

CITY OF GLOUCESTER

WATERWAYS BOARD

**Policies, Rules and Regulations
Governing Gloucester's
Waterways and Public Waterfront Facilities**

As of September 5, 2020

The policies, rules and regulations set forth herein have been adopted under the authority granted by Sections 10-3(b) and 10-51(a), Gloucester Code of Ordinances. They have been developed since the Board was appointed in 1994.

The outline on the next page represents the framework for the future policies, rules and regulations which the Waterways Board will consider as circumstances allow.

Outline (Table of Contents)

Waterways Policies, Rules and Regulations Outline & Format Approved by the Waterways Board on 9/14/94

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Article I Introduction to the Gloucester Waterways Board

The following three (3) pages are excerpted verbatim from Article 10, Waterways Administration, of Gloucester's Code of Ordinances, adopted December 14, 1993. The section numbers on these three (3) pages are from that document.

(Section 10-1) Waterways Board

The purpose of the Waterways Board is to provide a broad-based citizen management organization that guides the use and development of Gloucester's waterways and public waterfront facilities. The Waterways Board shall be the City body which establishes policies and regulations for Gloucester's waterways. It is intended that the Board adopt clear, concise and fair policies and regulations that promote improved access to the water for all citizens, including commercial fisherman, business owners and recreational boaters. In cooperation with the Harbormaster and other City staff, the Board is intended to ensure that our waterways are well planned and maintained, utilized to the maximum extent possible, safe, and reflect positively upon the City of Gloucester.

(Section 10-2) Composition & Term

(a) Composition - The Gloucester Waterways Board shall consist of nine (9) citizens of Gloucester, appointed by the Mayor and confirmed by the City Council. The appointees shall include three (3) persons who are directly involved with the Fishing Industry, two (2) persons who are recreational boaters, two (2) persons who are directly involved with economic development of the city and two (2) persons at large, who need not be involved with any marine related activity. The Board shall observe Robert's Rule of Order, shall annually select a Chairman from its membership and establish its rules of procedure. The Board shall have nonvoting advisory members, as set forth in Section 10-4 herein.

(b) Term - The term of all members shall be three (3) years except that the initial terms shall be staggered so that the terms of no more than three (3) members shall terminate in any one year. If a member resigns or is removed for any reason before his or her term expires, the Mayor shall appoint a replacement within one (1) month of the vacancy. Said appointment must be confirmed by the City Council. Members of the Waterways Board and its standing committees shall be volunteers who are not compensated.

(Section 10-3) Authority and Responsibilities

The Gloucester Waterways Board is hereby empowered , and authorized to:

- (a) Promote implementation of the City of Gloucester Harbor Plan, dated 1992, and, in cooperation with the appropriate City bodies, amend said plan from time-to-time as circumstances warrant;
- (b) Establish policies, rules and regulations for the use of Gloucester's waterways and waterfront facilities, including but not limited to, mooring areas, public launch ramps, public landings, and city owned commercial marinas;
- (c) Recommend to the City Council fee schedules for moorings, launch ramps, slips at city owned commercial marinas, and other waterfront public facilities and a schedule of fines for violations of waterways rules and regulations;
- (d) Oversee the operation and maintenance of all public launch ramps and related facilities, the city owned commercial marinas and public landings, floats, or access ramps;
- (e) Review and oversee the work programs, budget, staffing, training, effectiveness, management techniques and policies of the Harbormaster's Office and related city staff;
- (f) Work cooperatively with the Harbormaster's Office and related city staff on harbor management issues, enforcement of waterways rules & regulations and waterways development projects.
- (g) Review all waterfront development projects or zoning changes and report its findings and recommendations to the Mayor, City Council or other relevant board. The Waterways Board may require drawings, plans or other supporting documentation from project proponents for its review.
- (h) Act as the policy liaison between the City of Gloucester and the Army Corps of Engineers, U.S. Coast Guard, the State Department of Environmental Protection, the Massachusetts Office of Coastal Zone Management and other government agencies concerned with waterways.

Article I Introduction to the Gloucester Waterways Board (cont.)

- (i) Work with the Harbormaster's Office and related city staff to plan, design and undertake new projects such as dredging, mooring fields and access facilities.
- (j) Plan and encourage the development of signage and facilities for transient boaters and promote Gloucester as a well-equipped and hospitable port-of-call.
- (k) Work cooperatively with the Harbormaster's Office, Police and Fire Departments, Massachusetts Environmental Police and other public safety agencies to ensure that Gloucester's waterways policies rules and regulations and operating practices will protect the rights and property of waterways users and waterfront land owners, while maximizing public safety.
- (l) Delegate any of its responsibilities to a Standing Committee, the Harbormaster or other staff personnel assigned by the Mayor.
- (m) Investigate new sources of revenue for waterways management and development.

(Section 10-4) Standing Committees

(a) Designation - There shall be two (2) advisory standing committees of the Waterways Board, appointed by the Chairman: a Public Facilities Committee; and an Operations & Finance Committee/Safety committee. The committees shall review, research, investigate and make recommendations on matters referred to them by majority vote of the full Board. The committees shall send their reports and recommendations only to the full Board which shall review them and take appropriate action. The Harbormaster shall be an ex-officio member of each committee. Every member of the Board except the Chairman shall be on at least one Standing Committee and each committee shall elect its own Chairman. A Co-Chair may also be elected. The Chairman of the board shall be an alternate member of all committees.

(b) Public Facilities Committee - This committee may be referred any matter dealing with: moorings; public launch ramps; including Dun Fudgin; public landings; city owned commercial marinas; including St. Peter's Marina and Harbor Cove; signage; public access, including but not limited to, walkways to the water, access ramps and floats and dinghy floats; sewage pump-out facilities; waste oil recycling facilities; Harbormaster floats and offices; and any other matter deemed appropriate by the Board. This Committee shall consist of: three (3) members of the Board; an advocate of public landings appointed by the Mayor; the Director of Public Works, or his designee; and a member of the Tourist Commission.

(c) Operations and Finance Committee/Safety - This committee may be referred any matter dealing with: harbor planning, design, engineering or construction; budgets; intergovernmental relations; the Harbormaster's Office, including but not limited to, staffing; training; vessels and equipment; work and educational programs; fees and fines. In matters of safety, the committee may be referred any matter dealing with enforcement of boating laws and regulations; other law enforcement activities including the need and nature of police patrols during various times of the year and during special waterfront events; fire prevention and suppression needs; hazardous materials; emergency medical services; hazards to navigation; rules and regulations regarding use of the City's waterways; City Ordinances dealing with the waterways or waterfront; and any other matter deemed appropriate by the Board. This committee shall consist of three (3) members of the Board; a member of the Fisheries Commission; and a member of the City Council for matters concerning operations and finance. For matters of Safety, the three (3) board members shall be advised by the Police and Fire Chiefs or their designees; and by a representative of Coast Guard Station Gloucester.

(Section 10-5) Relationship to the Harbormaster and City Staff

The Waterways Board shall work cooperatively with the Harbormaster and other assigned City Staff to implement the City of Gloucester Harbor Plan, as amended, and pursue the policy and goals of the Board. In addition, the Harbormaster and the Board shall work together closely to ensure that the Harbormaster's Office is efficient, effective, and fair to all waterway users through review of work programs, plans, operating procedures and budgets.

Article I Introduction to the Gloucester Waterways Board (cont.)

(Section 10-40) Waterways Enterprise Fund

(a) Creation - In accordance with M.G. L. Chapter 40, Sections 5.(72) and 39(k), there shall be a Waterways Enterprise Fund. Said Fund shall be used to support the operations of the Waterways Board, and all waterways management and enforcement activities, including the purchase of equipment, the planning, design and construction of public waterways facilities, such as mooring fields, ramps, piers and pump out facilities. The Fund shall have two (2) distinct accounts each of which shall receive a portion of the receipts listed in Section 10-40(d) herein.

(b) Waterways Management Account - Funds from this account shall be used for management and enforcement operating expenses as well as for equipment and repairs which do not have to be included in the City's Capital Improvements Program. The funds from this account shall be managed by the Mayor in cooperation with the Waterways Board and Harbormaster.

(c) Waterways Improvements Account - Funds from this account shall be used for purchases of vessels, large equipment and the planning, design, construction or major repair of any public waterway facility. As required, expenditures from this account shall be included in the City's Capital Improvements Program. This account shall be managed by the Mayor in cooperation with the Waterways Board and Harbormaster.

(d) Receipts - The Waterways Enterprise Fund shall receive the following receipts: mooring fees, both annual and transient; dockage and slip fees from public marinas; launch ramp fees; all boat excise taxes; fines; and any other income derived from public waterways facilities including dedicated grants or gifts.

Article II Waterways Board Rules of Procedure

Section 1. Agenda and Notice of Meetings

Notice of meetings shall be in writing and contain the items of business (agenda). The Harbormaster's Office and Chairman shall prepare and send notice to members five days in advance. All meetings shall be posted with the City Clerk.

Section 2. Quorum

A quorum shall consist of at least five (5) members of the Board for the transaction of business.

Section 3. Conduct of Meetings

As set forth in the Code of Ordinances, the latest edition of Robert's Rules of Order shall be used as the procedural authority for the conduct of meetings. In cases of procedural uncertainty, all such questions shall be resolved by the Chairman in a manner that most affords all members of the public a fair opportunity to be heard. All decisions of the Chairman are subject to a majority vote of the Board.

Section 4. Voting

Voting shall be conducted only on items included on the agenda of the meeting, except as allowed for reconsideration of a previous vote or by unanimous consent of those present. A motion shall be passed only by the affirmative vote of a majority of Board members present and voting, except as otherwise provided in these rules.

Section 5. Lateness Rule

No agenda item shall be taken up after 11:00 PM. The lateness rule may be waived for just cause by consent of the majority of Board members present.

Section 6. Motions

Every motion shall be reduced to writing by the Clerk, or other person designated by the Chairman.

Section 7. Order and Decorum

The Chairman shall preserve decorum and decide all questions of order and procedure, subject to appeal to the Board. When a member is about to speak, he shall respectfully address the Chairman, confine himself to the question under debate, and avoid personalities. No member speaking shall be interrupted by another, but by a call to order or to correct a mistake.

Section 8. Public Participation

Persons wishing to address the Board on an item which appears on the agenda shall wait until the Board considers such item. The Chairman may recognize a member of the public to speak to a particular question of the item under consideration. When a person is recognized by the Chair, he shall address the Board, shall state his name and address in an audible tone for the record, and shall limit his remarks to the question under discussion. All remarks and questions shall be addressed to the Board as a whole and not to any individual member thereof. No member of the public shall interrupt the person having the floor.

Section 9. Minutes

The votes for and against the passage of a motion shall be taken and entered upon the record of the proceedings of the Board by the Clerk. Minutes of all regular and special meetings of the Board shall be kept by the Clerk and shall take effect upon acceptance by the Board. An amendment by the Board of the minutes of a previous meeting shall not affect a previous vote of the Board.

Section 10. Suspension of Rules

These Rules of Procedure may be suspended from time-to-time by a majority vote of the Board.

Article II Waterways Board Rules of Procedure (cont.)

Section 11. Amendment

These Rules of Procedure may be amended from time-to-time by a majority vote of the Board

Section 12, Public Hearings

Substantial amendments to these Policies, Rules and Regulations shall require that the Board hold a public hearing prior to a vote to adopt.

Section 13. Public Hearing Procedure

(Wherever this Section refers to Chairman, it means Hearing Officer, or person conducting the Hearing)

Chairman call the Public Hearing to order.

Chairman reads the Public Hearing Notice.

Chairman explains the ground rules of the Hearing, and why the Hearing is being held.

Proponents may make a 20 minute presentation

Opponents may make a 20 minute presentation

Comments shall be limited to 5 minutes for each person

Each side may have a single 10 minute rebuttal

No one may speak until recognized by the Chairman

No personal attacks will be tolerated

No decision will be made tonight

Chairman asks for an explanation or presentation by proponents of the matter under consideration. (20 minutes)

Chairman and Board members may ask questions of the proponents. (No opinions)

Chairman asks for any formal presentation or explanation by organized opponents of the matter. (20 minutes)

Chairman and Board members may ask questions of the opponents. (No opinions)

Chairman asks for comments by the public, either pro or con. (5 minutes each)

Chairman asks for a rebuttal by one of the proponents. (10 minutes)

Chairman asks for a rebuttal by one of the opponents. (10 minutes)

Chairman asks for a staff report, if any.

Chairman lists any communications regarding the matter (letters, FAX, etc.)

Chairman closes the Public Hearing or continues it to a future date if additional information is needed or there is not time to hear everyone.

Chairman states that an official written decision will be prepared after consideration of the application, testimony and any other available information. The decision can be expected within _____ days or weeks.

Chairman adjourns the meeting/Public Hearing.

Article III General Policies

Section 1. Public Waterfront Facilities (Adopted 2/12/97)

A. Maximize Use It is the policy of the Gloucester Waterways Board that the construction, renovation, or repair of City waterfront facilities shall maximize the usefulness in serving public needs as set forth in the 1993 Harbor Plan.

B. Funding It is the policy of the Gloucester Waterways Board that the construction or major renovation of City waterfront facilities be funded to the extent possible by grants or loans from outside sources in order to leverage and maximize the impact of the City's Waterways Enterprise Fund.

C. Fees It is the policy of the Gloucester Waterways Board that all fees charged at City waterfront facilities reflect the level of service provided by the facility.

Section 2. The Harbor Commission Line (Adopted 11/13/96)

A. Encroachments Consistent with the Community Development Plan and the 1993 Harbor Plan, it is the Policy of the Gloucester Waterways Board that no piers, wharves, bulkheads, pilings, floats or other structures shall extend beyond the Harbor Commission Line. This policy shall guide the Board and Harbormaster in their evaluation of development proposals, projects, and permit applications.

B. Alterations Requests for alteration of the Harbor Commission Line shall be reviewed by each of the Board's standing committees, shall be presented at a public hearing, and shall be evaluated in a written report to the appropriate agency of the Commonwealth.

Section 3. Public Waters of the City (Adopted 7/14/98)

A. Shared Use It is the policy of the Waterways Board to encourage shared use of all Gloucester's public waters by fisherman and other boaters, exclusive of the areas defined in Article VIII Section 1.A. Herein. The use of outer harbor mooring areas by lobsterman is permitted and encouraged. The Waterways Board urges all users of shared waters to respect the rights of others.

Section 4. Boat Excise Taxes (adopted 6/11/97)

A. Delinquent Boat Excise Taxes No person whose name is on the list of delinquent boat excise taxpayers prepared by the Collector's office shall be permitted to use or occupy any public waterfront facility until such time as the excise tax and related interest and penalties are paid in full. Said facilities shall include, but not be limited to, public landings, all launch ramps, including the one at Dun Fudgin; public, transient moorings; and any parking area related to these facilities.

B. Banning of Vessels from Gloucester Waters It is the policy of the Waterways Board that the Harbormaster shall, upon receipt of a notice that excise tax on a vessel remains unpaid after the due date, refuse to allow the vessel to moor, dock or otherwise be situated within the waters of the City of Gloucester as authorized by M.G.L. Chapter 60B, Section 4.

C. Responsibility of the Harbormaster It shall be the responsibility of the Harbormaster, Assistant Harbormasters and other Harbormaster staff to implement the policies set forth above by prohibiting the use of public waterfront facilities by delinquent boat excise taxpayers, and by seeking out those vessels which have been refused access to Gloucester waters. In the event that a delinquent taxpayer ignores the order of the Harbormaster or an Assistant Harbormaster he shall be cited for failing to obey the order of a Harbormaster.

Article IV Mooring Regulations (Adopted 4/4/2001 & 5/2/2001)

Section 1. General Policies

A. Habitual Use It is the policy of the Gloucester Waterways Board that all moorings be utilized as fully as possible. Personal Mooring permittees must habitually use their mooring during the summer season, **April 15 to October 15**, each year for the vessel on record with the Harbormaster. Transient mooring permittees must habitually use their mooring(s) during the summer season each year for transient vessels, or vessels under repair, by the permittee. For the purpose of these regulations, habitual use is defined as a minimum of thirty (30) days during the summer season. The Harbormaster must be notified in writing, as soon as possible, if a permittee does not intend to habitually use their mooring for the upcoming season and the reasons therefore. The period of nonuse of a mooring by a permittee shall not exceed one (1) permit-year. Failure to comply with the habitual use standard set forth above or allowing the habitual use of a mooring by a vessel not on record with the Harbormaster shall result in automatic revocation of the Mooring Permit.

B. Payment of Excise Taxes It is the policy of the Gloucester Waterways Board that failure to pay state vessel excise taxes shall be grounds to deny and/or revoke a mooring permit by the Harbormaster. *“ Failure to pay said excise by the due date shall result in a penalty being imposed which shall be equal to twenty dollars or twenty five percent of the amount of the excise due, whichever is greater. The penalty shall be in addition to the amount of excise due and any interest thereon imposed by law. If said excise remains unpaid after the due date, the Harbormaster of a city or town shall refuse to allow the vessel to moor, dock, or otherwise be situated within the waters of said city or town.” Massachusetts General Laws Chapter 60B. Section 2.*

C. Consistency with Harbor Plan All actions of the Waterways Board and Harbormaster resulting from these regulations shall be consistent with the current Harbor Plan.

D. Multiple Moorings Additional moorings will not be issued for the same registered vessel. An individual who currently has a permitted mooring may add their name to the Wait List for a mooring for the same vessel in another area; however, if/when they become eligible for a mooring in that area, they will be required to surrender the original mooring. This is not meant to prohibit a person from having multiple moorings, each with its designated permitted vessel.

Section 2. Mooring Permits

A. Requirement *“No person shall establish a mooring within Gloucester waterways without first obtaining a permit from the Harbormaster to do so. Mooring permits shall be renewable each calendar year.”* Gloucester Code 10-51(b)

B. Definition For the purposes of the Regulations, the word “person”, used in Section 2.A. above. Shall include business, organization, or other legal entity.

C. Application Process *“Applications for new permits must be submitted on forms provided by the Harbormaster.”* Gloucester Code Section 10-51 (c)

A person assigned a mooring will have one (1) calendar year to place a vessel on the mooring. Provided, however, that a mooring fee, equivalent to the fee paid by the previous permittee, or based on declared vessel length on wait list, will be paid for the year regardless if there is a vessel to occupy the space.

D. Mooring Fees *“ The fee for each type of mooring shall be established by the City Council. Fees for Personal Moorings shall be charged by the length of vessel at the rate of eight dollars (\$8.00) per foot for Gloucester residents and taxpayers and at the rate of ten dollars (\$10.00) per foot for nonresidents. The fee for Transient Moorings shall be two hundred dollars (\$200.00) each. There shall be no fee for Municipal Moorings licensed by the Waterways Board.”* Gloucester Code Section 10-51 (e)

(Fee amended 2/27/2018)

Article IV Mooring Regulations (cont.)

Section 2. Mooring Permits (cont.)

E. Vessel Length *“For the purposes of determining the amount of the mooring fee, the length overall (LOA) of a vessel exclusive of bowsprits, main boom, and boomkins” shall be considered the vessel length. “For the purposes of mooring assignments, the length shall include bowsprits, main boom, and boomkins.”* Gloucester Code Section 10-50(j). For the purposes of these regulations the vessel length and length overall (LOA) shall be rounded up to the nearest foot.

F. Vessel Ownership To obtain a mooring a person shall own the vessel shown on the mooring application. The Harbormaster may require the following proof of ownership: a Certificate of Registration, Title or Documentation showing the applicants name; a sales tax receipt; current insurance policy or bill of sale showing the applicants name. The Harbormaster may, at any time, require a permittee to produce the ownership documents listed above if the Harbormaster has reason to believe that ownership is questionable. Only one person shall be listed on a mooring permit. The right of survivorship for a mooring shall be limited to that set forth in Section 6.D., herein.

G. Application Information No Mooring Permit or renewal may be issued until the applicant files the official application form with the Harbormaster, on time, completed in full, along with the appropriate fee. In addition, a State Registration, USCG Documentation or other proof of ownership, whichever is applicable (except in the case of Section 2.C.) will be required, along with proof of residence if applicable (see Section 6.C.).

H. Timely Return *“A completed renewal application by each mooring permit holder, including the renewal fee and proof of ownership (as provided in Section 2.G.), shall be returned to the Harbormaster’s office on or before the last business day in February of each year. After that time the mooring holder may renew the permit by filing a completed application, including the regular fee per foot, plus a late fee of \$50.00, prior to the last business day of May of that same year. Failure to do so will result in the mooring permit being revoked”* Gloucester Code Section 10-51 (f).

- 1.) Following the February renewal deadline, the Harbormaster shall by certified mail, to the applicant’s address of record, notify the permit holders that have not submitted a completed mooring permit renewal application by the February deadline.
- 2.) Following the May late renewal deadline, the Harbormaster shall by certified mail, to the applicant’s address of record, notify the permit holder that the mooring permit has been revoked. All appeals of this action shall be directed to the Commonwealth of Massachusetts

I. Approval The Harbormaster shall approve or deny a properly completed application for renewal of a Mooring Permit within thirty (30) days of receipt at the Harbormaster’s Office. Mooring Permits are valid only for a period of one (1) year. All Mooring Permits expire on the last day of December of each calendar year.

J. Amendment of Permit If a permittee enters into a partnership, sells a vessel of record or purchases a new vessel, the Harbormaster must be notified immediately for an amendment to the Mooring Permit. The Harbormaster’s approval of the amendment must take place prior to attaching the new vessel to the mooring. In the case of an amendment to a Mooring Permit which changes the use, location, length, beam, size or mass of the vessel to be moored, the Harbormaster may grant temporary approval of the application pending final review by the Waterways Board. The Waterways Board shall review the Mooring Permit Amendment, consider the Harbormaster’s recommendation and may make a determination to hold a Public Hearing, based on the need to receive public input on particular questions of navigation or impact on the public use and enjoyment of the waterways. If a Public Hearing is not deemed to be necessary, the Board shall direct the Harbormaster to take appropriate action on the application. If the LOA, beam, or space requirements of the new vessel is different than that of the previous vessel of record the Harbormaster may require relocation of the mooring at the owners expense. If the LOA of the new vessel is greater than the prior vessel and the available space is not adequate, or if relocation space is not available or location swap with another mooring is not feasible, the Harbormaster may deny the request for an amended Mooring Permit.

Article IV Mooring Regulations (cont.)

Section 2. Mooring Permits (cont.)

K. Finding Within thirty (30) days of a Public Hearing on an application for a Mooring Permit Amendment, the Board shall make a written finding in support of, or in opposition to, the mooring application. The Board's finding may include conditions, limitations and safeguards to protect the public interest. Said finding shall be forwarded to the Harbormaster who shall take final action on the application.

Section 3. Waiting Lists

A. Requirement *“Applications for new permits shall be submitted on forms provided by the Harbormaster. Applicants shall be placed on waiting lists by location preferred, in order of their receipt.” “The Harbormaster shall publicly post the waiting lists at the Harbormaster’s Office and shall file a copy of same with the City Clerk’s Office on April 30th of each year” Gloucester Code Section 10-51(c)*

B. Transient Moorings and Trawl Moorings The Harbormaster shall maintain separate waiting lists for Transient Moorings and Trawl Moorings.

C. Application Information A person wishing to have their name placed on up to five mooring areas’ lists must either present themselves to the Harbormaster’s office to complete the appropriate application or call to have an application faxed. Due to date and time stamp constraints mailed applications cannot be accepted. There is a \$10.00 renewal fee for each year after the initial application. It is the responsibility of the applicant to keep their contact information [and boat information if otherwise required herein] current each year until a mooring space becomes available. While there is no requirement for a wait list applicant to own a vessel, it is required that when the applicant reaches position number five (# 5) a vessel length must be declared. Declaration of vessel length is important because this will be used to determine the applicant’s eligibility for the space that has just become available. Wait list applicants in the top five (5) spots on a waiting list must notify the Harbormaster of their preferred method of being contacted in the event a space becomes available. Timely response when notified is required pursuant to Article IV Sec. 3 (e).

D. Timely Return. Renewal applications are mailed each year on October 1. It is the responsibility of the applicant to keep their contact information up to date and to follow up on their renewal applications each year at this time. Persons wishing to remain on the waiting list shall return this form, together with a renewal fee of \$10.00, on or before the last business of December of each year to the Harbormaster. Failure to timely file the renewal shall result in removal from the waiting list, provided however that an applicant may request reinstatement to his or her previous position on waiting lists by filing with the Harbormaster a request for reinstatement renewal form together with the \$10.00 renewal fee and a late fee of \$50.00, for a total of \$60.00, prior to the last business day of February of the following year. The final opportunity to appeal removal from the waiting list will be at the regularly scheduled meeting of the Waterways Board in April. A revised waiting list will be posted after the meeting so appeals will not be considered by the board after this time.

E. Notification When a space becomes available the first person on the wait list for that area will be notified by the Harbormaster via certified mail. Said person shall have fourteen (14) days to respond to the Harbormaster to determine if their vessel is suitable for the available space. The person will be given the opportunity to match their vessel size to the space or opt to be passed over. If the person fails to respond, or turns down the opportunity to install a mooring at the designated location, the Harbormaster shall proceed to the next person on the waiting list. If the applicant is offered a mooring and that mooring’s given vessel size differs from the vessel size registered with the Harbor Master (Art. IV Sec. 3C) the applicant may refuse the mooring and remain in place on the wait list subject to yearly fees and applications. These refusals are “unlimited”.

Article IV Mooring Regulations (cont.)

Section 3. Waiting Lists (cont.)

E. Notification (cont.)

If the offered mooring size is a match for the applicants registered vessel size, the applicant may refuse the mooring and remain in place on the waitlist subject to yearly fees and applications with the following limitations- Upon three refusals of offered moorings matching the applicants registered vessel size the applicant will be moved to the bottom of the wait list for that area. These refusals are “ limited”

Failure to respond to the Harbor Master’s notification of mooring availability, regardless of the offered mooring size or the applicants registered vessel size will be considered a limited refusal. Three failures to respond to the Harbor Master’s notification of mooring availability will be considered three limited refusals and the applicant will be moved to the bottom of the wait list for that area.

This process shall be repeated until a proper sized vessel is found for the vacated mooring space. In some situations it may be necessary to review the mooring field to determine if rearranging moorings might prove to better serve the mooring needs. A person assigned a mooring will have one (1) calendar year to place a vessel on the mooring. Provided, however, that a mooring fee, based on the declared length on the wait list, will be paid for the year regardless if there is a vessel to occupy the space.. This process shall be repeated until a proper sized vessel is found for the vacated mooring space. In some situations it may be necessary to review the mooring field to determine if rearranging moorings might prove to better serve the mooring needs. A person assigned a mooring will have one (1) calendar year to place a vessel on the mooring. Provided, however, that a mooring fee, based on the declared length on the wait list, will be paid for the year regardless if there is a vessel to occupy the space. (Amended 2017)

F. Transfer of position on waiting list. Upon presentation of a death certificate, the harbormaster may transfer an applicant’s position on the waiting list to a member of the applicant’s immediate family. An immediate family member shall be defined and limited to the applicant’s parents, spouse or children. The position shall be transferred by right of survivorship.

Section 4. Identification of Moorings and Permitted Vessels

A. Mooring Buoys All personal moorings shall be a white buoy with a blue horizontal band not less than two (2) inches wide. Personal mooring buoys shall be not less than twelve (12) inches in diameter. All transient Moorings shall be an orange buoy, not less than twenty four (24) inches in diameter, and marked with a six (6) inch black reflective “T”. All Municipal Moorings shall be an orange buoy, not less than twenty four (24) inches in diameter, and marked with a six (6) inch black reflective “GT”. All mooring buoys shall be marked and numbered as set forth below. All winter logs shall be removed and moorings buoys in place by May 30th each year.

B. Identification Numbers The Harbormaster shall assign an identification number to every mooring in Gloucester’s waterways, upon issuance of a permit. Personal Moorings shall be assigned Arabic numerals. Transient Moorings shall be assigned the letter “T” with Arabic numerals and Municipal Moorings shall be assigned the letters “GT” with Arabic numerals. In addition, each identification number shall include the LOA of the permitted vessel in the case of a Personal Mooring and the maximum LOA allowed for any Transient or Municipal Mooring. Every permittee shall paint or affix their assigned identification number on the mooring buoy by May 30 of every year, in the manner shown below. All identification numbers shall be no less than three (3) inches in height and shall include a hyphen before the LOA numbers. All numbers shall be black and legible. All winter logs shall be marked with the permit number. Any mooring that is without the identification numbers, poorly maintained, improperly numbered or illegible as set forth herein shall receive an assessment fee of \$50.00 dollars, as per Gloucester City Ordinance 10-51(i) 1., and may be removed by the Harbormaster at the owner’s expense.

Article IV Mooring Regulations (cont.)

Section 4. Identification of Moorings and Permitted Vessels (cont.)

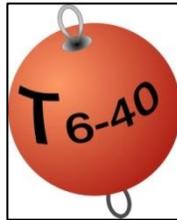
Examples of buoy numbering:

Personal Mooring #79
for a 23' vessel



White Buoy with blue stripe

Transient Mooring T 6
for a vessel up to 40'



Orange Buoy

Municipal Mooring GT 17
for a vessel up to 35'



Orange Buoy

C. Identification Stickers The Harbormaster shall provide every permittee with a mooring or float number of the permitted vessel or float. This sticker shall be attached to the outside of the hull of the permitted vessel, on the starboard transom and attached to the float as to be visible from the water. Stickers shall not be altered or obscured. All vessels or floats not properly displaying the sticker shall be assessed an additional fee of \$50.00 as per Gloucester City Ordinance 10-51(i) 2.

There shall be a \$10.00 administrative fee for replacement decals for mooring and 10A float permits as per Gloucester City Ordinance 10-51 (i) (4) (Adopted 11/28/2017)

Section 5. Mooring Installation and Maintenance Standards

A. Requirement “All moorings shall be placed under the direction of the Harbormaster and are subject to inspection by the Harbormaster prior to their initial placement and at intervals of three (3) years.”
Gloucester Code Section 10-51(a)

B. Inspection of Moorings At the time of placement, all moorings shall be consistent with standards set forth herein. At each inspection older moorings shall be altered or replaced in order to be consistent with said standards. The expense of hauling and resetting a mooring along with any repairs or replacement of gear required by these Regulations shall be borne by the permittee.

If the Harbormaster cannot be present at a mooring inspection he may require a written report by the permittee or an independent contractor who was present at the hauling, performed an inspection and made repairs to bring the mooring up to standards set forth herein. Said written report shall be submitted to the Harbormaster within seven (7) days of the hauling and inspection shall be signed by the contractor and include date and time of inspection, persons present, description of mooring ground tackle and buoy, and any inconsistency with the standards set forth herein.

In certain cases the Harbormaster may allow underwater inspections of mooring gear by a qualified, independent diver. Approval of this type of inspection shall require a written report of the inspection, similar to that listed above, submitted by the diver within seven (7) days of the inspection.

Article IV Mooring Regulations (cont.)

Section 5. Mooring Installation and Maintenance Standards (cont.)

C Installation Standards All moorings within Gloucester's waterways shall maintain the following standards. The standards set forth herein are **minimum standards** for **normal weather conditions**. It is the responsibility of the permit holder to provide proper and sufficient mooring knowing the probability of **stronger winds, extreme tides or other severe weather conditions**. The Harbormaster reserves the right to require stronger mooring due to vessel characteristics and/or variables of local mooring areas.

D. Identification All Mooring buoys shall be marked as outlined in Article IV Section 4 A., B. & C. Improperly marked buoys shall be subject to an assessment fee of \$50.00.

E. Disclaimer/Indemnification Anyone who moors in the Waterways of Gloucester does so at their own risk. The City of Gloucester, the Waterways Board and the Harbormaster are not responsible for any damage or injury caused by mooring failures or the public use of the Waterways.

F. Mooring areas by exposure The Mooring areas of the City of Gloucester are divided into the following categories as defined by exposure to the weather.

- 1. Protected** Pirates Cove, Smith Cove, Lobster Cove, Annisquam River Areas A & B.
 - a. Annisquam River A is bow and stern mooring only
- 2. Semi Protected** Little River, Jones Creek, Mill River, Annisquam River Area C, D & E.
- 3. Exposed Area 1** Freshwater Cove, Oak Cove, Inner Harbor, Hodgkins Outer & Inner, Lanes Cove, Diamond Cove, Lighthouse Beach, Cambridge Beach, Lighthouse Cove (Raymond's Beach), Salt Island, Essex Bay,
- 4. Exposed Area 2** Wonson Cove, Ten Pound Island, South East Harbor, Eastern Point Yacht Club.

Article IV Mooring Regulations (cont.)

G. Specifications for minimum mooring standards

Exposed Areas 1&2

Boat Length	Mooring Weight	Bottom Chain	Top Chain	Pennant
0-17'	1000	3/8	3/8	1/2
18-26'	1500	1/2	3/8	1/2
27-35'	3000	1/2	3/8	3/4
36-42'	4000	3/4	1/2	(two) 3/4
42-52'	6000	3/4	1/2	(two) 3/4
52' and over - As specified by the Harbormaster				

Protected/Semi Protected Areas

Boat Length	Mooring Weight	Bottom Chain	Top Chain	Pennant
0-17'	500	3/8	3/8	1/2
18-26'	1000	1/2	3/8	1/2
27-35'	2000	1/2	3/8	3/4
36-42'	4000	3/4	1/2	(two) 3/4
42-52'	6000	3/4	1/2	(two) 3/4
52' and over - As specified by the Harbormaster				

Mooring Weight is based on the dry weight of concrete. ¹

Mushroom anchors will not be allowed except as noted below in G. 2.

- 1. Alternative mooring weight** Alternative mooring weight concepts such as a screw type or pyramid system (i.e. Helix or Dor-Mor) may be allowed with the Harbormaster's written permission.
- 2. Variations from Minimum Standards** The Harbormaster may require or permit variations to these minimum standards. Such variations shall require a written explanation to be included in the permittee's file.

H. Responsibility It is the permittee's responsibility to ensure that the mooring equipment, scope, chocks and cleats of the permitted vessel be in safe and serviceable condition.

I. Environmentally sensitive areas The Harbormaster may require alternate mooring specifications for areas that have been designated as environmentally sensitive.

¹ The following examples of size equivalents for concrete blocks are for illustrative purposes only;
 1000 LB.= 28"X28"X18" 2000 LB.= 36"X36"X18" 4000 LB.= 48"X48"X21" 6000 LB.= 48"X48"X31"

J. Mooring Areas The Harbormaster, in conjunction with the Waterways Board, may require the relocation of permitted moorings for the purpose of maximizing the available mooring areas and public access in Gloucester waters. Size, draft and type groupings, grid patterns and shared floats are some examples that may be considered in the future. It will be the responsibility of the permit holder to bear the cost of relocation in the event of any reconfiguration of a mooring area.

Article IV Mooring Regulations (cont.)

Section 6. Personal Moorings

- A. **Personal Moorings** (are) “for the sole use by the single vessel of an individual and his or her immediate family”. Gloucester Code Section 10-51(d)
- B. **Fees** “Fees for Personal Moorings shall be charged by the length of the vessel at the rate of eight dollars (\$8.00) per foot for Gloucester residents and taxpayers and at the rate of ten dollars (\$10.00) per foot for nonresidents.” Gloucester Code Section 10-51(e) (amended /27/2018)
- C. **Definition of “Resident” and “Taxpayer”** For the purposes of these regulations, the term “resident” shall include any applicant who can provide, to the Harbormaster, proof of any of the following: payment of real estate taxes or water fees to the City of Gloucester in the preceding year; registration as a voter in Gloucester; inclusion in the current “List of Residents” prepared by the Board of Registrars of Voters; twelve (12) months of rent receipts and canceled rent checks for the preceding year for a rental dwelling unit in Gloucester, driver’s license or utility bills (ie... electric, gas, phone). For the purposes of these regulations the term “taxpayer” shall include any individual who has paid real estate taxes to the City of Gloucester in the preceding year.
- D. **Rental of Moorings** No personal mooring shall be rented. Failure to comply with this regulation shall result in automatic revocation of the Mooring Permit.
- E. **Use of Moorings** No Personal Mooring shall be transferred or temporarily reassigned except as set forth below:
1. A Personal Mooring Permit may be amended by the Harbormaster to allow transfer to a member of the permittee’s immediate family. For the purposes of these regulations, immediate family shall be defined and limited to the permittee’s parents, spouse or children.
 2. In order to promote Gloucester as a welcoming port, and to facilitate the further enjoyment of Gloucester waters by local boaters, a permittee may allow a vessel, no greater in LOA than the permitted vessel of record, to moor at his/her Personal Mooring for a period not to exceed forty-eight (48) hours. A longer period may be allowed with notification of, and written permission from, the Harbormaster. In some instances a temporary reassignment may be considered for a particular boating season. In this case preference will be given to vessel owners who are known by the permittee and are currently on the waiting list for a mooring. As stated in Section 1. General Policies, A. Habitual Use; this period shall not exceed one (1) permit-year. Repeat requests by the same permittee will be cause for the WWB to reevaluate the need of the permittee for the mooring space.
 3. Dockmasters of the Eastern Point and Annisquam Yacht Clubs, and other organizations approved by the Waterways Board may, under the general supervision of the Harbormaster, assign visiting vessels to the Personal Mooring of their members provided that they provide assistance to all visiting boaters irrespective of yacht club membership and that no transient mooring fee is charged. The yacht clubs may however, charge reasonable fees for launch services and the use of other facilities such as showers and laundries.
- F. In the event of the surrender of or revocation of a mooring, float or raft permit, installed in the public waters of the city, the permittee has 45 days to remove or transfer all ground tackle. There will be a \$500.00 fine if mooring gear is left in water or not transferred after more than 45 days, plus an additional \$10.00 a day fine after the 45 days to a maximum of \$1,000.00. If mooring, float or raft permit is surrendered or revoked between October 1 and April 30 the 45 day removal period will begin on May 1. (Adopted 11/28/2017)
- F. **Sale of Moored Vessel** When a vessel of record on a mooring permit is sold or transferred to another party, the new owner or party in charge of the vessel shall have neither access rights to nor use of the mooring.

Article IV Mooring Regulations (cont.)

Section 7. Transient Moorings

A. Definition *“Transient Moorings may be used by waterfront businesses or yacht clubs for transient vessels. It is intended that the number of Transient Moorings be limited, especially in the Inner Harbor and smaller coves. The Harbormaster may limit the size of vessels which may be tied to Transient Moorings to protect adjacent vessels.”* Gloucester Code 10-51(d)

B. Fees *“The fee for Transient Moorings shall be two hundred (\$200.00) dollars each.”* Gloucester Code Section 10-51(e)

C. Definition of “Transient Vessels” For the purposes of these regulations, the term “Transient Vessels” shall include commercial or recreational vessels visiting areas of Gloucester for up to fourteen (14) days. This includes vessels under or awaiting repair or service at a boat yard, marina, or other service facility. The Harbormaster may consider extending the use not to exceed thirty (30) days in a boating season on a case by case basis.

D. Application Process

Applicants for Transient Moorings must present themselves to the Harbormaster’s office to complete the appropriate application. Applicants for a Transient Mooring(s) shall submit a written statement that explains the specific need for the Transient Mooring(s), describes the impact on existing moorings, and explains why the public interest is better served by granting a Transient Mooring than assigning the available space to an individual on a waiting list. The applicant shall also provide the following information regarding the use and management of the Transient Mooring(s): fees to be charged; a list of services included in the fee, such as launch service, and services for which an additional fee will be charged; reservation process and schedule of availability; and expected number of days the mooring will be in use for the year. Also to be included will be a list of the types of services provided by the business that may be of use to commercial or recreational vessels.

E. Review and Approval Upon initial receipt of any completed Transient Mooring application, the Harbormaster shall refer the application to the Waterways Board for review and approval, along with his/her recommendations. In its review of the application, the Waterways Board, must be satisfied that the proposed Transient Mooring is in the public interest and will not interfere with adjacent moorings. The Board may impose conditions, limitations and safeguards on any Transient Mooring. Upon approval by the Board, the Harbormaster shall issue the Transient Mooring permit. Once a Transient Mooring has been reviewed and approved by the Waterways Board, subsequent renewals may be approved by the Harbormaster, provided that the circumstances of the mooring and applicant have not materially changed. The Waterways Board shall, every five (5) years or sooner, review the usage and benefits of any permitted transient moorings to determine if the public’s best interests continue to be served by the re-issuance of these transient mooring permits.

F. Use of Transient Moorings Transient Moorings shall be managed and assigned only by the permittee. No Transient Mooring shall be transferred, operated, swapped or rented in a manner inconsistent with, or in violation of, the permittee’s application and permit for said mooring. Transient moorings are intended to be used by transient vessels who wish to moor for up to fourteen (14) days. This applies to the single vessel within one boating season. A longer period, not to exceed thirty (30) days, may be allowed as stated above in paragraph C. Permittees wishing to have an extension of use must receive the Harbormasters permission in writing. Violations of these provisions shall be subject to an assessment of \$50.00, as per Gloucester City Ordinance 10-51(i) 3. or may result in revocation of the mooring permit.

Article IV Mooring Regulations (cont.)

Section 8. Municipal Moorings

A. Definition A mooring “*which may be approved by the Waterways Board for public purposes.*”
Gloucester Code Section 10-51(d)

It is intended that Municipal Moorings be owned by the City and operated by the Harbormaster for vessels in distress, as moorings of refuge in emergency situations, or for other public purpose approved by the Waterways Board. It is the intention of the Waterways Board to provide at least one (1) Municipal Mooring in each of the larger coves and harbors.

B. Fees The City shall not be required to pay fees for Municipal Moorings

Section 9. Use of Moorings

A. Movement of Moorings No mooring shall be moved from its assigned location without the written permission of the Harbormaster. If the Harbormaster determines that moorings are too close together for safe operation, the permittee with the least seniority will be required to move his/her mooring by order of the Harbormaster. However, if it can be proven to the Harbormaster’s satisfaction that the adjacent mooring dragged or otherwise moved to create the congestion, the adjacent permittee shall be required to relocate his/her mooring by order of the Harbormaster.

B. Emergency and Unforeseen Conditions The Harbormaster shall have the authority to act in response to sudden conditions and/or events which may require the temporary movement or removal of permitted vessels and/or moorings. Said authority shall not be limited to unforeseen events such as extreme weather, hazardous materials incidents, and emergency repairs to underwater cables or pipes. The Chairman and/or Vice-Chairman of the Waterways Board may be consulted prior to the declaration of emergency and permittees shall be given 24 hours notice if possible. In the event that permittees cannot be contacted or fail to remove their vessels or moorings as directed by the Harbormaster, the Harbormaster shall have the authority to move said vessels and moorings at the permittees expense.

C. Rafting of Vessels The temporary, short-term rafting of vessels on moorings is permitted under the following conditions:

- (1) The moored vessel in the raft must be the vessel of record for the subject mooring or must be assigned to that mooring by the Harbormaster or an authorized yacht club dockmaster;
- (2) The rafted vessels must be organized to safely and evenly distribute the load of the raft on the mooring gear.
- (3) At least one (1) qualified operator must remain on board each rafted vessel at all times so that the raft can be dispersed in an emergency; and
- (4) Rafts must be dispersed when the sustained winds exceeds twenty (20) knots, when the safety of neighboring vessels is threatened or when directed by the Harbormaster or authorized yacht club dockmaster.

D. Shared Mooring Floats The Gloucester Waterways Board, in an effort to conserve mooring space, will consider the installation of shared mooring floats for use by more than one vessel on a case by case basis. In all cases the permitted vessel (s) being attached to such a float shall be either permitted in, or taken from the top of the waiting list for, the particular mooring field where the original, or newly created, mooring is set. The location of the mooring float may require the use of bow and stern moorings. Applications for a shared mooring float shall be presented to the Board and include a scale drawing of the float detailing its appropriate length for the proposed vessels, sturdy construction, through-bolted cleats for the vessels and the attachments to properly sized ground tackle suitable to the Harbormaster. Shared mooring floats shall not threaten or interfere with any other permitted mooring. Each vessel on a Shared Mooring Float shall pay the standard mooring fee set forth by City Ordinance.

Shared Mooring Floats are intended to be used strictly for the tying up of permitted vessels. No storage of any personal property including, but not limited to, traps, gear, or picnic equipment shall be allowed on Shared Mooring Floats.

Article IV Mooring Regulations (cont.)

E. Mooring Trawls The Gloucester Waterways Board, in an effort to conserve mooring space, advocates the installation of Mooring Trawls by waterfront organizations approved by the Waterways Board. A Mooring Trawl is a line of mooring buoys attached to properly sized common moorings for use by vessels of similar size and characteristics. An application for a Mooring Trawl shall be made by the sponsoring waterfront organization and shall include a scale drawing of the Trawl, its ground tackle and size and type of vessel the trawl is designed for. Said Trawls shall not threaten or interfere with any other permitted mooring. The Waterways Board's approval of mooring Trawls may include conditions, limitations, safeguards and location.

The owner of each vessel tied to a Mooring Trawl shall be required to have a Mooring Permit as set forth in Section 2, herein, and shall be required to pay the normal mooring fee for said vessel. The Waterways Board shall, every five (5) years or sooner, review the usage and benefits of any permitted Mooring Trawls to determine if the public's best interests continue to be served by the re-issuance of these Mooring Trawl permits.

F. Moorings on Private Tidelands No Mooring Permit may authorize the placement of a mooring on private tidelands if objected to by the owner(s) thereof. Mud Flat Moorings may be issued to waterfront property owners only.

Mud Flat Moorings shall be defined as a mooring where the anchor, ground tackle and vessel are above mean low water and therefore exposed and aground at the average low tide.

Moorings will be positioned at the Harbormaster's discretion to insure that the mooring and vessel are out of the navigable water during low tide. When issuing a Mud Flat Mooring the Harbormaster shall confer with the Shellfish Warden and the Conservation Commission.

Due to the limited access of Mud Flat Moorings (property owner only), Mud Flat Moorings shall be exempted from the Habitual Use (Article 4 Section 1,A.) clause of these regulations. (Amended 2017)

G. Restricted Areas No Mooring Permit may authorize the placement of a mooring in any navigational channel, turning basin or other restricted area formally designated by the Waterways Board or by Federal or State agencies.

No Mooring Permit may authorize interference with the public's rights of fishing, fowling and navigating on tidelands.

H. Stray Vessels Any Permitted vessel which is (1.) Sunken or likely to sink; (2.) Aground or awash; (3.) Adrift and likely to damage piers, wharfs, floats or other vessels; (4.) A hazard or menace to navigation; or (5.) Secured to a mooring without proper authorization, is hereby declared to be a public nuisance and shall be considered a stray vessel. Failure of a permittee to remove or secure a stray vessel, as directed by the Harbormaster, shall result in revocation of the Mooring Permit.

Section 10. Designated Mooring Areas

A. Authorized Areas The Harbormaster will issue permits for moorings in areas determined to be practical from a safety, accessibility and environmental perspective. Safety issues will be considered in locations that are areas unprotected from strong winds and/or long fetch and where moorings may encroach or inhibit normal marine traffic use and usual fishing practices. Accessibility will be judged by consideration of landing facilities nearby and/or useable by the permittee. Modification by the above guide will be possible with approval of the Gloucester Waterways Board. The following vicinities are designated as Authorized Mooring Areas without identified restrictions;

Freshwater Cove	Wonson Cove	Oak Cove	Lighthouse Cove (Raymond's Beach)	
Ten Pound Island	Pirates Cove	Smith Cove	Inner Harbor	Little River
Jones Creek	Mill River	Lobster Cove	Goose Cove	Hodgkins Outer
Lanes Cove	Cambridge Beach	Lighthouse Beach	Diamond Cove	

The following area is designated as an Authorized Mooring Area for vessels twenty (20) feet or greater in length and/or have a self-bailing cockpit;

South East Harbor

Article IV Mooring Regulations (cont.)

Section 10. Designated Mooring Areas (cont.)

The following area is designated an Authorized Mooring Area for vessels no greater in length than twenty (20) feet;

Hodgkins Inner

The following areas are designated as Authorized Mooring Areas with specific boundaries;

Annisquam River

- Area A** Entrance to Little River north to the 128 Bridge
- Area B** 128 Bridge north to Nun Buoy "28" off of Riverview
- Area C** Riverview north to Thurston Point
- Area D** Thurston Point north to Nun Buoy "14" off of Wingaersheek Beach
- Area E** Nun Buoy "14" north to Babson Point Wingaersheek Beach

B. Limited Access Areas There are several areas that have been identified as "Limited Access Areas" due to their exposed locations and lack of adequate public access facilities within safe travel distance. Additional moorings will only be issued to people who have safe access from an existing ramp, float, dock or private beach. Such as:

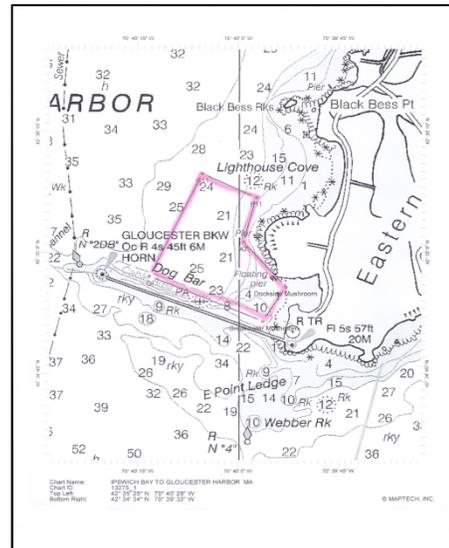
Salt Island Essex Bay

The reason for identifying these areas as limited access is solely based on safety. Traveling any distance by a small dinghy to these exposed areas would create a hazardous voyage. These areas are limited to those property owners that have immediate access. The Waterways Board shall, every five (5) years or sooner, review each of the areas listed as a Limited Access Area to determine if the public's best interests continue to be served by this designation.

C. Eastern Point Yacht Club

The use of moorings in this area [area shown on Exhibit referenced herein] shall be limited to members of the Eastern Point Yacht Club. The assignment of moorings in this area and maintenance of any waiting list shall be done by the Harbor Master. Eastern Point Yacht Club shall be responsible for the physical maintenance of the moorings. The reason for identifying this area as a limited access area is two-fold: (1) access to this area other than from the yacht club often is a hazardous voyage in a dinghy; (2) the yacht club has exclusively used this area since at least 1954, provides a valuable public service of providing transient boaters to use open moorings on non-discriminating basis, and provides a junior sailing program and other sail programs for Gloucester youth. The maintenance of this area, as a limited access area, is conditioned upon the Eastern Point Yacht Club continuing to provide reasonable access to transient boaters, without discrimination, to open moorings, subject to such boater's compliance to reasonable regulations, safety, availability, and notice. Five moorings in this field will be designated transient moorings.

Mooring ID G1-	42-34.951	70-40.221
Mooring ID G11-	42-35.163	70-40.091
Mooring ID B11	42-35.114	70-39.955
Mooring ID A7-	42-35.021	70-39.988
Dockside Mushroom	42-34.930	70-39.882
Breakwater Mushroom	42-34.858	70-39.936



Article IV Mooring Regulations (cont.)

Section 11. Designated Anchorage Areas

A. Purpose

To provide transient vessels with safe and welcome waterways within the City of Gloucester (Gloucester Waterways) while simultaneously prohibiting the establishment of unauthorized and illegal moorings. To see that no anchored vessel interferes with the safe and orderly navigation of vessels in and around Gloucester Waterways.

B. Authorized Areas

The City of Gloucester Waterways Board has designated certain and specific areas for the anchorage of vessels in order for boaters to safely enjoy Gloucester Waterways.

The following anchorage's are designated for use by vessels anchoring overnight:

1. Federal Anchorage Area, Gloucester Inner Harbor, at *NOAA Chart 13281*;
2. South East Harbor, bounded by Ten Pound Island and Dog Bar Breakwater; and
3. Western Harbor, vicinity of stage Head, west of sewer outfall pipe at *NOAA Chart 13281* .

C. Prohibited Areas

Anchoring in the following areas is prohibited:

1. All federally designated channels as defined at *NOAA Chart 13281*; and
2. All designated mooring areas as defined at *Article IV Mooring Regulations, Section 10*.

D. Special Situations

Under special situations and as consistent with the purposes of these *Regulations*, the Harbormaster may authorize additional areas for anchoring not already established pursuant to *Paragraph B* of these *Regulations*.

Transient vessels, when anchoring near designated public or private swimming areas, shall comply with the laws of the Commonwealth of Massachusetts and *City of Gloucester Ordinances* as to vessel operation.

E. Transient Vessel

The Gloucester Waterways regulations seek to promote tourism and development of Gloucester Harbor as a welcoming port to transient vessels which are travelling from port to port as well as encourage locally-based vessels to anchor in the public anchorage and utilize onshore/downtown facilities and to regulate the use of moorings.

F. Use of Anchorage

No person shall anchor a vessel in Gloucester waterways if in the opinion of the Harbormaster such anchoring has created an unsafe, unauthorized and/or illegal mooring. If such a mooring has been established, the owner and/or operator of said vessel shall be notified by the Harbormaster to cease and desist the violation. The Harbormaster may further order the vessel to be removed. Failure to comply with said order shall constitute a violation of the *City of Gloucester Ordinance; Section 10-51* and shall be subject to a penalty pursuant to *Section 10-51*. Each day the vessel remains anchored in violation of said *Ordinance* shall constitute a separate violation.

An illegal mooring is defined as 1) an unpermitted mooring or 2) ground tackle including an anchor and chain which is used to temporarily secure a vessel for a period of more than 30 days in a calendar year in the Gloucester waterways, except that, vessels secured by ground tackle which are travelling or cruising from one port to another port and are transient vessels shall not be viewed as creating illegal moorings.

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Article V Public Landings with Launch Ramps

Section 1. Definitions

"Gloucester Code Sec. 10-50. Definitions. (c) Public landing: Any area including uplands, ramps, floats, wharfs, piers, parking areas and water that has been set aside by the city for the landing of vessels to discharge or take on passengers or supplies, or for the launching of vessels, and for public access and recreation as set forth in M.G.L.A. c. 88, § 14;"

A. The City of Gloucester has three types of Public Landing Launch Ramps

- 1) A launch ramp constructed by the Department of Fish and Game Public Access Board (i) and capable of supporting the launching of trailered vessels. These are; DunFudgin, Stone Pier, Corliss and Lane's Cove
- 2) A launch ramp not constructed by the Department of Fish and Game Public Access Board that offers difficult access for the launching of trailered vessels. These are; County Landing, Freshwater Cove, Kettle Cove, Stanwood Point, Lobster Cove and Hodgins Cove
- 3) A launch ramp that is suitable for hand carried launching only, i.e. kayaks, canoes or small skiffs. Examples of this type of launch ramp are; Brown's Mill and Kent Cove

Section 2. General Policies and Use

- A.** All Public Landing Launch Ramps within the boundaries of the City of Gloucester are subject to the rules and regulations governing Public Landings in Article VI of these Policies, Rules and Regulations.
- B.** Launch ramps that have been constructed by the Department of Fish and Game Public Access Board are additionally governed by the Public Access Board rules and regulations which are posted at each location. All persons using these ramps must abide by these posted regulations and those referenced above.
- C Fees** All Public Launch ramps, with the exception of DunFudgin, are open to the public with no fee.

- 1) The fees for launching vessels at the DunFudgin Public Access ramp shall be as follows: and as pursuant to MGL c. 21A, §21A 2(8) and 320 CMR 2.00: (*Section 10-53 Gloucester Code*)

Daily fee for all users except commercial boat haulers, per vessel launched . . . \$8.00

Season pass for any vessel per season is \$75.00.

Daily fee for commercial boat haulers, per vessel launched . . . \$35.00

Season pass for commercial boat haulers, per season . . . \$350.00

- 2) Failure to pay fee as posted shall result in the issuance of a violation as specified in Gloucester Code Sec. 10-21 and Sec. 1-15.

Article V Public Landings with Launch Ramps (cont.)

Section 3. Prohibited Activities

A No person shall, in the vicinity of any Public Launch Ramp:

- 1) deposit or leave waste, refuse or sanitary waste;
- 2) clean hulls, flush engines and equipment;
- 3) exhibit disorderly conduct, gamble, drink alcoholic beverages or use illegal drugs;
- 4) dock or beach a boat or leave a motor vehicle or trailer for more than 24 hours within the boundary of the City of Gloucester Public Landing Launch Ramp. The storage of boats, equipment or other items is prohibited in these areas, except with the permission of Harbormaster.

B Limited hours of operation at Stone Pier and Long Warf

- 1) Gloucester Code 10-52 (f) *Restrictions on hours.*

“ Stone Pier and Long Wharf shall be closed to prohibit all activities between the hours of 10:00 p.m. and 4:00 a.m.”

Section 4. Management Policies

- A All public landings with launch ramps shall be managed in accordance with the provisions outlined in Article VI Section 1 of these Policies, Rules and Regulations as granted by the following City of Gloucester Code of Ordinances:

Sec. 10-3. Authority and responsibilities.

“ The Gloucester Waterways Board is hereby empowered, and authorized to:

- (b) Establish policies, rules and regulations for the use of Gloucester's waterways and waterfront facilities, including but not limited to, mooring areas, public launch ramps, public landings, and city owned commercial marinas;*
- (c) Recommend to the city council fee schedules for moorings, launch ramps, slips at city owned commercial marinas, and other waterfront public facilities and a schedule of fines for violations of waterways rules and regulations;*
- (d) Oversee the operation and maintenance of all public launch ramps and related facilities, the city owned commercial marinas, and public landings, floats or access ramps;”*

Article V Public Landings with Launch Ramps (cont.)

Sec. 10-22. Responsibilities.

The harbormaster shall be responsible for the following tasks unless otherwise assigned by the mayor;

“ (i) Operate and manage the maintenance of all public launch ramps, public landings, city owned commercial marinas and other public waterways facilities owned by the City of Gloucester ”

(i) Department of Fish and Game Public Access Board *“The Department, in conjunction with the Board, acquires property and easements for the purpose of providing access and through the Office of Fishing and Boating Access (FBA) designs, constructs, manages, and improves facilities statewide. Boat launching facilities are managed by staff from the Division of Fisheries & Wildlife, the Department of Conservation and Recreation, and municipalities”.*

Article VI Public Landings

Section 1. Management Policies

- A. Facilities and Equipment at Public Landings** It shall be the policy of the Waterways Board that all facilities and equipment at Public Landings will be periodically inspected and evaluated by the Public Facilities Committee with the assistance of the Harbormaster. The Committee shall maintain a list of recommended improvements and additions to said facilities and equipment for each Public Landing.
- B. Donations of Facilities and Equipment** Offers to donate facilities and equipment at Public Landings shall be referred to the Public Facilities Committee for review and evaluation with respect to its list of recommended improvements. The Committee shall determine if the donation is in the public interest and is consistent with the intent of Public Landings generally and the setting and use of the specific landing in question.
- C. Memorials** Memorial plaques, engraved benches or other personalized memorials shall not be allowed.

Section 2. General Use

- A. General Use** The uses of public landings are defined by the following;

Gloucester Code Sec. 10-52. Use of public landings

“(a) General use. All public landings, along with the ramps and floats attached thereto, shall be used primarily for the landing of people from vessels, the docking of vessels while people are alighting or boarding, and by persons tying their vessel thereto while making purchases ashore. Public landings shall also provide public access for passive recreational activities. Where public landings have no floats, vessels may be pulled up on shore for the purposes set forth above. Parking areas at public landings shall be for the exclusive use of landing users unless otherwise designated by the waterways board.”

*“(b) Tie-up period. No owner nor anyone else in charge of or operating a vessel of any description, shall use the head of any float moored or attached to any public landing for any greater period of time than ordinarily and reasonable required to load or unload the passengers or occupants of any such vessel, together with whatever merchandise might accompany or be in the possession of the persons or passengers alighting therefrom. In no case shall any vessel be tied to the head of a public landing float for more than thirty (30) minutes except by permission of the harbormaster. However, dinghies, tenders and other auxiliary vessels less than twelve (12) feet in length, used by mooring holders or transient boaters, may be tied up at the sides of undedicated floats at public landings for up to four (4) hours while the owners thereof are purchasing goods and services. No such auxiliary vessel shall block the head of a float or interfere with permitted activities.
The harbormaster may permit the seasonal tie-up of dinghies, tenders or other auxiliary vessels less than twelve (12) feet in length at portions of any public landing so designated by the waterways board, provided that the fee set forth below has been paid. Such permitted vessel shall be marked by an official sticker on their transoms.”*

Article VI Public Landings (cont.)

Section 3. Prohibited Activities

A. The following are prohibited activities

(1) As defined by **Gloucester Code Sec. 10-52. Use of public landings**

“(c) Conducting business or soliciting. It shall be unlawful for any person to conduct any business, including vending on or from a public landing. The sale of tickets or the solicitation of passengers in any other manner for boat or fishing trips from any public landing is prohibited. However, any person operating a harbor sail, ferry, excursion vessel, vessel livery or party fishing vessel but maintaining a wharf headquarters or principal place of business elsewhere, may use a public landing as a point of call and may discharge or take on passengers. The vessels engaged in such ventures shall not lay at any float at a public landing longer than shall be ordinarily and reasonable necessary for their occupants, passengers or customers to board or alight therefrom, and shall not block or otherwise interfere with other permitted activities.”

“(d) Other prohibited activities. No person shall clean fish, or leave ropes, lobster pots, barrels, rocks, bricks, boards or any other material on any public landing, or launching ramps, floats or piers thereof, for longer than is reasonable necessary in the act of loading or unloading the same onto or from vessels, unless authorized by the harbormaster. No person shall load or unload lobster pots, bait, or other gear on or from any public landing, or floats, wharfs or piers thereof, except those designated by the waterways board. No vessels, vehicles or trailers may be stored on any public landing.”

“(e) Encroachment. No person shall encroach upon a public landing in any way.”

(2) The Waterways Board prohibits bottom scrubbing and painting at all public landings and ramps.

B. **Designated Areas.** The Waterways Board hereby designates all public landings for the loading or unloading of lobster pots, bait, or other gear.

Section 4. Seasonal Tie-ups of Dinghies and Auxiliary Vessels

A. **Authority** *“The Harbormaster may permit the seasonal tie-up of dinghies, tenders or other auxiliary vessels less than twelve (12) feet in length at portions of any Public Landing so designated by the Waterways Board, provided that the fee set forth below has been paid. Such permitted vessels shall be marked by an official sticker on their transoms.” Gloucester Code Section 10-52(b)*

B. **Fees** *“The annual fee for the annual tie-up of dinghies, tenders or other auxiliary vessels less than twelve (12) feet in length shall be one hundred (\$100.00) dollars.” Gloucester Code Section 10-52(f) (Amended 11/28/2017)*

C. **Designated Areas** The Waterways Board hereby designates the following areas for the seasonal tie-up of dinghies, tenders or other auxiliary vessels less than twelve (12) feet in length:

Cripple Cove Landing:	The land ward side of the four southerly floats
Magnolia Pier:	Both sides of the pier and the pier side of the float
Lobster Cove Landing at the bridge:	All sides of the float except the west side

Article VI Public Landings (cont.)

Section 4. Seasonal Tie-ups of Dinghies and Auxiliary Vessels (cont.)

The Public Facilities Committee and the Harbormaster shall arrange the installation of appropriate signs or markings to indicate the tie-up areas.

D. Cripple Cove Dinghy Dock Gloucester residents only as of June 7, 2000

E. Assignment

- (1) **Permit Renewal** Boaters who tie-up vessels fitting the description above at the areas described above shall have their permits renewed on an annual basis provided they pay the required fee and follow the rules set forth herein. Permits are to be renewed with the Harbormaster by the last business day of February each year. Permit decals are to be affixed to the inside of the starboard transom of the dinghy.
- (2) **Wait Lists** Applicants will be placed on a waiting list by location preferred, in order of receipt. The Harbormaster shall keep the waiting lists updated and shall post them publicly at the Harbormaster's Office and at the City Clerk's Office. Applicants being granted a dinghy tie up permit will have one month from the time of notification of the position to place a vessel in the permitted space. Provided, however, that the permit fee has been paid at the time of acceptance of the space.
- (3) **Transfer of Dinghy Tie-Up Permit** Permits are for an individual and shall not be leased or otherwise assigned to others. Permits for dinghies used as access to a vessel on a permitted mooring in the City of Gloucester may only be passed to the same immediate family member, defined and limited to permittee's parents, spouse or child, as the corresponding mooring permit that is being transferred. Proper ownership documentation must be supplied.
- (4) **Habitual Use** It is the policy of the Gloucester Waterways Board that all dinghy tie up spots be utilized as fully as possible. Dinghy tie-up permittees must habitually tie the dinghy which is on record with the Harbormaster to their assigned tie-up location during the summer season, **April 15 to October 15, September. 15 Magnolia Pier**, each year. For the purpose of these regulations, habitual use is defined as a minimum of thirty (30) days during the summer season. The Harbormaster must be notified in writing, as soon as possible, if a permittee does not intend to habitually use their dinghy tie-up spot for the upcoming season and the reasons therefore. The period of nonuse of a tie-up spot by a permittee shall not exceed one (1) permit-year. Failure to comply with the habitual use standard set forth above or allowing the habitual use of a tie-up spot by a dinghy not on record with the Harbormaster shall result in automatic revocation of the Tie-Up Permit.

F. Tie-up Rules

- (1) All boats excise taxes owed by the applicant shall be paid in full;
- (2) Vessels are to be tied with a line from the bow only unless otherwise directed by the Harbormaster;
- (3) Vessels are to be well maintained and in a seaworthy condition to the satisfaction of the Harbormaster;
- (4) Vessels shall not block or hinder other vessels at the facility;
- (5) No debris, trash or other items shall be left on the floats or gangway;
- (6) Tie-up of vessels at a Public Landing is at the owner's risk. The City assumes no responsibility for theft or vandalism; and
- (7) All vessels shall be removed from Public Floats at Cripple Cove and Lobster Cove by November 1 and Magnolia Pier by September 15 unless otherwise authorized by the Harbormaster. Any vessels left beyond the September 15 and November 1 deadlines shall be assessed \$25.00 per day, and permits may be revoked for non-compliance. (Amended 2/27/2018)

G. New Public Dinghy Tie-Up Facilities

In the event that additional dinghy tie-up spaces become available due to the construction of new Public Landing Facilities, the Harbormaster shall advertise the availability for one week in the local newspaper and shall take names and other pertinent information of those who express interest in a spot for two weeks. At the end of the two week period the Harbormaster shall publicly draw the names of those who will be permitted to tie-up at the designated sites. The remaining names shall be drawn to establish a waiting list for available spots which shall then be governed by section E. (2) above.

Article VII City Owned Commercial Marinas

Section 1. Definition

- A. City Owned Commercial Marina** A marina created by the City of Gloucester for use by commercial fishing vessels. Two such facilities are St. Peter's Marina, accessed from the Public Parking lot on St Peter's Public Landing and Harbor Cove Marina, located at 65R Rogers Street. One of the missions of the Waterways Board is to protect and promote dockage for commercial fishing vessels. The Waterways Board may expand or create new facilities if the space becomes available.

Section 2 Management Policies

- A. Management** City Owned Commercial Marinas shall be under the management of the City of Gloucester's Waterways Board who have been so empowered by the Gloucester Code of Ordinances Chapter 10 Sec. 10-3 (b), (d).
- B. Facilities and Equipment** It is the policy of the Waterways Board that all City Owned Commercial marinas and equipment be periodically inspected and evaluated by the Public Facilities Committee with the assistance of the harbor master. The Committee shall maintain a list of recommended improvements, repairs and additions to said marinas. Improvements and additions shall be reviewed for evaluation and approval by the full board to determine feasibility and gain to the marina.
- C. Slip Assignment** Slip assignment will be determined by vessel characteristics i.e. length and beam . Vessels may be reassigned to slips based on highest and best use of the marina facility. Vessels may be relocated between the marinas to best achieve this goal.

Section 3. General Use and Requirements

- A.** All City Owned Commercial Marinas within the boundaries of the City of Gloucester are subject to all applicable federal, state and local laws, rules and regulations.
- B.** Tenancy at City Owned Commercial Marinas is limited to vessels that are actively engaged in commercial fishing. The tenant must provide proof of the following: 1. Valid insurance with City as named insured. 2. Commercial fishing permit/license. 3 Vessel is fully rigged for permitted fishery and meets all applicable requirements of vessel's permit. 4. Landing slips. If a vessel is not actively engaged in commercial fishing for 12 months the lessee must come before the Waterways Board for review.
- C.** Tenants must keep their fishing permits/licenses current and provide proof of said annually when the lease is renewed.
- D.** Tenants shall provide annual proof of insurance as required in the current lease agreement;
- E.** It is required that all vessels are maintained in working condition. Tenants docking vessels deemed to not be maintained in such condition will be required to come before the Waterways Board for review of their lease.
- F.** Repair work performed on vessels while docked at City Owned Commercial Marinas must be accomplished in such a manner as to avoid interference with any other Marina users and must not constitute any hazard to people or property.

Article VII City Owned Commercial Marinas (cont.)

Section 3. General Use and Requirements (cont.)

- G.** Contractors engaged in welding or hot work must first receive a permit from the Fire Marshall.
- H.** Vessel owners are responsible for the removal of debris and other refuse.
- I.** Lobster trap storage at City Owned Commercial Marinas is allowed under the following conditions:
 - 1. Storage for lobster traps only; no rope, buoys, or repair materials.
 - 2. Storage is for tenants only.
 - 3. Traps shall be stacked in a neat and orderly fashion.
 - 4. Storage shall be limited to the upland side behind the benches.
 - 5. Storage of lobster traps shall be permitted between November 15 and May 15
 - 6. Owners of stored traps shall be responsible for leaving storage area broom clean immediately after traps are removed.
 - 7. The Harbormaster will remove any traps still in storage after May 15 as per Section K below.
- J.** Bait shall be properly stored and covered on board the vessel.
- K.** Violations of lease provisions; termination of Lease agreement
 - 1. Tenants found to be in violation of any of the provisions of the lease agreement, or these regulations, will receive verbal notification from the Harbormaster and given one week to come into compliance.
 - 2. If, after one week, the violation continues to exist the Harbormaster will issue a written notice to the tenant.
 - 3. Failure to correct the violation by one week past receiving a written notification will result in the tenant being required to come before the Waterways Board and risk having their lease terminated.
 - 4. If the violation is trap storage, the traps will be removed.

Section 4. Lease agreement and collection of Rent

- A.** Tenants are required to sign an “Agreement For Vessel Dockage” prior to placing a vessel in the marina. Said agreement may be extended each year, on or before the first day of July, per the terms outlined in the agreement.
- B.** The rental fee for dockage at city owned commercial marinas is established by the City Council on recommendation from the Waterways Board (Gloucester Code Chapter 10 Sec. 10-3. (3)). The rental fee is due and payable by the first day of each month according to the terms of the current Agreement.
- C.** Failure to pay the monthly rental fee for a period to extend 20 days beyond the due date may be cause for the Agreement to be terminated as outlined in the Agreement.
- D.** Transfer of the assigned slip is only allowed as a right of survivorship. Upon presentation of a death certificate the assigned slip location may be transferred to a member of the deceased’s immediate family. Immediate family is defined as parent, spouse or child only. Upon the transfer said family member must sign a new lease agreement as well as comply with the use and requirement provisions as provided in Section 3 above.
- E.** Any change in vessel size shall be brought to the attention of the Harbormaster prior to placing vessel in the slip.

Article VII City Owned Commercial Marinas (cont.)

Section 3. General Use and Requirements (cont.)

Section 5. Waiting Lists

- A. Application for a slip location at City Owned Commercial Marinas may be made at the Harbormaster's office, or via fax, at any time of the year during regular business hours. Applicants must show proof of boat ownership, fishing permit and be actively fishing. If there is no available slip at the time of the application the name of the person applying will be placed on a waiting list.
- B. The Harbormaster shall keep one waiting list to serve all city owned commercial marinas. Said list will be kept updated and shall be posted publicly at the Harbormaster's Office and at the City Clerk's Office. An annual reminder notice will be mailed to persons listed on the waiting list. However, it is the responsibility of the wait list applicant to notify the Harbormaster's office of their desire to remain on the wait list. Said notification must be received by the last business day of May of each year.
- C. When a slip space becomes available the first person on the wait list will be notified by the Harbormaster via certified mail. Said person shall have twenty one (21) days, from date of postmark, to respond to the Harbormaster. The eligible applying tenant accepting said space must present documentation that confirms his/her active status as a commercial fishing vessel. For example; a current season fishing permit/license, current fish sales ticket and/or proof to establish fishing activity. Applicant must also provide proof of insurance

Section 6. Prohibited Activities

No live-aboards

Subleasing is not allowed except with written permission of the Harbormaster and is limited to between January 1 and April 1

No discharge Section B 4 of Agreement

No Fueling

No running in gear while tied to the dock.

Article VIII Public Waterways Traffic and Safety

Section 1. General Regulations (Adopted 10/21/99)

A. Prohibition of Lobstering in Regulated Areas Lobstering by any and all means shall be prohibited within the following portions of Gloucester's waterways;

1. The Inner Harbor of the City of Gloucester, as determined to be those waters eastward of a line extending from the painted boulder near the Paint Manufactory located on Rocky Neck, N 42 36.445, W 070 39.546 to the Cape Pond Ice Company, N 42 36.558, W 070 39.727. This is meant to include all waters under piers, buildings and other waterfront structures falling within said line; and including, but not limited to, any of the following areas, Smith's Cove, North and South Channel, and Harbor Cove, whether or not they fall outside the above defined line;

2. All Federally designated anchorage's; and

3. All Federal channels, fairways and travel lanes within the Demarcation Line and under the jurisdiction of the City of Gloucester.

B. Enforcement Violators of this Regulation are subject to confiscation of their gear by the authorities as set forth here below, and shall be subject to daily fines under the authority of Section 1-15 of the Code of Ordinances of the City of Gloucester.

1. Enforcement of this Regulation is delegated to the Gloucester Harbormaster and to the Police Department of the City of Gloucester.

2. Both enforcement authorities shall have the authority to confiscate gear found to be used in violation of this Regulation, as they deem appropriate. The enforcement agency confiscating said gear shall be permitted to dispose of the lobster gear through public auction, or by any other means permitted by the Code of Ordinances of the City of Gloucester.

3. Both enforcement authorities shall have the authority to access fines for gear found to be used in violation of this Regulation, under the authority of Section 1-15 above, as follows:

A) Each lobster trap found in violation of this Regulation shall be considered a separate violation;

B) Each day a lobster trap is found in violation of this Regulation shall be considered a separate violation.

Article IX Policies Regarding Waterways Funds

Sections 1-20 Reserved for the Waterways Enterprise Fund

Section 21. Special Accounts (Adopted 9/11/96)

A. Authority From time-to-time the waterways Board may authorize the Harbormaster to establish special accounts with the City Treasure for financial donations or grants for waterways activities, as set forth in M.G.L. Chapter 44, Section 53A.

B. Public Access Account This account shall be established with the City Treasurer for financial donations by individuals, businesses or corporations that are dedicated for physical improvements to public landings, public floats or other public access projects approved by the Board.

Upon receipt of a donation to this account the Harbormaster shall immediately notify the Chairman of the Operations & Finance Committee who will call a Committee meeting to review the donation. The Committee shall send its recommendation to the Board which will vote to accept or not accept the donation.

Prior to expenditure or commitment of funds from a Public Access Account, the Harbormaster shall obtain approval from the Waterways Board. Upon said approval the Harbormaster shall then request approval for expenditure of the funds from the Mayor and City Council, as set forth in M.G.L. Chapter 44, Section 53A.

Article X Policies Regarding the Harbormaster's Office

Section 1. Disposal of Derelict/Abandoned Vessels and Property In accordance with Massachusetts General Laws (M.G.L.) Chapter 91: Sections 38 through 49 and Chapter 102: Sections 17, 24, 25 and 27 the following policy is established as guidance for the Harbormaster in removing and disposing of derelict/abandoned vessels not greater than 20 feet in length.

A. The Harbormaster on a routine basis shall inspect all navigable waters of Gloucester by either boat or vehicle. During these inspections particular attention shall be given to the marsh lands and public landings to detect any abandonment of derelict vessels.

B. If a vessel is left on any public landing or other inter tidal area under the control of the City of Gloucester, and the Harbormaster determines that the vessel is therefore being "stored" or abandoned in violation of Gloucester City Ordinance Chapter 10, Section 10-52(d), the Harbormaster may take the following action:

1. A complete inventory of the vessel shall be conducted utilizing the Massachusetts Department of Environmental Management (DEM) **Vessel Identification Worksheet**.

2. Upon completion of this work sheet the Harbormaster will use all means available to identify the owner of the abandoned vessel by using both the Massachusetts Boat Registration Number and/or the Hull Identification Number if available. Having identified the registered owner the Harbormaster shall send written notification by certified mail to the owner ordering the removal of said vessel in accordance with M.G.L. Chapter 91, Section 40.

3. If the vessel has not been removed or no correspondence has been received from the last known owner within 10 working days, the Harbormaster may have the vessel removed as per M.G.L. Chapter 91, Section 41.

4. If no information is available from either the registration or hull identification number the Harbormaster may place an advertisement in the local newspaper for at least one day describing the abandoned vessel and requesting any information available to possibly identify an owner. If after 5 working days no information is provided to identify the owner the Harbormaster may remove the vessel as per M.G.L. Chapter 91, Section 41.

5. An owner who wishes to claim a vessel that has been so advertised shall provide positive proof of ownership to the Harbormaster's Office. If the Harbormaster determines that the petitioner is the owner of the vessel, the vessel shall be released to the owner. However the vessel is not to be released until the owner has reimbursed the Harbormaster's Office for any and all costs incurred, as specified in M.G.L. Chapter 91, Section 42.

6. Any vessel removed by the Harbormaster may be sold as per M.G.L. Chapter 91, Section 43 with proceeds of this sale properly deposited into the Gloucester Waterways Enterprise Fund.

7. Upon completion of the removal and/or the disposal of any abandoned vessel the Harbormaster shall file a written report to the State DEM for records purposes.

Section 2. Reserved

Article X Policies Regarding the Harbormaster's Office (cont.)

Section 3. Vessel Towing and Assistance (Adopted 9/9/98)

A. General Assistance Policy The Waterways Board believes that any unsecured vessel that cannot propel itself is inherently dangerous to life or property. Accordingly, it is the policy of the Waterways Board that the Harbormaster shall make a reasonable effort to provide assistance to any individual or vessel in distress in Gloucester waters, within the limits of equipment and training that have been provided. The level of assistance shall be determined by the location of the subject vessel and the nature of its distress. No fee shall be charged for this assistance. For the purpose of this Policy, Gloucester waters shall extend out to the three mile limit, bounded by extensions of the municipal boundaries.

B. Primary and Secondary Response Areas Given the limited equipment and staff available to the Harbormaster, the primary response area shall extend from the RR buoy at Eastern Point to the AR buoy at Annisquam. The secondary response area shall be defined as the waters beyond those buoys out to the municipal boundary or the three mile limit.

C. Marine Emergencies The Harbormaster shall respond immediately to any marine emergency in the primary or secondary response areas including, but not limited to: medical emergency; diver in distress; fire; collision; vessel taking on water; and lifeguard requests for assistance. The Harbormaster may respond to marine emergencies in neighboring waters at the discretion of the senior staff person on duty if a timely, effective response can be undertaken.

D. Non-Emergency Incidents Non-emergency incidents include, but are not limited to, vessels disabled due to a mechanical problem, lack of fuel or grounding. Once communication is established with a vessel involved in such an incident, the Harbormaster shall maintain a communication schedule with the vessel until it is secured. Upon establishing communication the operator shall be asked if he/she wishes commercial assistance. If the operator answers affirmatively, Harbormaster staff shall follow Section F., herein. If an operator in the primary response area answers negatively, the Harbormaster shall make a reasonable effort, during normal patrol hours, to respond to the scene. The boater shall be informed of the Harbormaster's estimated time of arrival on scene. In the event that the Harbormaster cannot respond in a timely manner he shall transmit the local equivalent of a Marine Assistance Request Broadcast (MARB) on VHF Channel 16. If an operator in the secondary response area answers negatively, the Harbormaster shall transmit the local equivalent of a MARB on VHF Channel 16, and may provide technical advice via radio. The Harbormaster is not required to respond to non-emergency incidents in the secondary response area, but may do so at the discretion of the senior staff person on duty. The Harbormaster shall not respond to non-emergency incidents in neighboring waters.

E. Limits of Assistance The primary interest of the Harbormaster for non-emergency incidents is to get the disabled vessel secured. Accordingly, assistance for non-emergency incidents shall be limited to towing a disabled vessel to the closest marina, public mooring or other safe facility within the limits of the equipment and staff on duty. Due to the limitations of the Harbormaster's outboard powered boats, the Harbormaster shall not tow vessels larger than 40', shall avoid towing vessels through the Blynman Canal, and shall tow at headway speed only. Individuals tows shall be made at the discretion of the on-duty staff. In no case shall a vessel be towed into neighboring waters. Non-emergency assistance will be interrupted in the event of a marine emergency. The staff may make reasonable radio or telephone calls on behalf of a boater involved in a non-emergency incident.

F. Commercial Assistance Staff from the Harbormaster's Office shall neither recommend nor select commercial assistance firms. However, the Harbormaster shall maintain an alphabetical list of marine towing or assistance firms from Marblehead to Newburyport that provide adequate proof of qualifications and certificates of insurance. If there is no adequate response to a Harbormaster's MARB for a vessel needing assistance, the list can be provided to the operator for their personal selection of, and discussions with, a commercial firm.

Article X Policies Regarding the Harbormaster's Office Code of Conduct for Launch Operators and Passengers (cont.)

Section 4. Conduct (Adopted 9/3/20)

Launch Operators

- Launch operators shall operate the launch safely at all times.
- Launch operators are the USCG Licensed Master of the Vessel .
- Launch operators shall be courteous and respectful to passengers at all times.
- Launch operators shall respond to requests for pick up with an approximate ETA.
- Launch operators shall suspend launch service during dangerous weather events.
- Launch operators shall inform awaiting passengers of the expected length of any weather delay.
- Launch operators may refuse service to anyone whose footwear or attire will stain or damage the launch in anyway.
- Launch operators have final say on ridership, i.e. who rides and who does not.
- The launch operator shall be responsible for the conduct and safety of all passengers and crew on the launch.
- In the event that the launch is down for unexpected repair or service, the Harbormaster's Office will make every effort to notify passengers in advance.

Passengers

- Passengers shall follow all directions from the launch operator who is the USCG Licensed Master of the Vessel.
- Passengers shall pay in advance for the use of the launch service.
- Passengers shall embark and disembark at the direction of the launch operator and in a safe manner.
- While in transit, passengers shall remain seated at all times unless otherwise directed by the launch operator.
- Passengers shall be prepared for suspension of service due to sudden weather events.
- Passengers shall behave in a civil manner toward the other passengers and the operators at all times.
- The launch operator may refuse service if a passenger appears impaired or intoxicated.
- Passengers may be refused service for unsafe or belligerent behavior.
- Parents shall be responsible for their children's behavior and safe conduct at all times.
- Failure to follow any of these rules or regulations may result in the immediate suspension/revocation of season passes or launch privileges.

Article XI Policies Regarding Waterfront Land Use & Development

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