

HARBOR SERVICE PERMITS
DIVISION IV ARTICLE 1
SECTION 2

Section 2 - Boat Regulations, Harbor Service Permit:

No person shall 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 shall include all personal watercraft. No vessel may be anchored in the waters of Wareham for more than six (6) consecutive days without the consent of the Harbormaster Department. Anchoring shall be prohibited within all designated mooring areas. Anchorage may be at the discretion of the Harbormasters Department.

There shall be an annual fee for the harbor service permit which shall be assessed annually, with such fees being established by the Board of Selectmen in accordance with Massachusetts General Laws, Chapter 40, Section 22F.

The Harbormaster's office shall forward to each harbor service permit holder a bill indicating the due date of the fee. The bill shall be sent to allow 30 days for payment.

The Harbormaster shall issue a harbor service permit decal for the vessel listed on the permit and be displayed to identify that the annual fee has been paid. The harbor service permit shall be displayed in a location that is clearly visible at all times.

Applications for a harbor service permit may be obtained at the Harbormaster Department or on-line. A service fee will be charged for all harbor service permit applications submitted to the Harbormaster Department.

All fees collected by the Harbormaster Department shall be deposited in a receipt reserved for appropriation account to be used to defray the costs of operating the department.

Section 2A – Boat Regulations / Mooring Regulations

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 Wareham Harbormaster Department 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 Department 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, excessive weight, windage, or draft.

Furthermore, the Town of Wareham shall not be held liable for any damage inflicted if a minimum standard mooring fails.

All approved installations shall 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.

The harbor service permit number shall 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 by the harbormaster may be removed from the waterways.

Wintering of mooring gear

All winter sticks shall be removed prior to June 1st of each year and any mooring having a winter stick attached after June 15th of each year shall be considered abandoned, in which case the harbormaster may remove or order the removal of the mooring. The Harbormaster may contact

one or more salvage companies, who then may treat the mooring and

associated ground tackle as salvage.

A reinstatement fee of \$75.00 shall be added to the Harbor Service Permit invoice if the owner would like to maintain the location after the winter stick and/or associated ground tackle is removed from the waters. The harbor service permit holder has ten days from the date of removal to contact the Harbormaster Department to reinstate the mooring. After the ten days, the harbor service permit will be revoked and the location will be issued to the next applicant on the waiting list for that area.

Any mooring that is not being used for the holding of a vessel shall be required to have a winter stick correctly attached prior to December 1st.

Permit and renewal process

Any harbor service permit not renewed prior to July 1st of each year, where the harbor service permit involves a mooring, shall be considered forfeited and any mooring, and associated ground tackle, in the waters of the Town of Wareham shall be considered abandoned. After July 1st an additional late fee of \$25.00 shall be added to the harbor service permit invoice.

If the Harbor Service Permit involving a mooring remains unpaid by August 1st, the Harbormaster shall send a notice by certified mail, return receipt requested to the primary address listed on the Harbor Service Permit. The letter will advise the permit holder of the by-law violation.

If the letter ***has not been responded to*** within 10 days of the mailing, the mooring and all associated ground tackle shall be removed from the waterways. If the harbor service permits holder ***responds*** to the certified letter after the removal of the mooring, the permit holder may request to reinstate the mooring to the location in writing to the Harbormaster. An additional reinstatement fee of \$125.00 shall be applied, in addition to the unpaid harbor service permit and the July 1st late fee.

All moorings that are permitted by the Harbormaster to

be reinstalled shall be installed in the same fashion as a new mooring installation. The Harbor Service Permit holder shall be responsible for any and all storage, inspection and installation charges that may apply with the reinstallation by a town approved mooring installer.

In the event the certified letter has remained unanswered by September 1st, the harbor service permit shall be revoked and the location may be assigned to the next person on the mooring waiting list.

Mooring Specifications

The below listed specifications are minimum standards for **normal weather conditions**. Under storm conditions vessels should be removed from the waterways.

1. Unless otherwise approved by the Harbormaster, all new and replacement mooring anchors shall 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 15'	100 lbs.	100 lbs.	
15' to 20'	200 lbs.	200 lbs.	
20' to 25'	300 lbs.	300 lbs.	
25' to 28'	500 lbs.	500 lbs.	
28' and larger	– Helical mooring required.		

*Helical moorings may be used in lieu of any application. Helical moorings may only be installed by a town-approved installer.

2. Helix Anchor

The following specifications shall 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 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 8" in diameter.
- (e) All chain and pennant specifications will remain consistent with the chain and pennant specifications.
- (f) It shall 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) The mooring installer shall record the position of the helix mooring by a 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.
- (h) 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.

3. All mooring chain shall be manufactured of galvanized iron or stainless steel and shall be a minimum of size and length specified below: Any/all shackle(s) used shall be secured with stainless steel wire or plastic wire ties.

4. Navy / Anchor chain may be used to substitute all or a portion of the heavy chain requirements.

5. The use of Jaw Swivels and quick links are not allowed in the mooring system.

6. Effective January 1, 2016, it will be required that all concrete block style moorings be removed from the

waterways and replaced with a system allowable under the Waterways Rules and Regulations. Harbor Service Permit Holders will have one calendar year to comply (ending January 1, 2017)

7. Concrete block style moorings not removed from the water after the deadline date of January 1, 2017 shall have the Harbor Service Permit Revoked and the Harbormaster shall order the immediate removal of the system from the waterways.

8. Any concrete block style mooring that fails a mooring inspection prior to January 1, 2016 shall be required to update the system with an allowable system as defined in the Waterways Rules and Regulations. Proof of removal of the concrete system must be provided to the Harbormaster prior to installing the updated system.

Chain Specifications

<u>Length of</u>	<u>Heavy</u>	<u>Light</u>	<u>Navy Chain</u>	<u>Elastic Mooring</u>
<u>Vessel</u>	Chain	Chain		<u>System</u> **

Under 12'		3/8"	2X maximum water depth
12' to 15'	1/2"	3/8"	
15' to 25'	5/8"	1/2"	
25' to 35'	3/4"	5/8"	
35' to 45'	1"	3/4"	

45' and above - *To be determined by Harbormaster and installer specifications*

***In lieu of traditional chain moorings, an Elastic Environmental Mooring System may be permitted under the approval of the Harbormaster and the guidelines of the Manufacturers Specifications.*

The length of the heavy chain shall be equal to 1.5 times the maximum depth of water at the mooring location. The length of the light chain shall be equal to the maximum water depth at the mooring location, except as specified above for boats under 12 feet in length.

Pennant Specifications

- a. Pennants shall be 2.5 times the distance from the water line to the bow.
- b. Pennants shall be constructed of nylon or polyester (Dacron) rope and shall be the minimum diameter as listed below:

<u>Length of Vessel</u>	
15' and under	3/8"
15' to 25'	1/2"
25' to 35'**	5/8" ** see below
35' to 45'	3/4"
45' to 55'	1"
55' and above ***	see below

* - *Stainless Steel Wire Rope may be substituted.*

** - *All Vessels Over 23' shall be required to have a double pennant. Vessels between 23' to 28' may use a single pennant if the minimum pennant diameter is upgraded to the next diameter line, with the approval of the Harbormaster.*

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

The use of polypropylene rope for pennants is prohibited.

Pennants shall be periodically inspected for wear and/or damage.

The use of chafe gear on pennants **is required** and shall cover an area of one foot on either side of the bow chocks.

The Harbormaster reserves the right to move any mooring within the towns designated mooring fields or reorganize any mooring field in a manner that will be able to utilize space more efficiently.

Article 25 Waterways Bylaw Amendment, section 2 and 2A of the October 22, 2012 Annual Fall Town Meeting; Approved by the Attorney General February 25, 2013)

WATERWAYS RULES AND REGULATIONS

SECTION 2B

1. DEFINITIONS

BOAT OR VESSEL: Watercraft of every description capable of being used as a means of transportation on the water, whether propelled by power, sail or manually.

CMR: Code of Massachusetts Regulations.

DIVER: Any swimmer using snorkel tubes, self-contained underwater breathing apparatus, or other diving equipment.

HARBORMASTER: The Harbormaster of the Town of Wareham, duly empowered by the general laws of the Commonwealth, or any assistant Harbormaster duly appointed.

HARBORS: The inner harbors of Wareham are defined as follows:

WAREHAM RIVER - All of the waters north of an imaginary line from Quasuet Point of Hamilton Beach due East to a point at Parkwood Beach.

ONSET BAY - To include the federal channel from the tip of Burgess Point, to all waters North and West of an imaginary line, running from Point Independence to Wickets Island, thence to federal channel buoy can "13".

COHASSET NARROWS and BUTTERMILK BAY - All of the Wareham waterways north of Daymark G9, including Butlers Cove, to an imaginary line drawn from the north end of Jefferson Shores due east to the Bourne town line.

HEADWAY SPEED: The slowest speed at which a motorboat can be operated and maintain steerage, but not to exceed six miles per hour (6 mph), except in the case of Personal Watercraft, for which headway speed shall mean the slowest speed at which a Personal Watercraft may be operated and maintain steerage. (To be considered operating at headway speed the operator of a Personal Watercraft shall be either kneeling or sitting).

M.G.L.: Massachusetts General Laws.

PERSON: Includes individuals, corporations, associations, societies, partnerships, trusts and any other legal entity.

PERSONAL WATERCRAFT: A small vessel which uses an inboard motor powering a water jet pump as its primary source of motor power and which is designed to be operated by persons sitting, standing or kneeling on the vessel. The term includes, but is not limited to, a jet ski, wet bike or surf jet, so-called.

- SERVICES: Services rendered by the Harbormaster, including:
- A. Emergency response (24 hours)
 - B. Enforcement of laws, rules and regulations
 - C. Safety inspections
 - D. Pollution control
 - E. Search and rescue
 - F. Boating safety courses (in conjunction with Massachusetts Division of Law Enforcement)
 - G. Identification of boat owner in case of emergency
 - H. Assignment of mooring locations and maintaining records of mooring/dock assignments
 - I. Operation of town pump out facilities

TOWN/WAREHAM: The Town of Wareham.

WAREHAM WATERWAYS: The navigable waters within the Town of Wareham, including all harbors, rivers, bays, lakes ponds and waterways made temporarily non-navigable by reason of low tides, drought or seasonal weather or water conditions.

WATERSKIING: The use of waterskis, surfboards and the towing or manipulation of persons, waterskis, surfboards or similar devices by a motorboat, such similar devices being any object used in the towing of a person or persons by motorboat, whether the person or persons ride in the device or hold onto it.

2. TOWN DOCKS, FLOATS, PIERS, MOORINGS, LANDINGS AND SHORELINES

A. The Town shall not be responsible for any loss or damage to boats or equipment at the public docks, floats, piers, moorings or landings.

B. Boat owners and operators shall be responsible for any damage caused by themselves or their boats when made fast to any of the piers, docks, floats or moorings.

C. Except in an emergency, no boat shall be made fast to any public pier, float, mooring or dock for a period of time in excess of posted time limits without the permission of the Harbormaster.

D. No boat shall be permitted to moor in Wareham waters or to make fast to any public pier, dock or float, if the boat is determined by the Harbormaster to be un-seaworthy, deteriorated, likely to cause damage to property, personal injury or which might become a menace to navigation. This shall not apply to boats in immediate distress as a result of a current emergency.

E. No person shall leave any boating or fishing equipment, fish or any other personal property upon any public pier, dock, float or landing for longer than is necessary to load or unload said property to and from any boat or vehicle.

F. There shall be no scaling or cleaning of fish or shellfish on any public piers, docks, floats or ramps.

G. No boat shall be left on or at any Town dock, pier, float or landing from December 1st to March 15th, unless specifically authorized by the Harbormaster. Any such boat shall be removed by the Harbormaster, if unable to

locate owner. Any such boat unclaimed by July 1st of each year shall be considered abandoned and disposed of in accordance with the towns current disposal method.

3. REFUELING OF VESSELS

A. The refueling of boats shall be in accordance with M.G.L. Chapter 148 and 527 CMR 15.00.

B. The refueling of boats at any public pier, dock, float or ramp without the permission of the Harbormaster is prohibited.

C. THE DISPENSING OF FUEL AT ANY LOCATION NOT AUTHORIZED UNDER THE PROVISIONS OF M.G.L. CHAPTER 148 and 527 CMR 15.00 IS PROHIBITED (Refueling of vessels, in or upon the Commonwealth, by portable containers, tanks, etc. is prohibited).

D. The owner of any properly permitted vehicle used to refuel a boat shall have such liability insurance in the form and amount as may be required by the Town and spill containment equipment available in the event of the discharge of fuel into the water or onto the facility. Proof of insurance and availability of the containment equipment must be demonstrated to the Harbormaster before refueling is allowed to begin.

EXCEPTION - Personal watercraft and outboard motors with self-contained gas tanks may be refueled under the following conditions:

1. Only containers approved by the State Fire Marshall shall be used,

2. Containers shall not be left on the shore, dock, float or pier, and

3. The owner and the operator of the boat shall assume all liability for any damages and for the cleanup of any spill or the discharge of fuel into the water or onto the facility.

4. BOAT OPERATION

A. No vessel shall be operated at any time on the waters of the Town at a speed greater than is reasonable and proper having regard to the lives and safety of the public; the state of visibility; the traffic density; the maneuverability of the vessel; the state of wind, water and current; and the proximity of navigational hazards.

B. A vessel shall not be operated at more than headway speed:

1.) When the operator's vision is obscured under a bridge or by bends or curves or in any other manner.

2.) When the vessel is operated within three hundred feet (300') of a swimming beach, unless operating in an area designated for higher speed.

3.) When the vessel is operated within one hundred fifty feet (150') of a mooring or anchorage area, marina, boat launching facility, raft or float.

4.) When the vessel is operated in an area posted "**Slow-No Wake**".

5.) In any inner harbor, except in areas designated for higher speeds.

C. Boat operator within sight of a diver's flag shall proceed with caution. No boat shall proceed at a speed exceeding three miles per hour (3 mph) within a radius of one hundred fifty feet (150') of a diver's flag.

D. No boat shall land on any swimming beach except in an extreme emergency, or in an area designated by the

Harbormaster, and shall exercise extreme caution in doing so.

E. Small rowboats (dinghies) used for transportation to a moored boat shall not be left on any public swimming beach; except in areas designated by the Harbormaster. Such boats shall be carried to the most inward portion of the beach, before any grassy area, and secured upside down.

F. No boat or vessel shall be left on any beach or other property owned by the Town without permission of the Harbormaster.

G. **NO DISCHARGE AREA:** Effective January 22, 1992, the Environmental Protection Agency (EPA) declared Wareham coastal waters a federal "**no discharge area**", making the discharge of both treated and untreated boat sewage in this area illegal, and enabling federal, state and local enforcement officers to assess fines and other penalties for discharge violations.

5. BOAT OPERATIONS – FRESH WATER PONDS, LAKES AND RIVERS

The following regulations, in addition to applicable general regulations, apply to all fresh water ponds, lakes and rivers within the Town.

A. Headway Speed - Rescinded

B. Use of Airplanes - No airplane adapted to land on water shall be allowed to operate from or upon any pond, lake or river in Wareham except upon an emergency basis.

C. Internal Combustion Engines - Restrictions.

1. The use of internal combustion engines of more than five (5) 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 and Dick's Pond (Silver Lake).

D. Floats, Rafts, Docks and Moorings - All floats, rafts, docks or moorings in or upon any pond, lake or river must have a permit issued by the Department of Environmental Protection and/or the Conservation Commission or the Harbormaster (in accordance with M.G.L. Chapter 91 Section 10A)* The Harbormaster may authorize by permit the mooring on a temporary basis of floats, rafts, and docks held in place solely by the means of anchors or bottom moorings.

6. DIVERS

A. No person shall dive in Wareham waters without displaying an "Alpha" or red and white diver's flag which is clearly visible within a radius of three hundred feet (300').

B. No diver shall be further than one hundred feet (100') from the diver's flag at any time while on or under the surface of the water.

C. No person shall dive within the channels of the Wareham waterways without the prior permission of the Harbormaster.

7. MOORINGS

A. A mooring location will be assigned only to boats consistently moored or docked in Wareham waterways.

B. Mooring placement will be authorized by the Harbormaster.

C. Applications for Mooring Space.

The Harbormaster shall maintain a waiting list for mooring space, subject to the following provisions:

a) Open enrollment period for Mooring Waiting List applications

b) To remain on the waiting list, the applicant must reconfirm the application information in writing no later than July 1st of each year. Applications not confirmed by July 1st of each year shall be removed from the waiting list.

c) Applications for mooring space for commercial boats owned by a Wareham resident shall be given preference. All other applications shall be considered by the date of filing.

d) When a mooring space becomes available, the applicant shall have fourteen (14) days from the date of notification to install a mooring in that location or to hire a person to install the same. The Harbormaster may grant an extension of time for good cause shown. Failure to install a mooring within this time shall be considered a refusal and the space assigned to the next application on the waiting list.

D. Boats shall be moored only where assigned by the Harbormaster.

E. Changes of mooring location or boat ownership will be in accordance with the following procedures:

1. Boat owners wishing to transfer their mooring from one area to another must apply in writing to the Harbormaster.

2. The Harbormaster shall be advised immediately if there is a change of boat or boat size. Boat owners may retain the same mooring location if a boat is replaced with one of equivalent size.

3. The holder of a mooring assignment shall advise the Harbormaster when he ceases to have need for the mooring location.

4. Boats with a change of ownership have no entitlement to the mooring space previously assigned to that boat unless the boat becomes jointly owned and the previous owner retains a share in the boat.

5. The owner of a boat with an assigned mooring location may retain that location if, within **two (2) years** of the sale or transfer of ownership of that boat, the owner replaces it with another boat of equivalent size, as determined by the Harbormaster. If the replacement boat is not of equivalent size, a new application for a mooring location shall be filed with the Harbormaster, and a new location assigned if all requirements are met and a location is available.

F. The Harbormaster may inspect any mooring and order its immediate replacement or repair if it does not conform to the current requirements for moorings of the Town of Wareham.

1. All moorings in Wareham waterways shall be inspected at least once every **three years** by a Town Approved inspector, at the owner's expense.

- a) Such inspection shall be made by raising the mooring or, in cases where the Harbormaster determines the mooring to be of such weight that it cannot be conveniently raised, inspections may be made underwater.
- b) The Harbormaster will maintain a list of qualified inspectors. All inspectors must demonstrate to the Harbormaster knowledge of Wareham waterways and standards for moorings and associated ground tackle. Any inspector, performing underwater inspections or services, shall have a current Divers Certificate. The Harbormaster may remove any inspector's name from the approved list of qualified Inspectors if it is determined by the Harbormaster, the Inspector has failed to exercise due diligence in performing the duties of an inspector.

c)
IF THE RESULT OF ANY INSPECTION INDICATES THAT ANY CHAIN, SHACKLE OR MOORING HAS BECOME DAMAGED OR WORN BY ONE-THIRD (1/3) OR MORE OF ITS ORIGINAL SIZE OR DIAMETER, SUCH CHAIN, SHACKLE OR MOORING SHALL BE REPLACED ACCORDINGLY. FAILURE TO MAKE SUCH REPLACEMENT, WITHIN TEN(10) DAYS OF THE INSPECTION, SHALL BE GROUNDS FOR REVOCATION OF THE HARBOR SERVICE PERMIT AND REMOVAL OF THE MOORING BY THE HARBORMASTER.

G. Abandoned moorings and those whose owners cannot be identified shall be confiscated by the Harbormaster for disposal in accordance with the towns current disposal method. The Harbormaster shall have the right to notify one or more salvage companies, who may then treat the mooring and associated ground tackle as salvage.

H All winter sticks must be marked with the harbor service permit number, and painted a bright color. The stick must be anchored so that it will be vertical at all tides and clearly visible. Winter sticks should be installed on all moorings.

I **ALL MOORING MARKER BUOYS SHALL BE WHITE STROFOAM, RUBBER OR PLASTIC FLOAT WITH A BLUE STRIPE. The harbor service number shall be permanently affixed to the mooring buoy and be legible. Buoys shall be large enough to support the required tackle.**

J. No mooring shall be set in any navigation channel.

8. OUTHAULS

- A. No outhaul stakes shall be permitted on any public beach.
- B. No outhauls shall be placed on privately owned shoreline areas without the permission of the owner.

9. WATERSKIING

- A. Waterskiing within the inner-harbor “no wake zones” shall be limited to: Sunset Cove: An area in the center portion of Sunset Cove, excluding the mooring area.
- B. The Town considers waterskiing to be a dangerous recreational activity, that should only be attempted within strict compliance with M.G.L. Chapter 90B and other applicable Federal, State, and Town requirements

10. MULTI - USE AREAS

Designated areas administered by the Harbormaster shall be kept free from additional moorings and permanent structures.

Shall include but not be limited to:

1. Wareham River - An area approximately 500 feet off Swifts Beach, Swifts Neck, excluding the mooring areas and buoyed channels.
2. Onset Bay - An area south of an imaginary line between Onset Island and Wickets Island, excluding the mooring areas and buoyed channels.
3. Broad Cove - An area in the central portion of Broad Cove, excluding the mooring areas.
4. Sunset Cove - An area in the central portion of Sunset cove, excluding the mooring areas.

11. SAILBOARDS

1. Sailboards shall be operated at a safe distance away from any swimming area, pier or dock/float, or any moored or anchored vessel.
1. Sailboards shall not be operated within marked channels or fairways except for direct crossing of same.

12. BOATING ACCIDENTS

- A. Reports - Accident reports must be filed pursuant to the provisions of M.G.L. Chapter 90B whenever any one or more of the following occurs onboard or involves any boat or vessel in or upon Wareham waterways:

1. Death of any person from whatever cause.
2. Disappearance of any person from onboard under circumstances which suggest the possibility of death or injury.
3. Injury to any person: or
4. Loss or damage to property of any kind, including the boat or vessel, in an amount equal to or greater than \$500.00.

2. Time to file report - Whenever death or serious injury has or may result from a boating accident, a written report shall be submitted within forty-eight (48) hours. For every other boating accident, a written report shall be submitted within five (5) days.
3. Where to file report - Reports shall be submitted to the Division of Law Enforcement, and any other office as required by law. A copy shall also be sent to the Harbormaster.

13. MARINAS AND YACHT CLUBS

- A. HARBOR SERVICE PERMIT REGULATIONS.

Marinas and Yacht Clubs shall be required to purchase the Harbor Service Permits for all their Moorings and rented Dock Slips.

RATE: Residential Slip/Dock – Shall be the fee for all Moorings and Dock Slips

1. Harbor Service Permit Fees shall be paid by July 15th of each year.

The Harbormaster shall provide (HSP- stickers) to each Marina and Yacht Club. **The harbor service permit (decals) shall be affixed to the port side of the vessel and shall be clearly visible at all times.**

B. MARINAS AND YACHT CLUBS WILL PROVIDE THE HARBORMASTER WITH A COPY OF THEIR RULES AND REGULATIONS.

It shall be a provision of such regulations that "Persons on boats lying at slips or docks shall use shore side sanitary facilities only". Marinas and Yacht Clubs will inform all transient vessels of the Town of Wareham's regulations regarding Marine Sanitation Devices and of the EPA designation of Wareham coastal waters as a "NO DISCHARGE AREA".

C. Marinas and Yacht Clubs shall provide and promote pump-out services free of charge to all customers.

D. Marinas and Yacht Clubs will maintain a record of the use of pump-out stations and provide the Harbormaster with a copy of such on a monthly basis.

Information required: Approximate Gallons Pumped, Name of Boat, Date of pump-out, Pump-out operator

14. ABANDONMENT

A. Except in a maritime emergency currently affecting those aboard or others in the immediate vicinity, no vessel, mooring or object shall be deliberately abandoned, sunk or otherwise placed in Wareham waterways where it may constitute a hazard. Any abandoned or sunk vessel, mooring or object so found and any vessel swamped, sunk, washed ashore or found may be ordered by the Harbormaster to be removed or relocated. If corrective action is not taken after seventy-two (72) hours notice to the owner, or if the owner is not known after notice has been posted for the same period at the Town Hall and the Harbormaster's Office, the Harbormaster may remove or relocate it at the expense of the owner. (M.G.L. Chapter 102).

B. A boat or vessel which, in the opinion of the Harbormaster, is not seaworthy, shall not be placed or kept in Wareham waterways/or the shoreline of the Town of Wareham. The Harbormaster, after written notice to the owner (if known), may remove such boat or vessel, at the expense of the owner.

C. No boat or vessel shall be left on the public shores or tied to a public dock/pier from December 1 through March 15 without authorization of the Harbormaster. Any such boat or vessel shall be considered abandoned if unable to locate the owner, and disposed of in accordance with the Town's current disposal method.

15. POLLUTION

The discharge of any raw sewage, garbage, rubbish, oil or debris in or upon any waters within the Town of Wareham or within twenty (20) yards of any such waters is prohibited (M.G.L. Chapter 270).

16. TEMPORARY FLOATS AND RAFTS

In accordance with M.G.L. Chapter 91 Section 10A the placement of temporary floats and/or rafts held by anchors or bottom moorings is subject to a written permit issued by the Harbormaster. All such floats or rafts will be identified with permit numbers affixed to the land and open water sides of the float or raft in contrasting color and shall be a minimum of (3") inches in size.

17. PIERS AND DOCKS

1. Every pier and/or dock in or upon the waterways of the Town shall be licensed in accordance with applicable federal, state and local law or regulation.
2. No boat or vessel secured (tied) to any pier or dock shall be allowed to ground or rest on the ocean bottom. This shall not apply where the keel rests on the bottom in extreme low tide only.

18. BRIDGES

Diving or jumping from bridges over any waterway is prohibited.

19. CHANNELS AND FAIRWAYS

- A. No vessel shall anchor or moor within a navigational channel or fairway.
- B. No lobster pots, crab pots, eel pots, or nets, seines, trawls, traps, etc. are to be set in any navigational channel or fairway.

20. AIDS TO NAVIGATION

1. No vessel shall tie to any Aid to Navigation or anchor/moor in a position that would obscure the aid from the sight of passing vessels.
2. No person, company or corporation may install "Private" Aids to Navigation without a proper permit from the authority having jurisdiction of the particular waterway. A copy of the required permit shall be filed with the Harbormaster.
3. It is a criminal offense to cause any damage or hindrance to the proper operation of any Aid to Navigation. This includes, altering, moving, destroying, tying a boat to, or obscuring from the sight of passing vessels, any Aid to Navigation.

21. PERSONAL WATERCRAFT

- A. No person shall operate a personal watercraft except in a safe and prudent manner, having due regard for other waterborne traffic, posted speed, and wake restrictions.
- B. Negligent Operation— Shall include, but not be limited to:
 1. Speeding in restricted areas.
 2. Unreasonable jumping, or attempting to jump the wake of another vessel.
 3. Following within 150 feet of a water skier.
 4. Weaving through congested vessel traffic.
 5. Crossing unreasonably close to another vessel.
 6. Towing a water skier or any person in any manner from a personal watercraft.
- C. Personal Watercraft Rentals— Shall be subject to the approval and all regulations set forth by the Board of Selectmen.

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 Commonwealth of Massachusetts, or limit or conflict with their laws and/or

regulations. In any case, the more restrictive rule or regulation shall apply.

23. ENFORCEMENT

The provisions of these regulations shall be enforced by the Harbormaster, Deputy Harbormaster and may be enforced by any Town of Wareham Police Officer.

24. PENALTIES

The Harbormaster, Deputy Harbormasters and any Police Officer of the Town of Wareham, as an alternative to initiating criminal proceedings, may issue non-criminal citations for violations of the above Waterways Rules and Regulations under the provisions of M.G.L. Chapter 40, Section 21D. The penalty for violations of such Rules and Regulations shall be:

First Offense.....	\$ 50.00
Second Offense.....	\$100.00
Each Subsequent Offense.....	\$250.00

Each day of violation shall constitute a separate offense.

25. SEVERABILITY CLAUSE

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.

(Article 19 of the October 18, 1999 Annual Fall Town Meeting; Approved by the Attorney General on February 8, 2000)

