

Adopted by the Jamestown Town Council
At a Public Hearing on November 7, 2011

Attest: Cheryl A. Fernstrom
Cheryl A. Fernstrom, CMC
Town Clerk

Underlined language is new language.

~~Strikethrough language is removed.~~

EXHIBIT A-1
ARTICLE I. IN GENERAL

Secs. 78-1 – 78-20 Reserved

ARTICLE II. HARBOR MANAGEMENT ORDINANCE

Sec. 78-21. Goals

Whereas, the harbor and non-harbor tidal waters described herein within the corporate boundaries of the Town of Jamestown are under the ownership and jurisdiction of the State of Rhode Island, and are held in trust for all the citizens of the State; and whereas the State of Rhode Island grants the Town of Jamestown limited and specific uses of these waters; therefore the Town of Jamestown establishes the following goals for this ordinance:

(1) To regulate uses and activities within the waters of the town, as described herein; to protect the coastal environment; to minimize user conflicts; to maximize the efficient use of both the water space and town-owned waterfront consistent with the other goals expressed herein; and to maintain and improve public access to and from the waters of the town for the benefit of all user groups, including residents and non-residents with or without boats, who seek to use town waters for passive and active recreation.

(2) To distribute equitably the burdens and benefits of harbor management and development among commercial mooring operators, private mooring owners, other groups or individuals with special interests in the water and the waterfront, and the town.

(3) To remain consistent with the authorities granted the town under Sec. 46-4-6.9 of the General Laws of Rhode Island and with the goals, policies, and regulations of the Jamestown Comprehensive Community Plan, the Jamestown Comprehensive Harbor Management Plan, the Rhode Island Coastal Resources Management Program, the Rhode Island Department of Environmental Management, and the United States Army Corps of Engineers.

Sec. 78-22. Definitions

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

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

Beach(es): Area(s) of the shoreline designated by the harbor commission as suitable for

1 land storage of vessels capable of being removed from the water by manpower alone.

2
3 Beach permit: A license authorized by the town of Jamestown granting the permittee the
4 privilege of storing a specified vessel at a designated beach for a specified season.

5
6 Channel: Any water areas that are federally maintained and reserved for unobstructed
7 movement of vessels.

8 Coastal waters: All waters bordering the town from the shore to a distance of five hundred
9 (500) feet seaward not included in the designation "harbor waters."

10
11 Commercial mooring: Any mooring that a marina, shipyard, yacht club, or other
12 organization has permission to lease or rent to others.

13
14 Commercial vessel: A vessel licensed and used primarily for any type of commercial
15 venture, including but not limited to, fishing, towage, salvage, and the carriage of passengers for
16 hire.

17
18 Conservation zones: Those harbor areas specially designated by the town for the protection
19 of water quality, wildlife, and plant habitat values. (Note: These zones may differ from the Type 1
20 "Conservation Areas" of the Rhode Island Coastal Resources Management Council.)

21
22 Developed riparian property: Riparian property improved by the addition of a permanent
23 structure that has been approved by the building inspector of the town.

24
25 Executive director: The member of the town administration nominated by the town
26 administrator and appointed by the town council to supervise the harbor staff and to administer the
27 provisions of this ordinance and any additional regulations subsequently required for the
28 implementation of the ordinance.

29
30 Fairway: Any locally designated and/or maintained water areas, usually in harbors or in
31 mooring zones, reserved for the unobstructed movement of vessels.

32
33 Guest mooring: A private mooring of a riparian property owner reserved solely for the use
34 of guests.

35
36 Harbor commission: The local advisory and regulatory body authorized by the town
37 council to manage the coastal waters and harbor areas of the town.

38
39 Harbormaster: The individual, hired on approval of the town council by the town
40 administrator, who is primarily concerned with enforcement and activity on the waters of the town.
41 The harbormaster reports to the executive director.

42
43 Harbor waters: The waters in the three harbors of the town: East Harbor, West (Dutch)
44 Harbor, and South (Mackerel Cove) Harbor. The boundaries of these harbors are defined in
45 Section 78-24 of this ordinance.

46
47 Headway speed: the slowest speed at which a vessel can operate and maintain steerage.

48
49 Moor: To secure a vessel to the bottom of a waterbody semi-permanently or seasonally.
50

1 Mooring: All hardware or tackle used to moor a vessel. For the purposes of this ordinance,
2 a mooring is considered either commercial or private.
3

4 Mooring area: A bounded area outside the harbor waters in which moorings may be
5 placed. NB - Per CRMC regulation, more than four moorings (the maximum which riparians may
6 have) is considered a mooring area, and must be properly recognized in the Harbor Ordinance.
7

8 Mooring inspector, qualified: Any person or business approved as an inspector of
9 moorings by the harbor commission upon recommendation of the harbormaster.
10

11 Mooring permit: A license authorized by the town of Jamestown granting the permittee the
12 privilege of using an assigned mooring space in the waters of the town for a specified season.
13

14 Mooring space: The specific space assigned by the harbormaster to the holder of a valid
15 mooring permit for the placement of a mooring.
16

17 Mooring zones: Those harbor areas designated by the town for the placement of moorings,
18 or for transient anchorage if space is available.
19

20 Non-resident: Any individual, business, corporation, or association that does not meet the
21 definition of "resident."
22

23 Notice: Notice in so far as the holder of a mooring permit is concerned shall be defined as
24 a registered and regular first class mail sent to the address of record on the mooring permit from
25 the harbor clerk.
26

27 Occupation: "Occupation" of a mooring or outhaul for a "day" as used in Section 78-
28 26(1)(4) or (5), or 78-26(o)(1) hereof requires that the vessel be secured thereto overnight.
29

30 Outhaul: A non-single-point anchoring device, for the purpose of securing a boat in tidal
31 waters and retrieving it from shore.
32

33 Outhaul permit: A license authorized by the town of Jamestown granting the permittee the
34 privilege of storing a specified vessel on a specific outhaul for a specified season.
35

36 Personal watercraft: A vessel which uses an inboard motor powering a water jet pump as
37 its primary source of motive power and which is designed to be operated by a person sitting,
38 standing, or kneeling on the vessel, rather than the conventional method of sitting or standing
39 inside the vessel.
40

41 Private mooring: Any mooring that is not a commercial mooring.
42

43 Qualified mooring inspector: Any person or business approved as an inspector of moorings
44 by the harbor commission upon recommendation of the harbormaster.
45

46 Rafting: Two (2) or more vessels, excluding dinghies or other tenders, attached to each
47 other while moored or at anchor.
48

49 Recreational vessel: Any vessel designed for self-propelled navigation on the water and
50 used primarily for pleasure.

1
2 Resident: Any real property taxpayer, full-time inhabitant, and/or registered voter of the
3 town of Jamestown; any recognized non-profit organization of the town.
4

5 Right-of-way: A legal right to use a path or corridor from a public or private
6 thoroughfare or facility that leads to the waters of Narragansett Bay.
7

8 Riparian property: A freehold estate of record in land within the town having shorefront
9 directly adjacent to waters bordering the town.
10

11 Season: May 1 to October 1 of each year.
12

13 Transient anchorage zones: Those harbor areas designated by the town exclusively for
14 the short-term use of commercial and recreational vessels.
15

16 Vessel: Every description of watercraft used, or capable of being used, as a means of
17 transportation on water, with the exception of seaplanes, houseboats, and floating businesses.
18

19 Vessel in need of a mooring: A vessel that will employ the permitted mooring as the
20 primary securing location of the vessel when not in use. A vessel that displaces less than 150lbs
21 when empty is presumed not in need of a mooring. A person desiring to apply for a mooring for
22 a vessel that does not meet the foregoing criterion may apply to the harbormaster for permission
23 to do so.
24

25 Waters of the town: The harbor and coastal waters under town jurisdiction described in
26 Sections 78-23 and 78-24 of this ordinance.
27

28 Sec. 78-23. Areas Under Jurisdiction
29

30 The Town of Jamestown hereby assumes management authority for the purposes of this
31 ordinance consistent with the powers, duties, and authorities granted under Sec. 46-4-6.9 of the
32 General Laws of Rhode Island over the following waters:
33

34 (a) Harbor waters
35

36 The waters of the three harbors--East Harbor, West (Dutch) Harbor, and South (Mackerel
37 Cove) Harbor. The boundaries of these harbors are defined in Section 78-24 [4] of this
38 ordinance.
39

40 (b) Coastal waters
41

42 All waters bordering the town from the shore to a distance of five hundred (500) feet
43 seaward not included in the designation "harbor waters" and excluding the "mooring areas" listed
44 below, the boundaries of which are defined in Section 78-24 [4] below.
45

46 (c) Mooring Areas
47

48 The waters within three areas defined in section 4 below and referred to as Head's Beach,
49 Park Dock, and Cranston Cove.
50

1 Sec. 78-24. Harbor And Mooring Area Boundaries

2
3 (See Appendix A for a map of the harbor boundaries described below and for a table giving RI
4 State Plane Coordinates and lat/longs for each boundary point.)

5
6 (a) East Harbor

7 The northern boundary shall be a line extending one thousand (1,000) feet seaward from
8 the eastern extension of Weeden Lane. The eastern boundary shall be a line extending one
9 thousand (1,000) feet seaward of the shoreline. The southern boundary shall be a line extending
10 from the southern point of the Fort Wetherill Boat Basin to government marker G "9" (Fort
11 Wetherill Gong) thence to government marker G "11" (Bull Point Bell). East Harbor waters are
12 classified as follows:

13
14 (1) Mooring zone. All harbor waters from the Newport Bridge to a line extending from:
15 Bull Point to government marker G "11" as bounded and marked by existing moorings of record;

16
17 (2) Transient anchorage zone. All harbor waters from the northern boundary to the
18 Newport Bridge in the band of water five hundred (500) to one thousand (1,000) feet from shore;
19 and all harbor waters south of a line extending from Bull Point to government marker G "11";

20
21 (3) Conservation zone. All harbor waters from the northern boundary to the Newport
22 Bridge in the band of water from the shore to five hundred (500) feet seaward.

23
24 (b) West (Dutch) Harbor

25
26 The northern boundary shall be a line extending one thousand (1,000) feet seaward from
27 the western extension of Orchard (Weeden) Lane. The western boundary shall be a line extending
28 from the westernmost end of the northern boundary to the pier at Fort Getty. West (Dutch Island)
29 Harbor Waters are classified as follows:

30
31 (1) Mooring zone. All harbor waters from a point on shore due east of the Dutch Island
32 pier ruins to the Fort Getty pier thence to a point at the southern terminus of Maple Avenue;

33
34 (2) Transient anchorage zone. All harbor waters from Dutch Island pier ruins to a point
35 due east on shore thence to the Fort Getty pier;

36
37 (3) North conservation zone. All harbor waters shoreward of a line extending from the
38 western extension of Orchard (Weeden) Lane to point R on the map provided as Appendix A-1
39 of the Ordinance, thence to point Q on that map; from the northern boundary to a line extending
40 from the Dutch Island pier ruins to a point due east on shore;

41
42 (4) South (Sheffield Cove) conservation zone. All harbor waters south of a line from the
43 pier at Fort Getty to a point at the southern terminus of Maple Avenue.

44
45 ~~(c) South (Mackerel Cove) Harbor~~

46
47 ~~—The southern boundary shall be a line one thousand (1,000) feet seaward of the swimming~~
48 ~~beach. All of South (Mackerel Cove) Harbor is classified as a conservation zone.—~~

49
50 (d) Head's Beach Mooring Area

1
2 The waters within the quadrangle defined by the following points:

3		
4	1) 41° 32. 276N	71° 23. 233W
5	2) 41° 32. 293N	71° 23. 391W
6	3) 41° 32. 457N	71° 23. 333W
7	4) 41° 32. 449N	71° 23. 216W
8		

9 (e) Park Dock Mooring Area

10
11 The waters within the quadrangle defined by the following points:

12		
13	1) 41° 33. 805N	71° 21. 671W
14	2) 41° 33. 799N	71° 21. 602W
15	3) 41° 33. 962N	71° 21. 648W
16	4) 41° 33. 962N	71° 21. 725W
17		

18 (f) Cranston Cove Mooring Area

19
20 The waters within the quadrangle defined by the following points:

21		
22	1) 41° 32. 228N	71° 21. 811W
23	2) 41° 32. 222N	71° 21. 743W
24	3) 41° 32. 516N	71° 21. 686W
25	4) 41° 32. 472N	71° 21. 835W
26		

27 (g) Setbacks

28
29 No moorings shall be placed less than 100 feet from the Mean Low Water mark on shore,
30 nor within 50 feet or three times the control depth of water, whichever is greater, from all federal
31 navigation channels, navigation fairways, shellfish management areas, or shoreside structures.

32
33 Sec. 78-25. Rights-of-Way to the Water

34
35 (a) No person shall block, barricade, or in any way impede the public use of or access to
36 designated public rights-of-way to the water as defined by the Rhode Island Coastal Resources
37 Management Council ("RICRMC") or the town of Jamestown.

38
39 (b) No person shall park or store a vessel, vehicle, or structure on a designated public right-of-
40 way to the water as defined by the Rhode Island Coastal Management Resources Council
41 RICRMC or the town of Jamestown. ~~unless granted specific permission by the harbor~~
42 ~~commission for town shorefront properties under its jurisdiction not designated as rights-of way~~
43 ~~by the RICRMC.~~ Vessels may be stored on the ground at designated beaches or in racks on town
44 property constructed with permission of the harbor commission. The harbor clerk shall issue
45 permits for doing so at fees to be set by the harbor commission and shall maintain waiting lists
46 for these privileges if appropriate.

47
48 (c) Any person in violation of this section of the ordinance after due notice shall be subject to a
49 fine in accordance with Sec. 78-27 of this ordinance ("Regulated Activities"). After due notice
50 town personnel may clear a right-of-way at the violator's expense.

1
2 Sec. 78-26. Mooring and Outhaul Regulations.
3

4 (a) Permitting. No mooring or outhaul shall be located or maintained in the harbor or coastal
5 waters of Jamestown until a permit has been issued for the use of such mooring or outhaul by the
6 harbormaster. No mooring or outhaul shall be permitted until the harbormaster has determined
7 that it conforms to the specifications set forth in this ordinance and in any other conditions
8 established by the state or town. The harbormaster is responsible for the precise location of every
9 mooring or outhaul, with due regard to space available, to the maximizing of available space, and
10 to the safety of the vessel. Individuals holding a permit may renew it annually upon payment of
11 the appropriate fee ~~as long as they comply~~ subject to compliance with all of the conditions of this
12 section. A mooring or outhaul permit may, upon notice, be revoked at any time for failure to
13 comply with conditions established by this ordinance or by any applicable state or town
14 regulations.
15

16 (b) Mooring Density and Allocation.
17

18 1) Harbors waters. The limit of moorings in the East Harbor and West Harbor Mooring
19 Zones shall be based on available space and the provision of adequate landside facilities. No
20 additional commercial mooring permits shall be assigned in either the East or West harbor
21 mooring zones until private mooring permits constitute 60% of the zone's total number of
22 permits. The precise location of each mooring, commercial or private, within the mooring zones
23 shall be made by the harbormaster, who shall, with the harbor commission, establish appropriate
24 fairways within the zones.
25

26 2) Coastal waters. No mooring shall be permitted more than five hundred (500) feet
27 from the shore in coastal waters. No commercial moorings are permitted in coastal waters. The
28 precise location of each private mooring shall be made by the harbormaster.
29

30 3) Mooring areas. Private moorings may be established in mooring areas. No
31 commercial moorings are permitted in mooring areas. The density and placement of such
32 moorings shall be established by the harbormaster.
33

34 4) No moorings shall be established in conservation zones.
35

36 (c) Priority for Private Mooring Permits. The harbor commission shall maintain a chronological
37 list of all applicants requesting a private mooring permit. The list shall be updated at least twice
38 a year and shall be available to the public at all times for inspection. Within the space available,
39 requests shall be treated in accordance with the following priority guidelines:
40

41 Class 1: Riparian
42

43 (a): Owners of riparian property, including individual owners and the owners or
44 directors of profit or non-profit associations, partnerships, corporations or such other legal
45 entities owning riparian property, are entitled to apply, with priority over other mooring permit
46 classes, for up to two moorings per property parcel directly adjacent to the shorefront property
47 parcel. They may apply for additional Class 1 moorings, up to four in total, without priority over
48 other mooring permit classes. In both cases applications are subject, as determined by the
49 harbormaster, to the availability of space and to state and local regulations. Contiguous lots
50 under the same ownership shall be considered as one property parcel. An individual owner may

1 designate only immediate family members (the owner or the owner's spouse, children, or parents)
2 or the current lessee of the owner's riparian property as holders of the permitted moorings. An
3 association, partnership, or corporation may designate any of its members in good standing as
4 holders of its permitted moorings. With the approval of the harbormaster, mooring privileges in
5 this category may be granted to owners whose riparian property is adjacent to a town
6 conservation zone.

7
8 Guest moorings: Only owners of riparian property may have guest moorings. Only one
9 of the two moorings permitted Class 1a permit holders may be a guest mooring, except that non-
10 family associations, partnerships, or corporations owning developed riparian property may
11 designate as guest moorings one or both of their permitted moorings. Guest moorings may not
12 be rented or leased, ~~or be used by the same vessel on a continuous basis.~~ The harbormaster may
13 on application permit a single vessel to occupy a guest mooring on a seasonal basis. Applications
14 for private guest moorings must specify the length of the largest vessel able to occupy the
15 mooring under normal conditions.

16
17 (b): On coastal waters, property owners holding a freehold estate of record with a
18 deeded right of access to riparian property owned by a non-profit association, partnership, or
19 corporation of which they are members in good standing are entitled to apply for a single
20 mooring permit per property directly adjacent to that riparian property. The privilege of a
21 mooring permit in this category is subject to the reasonable availability of mooring space as
22 determined by the harbormaster. Moorings shall be limited to the area created by a parallel
23 extension of the boundaries of the riparian water frontage into the coastal waters. This category
24 of riparian mooring is not permitted in harbor waters, is dependent on available parking, may not
25 be placed in a town conservation zone, and may not be a guest mooring.

26
27 If more than four moorings are so permitted, the area must be delimited as a mooring
28 area, and, where public access is available, members of the general public shall be entitled to
29 apply for mooring permits therein.

30
31 Class 2: Rights-of-way.

32
33 (a): Non-riparian property owners holding a freehold estate of record with a deeded
34 private right-of-way or easement to coastal waters granted in an original property subdivision are
35 entitled to apply, per property, for a single mooring permit directly adjacent to that right-of-way
36 or easement. The privilege of a mooring permit in this category is subject to the reasonable
37 availability of space as determined by the harbormaster. Moorings shall be limited to the area
38 created by a parallel extension of the boundaries of the right-of-way into the coastal waters. This
39 category of mooring is not permitted in harbor waters, is dependent on available parking, may not
40 be placed in a town conservation zone, and may not be a guest mooring.

41
42 (b): Non-riparian property owners holding a freehold estate of record within one
43 thousand (1,000) feet of a public right-of-way to coastal waters are entitled to apply, per property,
44 for a single mooring permit per property directly adjacent to that right-of-way. The privilege of a
45 mooring permit in this category is subject to the reasonable availability of space as determined by
46 the harbormaster. Moorings shall be limited to the area created by a parallel extension of the
47 boundaries of the right-of-way into the coastal waters. This category of mooring is not permitted
48 in harbor waters, is dependent on available parking, may not be placed in a town conservation
49 zone, and may not be a guest mooring. Where there are four or more such moorings adjacent to a
50 given right-of-way no new moorings shall be permitted.

1
2 Class 3: General. All other applications for moorings, resident and non-resident, will be
3 considered in the order in which they are received. Notwithstanding, when the ratio of non-
4 resident holders of private mooring permits to resident holders of mooring permits (riparian and
5 commercial permits excluded) reaches 1:3 harbor commission shall establish guidelines to
6 maintain the ratio at that level.

7
8 All new Class 3 private moorings must be located within a mooring area or harbor waters
9 as specified herein. Moorings outside such mooring areas that were permitted prior to the
10 adoption of this amendment of this Ordinance by the Town Council on June 17, 2004 shall be
11 renewed as long as the application therefor is made in the name of the then owner, a spouse,
12 sibling, or children.

13
14 (c) Mooring area siting standards. All designated mooring areas sited within the coastal
15 waters and harbor areas of the town shall be setback as follows:

- 16
17 (1) From riparian moorings and shoreline rights of ways, a distance sufficient to allow
18 ingress and egress and to prevent interference with the exercise of private and
19 public rights.
20
21 (2) Fifty (50) feet from all residential or commercial docks, piers, floats and public
22 launching ramps.
23
24 (3) Public mooring areas shall be setback from Federal Navigation projects at least
25 three times the U.S. Army Corps of Engineers authorized project depth from federal
26 navigational projects.
27
28 (4) All moorings shall be prohibited in Federal Navigation Projects.
29
30 (5) All new and significantly expanded mooring areas shall be sited to ensure that tides
31 and currents aid in flushing the mooring area.
32
33 (6) All new and significantly expanded mooring areas shall be sited to avoid adverse
34 effects on water quality
35
36 (7) Mooring areas shall be sited so as to not substantially interfere with designated
37 shellfish management areas, traditional fishing grounds, public recreational areas
38 and conservation areas.
39
40 (8) Mooring areas shall be sited so as to not significantly affect finfish and or shellfish
41 resources, wetlands, submerged aquatic vegetation and aquatic habitat.
42
43 (9) Moorings areas shall be adequately serviced and pump out stations shall be
44 accessible.

45
46 (d) Private Mooring Application Procedures.

47
48 1) New mooring or outrawl applications. Every applicant, riparian and non-riparian, for a
49 new private mooring or outrawl permit shall submit a mooring permit waiting list application
50 form. This form shall contain the name, mailing address, resident status, and relevant telephone

1 numbers of the applicant and the desired location of, and point of access to, the proposed
2 mooring or outhead. The harbor master or executive director shall notify the applicant and the
3 harbor clerk in writing within five (5) days whether, given the availability of space, the applicant
4 may apply on the same schedule and on the same application form as renewal applicants or must
5 be placed on a waiting list. To be placed and kept on the waiting list, applicants must, on an
6 annual basis, fill out and return a brief waiting-list renewal form application sent to the applicant
7 by the harbor clerk and pay any waiting list fees requested. If the renewal application and fee are
8 not received by a date set in the renewal application, a second notice will be sent; if there is no
9 response within 30 days, the applicant will be deleted from the waiting list.

10
11 2) Renewal permit applications. Mooring or outhead permits must be renewed annually.
12 Every applicant for a private mooring or outhead permit must show ownership, ~~or the right of~~
13 ~~exclusive use~~, of a vessel in need of a mooring, except for the guest moorings of owners of
14 riparian property as granted in Section 78-26(c), above. The harbor clerk shall mail renewal
15 permit applications in March to existing individual permit holders with a return deadline of May
16 15. The completed application forms shall contain at least the following information: i) the
17 name, summer and winter mailing address, [and] resident status, and relevant telephone numbers
18 of the applicant; ii) the type of vessel and whether it is recreational or commercial; iii) the
19 length, beam, draft, displacement, type of sanitation system, and name of the vessel; iv) a copy
20 of the vessel's registration or documentation certificate ~~(and in addition, for leased vessels, a copy~~
21 ~~of the lease agreement)~~; in the name of the applicant or a person to whom the permit may be
22 transferred under 78-26(g)(2); v) the size, type, proof of inspection, and precise location of the
23 existing mooring; vi) the point of access to the mooring or outhead; vii) if applicable, the
24 storage location of the dinghy; and viii) the date the vessel is expected to be on the mooring or
25 outhead. With the approval of the harbor commission and upon public notice to all applicants the
26 harbor clerk may from time to time amend the mooring permit application.

27
28 A) Leased vessels. An applicant may apply for a mooring based upon a lease of a vessel
29 providing the applicant the exclusive use of the vessel for at least the period of the season. Such
30 applicants may not permit the actual owner or another third party to use the leased vessel on a
31 regular basis. The harbor master is directed to regularly monitor usage of any such leased vessel
32 to ensure compliance with this section.

33
34 3) General. A private mooring or outhead permit may not be held by more than one
35 individual or by more than one association, partnership, or corporation, or any other legal entity
36 at a time. All applications must be accompanied by the appropriate fee and shall be received at
37 the harbor office. No private mooring or outhead permit shall be granted for any vessel that has
38 another private mooring or outhead in the harbor waters, mooring zones or coastal waters of
39 Jamestown. Non-resident yacht clubs or other organizations applying for private moorings to be
40 used by more than one vessel during a season must list the names of all vessels eligible to use the
41 mooring and shall be charged an appropriately higher fee.

42
43 (e) Commercial Mooring Application Procedures.

44
45 1) New permit applications. New applications for commercial mooring permits in
46 harbor waters must be approved by the Rhode Island Coastal Resources Management Council,
47 the Army Corps of Engineers, and the harbor commission. They must conform to the percentage
48 limitations for harbor waters stated in Section 78-26(b), above.

49
50 2) Renewal permit applications. Commercial mooring operators who have approved

1 permits from the Rhode Island Coastal Resources Management Council and the Army Corps of
2 Engineers will be considered to have made renewal applications for the purposes of this
3 ordinance. For vessels on moorings to be leased seasonally commercial mooring operators must
4 provide the harbor office by ~~June~~ July 15 with the registration number, name and length of each
5 vessel and the name of each owner. For moorings leased seasonally after ~~June~~ July 15 they must
6 provide the information as soon as reasonably practicable. Commercial operators shall provide
7 ~~the size, type, proof of inspection, and precise location~~ inspection reports tri-annually of their
8 existing moorings, providing the same information required in Section 78-26(k)(3) below of
9 inspection reports of private moorings. The inspection reports provided by commercial operators
10 may be provided in spreadsheet format. Commercial mooring operators shall reach a mutually
11 satisfactory arrangement with the harbor commission for the deadlines for payment of the
12 appropriate fees.

13
14 3) General. Commercial moorings are prohibited in coastal waters. In harbor waters
15 commercial mooring operators must fulfill the requirements of Section 300.4.E.1 (a) & (b) of the
16 Rhode Island Coastal Resources Management Program as they relate to the provision of sanitary
17 facilities and parking. They must also fulfill any additional requirements of the harbor
18 commission and this ordinance, or any amendments thereof.

19
20 (f) Relocation of Existing Permitted Mooring.

21
22 1) All requests for relocation of existing permitted moorings must be submitted in a
23 written request to the harbormaster. Information for such a request must meet the requirements
24 for a mooring permit application, as well as show proof of a valid mooring permit issued for the
25 previous or current year. The reasons for a mooring relocation must be clearly stated in the
26 request. To be placed and kept on the relocation list, applicants must, on an annual basis, fill out
27 a brief relocation-list renewal form and pay any waiting-list fees requested.

28
29 2) Action on the relocation request will be taken by the harbormaster based upon
30 policies--written and fully available to the public--established by the harbor commission, the
31 availability of space, the requirements of this ordinance, and the type and size characteristics of
32 the vessel. The harbor commission shall maintain a chronological list of all applicants requesting
33 a mooring relocation. The list shall be updated at least twice a year and shall be available to the
34 public at all times.

35
36 3) Any request received by the harbormaster that is not complete shall be returned to the
37 applicant and no action will be taken on the matter until a completed form is returned.

38
39 (g) Occupancy; Transfer

40
41 1) Private mooring and outhaul permits: occupancy: Private permit holders may not
42 allow any vessel other than that described in the application to use the mooring or outhaul
43 permitted for more than seven (7) consecutive days; provided, however, that i) the harbormaster
44 may permit the temporary use of a mooring or outhaul by another vessel upon the written request
45 of the mooring permit holder and ii) the harbor commission, if it deems the action appropriate,
46 may waive the restriction more generally and for a longer period. Private permit holders are
47 prohibited from charging a fee for the temporary use of their moorings or outhaul. The
48 harbormaster shall have the authority to move or cause to be moved any vessel violating the
49 provisions of these regulations, at the expense and risk of the vessel owner. The vessel and/or
50 owner of the vessel granted the temporary use of a mooring may only request the temporary use

1 of a mooring for one (1) season. In subsequent years, the vessel and/or vessel owner may not be
2 the recipient of another temporary use exemption, except by order of the harbor commission.
3

4 2) Private mooring and outhaul permits: transfer: No private mooring or outhaul space
5 assignment shall be sold, assigned, or transferred by a mooring or outhaul permit holder, except
6 that on written notice to the harbor commission a permit holder or a person on the waiting list
7 may transfer a mooring or outhaul permit (unless it falls under Section 78-26(m), below) or a
8 place on the waiting list to a spouse, sibling, or child on a one time only basis. Any assigned
9 mooring or outhaul space given up by a permit holder reverts to the harbor commission for
10 assignment, by the harbormaster, to the next person on the relocation or waiting list whose vessel
11 fits the mooring or outhaul space, the appropriate mooring or outhaul class involved, and the
12 relevant shoreside requirements. In exceptional cases permit holders may apply to the harbor
13 commission for relief from this provision.
14

15 3) Commercial mooring and outhaul permits may be leased or transferred to other
16 businesses subject to review and approval by the harbor commission. The standard for review
17 shall be the ability of the proposed transferee to comply with all the provisions of 78-26(e) as a
18 commercial operator.
19

20 (h) Fees. The harbor commission shall annually recommend to the town council a proposed
21 schedule of fees as part of its the annual operating and capital budget; and the town council shall
22 establish such rates not later than March 15 each year. The commission may charge fees for all
23 mooring permits; for dock, storage rack, outhaul, and beach permits on town-owned property; for
24 outhauls on riparian property, and for waiting and relocation list applicants. Higher fees may be
25 charged for non-resident and commercial moorings and for other special situations. Resident-
26 mooring fees shall not exceed the average rate charged by the following coastal cities and towns-
27 in Rhode Island: —
28

29	Barrington	Narragansett
30	Bristol	North Kingstown
31	East Greenwich	South Kingstown
32	Middletown	Tiverton
33	Newport	

34
35 ~~Nonresident and commercial fees shall be two times the resident mooring rate.~~
36

37 The commission may assess late penalty fees provided these are indicated on, or enclosed with,
38 the appropriate application forms. For billing purposes the harbor clerk may establish informal
39 classification codes for moorings grouped by different levels of fee.
40

41 (i) Marking. The holder of a mooring permit shall mark the mooring buoy with the current
42 mooring sticker issued by the harbor commission and the permit holder's surname, vessel name,
43 or sticker number thereto in letters no less than three inches high. After (fourteen) 14 days notice
44 of delinquency the harbormaster may fine the owner five (\$5.00) dollars a day for any mooring
45 not properly marked.
46

47 (j) Mooring specifications.
48

49 1) Responsibility for moorings: Although the town sets the following minimum
50 standards for moorings and mooring inspections for all moorings in the waters of the town,

1 owners of moorings shall be solely responsible for the safety and reliability of their moorings.
 2 Heavier tackle and more frequent inspections than the required minimum are strongly
 3 recommended in all cases. This is especially so where moorings are in exposed locations or are
 4 holding vessels of greater than average displacement.

5
 6 2) Anchors: Mushroom anchors (in mud or soft sandy bottoms) or concrete or granite
 7 blocks shall be used for moorings in the waters of the town, unless otherwise authorized by the
 8 harbormaster or mandated by state or federal agencies. Authorization must be in writing; and the
 9 harbor office will maintain records of any mooring anchor deviations authorized in accordance
 10 with this provision.

11
 12 The approximate shape of block anchors shall be square, both top and bottom, with
 13 tapered sides (trapezoidal). The block shall not be allowed to become a hazard. The link shall be
 14 of material not less than one (1) inch in diameter and shall be securely imbedded in the block.
 15 All shackles shall be one size heavier than the chain. All shackles shall be load-rated, properly
 16 seized, and shall be forged (not cast).

17
 18 3) Length and type of chain: Total minimum length of chain (both bottom and top) shall
 19 be determined as follows: Depth of water at mean high tide, plus five (5) feet for storm surge,
 20 times two (2). Normally, a minimum of fifty percent (50%) of the total length of chain shall be
 21 heavy chain, with the remainder being light chain, as indicated in the table below. (Where
 22 appropriate, a rode of nylon may be substituted for the light chain. ~~Systems using rode in place~~
 23 ~~of top chain shall have a minimum of 3:1 scope.~~) A higher percentage of heavy chain is
 24 recommended in exposed areas of relatively shallow depth. Use of greater scope is strongly
 25 recommended, especially in exposed areas and where there is sufficient space for vessels to
 26 swing without endangering each other. Excessive scope, as determined by the harbormaster, will
 27 not be allowed. A lower percentage of heavy chain may be appropriate for moorings of greater
 28 scope.

29
 30 4) Mooring float/buoy: The mooring float carrying the weight of the mooring chain (or
 31 chain and rode) must be of sufficient size and buoyancy so that at least fifty percent (50%) of it is
 32 visible above the surface of the water.

33
 34 5) Pennants: Pennant length shall be determined as follows: take the distance from the
 35 chock to the waterline, multiply this distance by two (2) and add the distance from the bow chock
 36 to the bow cleat. The result is the minimum pennant length.

37
 38 6) Chafeguards: All pennant lines running through a chock or any other object where
 39 chafing may occur shall have adequate chafeguards.

40
 41 7) Minimum tackle specifications for the waters of the town.

43 Boat	Mushroom	Block	Bottom	Top	Top	Pennant
44 <u>Length</u>	<u>Anchor</u>	<u>Anchor</u>	<u>Chain</u>	<u>Chain</u> or	<u>Rode</u>	<u>_____</u>
46 Up to 16'	150 lbs	500 lbs	1/2"	3/8"	5/8"	1/2"
47 16 to 18'	200	800	1/2"	3/8"	5/8"	1/2"
48 19 to 21	250	1500	5/8"	3/8"	5/8"	1/2"x2
49 22 to 24	300	1500	5/8"	3/8"	5/8"	1/2"x2
50 25 to 29	400	2000	5/8"	1/2"	5/8"	1/2"x2

1	30 to 34	500	2000	5/8"	1/2"	3/4"	5/8"x2
2	35 to 39	600	3000	3/4"	1/2"	3/4"	3/4"x2
3			or 2x1500				
4	40 to 49	800	4000	3/4"	1/2"	7/8"	3/4"x2
5			or 2x2000				
6	50 to 59	1000	4000	1"	1/2"	1"	1-1/4" x2
7			or 2x2000				
8							

9 The above sizes are minimums. Use of at least one size larger for all components is strongly
 10 recommended for greater safety. On written application, the harbormaster may permit or require
 11 variances from these mooring tackle specifications in individual cases and, more generally, in
 12 specific areas, if the stated specifications seem clearly inappropriate for the area in which a
 13 mooring will be located.

14
 15 8) Elastomeric Mooring Tackle: The harbormaster is directed to encourage the use of
 16 mooring tackle including elastomeric members in lieu of chain where appropriate in view of the
 17 lesser scope required for such systems, with appropriate attention to be paid to the requirement of
 18 corresponding anchors to be employed.

19
 20 (k) Mooring inspections.

21
 22 1) New moorings. All new moorings in the waters of the town shall be inspected and
 23 approved by the harbormaster or the harbormaster's designee prior to setting the mooring.

24
 25 2) Maintenance of existing moorings. All permit holders shall be required to maintain
 26 their moorings in safe condition. Any chain, shackle, swivel, or other tackle that has become
 27 warped or has become worn by one-third its original diameter shall be replaced. Failure to
 28 maintain a safe mooring shall be cause for revocation of the mooring permit and shall be deemed
 29 a violation of this ordinance. The harbormaster or the harbormaster's designee may inspect any
 30 moorings at any time to determine compliance with this section of the ordinance. Any mooring
 31 washed ashore or having moved so as to endanger another vessel shall be inspected by the
 32 harbormaster or the harbormaster's designee before it is reset.

33
 34 3) Schedule of inspections. All moorings shall be inspected by a qualified mooring
 35 inspector on behalf of the applicant at least once every three years and the results of such
 36 inspection certified by the inspector and reported to the harbor office by 15 June of the year of
 37 inspection. The inspection process is to be carried out using the "Guidelines for Establishing a
 38 Verified Mooring Location" procedure approved by the Jamestown Harbor Commission on
 39 February 8, 2005. This inspection shall determine compliance with the minimum mooring and
 40 tackle standards of this ordinance. Inspections may be made either by raising the mooring or by
 41 underwater inspection. The harbor clerk shall establish a schedule for each mooring and indicate
 42 it clearly on the mooring application. The harbor clerk shall provide a form on which
 43 information pertaining to the inspection shall be provided, and such form shall be submitted by
 44 the applicant together with the application and fee. The information to be reported shall include
 45 the following: water depth, size and type of mooring buoy, adequacy of length, diameter and
 46 number of pennant(s), adequacy of chafe guard(s), type, size and number of anchor(s), length and
 47 size of bottom and top chains or top rode, number and size of shackles, the location of the
 48 anchor, and the general condition of the mooring. The location of the anchor is to be reported in
 49 decimal degrees, e.g., 41.234567 N, 71.456789 W. The inspection report shall be signed and
 50 dated by the inspector. Commercial operators may submit multiple inspection reports in

1 spreadsheet form, but they must include all information specified above.

2
3 4) Compliance: Any mooring or component of a mooring reported not in compliance
4 with this section of the ordinance shall be replaced by the owner within thirty (30) days of such
5 notice. Within forty-five (45) days after the noncompliance is reported a second mooring
6 inspection must be completed to determine if the violation has been corrected. The results of this
7 second mooring inspection shall be reported to the harbormaster. Failure to correct the violation
8 within that period shall cause the mooring to be deemed unsafe and, as a violation of this
9 ordinance, shall be cause for revocation of the mooring permit and removal of the mooring from
10 the waters of the town at the risk and expense of the mooring owner. When the harbormaster
11 deems it necessary, for the safety of a vessel or of vessels nearby, to remove a vessel immediately
12 from a non-complying mooring, and the owner is unable or unwilling to do so, the harbormaster
13 or the harbormaster's designee may remove the vessel at the owner's risk.

14
15 5) Costs: All costs of any mooring inspection, of any relocation of vessels as a result of
16 non-compliance, or of any repairs or replacements required under the provisions of this ordinance
17 shall be the responsibility of the mooring owner.

18
19 ~~6) Mooring inspectors: Use of qualified and insured mooring inspectors is strongly~~
20 ~~recommended. Owners may inspect their own moorings upon written approval of the~~
21 ~~harbormaster.~~

22
23 (l) Forfeiture of Mooring Space. Any holder of a mooring or outhaul permit for a mooring
24 located in the coastal or harbor waters, or in a mooring area of the town shall be subject to
25 forfeiture of that permit or the right to renew the permit by reason of any the following:

26
27 1) Failure to comply with any of the requirements of this ordinance.

28
29 2) Failure to respond to the harbormaster's and/or harbor commission's notice that i) the
30 mooring does not comply with the mooring specifications herein set forth, or ii) that the mooring
31 has been displaced or moved from its permitted location.

32
33 3) Failure to resurface, repair, or replace mooring tackle within sixty (60) days after
34 being advised to do so by the harbormaster.

35
36 4) Occupying a mooring or outhaul with the vessel permitted for that mooring for a total
37 of fewer than ~~fourteen (14) days~~ twenty (20) days during the course of a season calendar year. If
38 the vessel occupies the mooring or outhaul exclusively outside the period of the season it shall be
39 the responsibility of the mooring or outhaul holder to establish to the satisfaction of the
40 harbormaster or harbor commission that the mooring or outhaul has been occupied for at least
41 fourteen (14) days twenty (20) days.

42
43 5) Any holder of a mooring or outhaul permit for a mooring located in the coastal or
44 harbor waters of the town shall be fined one hundred (100) dollars per month for: a) failure to
45 renew an existing valid mooring or outhaul permit by June 15 of any year; b) failure to
46 commission a mooring or outhaul by July 1; c) failure to occupy the mooring or outhaul for a
47 least twenty (20) days during the year. If the holder takes no action to comply with these
48 requirements, the permit will be deemed forfeited on October 1 and will not be subsequently
49 renewed.

50

1 On written request the harbormaster may grant exceptions to clauses 3, 4, and 5, above.
2

3 No mooring or outhaul will be deemed forfeited until notice of the violation has been first
4 mailed to the holder of the permit by registered mail, return receipt requested and regular first
5 class mail. If an appeal is not made within thirty (30) days of the issuance receipt of the notice,
6 the harbormaster will issue an order requiring that the mooring or outhaul must be removed by its
7 owner from the mooring area at the owner's expense. If the owner fails to remove the mooring or
8 outhaul within thirty (30) days upon order of the harbormaster, the owner will be billed for the
9 cost of the mooring or outhaul removal. If a vessel is tied to the mooring or outhaul, the vessel
10 will be removed and stored at the owner's expense.
11

12 (m) Implementation of Changes in Mooring Space Assignments.
13

14 1) All private mooring permits and applications permitted prior to initial adoption of the
15 Harbor Management Ordinance by the Town Council on June 17, 2004 shall be reclassified
16 according to the criteria established in Section 78-26(c) (above).
17

18 2) All regulations concerning mooring permits and applications shall be applied on the
19 basis of the above reclassification.
20

21 3) All mooring permits disallowed under this ordinance shall be deemed permitted non-
22 conforming moorings. Rights to such moorings and use in accordance with the ordinance and
23 town rules and regulations may continue by the present owner only unless the mooring is
24 surrendered or revoked.
25

26 (n) Implementation of Changes in Mooring Tackle Requirements.
27

28 1) All new moorings shall meet the ~~new~~ minimum standards.
29

30 2) All moorings in place shall meet the new minimum standards on the regular schedule
31 of mooring inspections required by the harbor commission.
32

33 (o) Outhauls.
34

35 1) On town property. Outhauls may be established on Town property where
36 recommended as appropriate by the harbor commission and approved by the town council.
37 Outhauls in existence as of the adoption of this Ordinance shall be deemed conforming. Permits
38 for the use of outhauls shall be issued by the harbor office in accordance with a waiting list. If an
39 outhaul is not occupied for a minimum of twenty (20) days during the course of the year the
40 permit shall be deemed forfeited and will not be renewed. No outhaul will be deemed forfeited
41 until notice of the violation has been first mailed to the holder of the permit by registered mail,
42 return receipt requested and regular first class mail. If an appeal is not made within thirty (30)
43 days of the receipt of the notice, any vessel secured thereto will be removed and stored at the
44 owner's expense.
45

46 2) On private property. Up to two (2) outhauls may be installed per riparian property.
47

48 3) In general. The harbormaster shall have the power to direct that outhauls deemed
49 inadequate or unsafe be repaired or replaced. The outhaul cabling system for all riparian
50 outhauls shall be removed between November 15 and April 15.

1
2 Sec. 78-27. Regulated Activities.

3
4 (a) General. The purpose of this section is to regulate the speed, management, and control of
5 vessels and the use of all anchorages, moorings, and town-owned waterfront facilities within the
6 jurisdiction of the Town of Jamestown as stated in Section 78-23 and as authorized by Rhode
7 Island General Law 46-4-6.9.

8
9 (b) Management and Control of Vessels.

10
11 (1) Vessel operation. Every person operating a vessel within the waters of the town shall
12 navigate in a careful and prudent manner, so as not to endanger the life, limb, or property of
13 another and not to interfere with or damage other vessels or property.

14
15 (2) Failure to stop. It shall be a violation of this ordinance for any person to refuse to
16 move, slow to headway speed, or stop when directed by the harbor master or any other duly
17 authorized enforcement officer.

18
19 (3) Prohibited areas. No person shall operate or cause to be operated a vessel within any
20 area marked prohibited on the harbor map, except as otherwise provided for in the ordinance.

21
22 (c) Vessel Speed and Operation.

23
24 1. Operators of vessels within the coastal and harbor waters of the Town of Jamestown
25 shall comply with all state and local laws and regulations on vessel speeds and wakes that
26 establish a maximum speed for vessels of five (5) miles per hour, no wake (RIGL 46-22-9) in the
27 mooring zones of harbor waters.

28
29 2. Vessel operation, mooring, or anchorage within two hundred (200) feet of the shore
30 where marked on the harbor map or by buoys is prohibited, except when a vessel is directly
31 approaching or leaving the shore, a town-approved launching ramp, or beach storage area for
32 dinghies when the sole purpose is to begin or end such activity.

33
34 3. In all designated channels, fairways, and mooring zones of harbor waters para-gliding,
35 para-sailing, windsurfing, water skiing, jet skiing, tubing, knee boarding, and similar activities
36 are limited to a five (5) miles per hour maximum speed. In coastal waters and in the transient
37 and conservation zones of harbor waters, the named activities are prohibited within two hundred
38 (200) feet of the shore and within one hundred (100) feet of any vessels moored or anchored.
39 Any person who violates these regulations, inclusive of Rhode Island General Law 46-27-2, shall
40 be subject to penalties under this ordinance.

41
42 4. Seaplanes and other airborne watercraft are prohibited from surface operation within
43 mooring zones or within two hundred (200) feet of the shore; they are prohibited from taking off
44 or landing in the waters under town jurisdiction as stated in Section 78-24 of this ordinance.

45
46 5. No vessel shall be moored or anchored so as to interfere with the free and
47 unobstructed use of channels, fairways, or berthing spaces within the areas under town
48 jurisdiction as defined in Section 78-24 of this ordinance.

49
50 (d) Prohibited Discharges.

1
2 (1) Discharge of Refuse. The discharge of any waste, refuse, garbage, plastic, chemicals,
3 petroleum products or by-products, paint, varnish, dead animals, or any other debris or litter into
4 the waters of the town is prohibited under this ordinance. The town adopts Rhode Island General
5 Law 46-12-39 as part of its ordinance. Any person who violates this provision shall be subject to
6 penalties provided by Rhode Island General Law 46-12-40.
7

8 (2) Discharge of Sewage. No person shall cause or permit to pass or to be discharged
9 into the waters of the town any untreated sewage or other waste matter or contaminant of any
10 kind. The town shall monitor and report annually to the Department of Environmental
11 Management on the effectiveness of its pumpout operations.
12

13 (e) Other Activities.

14
15 (1) Swimming, and diving and fishing. Swimming, diving, or fishing off town-owned
16 piers, floating docks, wharfs, and jetties is prohibited unless otherwise authorized and posted by
17 the town council. Water skiing is prohibited in harbor waters and in mooring areas. Swimming
18 and diving are prohibited in mooring areas and mooring zones more than 150 feet from shore
19 from sunset to sunrise or in periods of impaired visibility, except in the immediate vicinity of a
20 moored or anchored vessel, when accompanied by an escort vessel, as part of a sanctioned
21 swimming event, or as necessary to perform service or maintenance to a vessel or mooring.
22

23 (2) Property Damage. It shall be unlawful to destroy, damage, disturb or interfere with,
24 willfully or carelessly, any public or private property in the waters or waterfront areas of
25 Jamestown.
26

27 (3) Litter. Littering is prohibited on town property. Any person who violates this law
28 shall be subject to penalties under this ordinance as provided for by local and state law.
29

30 (f) Abandoned Vessels and Structures.

31
32 When, in the opinion of the harbormaster, a vessel or structure has been abandoned in the
33 waters of the town, the harbormaster may take custody and control of such vessel and remove it,
34 store it, or otherwise dispose of it, all at the expense and sole risk of the vessel owner.
35 Reasonable notice of such disposal shall be publicly given. The harbormaster shall assume all of
36 the duties and powers of the commissioner of wrecks and shipwrecked goods as delineated in the
37 Rhode Island General Law Sec. 46-10-1 to 13.
38

39 (g) Anchoring.

40
41 Vessels shall not anchor or raft in a location that interferes with a moored vessel. The
42 harbormaster may direct a vessel to move or relocate.
43

44 1) Overnight anchoring: is permitted in all town waters, except Conservation Zones, on
45 a space available basis. The crew may go ashore, but shall not leave the area. They shall be
46 available to tend to the vessel in the event of heavy weather. It shall be the anchored vessel's
47 responsibility to remain clear of all moored vessels. No vessel shall be anchored more than three
48 (3) days without the permission of the harbormaster. No anchoring of any kind is permitted in
49 Conservation Zones.
50

1 2) Rafting: Vessels are permitted to raft on a mooring or at anchor provided that the
2 rafted vessels do not endanger any other moored or anchored vessels and that they do not intrude
3 into any channel or thoroughfare. Each rafted vessel must be manned at all times. Rafting is not
4 permitted when Coast Guard small craft advisories or other severe weather warnings are in
5 effect; rafted vessels must separate when these conditions are announced or at the request of the
6 harbormaster.

7
8 (h) Use of Vessels as Abodes.

9
10 In accordance with the Rhode Island Coastal Resources Management Program, Section
11 300.5, houseboats or floating businesses, as defined therein, are prohibited from mooring or
12 anchoring unless within the boundaries of a marina. Houseboats or floating businesses shall tie
13 into fixed marina pumpout facilities. Applicants for floating businesses shall fulfill the
14 additional Category "B" requirements of Section 300.5. Applicants for either houseboats or
15 floating businesses shall meet all the pertinent standards given in "Recreational Boating
16 Facilities" (Section 300.4) under standards for residential docks, piers, and floats.

17
18 (i) Penalties; fines. Pursuant to this ordinance and the powers granted in the enabling legislation,
19 Rhode Island General Law 46-4-6.9 and the general laws of the State of Rhode Island, a person
20 who violates any law as stated therein shall be subject to penalties and fines as set forth in the
21 attached Appendix B, unless otherwise established by the General Laws of the State of Rhode
22 Island. Each day a violation continues shall be deemed a separate offense subject to an
23 additional penalty. The district court of the State of Rhode Island, or such other courts as are
24 designated in the summons, shall have jurisdiction for the enforcement of regulated activities.

25
26 (j) Informal Procedure for the payment of Boating Fines.

27
28 1) Payment without personal appearance. The harbormaster or any other duly authorized
29 enforcement officer who charges any person with an offense under this ordinance, in addition to
30 issuing a summons for the offense, may provide the offender with a form that shall allow the
31 offender to dispose of the charge without the necessity of appearing before the district court;
32 provided that any offender who has been guilty of a third or subsequent violation within twelve
33 (12) months of the first offense must appear before the court on the date specified on the
34 summons, and may not dispose of the third or subsequent offense administratively.

35
36 2) Method of payment: An offender electing to dispose of the charge without personally
37 appearing before the district, or other, court shall execute the form indicated and return it to the
38 Jamestown police station not later than fourteen (14) days from the date of the summons either
39 by mailing or delivering the form and summons accompanied by a check or money order in the
40 amount indicated by the schedule of fines on the form. The fine shall be doubled if not paid
41 within fourteen (14) days and tripled if not paid within twenty-one (21) days.

42
43 3) Failure to answer: An individual who fails to answer within twenty-one (21) days
44 shall have waived the right to dispose of the summons without personal appearance and must
45 appear before the district court on the date specified on the summons.

46
47 (k) Enforcement. The primary responsibility for enforcement of regulated activities, including
48 detention, arrest, and issuance of summonses for violations is delegated to the harbormaster and
49 the Jamestown Police Department. Police officers and the harbormaster of the Town of
50 Jamestown shall have the power and authority to enforce the rules and regulations of this

1 ordinance and of the General Laws of the State of Rhode Island.

2
3 Sec. 78-28. Harbor Commission.

4
5 (a) Authority, Powers, and Duties. The harbor commission shall be the local advisory and
6 regulatory body authorized by the town council to manage the coastal waters and harbor areas of
7 the town through the implementation of the Comprehensive Harbor Management Plan and
8 subsequent ordinances. The harbor commission shall enforce the provisions and ordinances of
9 the Harbor Management Plan as well as adopt additional policies, rules, and regulations for the
10 implementation of the Harbor Management Plan and such ordinances, subject to the approval of
11 the town council and the Rhode Island Coastal Resources Management Council.

12
13 The harbor commission shall adopt rules of procedure and operation for its meetings and,
14 among its powers and duties, is authorized to:

15
16 1) Recommend to the town council the adoption of rules, regulations, fees, penalties and
17 other amendments to the Comprehensive Harbor Management Plan and its subsequent
18 ordinances that may be necessary to fulfill the goals and objectives of that plan and meet the
19 requirements of its ordinances.

20
21 2) Recommend additional authorities and duties for the harbor staff, herein detailed, with
22 the approval of the executive director and the town council.

23
24 3) Assist in the preparation of the annual budgets in accordance with the provisions of
25 the town and this ordinance to expend monies in the harbor funds.

26
27 4) Sit as a board of appeals to hear any person aggrieved by any decision, act, or failure
28 to act of the executive director or harbor staff in the enforcement and implementation of this
29 ordinance, with the exception of Section 78-27 of this ordinance ("Regulated Activities").

30
31 5) Review and revise as necessary the comprehensive harbor management plan and its
32 subsequent ordinances for the town council and the Rhode Island Coastal Resources
33 Management Council approval. The comprehensive harbor management plan shall be reviewed
34 and revised at least once every five (5) years.

35
36 6) Monitor the condition of town-owned waterfront facilities generally and develop with
37 the Town Engineer an annual and five year capital maintenance, replacement and improvement
38 plan. The plans will include, at least annually, recommend to the town administrator plans for
39 the use, maintenance, repair, and improvement of town-owned waterfront structures, such as
40 docks, bulkheads, and boat ramps. No budget will be approved without the Capital Improvement
41 Plan.

42
43 (b) Composition. The harbor commission shall consist of seven (7) qualified electors and
44 residents of the town, appointed by the town council, chosen from a list of interested parties
45 maintained by the town administrator, after duly advertising the availability of these positions.
46 To achieve diversity, preference shall be given to representatives of each of the following groups:

- 47
48 (1) The non-riparian recreational boating community;
49 (2) The non-riparian recreational boating community;
50 (3) Riparian property residents (harbor waters);

- 1 (4) Riparian property residents (coastal waters);
- 2 (5) The commercial fishing industry;
- 3 (6) The commercial mooring operators;
- 4 (7) A non-boating resident.

5
6 The commission shall have, among its members, representatives of both East and West
7 Harbors.

8
9 Ex-officio member: The executive director shall be an ex-officio, nonvoting member of
10 the Commission, and shall not count as part of the quorum.

11
12 Liaisons: The town council, the conservation commission, and the planning commission
13 shall each appoint one liaison to the harbor commission. Liaisons may sit with the commission,
14 and may participate in all discussions, but may not vote and do not count as part of the quorum.

15
16 (c) Terms. Commission members shall be appointed for overlapping three-year terms so that
17 approximately one-third of the membership terms will expire each year. In the event of a vacancy
18 during a term, the town council shall appoint a new member from the same category of member,
19 if feasible, to fill the remainder of the term.

20
21 (d) Organization. A chair and vice-chair of the commission shall be chosen annually from the
22 membership by vote of the commission. The chair shall be responsible for calling and conducting
23 all meetings of the commission. In the absence of the chair, the vice-chair shall assume those
24 responsibilities. A quorum shall be defined as four (4) voting members.

25
26 (e) Finances; budget. The executive director and the commission, in collaboration with the town
27 administrator, shall be responsible for the preparation of the annual harbor operating and capital
28 facilities management budgets to be submitted to the town council for approval. All revenues
29 from harbor operations, including but not limited to mooring and outhaul fees and harbor
30 management fines and penalties, shall be held in a segregated harbor enterprise fund management
31 account maintained by the town finance department. The harbor enterprise fund management
32 account shall be maintained exclusively for the management and development of harbor
33 programs and maintenance and expansion of capital infrastructure, except that the harbor
34 commission shall contribute annually not more than ten percent (10%) of its annual budget as a
35 contribution towards the town harbor/waterfront facilities capital account. This contribution may
36 be reduced or suspended if projected infrastructure expenditures do not require the revenue. Non-
37 budgetary expenditures from the harbor management account, including additional staff support,
38 must be authorized by the executive director with agreement of the commission and must be
39 approved by the town administrator and the town council. Annual lease revenue from taxpayer-
40 owned property at East Ferry, West Ferry, and Fort Wetherill may be used to fund maintenance,
41 repair, or improvements to harbor and waterfront capital facilities.

42
43 At the end of the fiscal year, unexpended harbor operating and capital budget appropriations shall
44 be placed in a harbor and waterfront capital reserve account.

45
46 The executive director and the commission, in collaboration with the town administrator,
47 shall be responsible for the preparation of the annual harbor/waterfront capital facilities budget to
48 be submitted to the town council for approval. ~~The harbor/waterfront facilities capital account,~~
49 ~~primarily funded by lease income from town-owned waterfront facilities, shall be maintained by~~
50 ~~the town finance department as a capital improvement account for harbor and waterfront~~

1 facilities. Expenditures from this account shall be recommended by the executive director and
 2 the commission to the town administrator and managed by the town administrator's office.

3
 4 (f) Compensation. Commission members shall serve without pay, but may be compensated for
 5 expenses incurred in the performance of their duties.

6
 7 Sec. 78-29. Administration

8
 9 (a) Executive Director. ~~The An~~ executive director shall be a member of the town administration,
 10 nominated by the town administrator and may be appointed by the town council to supervise the
 11 harbor staff and to administer the provisions of this ordinance and any additional regulations
 12 subsequently required for the implementation of the ordinance.

13
 14 ~~1) The terms of appointment shall be established by the town council in consultation~~
 15 ~~with the town administrator.~~

16
 17 ~~2) The executive director supervises the harbor staff and reports both to the commission~~
 18 ~~and to the town administrator.~~

19
 20 (b) Harbor Administrative Staff. The harbor administrative staff shall consist of a harbormaster,
 21 a harbor clerk, and additional personnel as needed who are hired on approval of the town council
 22 by the town administrator.

23
 24 The responsibilities of the harbor staff under the supervision of the executive director
 25 include the following:

26
 27 1) Administering and enforcing the provisions of the harbor management plan
 28 and its ordinances;

29
 30 2) Processing applications for the issuance of mooring permits and assigning
 31 placements of moorings in accordance with this ordinance;

32
 33 3) Keeping proper records of all mooring application information, including the
 34 locations of moorings, mooring owners and vessel usage of moorings, types of vessels
 35 using moorings, etc;

36
 37 4) Preparing, keeping current, and making available a waiting list for mooring
 38 permits in accordance with the provisions of this ordinance when the demand for
 39 available mooring permits is greater than the number of available mooring locations in
 40 any given year, and maintaining a waiting list with respect to out hauls on Town property;

41
 42 5) Keeping current and making available waiting lists for dinghy dock space and
 43 out hauls on Town property operated by commercial operators;

44
 45 6) Inspecting moorings and out hauls in accordance with the provisions of Section
 46 78-26 of this ordinance;

47
 48 7) Monitoring moorings and out hauls in accordance with the provisions of Section
 49 78-26(g), (l), and (o) of this ordinance.
 50

1 8) Carrying out all other powers and duties authorized to the harbormaster under
 2 various state and federal marine laws, including but not limited to marine sanitation
 3 device (MSD) inspection and discharge responsibilities afforded through the U.S. Coast
 4 Guard, MARPOL ANNEX V, Section 312 of the Clean Water Act, Title 46-22 of the
 5 General Laws of Rhode Island, and future laws yet to be enacted.

6
 7 9) Any other duties specified by the harbor commission or executive director.
 8

9 (c) Conflicts of Interest. No All members of the Harbor Administrative Staff shall accept any
 10 gift, favor, emolument, or employment from any maritime business doing business in the town of
 11 Jamestown without written approval from the executive director and appeal to the Town
 12 Administrator. adhere to the requirements of the RI Code of Ethics, set forth at Chapter 14 of
 13 Title 36 of the RI General Laws, as amended, and all regulations promulgated by the RI Ethics
 14 Commission.

15
 16 Sec. 78-30. Appeals.
 17

18 In matters other than violations of Section 78-27 of this ordinance, the harbor commission
 19 shall sit as the board of appeals to hear any person aggrieved by a decision of the executive
 20 director or the harbormaster. The aggrieved party shall file a written appeal with the harbor clerk
 21 within thirty (30) days following the notice of the decision. Upon receipt of the appeal, the
 22 harbor clerk shall schedule a hearing at the next regularly scheduled commission meeting, with
 23 written notice given to the appellant of not less than fourteen (14) days.
 24

25 The harbor commission may hear an appeal filed out of time provided the appellant
 26 demonstrates: 1) the matter from which the appeal is taken occurred within the past one hundred
 27 and eighty (180) days; and 2) for just reasons, failure to timely file the appeal was due to mistake,
 28 inadvertence, excusable neglect; or 3) would result in a substantial injustice to the appellant
 29 rights as provided for under this ordinance.
 30

31 Any party aggrieved by a decision of the harbor commission may make a final appeal to
 32 the town council. Notice of appeal shall be made in writing and filed with the town clerk within
 33 twenty (20) days of the mailing date of the decision. The town clerk shall obtain the record of
 34 the commission's proceedings and schedule a hearing with notice to the appellant.
 35

36 Sec. 78-31. Liability.
 37

38 Persons using the waters of the town shall assume all risk of personal injury and damage
 39 or loss to their property. The town assumes no risk on account of accident, fire, theft, vandalism
 40 or acts of God.
 41

42 Sec. 78-32. Appendix A; Jamestown Harbor Boundaries. Severability. If any provisions of this
 43 ordinance are held invalid or inoperative, the remainder shall continue in full force and effect as
 44 though such invalid or inoperative provisions had not been made.
 45

46 Sec. 78-33. Appendix B; fines Schedule. Effective Date. This ordinance shall take effect upon
 47 its passage by the town council with respect to provisions that do not require approval of the
 48 Coastal Resource Management Commission.
 49

50 Sec. 78-34. Appendix A; Jamestown Harbor Boundaries.

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Sec. 78-35. Appendix B; Fines Schedule.

Introduced by the Jamestown Town Council on:

October 3, 2011

Advertised for public hearing on:

October 27, 2011

Adopted by the Jamestown Town Council on:

November 9, 2011

Attest:

Cheryl A. Fernstrom
Cheryl A. Fernstrom, CMC, Town Clerk

~~11.28.2011~~ 12.09.2011

Add to definitions:

Private Aid to Navigation: a buoy placed to mark a location in the water, other than government marks. The location of such private aids in Jamestown waters must be approved by the Harbormaster. No fees will be charged for such private aids. The parties placing such private aids are responsible for their proper maintenance, and for informing the appropriate governmental authority of their placement.

Revise Sect. 78-26 (o)(3) to read:

In general. The harbormaster shall have the power to direct that outhauls deemed inadequate or unsafe be repaired or replaced. Placement of anchors for outhauls is subject to approval by the harbormaster. The outhaul cabling system for all riparian outhauls shall be removed between November 15 and April 15.

Add the following Sect. 78-26 (p):

Water-borne structures and anchors not specifically addressed herein, such as anchors for breast lines, are subject to approval of the harbormaster.

