

TOWN OF ORLEANS



WATERWAYS BYLAW ORLEANS TOWN CODE, CHAPTER 159 AS AMENDED May 8, 2017

CODE OF THE TOWN OF ORLEANS, SECTION 159
WATERWAYS BYLAW

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159-1) AUTHORITY, PURPOSE AND APPLICABILITY.

The Orleans Waterways Bylaw is written under the authority of Massachusetts General Laws Chapter 90B, Section 15. The bylaw is intended to promote the protection of public safety and welfare by encouraging voluntary compliance, and by deterring noncompliance through penalties and fines. The bylaw is a compilation of Massachusetts General Laws, CMR's, Harbormaster Regulations, the former Orleans Waterways Regulations, and various existing Orleans General Bylaws. This bylaw shall apply to all persons, vessels or objects on or using the waterways of the Town of Orleans.

159-2) DEFINITIONS.

"Boating Accident", an occurrence in which a waterborne vessel subject to this bylaw is involved, whether or not there has been any actual collision, and which results in damage by or to such vessel or its equipment, or by or to an object or person being towed, pushed or propelled by such vessel, or in which there is an injury to any person, loss of life, or disappearance of any person under circumstances which indicate the possibility of death or injury or disappearance of a vessel other than by theft.

"Certificate of Number", a document issued by the director of the Massachusetts Environmental Police, upon application therefore, stating the name and address of the owner of, and the registration number awarded to, and properly displayed upon a vessel.

"Great Pond", a natural pond the area of which is ten acres or more. Great Ponds are owned by the Commonwealth of Massachusetts.

"Headway Speed", the slowest speed at which a powered vessel may be operated and still maintain steerage way.

"Personal Watercraft", a vessel propelled by a water-jet pump or other machinery as its primary source of propulsion that is designed to be operated by a person sitting, standing or kneeling on the vessel rather than being operated in the conventional manner by a person sitting or standing inside the vessel.

"Standup Paddleboard" is a paddleboard commonly known as a SUP.

"Waterskiing", for the purpose of this bylaw, shall include towing or manipulating a surfboard, inner-tube or other similar watersport device towed or riding the wake behind a motor vessel.

"Vessel" includes all types of watercraft including non-displacement craft and seaplanes used or capable of being used as a means of transportation on water.

159-3) NUMBERING OF VESSELS

No vessel powered by machinery as primary or secondary shall be operated within the waters of the Town of Orleans unless said vessel displays registration numbers in accordance with Chapter 90B, Section 2, of the Massachusetts General Laws and said valid Certificate of Number shall be carried onboard the vessel at all times. Any vessel not required to be registered

must display somewhere on the vessel the owner's name, address and active phone number.

159-4) ABANDONMENT AND REMOVAL OF VESSELS.

Any vessel, mooring or object constituting a 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 therefore 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.

159-5) BOATING COLLISIONS; REPORTING.

The operator of any boat involved in a collision, accident or other casualty shall, so far as he is able without serious danger to his own or other vessels or to any persons, render to other persons affected by the boating accident such assistance as may be practicable and as may be necessary in order to save them from any danger caused by the boating accident.

The operator of any boat involved in a boating accident where there is any personal injury or property damage greater than \$500., shall notify the Harbormaster within twenty-four hours of said accident, in addition to notifying all other appropriate state and federal officials.

159-6) EQUIPMENT.

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 of Orleans:

- A. U.S.C.G. Approved Personal Flotation Devices as prescribed by M.G.L. Chapter 90B, Section 5.
- B. A valid Certificate of Number, if required by M.G.L. Chapter 90B, Section 2
- C. From sunset to sunrise, lights that comply with M.G.L. Chapter 90B, Section 5.
- D. Anchor and Line adequate to hold the vessel.
- E. Bailer.
- F. Paddle.
- G. Sound producing device (eg. whistle, horn) (Powered vessels sixteen feet or over).
- H. Fire Extinguishers as required by M.G.L. Chapter 90B, Section 5.
- I. Ladder, steps or similar device for reentering the vessel when conducting towed water sports.

159-7) OPERATION.

A. No Wake Areas:

- (1) Vessels shall operate at only headway speed so as to make no wake in all areas listed below:
 - a. The entrance to Rock Harbor, including the entire inner basin.
 - b. Meetinghouse Pond and Meetinghouse River to a point marked by a no wake buoy.
 - c. Lonnie's River, including the entire pond.
 - d. Arey's Pond and Namequoit River to a point marked by a no wake buoy at the mouth of the river.
 - e. Pah Wah River, including the entire pond.
 - f. The buoyed entrance into Quanset Pond, including the entire pond.
 - g. The Snow Shore/Tonset mooring area as marked by no wake buoys.

- h. The entrance into Pochet Inlet to a point marked by a no wake buoy inside the Payson mooring area.
 - i. The mooring area at the head of the cove known as the "Yacht Club area."
 - j. The mooring area at Goose Hummock Shop.
 - k. The entire area of Mill Pond.
 - l. The mooring area at Route 28 in South Orleans.
 - m. The Narrows, from a point marked by a no wake buoy at the North end to a point marked by a no wake buoy at the South end.
- (2) In other areas, vessels shall make no wake within one hundred fifty (150) feet of: bathers, divers, piers, docks, floats, small vessels propelled by means other than machinery, vessels not underway or the shore.
- (3) No one shall operate or permit to be operated any internal combustion engine on Pilgrim Lake, Crystal Lake, or Baker's Pond in the Town of Orleans, except for the express purposes of aiding and rescue or other emergency situations, or for scientific purposes.

B. Waterskiing and all towed water sports

- (1) All towed water sports are prohibited in all areas listed in Section 7) A.1) of this bylaw as well as in all marked vessel channels. Vessels towing should cross marked channels when necessary as close to right angles as safely possible.
- (2) All towed water sports are prohibited between sunset and sunrise or during periods of low visibility such as fog.
- (3) No person shall operate any motorboat 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 motorboat a person who has attained age twelve 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.

C. Town landings, ramps, floats and bulkheads

Launching and retrieving facilities are for the use of all. Users are expected to be courteous at all times and wait their turn. Some ramps have designated resident-only parking during seasonal times and are well marked. Main ramp areas are primarily for trailered vessels. Paddle craft are requested to launch/retrieve outside of the main ramp areas. Staging of any kind including loading and unloading of vessels on an active ramp is prohibited during peak seasonal times. Power loading of vessels onto trailers is prohibited at all times. Courtesy docks and bulkheads are for convenient loading and unloading. They have designated tie-up time limits which are posted.

D. Aids to Navigation

No authorized aid to navigation in the harbors and waterways of the town shall be used as a starting, finishing or turning mark for any formal or informal race, regatta or other competition.

E. Divers; Operating Near Divers

(1) Display of Diver's Flag Required

Every scuba diver or group of scuba divers while swimming on or under the waters of the

town shall display for each diver or group of divers as a warning device to boat operators, a diver's flag, so called, constructed of rigidly supported material at least twelve inches by fifteen inches in area of red background with a white diagonal stripe. Such diver's flag shall be displayed on a boat or surface float and shall extend a minimum distance of three feet from the surface of the water. Divers shall remain in an area within one hundred feet of such displayed diver's flag while at or near the surface of the water.

(2) *Vessels Operating Near Diver(s)*

A boat operator within sight of a diver's flag shall proceed with caution and within a radius of one hundred feet of such flag shall proceed at headway speed.

F. Pollution

The discharge or disposal of petroleum products, holding tank contents, garbage, waste, rubbish or debris on the waters, shores, beaches is prohibited. The discharge of dead fish, shellfish or fish frames is prohibited in all areas listed in Section 7.A.1.

G. Overloading

No vessel may be operated in an overloaded condition. Overloaded condition means that the number of persons on board and/or the cargo being carried exceeds the manufacturers recommended limit for such vessel or is excessive given wind, water and weather conditions.

H. Canoe/Kayak/Standup Paddleboards/Sailboards/Kite Boards/Wakeboards

Operators of these type vessels are encouraged to operate outside of main vessel channels and, when required to cross such channels, to do so as close to right angles as possible. Any person aboard one of these vessel types between September 15 and May 15 shall wear at all times a Coast Guard approved personal flotation device, types 1, 2, or 3.

All such vessels must be clearly marked with owner's name, address and phone number.

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. Further, no person shall operate any vessel in a manner that violates Chapter 90B of the Massachusetts General Laws or any regulations thereunder.

159-8) OPERATOR'S CERTIFICATE FOR MINORS.

An operator's certificate issued by the Massachusetts Environmental Police to the specific youth operator shall be aboard every motorboat being operated by a person between the age of thirteen (13) and the age of sixteen (16) years old, when that operator is not being supervised by a person who is eighteen (18) years old or older.

159-9) PERSONAL WATERCRAFT.

No person shall operate a personal watercraft on the waters of the town:

- A. unless wearing a Coast Guard approved Personal flotation device.
- B. between the hours of sunset and sunrise.
- C. unless the operator is sixteen (16) years of age or older.
- D. towing a waterskier or a person in any other manner.
- E. in any manner other than a safe and prudent manner, having due regard for other waterborne traffic, posted wake and speed restrictions and all other attendant circumstances, so as not to

endanger the life, limb or property of any person.

- F. within one hundred and fifty (150) feet of shore except at headway speed.
- G. within one hundred and fifty feet of a swimmer in the water.
- H. on waters of the town less than seventy-five acres.
- I. within waters contiguous to the boundaries of the Cape Cod National Seashore as set forth in Public Law 87-126, 7 August 1961, and as most recently surveyed by the U.S. Department of the Interior.
- J. on the tidal waters of Pleasant Bay, including but not limited to Little Pleasant Bay, Namequoit River, Arey's Pond, Lonnie's/Kescayogansett Pond, Frostfish Cove, the River, Meetinghouse Pond, Pochet, and any adjoining river, inlet, cove, embayment, pond, or harbor.
- K. on the tidal waters of the Nauset estuary, including but not limited to Town Cove, Rachel's Cove, Little Cove, Mill Pond, Robert's Cove, Nauset Harbor, and any adjoining river, inlet, cove, embayment, pond or harbor.
- L. a personal watercraft may be operated in these areas for the purpose of enforcement, search and rescue, training, or other emergency, provided it is under the direction of a duly authorized federal, state, county or local law enforcement or emergency response agency.

159-10) MOORING/DOCKING REGULATIONS AND POLICIES

A. Mooring Permits

(1) Mooring Permit Required

No person shall keep or moor any vessel, float, or raft greater than nine (9) feet in overall length in or on the waters, flats, or shores of the town of Orleans, except when tied to a private pier, without first obtaining a mooring permit and mooring permit sticker from the Harbormaster.

(2) Mooring Permit Types

Type 1: *Individual permit*. A Type 1 permit may be issued to an individual vessel owner for a specific vessel and shall entitle the permit holder to moor their vessel at a location designated by the Harbormaster. The permit holder must attest to having read in their entirety these bylaws at time of permit issuance and/or renewal.

Type 2: *Blanket permit*. A Type 2 permit may be issued to a commercial marina, sailing school, or other similar private recreational boating facility or association and shall entitle the permit holder to maintain a mooring field at a location designated by the Harbormaster.

(3) Mooring Permit Sticker and Fee

- a. Mooring permit stickers, issued annually by the Harbormaster, shall be affixed to the port bow of the permitted vessel.
- b. No more than one mooring permit sticker shall be issued for a vessel.
- c. Mooring permit stickers shall be valid for a period of one year terminating on December 31 of each year unless sooner suspended or revoked by the Harbormaster.
- d. The annual fee for a mooring permit sticker shall be as follows:
 - 1) **Type 1 Commercial:** In order to be eligible for a Resident Commercial mooring permit, an applicant must meet all of the following conditions:
 - Be a resident of Orleans or Eastham.
 - Hold a current commercial license to sell shellfish, finfish, or lobster issued by the Massachusetts Division of Marine

Fisheries.

- If a resident of Eastham, hold a current Orleans commercial shellfish permit.

The annual fee for a Resident Commercial permit shall be fifty dollars (\$50).

- 2) **Type 1 Resident or Non-Resident:** Beginning July 1, 2021, the annual fee shall be one hundred twenty dollars (\$120).
- 3) **Type 2: Blanket.** Beginning July 1, 2021, the annual fee shall be two hundred twenty dollars (\$220).

(4) Mooring Buoys/Tenders and Identification

Mooring buoys shall be of white styrofoam, rubber, or plastic material and shall have the assigned mooring permit number permanently and legibly displayed on the buoy in numbers no less than one (1) inch in height and in a color that contrasts with that of the buoy. Tenders (*a.k.a. dinghies, prams, etc.*) shall have the assigned mooring permit number permanently and legibly displayed on the tender in numbers no less than one (1) inch in height and in a color that contrasts with that of the tender. Tenders shall only be allowed to be stored at town landings for mooring permit holders specific to that landing.

(5) Mooring Permit Use

Failure to set and use a mooring and mooring permit annually shall, unless otherwise authorized in writing by the Harbormaster, result in the revocation of said permit.

(6) Mooring Permit Transfer Prohibited

Mooring permits shall be issued by the Harbormaster for a specific vessel owner. No mooring permit shall be transferable to another person, except to a person within the immediate family of the permit holder with the approval of the Harbormaster.

(7) Relocation of Moorings Prohibited

Mooring permits shall be issued by the Harbormaster for a specific location to be designated by the Harbormaster. No mooring permit holder shall relocate his or her mooring to another location without the prior written approval of the Harbormaster.

(8) Vessel and Owner Information

Mooring permits shall be issued for a specific vessel and its owner. All information provided to the Harbormaster pertaining to the vessel and its owner (*Owner's name, address, and phone number, vessel make, length, year, color, state registration number if applicable, vessel name, and engine make and horsepower*) shall be kept current and accurate. It shall be the responsibility of the mooring permit holder to notify the Office of the Harbormaster of any change in the permit holder's address or phone number. No change of vessel information shall be allowed without the prior approval of the Harbormaster.

(9) Mooring and Tender Removal - Annual

Moorings and tenders (*a.k.a. dinghies, prams, etc.*) shall be removed from the waters, flats, or shores of the town of Orleans by no later than November 15th annually, unless otherwise authorized by the Harbormaster.

B. *Mooring Permit Issuance and Renewal*

(1) Mooring permit issuance

- a. The determination as to whether a Type 1 individual mooring permit will be issued shall be made at the sole discretion of the Harbormaster. In making that decision, the Harbormaster may consider, but shall not be limited to, one or more of the following factors:
1. A chronological waiting list of mooring permit requests
 2. The number of vessels currently moored in the area
 3. Physical characteristics of the vessel (*e.g. size and type*)
 4. Availability of, and proximity to, parking or lawful access
 5. Potential for impact on navigation
 6. Potential for impact on any natural resource
 7. Purpose of vessel use (*e.g. commercial or recreational*)
- b. The determination as to whether a Type 2 blanket-mooring permit will be issued shall be made by the Harbormaster who may seek a recommendation from the Board of Selectmen. In making that decision, the Harbormaster may consider, but shall not be limited to, one or more of the following factors:
1. Purpose of Type 2 permit (*e.g. marina, sailing school, etc.*)
 2. Proximity of the area to other mooring fields or public access points
 3. A chronological waiting list of mooring permit requests and the potential effect that the issuance of a Type 2 permit would have on said waiting list
 4. The number of vessels currently moored in the area in question
 5. Physical characteristics of the vessels (*e.g. size and type*)
 6. Availability of, and proximity to, parking or lawful access
 7. Potential for impact on navigation
 8. Potential for impact on any natural resource
 9. The interest, needs, or welfare of the public
- c. A vessel owner requesting a mooring permit shall complete and submit a “*Town of Orleans Mooring Permit Application*” and provide the necessary fee to the Office of the Harbormaster. Mooring permit applications shall be processed as follows:
1. For Type 1 applications, the Harbormaster shall act upon the application within a period of fifteen (15) days from receipt. The Harbormaster shall not discriminate against any applicant on the basis of residency, race, religion, sex, age, disability, or other illegal distinction.
 2. For Type 2 applications, the Harbormaster may request a meeting with the Board of Selectmen to review the application. If at such meeting, the Board of Selectmen recommends that a public hearing be conducted, the Harbormaster shall not act upon the application until such a hearing has been concluded. The Harbormaster may, on his own initiative, conduct a public hearing on any such application. The Harbormaster shall act upon the application within thirty (30) days from receipt unless a public hearing is conducted, in which case the Harbormaster shall act upon the application within ten (10) days of the close of the public hearing. In no event shall the public hearing process exceed a period of ninety (90) days from the date of the completed application without the written consent of the applicant.
 3. If the application is approved, the mooring permit and mooring permit

sticker for the appropriate year shall be issued by the Harbormaster.

(2) Mooring permit renewal - Annual

- a. The Harbormaster shall allow, subject to all applicable local and state regulations, by-laws, and statutes, a previous mooring permit holder to renew, on an annual basis, his or her mooring permit for a period of one (1) year or appropriate fraction thereof, terminating on December 31 of each year.
- b. The Harbormaster shall provide a mooring permit holder with an annual "Mooring Permit Renewal" form.
- c. A mooring permit holder who wishes to renew the permit shall:
 1. Ensure that the renewal form is completed and that all information contained therein is accurate.
 2. Attest to having read these bylaws.
 3. Return the renewal form with the necessary payment to the Office of the Harbormaster between January 1 and March 31 inclusive.
- d. A mooring permit holder who does not wish to renew his or her mooring permit should so indicate on the renewal form and return said form to the Office of the Harbormaster.
- e. Mooring permits must be renewed annually between January 1 and March 31 inclusive. Failure to renew during this period shall result in the revocation of the mooring permit.

C. *Mooring Waiting Lists*

(1) Establishment of a Mooring Waiting List

The determination as to whether a mooring waiting list will be established for a specific location shall be made at the sole discretion of 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 currently moored in the area
- b. Availability of, and proximity to, parking or lawful access
- c. Potential for impact on navigation in the area
- d. Potential for impact on any natural resource in the area

(2) Placement on a Mooring Waiting List and Fee

- a. The determination as to whether a mooring waiting list applicant's name will be placed on a waiting list for a mooring shall be made at the sole discretion of the Harbormaster.

In making that decision, the Harbormaster may consider, but shall not be limited to, the following factors:

 1. Date of application
 2. Physical characteristics of the vessel (*e.g. size and type*)
 3. Availability of, and proximity to, parking or lawful access
 4. Purpose of vessel use (*e.g. commercial or recreational*)
- b. The applicant for a mooring waiting list shall complete and submit a "Town of Orleans *Mooring Waiting List Application*" and provide the necessary fee to the Office of the Harbormaster. The fee shall be five dollars (\$5) per mooring waiting list annually.

- c. The applicant for a mooring waiting list shall provide current and accurate vessel information on their mooring waiting list application. Any subsequent changes to the vessel information contained within the original application must be approved by the Harbormaster. Failure to provide current and accurate vessel information may result in removal from the mooring waiting list.
- d. Upon receipt by the Harbormaster of a mooring waiting list application, the Harbormaster shall enter the date of receipt on the application and add the name of the applicant and a description of the applicant's vessel to the chronological mooring waiting list for the area requested.
- e. All mooring waiting lists shall be posted at the Office of the Harbormaster and online at the Town of Orleans website and shall be up-dated regularly.

(3) Mooring Waiting List Renewal

- a. The Harbormaster shall provide those individuals on the mooring waiting lists with an annual "*Mooring Waiting List Renewal*" form.
- b. If the individual on the mooring waiting list wishes to renew their place on the mooring waiting list, they shall:
 - 1. Ensure that the information on the renewal form is accurate and sign the renewal form.
 - 2. Return the renewal form with the necessary payment to the Office of the Harbormaster between January 1 and March 31 inclusive.

(4) Removal from a Mooring Waiting List

- a. An individual on the mooring waiting list who does not wish to renew their place on a mooring waiting list should so indicate on the renewal form and return said form to the Office of the Harbormaster.
- b. An individual on the mooring waiting list must renew their place on the mooring waiting list annually between January 1 and March 31 inclusive. Failure to renew during this period shall result in removal of the individual's name from the mooring waiting list.

(5) Assignment of a Mooring to an Individual from a Mooring Waiting List

When a mooring location becomes available, the Harbormaster may offer the site to the first individual on the mooring waiting list with a vessel appropriate in size or type as determined by the Harbormaster for the mooring location. If the individual chooses not to accept the location, the Harbormaster shall contact the next individual(s) on the mooring waiting list with a vessel appropriate in size or type as determined by the Harbormaster for the mooring location until the space has been assigned.

D. Mooring Tackle Specifications

All moorings are required to be of the mushroom anchor design unless otherwise authorized by the Harbormaster.

"Double anchoring" (*anchoring bow and stern*) of vessels is prohibited except with the express permission of the Harbormaster.

Please note that the tackle specifications outlined below are minimum standards and are not adequate for storm or hurricane protection:

LENGTH OF VESSEL	PROTECTED AREA	NON-PROTECTED
Under 16'	50lbs.	75lbs.
16'-19'	75lbs.	100lbs.
19'-26'	100lbs.	150lbs.
26'-30'	150lbs.	200lbs.
30'-40'	200lbs.	250lbs.
Over 40'	<i>As specified by Harbormaster</i>	

MUSHROOM SIZE (lbs.)	CHAIN/SHACKLE (inches)	LINE DIAMETER (inches)
50	3/8	1/2
100	3/8	1/2
150	1/2	5/8
200	5/8	5/8
Over 200	<i>As specified by Harbormaster</i>	

MOORING BUOYS shall be of white styrofoam, rubber, or plastic material and shall have the assigned mooring permit number permanently and legibly displayed on the buoy in numbers no less than one inch in height and in a color that contrasts with that of the buoy.

TOTAL LENGTH OF MOORING, CHAIN, AND PENNANT shall be equal to at least three (3) times but, without the permission of the Harbormaster, shall not be more than four (4) times the depth of the water at Mean High Water plus the vessels freeboard at the bow, where the mooring is located.

MOORING PENNANTS (HAWSEERS) shall be three-strand nylon or equivalent, shall not float, shall be fitted with thimbles of appropriate size where they are attached to chain or metal fittings and shall be equipped with adequate chaffing gear where they pass through chocks or hawseholes.

SHACKLES AND SWIVELS shall be safety wired or welded to prevent loosening.

E. Mooring Inspection, Relocation, or Removal

(1) Mooring Inspection or Removal

The Harbormaster, Assistant Harbormasters, or their agent may, at any time, inspect any mooring located in the waters of Orleans and may remove or cause to be removed any mooring that fails to meet all of the provisions of the regulations contained herein. Any expense for inspection or removal and any liability incurred therefore shall be the responsibility of the permit holder / owner of said mooring.

(2) Mooring Relocation or Removal

The Harbormaster, Assistant Harbormasters, or their agent may, at any time, relocate, remove, or cause to be relocated or removed, any mooring or vessel whenever, in their judgment, the safety of others vessels is in jeopardy or maximum use of the area requires such action. Any expense for relocation or removal of a mooring or vessel and any liability incurred therefore shall be the responsibility of the mooring permit holder.

F. Use of Town Landings, Bulkheads, Piers, and Docks

(1) Town Landings

Mooring permit holders shall be allowed to access their moorings from town landings. To the extent that sufficient space is available as determined by the Harbormaster, mooring permit holders may keep their tenders at town landings subject to the conditions contained within Section A sub-section 9 herein. This regulation does not authorize the keeping of tenders on private property or trespassing on private property.

(2) Town Bulkheads, Piers, and Docks

Mooring permit holders shall be allowed to access their moorings from town bulkheads, piers, and docks. No vessel may remain tied to a town bulkhead, pier, or dock for a period in excess of one-half (1/2) hour without the express permission of the Harbormaster or Assistant Harbormasters. In addition to any fine for violation of this ordinance, the Harbormaster, Assistant Harbormasters, or their agent may remove or cause to be removed the vessel in violation. Any expense for removal of said vessel and any liability incurred therefore shall be the responsibility of the owner of the vessel.

G. Appeal of Harbormaster Decision

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.

159-11) ENFORCEMENT/PENALTIES

- A. This bylaw shall be enforced by the Harbormaster, Assistant Harbormasters, Massachusetts Environmental Police, and any other law enforcement agency so empowered.
- B. In addition to any other penalties specified within this bylaw, violations of the following sections contained herein shall be punished by a fine of fifty (\$50.00) dollars: 3, 5A., 5B., 6A. through I., 7A.(1) through (4), 7B.(1) and (2), 7C., 7D., 7E.(1) and (2), 7H., 8, 9A. and B., 10A. and F.
- C. In addition to any other penalties specified within this bylaw, violations of the following sections shall be punished by a fine of one hundred (\$100.00) dollars: 7B.(3) and (4), 7F., 7G., 7I., 9C. through K.
- D. Whoever violates any provision of section 10A. subsections 4,5,6,7,or 8 or section 10E. subsection 1, may be subject to revocation of their mooring permit by the Harbormaster. Furthermore, whoever violates any provision of section 10A. subsection 9 may be subject to a one (1) year suspension of their mooring permit by the Harbormaster.

159-12) JURISDICTION

International Rules of the US Coast Guard Navigation Rules apply to all saltwater bodies of water within the town. Nothing contained herein shall be construed to supersede or conflict with or interfere or limit jurisdiction of the United States government with respect to the enforcement of the navigation, shipping, anchorage or other associated federal laws or regulations or any laws or regulations of the Commonwealth of Massachusetts.

159-13) SEVERABILITY

In the event that any provision, section or clause of this bylaw is hereafter judicially found to be invalid, such decision, invalidity or voidance shall not affect the validity of the remaining portion of these regulations.