

Town of Jamestown Harbor Management Ordinance



Jamestown Harbor Management Ordinance

TABLE OF CONTENTS

Section 78-21.	Goals	4
Section 78-22.	Definitions	5
Section 78-23.	Areas Under Jurisdiction	12
Section 78-24.	Harbor and Mooring Area Boundaries	13
Section 78-25.	Rights-of-Way to the Water	13
Section 78-26.	Mooring, Outhaul & Beach Stowage Policies	14
	a. Permit Requirement	14
	b. Mooring Siting, Density and Allocation	14
	c. New Private Permit Applications	15
	d. Private Permit Wait-lists	16
	e. Priority for Private Permit Assignment	16
	f. Private Permit Guest Moorings	17
	g. Private Permit Assignment	18
	h. Private Permit Occupancy	18
	i. Private Permit Renewal	19
	j. Private Permit Relinquishment	19
	k. Private Permit Grace Period	19
	l. Private Permit Temporary Use	20
	m. Private Permit Application and Renewal Important Dates	21
	n. Private Permit Transfer	21
	o. Ghost Moorings	22
	p. Relocation of Private Permit Moorings	22
	q. Private Permit Vessel Change Request	23
	r. Commercial Mooring and Outhaul Permits	23
	s. Fees	24
	t. Marking	25
	u. Mooring Specifications	25
	v. Mooring Inspections	28
	w. Forfeiture of Mooring, Outhaul or Beach Permits	30
	x. Mooring Winterization	31
	y. Outhauls	32
	z. Beach Permits	33
	aa. Floats	33
	bb. Private Aids to Navigation	34
	cc. Miscellaneous	34

Section 78-27.	Regulated Activities	34
	a. General	34
	b. Operation and Control of Vessels	34
	c. Vessel Speed and Operation	35
	d. Prohibited Discharges	36
	e. Other Activities	36
	f. Abandoned Vessels and Structures	37
	g. Anchoring	37
	h. Rafting	38
	i. Use of Vessels as Abodes	38
	j. Penalties; Fines	39
	k. Informal Procedures for the Payment of Boating Fines	39
	l. Enforcement	40
Section 78-28.	Jamestown Harbor Commission	40
	a. Authority, Powers, Duties	40
	b. Composition	41
	c. Terms	41
	d. Organization	42
	e. Finance; Budget	42
	f. Compensation	42
Section 78-29.	Administration	43
	a. Executive Director	43
	b. Harbor Administrative Staff	43
	c. Conflicts of Interest	44
Section 78-30.	Appeals	44
Section 78-31.	Liability	45
Section 78-32.	Severability	45
Section 78-33.	Effective Date	45
	Appendix A: Comprehensive Harbor Management Plan	46
	Appendix B: Fines	47
	Appendix C: Roles and Responsibilities	48

Sec. 78-21. Goals.

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

(1) To regulate uses and activities within these waters of the Town; 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 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 nonresidents with or without Vessels, 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 G.L. 1956, § 46-4-6.9 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.

(4) The Army Corps of Engineers (ACOE) "open to all" policy supersedes any Town or State regulation, policy, ordinance, or statute.

Sec. 78-22. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where specifically noted otherwise. :These meanings may differ from definitions found outside this document:

Abandoned Vessel or Structure: A Vessel or Structure that is left unattended moored, grounded, docked or otherwise fastened to any Town Waters or land or any private property without proper consent for more than seventy-two (72) hours.

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

Appeal Request Form: The form used to request an appeal of a decision by the HM, ED or JTTC, found under Harbor Forms on the Jamestown Harbor Department website.

Applicant: The individual or entity applying for a Mooring, Outhaul or Beach Permit.

Bay: The Narragansett Bay, as identified on NOAA Chart 13221.

Beaches: Areas of the shoreline designated by the Harbor Commission for land storage of non-motorized Vessels capable of being removed from the water by manpower alone, either on the beach, or on a Town owned rack.

Beach Permit: A license authorized by the Town granting the permittee the privilege of storing a specified Vessel at a Beach or on a specific Town owned rack during the Season.

Beach Permit Application: The application for a Beach Permit found on the Online Mooring website accessed from the Jamestown Harbor Department website.

Beach Permit Renewal Application: The form used to renew a Beach Permit, sent via email to a Permit Holder annually by the HC.

Channel: Any water areas that are federally maintained and reserved for unobstructed movement of Vessels.

Coastal Waters: All waters bordering the Town from the shore to a distance of 500 feet off the shore, not included in the designation Harbor Waters.

Commercial Mooring: Any Mooring that a marina, shipyard, yacht club, or other organization has Harbor Commission permission to lease or rent to others.

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

Conanicut Island: The Island in Narragansett Bay as identified on NOAA Chart 13221.

Conservation Zones: Those harbor areas specially designated by the Town for the protection of water quality, wildlife, and plant habitat values. (Note: These zones may differ from the type 1 "Conservation Areas" of the Rhode Island Coastal Resources Management Council; however, the regulations in Section 200.1 of the CRMC Red Book shall apply to these Conservation Zones.)

Developed Riparian Property: Riparian property improved by the addition of a permanent structure that has been approved by the Building Inspector of the Town.

Executive Director (ED): The individual nominated by the Town Administrator and appointed by the Town Council to supervise the harbor staff and to administer and enforce the provisions of this Ordinance and any additional regulations subsequently required for the implementation of this Ordinance.

Fairway: Any locally designated and/or maintained water areas, usually in harbors or in Mooring Zones, reserved for the unobstructed movement of Vessels.

Float: A floating structure intended to support swimming and other recreational activities not involving Vessels that is attached to a Riparian Property Owner's permitted Guest Mooring and complies with both RICRMC and Town regulations.

Ghost Mooring: A Mooring that is installed without a Mooring Permit, or that is abandoned or left behind when a Riparian Property is sold.

Guest Mooring: A Mooring permitted to a Riparian Property Owner reserved solely for the use of their guests.

Grace Period: An authorization allowing a Permit Holder to leave a Mooring or Outhaul Permit vacant with no Vessel attached for a specified period.

Grace Period Request: The application for a Grace Period found under Harbor Forms on the Jamestown Harbor Department website.

Grandfathering: a decision to waive a HMO requirement approved only by the JTHC.

Harbor Clerk (HC): The individual hired by the Jamestown Chief of Police and approved by the JTHC who performs the day-to-day administrative functions of the JTHC, as directed by the ED.

Harbor Commission (JTHC): The local advisory and regulatory body authorized by the Town Council to manage the Coastal Waters and Harbor Waters of the Town.

Harbor Master (HM) : The individual hired on approval of the Town Administrator, who is primarily concerned with day-to-day administration of this Ordinance and activities on the Town Waters, with authority to enforce the rules and regulations of this Ordinance. The HM reports to the ED.

HMO: Harbor Management Ordinance (this document).

HMP: Harbor Management Plan.

Harbor Waters: The waters in the two harbors of the Town: East Harbor and West (Dutch) Harbor. The boundaries of these harbors are defined in of this Ordinance and extend from the shore to 1000 feet off the shore.

Headway Speed: The slowest speed at which a vessel can operate and maintain steerage. Also known as Steerageway.

Immediate Family Member: A parent, sibling, spouse, child or grandchild of a Permit Holder.

Leased Vessel. A Vessel leased to an Applicant for their exclusive use during a Season.

Marine Task Force: Vessels and crews assigned by RIDEM or RIEMA to provide emergency support response around the Narragansett Bay.

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

Mooring: All hardware or tackle used to Moor a Vessel. For the purposes of this Ordinance, a Mooring is considered either Commercial or Private.

Mooring Area: A bounded area authorized by this Ordinance outside of the Harbor Waters in which 5 or more Moorings may be placed in accordance with RICRMC regulations, with the exception that Riparian Property Owners may have a maximum of 4 Moorings in their authorized Mooring Area.

Mooring Permit: A license authorized by the Town granting the Permit Holder the privilege of using an assigned Mooring Space in the Town Waters for a specified Season.

Mooring Permit Application: The application for a Mooring Permit found on the Online Mooring website accessed from the Jamestown Harbor Department website.

Mooring Permit Renewal Application: The form used to renew a Mooring Permit, sent via email to a Permit Holder annually by the HC.

Mooring Provider: A person or entity authorized by the Town to install, maintain, inspect or remove a Mooring.

Mooring Space: The specific space assigned by the HM to the Permit Holder for the placement of a Mooring.

Mooring Zones: Those Harbor Water areas designated by the JTHC for the placement of Moorings, or for transient anchorage if space is available.

Motorized Vessel: Every description of a watercraft used, or capable of being used, as a means of transportation on the water and which is propelled by or capable of being propelled by a motor.

Nonresident: Any individual, business, corporation, or association that does not meet the definition of Resident.

Notice: A registered first class mailing sent to a Permit Holder at the address of record on their Mooring Permit.

Occupy: A Vessel is said to occupy a Mooring or Outhaul for one "day" when it has been secured to that Mooring or Outhaul overnight.

Operational Vessel: A Vessel that, in the determination of the HM is seaworthy and capable of operating safely under motor or sail.

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

Outhaul Permit: A license authorized by the Town granting the Permit Holder the privilege of storing a specified Vessel on an assigned Outhaul for a specified Season.

Outhaul Permit Application: The application for a Outhaul Permit found on the Online Mooring website accessed from the Jamestown Harbor Department website. Applications are specific to Fort Getty and West Ferry.

Outhaul Permit Renewal Application: The form used to renew an Outhaul Permit, sent via email to a Permit Holder annually by the HC.

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

Permit Holder: The individual or entity granted the privilege of using a Beach, Mooring or Outhaul Permit.

Pier Permit: A license authorized by the Town granting the Permit Holder the privilege of storing a specified Vessel at the East Ferry Pier for a specified Season.

Pier Permit Application: The application for a Pier Permit found on the Online Mooring website accessed from the Jamestown Harbor Department website.

Private Aid to Navigation: A buoy placed to mark a location in the water by a non-government/private entity or person.

Private Mooring: Any Mooring that is not a Commercial Mooring.

Qualified Mooring Inspector: Any person or entity approved as an inspector of Moorings by the JTHC upon recommendation of the ED.

Rafting: Two or more Vessels, excluding dinghies or other tenders, attached to each other while Moored or Anchored.

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

Relinquish Form: The form used to notify the HC that the Permit Holder is not renewing a Mooring, Outhaul or Beach Permit, found under Harbor Forms on the Jamestown Harbor Department website.

Relocation Request Form: The form used to request HM approval to move a Mooring, found under Harbor Forms on the Jamestown Harbor Department website.

Resident: Any real property taxpayer, full-time inhabitant, and/or registered voter of the Town; any recognized nonprofit organization of the Town.

RICRMC: Rhode Island Coastal Resource Management Council; Rhode Island state agency responsible for water related facilities within 200 feet of a coastal feature throughout the state.

RIDEM: Rhode Island Department of Environmental Management: Rhode Island State government agency charged with supervising and controlling the protection, development, planning, and utilization of the natural resources of the state, including, but not limited to: water, plants, trees, soil, clay, sand, gravel, rocks and other minerals, air, mammals, birds, reptiles, amphibians, fish, shellfish, and other forms of aquatic, insect, and animal life.

RIEMA: Rhode Island Emergency Management Agency: Rhode Island State government agency charged with reducing the loss of life and property for the whole community while ensuring that as a state we work together to build, sustain, and improve our capability to prepare for, protect against, respond to, recover from, and mitigate all natural, human-caused, and technological hazards.

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

Riparian Property: A freehold estate of record in land within the Town having shorefront directly adjacent to waters bordering the Town.

Riparian Mooring: A Mooring for which a Riparian Property Owner is the Permit Holder.

Riparian Property Owner: The person(s) or entity with title to Riparian Property.

Season: April 1 to October 31 of each year.

State: The State of Rhode Island, USA.

Temporary Transfer: An assignment of a Wait-list Vessel to a Mooring or Outhaul during a Grace Period by the ED.

Temporary Transfer Request: The form used by a Permit Holder to request the ED to assign a Wait-list Vessel to a Mooring or Outhaul during a Grace Period, found under Harbor Forms on the Jamestown Harbor Department website.

Town: The town of Jamestown, Rhode Island, USA.

Town Administrator: The individual appointed by the Town Council responsible for overseeing the day-to-day administrative operations, personnel management, and ensuring compliance with legal requirements.

Town Council: the duly-elected governing body of the Town.

Town Waters: Any water areas under Town Jurisdiction as stated in Section 78-23 of this Ordinance.

Transfer: A transfer of a Mooring, Outhaul or Beach Permit to an Immediate Family Member by the Permit Holder.

Transfer Form: The form used to apply for a Transfer, found under Harbor Forms on the Jamestown Harbor Department website.

Transient Anchorage Zones: Those harbor areas designated by the Town exclusively for the short-term use of Commercial and Recreational Vessels.

Unauthorized Vessel: a vessel that has remained in Town waters, or is attached to Town property, Private or Commercial Moorings, Outhauls, Dock Facilities, or any private property without proper consent.

USACE: United States Army Corps of Engineers.

USCG: United States Coast Guard.

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

Vessel Change Request Form: The form used to request to change the vessel assigned to a specific Mooring or Outhaul Permit, found under Harbor Forms on the Jamestown Harbor Department website.

Vessel in Need of a Beach Permit: Non-motorized Vessels capable of being removed from the water by manpower alone.

Vessel in Need of a Mooring: A Vessel greater than 13 feet length overall (LOA) that weighs 150 pounds or more empty.

Vessel in Need of an Outhaul: A Motorized Vessel greater than 13 feet length overall (LOA) that weighs 150 pounds or more empty.

Wait-list: A list of Permit requests maintained in oldest (top) to newest (bottom) maintained by the HC. There are separate lists for Moorings, Outhauls, Beach Racks, West Ferry Dinghy Dock and Pier Permits. See Section 78-26 (d) for management procedures.

Wait-list Renewal Application: The form submitted to remain active on a Wait-list.

West Ferry Dinghy Dock Permit: A license authorized by the Town granting the Permit Holder the privilege of storing a specified Vessel at the West Ferry Dinghy Dock for a specified Season.

West Ferry Dinghy Dock Permit Application: The application for a Outhaul Permit found on the Online Mooring website accessed from the Jamestown Harbor Department website. Applications are specific to Fort Getty and West Ferry.

Sec. 78-23. Areas Under Jurisdiction.

The Town hereby assumes management authority, delegated by RI CRMC for the purposes of this Ordinance consistent with the powers, duties, and authorities granted under G.L. 1956, 46-4-6.9 over the following waters:

(a) *Harbor Waters.* See Definitions.

(b) *Coastal Waters.* See Definitions

(c) *Mooring Areas.* See Definitions.

NOTE: All Town Mooring areas are managed by the JTHC. There are four (4) Marinas and one (1) Yacht Club that lease water areas from the Town. These remain under JTHC oversight for mooring numbers/occupation, permits, and compliance with this Ordinance, including Mooring inspection requirements.

(d) Gould and Dutch Islands: The RIDEM manages the State owned land on both islands as Wildlife Management Areas. In conjunction with RIDEM, the Town has both Islands under its jurisdictional responsibilities. Both Islands remain closed to the public but occasional boaters are seen frequenting the shore lines.

NOTE: In 2018 a process was implemented wherein RIDEM would be called and take the lead to respond to any emergencies on an Island. In the event that RIDEM assets are nearby, the HM would respond with a Town duty police officer. In the event the HM is not available, the Town Police dispatch office will activate the Marine Task Force, requesting support from the closest support group on that side of the Bay. A summary of response process steps is listed below:

- Dispatch or HM (if on duty) contacts RIDEM requesting assistance.
- If RIDEM is Unavailable, the Police Dispatcher will activate the Marine Task Force.
- If in the area, HM & Town duty police officer respond.
- If HM & Town duty police officer unavailable, request Jamestown FD Marine 1 respond.
- If Marine Task Force unavailable, request USCG support.

Sec. 78-24. Harbor and mooring area boundaries.

Refer to 78-34; Appendix A of this Ordinance. Refer to Comprehensive Harbor Management Plan for maps of the harbor boundaries and specific areas within the harbor boundaries. GIS or Lat/lon boundaries are not included in the Appendix A, only Mooring Areas

Sec. 78-25. 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 RICRMC or the Town. See Appendix A of the HMP.

(b) No person shall park or store a Vessel, vehicle, or structure on a designated public Rights-of-way to the water as defined by the RICRMC or the Town.

(c) Any person in violation of this section of the Ordinance shall receive Notice of violation with demand that the violation be cured within 5 days of Notice.

(d) Unless written arrangements acceptable to the ED are made, the failure to cure the violation as required in the Notice will result in assessment of the fine specified in Appendix B of this Ordinance, and cure of the violation by Town personnel at the violator's expense.

Sec. 78-26. Mooring, Outhaul & Beach Stowage Policies.

(a) *Permit Requirement:* No Mooring or Outhaul shall be located or maintained in the Harbor or Coastal waters of the Town without a Mooring or Outhaul Permit issued by the Town. No Vessel shall be stored upon a Beach or Town Rack without a Beach Permit issued by the Town. No Permit shall be issued until the HM has determined that it will conform to the specifications set forth in this Ordinance and any other conditions established by the State or Town.

(b) *Mooring Siting, Density and Allocation:*

(1) Harbor Waters. The limit of Moorings in the East Harbor and West (Dutch) Harbor Mooring Zones shall be based on available space and the provision of adequate landside facilities and access. No additional Commercial Mooring Permits shall be assigned in either the East or West Harbor Mooring Zones until Private Mooring Permits constitute 60 percent of the Zone's total number of permits. The precise location of each Mooring, Commercial or Private, within the Mooring Zones shall be made by the HM, who shall, with the JTHC, establish appropriate fairways within the Mooring Zones.

(2) Coastal Waters. Private Moorings will be permitted in Coastal Waters Mooring Areas, with no Moorings more than 500 feet from the shore. No Commercial Moorings are permitted in Coastal Waters. The precise location of each Private Mooring shall be made by the HM with due regard to maximizing available space without jeopardizing Vessel safety. Private Moorings may be installed by the HM within established Mooring Areas even when those Mooring Areas are located in front of Riparian properties, in accordance with the RI CRMC Red Book.

(3) Riparian Moorings. Riparian Moorings shall be located within the established property line extensions seaward, in accordance with RICRMC Red Book regulations.

(4) All Mooring Areas sited within the Coastal Waters and Harbor Areas of the Town shall be setback as follows:

(i) A sufficient distance from Riparian Moorings and shoreline Rights-of-way, to allow ingress and egress and prevent interference with the exercise of private and public rights

(ii) Fifty feet from all residential or commercial docks, piers, floats and public launching ramps.

(iii) At least three times the U.S. Army Corps of Engineers authorized project depth from federal navigational projects.

(5) Conservation Zones. No Moorings shall be established in Conservation Zones.

(6) No Moorings shall be established within federal navigation projects.

(7) All new and significantly expanded Mooring Areas shall be sited to ensure that tides and currents aid in flushing the Mooring Area.

(8) All new and significantly expanded Mooring Areas shall be sited to avoid adverse effects on water quality as reported in periodic RIDEM evaluations.

(9) All new and significantly expanded Mooring Areas shall be sited so as to not substantially interfere with designated shellfish management areas, traditional fishing grounds, public recreational areas and conservation areas, and to not significantly affect finfish and or shellfish resources, wetlands, submerged aquatic vegetation and aquatic habitat.

(10) Moorings Areas shall be adequately serviced by the pump-out facilities maintained in East and West Ferry.

(c) New Private Permit Applications:

Every Applicant, Riparian and non-riparian, for a new Private Mooring, Outhaul or Beach Permit shall submit an appropriate Application via the Online Mooring System accessible from the Jamestown Harbor Management web page. The Application shall indicate the desired Mooring Area. No paper submissions will be accepted. Upon payment of the required fee, the Application will be placed on the appropriate Wait-list.

It is the Applicants responsibility to ensure their contact information is kept current.

Upon Public Notice and with the approval of the JTHC, the HC may from time to time amend the Applications or this process.

(d) *Private Permit Wait-lists:*

New Applications will be placed on the appropriate Wait-list. Wait-lists are updated at least twice a year and are available for public view at the Online Mooring System accessible from the Jamestown Harbor Management web page.

To maintain their position on a Wait-list, Applicants must submit a Wait-list Renewal Application and pay a fee annually. This Wait-list Renewal Application will be emailed to the Applicant by the HC prior to December 1. The Wait-list Renewal Application and fee **MUST BE** returned to the HC by January 31, or the Applicant will be deleted from the list.

The HC will notify an Applicant when they enter the top 5 spots on a Wait-list, at which time the Applicant must show ownership and current RIDEM registration (all Vessels longer than 12 feet) of the Vessel in need of that Mooring, Outhaul or Beach Permit (unless the Application is for a Guest Mooring), in order to remain on the list.

Prior to March 15 the HC will notify Wait-list Applicants who are eligible for available Moorings via email. If no response is received within 72 hours, the Applicant will be removed from the Wait-list.

(e) *Priority for Private Permit Assignment:*

Class 1(a) Moorings (Riparian): Riparian Property Owners are given priority for Mooring Permits, and are entitled to up to two (2) Class 1(a) Moorings per property, placed in the Mooring Area directly adjacent to their property. Contiguous lots under the same ownership shall be considered as one property parcel. An association, partnership, or corporation may designate any of its members in good standing as holders of its permitted moorings. The ED may approve Mooring Permits Riparian Property is adjacent to a Town Conservation Zone.

Class 1(b) Moorings (Riparian on Coastal Waters): are no longer a recognized mooring class in RI, are not being issued, and are redesignated as Class 3. Current Permit Holders of this Class may continue to use and renew their Permits, however, it may not be Transferred, and when/if the associated Riparian Property is sold, it will NOT be available to the new property owners, and if the Mooring Permit is surrendered or revoked, it will become Class 3.

Class 2 Moorings (non-Riparian Rights-of-way): are no longer a recognized mooring class in RI, are not being issued, and are redesignated as Class 3. Current Permit Holders of this Class may continue to use and renew their Permits, however, it may not be Transferred, and when/if the associated Riparian Property is sold, it will NOT be available to the new property owners, and if the Mooring Permit is surrendered or revoked, it will become Class 3.

Class 3 General: All Applications for Moorings other than Class 1(a), and for Outhaul and Beach Permits, resident and non-resident, shall be Class 3. Permit assignment will be made in the order in which they are received and placed on the Wait-list. When a ratio of 3:1 of resident holders of Mooring Permits to non-resident holders of Mooring Permits (Riparian and Commercial Permits excluded) is attained, the JTHC shall establish guidelines to maintain the ratio at that level.

Riparian Property Owners may apply for up to two (2) Class 3 Moorings, (for a maximum of four (4), including their two (2) allowed Class 1(a) Moorings). Assignment will be made in the order in which they are received and placed on the Wait-list with all other Applicants.

All new Class 3 Private Moorings must be located within a Mooring Area or Harbor Waters as specified herein. Moorings outside such areas that were permitted prior to the adoption of this amendment of this Ordinance by the Town Council on June 17, 2004, shall be renewed only as long as the application therefore is made in the name of the then owner or Immediate Family Member (after Transfer).

(f) Private Permit Guest Moorings:

Only Riparian Property Owners may have Guest Moorings. An individual Permit Holder may only designate one of the two Class 1(a) Moorings as a Guest Mooring, while an association, partnership, or corporation Permit Holder may designate both. Both Class 3 Moorings may be designated as Guest Moorings.

Vessels not listed on the Mooring Permit may occupy Guest Moorings for up to 7 days during the season, provided they do not exceed the capacity of the Mooring. The HM may allow longer Occupation upon written request from the Permit Holder. Occupation of a Guest Mooring by the same vessel may not be extended beyond one season without the approval of the JTHC.

Guest Moorings may not be rented or leased.

(g) Private Permit Assignment

- Permits are granted for specific vessels.
- No one vessel may be assigned to more than one Private Mooring, Outhaul or Beach Permit.
- A Permit may not be held by more than one individual or by more than one association, partnership, or corporation, or any other legal entity at a time.
- Prior to issuance of a Permit, the Applicant must pay the Permit fee, show ownership (or that it is a Leased Vessel) and current RIDEM registration (all Vessels longer than 12 feet) of the Vessel in need of that Mooring, Outhaul or Beach Permit, unless the Application is for a Guest Mooring.
- Yacht clubs or other organizations applying for Private Moorings to be used by more than one vessel during a season must provide a list of the names of all vessels eligible to use the permitted Moorings and shall be charged a higher fee.
- Leased Vessels assigned to Permitted Moorings or Outhauls may not be used by anyone other than the Permit Holder.

In ALL INSTANCES, Vessels placed on Moorings or Outhauls must have current RIDEM registration; be Operational Vessels; and MUST NOT exceed the capacity of the Mooring or Outhaul. Additionally, Vessels on Outhauls must have Insurance acceptable to the Town.

The HM may order a Vessel deemed to not be in compliance with these requirements removed from a Mooring, Outhaul and Town Waters. The HM shall provide Notice to the Permit Holder of the violation and required corrective action, and allow 5 days for correction. If the violation is not corrected as directed within this time, the HM may remove and relocate the Vessel to an available area at the risk and expense of the Permit Holder, and fine the Permit Holder (See Appedix B Fines).

It is the Permit Holder's responsibility to ensure their contact information is kept current.

(h) Private Permit Occupancy:

A Vessel must Occupy a Private Mooring or Outhaul 20 days.

Vessels using Yacht Club Moorings in Dutch Harbor must notify the HM upon their arrival via VHF Channel 16 or must or Office at 401-423-1213 ext. 4339.

(i) *Private Permit Renewals*

All Permits must be renewed annually. The HC will email appropriate Permit Renewal Applications by December 1 to existing Permit Holders. The completed form, with required documentation and fee **MUST BE** returned to the HC by January 31, or the permit will be revoked.

The HC will mail a certified letter on February 1 to any Permit Holders that have not responded or informed the HC that they are relinquishing their Permit that their Permit has been revoked. The Permit Holder must notify the HC of their intent to appeal by submitting the Appeal Request Form found under Harbor Forms on the Jamestown Harbor Department website by February 15. If no such request is timely made, the opportunity for appeal will be forfeited.

By March 15, the HC will mail permit stickers out to all who renewed and who have paid for new season. Permit Holders are responsible for placing stickers on their Moorings.

(j) *Private Permit Relinquishment:*

Permit Holders who do not intend to renew a Mooring, Outhaul or Beach Permit shall submit a Relinquish Form found under Harbor Forms on the Jamestown Harbor Department website to the HC by February 1.

Relinquished Moorings, Outhauls or Beach Permits revert to the JTHC for re-assignment by the HC to the next person on the Wait-list whose Vessel meets the Permit requirements.

Permitted Moorings do not Transfer with the sale of Riparian Property. Riparian Property Owners with who sell their property have 15 calendar days to (1) submit a Relinquish Form found under Harbor Forms on the Jamestown Harbor Department website to the HC for all Permitted Moorings; and (2) Remove their Moorings. If the owner fails to comply, their Mooring(s) will be deemed Ghost Mooring(s), and handled as such.

(k) *Private Permit Grace Period:*

A one season Grace Period may be approved by the ED. One additional season Grace Period may be obtained only with approval of the JTHC. Grace Periods must be requested using the form found under Harbor Forms on the Jamestown Harbor Department website no later than June 15 of the season requested. No Vessel shall be attached to a Mooring during a Grace Period without a Temporary Use Permit.

(l) Private Permit Temporary Use:

Private Moorings and Outhauls may be used by Vessels not assigned to the Permit in two ways:

- (1) The Permit Holders may allow a Vessel other than the assigned Vessel to use their permitted Mooring for up to seven (7) days provided that the Permit Holder:
 - a. Notifies the HM in writing specifying dates of use;
 - b. Ensures the Vessel has current RIDEM registration;
 - c. Ensures that the Vessel does not exceed the length and weight of the Permit Holder's Vessel assigned to the Mooring.

Temporary Use of an active Mooring for longer than seven (7) days requires Appeal to and approval by the JTHC.

- (2) If a Mooring is in a Grace Period, the Permit Holder may request Temporary Use during the Grace Period by submitting the form found under Harbor Forms on the Jamestown Harbor Department website no later than June 15 of the Grace Period Season.

Temporary Use during a Grace Period can only be assigned by the ED to the first Wait-list Vessel that is compatible with the Mooring, and cannot be issued to Permit Holder friends, neighbors or anyone else not meeting this Wait-list requirement.

If the Mooring has not been inspected by a Qualified Mooring Inspector during the year prior to the issuance of the Temporary Permit, the owner of the Wait-list Vessel shall engage a Mooring Provider to inspect and ascertain the condition of the Mooring, and make any repairs necessary. The Wait-list Vessel Owner, shall place their vessel on the Mooring at their own risk.

Wait-list Applicants accepting a Mooring mid-Season shall comply with all Ordinance requirements. Occupancy time may be adjusted by the Harbor Master if necessary. Upon conclusion of the identified time period, the wait list person shall vacate the mooring and leave all equipment in similar condition as assumed

Mooring management shall be a private transaction between the Grace Period Permit Holder and the Wait-list Applicant accepting the Temporary Use Permit. The HC will provide contact

information for the Wait-list Applicant directly to the Grace Period Permit Holder. Rates agreed upon should be equal to or less than Town charges and/or Mooring Provider costs. The Grace Period Permit Holder may not charge the Temporary User Rent.

Temporary Use must be requested using the form found under Harbor Forms on the Jamestown Harbor Department website no later than June 15 of the season requested.

Both the Permit Holder and the Wait-list Vessel owner shall sign the Temporary Use Permit.

(m) Private Permit Application and Renewal Important Dates:

December 1	HC sends Permit and Wait-list Renewal Applications by email to Permit Holders and Wait-list Applicants.
January 31	Permit and Wait-list Renewal Applications, documents and fees due in HC Office.
February 1	HC sends certified letter to Permit Holders who have not returned their Permit Renewal Application or notified the HC they are relinquishing their Permit that their Permit has been cancelled.
February 15	Permit Holder must notify the HC of their intent to appeal.
March 15	HC mails permit stickers out to all who renewed and who have paid for new season.
March 15	HC will notify Wait-list Applicants who are eligible for available Moorings via email. If no response is received within 72 hours, the Applicant will be removed from the Wait-list.
June 15	Mooring or Outhaul Permit holders must submit request for Grace Period.
June 15	Mooring or Outhaul Permit holders must submit request for Temporary Use.
July 1	Moorings are commissioned, mooring ball is on top chain, pennants/bridles are attached, outhaul equipment is attached. Current stickers are affixed.

(n) Private Permit Transfer:

A Permit Holder may make a one-time request to transfer their Permitted Mooring, Outhaul or Beach Permit to an Immediate Family Member by submitting the Transfer Form found under

Harbor Forms on the Jamestown Harbor Department. Transferee Vessels shall meet all requirements of this Ordinance for compliance with the Permit Transferred.

Private Moorings permitted to Riparian Properties do not Transfer to the new property owner upon sale of the Riparian Property (see Permit Relinquishment). New Riparian Property Owners must reapply for Mooring Permits in their own names and with evidence of Vessels meeting all New Permit Application requirements.

(o) Ghost Moorings.

The HM is authorized to attempt identification of the owner by attaching a red violation tag. The HM will allow 5 days after tagging for the Mooring owner to remove the equipment before arranging for a local Mooring Provider to pull up the equipment and dispose of it in a manner decided by the ED.

(p) Relocation of Private Permit Mooring.

A Permit Holder may make a request to relocate their Permitted Mooring by submitting the Relocation Request Form found under Harbor Forms on the Jamestown Harbor Department website to the HC. The reasons for a Mooring relocation must be clearly stated in the request, which shall include documentation showing a valid Mooring Permit and current RIDEM registration for the Vessel assigned, or Grace Period (if applicable). Submissions deemed incomplete will be returned with no action taken.

The HM shall determine any action and observations to be made to determine feasibility of the relocation, including all site requirements and potential interference with other Moorings.

The HM may:

- (1) Authorize the relocation, to be made at the Permit Holder's expense.
- (2) Determine the relocation is not feasible.
- (3) Determine the relocation may be feasible in the future if an appropriate spot opens in the Mooring area, in which case the request will be placed on the Relocation Wait-list. In this case, the Applicant will need to follow Wait-list procedures for assignment and maintaining their position on the Wait-list.

Permit Holders shall not relocate themselves or request their Mooring Provider relocate the Mooring position. Mooring permit holders who move their moorings without notifying the HM will be subject to fines listed in Appendix B and possible Permit cancellation.

(q) *Private Permit Vessel Change Request:*

A Permit Holder may make a request to change the Vessel assigned to their Permitted Mooring by submitting the Vessel Change Request Form found under Harbor Forms on the Jamestown Harbor Department website to the HC with current DEM registration for the new Vessel.

If the new Vessel is longer or heavier than the Permitted Vessel, the Permit Holder must engage a Qualified Mooring Inspector to conduct a swing radius analysis to show it will not interfere with adjacent Moorings, and to determine that the new Vessel will not exceed the capacity of the Mooring, and submit this documentation also with the request.

A Permit Holder who places an Unauthorized Vessel on a Permitted Mooring without an approved Vessel Change Request will be subject to fines listed in Appendix B

(r) *Commercial Mooring and Outhaul Permits.*

(1) *New Permit Applications.* New applications for Commercial Mooring Permits in Harbor Waters must be approved by the RICRM, USACE, and the JTHC. They must conform to the percentage limitations for Harbor Waters stated in subsection 78-26(b), above. Marina operators may not transfer Mooring Permit ownership without JTHC approval.

(2) *Renewal Permit Applications.* Commercial mooring operators who have approved permits from the RICRMC and the ASACE will be considered to have made renewal applications for the purposes of this Ordinance. For Vessels on Moorings to be leased seasonally, commercial mooring operators must provide the HC with the registration number, name and length of each vessel and the name of each owner by July 15. For Moorings leased seasonally after July 15 they must provide the information as soon as reasonably practicable.

(3) *Inspections:* Commercial operators shall provide inspection reports directly to the HC by July 15 each year showing their existing moorings and those with completed inspections for that year. They shall provide the same information required in subsection 78-26(l) (3) below

for inspection reports of private moorings. The inspection reports provided by commercial operators must be provided in spreadsheet format using format provided by the HC.

(4) *Fees*: Commercial mooring operators shall reach a mutually satisfactory arrangement with the JTHC for the deadlines for payment of the appropriate fees. Current JTHC process requires one half of the total Season fee by June 30 and the second half no later than September 30.

(5) *Sanitary Facilities and Parking*: Commercial mooring operators must fulfill the requirements of Section 300.4.E.1 (a) and (b) of the RICRMC Management Program as it relates to the provision of sanitary facilities and parking.

(6) *Lease or Transfer*: No Commercial Mooring or Outhaul Permits on Town property may be leased or transferred to other businesses without review and approval of the JTHC. The standard for review shall be the ability of the proposed transferee to comply with all the provisions of [subsection] 78-26(f) as a commercial operator. Commercial businesses are not allowed Outhaul Permits unless identified in the lease agreement.

(7) *Commercial Fishermen and Aqua Farmers*: Commercial fisherman and aqua farmers may be assigned Mooring and Outhaul Permits as long as the Vessel to be assigned is registered under the current business owners name. All requirements for a Private Mooring or Outhaul Permits shall apply. Upon sale of an existing fishing business or aquafarm, the Mooring or Outhaul Permit does not transfer to the new owners. New Owners must apply for Permits according the process herein.

(8) *General*: Commercial Operators must comply with all applicable requirements of the JTHC and this Ordinance, and any amendments thereof.

(s) *Fees*.

The JTHC shall recommend a proposed schedule of fees to the Town Council as part of its annual operating and capital budget; and the Town Council shall establish such rates not later than November 15 each year for the following season. The JTHC may charge fees for all Mooring, Outhaul, Beach and Pier Permits on Town owned and managed property; for Mooring and Outhaul Permits on Riparian Property, and for Wait-list Applicants. Higher fees may be charged for non-resident and Commercial Mooring and Outhaul Permits; for other

special situations. The JTHC may assess late penalty fees provided these are indicated on, or enclosed with, the appropriate application forms. For billing purposes, the HC may establish informal classification codes for Moorings grouped by different levels of fee.

(t) *Marking.*

The Mooring Permit Holder shall mark the mooring buoy with the current Mooring Permit number in numbers no less than three inches high. The current year permit sticker shall be attached to the mooring ball where it is clearly visible. Permit Holders are highly encouraged to put their last name on the mooring ball in 3 inch letters to assist the HM with getting to know Permit Holder Vessels.

The HM shall provide Notice to the Permit Holder if their Mooring is not properly marked, and allow 14 days to correct. If this violation is not corrected as directed within this time, the HM may charge the Permit Holder the prescribed daily fine until corrected.

(u) *Mooring specifications.*

(1) *Responsibility for Moorings:* Although the Town sets the following minimum standards for Moorings and Mooring Inspections for all Moorings in the Town Waters, Permit Holders own the equipment and are solely responsible for the markings, safety and reliability of their Moorings. Heavier tackle and more frequent inspections than the required minimum are strongly recommended in all cases, and especially where Moorings are in exposed locations or are holding vessels of greater than average displacement.

(2) *Anchors:* Mushroom anchors (in mud or soft sandy bottoms) or concrete or granite blocks shall be used for Moorings in Town Waters, unless otherwise authorized by the HM or mandated by State or Federal Agencies. HM authorization must be in writing; and the HC will maintain records of any Mooring anchor deviations authorized in accordance with this provision.

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

(3) *Length and type of chain:* Total minimum length of chain (both bottom and top) shall be determined as follows: Depth of water at mean high tide, plus five feet for storm surge, times two. Normally, a minimum of 50 percent of the total length of chain shall be heavy chain, with the remainder being light chain, as indicated in the table below. (Where appropriate, a rode of nylon may be substituted for the light chain.) A higher percentage of heavy chain is recommended in exposed areas of relatively shallow depth. Use of greater scope is strongly recommended, especially in exposed areas and where there is sufficient space for Vessels to swing without endangering each other. Excessive scope, as determined by the HM, will not be allowed. A lower percentage of heavy chain may be appropriate for Moorings of greater scope. Swivels are required to be fitted somewhere between the mooring ball, the float assembly, and the top chain as it is aligned to the bottom chain. Any shackle shall be fitted with seizing wire/device to prevent the pin from spinning out of shackle. The swivel should be one size higher in diameter than the chain link size.

(4) *Mooring float/buoy:* The mooring float carrying the weight of the mooring chain (or chain and rode) must be of sufficient size and buoyancy so that at least 50 percent of the mooring ball is visible above the surface of the water. *Sea growth must be removed from the ball at the start of the season so that identifying information is clearly visible.* Permit Holders should upgrade the older small lobster type floats in favor of the larger, more clearly visible mooring balls in order to avoid collisions with transiting Vessels.

The HM shall provide Notice to the Permit Holder if their Mooring is not buoyant at least 50% above the waterline and allow 14 days to correct. If this violation is not corrected as directed within this time, the HM may charge the Permit Holder the prescribed daily fine until corrected.

(5) *Pennants:* Pennant length shall be determined as follows: measure the distance from the chock to the waterline, multiply this distance by two and add the distance from the bow chock to the bow cleat. The result is the minimum pennant length. Vessels shall have a two-part bridle led to port and starboard bow cleats to accommodate heavy weather conditions.

(6) *Chafeguards:* All pennant lines running through a chock or any other object where chafing may occur shall have adequate chafeguards. Chafe guards shall be maintained through the chock guide and not dropped near the mooring ball where they are ineffective.

(7) Minimum tackle specifications for Town Waters:

Vessel Length (feet)	Mushroom anchor (pounds)	Block anchor (pounds)	Bottom Chain (inches)	Top		Pennant (inches)
				Chain or Rode (inches)		
Up to 16	150	500	1/2	3/8	5/8	1/2
<u>16</u> to 18	200	800	1/2	3/8	5/8	1/2
<u>19</u> to 21	250	1,500	5/8	3/8	5/8	1/2 × 2
<u>22</u> to 24	300	1,500	5/8	3/8	5/8	1/2 × 2
25 to 29	400	2,000	5/8	1/2	5/8	1/2 × 2
<u>30</u> to 34	500	2,000	5/8	1/2	3/4	5/8 × 2
35 to 39	600	3,000 or 2 × 1,500	3/4	1/2	3/4	3/4 × 2
40 to 49	800	4,000 or 2 × 2,000	3/4	1/2	7/8	3/4 × 2
<u>50</u> to 59	1,000	4,000 or 2 × 2,000	1	1/2	1	1 1/4 × 2

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

(8) *Elastomeric Mooring tackle:* For ecological preservation elastomeric Moorings are encouraged in lieu of chain where appropriate in view of the lesser scope required for such systems, with appropriate attention to be paid to the requirement of corresponding anchors to be employed.

(v) *Mooring Inspections:*

(1) *New Moorings:* All new Moorings shall be inspected and approved by the HM or their designee prior to setting the Mooring. Only Mooring Providers as defined herein may install moorings in Town Waters.

(2) *Maintenance of Permitted Moorings:* All Permit Holders shall be required to maintain their Moorings in safe condition. Any chain, shackle, swivel, or other tackle that has become warped or has become worn by one-third its original 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 Ordinance. The HM or their designee may inspect any Mooring at any time to determine compliance with this section of the Ordinance. Any Mooring washed ashore or having moved so as to endanger another Vessel shall be inspected by the HM or their designee before it is reset.

(3) *Schedule of Private and Commercial Inspections:* All Moorings shall be inspected by a Qualified Mooring Inspector as defined herein. The Mooring Provider acts on behalf of the Permit Holder or the commercial marina by inspecting the Mooring at least once every three years. The results of these inspections for Private Moorings shall be provided via the Online Mooring Database by July 15 of the year of inspection. The results of the Commercial Mooring inspections for those marinas not currently using the Online Mooring Database shall be provided using a spreadsheet format provided by the HC.

The inspection shall determine compliance with the minimum Mooring and tackle standards of this Ordinance. Inspections may be made either by raising the Mooring or by underwater

inspection. The HC shall establish a schedule for each Private Mooring and input it in the *Online Mooring Database*. The HC shall provide the form for commercial mooring inspections to each marina in May or as soon as possible at the start of the season. The information to be reported shall include the following: water depth, size and type of mooring buoy, adequacy of length, diameter and number of pennant(s), adequacy of chafe guard(s), type, size and number of anchor(s), length and size of bottom and top chains or top rode, number and size of shackles, the location of the anchor, and the general condition of the mooring. The location of the anchor is to be reported in decimal degrees, e.g., 41.234567 N, 71.456789 W. The inspection report information for private moorings shall be uploaded to the Online Mooring Database by the inspector. Commercial operators not currently using the Online Mooring Database may submit multiple inspection reports in spreadsheet form, to include all information specified above.

(4) *Compliance:* Any Mooring or component of a Mooring found to be not in compliance with this section of the Ordinance shall be replaced by the owner within 30 days of such notice. Within 45 days after the noncompliance is reported a second mooring inspection must be completed at the expense of the Permit Holder to confirm the non-compliance has been corrected. The results of this second mooring inspection shall be reported to the HM. Failure to correct the noncompliance as required herein shall cause the Mooring to be deemed unsafe and shall be cause for revocation of the Mooring Permit and removal of the Mooring from Town Waters at the risk and expense of the Permit Holder. When the HM deems it necessary to remove a Vessel immediately from an unsafe Mooring for the safety of a Vessel or Vessels nearby and the Permit Holder is unable or unwilling to do so, the HM or their designee may remove the Vessel at the Permit Holder's risk and expense.

(5) Compliance Timeline:

- a. Permit Holder notified Mooring equipment is not compliant.
- b. Within 30 days of Notice Mooring equipment is to be corrected to align with criteria.
- c. Within 45 days of Notice Mooring Provider conducts second inspection and reports results to HM.
- d. Within 60 days, if second inspection finds non-compliance has not been corrected HM or their designee revokes the Mooring Permit and Notifies Permit Holder.
- e. If HM deems it necessary to remove a Vessel immediately from the Mooring for the and the Permit Holder is unable or unwilling to do so, the HM or their designee may remove the Vessel at the Permit Holder's risk and expense.

- f. Within 75 days of Notice, HM or their designee removes equipment from the water at Permit Holder's expense.

(6) *Falsification of Mooring Inspection Information:* Any Permit Holder providing false information regarding equipment condition or inspection results may have their Permit revoked ED. Any Mooring Provider providing false information shall have their certification to operate in Town Waters terminated by the ED.

(7) *Costs:* All costs of any Mooring Inspection, any relocation of Vessels as a result of noncompliance or conflict, or any repairs or replacements required under the provisions of this Ordinance article shall be the responsibility of the Permit Holder.

(w) Forfeiture of Mooring, Outhaul or Beach Permits:

Permits provided by the Town to residents or non residents are privileges only; they are not rights. Permit Holders, including Riparian Property Owners, do not own the water position the Mooring or Outhaul occupies. Harbor and Coastal Waters are owned by RIDEM and under the management of the Town. Any Permit issued by the Town shall be subject to Forfeiture or Renewal by reason of any the following:

(1) Failure to respond to the HM's Notice that:

- i) their Mooring or Outhaul does not comply with the specifications set forth herein;
or
- ii) their Mooring or Outhaul has been displaced or moved from its permitted location without approval of the HM.

(2) Failure to resurface, repair, or replace mooring tackle within 60 days after being given Notice to do so by the HM.

(3) Failure to Occupy their Mooring or Outhaul with the Vessel assigned for at least 20 days during the course of a Season. If the Vessel occupies their Mooring or Outhaul exclusively outside the Season it shall be the responsibility of the Permit Holder to establish to the satisfaction of the HM or JTHC that the Mooring or Outhaul has been occupied for at least 20 days.

- (4) Failure to commission a mooring or outhaul by July 1.
- (5) Occupying a Mooring or Outhaul with a vessel that is deemed unseaworthy by the HM.
- (6) Allowing a Vessel that is not owned by and registered to the Permit Holder to Occupy their Mooring
- (7) Failure to show current RIDEM registration for the Vessel assigned to their Permit.
- (8) Failure to comply with any of the requirements of this Ordinance.

On written request the ED may grant exceptions to the clauses above.

No Permit or Wait-list position will be forfeited without Notice (as defined herein) of a violation and an opportunity to cure, as specified in the Notice. If a forfeit is enacted and the Permit Holder desires to appeal the decision, a request must be submitted within 30 days of the postmark on the Notice of forfeiture using the Appeal Request Form found under Harbor Forms on the Jamestown Harbor Department website, unless stated otherwise elsewhere herein.

If no Appeal Request Form is timely submitted, the Permit or Wait-list position shall be considered forfeited and the HM will take actions necessary to repossess the Mooring, Outhaul or Beach Space for Town use, at the Permit Holder's expense. This may include the cost of the Mooring or Outhaul removal. If a Vessel is using the forfeited Mooring, Outhaul or Beach Space or Rack, it will be deemed an Unauthorized Vessel and may be removed and stored by the HM at the owner's expense.

(x) Mooring Winterization;

The HM highly recommends that Permit Holders arrange to have their Mooring winterized by a Mooring Provider at the end of every Season. Mooring Providers have data showing that the life of the mooring equipment can be reduced by 50% if the summer mooring ball is left attached over the winter months.

(y) *Outhauls:*

(1) *On Town Property:* Outhauls may be established on Town property where recommended as appropriate by the JTHC and approved by the Town Council. Outhauls in existence as of the adoption of this Ordinance shall be deemed conforming. Permits for the use of Outhauls shall be issued by the HC in accordance with the Wait-list procedure. If an Outhaul is not occupied for a minimum of 20 days during the course of the year the Permit shall be forfeited following the forfeiture process in section 78-26 (w) of this Ordinance.

(2) *In General:* The HN 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 HM.

(3) *Additional Outhaul Requirements:* The Harbor Management Rule Book (section 1.3) provides additional outhaul requirements that are outlined in the CRMC Redbook. Some of those requirements include:

- (a) Except as provided below, an Outhaul(s) is/are to be permitted to the contiguous waterfront property owner; and
- (b) Up to two (2) Outhauls may be allowed per waterfront property; and
- (c) Outhauls are not permitted on properties which contain a recreational boating facility; and
- (d) Procedures have been adopted to ensure that Permits are only issued consistent with the RICRMP, including the provisions of § 1.3.1(R) and
- (e) The procedures acknowledge that the RICRMC retains the authority to revoke any Permits issued by the municipality if it finds that such Permit conflicts with the RICRMP; and
- (f) From November 1 to March 31, when a Vessel is not being secured by the device on an annual basis, the outhaul cabling system shall be removed; and
- (g) Outhauls may be “grandfathered” in their current location upon annual HM 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.

(z) Beach Permits:

The Jamestown Harbor Rule Book details the application process, procedures, and Permit requirements for the Town owned racks that are designed to hold kayak, dinghy, paddleboard and other small craft that do not qualify for a mooring or outhaul. These Town owned racks/storage areas are located at Fort Getty, Maple Avenue, Heads Beach, Park Dock and along the East Ferry Beach area.

Beach Permit applications must be submitted following the Permit procedures proscribed in Section 78-26 (c) of this Ordinance.

The occupancy period for these Town owned facilities is limited to April 1 to October 31. Any Vessels placed on Town beach, dock or rack before or after, or without a Permit, will be confiscated by the HM after a red tag is placed on the Vessel and 5 days are allowed for the Vessel owner to rectify the problem directly with the HM. After confiscation, the Vessel owners will have 30 days to pay the fine listed in the appendix and retrieve their Vessel at the Town Police station. If the Vessel is not retrieved by the owner within the 30 day period, the HM may dispose of the Vessel in a manner approved by the ED.

Permit Holders may store designated Vessels on the ground or on Town racks in accordance with their Beach Permit. The HC shall issue Beach Permits as available at fees set by the JTHC, and shall maintain Wait-lists for these privileges.

(aa) Swim Floats attached to Riparian Guest Moorings.

Only Riparian Property Owners are allowed to have Swim Floats in lieu of Vessels attached to a Permitted Guest Mooring. A separate Swim Float Permit must be approved by CRMC in addition to the Town Permit for the Swim Float. The Harbor Management Rule Book provides detailed Swim Float requirements that are also detailed by the RICRMC Red Book and the JTHC.

The HM will send Notice to Riparian Property Owners with Swim Floats that are not in compliance with RICRMC and Town Ordinance requirements allowing 30 days to rectify the problem directly with the HM. Failure to address the violations will result in daily fines listed in

Appendix B. RICRMC has the authority to invoke additional penalties for Swim Float violations.

(bb) Private Aids to Navigation:

The location of Private Aids in Town Waters must be approved by the HM. No fees will be charged for Private Aids. The parties placing Private Aids are responsible for their proper maintenance, for obtaining any other required authorizations, and for informing appropriate governmental authorities of their placement.

(cc) Miscellaneous:

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

Sec. 78-27. Regulated Activities.

(a) *General.* The purpose of this section is to regulate the operation, speed, and control of vessels and the use of all anchorages, Moorings, and waterfront facilities within the jurisdiction of the Town as stated in section 78-23 and as authorized by G.L. 1956, 46-4-6.9.

(b) Operation and Control of Vessels:

(1) *Vessel operation.* Every person operating a vessel within the Town Waters shall navigate in a careful and prudent manner, so as not to endanger the life, limb, or property of another and not to interfere with or damage other Vessels or Property.

(2) *Failure to stop.* It shall be a violation of this Ordinance for any person to refuse to move, slow to Headway Speed, or stop when directed by the HM or any other duly authorized enforcement officer.

(3) *Operation Within Prohibited Areas.* No person shall operate or cause to be operated a Vessel within any area marked prohibited on the harbor map (See Appendix A – HMP), except as otherwise provided for in the Ordinance.

(4) *Conservation Areas:* Vessels are not allowed to anchor within the Town established Conservation Areas. Vessels refusing to depart from the Conservation Areas are subject to fines listed Appendix B.

(c) *Vessel Speed and Operation.*

(1) *No Wake Zones:* Operators of Vessels within the Town Coastal and Harbor Waters shall comply with all State and Local laws and regulations on Vessel speeds and wakes that establish a maximum speed of five miles per hour, and no wake (G.L. 1956, 46-22-9) in the Mooring Zones of Harbor Waters.

(2) *Public Bathing Areas:* Vessels may not operate, moor or anchor within 200 feet of the shore in prohibited areas marked by buoys or on the harbor map (See Appendix A – HMP), except that a Vessel may operate to directly approach or leave the shore, Town-approved launch ramp, or Beach storage area for dinghies when the sole purpose is to begin or end such activity. Some of these areas are designated for swimming, beach activities or recreational events and citizens should not be endangered by recreational boaters.

(3) *Regulated Recreational Activities:* Paragliding, parasailing, windsurfing, water skiing, jet skiing, tubing, knee boarding, and similar activities are limited to a five miles per hour maximum speed in all designated Channels, Fairways, and Mooring Zones of Harbor Waters. These activities are prohibited within 200 feet of the shore and within 100 feet of any Vessels Moored or Anchored in Coastal Waters and in the Transient and Conservation Zones of Harbor Waters. Any person who violates these regulations, inclusive of G.L. 1956, 46-27-2, shall be subject to fines listed in Appendix B of this Ordinance.

(4) Seaplanes and other airborne watercraft are prohibited within Town Waters at any time.

(5) No Vessel shall be Moored or Anchored to interfere with the free and unobstructed use of channels, fairways, or berthing spaces within Town Waters.

(6) Where significant shallow water habitat is identified, boating activities shall be restricted as necessary to decrease turbidity and physical destruction of such habitat.

(d) *Prohibited Discharges.*

(1) *Discharge of refuse.* The discharge of any waste, refuse, garbage, plastic, chemicals, petroleum products or by-products, paint, varnish, dead animals, or any other debris or litter into the Town Waters is prohibited. The Town adopts G.L. 1956, 46-12-39 as part of this Ordinance. Any person who violates this provision shall be subject to penalties provided by G.L. 1956, 46-12-40.

(2) *Discharge of sewage.* No person shall cause or permit to pass or to be discharged into the Town Waters any untreated sewage or other waste matter or contaminant of any kind. The Town shall monitor and report annually to the RIDEM on the effectiveness of its pumpout operations.

(e) *Other Activities.*

(1) *Swimming, Diving and Fishing:* Swimming, diving, or fishing off Town-owned piers, floating docks, wharfs, and jetties is prohibited unless otherwise authorized and posted by the JTHC Town Council. Water skiing is prohibited in Harbor Waters and in Mooring Areas. Swimming and diving are prohibited in Mooring Areas and Mooring Zones more than 150 feet from shore from sunset to sunrise or in periods of impaired visibility, except in the immediate vicinity of a Moored or Anchored Vessel, when accompanied by an escort Vessel, as part of a sanctioned swimming event, or as necessary to perform service or maintenance to a Vessel or Mooring.

(2) *Property damage:* It shall be unlawful to destroy, damage, disturb or interfere with, willfully or carelessly, any public or private property in the Town Waters or waterfront areas.

(3) *Litter:* Littering is prohibited on Town property or in Town Waters. Any person who violates this law shall be subject to penalties under this Ordinance as provided for by Local and State law.

(4) *Fish Cleaning:* No person shall discard fish parts into Town Waters near the shoreline, Town docks, or other waterfront areas used by the general public. The HM may impose fines listed in Appendix B.

(5) *Noise Abatement:* No person on any Vessel Anchored, Moored or operating in Town Waters shall make excessively loud noises or create disturbances, vocally or by electrical or mechanical means, including fireworks. Boaters should consider proximity to shoreline

residential properties near Mackerel Cove, Potters Cove, Dutch Harbor, East Ferry et al prior to engaging in loud activities. In the event that complaints occur against a particular Vessel, that Vessel may be directed to depart the area by the HM and may be subject to fines listed in Appendix B.

(f) *Abandoned Vessels and Structures.*

The HM may take custody and control of Abandoned Vessels or Structures and remove, store, or otherwise dispose of them at the expense and sole risk of the Owner. Reasonable Notice of such disposal shall be given to the Owner, if known, or advertised publicly if unknown. The HM shall assume all of the duties and powers of the commissioner of wrecks and shipwrecked goods as delineated in the G.L. 1956, 46-10-1 to [46-10-] 13

(g) *Anchoring.*

Vessels shall not Anchor or Raft in a location that interferes with a Moored Vessel or private dock. The HM may direct a vessel to move or relocate.

(1) Overnight Anchoring is permitted in all Town Waters EXCEPT within Mooring Areas and Conservation Zones, on a space available basis. The crew may go ashore, but shall not leave the Town area from a distance which would prevent rapid return to the Vessel in the event of weather or other dangerous condition. It shall be the Anchored Vessel's responsibility to remain clear of all Moored Vessels and Fairways.

(2) Vessels using Town Anchorage areas must register on the Town website (go to Harbor Department - Anchoring tab - left side), so they can be contacted by the HM or Police department if necessary.

(3) No vessel shall be Anchored more than three days without the permission of the HM . No Anchoring of any kind is permitted in Conservation Zones. After the 3 day anchorage period has ended, Vessels must leave the anchorage area for a period of 7 days. Moving the Vessel to multiple locations in the same individual anchorage area does not provide compliance with this Ordinance. HM may allow additional time in Town anchorage areas only with written ED approval.

(4) Vessels within Anchorage areas shall be occupied by qualified crew members who have the ability to move the vessel to a safe location if requested by the HM. Vessels must be occupied during overnight hours by a qualified operator (10pm to 6 am). If a Vessel is left unattended during daylight hours, the HM shall be notified by the Vessel's Owner/Captain or qualified operator. The qualified person responsible for the Vessel and their contact info shall be input to the Town website as directed in (2) above.

(5) Vessels left unattended or with unqualified personnel only aboard may be relocated to a safe location including a marina when they pose a danger to themselves, other Vessels nearby or a general danger to navigation. Vessel relocation costs will be at the expense of the Owner. Vessels in violation of this requirement will be fined daily in accordance with Appendix B.

(h) Rafting.

(1) Vessels are permitted to Raft on a Mooring or at Anchor provided that the Rafted Vessels do not endanger any other Moored or Anchored Vessels and that they do not intrude into any Channel or Fairway. Each Rafted Vessel must be manned at all times. Rafting is not permitted when Coast Guard small craft advisories or other severe weather warnings are in effect; Rafted Vessels must separate when these conditions are announced or at the request of the HM.

(2) Vessels may not Raft alongside another Vessel unless they have an agreement from that Vessel's owner or qualified operator. If that Vessel's Owner or Captain is not on board, the Vessel tying to it must show the harbor master that they have the written approval from the owner.

(i) Use of Vessels as Abodes.

House Boats are not authorized anywhere in Town waters and Vessels with the capability of occupancy may not be rented on a short term basis. In accordance with the RICRMC Program, Section 300.5, houseboats or floating businesses, as defined therein, are prohibited from Mooring or Anchoring unless within the boundaries of a licensed Town marina. Houseboats or floating businesses shall tie into fixed marina pump-out facilities. Applicants for floating businesses shall fulfill the additional Category "B" requirements of CRMC Red book Section 300.5. Applicants for either houseboats or floating businesses shall meet all the

pertinent standards given in "Recreational Boating Facilities" (Section 300.4) under standards for residential docks, piers, and floats.

(j) *Penalties; Fines.*

Pursuant to this Ordinance and the powers granted in the enabling legislation, G.L. 1956, 46-4-6.9 and the General Laws of the State, a person who violates any law stated therein shall be subject to penalties and fines listed in Appendix B, unless otherwise established by the General Laws of the State of Rhode Island. Each day a violation continues shall be deemed a separate offense subject to an additional penalty. The District Court of the State of Rhode Island, or such other courts as are designated in the summons, shall have jurisdiction for the enforcement of regulated activities.

(k) *Informal Procedure for the Payment of Boating Fines.*

(1) *Payment without Personal Appearance.* The HM or any other duly authorized enforcement officer who charges any person with an offense under this Ordinance, in addition to issuing a summons for the offense, may provide the offender with a form that shall allow the offender to dispose of the charge without the necessity of appearing before the District Court; provided that any offender who has been guilty of a third or subsequent violation within 12 months of the first offense must appear before the Court on the date specified on the summons, and may not dispose of the third or subsequent offense administratively.

(2) *Method of Payment.* An offender electing to dispose of the charge without personally appearing before the District, or other, Court shall execute the form indicated and return it to the Jamestown Police Station not later than 14 days from the date of the summons either by mailing or delivering the form and summons accompanied by a check or money order in the amount indicated by the schedule of fines on the form. The fine shall be doubled if not paid within fourteen (14) days and tripled if not paid within thirty (30) days.

(3) *Failure to answer.* An individual who fails to answer within thirty (30) days shall have waived the right to dispose of the summons without personal appearance and must appear before the district court on the date specified on the summons.

(l) Enforcement.

The primary responsibility for enforcement of regulated activities, including the issuance of summonses for violations is delegated to the HM and the Jamestown Police Department Officers. Police Officers and the HM shall have the power and authority to enforce the rules and regulations of this Ordinance and of the General Laws of the State of Rhode Island.

Sec. 78-28. Jamestown Harbor Commission (JTHC).

(a) Authority, powers, and duties.

The JTHC shall be the local advisory and regulatory body authorized by the Town Council to manage the Coastal and Harbor Waters of the Town through the implementation of the HMP, subsequent Ordinances and Rulebooks. The JTHC shall enforce the provisions of the HMP as well as adopt additional policies, rules, and regulations for the implementation of the HMP & HMO, subject to the approval of the Town Council and the RICRMC.

The JTHC shall adopt rules of procedure and operation for its meetings and, among its powers and duties, is authorized to:

(1) Recommend to the Town Council the adoption of rules, regulations, fees, penalties and other amendments to the HMP and HMO that may be necessary to fulfill the goals and objectives of that plan and meet the requirements of its Ordinances.

(2) Recommend additional authorities and duties for the harbor staff, herein detailed, with the approval of the ED and the Town Council.

(3) Assist in the preparation of the annual budgets in accordance with the provisions of the Town and this Ordinance to expend monies in the harbor funds.

(4) Sit as a board of appeals to hear any person aggrieved by any decision, act, or failure to act of the ED or HM in the enforcement and implementation of this Ordinance, with the exception of section 78-27 of this Ordinance ("Regulated Activities").

(5) Review and revise as necessary the HMP, HMO, rule books and other Town guidebooks for the Town Council and RICRMC approval. The HMP and HMO shall be reviewed and

revised at least once every five years. The Jamestown Harbor Rule book may be revised as needed with the approval of the JTHC and Town Council.

(6) Prepare the JTHC's Asset Inventory List with the Public Works Director periodically. Monitor the condition of Town-owned waterfront facilities generally and develop with the Town Engineer an annual and five year capital maintenance, replacement and improvement plan. The plans will include maintenance, repair, and improvement of Town-owned waterfront structures, such as docks, bulkheads, and boat ramps. No harbor budget will be approved without the capital improvement plan.

(b) *Composition.*

(1) The JTHC shall consist of seven (7) qualified electors and residents of the town, appointed by the Town Council, chosen from a list of interested parties maintained by the Town Administrator, after duly advertising the availability of these positions. To achieve diversity, preference may be given to representatives of each of the following groups:

- (i) The nonriparian recreational boating community; (two persons)
- (ii) Riparian property residents (Harbor Waters);
- (iii) Riparian property residents (Coastal Waters);
- (iv) The Commercial Fishing Industry;
- (v) The Commercial Mooring Operators;
- (vi) A non-boating resident.

Ex-officio Member: The ED shall be an ex-officio, nonvoting member of the JTHC, and shall not count as part of the quorum.

(2) *Liaisons:* The Town Council, the conservation commission, and the planning commission may each appoint one liaison to the JTHC. Liaisons may sit with the JTHC, and may participate in all discussions, but may not vote and do not count as part of the quorum.

(c) *Terms.*

JTHC members shall be appointed for overlapping three-year terms so that approximately one-third of the membership terms will expire each year. In the event of a vacancy during a term,

the Town Council shall appoint a new member from the same category of member, if feasible, to fill the remainder of the term.

(d) *Organization.*

A chair and vice-chair of the JTHC shall be chosen annually from the membership by vote of the JTHC. The chair shall be responsible for calling and conducting all meetings. In the absence of the chair, the vice-chair shall assume those responsibilities. A quorum shall be defined as four voting members.

(e) *Finances; Budget.*

The ED and the JTHC, in collaboration with the Town Administrator, shall be responsible for the preparation of the annual harbor operating and capital facilities budgets to be submitted to the Town Council for approval. All revenues from harbor operations, including but not limited to Mooring, Outhaul, Beach Permit fees and harbor management fines and penalties, shall be held in a harbor enterprise fund maintained by the Town Finance Department. The harbor enterprise fund shall be maintained exclusively for the management and development of harbor programs and maintenance and expansion of capital infrastructure. Nonbudgetary expenditures from the harbor management fund, including additional staff support, must be authorized by the ED with agreement of the JTHC and must be approved by the Town Administrator and the Town Council.

Annual lease revenue from the properties at East Ferry, West Ferry, and Fort Wetherill shall be held in a separate capital improvement fund and may be used to fund any waterfront facilities, structures and assets owned by the Town, but not necessarily limited to those listed in the JTHC Asset Inventory List. At the end of the fiscal year, unexpended harbor operating and capital budget appropriations shall be placed in a harbor and waterfront capital reserve account.

(f) *Compensation.*

JTHC members shall serve without pay, but may be compensated for expenses incurred in the performance of their duties.

Sec. 78-29. Administration.

(a) Executive Director.

The individual nominated by the Town Administrator and appointed by the Town Council to supervise the harbor staff and to administer and enforce the provisions of this Ordinance and any additional regulations subsequently required for the implementation of this Ordinance.

(b) Harbor Administrative Staff.

The harbor administrative staff shall consist of a Harbor Master (HM) and Harbor Clerk (HC), and additional personnel as needed who are hired on approval of the Town Council by the Town Administrator.

The Responsibilities of the Harbor Staff Under the Supervision of the ED:

- (i) Administering and enforcing the provisions of the HMP and its Ordinances;
- (ii) Processing applications for the issuance of Mooring Permits and assigning placements of Moorings in accordance with this Ordinance;
- (iii) Keeping proper records of all Mooring Applications and Permits issued, including the locations of Moorings, contact information for Permit Holders, and particulars of Vessels assigned to issued Permits and usage of same.
- (iv) Preparing, keeping current, and making available for public review, Wait-lists for Permits in accordance with the provisions of this Ordinance when the demand for Permits is greater than the number of available Permits in any given year.
- (v) Monitoring and enforcing the Mooring Inspections in accordance with the provisions of section 78-26 (v) of this Ordinance;
- (vi) Maintaining a list of Qualified Mooring Inspectors and approved Mooring Providers;
- (vii) Monitoring the occupation of Moorings and Outhauls in accordance with the provisions of subsections 78-26 (h) of this Ordinance.

(viii) Carrying out all other powers and duties authorized to the HM under various state and federal marine laws, including but not limited to marine sanitation device (MSD) inspection and discharge responsibilities afforded through the U.S. Coast Guard, MARPOL Annex V, Section 312 of the Clean Water Act, G.L. 1956, tit.[ch.] 46-22, and future laws yet to be enacted.

(ix) Any other authorized duties specified by the JTHC or ED.

(x) Maintaining Harbor Vessels, trailers, vehicles and other equipment used in executing the roles and responsibilities of the Harbor Department. A roles and responsibilities list for the Harbor Commission, ED, HM and HC is provided as appendix C.

(c) *Conflicts of interest.*

All members of the harbor administrative staff shall adhere to the requirements of the Rhode Island Code of Ethics, set forth at G.L. 1956, tit. 36, ch. 14, as amended, and all regulations promulgated by the Rhode Island Ethics Commission.

Sec. 78-30. Appeals.

(a) In matters other than violations of Section 78-27, the JTHC shall sit as the board of appeals to hear any person aggrieved by a decision of the ED or the HN. The aggrieved party shall file a written appeal with the HC within 30 days following the Notice of the decision, unless otherwise specified therein, using the Appeal Request Form found under Harbor Forms on the Jamestown Harbor Department website. Upon receipt of an Appeal Request, the HC shall schedule a hearing at the next regularly scheduled JTHC meeting, with written Notice to the appellant at least 14 days prior to the hearing..

(b) The JTHC may hear an appeal filed out of time provided the appellant demonstrates:

i) The matter from which the appeal is taken occurred within the past 180 days; and

ii) For just reasons, failure to timely file the appeal was due to mistake, inadvertence, excusable neglect; or

iii) Would result in a substantial injustice to the appellant rights as provided for under this Ordinance.

Any party aggrieved by a decision of the JTHC may make a final appeal to the Town Council. Notice of appeal shall be made in writing and filed with the Town Clerk within 20 days of the mailing date of the decision. The Town Clerk shall obtain the record of the JTHC's proceedings and schedule a hearing with Notice to the appellant.

Sec. 78-31. Liability.

Persons using the Town Waters shall assume all risk of personal injury and damage or loss to their property. The Town assumes no risk on account of accident, fire, theft, vandalism or acts of God. All Outhaul & Pier Permit Holders shall have an insurance policy acceptable to the Town and shall upload their Certificate of Insurance to the Online Mooring Database.

Sec. 78-32. Severability.

If any provisions of this chapter are held invalid or inoperative, the remainder shall continue in full force and effect as though such invalid or inoperative provisions had not been made.

Sec. 78-33. Effective date.

This chapter shall take effect upon its passage by the Town Council with respect to provisions that do not require approval of the RICRMC.

Appendix A

Specific Areas within jurisdiction; state plane coordinates. For general mapping graphical, refer to Jamestown Harbor Management Plan Appendix A.

DRAFT

Appendix B

Jamestown Harbor Ordinance Appendix B - Fine Schedules

The penalties for violations of the enumerated sections correspond to fines described.

The following violations may be handled administratively through the method as prescribed in this ordinance, provided however this list is not exclusive and jurisdiction may be conferred with regards to other violations.

* Payable by Mail

<u>Section</u>	<u>Violation</u>	<u>Fine</u>
Section 78-25(a)(b)(c)(d)	Rights of Way to Waters	\$100.00 pbm*
Section 78-26(g)	Unauthorized Use of Mooring	\$100.00 pbm*
Section 78-26(z)	Placing vessel on Town-owned property with no permit	\$10.00/day pbm*
Section 78-27(g)	Anchorage Restrictions	\$100 per day, pbm*
Section 78-27(b)(1)	Vessel Operation	\$100.00 pbm*
Section 78-27 (b)(2)	Failure to Stop	\$100.00 pbm*
Section 78-27 (b)(3)	Operation within Prohibited Area	\$100.00 pbm*
Section 78-27 (b)(4)	Operation within Conservation Area	\$100.00 pbm*
Section 78-27(c)(1)	Excessive Speed	
	1-10 mph	\$50.00 pbm*.
	11-15 mph	\$75.00 pbm*
	16-20 mph	\$100.00 pbm*
	21-25 mph	\$125.00 pbm*
	26+	add \$5.00 per mph
Section 78-27 (c)(1)	No Wake Zone	\$100.00 pbm*
Section 78-27 (c)(2)	Public Bathing Area	\$100.00 pbm*
Section 78-27 (c)(3)	Regulated Recreational Activities	\$100.00 pbm*
Section 78-27 (c)(4)	Seaplanes	\$100.00 pbm*
Section 78-27 (c)(5)	Channels, Fairways	\$100.00 pbm*
<u>Statute</u>	<u>General Laws of Rhode Island</u>	<u>Fine</u>
RIGL 46-22-3	Numbers not Displayed	\$50.00 pbm*
RIGL 46-22-5	Required Equipment	\$50.00 pbm*
RIGL 46-22-8	Excessive Noise	\$50.00 pbm*
RIGL 46-22-9	Passing Vessels (reasonable care)	\$50.00 pbm*
RIGL 46-22-9.2	Floation Devices - Children	\$50.00 pbm*
RIGL 46-22-9.8	Approved Boating Safety Course	\$50.00 pbm*
RIGL 46-22-22	Failure to Submit Boating Accident Form	\$100.00 pbm*
RIGL 46-22-24	Interference in Diving Area	\$100.00 pbm*
RIGL 46-6-9(c)	Notice to owner to remove Vessel or other obstruction	\$100.00/day

Appendix C

Roles and Responsibilities

Significant dates
Season = 1 April - 31 October
Kayak Rack use = 1 April-31 October
Mooring Permits expire--30 November
Renewal notices sent - 1 Dec return to HC 31 Jan
Notice of Forfeit sent 1 Feb
Submit Appeal Request to if miss HC - 15 Feb
Wait-list renewal--31 Jan
Must occupy kayak rack 1 June
Must request Grace Period 15 June
Must request Temporary Use 15 June
Must commission Mooring 15 June
Mooring inspection due 15 June
Last day to occupy kayak or dinghy rack 31 October
Outhaul cabling removal 1 Nov-31 March
Executive Director
Commercial operators occupancy report 15 July or asap after
Rate changes to Town Council due 15 November
Budget to TA 15 November
Mooring inspectors list renewed for next season--1 November
Mooring condition violation timing
Day 1 Permit Holder notified mooring equipment is not compliant
30 days, Mooring equipment is corrected to align with criteria
45 days after correction; Mooring Provider conducts second inspection, and reports results to HM
60 days after notification, if Permit Holder does not respond; ED or HM cancels Mooring or Outhaul Permit and notifies Permit Holder
75 days after notification, ED or HM removes equipment from the water at Permit Holder's expense
Other dates
Anchorage area occupancy - 3 days, must leave 7 days, may return once
Inoperable, unattended - 72 hours
Max use of Mooring if not registered owner - 7 days
Max use of Guest Mooring - 7 days. May not be for full season unless HM approves