

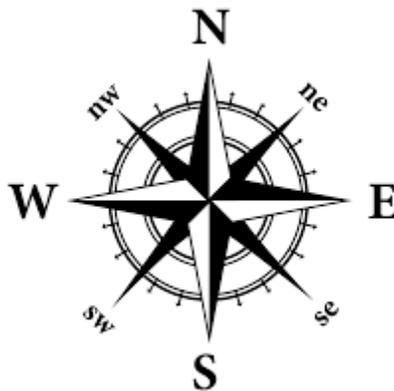
DIVISION XIII

Article 1

WATERWAYS RULES

§ 1.01 - PURPOSE

The Town of Wareham's Waterways Rules 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 will be done by controlling the placement of moorings, establishing standards for mooring tackle, and by establishing regular, systematic mooring inspections.



§ 1.02 - DEFINITIONS

Boat or Vessel – Includes every description of water craft, and personal watercraft when navigating or moored on the water, used or capable of being used as a means of transportation on the water, whether propelled by power, sail, or manually

CMR - Code of Massachusetts Regulations

Dinghy - Any vessel whose primary purpose is to travel to and from a larger vessel.

Dinghy Dock - Any structure built out into the water for use as a landing place limited to Dinghies.

Dinghy Rack – Any structure built on land for use as a storage place limited to Dinghies

Diver – Any swimmer using snorkel tubes, self-contained underwater breathing apparatus, or other diving equipment, also see SCUBA.

Great Ponds – Any pond which contained more than ten acres in its natural state, as calculated based on the surface area of lands lying below the natural high water mark. The Department shall presume that any pond presently larger than ten acres is a Great Pond, unless the applicant presents topographic, historic, or other information demonstrating that the original size of the pond was less than ten acres, prior to any alteration by damming or other human activity.

Harbormaster – This will mean the Harbormaster, or designees, duly empowered by the General Laws of the Commonwealth and appointed by the Board of Selectmen.

Harbor Service Permit – An annual permit issued by the Harbormaster for an assigned mooring location with or without a vessel, vessel at a slip or dock whether commercial or private, a temporary float or raft, or outhaul mooring.

Headway Speed-The slowest speed at which a motorboat may be operated and maintain steerage, but not to exceed 6 MPH.

Houseboat- A boat that has been designed or modified to be used primarily as a dwelling or home.

Immediate Family Member – Spouse and children.

Kayak Rack – Any structure built and placed on land by the town to store kayaks by permit.

Landing - A location for loading or unloading passengers or equipment from a vessel, including vessel launch ramps.

LOA- Length Overall.

MGL - Massachusetts General Laws.

Mooring - Any semi-permanent anchorage installation, consisting of a heavy anchor, a mooring buoy, and a pennant.

Mooring Buoy - A buoy marking a mooring within the guidelines of the Waterways Rules.

Mooring Inspector - An appointment by the Harbor Master to assist the Harbor Master in the inspection of mooring equipment.

Outhaul Mooring - A line or other device by which an object is secured in place seaward of the Mean High Water (MHW) line.

Pennant - The line by which a vessel is made fast to the mooring buoy.

Personal Watercraft - Includes every description of watercraft propelled by an internal combustion engine commonly referred to as "jet skis" and watercraft shaped like a surfboard propelled by the wind, commonly referred to as "wind surfers".

Person - Will include individuals, corporations, societies, associations, partnerships, agencies, and trusts.

Pier - Any structure built out into the water for use as a landing place.

SCUBA - Any Self -Contained Underwater Breathing Apparatus. A diving apparatus with compressed air tanks for breathing underwater.

Steerage-The action of steering a boat or vessel.

Tender-See dinghy.

Vessel - *watercraft of every description, except a seaplane on the water used or capable of being used as a means of transportation on water.*

Wake - The disturbed water that any vessel leaves astern.

Winter Stick - A winter mooring marker.

Section 103.0

§ 103.1 - HARBOR SERVICES PERMIT GENERAL RULES

§ 103.2 - MOORING SPECIFICATIONS

§ 103.3 - HARBOR SERVICE PERMIT RENEWALS

§ 103.4 - MOORING SPECIFICATIONS

§ 103.5 - HELICAL ANCHOR

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§ 103.8 - PENNANT SPECIFICATIONS

§103.1 HARBOR SERVICES PERMIT GENERAL RULES

1. No person will keep any vessel within the waters of the Town of Wareham, held by mooring or dock, without first obtaining a Harbor Service Permit from the Harbormaster. This will include all personal watercraft. No vessel may be anchored in the waters of Wareham for more than six (6) consecutive days without a Harbor Service Permit. Anchoring will be prohibited within all designated mooring areas. Anchorage will be at the discretion of the Harbormaster.
2. There will be a fee for the Harbor Service Permit assessed annually, with such fee or fees being established by the Board of Selectmen in accordance with Massachusetts General Laws, Chapter 40, Section 22F.
3. The Town of Wareham Department of Natural Resources will bill each Harbor Service Permit holder, indicating the due date of the fee. The invoice will be payable in full within 30 days.
4. The Harbormaster will issue a Harbor Service Permit decal for the vessel listed on the permit and the permit decal will be displayed to identify that the annual fee has been paid. The Harbor Service Permit will be displayed on the vessel in a location that is clearly visible at all times.
5. Applications for a new Harbor Service Permit may be obtained at the Town of Wareham Department of Natural Resources or on-line. A fee will be charged for all Harbor Service Permit applications. There will also be an annual fee for applicants to stay on the 'waiting list.' A city or town implementing 310 CMR 9.07 will not discriminate against any citizen of the Commonwealth on the basis of residency, race, religion, sex, age, disability, or other illegal distinction. Methods for mooring assignment which are appropriate include, but are not limited to, one or more of the following: 1. date of application; 2. physical characteristics of vessels, e.g., size and type; 3. purpose of vessel use, e.g., commercial vs. recreational or public vs. private.
6. All fees collected by the Department of Natural Resources will be deposited in a Harbormaster receipt reserved for appropriation account and to be used to defray the costs of operating the department.

§103.2 MOORING SPECIFICATIONS

1. All moorings will meet the minimum standards as set forth below prior to placement. These standards are established 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 appropriate precautions are taken.
2. The Town of Wareham Department of Natural Resources realizes that mooring loads are variable, that it is impossible to say that all vessels of equal length require the same size mooring, and such standards cannot be applied to all vessels. The Harbormasters of the Department of Natural Resources reserves the right to require a vessel 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 weight, windage, or draft. Furthermore, the Town of Wareham will not be held liable for any damage inflicted if a minimum standard mooring fails.
3. No permit for a mooring, float or raft may authorize unreasonable interference with the public rights to use waterways for any lawful purposes including fishing, fowling, and navigation in tidelands and Great Ponds.
4. All approved installations will require the mooring system be inspected by a town approved mooring inspector prior to placement. Once the mooring system is inspected, with the approval of the Harbormaster, the available space within the requested harbor location may be designated.
5. The Harbor Service Permit number will be permanently labeled on the mooring ball and on the winter stick for identification purposes. Any mooring ball or winter stick that is not identifiable will be considered abandoned and removed from the waterways.

§103.3 HARBOR SERVICE PERMIT RENEWAL

1. Harbor Service Permit invoices will be mailed annually April 1st and are due and payable by May 1st. Any Harbor Service Permit not renewed prior to May 1st will be determined past due. An additional late fee of \$75.00, (or as may be amended from time to time by the Board of Selectmen) will be added to the Harbor Service Permit invoice. Any Harbor Service Permit that is not paid by June 1st shall be considered abandoned and all mooring rights may be revoked at the discretion of the Harbormaster.

§103.4 MOORING SPECIFICATIONS

1. The below listed specifications are minimum standards for normal weather conditions. Under storm conditions vessels should be removed from the waterways. Unless otherwise approved by the Harbormaster, all new and replacement mooring anchors will be of the type and minimum holding application listed below:

<u>Length of Vessel</u>	<u>Mushroom Anchor</u>	<u>Pyramid</u>	<u>Helix</u>
Under 12'	75 lbs.	75 lbs.	
12' to 14'	100 lbs.	100 lbs.	
15' to 19'	200 lbs.	200 lbs.	
20' to 24'	300 lbs.	300 lbs.	
25' to 27'	500 lbs.	500 lbs.	

28' and greater Helical mooring required.

§103.5 HELICAL ANCHOR

1. Helical moorings may be used in lieu of any application. Helical moorings may only be installed by a town approved helical installer.
2. A helical mooring and eco mooring band must be used in all areas where eelgrass is present.
3. The following specifications will be considered the minimum allowable specifications of a helix mooring system.
 - A. The shaft must be a minimum of 1 1/2" thick and at least six feet in length.
 - B. The shaft and helix must be of galvanized or other non-corrosive metal, such as stainless steel.
 - C. The shaft must be designed to allow the bottom chain to swivel around the shaft and to be replaced when necessary.
 - D. There will 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 8" in diameter.
 - E. All chain and pennant specifications will remain consistent with the chain and pennant specifications.
 - F. It will be the responsibility of the Mooring Installer to assure that the proper size and length helix is used according to sub-soils within a given mooring area and for the vessel to be moored.
 - G. All helix moorings will be installed as close to flush with the bottom surface as possible with no more than 6" protruding above the bottom surface.
 - H. All helix moorings installed will meet the manufacturer's recommended installation criteria.
 - I. In the event the Harbormaster determines that a helical mooring is not appropriate to the area and is unable to meet the installation criteria set forth by the manufacturer, then the Harbormaster may permit an alternate mooring system for the vessel.

§103.6 MOORING CHAIN

1. All mooring chain will be manufactured of galvanized iron or stainless steel and will meet the minimum size and length specified listed below: Any/all shackle(s) used will be secured with stainless steel wire.
2. Navy / Anchor chain may be used to substitute all or a portion of the heavy chain requirements.
3. The use of Jaw Swivels and quick links are not allowed in any mooring system.
4. Concrete blocks are prohibited from being used as a form of mooring within the Town of Wareham.

§103.7 MINIMUM CHAIN SPECIFICATIONS

<u>Length of Vessel</u>	<u>Bottom Chain</u>	<u>Top Chain</u>	<u>Navy Chain</u>	<u>**ECO Mooring System</u>
Under 12'		3/8"	2X maximum water depth	
12' to 14'	1/2"	3/8"		
15' to 24'	5/8"	1/2"		
25' to 34'	3/4"	5/8"		
35' to 44'	1"	3/4"		
45' and greater - To be determined by Harbormaster and Installer /Manufacturer specifications				

1. **In lieu of traditional chain moorings, an Elastic Environmental Mooring System may be permitted by the Harbormaster using the guidelines of the Manufacturer's Specifications. Any area identified to have eelgrass will be required to use an environmentally friendly mooring system to preserve the eelgrass.
2. The length of the heavy chain will be equal to 1.5 times the maximum depth of water at the mooring location during high tide.
3. The length of the light chain will be equal to the maximum water depth at the mooring location during high tide, except as specified above for boats under 12 feet in length.

§103.8 PENNANT SPECIFICATIONS

1. Pennants will be 2.5 times the distance from the water line to the bow cleat.
2. Pennants will be constructed of nylon or polyester (Dacron) rope and will be the minimum diameter as listed below:

<u>Length of Vessel</u>	
15' and under	3/8"
15' to 24'	1/2"
25' to 34'	5/8"
35' to 44'	3/4"
45' to 54'	1"
<u>55' and greater **</u>	

** - To be determined by Harbormaster and Mooring System Installer.

3. If the vessel is equipped with proper cleats a double pennant bridle is recommended for added safety. For larger vessels this may be required by the Harbormaster.
4. The use of polypropylene rope for pennants is prohibited.
5. Pennants will be periodically inspected for wear and/or damage.
6. The use of chafe gear on pennants is required and will cover an area of one foot on either side of the bow chocks.

Section - 104.0

§ 104.1 - MOORING APPLICATION

§ 104.2 - WAITING LIST

§ 104.3 - PROOF OF OWNERSHIP

§ 104.4 - MOORING TRANSFERS

§ 104.5 - MOORING USE

§ 104.6 - CHANGE OF VESSEL,

§ 104.7 - VACANT OR MOORING ONLY

§ 104.8 - NON-ISSUANCE OF A HARBOR SERVICE PERMIT

§ 104.9 - VOLUNTARY SURRENDER OF MOORING

§ 104.10 - HOUSEBOATS

§104.1 MOORING APPLICATION

1. Any person desiring to place a new mooring, mooring outhaul, float, or request to relocate an existing mooring will submit an application to the Harbormaster of the Wareham Department of Natural Resources. The application will contain such information as the Harbormaster may deem necessary.
2. A mooring application will be considered by its filing date, regardless of residency or reason for the application. The applicant will notify the Harbormaster of any changes to the application and changes must be submitted in writing. A non-refundable application fee and renewal fee will be set from time to time by the Board of Selectmen.

§104.2 WAITING LIST

1. The Wareham Department of Natural Resources will maintain a waiting list for mooring space subject to the following:
2. Annually, each applicant will request in writing of the Harbormaster, prior to July 1st to remain on the waiting list. The renewal fee must accompany the request. Any application not renewed by the deadline (July 1st), will be removed from the waiting list.
3. The waiting list will be a public document and will be available for viewing.
4. The applicant at the top of the waiting list for each mooring field location list, will be assigned the next available appropriate location, as determined by the Harbormaster. If it is determined by the Harbormaster that the area is not suitable for the proposed vessel the mooring application may be denied. Suitable will mean the location has adequate water depth and scope for the vessel listed on the application.
5. Upon receiving written approval for a mooring from the Harbormaster, the applicant must accept or deny the approval within ten (10) business days. Any application approval that goes unanswered will be deemed to be declined. The Harbormaster may grant an extension of time for good cause. A request for an extension of time will be made in writing to the Harbormaster and will not exceed seven (7) days past the deadline date.
6. Upon notifying the Harbormaster, the approved applicant will have fourteen (14) days to schedule the installation of the approved mooring. If the mooring is not installed within thirty

(30) days then the application will be considered declined and the space will be assigned to the next suitable application on the waiting list. The Harbormaster may grant an extension of time for good cause.

§104.3 PROOF OF VESSEL OWNERSHIP

1. Proof of ownership will be submitted to the Wareham Department of Natural Resources annually with the Harbor Service Permit invoice renewal. The Harbor Service Permit holder must own the vessel using the issued permit, except for commercial/rental moorings, as described in the Waterways Rules.
2. Vessels that are co-owned must provide a notarized letter to the Harbormaster listing the Harbor Service Permit Holder as the primary owner and all additional owners. In addition, all State and Federal vessel documentation must reflect the same primary owner as the Harbor Service Permit.
3. Proof of vessel ownership must be one of the following:
 - A. For a Registered Vessel:
 - 1) A copy of the current boat registration. Expired registrations will not be accepted.
 - 2) Registration information must contain the same information as listed on the Harbor Service Permit.
 - B. For a Documented Vessel:
 - 1) A copy of the current USCG documentation papers. Expired documents will not be accepted.
 - 2) Documentation information must contain the same information as listed on the Harbor Service Permit.
 - C. For a boat without a motor or an unregistered vessel
 - 1) A photo of the vessel will be provided
 - 2) Hull Identification Number (HIN) and an etching on a piece of paper
 - 3) Signed "Statement of Ownership" form issued by the Wareham Department of Natural Resources.

*Note: if a photo of a current boat is on file already, a duplicate photo is not required.

§104.4 MOORING TRANSFERS

1. Harbor Service Permits involving a mooring or outhaul are transferable only to a surviving immediate family member (Spouse or children of the Harbor Service Permit Holder.)
2. The Harbormaster may, at his discretion, transfer a mooring or outhaul permit from the holder to an immediate family member. The request for a transfer must be submitted in writing to the Harbormaster. Upon approval by the Harbormaster the transferred mooring and all associated mooring gear must be re-inspected and must meet all current mooring requirements, as determined by boat size.
3. Any increase in vessel size larger than that previously registered to the mooring must be approved by the Harbormaster.
4. Transferred moorings will be subject to all Town of Wareham Waterways Rules.

5. Vessels with a change of ownership have no entitlement to the mooring space previously assigned to said vessel.

§104.5 MOORING USE

1. The Harbormaster reserves the right to move any mooring within the town's designated mooring fields or reorganize any mooring field.
2. If the Harbormaster determines that any mooring area has reached its capacity, the Harbormaster may declare that area closed to any new moorings, in the best interests of the Town.
3. No vessel assigned to a private mooring will be permitted to raft with another vessel while unattended, with the exception of tenders or dinghies.
4. The Harbormaster has the right to deny and /or prevent any vessels from rafting on a mooring if it is determined by the Harbormaster that: unfavorable weather conditions exist, that rafting may cause damage or injury, or create a navigational hazard, or violates any local, state or federal laws.
5. No person, other than the rightful owner, owner's mooring service provider, or the Harbormaster, will pull or remove or otherwise tamper with any mooring.
6. The Harbormaster may remove and dispose of any abandoned, unidentifiable or unpermitted moorings, should he determine it is the best interest of the Town of Wareham.
7. No recreational moorings will be rented or be used at any point by any vessel other than the one assigned to said mooring. Moorings found in violation may be subject to fines and the Harbor Service Permit holder's mooring rights may also be revoked.

§104.6 CHANGE OF VESSEL

1. Any application for the change of a vessel from its assigned mooring must be submitted to the Harbormaster in writing prior to the change. The Harbormaster may order the removal of any vessel not assigned to a properly permitted mooring, said removal to be accomplished within 24 hours.
2. If the Harbormaster determines that the mooring is inadequate for the vessel size and/or may cause damage, injury or obstruct navigation he may order its immediate removal. The Harbormaster may contract a private tow company to remove the vessel, at the owner's expense.
3. Upon approval by the Harbormaster, the new vessel information will be in the current Harbor Service Permit holder's name and all mooring gear will be updated with the most current mooring requirements, as identified within the Waterways Rules, prior to placing the approved vessel on the mooring.
4. If the proposed vessel is determined by the Harbormaster to be inappropriate for the existing mooring location, an application for a new location will be submitted to the Wareham Department of Natural Resources. The application will be placed on the mooring waiting list as of the date it was received.
5. Having an existing mooring location does not guarantee a spot for a new vessel.

§104.7 VACANT MOORING / MOORING ONLY

1. The owner of a mooring permit will notify the Department of Natural Resources regarding any mooring that will remain vacant for the current boating season. No Harbor Service Permit sticker will be issued until a boat is replaced on the mooring.
2. No mooring located within an area that has an active waiting list shall be permitted to remain vacant for more than one (1) season. Any subsequent years may not be approved. Vacancy will be subject to the Harbormaster's prior review and approval.
3. Moorings, even if vacant, shall be maintained as required by the Waterways Rules.
4. Moorings that remain in this status without the approval of the Harbormaster will be considered abandoned. The Harbormaster will order the mooring and all associated ground tackle to be removed from the waterways. The vacated location may be assigned to the next suitable application on the waiting list.

§104.8 NON-ISSUANCE OF ANY HARBOR SERVICE PERMIT

1. If in the opinion of the Harbormaster any mooring, mooring outhaul, float or raft and its associated equipment are inadequate or unsafe, remains uninspected, if it will endanger other vessels, persons or property, if there is insufficient space available within the waterways to place a proposed mooring, or if it will interfere with navigable channels, no permit will be issued.

§104.9 VOLUNTARY SURRENDER OF MOORING

1. A party wishing to surrender his Harbor Service Permit must notify the Harbormaster in writing.
2. The mooring holder will remove all hardware from the water within seven (7) days of notification to the Harbormaster, at the owner's expense.
3. The Harbormaster may order the removal of the mooring at the owner's expense if not removed within the allowed time frame.
4. Owners of surrendered moorings that neglect to remove the surrendered mooring, and equipment, within fourteen (14) days of the date of surrendering may be fined.
5. Any mooring that is not removed after the fourteen (14) days will be considered abandoned. The Harbormaster may remove and dispose of said mooring and gear.

§104.10 HOUSEBOATS

1. No person will anchor, place on a mooring, or secure to any dock or pier a houseboat within the waters of the Town of Wareham.

Section - 105.0

§ 105.1 - MOORING INSTALLATION

§ 105.2 - MOORING INSPECTION

§ 105.3 - MOORING INSPECTOR

§ 105.4 - BUOY

§ 105.5 - WINTER STICKS

§ 105.6 - OUTHAULS

§ 105.7 - TEMPORARY FLOATS AND RAFTS

§ 105.8 - PIERS AND DOCKS

§ 105.9 - FISH CARTS AND STAKES

§105.1 MOORING INSTALLATION

1. All new mooring installations are required to have an inspection completed by an independent mooring inspector approved by the Harbormaster.

§ 105.2 MOORING INSPECTION

1. All existing moorings will be inspected every three years. The Harbormaster will maintain a list of approved mooring inspectors. It is recommended that the mooring holder regularly inspect mooring gear for any wear throughout the season.
2. The Harbormaster may require all moorings being inspected to be lifted for visual inspection by an approved mooring inspector to determine the condition of the mooring. In lieu of lifting moorings, the Harbormaster may allow an underwater inspection by an approved mooring inspector. The diver may be qualified, certified and approved by the Harbormaster.
3. The inspection “due date” will be listed on the yearly Harbor Service Permit renewal form. It is the responsibility of the Harbor Service Permit holder to keep the inspection current and will be completed by the listed date.
4. If a mooring goes uninspected past the listed “due date” the mooring will be deemed unusable by the Harbormaster until a satisfactory inspection is completed and submitted to the Harbormaster.
5. All moorings, outhauls, temporary floats / rafts and commercial moorings will be inspected by a Town of Wareham Approved Mooring Inspector during the following time-frames:
 - A. New or Existing Mooring Inspection: At installation and every third year thereafter.
 - B. Mooring Outhaul Inspection: At installation and every third year thereafter.
 - C. Temporary Floats and Rafts Inspection: At installation and every third year thereafter.

D. All Commercial/Rental Mooring Inspection: At installation and every third year thereafter.

6. Any mooring that has failed an inspection will be deemed unusable until all corrective measures are taken and a “passed” mooring inspection form is submitted to the Harbormaster by an Approved Inspector.
7. The Harbor Service Permit holder is responsible for all expenses to correct the reason for the failed inspection report within fourteen (14) calendar days of the inspection findings.
8. If the inspection indicates that any chain, shackles or mooring have become damaged or worn down by one-third (1/3) of the original size or more, the failed equipment will be replaced before the permit is issued.
9. No Harbor Service Permit will be renewed if the inspection is overdue or the Harbormaster has not received a “pass” inspection form.
10. All corrective measures will be completed under the guidelines of the current mooring hardware minimum requirements.
11. Any mooring that is determined to be overdue for inspection in excess of thirty (30) days will be considered abandoned. The mooring and all associated ground tackle will be removed from the waterways at the owner’s expense and the mooring privileges will be revoked. The vacated area may be issued to the next suitable vessel from the waiting list, determined by the Harbormaster.
12. The Harbormaster may inspect any mooring within the Town of Wareham and order its immediate replacement or repair if it does not conform to the current requirements for a mooring in the Town of Wareham.
13. Concrete blocks are not allowed as moorings.
14. A new inspection will be required for any modifications made to an inspected mooring by a certified inspector within fourteen (14) days of said changes.

§105.3 MOORING INSPECTORS

1. The Harbormaster will maintain a list of approved Mooring Inspectors. A Mooring Inspector will demonstrate to the Harbormaster knowledge of the Town of Wareham Waterways Rules and Regulations. Applications to become a Mooring Inspector may be obtained from the Harbormaster.
2. Mooring Inspectors will abide by all Federal, State, and Local laws, rules, regulations, conditions, and lawful orders of the Harbormaster.
3. Mooring inspections will not be sub-contracted unless written permission is granted by the Harbormaster. The Mooring Inspector will assume all liability and responsibility for the mooring inspection report and certify that all work performed meets the requirements listed within the Town of Wareham Waterways Rules and Regulations.
4. Requirements to become a Mooring Inspector:

- A. Completed application submitted to the Harbormaster. Any application that is determined by the Harbormaster to be incomplete will not be processed. The Harbormaster will issue a decision within thirty (30) days of when the application was received.
 - B. Minimum of one (1) year experience in mooring service work
 - C. Local knowledge of the waterways
 - D. Three business/personal references
 - E. Must have a Mooring Service Vessel or platform, as approved by the Harbormaster
5. All approved mooring inspectors offering underwater dive services will hold a current Diver's Certificate and be able to perform repairs and inspections.
 6. Mooring Inspectors will provide the Town of Wareham with a current liability insurance policy each year with a minimum of \$500,000 in Marine Operator's Legal Liability coverage.
 7. All Mooring Inspectors will submit the completed Town of Wareham inspection form within seven (7) days of completing the inspection. Incomplete mooring inspection forms will not be accepted.
 8. Any approved Mooring Inspector that fails to abide by these regulations, the lawful direction of the Harbormaster, or where it is determined the inspector's actions were negligent, may be subject to fines and the removal of the inspector from the approved mooring inspector list.

§105.4 MOORING BUOY

1. All mooring buoys must be spherical or conical in shape. They must be white with a blue reflective stripe/band, which is visible above the water at all times.
2. Mooring buoys must have a minimum diameter of 16" inches or large, with enough buoyancy to support the required tackle.
3. Mooring buoys must have a minimum of 40% of their volume above the surface of the water at all tidal levels.
4. Metal buoys are not permitted.
5. Mooring buoys must have the Harbor Service Permit number labeled on the buoy for identification purposes.
6. The mooring buoy must be in good, visible condition. Any mooring buoy that is partially or fully submerged will be repaired within seven (7) days of notice given by the Harbormaster. Any mooring buoy that remains in violation will be considered a navigational hazard and will be removed from the waterways at the owner's expense.

§105.5 WINTER STICKS

1. Winter Sticks must be installed on every mooring before December 1st. Winter Sticks reduce the risk of mooring drag in the event of formed ice and protects the mooring gear from unnecessary and preventable wear on the chain or eco-mooring band.
2. All winter sticks must be removed prior to May 15th of each year and any mooring having a winter stick attached after June 1st will be considered abandoned.
3. Failure to update the winter stick to an approved mooring ball after June 1st will result in the removal of the mooring and the mooring privileges will be revoked.
4. No winter sticks will be set prior to September 15th. Any mooring that is not being used for the holding of a vessel will be required to have a winter stick correctly attached prior to December 1st.
5. Winter sticks must be white in color and permanently marked with the Harbor Service Permit number
6. All winter sticks must have a blue reflector or reflective tape that is visible on all sides of the winter stick.
7. Winter sticks must be attached with rope or line to the chain of the mooring. The line must be two (2) times the length of the mean high-water depth at the mooring location.
8. Mooring chain must not be suspended in the water column during wintering to prevent unnecessary wearing of the chain links.
9. Commercial Mooring Service Providers providing winter sticks must have their contact info listed on the winter stick and be subject to all winter stick rules and regulations.
10. Winter sticks must float in a vertical position at all tides and no less than eighteen (18") inches will be visible at all times above surface.

§105.6 OUTHAULS

1. Other than as currently appearing on the Harbormaster's grandfathered outhaul list, no outhauls will be placed on any public beach or shoreline.
2. Applications for outhauls must be submitted in the same fashion as an application for a mooring. A written letter granting permission from the property owner must accompany the application if the applicant does not own the landward portion of the outhaul.
3. If a shoreline is owned, managed, or held by an association, a letter from the association granting permission to install an outhaul must accompany the application.
4. Private property outhauls may be transferred only with the permission of the Harbormaster
5. Vessels no greater than thirteen feet (13') LOA may be placed on an outhaul and only one vessel may utilize the outhaul.
6. Outhaul posts should be a minimum of two inch (2") galvanized pipe and must not exceed four inches (4"), or wooden equivalent. Posts must be identified by the Harbor Services Permit number assigned to the permit holder. The Harbor Service Permit number will be visible on both the seaward and the landward sides of the post.

7. Outhaul Post Locations: The landward post should not exceed a distance of two feet (2') above the Mean High Water (MHW) line and the seaward post should not exceed a depth of two and one-half feet (2.5') at Mean Low Water (MLW) or not exceed fifty (50') feet LOA from landward post to seaward post. Outer most seaward posts must be marked with blue or white reflectors or reflective tape. The seaward post will be visible at all times and not impede and/or be a navigational hazard.
8. A mushroom, Dormor/pyramid or helical mooring may be used to substitute the seaward post with the approval of the Harbormaster. A minimum mooring size will be used as defined in the Waterways Rules and Regulations.
9. Outhauls will be inspected every three year by an Approved Mooring Inspector.
10. All outhauls will be required to obtain a Harbor Service Permit and a determined yearly fee will apply.

§105.7 TEMPORARY FLOATS AND RAFTS

1. In accordance with Massachusetts General Laws Chapter 91 Section 10A, the placement of temporary floats and/or rafts held by anchors or bottom moorings is subject to a permit issued by the Harbormaster. Applications may be obtained by the Harbormaster and the Harbormaster may deny any application if, in the determination of the Harbormaster, it may cause a navigational hazard, the proposed area is within an area with sensitive shellfish habitat, or may cause damage, harm or could pose a negative environmental impact.
2. All such floats or rafts must be identified with the assigned permit number affixed to the landward and open waterside of the float or raft in a contrasting color.
3. Permit numbers must be no less than three inches (3") block style lettering per digit.
4. All floats or rafts must have white or blue reflectors or reflective tape on all four sides.
5. All new and existing floats, rafts, and associated ground tackle are required to be inspected by an approved Mooring Inspector every three years.
6. Temporary floats or rafts must not be placed in any mooring field to hold vessels. (This does not include jet ski ramp style floats.)
7. Floats or rafts must not exceed 144 square feet (12' X 12' max) and will be constructed in a square with all four sides equal in size for maximum stability. Aquaculture operations will be exempt from this size regulation.
8. Permit fees will be paid annually. All fees will be reviewed by the Harbormaster. Any recommended fee change will be reviewed and established by the Board of Selectmen.
9. All temporary floats or rafts held by ground anchor must not be set prior to May 1st and must be removed prior to October 1st.
10. All approved floats must be properly insured for liability purposes and the Town of Wareham shall not be held responsible or liable for any rafts or floats causing damage, injury or death.

§105.8 PIERS AND DOCKS

1. Every pier and/or dock in or upon the waterways within the Town of Wareham will be licensed in accordance with applicable federal, state, and local laws and regulations.

§105.9 FISH CARTS AND STAKES

1. No person shall place fish carts and/or stakes in the waters of the Town of Wareham without the approval of the Harbormaster. All carts and stakes will be plainly marked according to the law, so that they will be visible at all times.
2. Stakes shall not be placed so that they are used for mooring of any vessel.

Section 106.0

§ 106.1 - MARINAS, COMMERCIAL OR RENTAL MOORINGS, YACHT CLUBS

1. Marinas, Commercial/Rental Moorings, and Yacht Clubs must purchase a Harbor Service Permit for each vessel located at a dock or slip as well as each mooring, regardless of vessel occupancy. Commercial will mean any dock, slip or mooring that may be used to generate revenue.
2. All vessels in commercial dockage space or on a commercial mooring will be charged the commercial Harbor Service Permit rate determined annually by the Board of Selectmen.
3. Slips, docks and moorings used by shareholders of a yacht club in which the shareholder secures their vessel shall be subject to the non-commercial Harbor Service Permit rates and rules. The Harbormaster may request documentation to make the determination of the commercial / non-commercial Harbor Service Permit fee.
4. All Commercial Moorings will have the proper federal permits. All documentation will be provided to the Harbormaster annually by July 1st.
5. The Harbormaster may provide commercial Harbor Service Permits to each Marina and Yacht Club for distribution vessels located at docks or slips and all commercial moorings.
6. The Harbor Service Permit will be displayed on the vessel.
7. All marinas, commercial moorings, and yacht club moorings must meet the minimum requirements as defined in Waterways Rules and Regulations for the size of vessel that will be assigned as a commercial mooring. All moorings must be inspected as defined in the mooring inspection process of the Town of Wareham, Waterways Rules.
8. All marinas and yacht clubs must have a Hurricane Preparedness Plan, and a copy must be provided to the Harbormaster and appropriate fire department. Both agencies must be notified immediately if any changes are made.

Section 107.0

§ 107.1 - MOORINGS IN LEASED AQUACULTURE SITES

§ 107.2 - EELGRASS BEDS

§ 107.3 - SENSITIVE SHELLFISH HABITAT

§ 107.4 - CONCURRENT APPROVALS

§107.1 MOORINGS IN LEASED AQUACULTURE SITES

1. Moorings may only be placed in a leased aquaculture site with written permission from the shellfish aquaculture permit holder and approval of the Harbormaster. The shellfish aquaculture holder may not remove, alter, tamper with or hinder the mooring or its intended use.
2. Written approval from the Shellfish Aquaculture holder will be submitted with the mooring application to the Harbormaster.
3. In the best interest of the intended use of a leased aquaculture site, a shellfish aquaculture holder may request an existing mooring be adjusted to a more suitable location within the leased boundaries of the aquaculture site. The shellfish aquaculture holder and mooring owner will submit the request in writing to the Harbormaster for consideration and explain the reasoning for the request.
4. Vessels must operate only at headway speed within any aquaculture site.

§107.2 EELGRASS BEDS

1. Any new or replacement moorings within an area determined to have eelgrass and/or is acknowledged by the most current eelgrass surveys conducted by the Massachusetts Department of Environmental Protection or the United States Army Corp. of Engineers will be required to install an environmentally friendly mooring system. This practice will reduce chain drag and minimize bottom disruption to allow healthy growth of eelgrass.

§107.3 SENSITIVE SHELLFISH HABITAT

1. Areas determined by the Harbormaster/Shellfish Constable to be significant to shellfish habitat will require any new or replacement moorings, outhauls, floats or rafts to utilize an environmentally friendly mooring or anchoring system to cause the least amount of impact to the shellfish habitat.
2. An application for a mooring may be denied by the Harbormaster, if it is the best interest of preserving the shellfish habitat.

§107.4 CONCURRENT APPROVALS

1. Any approval by the Harbormaster shall not be deemed to have waived other approvals that may be required by local, state or federal agencies.

Section 108.0

§ 108.1 - SWIM LINES

§ 108.2 - PRIVATE AIDS TO NAVIGATION

§ 108.3 - NAVIGATIONAL HAZARDS

§ 108.4 - NAVIGATIONAL CHANNELS AND FAIRWAYS

§108.1 SWIM LINES

1. Swim lines are considered a Private Aid To Navigation (PATON) by the United States Coast Guard.
2. All private swim lines must maintain the proper federal permits required of a PATON.
3. No swim line may be placed on or within the Town of Wareham Waterways without the approval of the Harbormaster and the United States Coast Guard.
4. Approved swim lines must not be placed earlier than May 30th and will be remove each year before September 15th.

§108.2 PRIVATE AIDS TO NAVIGATION (PATON)

1. All Aids to Navigation that are not federally maintained by the United States Coast Guard are considered Private Aids To Navigation (PATON). Any PATON placed within the Town of Wareham waterways must obtain the proper permits issued by the United States Coast Guard. A copy of the issued permit must be filed with the Harbormaster.
2. No Private Aids to Navigation are to be placed within the Town of Wareham waterways without the permission of the Harbormaster and the United States Coast Guard.
3. No vessel may tie to any Aids to Navigations or anchor/moor in a position that would hinder the view of navigating vessels.

§108.3 NAVIGATIONAL HAZARDS

1. Any object placed within the waters of the Town of Wareham, which is determined by the Harbormaster to be a navigational hazard, will be removed immediately, with or without notification. This does not include legal and allowable fishing gear, race buoys, data collection markers or any similar equipment.

§108.4 NAVIGATIONAL CHANNELS AND FAIRWAYS

1. No vessel will anchor, moor or obstruct a navigational channel or fairway.
2. No lobster pots, crab pots, eel pots, nets, seines, trawls or traps are to be set in any navigational channels or fairways at any time.
3. Towing of water-skiers or waterway recreation devices designed for being towed by a watercraft with people onboard within the navigational channels or fairways is prohibited.

Section 109.0

§ 109.1 - VESSELS LEFT ON TOWN OF WAREHAM PROPERTY, BEACH, OR SHORELINE

§ 109.2 - PUBLIC DINGHY DOCKS

§109.1 VESSELS LEFT ON TOWN OF WAREHAM PROPERTY, BEACHES OR SHORELINE

1. No unattended vessel shall be left for 24 hours or more on any public property, beach or shoreline without obtaining a permit from the Harbormaster.
2. Only vessels used as tenders are permitted to be left in designated areas.
3. All permitted vessels must be placed within designated areas determined by the Harbormaster and approved by the Board of Selectmen and the Town Administrator. Vessels must not exceed ten (10'.0") LOA and the beam will not exceed (5') five feet. Permits are non-transferrable.
4. No kayaks may be kept or stored on any town property at any time when the kayak is not in use. This does not include temporary landing of kayaks that are actively being used.
5. All vessels shall display the Permit decal in a visible location.
6. The Harbormaster has the authority to determine a designated vessel area to be at capacity. A waiting list will be maintained in chronological order and additional mooring locations will be assigned using that chronological order.
7. All applicants on the waiting list shall renew their application in writing to the Harbormaster no later than July 1st. Any application not renewed by July 1st will be removed from the waiting list. An application fee shall be submitted with the application.
8. No vessel will be stored on any peat banking, marsh grass areas, sensitive wetland habitat, or grass lawn of any Town of Wareham public property.
9. No anchoring devices may be placed in or on public property without the Harbormaster's approval.
10. Vessels must be stored in a position that will prevent the collection of rainwater.
11. The Town of Wareham has the right to remove any anchoring device from public property at any time at the owner's expense.
12. All vessels approved to be on Town of Wareham property will not be placed earlier than May 1st and must be removed by October 1st. Vessels not removed will be removed from the beach and stored at the owner's expense.
13. The Harbormaster has the authority to order the removal of all vessels within 24 hours prior to any weather that may cause coastal flooding. If vessels are not removed the Harbormaster may remove and store the vessel at the owner's expense.

14. The Town of Wareham may remove any vessel left on Town property, beaches or shorelines that is determined to be a hazard to persons or property; when the property owner is unknown; the vessel is not legally permitted or if placed within an unapproved area.
15. All removed vessels will be subject to a removal and storage fee, said fee will be determined by the Board of Selectmen. Documentation must be provided for proof of ownership prior to releasing the vessel. All removal and storage fees must be paid in full prior to the Harbormaster releasing the vessel to the owner.
16. Vessels that have been removed and remain unclaimed within thirty (30) days of removal may be considered abandoned and considered property of the Town of Wareham. The abandoned property will be auctioned or disposed of by the Town of Wareham.
17. The Town of Wareham is not liable for any damages caused in the removal of any vessel.

§109.2 PUBLIC DINGHY DOCKS

1. Only dinghies which have a dinghy dock permit may be stored at a public floating dingy dock. The permit will only be issued to a Harbor Service Permit holder for the sole purpose of traveling to and from their vessel that is actively moored and located within the vicinity of the public dinghy dock.
2. Dinghy Dock Permits will be billed and renewed within the same time-frame and guidelines as the Harbor Service Permit. Any Dinghy Dock Permit not renewed by May 1st may be revoked and the permit may be assigned to the next person on the waiting list.
3. All fees will be assessed annually and may be subject to change at the approval of the Board of Selectmen.
4. The Harbormaster has the authority to determine that a public dinghy dock is at capacity. A waiting list will be maintained in chronological order and additional permits (vacant locations) will be assigned using the chronology of date application received.
5. Applicants must renew their application prior to July 1st of each year to remain on the waiting list. It is the responsibility of the applicant to keep the application current.
6. Only one dinghy dock permit will be issued to a Harbor Service Permit holder regardless of the number of moorings held by the applicant. No Dinghy Dock Permit will be issued if the applicant's primary vessel is not actively moored.
7. The dinghy permit decal will be placed in a location visible at all times. Any vessel not displaying the permit may be removed at the owner's expense. Dinghy dock permits are non-transferable.
8. All vessels left at a public dinghy dock must be in a good, seaworthy condition. Vessels may be checked regularly for dewatering needs.
9. The Harbormaster may remove any vessel that is determined to be in a neglected state that may cause damage or harm to the environment or other persons/property; and/or the owner fails to comply within 24 hours to the orders of the Harbormaster. Any vessel removed by the Harbormaster may be subject to removal and storage charges.

10. The Harbormaster has the right to cut or remove any device securing the dinghy.
11. All dinghies must be removed from the designated Dinghy Dock Area when the permit holder's main vessel has been removed from the water for the season. All vessels located on the dinghy docks must be removed by December 1st and must not be replaced prior to April 1st unless approved by the Harbormaster or until said permit is paid in full for the current year. Vessels not removed may be considered abandoned and removed at the owner's expense.
12. In the event of severe weather, the Harbormaster may order all vessels to be removed 24 hours prior to the anticipated severe weather event. Any vessel not removed when ordered will be removed at the owner's expense.
13. Any Harbor Service Permit holder that does not actively have a primary vessel on a mooring for the season as defined in 104.7 (Vacant Mooring / Mooring Only) must not place a dinghy for that season, unless the primary vessel is returned to the mooring. The dinghy space will only be held vacant for one season. Consecutive vacant seasons on the dinghy dock will not be granted and the space will be issued to the next person on the dinghy dock waiting list.
14. Any violations of the dinghy dock rules will result in the revocation of the said dinghy dock permit. Any vacated spot will be assigned to the next applicant on the waiting list.
15. The Town of Wareham is not responsible for any lost, stolen, or damaged personal property.

Section 110.0

§ 110.1 - USE RESTRICTIONS OF TOWN DOCKS, FLOATS, PIERS, LANDINGS AND SHORELINES

§110.1 USE RESTRICTIONS OF TOWN DOCKS, FLOATS, PIERS, LANDINGS AND SHORELINES

1. Except in an emergency, no vessel may be "made fast" to any of the Town's public docks, floats or piers for a period of time in excess of the posted time or without the permission of the Harbormaster. No vessel may be left at any town dock overnight without the permission of the Harbormaster. Any vessel found in violation may be subject to removal by the Harbormaster at the owner's expense. In the event of an emergency, the Harbormaster shall be notified immediately if the vessel is secured to a public facility.
2. Scaling or cleaning of fish or shellfish on any of the Town's ramps, floats, piers, or docks is prohibited unless an area has previously been designated by the Harbormaster.
3. Swimming, jumping, or diving from any of the Town of Wareham boat ramps, piers, bridges, or docks is prohibited.
4. No person may leave any personal property upon any Town landing, float, pier, or dock for longer than is necessary to load or unload.
5. No "warp" or "line" shall be passed across channels or docks so as to obstruct or interfere with vessels navigating the area.

6. Except during a maritime emergency immediately affecting those aboard or others in the immediate vicinity, no vessel, unseaworthy vessel, mooring or other object will be deliberately anchored, maintained, abandoned, sunk, moored, docked or otherwise placed in the waters or along the shores within the Town of Wareham, where it might constitute a hazard. Any object in violation will be ordered by the Harbormaster to be removed or relocated. If corrective action is not taken when ordered, the Harbormaster may remove such object or relocate it at the owner's expense, in addition to any fines imposed.
7. No vessels may be left in or on any dock, float, pier or landing owned by the Town of Wareham from December 1st to April 1st without the approval of the Harbormaster. Any vessel that is not approved by the Harbormaster may be ordered to be removed. The Harbormaster may remove any vessel that has not been removed, or when the owner is unknown or unable to be located, at the expense of the owner.
8. Vessel owners/operators will be held responsible for any damage caused by them or their vessels to any Town of Wareham property.
9. Any vessel removed by the Harbormaster that remains unclaimed after 30 days will be considered abandoned and may be disposed of by the Town of Wareham.
10. The Town of Wareham is not responsible for any lost, stolen, or damaged property left on Town of Wareham property.

Section 111.0

§ 111.1 - REFUELING OF VESSEL

§111.1 REFUELING OF VESSELS

1. The refueling of vessels will be in accordance with Massachusetts General Law Chapter 148, Code of Massachusetts Regulations 527 Section 15.00, and NFPA1 or by any other laws found applicable by Local Fire Departments and the Massachusetts Fire Marshal.
2. With the exception of transferring approved portable fuel tanks to open boats, no person will refuel or cause fuel to be added to any fuel tank aboard any vessel at any Town of Wareham landing, dock, beach, mooring or pier.
3. Commercial vessels operating with a dockage contract issued from the Town of Wareham at the Onset Pier or any commercial fishing vessel with proof of a current liability insurance policy that is legally moored within the Town of Wareham Waterways may be permitted to receive diesel fuel only from a properly-permitted vehicle with permission of the Harbormaster and Fire Department.
4. The owner of any properly-permitted vehicle used to refuel a vessel will have such liability insurance in the form and amount as may be required by the Town of Wareham and the Fire Department. The approved fueling vehicle will be required to carry initial spill containment equipment and will be available in the event of the discharge of fuel. Commercially approved fueling will only be allowed at Onset Pier under the direct supervision of the Harbormaster and/or Fire Department.

Section 112.0

§ 112.1 - VESSEL OPERATION

§ 112.2 - VESSEL LANDING ON PUBLIC BEACH

§ 112.3 - AIRCRAFT

§112.1 VESSEL OPERATION

1. No vessel will be operated at any time on the water of the Town of Wareham at a speed greater than is reasonable and proper, having regard to the lives and safety of the public; visibility; the traffic density; the maneuverability of the vessel; the state of wind, water and current; or the proximity of navigational hazards.
2. A vessel will not be operated at more than headway speed:
 - A. When the operator's vision is obscured under a bridge, around bends, curves or in any other manner.
 - B. When the vessel is being operated within three hundred feet (300') of a swimming beach.
 - C. When the vessel is being operated within one hundred fifty feet (150') of a mooring, anchorage area, anchored vessel, marina, boat launching facility, floating docks, rafts or floats.
 - D. When the vessel is operated in an area posted as a restricted speed area.
 - E. In any inner harbor, except in areas designated for higher speeds.
3. Boat operators within sight of a diver's flag shall proceed with caution. No vessel will proceed at a speed exceeding three (3) miles per hour within a one hundred fifty-foot (150') radius of a displayed diver's flag.
4. Negligent Operation may be any or all of the following:
 - A. Exceeding speed in a restricted area
 - B. Unreasonable jumping, or attempting to jump the wake of another vessel
 - C. Following within one hundred fifty feet (150') of a water skier
 - D. Weaving through congested vessel traffic
 - E. Crossing unreasonably close to another vessel.
 - F. Towing a water skier or any person or object in any manner from a Personal Watercraft.
5. Personal Watercraft will be operated at headway speed when within one hundred fifty feet (150') of a shoreline, any moored or anchored vessels, swimming areas, docks, floats or rafts.

§112.2 VESSEL LANDING ON PUBLIC BEACH

- A. No vessel may land on any public bathing beach except in the event of an emergency.

§112.3 AIRCRAFT

- 1. Seaplanes, float planes, or aircraft adapted to water will only be allowed to operate from or upon waterways in the Town of Wareham that are approved by the FAA as a suitable landing site, or in the event of an emergency. The Harbormaster will be notified prior to the scheduled takeoff or landing of any seaplane or aircraft adapted to water. All No Wake/Headway Speed areas must be adhered to.

Section 113.0

§ 113.1 - MULTI-USE AREAS

§ 113.2 - RECREATION DEVICES DESIGNED FOR BEING TOWED

§ 113.3 - INFLATABLE TRAMPOLINES

§ 113.4 - SAILBOARD & KITEBOARDS

§ 113.5 - SPEED

§ 113.6 - VESSEL RAFTING

§ 113.7 - DIVERS

§113.1 MULTI-USE AREAS

- 1. The Town of Wareham has designated the following multi-use recreation areas.
 - A. Sunset Cove - An area in the center of Sunset Cove, excluding all mooring areas
 - B. Wareham River - excluding mooring areas
 - C. Onset Bay - An area south of an imaginary line between Onset Island and Wickets, excluding the mooring areas and buoyed navigational channel.
 - D. Broad Cove – Designated No Wake / Headway Speed Area

§113.2 RECREATON DEVICES

- 1. Recreational activities involving persons being towed behind a vessel must operate in a safe and prudent manner.
- 2. Recreational activities involving persons being towed are prohibited within one hundred fifty feet (150') of bathers, divers, piers, floats, docks, rafts, moored or anchored vessels or within mooring fields. The tow vessel will be responsible for its wake and will abide by all Federal, State and Local laws, rules and regulations.
- 3. Recreational activities involving persons being towed are prohibited from all navigational channels and fairways except for crossing, when safe to do so.

4. Recreational activities involving persons being towed are subject to all regulations within areas defined as Multi-Use Areas.
5. The Town of Wareham considers recreational activities involving persons being towed behind a vessel to be a dangerous recreational activity that should only be attempted within strict compliance with Massachusetts General Law Chapter 90B and all other applicable Federal, State and Local laws and requirements.
6. Recreation activities, including water skiing within the inner-harbor areas, is limited to multi-use areas.

§113.3 INFLATABLE WATER TRAMPOLINES

1. Inflatable water trampolines may only be placed with the permission of the Harbormaster.
2. Inflatable water trampolines must be removed when not in use or during weather events where the inflatable water trampoline may break free, or cause a navigational hazard.
3. Any inflatable water trampoline not removed when ordered to be removed may be removed by the Harbormaster at the owner's expense.

§113.4 SAILBOARDS/KITEBOARDS

1. Sailboards and kiteboards must be operated at a safe distance away from any swimming area, pier, dock/float, mooring area, or moored vessels.
2. Sailboards and kiteboards may not be operated within marked channels or fairways except for direct crossing when it is safe to do so.

§113.5 SPEED

1. No person will operate any vessel in excess of speed limits posted by the Harbormaster or as defined in the Massachusetts General Laws. For the purpose of enforcement, areas posted as "Slow No Wake" and/or "5 MPH" will mean that the vessel will be operated at no greater speed than headway speed. Headway speed will be the slowest speed at which a vessel may be operated to maintain steerage, but in no case should this speed exceed five miles per hour (5 MPH).
2. The Harbormaster has the authority to extend restricted speed area at any time in the best interests of public safety.
3. The Harbormaster may recommend new designated speed restrictions on any body of water within the Town of Wareham with the approval of the Board of Selectmen or within the guidelines of a speed restriction determined by Massachusetts General Laws.

§113.6 RAFTING OF VESSELS

1. Rafting of vessels may be permitted under good weather conditions and with adequate scope and anchors deployed.
2. Rafted vessels must not be left unattended

3. The Harbormaster may reduce the number of vessels rafted or order the vessels to anchor separately at any time.
4. Vessels must not raft on moorings if the Harbormaster has determined the mooring is not adequate for an additional vessel, or it might cause damage to surrounding vessels.

§113.7 DIVERS

1. No person shall dive within any navigational channels within Wareham's waterways without notifying the Harbormaster.

Section 114.0

§ 114.1 - FRESH WATER PONDS, GREAT PONDS, LAKES AND RIVERS, RULES, AND OPERATION

§114.1 FRESH WATER PONDS, GREAT PONDS, LAKES AND RIVERS, RULES AND OPERATION

1. The use of internal combustion engines of more than ten (10) horsepower is prohibited on Blackmore Pond, Horseshoe Mill Pond, Tremont Pond and all waterways less than thirty (30) acres in size.
2. The use of internal combustion engines of more than fifty (50) horsepower is prohibited on Spectacle Pond (Pine Lake) and Dick's Pond (Silver Lake).
3. All moorings, floats, rafts or docks in or upon any pond, lake or river will have a permit issued by the Harbormaster in accordance with M.G.L. Chapter 91 Section 10A and will meet all requirements within the Waterway Rules and Regulations.
4. All vessels operating in or upon any pond, lake or river will abide by all Federal, State and local laws, rules and regulations.

Section 115.0

§ 115.1 - COMPATIBILITY WITH OTHER GOVERNMENTAL REGULATIONS

§ 115.2 – ENFORCEMENT

§ 115.3 - PENALTIES

§115.1 COMPATIBILITY WITH OTHER GOVERNMENTAL REGULATIONS

1. Nothing contained herein will 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, or limit or conflict with their laws and/or regulations.
2. Commonwealth of Massachusetts Regulations, such as, but not limited to, the most current version of Chapter 90B, including other referenced Regulations, are a part of the Town of Wareham Waterways Rule by reference.

§115.2 ENFORCEMENT

1. The provisions of these regulations will be enforced by the Harbormaster, Assistant Harbormaster, Deputy Harbormaster, Natural Resource Officer or any Wareham Police Officer.

§115.3 PENALTIES

1. The Harbormaster, Assistant Harbormaster, Deputy Harbormaster, Natural Resource Officer and any Police Officer of the Town of Wareham, hereinafter referred to as the enforcing officer(s), taking cognizance of a violation of a specific by-law, or rule which he is empowered to enforce, as an alternative to initiating criminal proceedings, may elect to give to the offender a written notice to appear before the clerk of the Wareham District Court at any time during office hours, not later than twenty-one (21) days after the date of such notice.
2. Such notice will be in triplicate and will contain the name and address, if known, of the offender, name or number of the vessel, if appropriate, the specific offense charged, and the time and place for his required appearance. Such notice will be signed by said officer and also signed by the offender acknowledging receipt, if practicable, in accordance with MGL Chapter 40 Section 21D (Non-Criminal Disposition of Violations)
3. The penalty for each violation of such rules will be:

A. First Offense	\$50.00
B. Second Offense	\$100.00
C. Each Subsequent Offense	\$300.00
3. Each day of violation will constitute a separate offense.

Section 116.0

§ 116.1 - SEVERABILITY CLAUSE

§116.1 SEVERABILITY CLAUSE

1. In the event that any provisions, sections or clause of these rules is hereafter found to be invalid, such invalidity will not affect the validity of the remaining portions of these rules.

(DIVISION XIII, Article 1, WATERWAYS RULES was adopted by the Town of Wareham during the October 24, 2022 Annual Fall Town Meeting; Approved by the Attorney General on May 15, 2023

Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.