

TOWN OF NARRAGANSETT

CHAPTER 1028

AN ORDINANCE IN AMENDMENT OF CHAPTER 82 OF THE CODE OF ORDINANCES OF THE TOWN OF NARRAGANSETT, RHODE ISLAND, ENTITLED "WATERWAYS"

It is ordained by the Town Council of the Town of Narragansett as follows:

Section 1: Articles III and IV of Chapter 82 of the Code of Ordinances of the Town of Narragansett entitled "Waterways" are hereby deleted in their entirety and replaced by the following

ARTICLE III. BOATS*

*State law references: Regulation of boats, G.L. 1956, § 46-22-1 et seq.; local regulation of boats, G.L. 1956, § 46-22-14; reckless operation of boats, G.L. 1956, § 46-22-9; powers conferred on Town of Narragansett to regulate boats in the public waters, G.L. § 46-4-6.8; definitions, G.L. 1956, § 46-22-2; reinforcement of the Town's commitment to the boat sewage laws, G.L. 1956, § 46-12-39 thru 41.

Sec. 82-86. Definitions.

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

Motorboat means any vessel propelled, in whole or in part, by mechanical means, either inboard or outboard, and using a motor powered by gasoline, diesel fuel, naphtha, kerosene, steam or fuel oil.

Water means all lakes, rivers, streams, ponds or other bodies of water located within or partly within the boundaries of the town.

(Code 1986, § 4-71)

Cross references: Definitions generally, § 1-2.

Sec. 82-87. Operation from beach or near bathing areas.

(a) It shall be unlawful for any motorboat or other watercraft while being operated upon waters within the boundaries of the town to pass closer than a reasonable distance to a public bathing area on the shores of the waters of the town.

(b) No boat or other personal watercraft shall operate from the town beach.

(Code 1986, § 4-72)

Sec. 82-88. Reckless operation.

It shall be unlawful for any motorboat or other watercraft upon the waters within the boundaries of the town to be operated in a reckless or negligent fashion upon the waters within the boundaries of the town either as to speed or conduct of operations.

(Code 1986, § 4-73)

Sec. 82-89. Passing near other vessels.

Motorboat or other watercraft operators shall use due and reasonable care in passing close to or near other vessels and shall slow to a reasonable and safe speed when passing rowboats, canoes, kayaks, sailboats or other vessels not propelled by mechanical means.

(Code 1986, § 4-74)

Sec. 82-90. Police directions.

Motorboat operators shall obey lawful directions given to them by the harbormaster or by any police officer of the town in enforcement of the provisions of this division, and shall immediately, upon being instructed by any police officer or harbormaster of the town, comply with such lawful directions.

(Code 1986, § 4-75)

State law references: Similar provisions, G.L. 1956, § 46-22-173.

Sec. 82-91. Speed limit in certain areas.

(a) It shall be unlawful for any person to operate any boat or vessel, other than a vessel operated by any branch of the United States government, in the entrance to or within the harbor at Point Judith within the town between a line running east to west drawn across the breachway 200 feet north of the southerly end of the easterly bulkhead of the breachway to Point Judith Pond, and a line drawn across Point Judith Harbor running east to west from the northerly side of the state pier on the Galilee side to the northerly side of the state pier on the Jerusalem side, at a speed in excess of five miles per hour or so as to create a wake.

(b) A speed in excess of five miles per hour and/or the creation of a wake is prohibited in the following areas: within 100 feet of any bridge, dock, marina, boat ramp or posted bathing area, and within the area along the dunes at the eastern end of Narrow River, until the river turns to the east towards the ocean.

(Code 1986, §§ 4-76, 4-96; Ch. 797, §§ 2, 3, 8-21-2000)

State law references: Regulation of public waters, G.L. 1956, § 46-4-6-8.

Sec. 82-92. Violations; fines.

(a) Enumeration. The following violations and the payment of fines may be handled administratively through the method provided for in section 18-30 of this Code. The schedule of violations is as follows:

Violations Schedule (See Clerk's Office for most up to date fines; ordinance in Clerk's Office takes precedence over table shown below).

| Section of Code | Violation | Fine |
|-----------------|--|----------|
| 82-1 | Diving from bridges | \$100.00 |
| 82-2 | Throwing debris from bridges | \$100.00 |
| 82-87 | Operation near bathing area | \$100.00 |
| 82-88 | Reckless operation | \$100.00 |
| 82-89 | Passing near other vessels reasonable care | \$100.00 |
| 82-90 | Police directions | \$100.00 |
| 82-91 | Speed limit in certain areas | \$100.00 |

| | | |
|--------|------------------------------------|----------|
| 82-93 | Flotation devices | \$100.00 |
| 82.94 | Regulation of PWC | \$100.00 |
| 82-161 | Vessel speed | \$100.00 |
| 82-162 | Vessel operation | \$100.00 |
| 82-164 | Obstruction of channels | \$100.00 |
| 82-165 | Swimming in channel | \$100.00 |
| 82-166 | Fishing in channel | \$100.00 |
| 82-173 | Boat standards | \$100.00 |
| 82-178 | Transient anchoring and anchorages | \$100.00 |
| 82-179 | Failure to stop | \$100.00 |

(b) Failure to act. If the offender does not pay the fine as specified in subsection (a) of this section, the offender shall have waived his rights to dispose of the offense by mail, and a notice shall be issued against the offender for his personal appearance before the municipal court on a date set by the harbormaster or his designee for the disposition of the offense.

(Ch. 787, § 1, 8-16-1999; Ch. 797, § 1, 8-21-2000)

State law references: Authority to regulate boats, G.L. 1956, § 46-4-6.8.

82.93. Flotation devices – children. Any person transporting a child under thirteen years of age in a vessel less than 26 feet in length on the waters of the Town of Narragansett shall require that the child wear a personal flotation device approved by the United States Coast Guard.

82-94. Regulation of personal watercraft. (a) A person may not operate a personal watercraft at any time between the hours of one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise.

(b) No person under the age of sixteen (16) shall operate a personal watercraft on the waters of the Town unless an adult accompanies him or her or unless he or she has passed a Department of Environmental Management approved or United States Coast Guard approved boating safety course.

Secs. 82-95--82-100. Reserved.

ARTICLE IV. COASTAL WATERS AND HARBOR AREAS*

*State law references: Powers of town to regulate public waters, G.L. 1956, § 46-4-6.8.

DIVISION 1. GENERALLY

Sec. 82-101. Goals of this article.

The goals of the town in the adoption of this article are to:

(1) Manage the coastal waters and harbor areas of the town, as described in this article, by establishing regulations that balance and manage the diverse uses of the waters, harbor areas and waterfront and to minimize user conflicts.

(2) Provide a mechanism to ensure the administration and operational costs of provisions of this article and the harbor management plan are shared by the town, mooring owners and other groups or individuals as may be identified by the harbor management commission, described in this article.

(3) Provide a mechanism to ensure that all waterway activities are occurring in a safe, efficient and controlled manner so as to prevent accidents and unnecessary losses.

(4) Remain consistent with the goals and regulations of the town comprehensive plan, the state coastal resource management program, the state department of the environment, the state guide plan, and the United States Army Corps of Engineers.

(5) Provide for harbormaster authority and duties.

(Code 1986, § 4-130)

Sec. 82-102. Definitions.

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

Abode means the principal, non-water dependent use of a structure or vessel as a dwelling or home.

Anchoring means to secure a vessel temporarily to the bottom of a waterbody by dropping an anchor from a vessel.

Commercial vessel means any type of vessel used primarily for any type of commercial venture including, but not limited to, fishing, towage, salvage and the carriage of passengers for hire.

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

Guest privilege means a mooring may be occupied by a guest of the permitted mooring owner for a period not to exceed ten days. Guest moorings may not be rented, leased or used by the same vessel on a continuous basis.

Harbor management commission means the body appointed by the town council to prepare the harbor management plan, develop policies for implementation of the plan, develop appeals procedures, and to provide other recommendations regarding harbor and coastal resource issues as specified within this article.

Harbormaster means the individual appointed by the town manager in accordance with the provisions of the town Charter to enforce the provisions of this article and any additional regulations subsequently required for the implementation of this article.

Lateral access means movement along the shore by individuals on foot.

Launching ramp means any natural or manmade facility used for the launching and hauling of boats.

Marina means any dock, pier, wharf, float, floating businesses, or combination of such facilities that service five or more recreational boats as a commercial enterprise or in association with a club (section 300.4 RI CRMP).

Mean high water (MHW) means the average height of the high tides over an 18.6-year period of time.

Mooring means a semi-permanent anchorage installation that consists of a mushroom anchor, granite or cement block, a mooring buoy, and a pennant used for securing a recreational or commercial vessel. For the purposes of this article, a mooring is considered private or reserved.

(1) Private: Any mooring owned and used by a private individual in the littoral waters or mooring zones.

(2) Commercial: Any mooring which is rented by the mooring permit holder. Moorings are available on a limited basis upon approval of the harbor management commission. The same information as required of private mooring applicants must be completed by each mooring lessee.

(3) Town Moorings: Available through the Harbor Master.

Mooring-fairway means a path through or immediately adjacent to a mooring field, the purpose of which is to provide ingress and egress to and from moorings.

Mooring float means a structure similar to a dock float in construction and design, usually constructed with wood that is secured to mooring tackle.

Mooring post means an upright post of wood, stone, cast iron, or any other material fixed in the ground/bottom for securing vessels by line or chain.

Mooring space means that water space assigned to an applicant by the harbormaster.

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

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

Personal watercraft means a vessel which uses an in-board motor powering a water jet pump as its primary source of motor power and designed to be operated by a person sitting or kneeling on the vessel rather than the conventional method of sitting or standing inside the vessel.

Recreational boating facility includes marinas, launching ramps, residential boating facilities, recreational wharfs, piers and slips, floats or floating docks and recreational mooring areas, section 300.4 of the coastal resources management program, as amended.

Registered owner means that person owning the specified vessel at the time and date of signing the initial registration. The harbormaster is authorized to request a bill of sale testifying to ownership or vessel registration and documentation forms.

Registered vessel means that vessel registered initially by the registered owner.

Registration means that contract between the town and the boat owner granting the boat owner the privilege of using a mooring space within the town's waters for a specified season.

Resident means any person who has established legal residence in the town or any person owning property and paying local taxes of at least \$250.00 to the town.

Right-of-way means an unobstructed path or corridor from a public thoroughfare or facility leading to or along the waters of the town and shoreline areas below the mean high water mark.

Vessel means every description of watercraft including seaplanes used on the water, used or capable of being used as a means of transportation on water.

Water-dependent use means those waterfront activities solely dependent upon the water for their use (i.e.: commercial fishing, marinas, boats, yards, docks and boats).

Waters of the Town of Narragansett means the water area over which the town hereby assumes management authority for the purposes of this article, consistent with the powers, duties and authorities granted under G.L. 1956, § 46-4-6.8 (see section 82-103).

(1) Designated waters. Designated water are as follows:

a. Mooring zones: Those areas primarily designated for the placement of moorings.

b. Habitat conservation zones: Those areas exclusively designated for the protection of water quality, wildlife, and plant habitat values. Areas designated as habitat conservation shall not allow any use that may negatively impact the environment, including the building of docks, placement of moorings, dredging, and use of recreational vessels. Overnight transient anchorage and moorings are prohibited.

c. Exclusive zones: Zones defined as 500 feet seaward of the mean low water mark at designated beach areas. These zones do not allow any recreational vessels to operate between April 30 and October 30, except for reasons of ingress and egress.

(2) Riparian moorings. Residents in the immediate areas of public rights-of-way to water may be granted permission to place a private mooring on a space-available basis in an approved mooring area, upon an approved application from the harbormaster.

(Code 1986, § 4-131)

Cross references: Definitions generally, § 1-2.

Sec. 82-103. Jurisdiction.

(a) The coastal waters and harbor areas of the town included under the jurisdiction and authority of this article are those coastal waters and harbor areas within the jurisdiction of the corporate boundaries of the town as they pertain to the Narrow River, Point Judith Pond, East Pond, South Ferry, Bonnet Shores, Anawan Cliffs and all other coastal waters and harbors not otherwise named within this jurisdiction.

(b) The northern coastal boundary of the town begins at a line at the center point between the Town of North Kingstown and the Town of Narragansett and runs south between the two towns divided by the Narrow (Pettaquamscutt) River, as well as the Town of South Kingstown (see section 1, figure 1). The Narrow River, a tidal estuary is within the corporate boundaries of the Town of Narragansett, the Town of South Kingstown, and the Town of North Kingstown. The Narrow River is subject to the authority granted to the Town of Narragansett, consistent with the goals and objectives of the special area management plan and the authority vested in the state coastal resources management council. The town boundary extends northerly to a point in the Narragansett Bay 733 yards from shore, and extends southerly to and includes the Harbor of Refuge at Point Judith Pond. This area includes both shores of the breachway at the entrance of Point Judith Pond and then northerly along the eastern shore of Point Judith Pond to the head end of the Pond at Route 1, and

also includes East Pond which is contiguous to Point Judith Pond on its easterly side. The boundary between the Town of Narragansett and the Town of South Kingstown is a line drawn through Point Judith Pond, with the small section of Jerusalem included within the town (See section 1, figure 2 of article 3, chapter 753). For the purposes of the plan, the inland boundary of the area under the jurisdiction and authority of this article extends to Route 1, in the Fence Cove which is the approximate northern landward limit of Point Judith Pond.

(c) This jurisdiction includes all littoral waters, and all waters bordering the Town of Narragansett from the mean high water (MHW) line to a distance of three miles on the Atlantic Ocean. Those waters not directly on the ocean are under jurisdiction equal to a distance not exceeding the corporate boundary lines of the Town of Narragansett.

(Code 1986, § 4-132)

Editor's note: Figures 1 and 2, attached to ordinance number chapter 753, have not been set out at length in this section but are available in the offices of the town.

Sec. 82-104. Liability.

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

(Code 1986, § 4-135)

Secs. 82-105--82-120. Reserved.

DIVISION 2. HARBOR MANAGEMENT COMMISSION*

*Cross references: Boards, commissions and committees, § 2-71 et seq.

State law references: Authority to create a harbor management committee, G.L. 1956, § 46-4-6.8.

Sec. 82-121. Powers and duties generally.

The harbor management commission shall be authorized to prepare a harbor management plan for the tidal waters of the town, to provide for annual review of the harbor management plan, and recommend any additions or modifications of the plan as may be deemed necessary; to assist in the evaluation of the town's harbor management operation; to hear appeals to actions of the town in execution of the plan, and to initiate studies and other actions as may be necessary for proper management of the tidal waters of the town in accordance with the town Charter and state enabling legislation. The commission will be responsible for the development and recommendation of additional policies, rules and regulations for the harbor management plan and subsequent ordinances, subject to approval of the town council and, where applicable, the coastal resources management council.

(Code 1986, § 4-133)

Sec. 82-122. Composition.

The harbor management commission shall consist of seven members and two alternate members who must be residents of the town. Such commission shall to the extent practical include a member of the conservation commission, and the general public.

(Code 1986, § 4-133(1))

Sec. 82-123. Ex-officio members.

Each ex-officio member shall be a nonvoting member of the harbor management commission. The harbormaster, the chief of police, the town manager, the director of community development, the director of parks and recreation, a representative of the North Kingstown harbor commission, and a representative of the South Kingstown harbor commission shall serve as ex-officio members of the commission.

(Code 1986, § 4-133(2))

Sec. 82-124. Appointments.

Members shall be appointed by the town council for terms consisting of three years. The alternate members shall be appointed annually. The commission may also form subcommittees to address specific duties of the commission.

(Code 1986, § 4-133(3))

Sec. 82-125. Vacancies.

Vacancies shall be filled as necessary. The person appointed shall serve for the remainder of the unexpired term.

(Code 1986, § 4-133(4))

Sec. 82-126. Officers.

A chairperson, vice-chairperson and secretary shall be elected by the members of the commission. Meetings shall be called by the chairperson or at the request of at least four members of the commission. The secretary shall keep minutes of all meetings and file such minutes with the town clerk. The commission shall meet monthly and shall conform to open meeting laws.

(Code 1986, § 4-133(5))

Sec. 82-127. Compensation.

No member of the harbor management commission shall receive compensation for service. Harbor commission members may be compensated for any normal expenses incurred in the performance of their duties, when approved by the town manager.

(Code 1986, § 4-133(6))

Sec. 82-128. Additional powers and duties.

The harbor management commission shall be the municipal advisory and appeal body authorized to prepare and to amend, subject to town council approval, a harbor management plan to oversee the enforcement of such plan, and subsequent implementing ordinances, regulations, and programs. The harbor management commission shall adopt rules of procedure and operation for its meetings and is authorized to:

- (1) Recommend to the town council the adoption of rules, regulations and other amendments to the harbor management plan and its subsequent ordinances which may be necessary to fulfill the goals and objectives of the harbor management plan and meet the requirements of this article.
- (2) Recommend as necessary additional authorities and duties for the harbormaster.
- (3) Assist in the preparation of an annual budget for harbor management in accordance with the provisions of the town Charter.
- (4) Recommend the expenditure of budgeted funds to acquire services or materials necessary for the implementation of the harbor management plan, subject to approval of the town manager per the provisions of the town Charter.

(5) Recommend fees and fines, subject to town council approval for the implementation of the harbor management plan, including support of the harbormaster's payroll, improvement to moorings, anchorages, accessways, marine sanitation, surveys, studies, and other activities deemed necessary for carrying out the goals, policies, and implementation of the harbor management plan.

(6) Review and revise as necessary the harbor management plan and subsequent ordinances for the town council and coastal resources management council approval. The harbor management plan and its ordinances shall be reviewed and revised at least once every five years. Public participation and input shall be encouraged during each five year review. Significant public notice, which shall include notice in the newspaper and on cable TV, shall be given by the commission for all meetings at which the review and revision of the harbor management plan will be discussed.

(7) To assist in the coordination of all public and private agencies, commissions and other organizations which have interest or jurisdiction with regard to the tidal waters of the town.

(8) To review for consistency with the harbor management plan any public notice of an application for a local, state or federal permit for any water based activity taking place within the jurisdiction of this article, and to respond in a timely fashion with recommendations to the regulating agencies.

(9) To review and make recommendations on proposed water use activities contiguous to the waterfront, and in the waters within the jurisdiction of the town that are received for review by other municipal agencies.

(10) Advise the town manager on the performance and/or the qualifications of the harbormaster.

(11) Coordinate and/or conduct a minimum of one U.S. Coast Guard approved boating safety class per year.

(13) Members of the public may suggest revisions to the harbor management plan at any meeting of the commission. Each suggested revision shall be noted in the minutes of the commission's meetings. The minutes shall also reflect the actions taken by the commission on the request. (Code 1986, § 4-133(7))

Secs. 82-129--82-140. Reserved. Appeals to the Harbor Management Commission.

In accordance with the authority granted under Section 82-128, the Harbor Management Commission shall have jurisdiction to hear appeals from any decision of the Harbormaster made pursuant to the authority granted to the Harbormaster in Section 82-141(2) regarding the issuance of mooring permits and the placement of moorings. Any person wishing to appeal a decision of the Harbormaster under this section must submit a written statement to the Harbor Management Commission, with a copy to the Harbormaster, outlining the specific decision being appealed, the basis for the appeal, and a specific citation to the provisions of the Harbor Management Plan and Harbor Management Ordinance upon which they rely to support the basis of their appeal. An aggrieved party must file his/her appeal not later than thirty (30) days after the date of the decision of the Harbormaster. The Harbor Management Commission shall review the appeal in public and permit both the appealing party and the Harbormaster to submit information and evidence to the Harbor Management Commission. Upon completion of the hearing, the Harbor Management Commission shall render a written decision, specifying its findings of fact and conclusions regarding the appeal.

DIVISION 3. HARBORMASTER*

*Charter references: Harbormaster, § 2-1-7f.

Cross references: Officers and employees, § 2-201 et seq.

State law references: Jurisdiction over harbors, G.L. 1956, § 46-4-6.8.

Sec. 82-141. Duties.

There shall be a harbormaster for the Town who shall be an employee, serving at the pleasure of the Town Manager. The harbor management commission, through the chairman, may offer recommendations to the town manager in the event of the hiring or appointment of a new harbormaster. The harbormaster shall function in the capacity of a peace officer, and have the authority to investigate and enforce provisions of federal and state laws and regulations. The harbormaster shall cooperate in connection with enforcement with such federal, state and local agencies as may, from time to time, be charged with similar or related responsibilities. The harbormaster shall be responsible to the town manager in his capacity as the director of public safety and shall have the following duties:

(1) Be responsible for the administration and enforcement of the provisions of the harbor management plan and its ordinances; and any ordinances regulating the use of town wharves, docks, piers, marinas, moorings and vessels; and all ordinances regulating the speed, management and control of vessels; and the size, type, location and use of all anchorages and moorings within the public waters within the confines of the town.

(2) Review and process applications for the issuance of mooring permits and assign proper placements of moorings in accordance with this article. The harbormaster or his assistants shall transfer any and all monies and accounting to the finance department as required.

(3) Keep proper records of all mooring application information including the location of moorings, mooring owners and vessel usage of mooring, type (name, motor or sail) and size of vessel using the mooring, type of marine sanitation device (if applicable) on board, copy of current boat registration, and amount of payment for mooring permit application. These records shall be available for public review at the town clerk's office.

(4) Prepare, keep current, and make available on request a waiting list for mooring permits in accordance with the provisions of this article if the demand for available mooring permits is greater than the number of available mooring locations in any given year. The waiting list shall be available for public review at the town clerk's office.

(5) On a monthly basis, the harbormaster shall submit a report at the monthly harbor management commission meeting indicating all activities that have gone on during the past month including, but not limited to, movement of all moorings, removal of all moorings and additions and deletions to waiting lists. Annually, the harbormaster with the harbor management commission shall submit a report to the town manager, who in turn will submit a report to the coastal resources management council with the following information:

a. Total number of mooring permits granted.

b. A summary of the total vessel characteristics (length, motor or sail, MSD) from permit applications.

c. Such summary will also list the water type classifications and therefore the total number of permits in each water type classification will be reported as total number and vessel characteristics.

(6) Ensure the inspection of mooring tackle in accordance with the provisions of this article.

(7) Assist in grant applications as it pertains to waterways and harbors within the town.

- (8) With the harbor management commission, recommend rules and regulations for approval by the town council.
 - (9) Coordinate the maintenance and repair of patrol boats and other departmental equipment.
 - (10) Prepare and implement department operational budget.
 - (11) Act as a liaison with other harbor masters in an effort to modify and improve the existing harbor management plan. The harbor master shall be responsible for duties as further described in this article.
 - (12) Carry out all other powers and duties authorized to the harbor master under various state and federal marine laws including, but not limited to, Marine Sanitation Devices (MSD) inspection and discharge responsibility afforded through the U.S. Coast Guard, Marpol Annex V, section 312 (33 USC 1251 et seq.) of the Clean Water Act, G.L. 1956, § 46-22-1 et seq., and future laws yet to be enacted.
- (Code 1986, § 4-134(a))

Sec. 82-142. Assistant harbor masters.

Assistant harbor masters for the town may be appointed by the town manager and shall serve at the pleasure of the town manager. Assistant harbor masters shall report directly to the harbor master and are authorized with the same duties as the harbor master, under the direction of the harbor master.

(Code 1986, § 4-134(b))

Cross references: Officers and employees, § 2-201 et seq.

Sec. 82-143. Compensation and budget.

The harbor master and assistant harbor masters shall receive compensation as set by the town council. The harbor master is responsible for the day-to-day administration of a harbor management budget. One or more assistant harbor masters will work full-time or part-time, as needed by the harbor master, and will be paid at a rate to be determined within the annual budget.

(Code 1986, § 4-134(c))

Secs. 82-144--82-160. Reserved.

DIVISION 4. BOAT REGULATIONS*

*State law references: Waters and navigation, G.L. 1956, title 46; regulation of boats, G.L. 1956, § 46-22-1 et seq.; local regulation of boats, G.L. 1956, § 46-22-14, superseded by special regulatory powers for the Town of Narragansett, G.L. 1956, § 46-4-6.8.

Sec. 82-161. Vessel speed.

(a) The operation of any vessel within the tidal waters of the town shall proceed in a manner which protects all persons and property from damage caused by waves, wakes, and operation. Operators of vessels within the coastal waters and harbor waters of the town shall comply with federal, state and local regulations on vessel speed and wake.

(b) No vessel shall operate in a reckless or careless manner, which shall include, but not be limited to, wave and wake jumping, or operating at high speeds within close proximity to docks or other vessels, or that causes wake or wash potentially dangerous to persons or damaging property.

- (1) Federal navigation channels: Vessels speed shall not exceed five miles per hour in any federal navigation channel located within the town land points, and for any federal navigation channel located within the waters within Point Judith Pond in the town.
 - (2) Navigation fairways: Vessels speed shall not exceed five miles per hour nor create more than minimal wake in any navigation fairway as established and described in this section.
 - (3) Mooring-navigation fairways: Vessels speed shall not exceed steerageway in any mooring fairway, as determined by the harbormaster.
 - (4) Mooring fields: Vessel speed shall not exceed steerageway, nor create wake in any designated mooring area or anchorage as established and described in this section.
 - (5) No vessel shall be operated in excess of steerageway in Point Judith Pond north of Pine Tree Point.
 - (6) No vessel shall operate at a speed in excess of five miles per hour or create a wake in the entrance to or within the harbor at Point Judith between a line running east to west drawn across the breachway from the end of the east wall in a westerly direction to the end of Jerusalem and a line drawn across Point Judith Harbor running east to west from the most western end of Little Comfort Island to the west end of Jerusalem shore.
 - (7) No vessel shall operate at a speed in excess of five miles per hour or create a wake in the area east of the Great Island Bridge to a point approximately 1,200 feet to the northeast.
 - (8) No vessel shall operate at a speed (as posted) greater than five miles per hour or create a wake in the following areas of the Narrow River:
 - a. At Middle Bridge and from Beach Avenue to the lake;
 - b. From the Dunes Club Tennis Court to where the Narrow River turns east;
 - c. From the State Boat Ramp in South Kingstown north to the end of Conanicus Road.
 - d. From one hundred (100) feet east of Sprague Bridge to three hundred (300) feet to the west.
- (Code 1986, § 4-151; Ch. 795, § 1, 8-7-2000; Ch. 797, § 4, 8-21-2001)
State law references: Reckless operation of boats, G.L. 1956, § 46-22-9.

Sec. 82-162. Vessel operations.

Vessels used alone or engaged in activities including, but not limited to, water skiing, jetskiing, paragliding, sailboarding, surfboarding and other similar uses that involve the use of a vessel moving in excess of five miles per hour shall not be allowed within 200 feet of any designated swimming area, mooring area, anchorage area, shore side facility, right-of-way ingress and egress points, launching ramp, federal navigation channels, navigation fairways, small unpowered vessels vulnerable to swamping or tipping due to wakes (i.e. canoes, kayaks, etc). Vessels used in these manners are allowed within 200 feet of shore side facilities when the sole purpose is to begin or end such activity.

- (1) No vessel operating upon the tidal waters of this town shall pass closer than 200 feet of an outer marker of a public bathing area on the shores of this town. Public safety vessels, emergency vessels are exempt from this subsection.
- (2) No person shall operate any vessel in a reckless or negligent manner so as to endanger the life, safety or property of oneself or another. No vessel shall operate within 50 feet of any fixed object in the water unless the vessel is utilizing the fixed object for a permitted use.
- (3) The Inland Navigation Rules and Regulations shall apply in all of the tidal waters of the town. Any violation of the Inland Rules and Regulations shall be considered as negligent operation of a vessel.
- (4) Water skiing is prohibited in all swimming, mooring, and anchorage areas, and for an area 200 feet from the perimeter of these activities.

(5) No person shall operate a personal watercraft between the hours of one-half hour after sunset and one-half hour before sunrise.

(6) All vessels must meet the existing standards for muffling devices as stated in G.L. 1956, § 46-22-8.

(7) Boating activities should be limited in shallow-water habitat to decrease turbidity and physical destruction of such habitat.

(Code 1986, § 4-152; Ch. 797, § 5, 8-21-2000)

Sec. 82-163. Navigation fairways.

The following fairways are hereby designated within the following parameters, to be forwarded to the CRMC for U.S. Coast Guard establishment.

(1) Can #33 at head end of Point Judith Pond up to the shoreline at Route #1.

(2) Ramp approach at South Ferry.

(3) Ramp approach at Bonnet Shores.

(4) Ramp approach at Mettatuxet Yacht Club.

(5) Ramp at Long Cove.

(6) Dock at Harbor Island.

(7) Dock at Briggs Farm Estate.

(8) Ramps at Great Island.

(9) Ramps at Galilee.

(10) Ramp at Breakwater Village.

(Code 1986, § 4-153)

Sec. 82-164. Obstruction of channels, fairways and berthing space.

No vessel, fixed, or floating structure shall be moored or anchored so as to interfere with the free and unobstructed use of channels, fairways or berthing spaces within the areas under the jurisdiction of the town, as detailed in section 82-103.

(Code 1986, § 4-154)

Sec. 82-165. Swimming.

Swimming is prohibited in all navigation channels, mooring areas and fairways. Swimming and/or diving off of all bridges is prohibited.

(Code 1986, § 4-155)

Sec. 82-166. Fishing.

Fishing and shellfishing is prohibited in all federal navigation channels and navigation fairways. The placement of lobster and eel pots, pot floats and fish nets is also prohibited in all federal navigation channels, navigation fairways and mooring fields.

(Code 1986, § 4-156)

Sec. 82-167. Use of vessels as abodes.

In accordance with the Rhode Island Coastal Resources Management Program, section 300.5, houseboats or floating businesses are prohibited from mooring or anchoring, unless within the boundaries of a marina.

(Code 1986, § 4-157)

Sec. 82-168. Marine toilets and sewage discharge.

No person shall operate a marine toilet at any time so as to cause or permit to pass or to be discharged into harbor waters any untreated sewage or other waste matter or contaminant of any kind.

(Code 1986, § 4-158)

Sec. 82-169. Marine debris.

The discharge of any waste, garbage, refuse, petroleum product or byproduct, paint, varnish, dead animals, fish, or any other debris into the waters is prohibited under this article.

(Code 1986, § 4-159)

Sec. 82-170. Towing and moving of vessels.

If any vessel berthed, moored or anchored in the tidal waters of the town is found to be in direct violation of any provision of this article, the harbormaster is authorized to move, relocate or tow such vessel. In addition to any fine for such violation, a fee of \$100.00 shall be collected from the vessel owner for such harbormaster action.

(Code 1986, § 4-160)

Sec. 82-171. Rafting.

Vessels may raft on a single mooring during daylight hours when such activity does not interfere with the proper functioning of adjacent moorings or vessel anchorages. Vessels at raft shall be manned at all times, and be prepared to get underway if conditions so require. It shall be the responsibility of the owner of the mooring permit to determine that the load on the mooring tackle does not constitute a potential hazard.

(Code 1986, § 4-161)

Sec. 82-172. Abandoned vessels and structures. Reserved.

(a) Upon determination by the harbormaster, the harbormaster may take custody and control of abandoned vessels and structures located in the tidal waters of the town and remove, store or otherwise dispose of such vessel or structure at the expense and sole risk of the owner of the abandoned vessel or structure. Reasonable notice of 30 days shall be given by certified letter to the address on record of the owner, of such removal, storage or disposal, and shall also be publicly advertised. If any abandoned vessel or structure presents a hazard to navigation, the harbormaster may have it removed before it is publicly advertised or reasonable notice is given. The owner is responsible for all expenses incurred in either case.

(b) The harbormaster shall assume all of the duties and powers of the commissioner of wrecks and shipwrecked goods, as detailed in the G.L. 1956, §§ 46-10-1--46-10-13.

(Code 1986, § 4-162)

Sec. 82-173. Boat standards.

Every vessel entering the tidal waters of the town shall be equipped as required by G.L. 1956, § 46-22-1 et seq., and all similar federal laws, rules and regulations. Consistent with G.L. 1956, § 46-22-1 et seq., the harbormaster as the agent for the town, shall have the authority to enforce all provisions of G.L. 1956, § 46-22-1 et seq.

(Code 1986, § 4-163)

Sec. 82-174. Derelict vessels or Man-made Marine debris.

No derelict vessel or man-made marine debris, shall be allowed in or upon the waters or shores of the town. A vessel or man-made marine debris of any kind whatsoever, in a badly deteriorated condition or which is likely to damage private or public property or which might become a hazard to navigation, shall not be permitted to moor, anchor or dock in the waters under the jurisdiction of the town. Any vessel or man-made marine debris which is or might become a hazard to navigation may be ordered moved by the harbormaster.

(Code 1986, § 4-164)

Sec. 82-175. Special events.

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

(Code 1986, § 4-165)

Sec. 82-176. Powerboat and sailboat competition.

(a) No competitive races or similar events shall be held upon the coastal waters of the town without the submission of a written proposal to the harbormaster, which will be submitted for final approval from the town manager.

(b) Race courses set for both practice and competition shall be laid out so as to avoid the crossing of a channel, fairway or launching ramp access.

(Code 1986, § 4-166)

Sec. 82-177. Rights-of-way to the water.

(a) No person shall block barricade or in any way impede the public use of or access to designated public rights-of-way to the water as defined by the coastal resources management council or the town.

(b) No person shall store a vessel, vehicle, or structure on a designated public right-of-way to the water as defined by the coastal resources management council or the town except by written permission of the harbormaster when regulated and allowed by law.

(Code 1986, § 4-167)

Sec. 82-178. Transient anchoring and anchorages.

(a) A vessel may anchor on its own anchor in the tidal waters of the town except in federal navigation channels, navigation fairways, mooring fields, swimming areas, rights-of-way ingress and egress areas, and launching ramp areas. A vessel may not anchor for a period greater than 72 hours. Anchored vessels may be left unattended: the crew may go ashore, but shall not leave the general area. They shall be available to tend to the vessel in the event of heavy weather. It shall be the vessel owner's and/or operator's responsibility to remain clear of all moored vessels, and other structures.

(Code 1986, § 4-168)

Sec. 82-179. Failure to stop.

It shall be a violation of this article for any person to refuse to move or stop on oral command or order of the harbormaster or assistant harbormasters operating in his official capacity, and exercising the duties lawfully assigned to him.

(Code 1986, § 4-169)

Secs. 82-180--82-195. Reserved.

DIVISION 5. MOORING REGULATIONS

Subdivision I. In General

Sec. 82-196. Limits to the location of moorings.

No mooring shall be placed in waters within the town's jurisdiction without prior written approval of the harbormaster. A mooring shall be removed only by the harbormaster, his authorized agent or with the harbormaster's specific and expressed permission. The harbormaster shall reserve the right to have moorings removed, replaced or relocated at his discretion. The town, through its harbormaster, shall have the authority to remove unauthorized moorings at the expense and risk of the owner. The town shall hold such mooring for a period of 21 days, within which the registered owner shall have the right to reclaim the mooring by paying the town all required fees, penalties and expenses. If the owner does not claim the mooring within the 21-day period, the town shall have the right to dispose of such moorings as it deems fit. The Town will continue to ensure that mooring areas are not establish, nor any Bessel moored or anchored, so as to interfere with the free and unobstructed use of channels, fairways, or shore side facilities within the harbor. Public mooring areas shall provide, where possible, a 50 foot setback from all residential docs, piers, floats, public launching ramps, federal navigation channels, fairways, anchorages, and/or turning basins. Setback limits from riparian moorings and shoreline public rights-of-way shall be sufficient to allow for ingress and egress and to prevent interference with the exercise of private or public rights in these areas. Mooring areas shall be setback at least three times the U.S. Army Corps of Engineer's authorized project depth from federal navigation projects. In addition, the Town will ensure that mooring areas and/or moorings dedicated to private commercial uses are not sited in federally maintained project areas.

(Code 1986, § 4-181)

Sec. 82-197. Mooring records.

The harbormaster shall keep a detailed record of all moorings, both private and town rentals, their location, along with the owner's name, home (and business if applicable) address, telephone numbers, last mooring inspection date, mooring permit number, and vessel data as detailed in section 82-222(1).

(Code 1986, § 4-185)

Sec. 82-198. Moorings associated with riparian/waterfront properties.

Current residential waterfront property owners shall be allowed to place one mooring in those waters immediately adjacent to the residence of the waterfront property. If land is to be subdivided to produce a greater number of waterfront properties, the applicant may be required by the harbormaster to submit plans for common mooring areas and provide for common access to the shoreline. If shoreline or other considerations preclude the placement of a resident waterfront mooring immediately adjacent to the property, the mooring shall be placed in the nearest mooring field with priority consideration being given to the proximity of the waterfront owner. The mooring owner must comply with all mooring permit application requirements, and receive a mooring permit from the town as described in this division. If there is a need for an additional mooring, the regular mooring application process is to be followed. In any case no more than two moorings per applicant will be allowed. The mooring must meet all mooring tackle standards and inspections as described in this division, before such placement will be permitted.

(Code 1986, § 4-186)

Sec. 82-199. Transfer of moorings.

Notwithstanding the above provision, a private mooring may transfer to an immediate family member (brother, sister, mother, father, spouse, children or grandchildren) upon written notice to the harbormaster which shall include the name and address change. Such transfers shall be strictly limited to a one time basis to those individuals holding a valid permit on the date that the CRMC approves the HMP and Harbor Ordinances. No immediate family member to whom a private mooring is transferred shall then be allowed to transfer that private mooring under any circumstance. Thereafter, all private moorings that are forfeited by or not renewed by a holder of a valid mooring permit shall be made available to individuals on the waiting list.

(Code 1986, § 4-187)

Sec. 82-200. Mooring areas.

(a) No mooring shall be located or placed within the coastal waters of the town without a valid mooring permit issued by the harbormaster and without having the mooring inspected as detailed in this division and approved by the harbormaster. The harbormaster must direct the placement of the mooring.

(b) No vessel so moored or anchored shall extend beyond the designated mooring area boundaries, as detailed in this division, with the exception of residential waterfront moorings which may be located in a waterfront property owner's riparian area.

(c) All designated mooring fields sited within the tidal waters of the town shall not be established, nor any vessel moored or anchored, so as to interfere with the free and unobstructed use of channels, fairways, or shore side facilities within the harbor. Public mooring areas shall provide, where possible, a 50 foot setback from all residential docks, piers, floats, public launching ramps, federal navigation channels, fairways, anchorages, and/or turning basins. If an approved public mooring area conflicts with an application for the new construction or addition to a residential deck, pier or float, then the applicant may request relief from the recommended 50' setback from the Harbor Management Commission. If the relief is approved by the Harbor Management Commission, then the Harbor Management Commission shall recommend to the Town Council an amendment to the approved mooring area. Setback limits from riparian moorings and shoreline public rights-of-way shall be sufficient to allow for ingress and egress and to prevent interference with the exercise of private or public rights in these areas. Mooring areas shall be setback least three times the U.S. Army Corps of Engineer' authorized project depth from federal navigation projects (e.g., navigation channels and anchorage areas)

(d) Mooring area designations. Certain waters of the town shall be designated as mooring areas. Those waters designated in this section are authorized for placements of permitted moorings as detailed within this division. They are located in accordance with all policies of the town's harbor management plan, the policies and requirements of the coastal resources management council's Guidelines for the Development of Municipal Harbor Management Plans, specifically the regulations set forth in sections d through l on page 30, and the CRMC's Management Procedures for Siting Mooring Fields. Any revisions to the size and/or location of these mooring field designations shall require town council approval. Once town council approval is obtained, approval for the revisions from the coastal resources management council and the department of the environment must be obtained. Once approval has been obtained from both state agencies, the revisions may take place.

(e) The following mooring area designations and anchorage area designations are described on Maps 3 and 4 in Appendix 1 of the Harbor Management Plan.

Editor's note: Maps 3 and 4 are not printed in this section but are on file in the town clerk's office.

(f) The following designated mooring areas are described as mooring areas A, B, and C.

Editor's note: The description of the areas is not printed in this subsection (f), but is on file in the town clerk's office.

(g) The following designated anchorage areas are described as designated anchorage areas AA--DD.

Editor's note: The description of the areas is not printed in this subsection (g) but is on file in the town clerk's office.

(Code 1986, § 4-188; Ch. 807, § 1, 6-11-2001)

Sec. 82-201. Mooring tackle specifications.

(a) Mooring tackle shall meet the following minimum standards: (mushroom anchor and non-mushroom sites). The provisions of this section shall be effective upon the passage of this division for new permits and March 31, 2000, for existing permits. The minimum rate for any vessel permitted for a mooring shall be 15 feet.

Where:

| | | | | |
|----|---|-----------------------|---|---|
| L | = | Length of vessel | | |
| B | = | The beam of vessel | | |
| E1 | = | A low exposure factor | = | 1 |
| E2 | = | A medium exposure | = | 2 |
| E3 | = | A high exposure | = | 3 |

The formula for determining the weight of a mushroom anchor (X) is stated as follows:

$L \times B \times (E1, E2 \text{ or } E3) = X$

For non-mushroom applications the dead weight shall be ten times the mushroom weight and the material shall be an acceptable grade of granite and/or concrete.

An exposure rating shall be established for each mooring field based on its wind and surf exposure.

Example: A 35-foot vessel with a 13-foot beam at various locations would require the following:

| Vessel Length | | Beam | | Exposure Factor | | Mushroom Weight |
|---------------|---|---------|---|-----------------|---|-----------------|
| 35 Feet | X | 13 Feet | x | 1 | = | 455 |
| 35 Feet | x | 13 Feet | x | 2 | = | 910 |
| 35 Feet | x | 13 Feet | x | 3 | = | 1,365 |

(b) Boats greater than 50 feet in length shall comply with the harbor master's directions.

Size of Permanent Mooring Rode Components

TABLE INSET:

| Mushroom Anchor | | | |
|-----------------|----------------------------|----------------------------|-------------------------------------|
| Weight (Pounds) | Riding Chain Size (inches) | Ground Chain Size (inches) | Pennant Size Rope (diameter inches) |
| 200 | 1/2 | 1/2 | 5/8 |
| 300 | 1/2 | 5/8 | 3/4 |
| 400 | 1/2 | 3/4 | 7/8 |
| 600 | 1/2 | 7/8 | 1 1/16 |
| 800 | 1/2 | 1 | 1 1/4 |
| 1000 | 5/8 | 1 1/4 | 1 5/8 |

(Source: American Boat and Yacht Council, Inc. P.O. Box 806, Amityville, NY 11701)

(c) Anchorage areas are located in the tidal waters of the town according to Map 3 in Appendix 1 of the Harbor Management Plan and are defined as follows: AA; BB; CC; DD

Editor's note: Map 3 is not printed in this section but is on file in the town clerk's office.

(1) Only mushroom anchors, pyramid anchors, granite blocks and/or concrete will be acceptable for moorings. The specific mooring site will determine whether a mushroom anchor, pyramid anchor, granite block and/or concrete is permitted. Deadweight anchor sites shall require granite and/or concrete blocks. The granite and/or concrete block shall be ten times the weight of a comparable sized mushroom. All hardware that is an integral part of the granite and/or concrete block assembly shall be sized to at least match the associated rode specifications.

(2) The length of the pennant shall be three times the distance from the bow chock to the water (measured vertically), plus the distance from the bow chock to the mooring cleat or post.

(3) All pennant lines running through a chock or any other object where chafing may occur should have adequate chafe guards.

(4) The total scope of the chain shall be three times the depth of the water at high tide. The bottom chain shall constitute at least 50 percent of the scope.

(5) All shackles, swivels and other hardware used in the mooring hookup shall be proportional in size to the chain used (relative to strength).

(6) All shackles shall be properly seized.

(7) The pennant shall be spliced or shackled into the bitter end of the top chain below the buoy so that the strain is not carried by the buoy.

(8) The winter stake shall be constructed of non-leaching rigid material.

(9) Moorings, stakes, pipes, pilings or any other object shall not be driven into the submerged lands within the jurisdiction of the town, nor shall any object of any description be located in the tidal waters of the town in order to moor a vessel from the shore without permitted approval effective with the 1998 boating season.

(.10.) Mooring buoys shall be rigid, spherical, a minimum of 18 inches in diameter and painted white with a two-inch wide blue horizontal stripe at the mid-section of the buoy.

(11. The minimum distance between any two moored vessels shall be 1.25 times the total mooring scope, plus the length of the larger vessel.

(.12.) The harbormaster through the HMC appeals process may approve mooring tackle specifications other than those standards described in this section if such specifications are appropriate for the area in which the mooring will be located.

(13) Mooring floats may be allowed in the tidal waters of the town by a special exception, as determined by the harbor management commission. Mooring floats shall be charged a mooring fee based on the sum of its length and width, using the current mooring fee schedule up to a maximum of 150 square feet at the discretion of the harbormaster. The sum of the length and width shall also

be utilized in determining the appropriate mushroom anchor size. The float shall also be required to show a permanent reflector material at least two inches in width along the full perimeter of the uppermost outside edge of the float. Vessels shall not in any manner be attached to the mooring or the float between sunset and sunrise nor shall a vessel of any size be placed upon a float, nor shall a float be utilized to launch a personal watercraft or any vessel above the water's surface. .. Mooring floats shall be constructed in accordance with CRMC guidelines for dock floats.

(14.) Outhaul: Defined as a non-single point anchoring device for the purpose of securing a boat in tidal waters and retrieving it from shore. Mooring outhauls (stringers) shall be regulated by the harbor master. Outhauls will not be permitted on beach areas that are commonly used for bathing purposes, ROW's, or any other area that might restrict the general public's access to the water. The harbor master shall have the final determination as to whether an existing or future outhaul conforms to the requirements. All non-conforming outhauls shall be brought to standards or removed from Town waters.

- (1) Posts will be two inch (2") galvanized pipe or wood equivalent. The minimum height shall be .three (3) feet above the high water mark at seaward end. Pulley, eye hooks, rope, pole depth and location, and other materials shall be approved by the harbor master.
- (2) Galvanized posts will have an assigned permit decal/number displayed at seaward and landward ends. Ropes shall be a minimum of 3/8 inches and shall be positioned above the high water line. Seaward posts must be visible so as not to obstruct nor be a hazard.
- (3) No boat over fifteen (15) feet shall be placed on an outhaul mooring.
- (4) Existing mooring outhauls shall be registered with the Harbor Master Division, following the application procedure for moorings. All outhauls shall be inspected annually by the harbor master in order to determine winter damage before season permits are issued.
- (5) The annual fee for a mooring outhaul permit shall be the current fees with a 15' minimum.
- (6) Up to two (2) outhauls may be allowed per waterfront property.
- (7) Outhauls are not permitted on properties which contain a recreational boating facility
- (8) Permits must be issued only consistent with RICRMP including provisions 300.18.
- (9) CRMC retains the authority to revoke any permits issued by the municipality if it finds that such permit conflicts with RICRMP.
- (10) From November 15 to April 15, when a boat is not being secured by the device on an annual basis, the outhaul cabling system shall be removed.
- (11) Outhauls may be "grandfathered" in their current location upon annual harbor master documentation that such outhauls have been in continuous use at such location since 2004, and the contiguous property owner(s) agree in writing to such, however such "grandfathering" is extinguished whenever a recreational boating facility is approved at the location.

(Code 1986, § 4-189) (CRMC "Redbook" Sec. 300.4.B.7

Sec. 82-202. Inspections.

(a) All new moorings in the tidal waters of the town must have the chain, tackle and anchor inspected by an approved contractor with the Town prior to setting the mooring. (b) Every permit holder shall be required to maintain his mooring in safe condition. Any chain, shackle, swivel or other tackle which has become warped or worn by one-fourth its normal diameter shall be replaced. Failure to maintain a safe mooring shall be cause for revocation of the mooring permit and shall be deemed a violation of this division.

(c) Moorings shall be inspected for each registered owner every third year. All costs of a mooring inspection required under the provisions of this division shall be the responsibility of the mooring owner. A town approved mooring inspector must raise the mooring out of the water and place the mooring on deck with the tension released for a complete inspection of all components. The agent performing the inspection shall be registered with the town, and shall be bonded and insured in the amount of \$1,000,000.00 to protect the town's and all other parties' interests. The designated agent shall certify to the town that the inspection has taken place and that the mooring meets all town requirements.

(d) The harbormaster will keep a written record on every mooring that has been inspected within the preceding three years. Noncompliance with the mooring standards shall mean the wear of any swivel, shackle or chain link by as much as one-quarter its original dimension, or apparent fraying or other weakness in the rope pennant. In a case of noncompliance, the registered owner shall ensure that such repairs be executed within 14 days. Upon completion of the repairs, the mooring owner will then be responsible for notifying the harbormaster that the mooring is ready for re-inspection. Any mooring washed or dragged ashore during a storm shall be reinspected at the expense of the owner before it is reset. Failure to meet these requirements may cause the harbormaster to order removal of the mooring, at the owner's expense, from the mooring space.

(Code 1986, § 4-190; Ch. 821, § 1, 7-1-2002)

Sec. 82-203. Mooring season.

The mooring season shall begin on March 15 of the year and continue until December 1 of the same calendar year. No watercraft or any other object except for a winter stake shall be attached to a permitted mooring during the non-mooring season. Special permission may be granted by the harbormaster upon receiving written request for an extension of the mooring season for exceptions to the requirement of removal of all watercraft. A winter stake shall be attached to the mooring tackle. The winter stake must be removed no later than June 1.

(Code 1986, § 4-191)

Sec. 82-204. Compliance.

Every owner, master, agent or person in charge of any vessel, who shall neglect or refuse to obey the directions of the harbormaster or other enforcement agent of the town in matters within the harbormaster's authority to direct, and every person who shall resist or oppose the harbormaster in the execution of his duties or shall violate any provision of this division or regulation pursuant thereto shall, upon conviction, be fined to the current fine schedule for each offense. Each day that such neglect or refusal to obey shall continue, after notice thereto given by the harbormaster or other authority to any owner, agent or other person in charge of a vessel, shall constitute a separate offense.

(Code 1986, § 4-202)

Sec. 82-205. Penalties for violation of division.

(a) Any violation of this division or a violation of the town harbor management plan shall be punishable by a fine not to exceed the current fine schedule and each day the violation exists shall be deemed a new violation.

(b) It shall be a misdemeanor punishable by a fine of not more than the current fine schedule for any person to refuse to move or stop on oral command or order of the harbormaster or his designee exercising the duties lawfully assigned to him.

(Code 1986, § 4-203)

Secs. 82-206--82-220. Reserved.

Subdivision II. Mooring Permit

Sec. 82-221. Required.

A mooring permit is required and may be granted by the harbormaster on an annual basis to place a mooring in the waters of the town. This permit may be revoked at any time for failure to comply with the provisions of this article.

(Code 1986, § 4-131)

Sec. 82-222. Application requirements.

The following requirements are set for applications for mooring permit:

(1) Private moorings. All applications for private mooring permits shall contain the following information:

- a. Name, address, email, and telephone (home and office) of owner;
- b. Vessel name, registration number, length (feet), width (feet), draft (feet), displacement, type and color;
- c. Number of sleeping berths, if any, and type of marine sanitation device (MSD), if any;
- d. A photocopy of a valid/current state boat registration certificate; or a photocopy of a valid/current federal documentation certificate and a photocopy of a valid/current state documented boat registration certificate;
- e. Mooring classification (type), actual mooring weight;
- f. Appropriate registration fee;
- g. Areas where the applicant would like to locate the mooring prioritized;
- h. Applicant must certify in writing that the proposed mooring tackle meets the inspection criteria;
- i. Compliance with section 300.4.1(a) and (b) of the state coastal resources management program (RI CRMP) as they relate to the provisions of sanitary facilities and parking requirements.

(2) Commercial moorings. An individual registration form, requesting the same information as required of private mooring applicants, must be completed by each mooring lessee. No commercial entity shall control a mooring which is located within a federal anchorage. Mooring located within any federal project shall be controlled directly by the town.

(3) Town rental moorings. The harbormaster, in addition to making available private moorings contracted for, shall offer rental moorings in designated mooring areas in order to meet a reasonable demand for transient moorings. The town rental fees are set 40 under section 82-223. The town rental moorings shall not exceed 15 percent of the moorings in any single mooring field. This percentage will not apply for the harbor of refuge, where the moorings shall be primarily of a transient nature, or other mooring areas designated as a transient mooring area.

(Code 1986, § 4-183)

Sec. 82-223. Fees.

- (a) There shall be a fee schedule adopted by resolution. All applications for mooring permits shall be accompanied by the appropriate fee. The minimum rate of any vessel permitted for a mooring shall be 15 feet. Fees include:

| | |
|--|---------|
| Mooring Application/Wait list(valid for 3 years) | \$50.00 |
| Resident (per foot) | \$8.00 |
| Nonresident (per foot) | \$12.00 |
| Town rental (transient)(per night) | \$30.00 |
| Re-siting mooring (per hour) | \$50.00 |

- (b) All moorings placed in town tidal waters shall be done at the direction of the harbormaster, and the harbormaster shall be alerted to any periodic inspections. A mooring moved/removed, except at the direction of the harbormaster, shall be assessed a re-siting charge, and shall then be processed as a new mooring application.

(Code 1986, § 4-201)

Sec. 82-224. Numbering.

- (a) Once application has been approved, and paid in full, each permitted mooring located in the coastal waters of the town shall be assigned a number by the harbormaster. The mooring decal provided by the town shall be affixed to the mooring. The assigned number will be displayed in contrasting colors in two places on each mooring ball in block letters at least three inches in height. No numbers or letter other than those called for by this section are to appear on a mooring.

- (b) Any mooring not displaying a mooring registration number shall be considered an unauthorized mooring. Unauthorized moorings will be removed in accordance with the provisions of this division.

- (c) The harbormaster is authorized to charge a fee of \$25 for the replacement of the mooring decal required pursuant to subsection (a) hereof.

(Code 1986, § 4-184)

Sec. 82-225. Mooring without permit; revocation; period of validity.

No mooring shall be located in the tidal waters of the town until a permit has been issued for the use of such mooring by the harbormaster. No mooring shall be located nor shall be maintained unless the mooring owner has received a valid mooring permit issued by the harbormaster for the mooring and that the mooring conforms to the specifications and standards set forth in this division and permit. This permit may be revoked at any time for failure to comply with the provisions of this division. Mooring permits are valid for a one mooring season (March 15th to December 1st), at which time they may be renewed.

(Code 1986, § 4-182(a))

Sec. 82-226. Request for a new permit.

(a) To be eligible for a new mooring permit, an applicant must own a boat for which a mooring permit is being sought. All requests for new mooring permits shall be submitted to the harbormaster at the town hall, on the application forms provided by the harbormaster by March 1 of each year. Mooring permit applications are also available at the town clerk's office. An application shall be accompanied by the appropriate application fee, and shall be forwarded to the office of the director of finance by the harbormaster. A complete and accurate mooring permit application must be provided before the harbormaster can act to approve or deny such application. The harbormaster shall determine if a new mooring permit can be issued only after all provisions of the harbor management plan and this division are met.

(b) If the harbormaster issues a mooring permit, the mooring owner for whom such permit has been issued must locate the mooring at the direction of the harbormaster or assistant harbormasters in accordance with the harbor management plan and this division.

(Code 1986, § 4-182(b))

Sec. 82-227. Renewals.

(a) The harbormaster shall mail the application forms by February 1 of each year to those persons who held valid mooring permits at the end of the previous calendar year, to the address listed on their last mooring permit. It shall be the responsibility of the mooring permit holder to notify the harbormaster of any change in address.

(b) Applications for renewal of a valid mooring permit shall be submitted with full payment to the harbormaster on application forms provided by the harbormaster not later than April 1st of each year. For unusual circumstances there may be a grace period, which shall be extended to May 15th of each year. Any person seeking to submit the renewal during the grace period (April 2nd to May 15th) must pay a late fee of \$50. All renewal applications that have not submitted full payment with any late fees by May 15th shall forfeit their mooring. All applications shall be accompanied by the annual fee, as noted on the registration form, and shall be mailed on or before April 1 of that year by U.S. mail addressed to the Harbormaster, Police Station, 40 Caswell Street, Narragansett, RI 02882.

(c) The harbormaster shall approve or reject mooring permit applications by April 15 for those that are submitted on or before April 1 and by June 1 for those that are submitted within the grace period.

(Code 1986, § 4-182(c))

Sec. 82-228. Relocation of existing permitted mooring.

All requests for relocation of existing permitted moorings must be submitted to the harbormaster. Information for such a request must meet the requirements listed for a mooring permit application, as well as show proof of a valid mooring permit issued for the previous year. The reason for a mooring relocation must also accompany the request. Based upon availability of space, the requirements of the ordinance, and the type and size characteristics of vessel, action will be taken on the request by the harbormaster. Any request received by the harbormaster that is not complete shall be returned to the applicant, and no action will be taken on the request.

(Code 1986, § 4-182(d))

Sec. 82-229. Failure to renew.

Failure to renew an existing valid mooring permit in accordance with the provisions of this division by April 1 of any given year shall result in the permitted owner's abandonment of all of his privileges and interests in the previously permitted mooring space. The harbormaster shall direct the removal

of any abandoned mooring at the permitted owner's expense. Such expense may in turn be recovered by the town.

(Code 1986, § 4-182(e))

Secs. 82-230--82-245. Reserved.

Subdivision III. Mooring Spaces

Sec. 82-246. Forfeiture.

Any owner of a mooring located in the tidal waters of the town shall be deemed to have forfeited his mooring permit by reason of the following:

(1) Removal of mooring and mooring tackle by mooring owner and notification to the harbormaster that the mooring has been permanently removed.

(2) Failure to respond to the harbormaster's notice that the mooring does not comply with the mooring tackle standards set forth in this division, or that the mooring has been displaced or moved from its permitted location.

(3) Failure to resurface or replace the mooring within 30 days after being advised by the harbormaster that the mooring is down or does not comply with the mooring tackle standards.

(4) Continued failure to meet the requirements of the provisions of this division may result in forfeiture of mooring privileges, the standard appeal process shall apply.

(5) Knowingly providing false information to the harbormaster in the mooring permit application process.

(6) Nonuse of a permitted mooring one mooring season (March 15th to December 1st).

(Code 1986, § 4-182(f))

Sec. 82-247. Available spaces.

The harbormaster shall determine the number of extra mooring spaces available after taking into account all approved permitted mooring spaces. These available mooring spaces shall, if appropriate, be made available to those persons whose names appear on the waiting list.

(Code 1986, § 4-182(g))

Sec. 82-248. Waiting list.

The harbormaster shall maintain a waiting list of all applicants for mooring permit requests. Placement of applications on such a waiting list will be recorded from complete mooring permit applications as they are received by the harbormaster. The harbormaster shall update the waiting list as appropriate and make the waiting list available for public review at all times at through the harbormaster's office and the Narragansett Town website.. An individual who refuses an available and appropriate mooring space will go to the bottom of the waiting list. The waiting list will include those individuals not yet registered (potential permitted) and registered owners wishing relocation. Each waiting list will be valid for the period of three years. Each applicant shall be responsible to keep their information current and pay their renewal fee within the period of three years.

(Code 1986, § 4-182(h))

Sec. 82-249. Assignment; preference to town residents.

All assignments of mooring space shall be made by the harbormaster. When a mooring space becomes available, the harbormaster shall offer such space to the applicant with the earliest date on the waiting list, with a vessel of the appropriate dimensions and type of hull for that water space

available. Mooring preference shall be decided as per the coastal resources management council's determination of an assignment of resident to nonresident ratio of no greater than three to one. All grants for space shall be recorded by the harbormaster at the harbormaster office upon receipt of a completed registration form and appropriate fee.

(Code 1986, § 4-182(i), (j))

Sec. 82-250. Anchorages.

(a) Federal anchorages. Moorings which are located in a federal anchorage shall be assigned on a first-come, first-served basis in accordance with the Army Corps of Engineers' definition of the term "open to all on equal terms."

(b) Occupancy of mooring.

(1) No vessel shall occupy a mooring smaller than the one for which it has been permitted. The permitted mooring owner shall be allowed to place other vessels belonging to them on their mooring as long as the vessel does not exceed the permitted size. A guest vessel may use the mooring for up to ten consecutive days. No vessel shall enjoy guest privileges for more than 15 days in any single mooring season. A mooring permittee exercising his guest privileges shall advise the harbormaster of the specifics within 24 hours of the guest vessel being placed on the mooring.

(2) The harbormaster shall have the authority to move any vessel violating the provisions of this section, with such movement at the expense and risk of the vessel owner.

(3) Any mooring which is not occupied for mooring season (March 15th to December 1st) by the permitted vessel shall be considered abandoned and must be removed by its owner from the mooring field. An extension may be granted by the harbor management commission if it can be demonstrated that extenuating circumstances exist.

(Code 1986, § 4-182(k))

Section 2: This Ordinance shall take effect upon its passage, and all other ordinances or parts of ordinances inconsistent herewith are hereby repealed.

First reading read and passed in the Town Council legally assemble the 19th day of September, 2016.

Second reading read and passed in the Town Council meeting legally assembled the 3rd day of October, 2016.

ATTEST:



Anne M. Irons, CMC
Town Clerk

