

CHAPTER 12.33: Houseboats and Houseboat Marinas

12.33.010 Definitions

Definitions under this Section are in addition to the definitions within Chapter 12.32, which are expressly incorporated herein.

A) HOUSEBOAT MARINA – Any area within Winthrop Waters where one or more sites are leased, rented or offered for lease or rent for location of a Houseboat for use as permanent, seasonal or temporary living quarters.

B) HOUSEBOAT MARINA PERMIT – Town of Winthrop approval issued by the Town Manager to authorize Houseboat.

C) HOUSEBOAT - A structure or facility within Winthrop Waters, including but not limited to so-called liveaboards, which is used primarily as living quarters or personal or commercial overnight accommodations for one or more persons, whether permanent or seasonal and whether owned by or leased, rented, or licensed to the user.

D) HOUSEBOAT OCCUPANCY PERMIT – An annual permit issued by the Town Manager to the owner or operator of a Houseboat.

12.33.020 HOUSEBOAT MARINA PERMIT:

No person shall operate a Houseboat Marina or lease, rent, license or advertise or otherwise hold out for lease, rent or license, any site or space within Winthrop Waters for the location of a Houseboat without first obtaining a Houseboat Marina Permit from the Town Manager.

12.33.030 Application for Houseboat Marina permit; standards and procedures.

- A) Application for a Houseboat Marina Permit shall be made to the Town Manager on a form provided by the Town Manager and accompanied by a fee in the amount fixed by the Town Council, valid License as required by G. L. c. 91, §59B, and a site plan showing the location of the proposed marina and the facilities proposed therein, including each dock, slip, or mooring to be used by a Houseboat and any Wastewater disposal facility for use by a Houseboat.
- B) Application information must include, at a minimum, the following:
 - 1. Evidence of the applicant's ownership of or current written lease of the land from which the marina will operate.
 - 2. Signature of the Commissioner of Inspectional Services on the application to indicate that the proposed Houseboat Marina is located in a zoning District of the Town in which a marina is permitted.
 - 3. A marina site plan containing the following information:
 - a. Adequate space for the exclusive use of each Houseboat and its appurtenances to be located therein.

- b. Design of each space intended for a Houseboat showing the following details:
 - A permanent water supply with an individual backflow prevention valve;
 - A sewer connection leading into a Permanent Sewer;
 - A permanent supply of electricity and water.
 - c. Name, Address and Number of Marina Manager who is responsible 24/7 for emergencies and keeping egress free of obstructions, snow and ice.
 - d. One available parking space for each Houseboat to be located at the marina or at a designated area approved by the Inspectional Services.
- C) The Town Manager shall act on such application within 60 days of receipt of a complete application and payment of the required fee, and shall grant such Permit only upon the determination that the conditions of this Section have been met and are supported by the required details shown on the application site plan and any other required supporting documents.
- D) The Town Manager may limit the term of such permit and may impose additional conditions on such permit as necessary to protect the public health, welfare and safety of the Town or to meet any applicable law or regulation.
- E) An applicant hereunder may appeal the decision of the Town Manager to the Town Council within 21 days of the permit decision, which, , shall review the application and decision and determine whether the requirements of this Section have been met. An applicant may submit written materials to the Council and may request a hearing by the Council.

12.33.040 Use and occupancy of Houseboats; Houseboat Occupancy Permits.

- A) No person shall use, occupy or permit the use or occupancy of a Houseboat on Winthrop Waters, including by renting, leasing, subletting, licensing, or otherwise offering, either permanently or on a temporary basis, except if located within a Houseboat Marina operated pursuant to a Houseboat Marina Permit issued by the Town Manager and as authorized by a valid and current Houseboat Occupancy Permit.
- B) Minimum requirements:
1. The interior of the Houseboat has at least 150 square feet for the first occupant and no less than 100 square feet for each additional.
 2. Applicant for Houseboat Occupancy Permit shall be made to the town's Inspectional Service's Department, accompanied by proof of excise tax payment, waterway fee payment and occupancy permit fee of \$1,000.00 annually, by January 1st.

3. The Houseboat's Sanitation System is designed and maintained to adequately protect health of occupants, members of the public and the condition of the Winthrop Waters by meeting the following minimum standards:

A Sanitation System with a direct and lawful connection to a Permanent Sewer.

4. The Houseboat is in all other respects designed and constructed in compliance with the applicable requirements of the State Building Code and State Sanitary Codes, 104 CMR 410.000, et seq.

12.33.050 Houseboat Marina Permit and Houseboat Occupancy Permit revocation; standards and procedures.

- A. A Houseboat Marina Permit or Houseboat Occupancy Permit may be revoked by the Town Manager after written notice to the owner and/or operator of such Marina or Houseboat and the opportunity to be heard by the Town Manager. Except in the case of emergency, written notice of revocation shall be mailed to the operator and/or owner of the Houseboat Marina at the address shown on the permit and shall provide the date and time the Town Manager will consider the proposed revocation. In case of an emergency, the notice of revocation may be posted on the subject Houseboat, or in the case of a Houseboat Marina Permit, on the Houseboat Marina office or similar structure, or on other available premises.
- B. The following are grounds for revocation of a Houseboat Marina Permit or a Houseboat Occupancy Permit:
 - 1. The Houseboat Marina or one or more slips or docks, or moorings has ceased to meet the qualifying conditions under which the Permit was granted.
 - 2. The Houseboat Marina or any Houseboat located therein has become a source of pollution of the waters of the Town.
 - 3. Any facility within the Houseboat Marina or Houseboat located therein is in an unsafe condition.
 - 4. A Houseboat or Houseboat Marina no longer meets the requirements for Houseboats established by this Section.

12.33.060 Administration.

- A. All Houseboat Marinas and Houseboats subject to permitting under this Section shall be governed by all applicable federal and state and laws and regulations, as well as applicable Town Ordinances and Town Regulations.
- B. The provisions of this Section shall be administered by the Town Manager. The Commissioner of Inspectional Services, the Board of Health, the Department of Public Works, the Harbormaster, Fire Department and Police Department shall assist the Town Manager in the administration and enforcement of this Section, within each entity's appropriate jurisdiction.

12.33.070 Violations.

- A. Subject to applicable law, the Town may seek any remedy at law, including, but not limited to, court order for the removal of any Houseboat in violation of this Section and for an individual's refusing to comply with the provisions of this Section. Upon revocation of a Houseboat Permit or the Houseboat Marina

Permit, the owner of any subject Houseboat shall be responsible for forthwith removal of a Houseboat affected by such revocation, as well as for the costs of transport to and storage at another lawful site, plus any additional cost of remediation.

- B. The violation of any provision of this Section shall be punishable by a fine of up to three hundred dollars (\$300.00) per violation, or, when enforced pursuant to the noncriminal disposition provisions contained in Section 1.12.030 of this Code, as follows:

First offense: \$100.00

Second offense: \$200.00

Third and subsequent offense: \$300.00

Each day of continuing violation shall constitute a separate offense.

- C. This ordinance shall take affect and be enforced on June 1, 2016.