

# Barnstable Mooring Regulations

## **406-1.Purpose**

The Town of Barnstable mooring regulations have been established in order to provide efficient utilization of harbor areas, to improve the safety of moored vessels, and to provide adequate space for the enjoyment of all the users of the harbors. This shall be done by controlling the placement of moorings, establishing standards for mooring tackle, and by establishing regular, systematic mooring inspections.

## **406-2.Definitions**

### **Boat/Vessel:**

Every description of watercraft, used or capable of being used as a means of transportation on the water, including seaplanes, amphibious vehicles, and any other variable use craft when navigating or moored on the water.

### **Bow Chock:**

A rigging fitting on the bow of a vessel, normally mounted on deck or in the toe rail, to control a rigging or mooring line.

### **Mooring Servicer:**

Person(s) licensed by the Harbormasters Office to perform mooring service, installation, inspection and maintenance services.

### **Mooring:**

Semi-permanent ground tackle placed by a vessel owner or Mooring Servicer on or beneath (helix mooring) the bottom on behalf of a vessel owner; a place where vessels are kept at anchor.

### **Mooring Buoy:**

A buoy marking a mooring.

### **Mooring Permit:**

Written authorization issued by the Harbormasters Office to moor a vessel.

- (1) Individual: moorings placed for the private use of the vessel owner.
- (2) Commercial: commercial moorings that are not for sale or rent but used by a commercial establishment for the holding of boats for sale, repair, or the like.
- (3) Rental: moorings installed for which any type of user fee is charged.
  - (A) Seasonal: moorings offered for rent for periods exceeding three weeks.
  - (B) Transient: moorings offered for rent for periods of up to three weeks.

### **Mooring Year:**

January 1<sup>st</sup> to December 31<sup>st</sup>. New mooring applications and permits will be available during the posted hours at the Harbormasters Office, from the time mooring permit renewals are mailed until November 1<sup>st</sup> of each year.

### **Owner:**

Shall include individual, prior to April 25, 2013 an Owner could include corporations, societies, partnerships, associations, etc.

### **Pennant:**

A line, cable, or chain by which a vessel is made fast to a mooring buoy.

### **406-3. Mooring Specifications**

All moorings shall meet the minimum standards as set forth below prior to placement. These standards are set for normal weather conditions. In the event of gale winds or stronger and/or extreme tides, it is the mooring owner's responsibility to ensure certain precautions are taken. The Town of Barnstable realizes that mooring loads are variable, that it is impossible to say that all boats of equal length require the same size mooring, and such standards cannot be applied to all boats. The Harbormasters Office reserves the right to require a boat owner to increase the minimum mooring standard for any vessel should they feel the minimum standard would be inadequate for the vessel because of unusual design, such as but not limited to, excessive weight, windage, or draft. Furthermore, the Town of Barnstable shall not be held liable for any damage inflicted if a minimum standard mooring fails.

#### **(A) Mushroom Anchor**

##### **SALTWATER**

<u>Boat Size</u>	<u>Mooring Weight</u>	<u>Bottom &amp; Top Chain</u>		<u>Pennant</u>
00-13'	50 lbs	1/2"	3/8"	1/2"
14-17'	75 lbs	1/2"	3/8"	5/8"
18-21'	150 lbs	1/2"	3/8"	5/8"
22-25'	200 lbs	5/8"	1/2"	5/8"
26-31'	250 lbs	5/8"	1/2"	3/4"
32-35'	300 lbs plus sw	5/8"	1/2"	3/4"
36-40'	500 lbs plus sw	3/4"	1/2"	3/4"
Over 40'	Harbormaster Approval			

##### **FRESHWATER**

<u>Boat Size</u>	<u>Mooring Weight</u>	<u>Bottom &amp; Top Chain</u>		<u>Pennant</u>
00-17'	50 lbs	1/2"	3/8"	1/2"
18-21'	100 lbs	1/2"	3/8"	5/8"
22-25'	150 lbs	5/8"	1/2"	5/8"
26' over	Harbormaster Approval			

#### **(B) Helix Anchor**

The following specifications shall be considered the minimum allowable specifications of a helix mooring system.

- (1) The shaft must be a minimum of 1 1/2" thick and at least six feet in length.
- (2) The shaft and helix must be of galvanized or other non-corrosive metal, such as stainless steel.
- (3) The shaft must be designed to allow the bottom chain to swivel around the shaft and to be replaced when necessary.
- (4) There shall be a minimum of 2 helixes attached to each shaft with the lower helix being a minimum of 8" in diameter and the top helix being a minimum of 10" on diameter.
- (5) All chain and pennant specifications will remain consistent with the mushroom anchor chart.
- (6) Helix moorings shall be placed/installed at the discretion and direction of the Harbormaster. No Helix mooring is to be placed without written approval of the Harbormaster. Installation of helix moorings must be done by a Mooring Servicer.
- (7) It shall be the responsibility of the Mooring Servicer to assure that the proper size and length helix is used according to

subsoils within a given mooring area and for the vessel to be moored.

(8) The Mooring Servicer shall record the position of the helix mooring by a Global Positioning System (GPS) fix and record all the mooring specifications including the length of shaft, depth of mean high water, torque reading at set, all sizes and length of ground tackle. All information shall be filed with the Harbormasters Office within 10 days of work.

(9) All helix moorings shall be installed as close to flush with the bottom surface as possible with no more than 6" protruding above the bottom surface.

**(C) All Moorings**

(1) No vessel shall be moored, and no mooring shall be placed, by a vessel owner or mooring servicer except in compliance with these regulations.

(2) Any mooring other than a mushroom anchor or helix mooring shall be at the Harbormasters Office discretion.

(3) Pennants shall be made of nylon or Harbormaster approved type line.

(4) All mushroom moorings of 300 lbs or greater shall also be required to have a Harbormasters Office approved shaft weight (sw) collar bolted or cast into the mushroom anchor as noted above.

(5) Chain length shall be three times the water depth at high tide. Maximum length of chain in "closed areas" shall be no more than four times the water depth at high tide.

(6) Bottom chain shall be 1/3 of the total length of chain.

(7) Pennant lengths shall be two times the distance from the water to the bow plus the distance from the bow to the mooring cleats.

(8) All pennants shall have proper chafe gear attached so as to cover an area of one foot on either side of the bow chocks.

(9) Moorings found to be inadequate with regard to the Town specifications as detailed above shall be corrected by the owner within seven days notice by those empowered to enforce these regulations. Written notice to the Harbormasters Office detailing the corrective action taken by the owner and date corrective action was taken shall be required.

(10) Mooring buoys shall be round and a minimum of 11" in diameter; inflated, formed, molded or fabricated from rubber, plastic or fiberglass. Each buoy shall be white with a blue horizontal stripe. Mooring buoys shall carry the permanently assigned mooring permit number in no less than 3" block letters to be read from above the waterline along with the permit holder's last name in at least 2" block letters. Additionally mooring buoys shall be at least 50% above the water surface at all times. Any additional pickup buoys shall carry the permit holder's last name.

**406-4. Mooring Permits**

A Town of Barnstable mooring permit is required for all moorings placed in the waters of the Town of Barnstable. Falsifying information on a mooring permit application or failure to submit a fully completed mooring permit application shall be cause for non-consideration of such application.

All mooring permits are issued for the use of the vessel indicated on the permit. The use of the mooring by any other vessel without the written consent of the Harbormasters Office will be grounds for

revocation of the mooring permit and/or citation(s) may be issued to the vessel owner.

All mooring permits shall be annually renewed by February 28<sup>th</sup>. There shall be a late renewal period subject to an additional fee from March 1<sup>st</sup> to March 31<sup>st</sup>. All renewals must be received by the Harbormasters Office no later than 4:15pm of the deadline day. If the deadline day falls on a day when the Harbormasters Office is closed then the deadline will be the next business day. If a permit is not renewed before the late period ends, the vessel owner will be required to reapply as required for a new permit.

**(A) Individual Mooring Permit**

(1) Vessel owners wishing to moor their vessel in the waters of the Town of Barnstable must obtain an annual mooring permit and are solely responsible for obtaining an individual mooring permit. Vessel owners may elect to install and maintain their mooring provided they fully comply with these regulations. Vessel owners who elect not to install and maintain their mooring must annually identify their Mooring Servicer on their permit application.

(2) No Mooring Servicer shall inspect, place or service a mooring for a vessel owner without proof of a current mooring permit issued by the Harbormaster from their customer or the Harbormasters Office.

(3) For all new mooring applications and changes of vessels: Vessels must be owned by the mooring permit holder. Further, all vessels must be registered or documented with and in the same name of the mooring permit holder as listed on the mooring permit. The spouse of a legally married couple may appear on registration, documentation, title and/or bill of sale. However, the mooring permit is issued solely to the individual name on the mooring permit.

(4) Individual mooring permits are issued on the basis of one boat, one mooring (primary mooring). For vessel owners requesting more than one mooring per boat (secondary mooring), consideration of mooring application will only be given if such moorings are not in an area that a waiting list has been established pursuant to Section 406-16.

(5) The ownership of water front property in no way guarantees nor implies any right of the property owner to obtain a mooring permit.

(6) Vessel owners are required to submit the following documents with new applications and renewals:

(A) Proof of current registration or documentation of the vessel.

(B) Proof of payment of latest Town of Barnstable boat excise tax or acknowledgment of responsibility for the same to the Town Assessor's office.

(C) Completed mooring application.

(D) For all new mooring applications, a completed mooring inspection forms. All mooring renewals, shall submit by September 1<sup>st</sup>, a completed mooring inspection report for every full inspection required. It shall be the ultimate responsibility of the mooring permit holder to ensure said inspection report is submitted. Failure to submit a full inspection report ~~will~~ **may be grounds for terminate termination of** the mooring permit.

(7) The owner of a vessel shall be as listed on the certificate of registration or documentation. Additional confirmation of ownership may be required by:

- (A) Sales tax receipt.
- (B) Current insurance policy.
- (C) Boat title.

(8) Permitted individual moorings are transferable within the immediate family. The immediate family shall include brother, sister, son, daughter, father, mother, or spouse. Transfer fee ~~of \$25~~, documentation to support the relationship, and a notarized letter stating the intent to transfer the mooring are required. No more than one transfer may occur per year (365 Days).

(9) A second vessel of the same or lesser length, draft, and size may be permitted as a (secondary vessel) at the discretion of the Harbormasters Office. Such vessel must be solely owned by the mooring permit holder. This in no way would allow for an additional mooring, only the use of the mooring by an alternate vessel permitted by the Harbormasters Office. Only one vessel may be attached to the mooring at one time and rafting shall be forbidden.

**(B) Rental moorings:**

Applicants for any type of rental mooring permit for the current season must, in addition to the requirements of these regulations, submit proof of a permit from the Army Corps of Engineers, or proof that the rental mooring applicant has submitted all the correct information as required by the Army Corps of Engineers to show they are in substantial compliance with the federal application process. Failure to comply with the above will result in denial of the application.

The maximum number of rental mooring permits allowed shall be:

Seasonal: 165  
Transient: 30

**(1) Seasonal Rental Moorings**

(A) Seasonal rental mooring owners must obtain an annual seasonal rental mooring permit for each seasonal rental mooring.

(B) A one year grace period shall be allowed for unused seasonal rental moorings. If the rental mooring is not rented for the mooring year, the owner must remove such mooring and the mooring permit shall be revoked.

(C) Seasonal rental moorings may not be sold, transferred, or assigned to any person, corporation, partnership, organization or entity other than the lessee of such mooring in the previous season. Should the mooring owner transfer ownership of such mooring in the manner noted above, the rental mooring permit shall be revoked, and the number of seasonal rental mooring permits originally allowed shall be reduced accordingly.

(D) Seasonal rental mooring permit holders shall be required to keep complete and accurate records of each rental, and submit to the Harbormasters Office by May 14<sup>th</sup> of each year:

- (1) Name and address of person renting mooring.
- (2) Proof of current registration or documentation where applicable.
- (3) Proof of payment of Town of Barnstable's boat excise tax, or acknowledgment of responsibility for the same to

the Town Assessor's office, for the vessel occupying the mooring.

(E) If the original user of a seasonal rental mooring relinquishes use, the owner of the rental mooring must notify the Harbormasters Office by April 1<sup>st</sup>. A vacated rental mooring shall be offered to all individuals on the rental mooring waiting list, beginning at the top.

**(2) Transient Rental Mooring Permits**

Transient rental mooring owners must obtain an annual transient rental mooring permit for each transient rental mooring. In addition to the required blue horizontal stripe on the mooring buoy, a 4" orange horizontal stripe shall be on the top of the buoy. Transient rental mooring permit holders shall submit upon the request of the Harbormaster the days/dates of use of each transient mooring. ~~by November 1<sup>st</sup>~~. The Harbormaster office shall collect a fee for any Town of Barnstable Transient Rental Moorings.

**(C) Commercial Yard Mooring Permits**

- (1) Commercial yard mooring owners must obtain an annual commercial yard mooring permit for each commercial yard mooring.
- (2) The maximum length of stay for a vessel on a commercial yard mooring (if permitted) shall be 14 days except with the expressed written consent of the Harbormasters Office.
- (3) All mooring balls shall be marked with a minimum 8" letters with the yard initials followed by a space and "C".
- (4) The number of commercial yard mooring permits allowed shall be strictly controlled and issued on a proven needs basis only.

**(D) Special Event Permit**

A private mooring permit holder may loan his/her mooring for a "special event", subject to the terms, conditions, and prior approval of the Harbormasters Office by permit to the organizer of the event - and for periods of no longer than four days. The organizer of the "special event" shall be solely responsible for ensuring the terms and conditions of the "special event" permit, for getting approval of the private mooring permit holder, and for any liability incurred associated with the "special event" as it relates to this section/regulation.

"Special event" may include but is not limited to Yacht Club Regattas, special races, organized boat shows/events, or events that require a marine event permit issued by the USCG.

No one shall assign or allow the use of any mooring for any event without a "special event" permit issued by the Harbormasters Office.

**406-5. Boat Stickers**

Each vessel for which a mooring permit has been issued, and each vessel occupying a permitted seasonal rental mooring shall have attached on the hull in a visible location an annual sticker issued by the Harbormasters Office. Stickers shall not be attached to any vessel other than which is permitted. It shall be the responsibility of the mooring owner to ensure compliance with this section.

**406-6. Mooring Tag**

~~Each permitted mooring shall have attached, above the waterline and visible at all times, an annual mooring tag issued by the Harbormasters Office. Mooring tags shall be affixed by the mooring servicer or mooring permit holder as applicable prior to June 30<sup>th</sup>. The use of Mooring Tags is to the discretion of the Harbormaster.~~

**406-7. Placement of Moorings**

(A) Moorings shall not be placed, altered, shifted or interfered with, except under the direction of the Harbormasters Office.

(B) The Harbormasters Office may require the relocation of permitted moorings that are in the water, and any expense thereof shall be the mooring owner's responsibility.

(C) The Harbormasters Office may limit the size and lengths of vessels moored in the waters of the Town of Barnstable if in the Harbormasters opinion this is warranted due to congestion, to ease navigation, or as a measure of public safety.

(D) The mooring permit may be suspended or revoked by the Harbormaster whenever in the Harbormaster's opinion the boat and/or mooring unduly threatens the safety of the mooring area or the reasonable use of that area by other boats.

(E) Moorings that are placed in a location other than that as permitted by the Harbormasters Office shall be grounds for revocation of the mooring permit.

(F) A permit holders mooring and mooring buoy must be placed and maintained in the water in its permitted location on or before July 1<sup>st</sup> of each year and remain in the water until September 1<sup>st</sup> of each year. Failure to comply with the placement requirements set above shall be grounds for revocation or non renewal of the mooring permit.

**406-8. Moorings in Barnstable Harbor Aquaculture Zone**

(A) Barges and/or other vessels permanently moored within the so-called aquaculture zone of the Town of Barnstable and whose use shall be specifically for the purpose of shellfish propagation within the aquaculture zone of Barnstable Harbor may be granted permission to moor said vessel after obtaining an annual mooring permit from the Harbormasters Office and after the review of the Town of Barnstable's Waterways Committee.

(B) The Town of Barnstable will allow no more than one barge/vessel for every ten shellfish grants and the applicant must show proof the barge is being shared on a co-operative basis with at least five additional grant holders.

(C) All permits shall be granted on an annual basis and are renewable upon favorable recommendation of the Town of Barnstable's Waterways Committee and by permission of the Harbormaster.

(D) No barge/vessel shall be larger than 30', waterline length, and 20' in width.

(E) All barges/vessels shall be removed from the area during the winter months.

(F) All barges/vessels shall have the owner's name affixed to at least one side of the barge with at least 4" letters.

(G) All barges/vessels shall be lit at night with a 360 degree anchor light.

(H) All barges/vessels shall be moored according to specifications of the Town of Barnstable Mooring Regulations and according to any special specifications as may be required from the Harbormaster.

(I) It shall be encouraged that barge/vessel owners make every effort to minimize the height and size of any superstructure and to paint the vessel in natural colors that will blend into the surroundings.

#### **406-9. Change of Ownership of Vessel**

A change of ownership of a vessel moored within the Town of Barnstable must be reported to the Harbormasters Office. The new owner must obtain an individual mooring permit from the Harbormasters Office and as such, the mooring will be considered a new mooring and all rules and regulations pertaining to new moorings shall be applicable.

#### **406-10. Change of Vessel**

Written permission must be obtained from the Harbormasters Office before a permit holder changes vessels and desires to retain his/her mooring permit. The Harbormasters Office, using its discretion, may or may not ~~permit~~ **approve** such a change. Violation of this section may be subject to revocation of mooring permit. **An administration fee will be charged for any change of vessel form submitted.**

#### **406-11. Mooring Inspection**

##### **(A) Mushroom Anchors**

(1) Before a new mooring permit will be issued, the mooring owner must submit his/her mooring for an out of the water inspection by the Harbormasters Office or mooring servicer.

(2) Each year the mooring buoy, pennant, chafing gear, and top chain with connecting hardware on each mooring must be inspected visually by the Harbormasters Office or mooring servicer. For freshwater mooring permits, the permit holder may complete this inspection themselves.

(3) Each mooring must be inspected every three years, out of the water, by the Harbormasters Office or mooring servicer starting with the year in which it was first permitted or last inspected, whichever is later. The expense of such inspection shall be at the mooring owner's expense.

##### **(B) Helix Moorings**

(1) Before a new mooring permit will be issued, the helix owner must submit his/her helix for an out of the water inspection by the Harbormasters Office or mooring servicer.

(2) All inspections must be approved by the Mooring Officer or a mooring servicer.

(3) The swivel, top chain, pennant, chafe gear, and buoy shall be inspected annually.



(4) The bottom chain and associated tackle shall be replaced every third year by diver or by a complete haul out. In the event that a diver is used to replace the tackle, they must certify the condition of the top section of the helix at that time is in good and proper condition.

(5) A full out of the water inspection of the mooring and tackle shall take place every twelve years.

(C) **All Moorings**

If as a result of such inspection the Harbormasters Office or mooring servicer determines that any link of chain, shackle, swivel or other piece of mooring gear has become damaged or worn by one third of its normal diameter, all such chains, shackles, swivels or other pieces of mooring tackle shall be replaced accordingly. Failure to replace worn or damaged gear shall be grounds for revocation of mooring permit by the Harbormasters Office.

**406-12. Termination of use**

(A) Upon the termination of use, the mooring owner must remove the mooring from the waters at his/her expense.

(B) The owner of any mooring may not transfer the use or ownership of said mooring to another while in place. If the owner of a mooring sells his/her mooring tackle to another, the location of said mooring may not be assumed by the buyer. It shall remain at the discretion of the Harbormasters Office to assign the location of any mooring. Should a mooring owner abandon the mooring, the mooring may be hauled by the Town and all costs of the removal shall be the responsibility of the owner of record. Any abandoned or unclaimed mooring, removed by the Town, may be auctioned off in accordance with Town Ordinance.

**406-13. Fees**

(A) All fees are established by the Town Manager and will be maintained and available for the public at the Harbormasters Office. Fees are based upon one boat, one mooring. ~~Fees for one boat, more than one mooring are as noted below.~~ Per Chapter 91 Section 10A: A reasonable fee for such mooring permit, proportionate to the city or town's cost of overseeing mooring permits, may be imposed by the city or town or whoever is so authorized by the city or town, but no mooring fee shall discriminate on the basis of residence.

~~**Individual mooring permits:**~~

<del>• Primary Mooring:</del>	<del>_____</del>	<del>\$ 90.00</del>
<del>• Secondary Mooring:</del>	<del>_____</del>	<del>\$ 175.00</del>
<del>• Rental Mooring Permits:</del>	<del>_____</del>	<del>\$ 175.00</del>
<del>• Commercial Yard Permits:</del>	<del>_____</del>	<del>\$ 175.00</del>
<del>• Second vessel:</del>	<del>_____</del>	<del>\$ 25.00</del>
<del>• Late fee:</del>	<del>_____</del>	<del>\$ 50.00</del>
<del>• Transfer fee:</del>	<del>_____</del>	<del>\$ 25.00</del>
<del>• Reissue of a mooring tag or sticker:</del>	<del>_____</del>	<del>\$ 5.00</del>

#### **406-14. Winter Stakes**

All moorings not being used for the holding of a vessel shall be required to have a winter stake correctly attached prior to January 1<sup>st</sup>. Moorings 500 pounds or greater located in Tim's Cove, North Bay or the Oyster Company shall be exempt. All winter stakes shall be painted white with a blue horizontal stripe and the mooring owner's name. The winter stake shall be upright at all times and not less than 40 degrees with relationship to the surface of the water at any period of the tide, and no less than 18 inches exposed at all times. Winter stakes shall not be set before September 15<sup>th</sup> of each year and must be removed by June 1<sup>st</sup>. Any winter stake not removed by June 1<sup>st</sup> shall be considered abandoned and may be removed by the Harbormaster at the owner's expense.

#### **406-15. Anchoring**

No vessel may be anchored in the waters of the Town of Barnstable more than eight days total, per year, without the consent of the Harbormasters Office. Anchoring shall be prohibited within all designated mooring areas. Anchorage may be at the discretion of the Harbormasters Office.

#### **406-16. Waiting List Procedure**

In areas that have, in the opinion of the Harbormaster in consultation with the Town Manager, reached maximum mooring capacity, the department may establish waiting lists. The following shall serve as guidelines for the waiting list procedures:

(A) For areas where no additional space is available, individual applicants for mooring space shall be placed on a waiting list at the office of the Harbormaster. Additionally there shall be a separate seasonal rental mooring waiting list covering all rental moorings. Once established, the rental mooring waiting list shall be published once per year on March 1<sup>st</sup>. All those wishing to rent for the year must be on the rental mooring waiting list on February 28<sup>th</sup>.

(B) Entries shall be kept in chronological order according to the date the application is received.

(C) The waiting list shall be renewable at the beginning of each calendar year. It shall be the responsibility of the applicant to notify the Harbormasters Office, in writing, between January 1<sup>st</sup> and February 15<sup>th</sup> of each year of his/her desire to remain on the waiting list. The Harbormasters Office must receive said notice on forms approved by the Harbormaster by 4:15pm on the deadline date along with the ~~\$10.00 fee outlined in paragraph (I)~~. If the deadline day falls on a day when the Harbormasters Office is closed then the deadline will be the next business day.

(D) When a mooring space becomes available, the Harbormasters Office shall assign the mooring space to the first individual on the waiting list with a vessel appropriate for that particular location.

(E) The person at the top of the waiting list shall have priority to obtain the next available location but may waive the right to the next available location if it is not in a place convenient to him/her without losing his/her place at the top of the list. In the event of a waiver, the next person on the list shall be offered the location; and

if that person waives the right to the location, the next successive person shall be offered the location, etc. until someone in succession on the list takes it and registers a mooring there. Notice to the person entitled to the next available mooring shall be ~~in writing or by any other~~ a reasonable method established by the Harbormaster.

(F) Only individual and commercial yard mooring permits may be applied for in "full" areas; no new rental permit applications will be accepted.

(G) Owners of seasonal rental moorings shall make notice to the Harbormasters Office of any vacancies by April 1<sup>st</sup>. Vacancies shall be filled by the rental permit holder from the rental waiting list maintained by the Harbormasters Office as provided in these sections except that rental moorings shall be subject to payment as required by owner. If such mooring is not taken by June 15<sup>th</sup>, the mooring shall be removed by the owner with the seasonal rental mooring permit being forfeited. The Harbormaster has the right to review all aspects of rental waiting list placements at all times.

(H) The following waiting lists: Cotuit Town Docks/Ropes, Cotuit Bay Shores, North Bay, North Bay Channel, Prince Cove, West Bay, Tim's Cove, Centerville River, East Bay and Fish Hills, Cotuit Ropes/Coerdwood, West Bay Flats shall be in effect and considered closed until the respective waiting list has been diminished and all applicants have either been awarded a mooring or have been removed for failure to perform. From that time forth, the wait list shall be filled through a lottery system, open to all, and placement upon the list shall be in the order by which the name of the applicant is drawn. The Town of Barnstable, at its discretion, shall determine the number of applicants to be placed upon the list. All applicants upon their selection through the lottery system shall be subject to all rules and regulations as they pertain to this document.

(I) An ~~ten dollar (\$10.00)~~ annual, non-refundable administration fee will be charged for each request to remain on a waiting list for a mooring. As approved on November 12, 2013, a ~~twenty-five dollar~~ non-refundable administration fee will be charged for any initial (new) applications for a waiting list for a mooring.

(J) No new waiting list applications will be accepted between December 1<sup>st</sup> and December 31<sup>st</sup>.

(K) Establishment of a rental mooring waiting list: The Harbormasters Office shall conduct a lottery to include all those who are on a current town mooring waiting list as of April 1, 2013, that desire to be on the rental waiting list. All above rules and fees shall apply. Once the lottery has been conducted and the results posted, the rental waiting list shall be considered open as all other open areas.

(L) Individuals offered a potential mooring from the waitlist will have five (5) business days to respond when the harbormasters office provides notice. Failure to respond will result in a pass to the next individual on the list. If the contact information on file (email/phone number) is incorrect this will also result in a pass. Harbormaster may use discretion if an individual contacts the Harbormaster office after the five (5) business days.

#### **406-17. Grace Period**

At the Harbormasters Office discretion a grace period not to exceed one mooring year may be allowed to maintain a mooring location for a permitted mooring, unless otherwise noted. This does not excuse the mooring owner from the responsibility of obtaining a mooring permit.

#### **406-18. Mooring Servicers**

(A) No one shall place, maintain, service, repair, or replace any mooring without a valid Mooring Servicers License issued by the Harbormasters Office. This license shall not apply to individual mooring permit holders who maintain their own moorings and have annual inspections by the Harbormasters Office.

(B) Shall abide by all Federal, State, and local laws, rules, regulations, conditions, and lawful orders of the Harbormaster and/or his assistants.

(C) No Mooring Servicer shall place, maintain, service, repair, or replace any mooring that is not permitted by the Town of Barnstable.

(D) All mooring and mooring buoys (tackle) must be placed and in the water in its permitted location on or before July 1<sup>st</sup> of each year and remain in the water until September 1<sup>st</sup> of each year.

(E) All mooring inspections must be fully completed by July 1<sup>st</sup> of each year, however the Harbormaster may grant an extension to September 1<sup>st</sup> for moorings 500 pounds or greater upon request. Inspection reports shall be on forms approved by the Harbormasters Office and submitted by July 15<sup>th</sup> unless extension has been granted.

(F) Any changes to mooring tackle after the inspection report has been submitted to the Harbormasters Office shall require a new inspection report to be submitted within 10 days of said changes.

(G) The Town of Barnstable and its employees accept no responsibility or liability.

(H) Mooring inspection and service work shall not be sub contracted unless written permission is granted by the Harbormasters Office. Upon permission, the Mooring Servicer of record shall be responsible for all mooring inspection reports.

(I) Each Mooring Servicer shall submit to the Harbormasters Office a complete, alphabetical list of all their customers serviced within the Town of Barnstable by September 1<sup>st</sup> of each year.

(J) It shall be the responsibility of the Mooring Servicer to place all ~~mooring tags~~ identification markings on the moorings they service by the appropriate deadline.

(K) Minimum Applicant Requirements:

- (1) One year experience in mooring service work
- (2) Documented proof of knowledge and experience in the Town of Barnstable mooring gear and regulations
- (3) Local knowledge
- (4) Three business references
- (5) Proper mooring service vessel or platform, as approved by the Harbormasters Office

(L) Application Procedure:

- (1) Existing Mooring Servicers shall reapply for authorization yearly on forms provided by the Harbormasters Office by January 31<sup>st</sup>. The Harbormasters Office will issue a decision within 30 days.
- (2) New applicants shall apply on forms supplied by the Harbormasters Office. The Harbormasters Office will issue a decision within 60 days.
- (3) Applications that are incomplete and do not contain all required information will not be processed. The Town of Barnstable assumes no liability for lost, late, or incomplete applications or documents.
- (4) There shall be an annual application fee of \$100.00 for each Mooring Servicers License application.

(M) Penalties

Failure of a Licensed Mooring Servicer to abide by these regulations or the direction of the Harbormasters Office may result in the revocation or non renewal of said license. However no such revocation shall take place without written notification of the violation to the servicer. Depending on the severity of the offense a progressive approach will be utilized: 1<sup>st</sup> offense verbal type warning, 2<sup>nd</sup> offense written warning, 3<sup>rd</sup> offense revocation of license. Anyone aggrieved by a license revocation may appeal to the Town of Barnstable's Waterways Committee.

**406-19. Enforcement**

Unless otherwise specified, these rules and regulations shall be enforced by the Harbormasters Office, Assistant Harbormasters, Natural Resource Officers, and by police officers empowered to patrol the waters of the Town of Barnstable.

**406-20. Penalties**

These regulations establish the procedures in which moorings may be approved in the Town of Barnstable under Section 40-14 of the Code of the Town of Barnstable. Therefore, whoever violates any provisions of these regulations or neglects to obey the lawful and reasonable orders of those empowered to enforce the same, or resists them in the discharge of their duties shall be considered in violation of Chapter 40 of the Town Ordinances and fined pursuant to Chapter 1-3 (Schedule of fines) of the Code of the Town of Barnstable.

**406-21. Severability**

In the event that any provisions, section or clause of these regulations is hereafter found to be invalid, such invalidity shall not affect the validity of the remaining portions of these regulations.

**406-22. Compatibility With Other Governmental Regulations**

Nothing contained herein shall be held or construed to supersede or conflict with or interfere with or limit jurisdiction of the United States Government or the Commonwealth of Massachusetts.

**406-23. Appeals Process**

Any person aggrieved by a refusal to permit a mooring, or any condition or restriction imposed relative thereto, may appeal without prejudice, waiver or stay of any other appeals in writing to the Town of Barnstable's Waterways Committee within fifteen (15) days after receiving notice of such refusal or imposition. The Town of

Barnstable's Waterways Committee shall consider such appeal and render a written determination as soon as practical. In the event the appeal of a refusal to permit is granted, the petitioner must pay any and all mooring fees that may be in arrears in addition to an ~~\$25.00~~ granted appeal fee.

**406-24. Authority To Make Regulations**

These regulations are promulgated under the authority of Massachusetts General Laws Chapter 91 by the Harbormaster and approved by the Town Manager. The Harbormaster, using his/her discretion and after consultation with the Town Manager and the Waterways Committee, may deviate from the regulations noted above if deemed to be in the best interest of the Town of Barnstable.

\_\_\_\_\_  
Daniel J. Horn  
Harbormaster

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Mark S. Ells  
Town Manager

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Date

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Date

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