decal upon payment of the posted fee.
- C) A slip or mooring permit holder authorized to berth or moor their vessel in Sesuit Harbor may, if said vessel is used exclusively for commercial purposes, purchase one (1) or more crew passes for their employees.
- D) The owner of a transient vessel may receive one (1) temporary parking pass free of charge for the duration of their stay.
- E) Parking decals shall be affixed to the left side of the vehicle's front bumper unless otherwise authorized by the Harbormaster. Crew passes, transient parking passes and daily parking passes shall be affixed to the rear-view mirror of the vehicle and shall remain clearly visible while parking at Sesuit Harbor.
- F) The Harbormaster may restrict or prohibit the parking of vehicles in certain areas as he deems necessary in the interest of emergency or unanticipated circumstances, the public safety or the most efficient use of available space.
- G) Overnight parking on any land owned by the Town at Sesuit Harbor or at any town landing, unless otherwise authorized by the Harbormaster, shall be prohibited.

Section 9. Enforcement and Penalties

- A) These Regulations shall be enforced by the Harbormaster, Assistant Harbormaster(s) and any other law enforcement officer so empowered.
- B) In addition to any other penalties specified within these Regulations and pursuant to MGL Ch. 40 §21D and the non-criminal disposition bylaw of the Town, violation of any of the following sections shall be punishable by a fine of fifty (\$50.00) dollars: 3.A, 3.C, 3.D.1, 3.D.2, 3.D.4, 3.D.5, 3.D.7, 3.D.10, 3.D.11, 3.F, 3.G, 4.C, 4.D, 4.E, 4.H, 4.I, 4.J, 5.B through 5.J inclusive, 6.A.6, 6.D or 7.D.8. Each day or portion thereof shall constitute a separate offense.

- C) In addition to any other penalties specified within these Regulations and pursuant to MGL Ch. 40 §21D and the non-criminal disposition bylaw of the Town, violation of any of the following sections shall be punishable by a fine of one hundred (\$100.00) dollars: 3.B, 3.D.3, 3.D.6, 3.D.8, 3.D.9, 3.E, 3.H, 3.I, 3.J, 4.A, 4.F, 4.G, 5.A, 6.E, 7.A, 7.B, 7.H, 7.I or 8.G. Each day or portion thereof shall constitute a separate offense.
- D) Whoever violates any provision of any of the following sections may be subject to forfeiture of their slip or mooring permit: 4.B, 6.A.2 through 6.A.7 inclusive, 6.C, 6.E, 7.D.2, 7.D.4 through 7.D.9 inclusive, 7.F through 7.I inclusive or 8.E.

Section 10. Appeal of Harbormaster Decision

Any slip or storage space holder or applicant for a slip or storage space aggrieved by a decision of the Harbormaster or any condition or restriction imposed relative to such slip, storage space or application may appeal in writing on a form provided by the Harbormaster to the Town Administrator. The Town Administrator may request review of the appeal by the Waterways Commission or the Board of Selectmen.

Any mooring permit holder or applicant for a mooring permit or mooring waiting list aggrieved by a decision of the Harbormaster or any condition or restriction imposed relative to such mooring or application, pursuant to Massachusetts General Law Chapter 91, Section 10A and 310 Code of Massachusetts Regulations 9.07, may appeal in writing to the Massachusetts Department of Environmental Protection Waterways Division in accordance with the appeal procedures of that Department. For the purposes of this section, a mooring permit renewal application shall, subject to any and all applicable sections within these Regulations, be deemed approved by the Harbormaster or his designee on March 15 annually.