

ARTICLE III. COASTAL WATERS AND HARBOR AREAS*

* **Charter References:** Responsibility of department of public works relative to watercourses, § 6-3.
Cross References: Coastal resources management commission, § 2-66 et seq.
State Law References: Harbors, G.L. 1956, § 46-4-1 et seq.; East Providence harbor lines, G.L. 1956, § 46-4-5.

DIVISION 1. GENERALLY

Sec. 13-76. Purpose and intent.

It is the purpose and intent of this article to:

- (1) Manage the coastal waters and harbor areas of the city, as described in this article and hereafter referred to as the city, by establishing regulations that balance and manage the diverse uses of the waters, harbor areas and waterfront and to minimize user conflicts.
- (2) Provide a mechanism to ensure the administration and operational costs of this chapter and the harbor management plan are shared by the city, private mooring owners, and other groups or individuals as may be identified by the harbor management commission, described in this article.
- (3) With the assistance of the city and the harbor management commission, maintain, improve, and develop public access opportunities to the coastal waters of the city for the benefit of all user groups.
- (4) Remain consistent with the goals and regulations of the Rhode Island Coastal Resources Management Council, the Rhode Island Department of Environmental Management (RI-DEM), the state guide plan, the United States Army Corps of Engineers, and all Rhode Island State Laws pertaining to harbormasters.

(Rev. Ords. 1987, § 13-76; Ch. 405, § I, 10-3-06)

Sec. 13-77. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Anchoring means to secure a vessel temporarily to the bottom of a waterbody by dropping an anchor or anchors or other ground tackle from a vessel.

Channel means any water areas reserved for unobstructed movement of vessels.

Commission means the harbor management commission.

Fairway means any locally designated and/or maintained water areas reserved for unobstructed movement of vessels.

Harbor management commission means the commission established or designated in accordance with the ordinances to carry out the responsibilities associated with the development, oversight and administration of

municipal harbor programs.

Harbormaster means an official appointed in accordance with this chapter to carry out the provisions of this article.

Launching ramp means any manmade or natural facility used for the launching and retrieval of boats (§ 300.4 R.I. Coastal Resources Management Program).

Marina means and includes any dock, pier, wharf, float, floating business or combination of such facilities that service five or more recreational boats as a commercial enterprise or in association with a club (§ 300.4 R.I. Coastal Resources Management Program).

Moor means to permanently secure a vessel to the bottom of a water body by the use of mooring tackle.

Mooring means a place where buoyant vessels are permanently secured to the bottom of a water body by mooring tackle and by permit from the municipality.

Mooring tackle means the hardware used to secure a vessel at a mooring and which is kept in place seasonally.

Nonresident means any individual, business, or corporation which does not meet the definition of "resident."

Qualified inspector means any person or business approved as an inspector of tackle by the harbor management commission and the harbormaster.

Resident means any full-time inhabitant, taxpayer, or nonprofit organization of the city.

Right-of-way means an easement or right to pass and repass across a parcel.

Transient anchorage means any area reserved and designated on the city harbor management plan: 1992, as amended from time to time, for the exclusive short-term use of commercial and recreational vessels and any vessels seeking emergency shelter.

Vessels means every description of watercraft, other than a seaplane on water, used or capable of being used as a means of transportation on water. Specifically excluded by this definition are floating homes. (Rev. Ords. 1987, § 13-77; Ch. 199, § I, 2-19-02)

Cross References: Definitions generally, § 1-2.

Sec. 13-78. Exhibits.

The following exhibits on file in the office of the city clerk, are to be updated annually by the harbormaster and are hereby declared to be a part of this article:

| | |
|------------|--|
| EXHIBIT 1. | Mooring application. |
| EXHIBIT 2. | Mooring tackle. |
| EXHIBIT 3. | Notice of violation. |
| EXHIBIT 4. | Violation warning. |
| EXHIBIT 5. | Factors influencing layout of mooring grids. |
| EXHIBIT 6. | Warning sticker. |

| | |
|-------------|--|
| EXHIBIT 7. | Guidelines for establishing mooring grids. |
| EXHIBIT 8. | Sequential list of permits for each field A through G. |
| EXHIBIT 9. | New Mooring Waiting List (NMWL) |
| EXHIBIT 10. | Mooring Location Change List (MLCL) |
| EXHIBIT 11. | Grids and charts. |
| EXHIBIT 12. | List of certified mooring inspectors. |
| EXHIBIT 13. | List of rights-of-way to the water. |

(Rev. Ords. 1987, § 13-78; Ch. 199, § II, 2-19-02; Ch. 313, § I, 8-10-04)

Sec. 13-79. Jurisdiction.

The coastal waters and harbor areas of the city included under the jurisdiction and authority of this chapter shall include all of the public waters easterly of the easterly sides of the ship channels in the Seekonk River, Providence River and harbor and Narragansett Bay from the Pawtucket-East Providence City line southerly to the point of intersection of such ship channel sides with a straight line drawn from Gaspee Point on the west shore to Nayatt Point on the east shore; and all of the public waters on the northerly side of a line running 65 degrees true from the intersection formed by the straight line drawn from Gaspee Point to Nayatt Point and such ship channel side to the point of intersection with the East Providence-Barrington boundary line; and all of the public waters westerly and northerly in Bullock Cove, of the East Providence-Barrington boundary line to the point of intersection of such boundary line and the mean high water line (G.L. 1956, § 46-4-5).

(Rev. Ords. 1987, § 13-79)

Sec. 13-80. Harbor management fund created.

A harbor management fund is hereby created to receive and expend monies for harbor-related purposes as determined by the harbor management commission, harbormaster and city manager. All revenues generated by city boat mooring permit fees and other fees of this chapter, and fines levied under the authority of this chapter shall be deposited into this fund. Funds shall be dispersed for purposes directly associated with the management and implementation of the city harbor management plan and this chapter. Monies from this fund should be allocated to the harbormaster and/or his designee for the purpose of enforcing the provisions of the city harbor management plan and/or this article. The harbor management fund shall be established, budgeted and administered in a manner consistent with the procedures of the city.

(Rev. Ords. 1987, § 13-80)

Sec. 13-81. Liability.

Persons using the coastal waters and harbor areas of the city shall assume all risk of personal injury and damage or loss to their property. The city assumes no risk on account of accident, fire, theft, vandalism or acts of God.

(Rev. Ords. 1987, § 13-81)

DIVISION 2. HARBOR MANAGEMENT COMMISSION*

* **Cross References:** Boards, committees and commissions, § 2-36 et seq.

Sec. 13-82. Composition and appointments; powers and duties; membership.

The harbor management commission shall be maintained as an advisory body to the city council and will be responsible for the regulatory review of all coastal activities mandated within the city's harbor management ordinance and plan. The commission is responsible for the development of additional policies, rules and regulations for the implementation of the harbor management plan and the subsequent ordinances subject to the approval of the city council and the coastal resources management council.

- (1) *Composition.* The harbor management commission shall consist of seven members, with representation from each of the following groups: Recreational boating community; commercial fishing industry; marina and boatyard operators; environmental groups; public access interests; inland representation; and one citizen at large.
- (2) *Appointments.* Members shall be appointed by the city council for terms consisting of two years.
- (3) *Vacancies.* Vacancies shall be filled as necessary and in accordance with the initial appointment.
- (4) *Officers.* A chair, vice-chair, and secretary shall be elected by the members of the commission. Meetings shall be called by the chair or at the request of at least three members of the commission. The secretary shall keep minutes of all meetings and file such minutes with the city clerk. The commission shall meet monthly and all meetings shall conform to open meeting laws.
- (5) *Powers and duties.* The harbor management commission shall be maintained as an advisory body to the city council and will be responsible for the regulatory review of all coastal activities mandated within the city's harbor management ordinance and plan. The harbor management commission shall adopt rules of procedure and operation for its meetings and is authorized to:
 - a. Recommend to the city council the adoption of rules, regulations, fees, penalties, and other amendments to the harbor management plan and its subsequent ordinances which may be necessary to fulfill the goals and objectives of the harbor management plan and meet the requirements of its ordinance.
 - b. Create additional authorities and duties for the harbormaster, as detailed in this article, with the approval of the city manager.
 - c. Assist in the preparation of an annual harbor master's operational budget in accordance with the provisions of the city to expend monies in the harbor management fund. (Ref. section 13-80)
 - d. Act as a board of appeals, to hear any person aggrieved by any decision of the harbormaster in the enforcement and implementation of this chapter. Appeal decisions rendered by the commission shall be subject to the approval of the city manager.

- e. Review and revise as necessary the harbor management plan and its subsequent ordinances for city council and coastal resources management council approval. The harbor management plan and its ordinances shall be reviewed and revised at least once every five years.

(6) *Ex officio members.*

- a. The harbormaster shall be a nonvoting, ex officio member of the harbor management commission.
- b. To enable the harbor management commission to coordinate issues of mutual concern between adjacent coastal municipalities, there may be one nonvoting, ex officio member from Barrington, Providence, and Pawtucket, who is either on a harbor management commission or who is a resident of these municipalities.

(Rev. Ords. 1987, § 13-82; Ch. 199, § III, 2-19-02; Ch. 278, § I, 9-2-03; Ch. 374, § I, 12-6-05)

DIVISION 3. HARBORMASTER*

* **State Law References:** Appointment of a harbormaster in East Providence, G.L. 1956, § 46-4-6.

Sec. 13-83. Appointment; duties and responsibilities.

There shall be a harbormaster for the city. The harbormaster will be appointed by the city council at the recommendation of the harbor management commission. In accordance with section 13-8 of the Charter, the harbormaster shall devote sufficient time to the position of harbormaster as shall be required to perform the duties of the harbormaster as provided for in this section. The harbormaster shall report to the city manager and have the following duties:

- (1) Be responsible for the administration and enforcement of the provisions of the harbor management plan and its ordinances.
- (2) Process applications for the issuance of mooring permits and assign proper placements of moorings in accordance with this chapter.
- (3) Keep proper records of all mooring application information, including the locations of moorings, mooring ownership and occupancy, type of vessel on mooring, etc. These records (Exhibit 8) shall be updated annually and on file for public review at the city clerk's office.
- (4) Prepare, keep current, and make available waiting lists for new and relocation mooring permits in accordance with the provisions of this chapter if the demand for available mooring permits is greater than the number of available mooring locations in any given year. The waiting lists shall be available for public review at the city clerk's office.
- (5) Inspect mooring tackle in accordance with the provisions of this chapter.
- (6) Assist in the preparation of grant applications as they pertain to waterways and harbors within the city with the approval of the harbor management commission.
- (7) Assist the harbor management commission in recommending rules and regulations for approval by the city council.
- (8) Interview and recommend candidates for the position of assistant harbormaster. Candidates for assistant will be appointed by and serve at the pleasure of the city council.
- (9) Coordinate, maintain, and repair of the patrol boat and other departmental equipment.
- (10) Prepare, in cooperation with the harbor management commission, an operational budget subject to the approval of the city council.
- (11) Interface with city departments, committees, and commissions as necessary relating to harbors and waterways under the jurisdiction of the harbormaster.
- (12) Set schedules for the harbormaster and assistant harbormasters with respect to patrolling the waterways and administrative duties.
- (13) Attain and read regularly, the "Local Notice to Mariners Bulletin" published by the US Coast Guard and ensure that these are read by the assistant harbormasters.

- (14) Attend scheduled harbor management commission meetings to provide regular communication between the harbor department and the harbor management commission. In the event of a scheduling conflict, an assistant harbormaster may represent the harbor department at such meetings.
- (15) Act as a liaison with other harbormasters in an effort to modify and improve the existing harbor plan.
- (16) Carry out all other powers and duties authorized to the harbormaster under various state and federal marine laws, including, but not limited to, Marine Sanitation Device (MSD) inspection and discharge responsibilities afforded through the U.S. Coast Guard (33 CFR, and 46 CRF) and RIDEM through G.L. § 46-12-41, MARPOL ANNEX V, Section 312 of the Clean Water Act, G.L. 1956, § 46-22-1 et seq.
- (17) Attend First Aid and CPR training classes, attend all training courses required by the Harbormaster Training and Standards Commission, and attend specific harbormaster and harbor management training courses as designated by the harbor management commission to the city manager. The assistant harbormasters are also required to attend these classes and courses. Attending such classes and courses shall be at least prerequisite to appointment or reappointment as a harbormaster or assistant harbormaster.

(Rev. Ords. 1987, § 13-83; Ch. 159, § I, 5-15-01; Ch. 199, § IV, 2-19-02; Ch. 374, §§ II, III, 12-6-05; Ch. 405, § II, 10-3-06)

Sec. 13-84. Assistant harbormasters.

There shall be up to four assistant harbormasters who shall be appointed by the city council for a term of office concurrent with that of the council and until his/her successor is appointed and qualified and shall report directly to the harbormaster and are empowered with the same duties as the harbormaster, under the direction of the harbormaster. Only two of the four assistant harbormasters shall receive compensation.

(Rev. Ords. 1987, § 13-84; Ch. 159, § I, 5-15-01; Ch. 278, § II, 9-2-03)

Sec. 13-85. Salary to be set by city council.

The salary of the harbormaster and two assistant harbormasters shall be fixed by the city council. The remaining assistant harbormasters shall serve without compensation.

(Rev. Ords. 1987, § 13-85; Ch. 278, § III, 9-2-03)

DIVISION 4. HARBOR REGULATIONS*

* **State Law References:** Regulation of boats, G.L. 1956, § 46-22-1 et seq.

Sec. 13-86. Vessel speed.

The operation of any vessel within the coastal waters and harbor areas of the city shall proceed in a manner which protects all persons and property from damage from waves, wake, and operation. Operators of vessels within the coastal waters and harbor areas of the city shall comply with state regulations on vessel speeds and wake (G.L. 1956, § 46-22-9). A maximum speed for vessels is five miles per hour and no wake within the marked channel with the following boundaries; north of entrance to Bullocks Cove Red Nun #2 and north of Buoy #2 in the Seekonk River to the Pawtucket boundary line. Speed limits also pertain to federal navigation channels. Vessel speed in mooring fields is five miles per hour maximum.
(Rev. Ords. 1987, § 13-86; Ch. 199, § V, 2-19-02)

Sec. 13-87. Vessel operations.

Vessels involved in activities including, but not limited to, water skiing, jet skiing, paragliding, and other similar uses that would involve the use of a vessel moving in excess of ten miles per hour shall not be allowed within 200 feet of any swimming area, mooring area, shoreside facility, rights-of-way ingress and egress points, launching ramp, federal navigation channels, navigation fairways, small unpowered vessels vulnerable to swamping or tipping due to wakes (i.e. canoes, kayaks, etc.), or north of Buoy #2 Seekonk River. Vessels used in these manners are allowed within 200 feet of shoreside facilities when the sole purpose is to begin or end such activity.
(Rev. Ords. 1987, § 13-87)

Sec. 13-88. Navigation fairways.

The following fairway is hereby designated within the south basin of Bullocks Cove. The westerly end is bounded by Peterson's dock running easterly for approximately 400 feet to Bullocks Cove channel.
(Rev. Ords. 1987, § 13-88)

Sec. 13-89. Obstruction of channels, fairways, and berthing space.

No vessel shall be moored or anchored so as to interfere with the free and unobstructed use of channels, fairways, or berthing spaces within the areas under city jurisdiction as detailed in section 13-79 of this chapter.
(Rev. Ords. 1987, § 13-89)

Sec. 13-90. Swimming.

Swimming is prohibited in all federal navigation channels and fairways.
(Rev. Ords. 1987, § 13-90)

Sec. 13-91. Fishing.

The placement of lobster pots, pot floats and fish nets are prohibited in all federal navigation channels, navigation fairways, and mooring fields.
(Rev. Ords. 1987, § 13-91)

Sec. 13-92. Boat sewage waste.

(a) The disposal of boat sewage wastes by any means into the coastal waters of the city is prohibited.

(b) No person shall operate or moor for more than 30 days, a boat in the waters of the city, other than vessels for hire licensed by the U.S. Coast Guard to carry six or more passengers, unless such boat displays in a prominent position an approved "no discharge certificate decal."

(Rev. Ords. 1987, § 13-92; Ch. 199, § VI, 2-19-02; Ch. 405, § III, 10-3-06)

Cross References: Sanitary sewer system, § 17-76 et seq.

Sec. 13-93. Marine debris.

The discharge of any waste, garbage, refuse, petroleum product or byproduct, paint, varnish, dead animals, fish, bait, or any other debris is prohibited in coastal waters and harbor areas within the city.

(Rev. Ords. 1987, § 13-93)

Sec. 13-94. Towing and moving of vessels.

If any vessel berthed, moored, or anchored in the coastal waters of the city is found to be in violation of any provision of this chapter; the harbor master is directed to move, relocate, or tow such vessel. In addition to any fees such violation shall incur, a fine of \$500.00 shall be collected from the vessel owner for such harbor master action. This fee shall be set by the city council periodically, upon recommendation from the harbor management commission.

(Rev. Ords. 1987, § 13-94; Ch. 278, § IV, 9-2-03; Ch. 405, § IV, 10-3-06)

Sec. 13-95. Rafting.

Vessels may raft on a single mooring when such activity does not interfere with the proper functioning of adjacent single moorings or vessel anchorages. Rafting shall not exceed 24 hours. Vessels at raft shall be manned at all times.

(Rev. Ords. 1987, § 13-95)

Sec. 13-96. Abandoned vessels and structures.

(a) Upon his determination the harbor master may take custody and control of abandoned vessels and structures located in the coastal waters and harbor areas of the city and remove, store, or otherwise dispose of such vessel or structure at the expense and sole risk of the owner of the abandoned vessel or structure. In addition to any fees such violation shall incur, a fine of \$500.00 shall be collected from the vessel owner for such harbor master action. Reasonable notice of such removal, storage, or disposal shall be publicly advertised. If any abandoned vessel or structure presents a hazard to the navigation, the harbor master may have it removed before it is publicly advertised. The owner is responsible for all expenses incurred.

(b) The harbor master shall assume all of the duties and powers of the commissioner of wrecks and shipwrecked goods as detailed in the G.L. 1956, § 46-10-1 et seq.

(Rev. Ords. 1987, § 13-96; Ch. 405, § V, 10-3-06)

Sec. 13-97. Special events.

The harbor management commission, with approval from the city council, may authorize in accordance with all appropriate state and federal guidelines, certain special events, such as swimming races, regattas, marine parades, or other marine and maritime activities that may from time to time be held on or in the coastal waters and harbor areas under the jurisdiction of the city.

(Rev. Ords. 1987, § 13-97)

Sec. 13-98. Boat standards.

Every vessel entering the coastal waters and harbor areas of the city shall be equipped as required by G.L. 1956, § 46-22-1 et seq. and all similar federal laws, rules and regulations. Consistent with G.L. 1956, § 46-22-1 et seq. the harbormaster shall have the authority to enforce all provisions of G.L. 1956, § 46-22-1 et seq. (Rev. Ords. 1987, § 13-98)

Sec. 13-99. Rights-of-way to the water.

(a) No person shall block, barricade or in any way impede the public use of or access to designated public rights-of-way to the water as defined by the coastal resources management council or the city. See section 13-78, exhibit 13.

(b) No person shall store a vessel, vehicle or structure on a designated public right-of-way to the water as defined by the coastal resources management council or the city.

(c) Any person in violation of this section shall be subject to a fine in accordance with subsection 13-142(a). See list of rights-of-way, section 13-78, exhibit 13. (Rev. Ords. 1987, § 13-99; Ch. 199, § VII, 2-19-02)

Sec. 13-100. Transient anchoring and anchorages.

(a) *Generally.* A vessel may anchor on its own anchor in the coastal waters and harbor areas of the city except in federal navigation channels, navigation fairways, mooring fields, swimming areas, rights-of-way ingress and egress areas, and launching ramp areas, for a period not to exceed 24 hours, or at the discretion of the harbormaster. Written consent from the harbormaster is required for extended visits of more than 24 hours. No vessel anchored under such conditions shall be left unattended. Owners and/or operators of such vessels may go ashore, but must be available to tend the vessel in the event of heavy weather. It shall be the vessel owner's and/or operator's responsibility to remain clear of all moored vessels, and other structures.

(b) *Transient anchorages.* The following areas are established for use as transient anchorage areas:

Bullocks Cove Mooring #500 North.

Bullocks Cove Mooring # 501 South.

Crescent Beach Mooring #502 South.

Crescent Beach Mooring #503 Middle.

Crescent Beach Mooring #504 North.

Pomham Lighthouse #505.

Transient mooring fees shall be \$20.00 per day or \$100.00 per week. (Rev. Ords. 1987, § 13-100; Ch. 199, § VIII, 2-19-02; Ch. 438, § I, 11-6-07)

Sec. 13-101. Failure to stop.

It shall be a violation of this article for any person to refuse to move or stop on oral command or order of the harbormaster or assistant harbormaster identified as such and exercising the duties lawfully assigned to him. (Rev. Ords. 1987, § 13-100.1)

Sec. 13-102. Omega Pond.

No person shall operate any gasoline powered boat within Omega Pond. Vessels may be operated with an

electric motor or under oars, paddles, or sail. No vessel shall travel in excess of five m.p.h. or leave a wake.
(Ch. 437, § I, 11-6-07)

Sec. 13-103. Turner Reservoir.

No person shall operate any gasoline powered boat within Turner Reservoir. Vessels may be operated with an electric motor or under oars, paddles, or sail. No vessel shall travel in excess of five m.p.h. or leave a wake.
(Ch. 437, § I, 11-6-07)

Sec. 13-104. Willett Pond.

No person shall operate any gasoline powered boat within Willett Pond. Vessels may be operated with an electric motor or under oars, paddles, or sail. No vessel shall travel in excess of five m.p.h. or leave a wake.
(Ch. 437, § I, 11-6-07)

Secs. 13-105--13-115. Reserved.

DIVISION 5. MOORING REGULATIONS

Sec. 13-116. Permitting.

(a) *Generally.* No mooring shall be located in the coastal waters and harbor areas of the city until a permit has been issued for the use of such mooring by the harbormaster. No mooring shall be located nor shall be maintained unless the mooring owner has received a valid mooring permit issued by the harbormaster for the mooring and that the mooring conforms to the specifications and standards set forth in this chapter and in such permit.

(b) *Request for a new mooring permit.* To be eligible for a new mooring permit, an applicant must own a boat for which a mooring permit is being sought. All requests for new mooring permits shall be submitted to the city clerk on the application forms available at the city clerk's office. The city clerk will forward a copy of all applications for new mooring requests to the harbormaster. A complete and accurate mooring permit application must be provided before the harbormaster can act to approve or deny such application. The harbormaster shall determine if a new mooring permit can be issued only after all the pertinent provisions of the harbor management plan and this chapter are met (Ref. Sec. 13-116(g)). If the harbormaster issues a mooring permit, the mooring owner for which such permit has been issued must locate the mooring at the direction of the harbormaster, assistant harbormaster or designees in accordance with the harbor management plan and this article.

(c) *Permit renewals.* Renewal forms will be mailed by the harbormaster each year to those persons who held valid mooring permits at the end of the previous calendar year by January 15 and returned to the city hall by February 28. Permit renewals that include a change in the vessel size or draft may cause the renewal to be considered under section 13-116(d) of this article, Relocation of existing permitted moorings. Nonrespondents shall be sent a registered letter on or about March 1, assessing them a \$100.00 late fee and giving the permit holder until March 15 to renew. Failure to submit a renewal form, mooring permit fee, and late fee by March 15 may result in the loss of the permitted space. It shall be the responsibility of the mooring permit holder to notify the harbormaster of any change in address. The harbormaster shall approve or reject mooring permit applications by March 15.

(d) *Relocation of existing permitted mooring.* All requests for relocation of existing permitted moorings must be submitted to the city clerk in city hall. The city clerk will time/date stamp the request and forward a copy to the harbormaster. Information for such a request must meet the requirements listed for a mooring permit application, as well as show proof of a valid mooring permit issued for the previous year. The reasons for a mooring relocation must also accompany the request. Based upon availability of space, the requirements of this chapter, and the type and size characteristics of vessel, action will be taken on the request. Any incomplete request shall be returned to the applicant and no action will be taken on the request. Relocation of a mooring is at the sole expense of the mooring permit holder.

(e) *Failure to renew an existing valid mooring permit.* Failure to renew an existing valid mooring permit in accordance with the provision of this chapter by March 15 of any given year may result in the permitted owner's abandonment of all his privileges and interest in the previously permitted mooring space. The harbormaster may remove the now abandoned mooring at the permitted owner's expense. Such expense may in turn be recovered by the city, in accordance with the provisions of this article.

(f) *Forfeiture of mooring space.* Any owner of a mooring located in the coastal waters and harbor areas of the city shall be deemed to have forfeited his mooring space by reason of the following:

- (1) Failure to comply with any of the requirements of this article.
- (2) Removal of mooring and mooring tackle by mooring owner and notification to the harbormaster and/or harbor management commission that the mooring has been removed.
- (3) Failure to respond to the harbormaster's and/or harbor management commission's notice that the

mooring does not comply with the mooring tackle standards set forth in this article, or that the mooring has been displaced or moved from its permitted location.

- (4) Failure to resurface or replace mooring within 15 days after being advised by the harbor master that the mooring is down.
- (5) Knowingly providing false information to the harbor master in the mooring permit application process.

(g) *Available spaces.* Each year, the harbor management commission shall determine the number of mooring spaces available for mooring placement within each designated field A--G. This determination shall be based on an assessment of the density of moored vessels in each field in order to ensure safe and proper clearance. This number may be less than the number of currently permitted spaces within a designated mooring field although no valid renewal permit application shall be denied. Available mooring spaces shall be made available to those persons whose names appear on the waiting lists.

(h) *Waiting list.* The harbor master shall maintain two waiting lists (Ref. section 13-79, exhibits 9 and 10); one list for new mooring applications (NMWL) and one list for requests for mooring location changes (MLCL) for all applications for mooring permit requests when no mooring space is available within the coastal waters and harbor areas of the city. Placement of applications on such waiting lists will be recorded from complete mooring permit applications as they are received at the city clerk's office. The harbor master shall update the waiting lists at least twice a year and make the waiting lists available for public review at the city clerk's office. When a mooring location becomes available, the harbor master shall assign the space on a seniority basis to persons on the new mooring applications or requests for mooring location changes. Persons on the MLCL shall take priority over persons on the NMWL. The harbor master shall offer newly available mooring locations to the first person on the MLCL with a suitable boat. Should this person decline the spot, the person next in seniority with a suitable boat shall be offered the spot. This process will continue until all of the appropriate persons on the MLCL have had the opportunity to move up to the available spot. Persons declining a spot from either list shall maintain their relative position on the list. Persons who accept a new spot shall be removed from the list.

(i) *Processing of applications.* All new permit applications and requests for mooring changes shall be sent directly to the city clerk's office, time and date stamped. A copy of the request will be forwarded to the harbor master for further processing and the original application shall remain on file at the city clerk's office. The harbor master shall not be able to consider any applications that have not been first processed by the city clerk's office.

(j) *Occupancy of mooring.*

- (1) No vessel shall occupy a mooring other than the one for which it has been permitted. The harbor master shall have the authority to move any vessel violating the provisions of this section, with such movement at the expense and risk of the vessel owner.
- (2) If a mooring should remain unoccupied by its permit holder for a period of one season, the harbor master shall inquire in writing as to the permit holder's future intentions. If the permit holder does not intend to place a boat on the mooring, the harbor master may choose not to renew the permit holder's permit. The permit holder shall have the right to appeal such a decision to the harbor management commission as stipulated in subsection 13-82(5).
- (3) The harbor master may permit the temporary use of a mooring by another vessel after receiving written consent by the permitted mooring owner.

(Rev. Ords. 1987, § 13-100.2; Ch. 199, § IX, 2-19-02; Ch. 278, §§ V, VI, 9-2-03; Ch. 313, § II, 8-10-04; Ch. 405, § VI, 10-3-06)

Sec. 13-117. Mooring permit application requirements.

The following requirements are set for applications for private mooring permits (Ref. section 13-78, exhibit 1):

- (1) Name, address and telephone (home and office) of owner;
- (2) Vessel name, make, model, color, length (feet), draft (feet), and registration number;
- (3) Whether vessel has changed in status since the last permit was issued.
- (4) Mooring classification (type), actual mooring weight;
- (5) Area where applicant would like to locate mooring, prioritized. See section 13-78, exhibit 1.
(Rev. Ords. 1987, § 13-100.3; Ch. 199, § X, 2-19-02; Ch. 278, § VII, 9-2-03)

Sec. 13-118. Numbering.

(a) Each mooring located in the coastal waters and harbor areas of the city, once permitted, shall be assigned a number by the harbormaster. The number will be displayed in contrasting color in two places on each mooring buoy float in block numerals at least three inches in height.

(b) Any mooring not displaying a mooring registration number will be considered a nonpermitted mooring. Nonpermitted moorings, and any vessels attached thereto, will be removed in accordance with the provisions of this article.
(Rev. Ords. 1987, § 13-100.4)

Sec. 13-119. Moorings records.

The harbormaster shall keep a detailed record of all moorings, their location, along with the owner's name, home (and business, if applicable) address, telephone number, and mooring permit number. These records shall be updated and made available to the harbor management commission.
(Rev. Ords. 1987, § 13-100.5; Ch. 199, § XI, 2-19-02)

Sec. 13-120. Moorings associated with residential waterfront properties.

(a) Moorings owned by persons who own residential waterfront property are allowed to be placed in the coastal waters and harbor areas of the city in those waters immediately adjacent to the upland residential waterfront property. The mooring owner must comply with all mooring permit application requirements and receive a mooring permit from the city as described in this article, and the mooring must meet all mooring tackle standards and inspections as described in this article, before such placement will be permitted.

(b) One such mooring is allowed to be placed in these areas by residential waterfront property owners.
(Rev. Ords. 1987, § 13-100.6)

Sec. 13-121. Transfer of moorings.

Mooring permits cannot be transferred from person to person, except in the case when the mooring permit holder expires. In such a case, the widow or widower shall have the option to renew the permit or maintain their relative position on the waiting list.
(Rev. Ords. 1987, § 13-100.7)

Sec. 13-122. Mooring fields.

(a) *Permit required.* No mooring shall be located or placed within the coastal waters and harbor areas

of the city without a valid mooring permit issued by the harbormaster and without having the mooring inspected as detailed in this article and approved by the harbormaster. The harbormaster must direct the placement of the mooring.

(b) *Mooring within boundaries.* No vessel so moored or anchored shall extend beyond the designated mooring field boundaries, as detailed in this article without written permission from the harbormaster (Example: Riparian mooring).

(c) *Mooring field designations.* Certain waters of the city shall be designated as mooring fields. Those waters designated as mooring fields in this article are authorized for the placements of permitted moorings as detailed within this article. They are located in accordance with all policies of the city's harbor management plan, the policies and requirements of the coastal resources management council's guidelines for the development of municipal harbor management plans, and the coastal resources management council's management procedures for sighting mooring fields. Any revisions to the size, and/or location of these mooring field designations shall require city council approval. Once city council approval is obtained, approval for the revisions from the coastal resources management council shall also be obtained. Once approval has been obtained from the CRMC, the revisions may take place. The following mooring field designations A-1 through G are drawn on chart A, section 13-78, exhibit 11:

Mooring field A-1: A body of water beginning 100 feet west of Dock A at Cove Haven Marina proceeding west for 200 feet, turning northeast for a distance of 1,900 feet, then turning easterly for 100 feet, then turning southerly for 960 feet then turning westerly for a distance of 75 feet, then turning southwest for a distance of 970 feet.

Mooring field B: A body of water beginning approximately 100 feet north of the northern tip of Bullock Cove Jetty (Point A) to the western edge of Bullock Cove Channel following the edge for approximately 1,800 feet, then turning southwest for approximately 750 feet then proceeding south for approximately 1,000 feet then proceeding west to Point A. This mooring field will have a 25-foot minimum navigation fairway and be a minimum of 75 feet from Bullock Cove Marine Docks.

Mooring field C: A body of water beginning from an imaginary line 100 feet west from the southwest tip of Narragansett Terrace, Bullock Point, (Point A) running northward for approximately 1,500 feet then turning west for approximately 300 feet then turning south 1,500 feet then turning east 300 feet to intersect with Point A.

Mooring field D: A body of water beginning 150 feet from shore, west of the west end of Beach Road, Point A, running west for approximately 300 feet then turning south for approximately 1,500 feet then turning east for approximately 300 feet then turning north for approximately 1,500 feet to Point A. Also a body of water beginning at Point A running 500 feet north then turning west approximately 300 feet then turning south 500 feet then turning east approximately 300 feet to Point A.

Mooring field E: A body of water beginning approximately 100 feet southeast of the southeastern tip of the southern dock at Sabins point (Point A): Running easterly for approximately 500 feet then turning in a southeasterly direction for approximately 400 feet then turning west for approximately 700 feet then turning north for approximately 300 feet to intersect with Point A.

Mooring field F: A body of water beginning 75 feet northwest of the northwest tip of the boat ramp at Sabins point (Point A) running north for approximately 1,500 feet staying approximately 100 feet from shore then turning west for approximately 300 feet then turning south for approximately 1,500 feet then turning east for approximately 300 feet to intersect with Point A.

Mooring field G: A body of water beginning approximately 75 feet from the shoreline at the center of the easternmost Pomham Rock, Point A, running east for approximately 150 feet then turning north

for approximately 700 feet staying approximately 75 feet from shore then turning west for approximately 150 feet then turning south approximately 700 feet to Point A.

(d) All designated mooring fields sited within the coastal waters and harbor areas of the city shall be set back a minimum distance of:

- (1) One hundred feet from the mean high water mark of the shore to accommodate the placement of moorings associated with residential waterfront property owners; and
- (2) Twenty-five feet from the center of all federal navigation channels, navigation fairways, rights-of-way fairways, and 50 feet from all shellfish management areas, and shoreside structures such as, but not limited to, docks and piers.

(Rev. Ords. 1987, § 13-100.8; Ch. 199, § XII, 2-19-02; Ch. 405, § VII, 10-3-06)

Sec. 13-123. Mooring tackle specifications.

Moorings and mooring tackle shall meet the following minimum standards:

MOORING STANDARDS

At the time of inspection, or whenever this tackle is raised for any reason, it must be checked and made to conform with these specifications.

| Boat L.O.A. ¹ | Concrete Stone Block Lbs. | Cast Iron | Mushroom | Shackle & Heavy Chain | Shackle & Light Chain | Swivel Pin | Pennant Nylon |
|--------------------------|---------------------------|-----------|----------|-----------------------|-----------------------|------------|---------------|
| Under 23' | 300 | 260 | 150 | 1/2" | 1/2" | 1/2" | 5/8" |
| 23'--30' | 500 | 435 | 300 | 3/4" | 1/2" | 3/4" | 3/4" |
| 31'--35' | 750 | 555 | 375 | 3/4" | 1/2" | 3/4" | 7/8" |
| 36'--39' | 1,000 | 875 | 500 | 1" | 5/8" | 3/4" | 1" |
| Over 39' | 1,500 | 1,400 | 1,000 | 1" | 5/8" | 3/4" | 1" |

¹Boats' lengths are rounded to the nearest foot.

See section 13-78, exhibit 2.

- (1) The maximum length of the pennant should be 2 1/2 times the distance from the bow chock to the water plus the distance from the bow chock to the mooring cleat or post.
- (2) All pennant lines running through a chock or any other object where chafing may occur should have adequate chafe guards.
- (3) Lengths of tackle are specified on a per mooring basis as illustrated in section 13-78, exhibit 2. The total length of chain shall be 2.5 times the high water depth. The lower and upper chains shall be 1.25 times the high water depth.
- (4) All shackles, swivels, and other hardware used in the mooring hookup should be proportional in size to the chain used. See mooring standards.

- (5) Cast iron must be a minimum of 1.75 times mushroom weight. Concrete must be two times mushroom weight.
- (6) The mooring buoy shall be white in color and shall have a blue stripe. The Mooring number shall be displayed in contrasting color in two places on each mooring buoy in block numerals at least three inches in height.
- (7) A winter mooring stick/spar, if used to replace the mooring buoy, shall be white in color and bear the assigned mooring number in block numerals at least 3 inches in height. A winter mooring stick/spar shall be removed on or before May 31st and shall not be set until or after September 30th of each calendar year.
- (8) A mooring in violation of these specifications may be issued a warning sticker (Ref. section 13-78, exhibit 6). Failure to respond to this warning issued by the harbormaster within the specified amount of time from the date issued, shall result in additional penalties and fines as provided for in this article.

(Rev. Ords. 1987, § 13-100.9; Ch. 199, § XIII, 2-19-02; Ch. 278, § VIII, 9-2-03)

Sec. 13-124. Inspections.

(a) All new moorings in the coastal waters and harbor areas of the city must have the chain, tackle, and anchor inspected by the harbormaster or his designee prior to setting the mooring.

(b) Every permit holder shall be required to maintain his mooring in safe condition. Any chain, shackle, swivel, or other tackle which has become warped or worn by one-third its normal diameter shall be replaced. Failure to maintain a safe mooring shall be cause for revocation of the mooring permit and shall be deemed a violation of this article. The harbormaster or his designee may inspect any moorings at any time to determine compliance with this section at the owner's expense.

(c) All moorings shall be inspected once every three years and the results of such inspection shall be reported to the harbormaster. Mooring inspections shall be performed by a qualified inspector. The inspection shall be made by either raising the mooring or by underwater inspection. Such inspection shall determine compliance with the mooring and mooring tackle standards of this article. Any mooring or component of a mooring reported not in compliance with this article shall be replaced within 30 days of such notice. Any mooring washed ashore during a storm shall be inspected by the harbormaster or his designee before it is reset. All costs of any mooring inspection required under the provisions of this article shall be the responsibility of the mooring owner.

(d) Within 30 days after a mooring and/or its mooring tackle has been reported to violate any requirements of this article, a second mooring inspection must be completed to determine if the violation has been corrected and meets the standards detailed in this article. The results of such second mooring inspection must be reported to the harbormaster. Failure to correct the violation shall cause the mooring to be deemed not safe and shall be cause for the revocation of the mooring permit, shall be a violation of this article, and subject to the removal of the mooring from the coastal waters and harbor areas of the city in accordance with any provision of this article at the risk and expense of the mooring owner.

(e) Any person certified by PADI or NAUI as a qualified diver or any person who is an operator or employee of a boatyard and is familiar with the requirements of this article and the rules and regulations of the commission, may apply to the commission to be designated as an inspector. Applications shall be made on the form provided by the harbormaster and must be accompanied by the annual application fee. A qualified inspector must reapply by July 1 of each year. The commission may designate as many inspectors as it feels are necessary; shall set standards for the inspectors to follow; and shall establish criteria for qualifying as an inspector. Any inspector who has failed to exercise diligence in the exercise of his duty shall have his inspector's license revoked.

(f) The harbormaster shall keep a list of all qualified inspectors and shall make this list available to holders of mooring permits and provide a copy of this list to the city clerk's office (Ref. Section 13-78, exhibit 12).

(g) Any person, prior to being appointed as a qualified inspector will provide and submit to the harbormaster either proof of insurance or a surety bond in the amount of \$1,000,000.00.
(Rev. Ords. 1987, § 13-100.10; Ch. 199, § XIV, 2-19-02; Ch. 313, § III, 8-10-04)

Sec. 13-125. Dredging.

(a) Periodically mooring fields A-1 and B may be maintenance dredged. It shall be the sole responsibility of the mooring permit holder (owner of the mooring) to remove all hardware and ground tackle for the duration of the dredge project. Notification will be made to remove mooring hardware and ground tackle by form of a letter to mooring permit holders and public notice. If after proper notification, a mooring and/or its ground tackle are not promptly removed by the mooring permit holder (owner of the mooring), the mooring and/or its ground tackle will be removed and disposed of at the owner's expense and the mooring permit will be revoked.

(b) Re-installation of mooring hardware and ground tackle will be the sole responsibility of the mooring permit holder (owner of the mooring). After the dredging project is completed, mooring permit holders will be sent notification by the harbormaster that will include information on the designated positions for the permitted mooring locations. The mooring grid will be re-established in accordance with the guidelines for establishing mooring grids as provided for in this article. An individual's mooring may or may not be placed in its original location.

(Ch. 278, § IX, 9-2-03; Ch. 405, § VIII, 10-3-06)

Secs. 13-126--13-140. Reserved.

DIVISION 6. FEES AND PENALTIES

Sec. 13-141. Fees.

No permit shall be issued until payment of the appropriate fees are made to the city. All such fees are nonrefundable. These fees shall be set annually by the harbor management commission and shall be approved as part of the harbormaster's budget submitted to the city council. At no time shall the fee collected from a mooring permit applicant be different for residents and nonresidents.

- (1) The mooring permit fee shall not be less than \$50.00.
- (2) All persons applying for a new mooring permit shall be assessed an application fee of \$50.00.
- (3) All persons wishing to be placed on the new mooring waiting list (ref. section 13-79; exhibit 9), shall pay a one time fee of \$50.00.
- (4) All current permit holders applying for relocation shall be assessed an application fee of \$50.00.
- (5) All persons requesting an on-the-spot inspection of mooring tackle by the harbormaster shall be assessed fee of \$100.00.
- (6) In addition to established fees, a fee of \$25.00 will be assessed to any applicant for a check returned to the city without payment because of insufficient funds.

(Rev. Ords. 1987, § 13-100.11; Ch. 466, § I, 3-3-98; Ch. 199, § XV, 2-19-02; Ch. 278, § X, 9-2-03; Ch. 313, § IV, 8-10-04; Ch. 374, § IV, 12-6-05; Ch. 405, § IX, 10-3-06)

Sec. 13-142. Penalties.

(a) If a vessel, mooring, or anchored vessel is found to be in violation of any provision of this article, the harbormaster may issue a warning that lists the violation(s) (Ref. section 13-78, exhibit 6). The owner of the vessel, mooring, or anchored vessel must respond to this warning within the number of days from the date the warning was issued, that is specified on the warning (a minimum of five days). Failure to respond to a warning issued by the harbormaster within the specified amount of time from the date issued, shall result in additional penalties and fines as provided for in this article.

- (b) Penalties.
 - (1) Reckless boat operation: \$300.00--\$1,500.00
 - (2) Speeding: 75.00--125.00
 - (3) Leaving a wake 75.00
 - (4) Abandoned or without proper registration or documentation, numbers or markings 75.00
 - (5) Mooring not designated by harbormaster 125.00
 - (6) Anchorage not designated by harbormaster 75.00

- (7) Refusal to move or stop on oral command of harbormaster 100.00
- (8) Failure to carry and/or use required equipment 50.00
- (9) Failure to carry a certificate of boating safety education or any license issued by the state for operation of a personal water craft (PWC), while operating a PWC in waters of the city 75.00
- (10) Failure to carry a certificate of boating safety education or any license issued by the state to operation of a vessel powered by a motor of ten HP or more, while operating such a vessel in waters of the city and born on or after January 1, 1986 75.00
- (11) Failure to get mooring tackle inspected by August 1 of the calendar year that a warning and/or notice regarding the mooring tackle inspection expiration is received 100.00
- (12) Failure to display an approved "no discharge certificate decal" in a prominent position on a vessel required to display such a decal 100.00
- (13) Blocking, barricading, or impeding use of or access to designated public right-of-way \$100.00--1,000.00

(Rev. Ords. 1987, § 13-100.12; Ch. 278, § XI, 9-2-03; Ch. 313, § V, 8-10-04; Ch. 374, § V, 12-6-05; Ch. 405, § X, 10-3-06)

Secs. 13-143--13-155. Reserved.