



**Jamestown Harbor Commission Meeting
Tuesday, May 14, 2024 at 7:00 p.m.
Jamestown Town Hall
93 Narragansett Avenue, Jamestown, RI 02835**

AGENDA

THIS MEETING WILL BE CONDUCTED IN PERSON ONLY.

THIS MEETING WILL BE LIVE STREAMED: To view the meeting with no interaction:

<https://jamestownri.gov/how-do-i/watch-live-streamed-town-meetings>

- I. Call to Order and Roll Call
- II. Old Business
 - A. Amendments to the Harbor Management Rule Book to include language regarding the use of East Ferry Touch and Go Docks and Ferry Dock – Review, discussion, and/or potential action and/or vote;
 - B. Amendments to Permit Fee Schedule to include permits for the use of Ferry Dock – Review, discussion, and/or potential action and/or vote;
- III. Correspondence
 - A. Letter from Attorney Christian Infantolino
- IV. Adjournment

Pursuant to RIGL § 42-46-6(c) Notice of this meeting shall be posted on the Secretary of State's website, at the Town Hall, and at the Jamestown Police Station. Notice is also posted at the Jamestown Philomenian Library and on the Internet at www.jamestownri.gov.

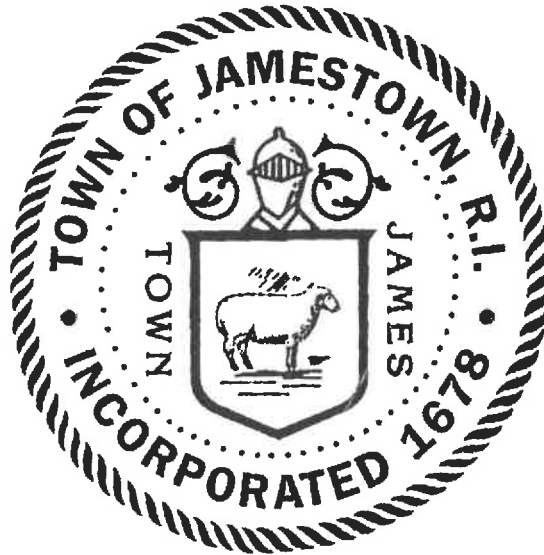
ALL NOTE: If communications assistance or other accommodations are needed to ensure equal participation, please call 1-800-745-5555, or contact the Town Clerk at 401-423-9800, via facsimile to 401-423-7230, or email to rfagan@jamestownri.net not less than three (s) business days prior to the meeting.

Posted on the RI Secretary of State website on May 10, 2024.

**Jamestown
Harbor Management
Rule Book**

2023

2024



**APPROVED BY THE JAMESTOWN HARBOR COMMISSION AND THE
JAMESTOWN TOWN COUNCIL**

DATE TBD

Wayne Banks
Chair

Tom Alexander
Vice-Chair

Jessica McCarthy

Susan Romano

Mark Campbell

Jim Archibald

Steven G. Bois
Executive Director

Bart Totten
Harbor Master

Larry Goss
Assistant Harbormaster

Joan Rich
Harbor Clerk

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Section 1. Introduction:

Article 78-21 of the Jamestown Harbor Ordinance charges the Harbor Commission with broad authority to regulate, protect, and maintain town property and many forms of coastal activity within Jamestown waters. This document is intended to supplement the Harbor Ordinance, and to provide additional details, clarification, and guidance where needed.

Section 2. Severability:

These Rules shall become effective on the date of issuance and shall remain in full force and effect until amended or rescinded. If any part of these rules is rendered inoperable or declared illegal by any court or tribunal of competent jurisdiction, the balance of the rules will remain in full force and effect.

Section 3. Guidance:

In order to protect the coastal environment, minimize user conflicts, and provide public access to and from the waters of the town, these rules are adopted as amplifying information to supplement the Harbor Ordinance, and to provide guidance for the administration of the various Harbor Department programs.

3.A. Beach Permits:

Article 78-22 of the Jamestown Harbor Ordinance defines a Beach Permit as: “a license authorized by the Town of Jamestown granting the permittee the privilege of storing a specified vessel at a designated beach for a specified season of April 1 until October 31 of each year.”

3.A.1. Season, Vessel Types, Security:

The beach permit is valid from the date of issue, no earlier than April 1, to October 31 of each year. Due to island weather conditions and safety, vessels may not be placed on town rack facilities or in town areas prior to or remain after this date range. If permit holders want extra time after the season ends, they must request that in writing from the Harbor Master so an entry can be made in the online record.

Vessel Types:

Beach permits are intended for use by watercraft that are too small or unsuitable for a regular boat mooring or outhaul. This includes kayaks, canoes, stand-up paddleboards (SUP), rowboats, dinghies, Lasers, Sunfish, Hobie-Cats, and sailboards. The maximum length allowed is 18 feet; the maximum beam is 9 feet. No motors are permitted to be stored on town racks or in town areas.

Security of Vessels:

Permit owners are responsible for the safety and security of their vessel. Use of the storage area is at the owner’s risk. Cables and locks are allowed to secure vessels, but only within the footprint of the designated rack/storage area provided.

3.A.2. Eligibility:

Only Jamestown Residents are authorized to use Jamestown Racks and locations for vessel storage with the exception of those non-residents who currently have moorings located nearby and need dinghy storage. After the wait list is exhausted for Jamestown residents, open spots may be offered to non-residents.

3.A.3. Application Procedure:

The Harbor Clerk will establish and maintain a beach permit wait list for each area, based on the priority list above in paragraph 3.A.3. That wait list will be fully visible to all applicants via the town’s website and Online Mooring database. Applicants should periodically check their status on the wait list.

In order to apply for a beach permit, the following procedure should be followed:

All applicants must use the Jamestown Online Mooring system to apply for a beach permit. The website is available via a link on the Town of Jamestown website, <http://www.jamestownri.gov>, on the landing page of the Harbor Department. Due to staffing limitations, no phone reservations, emails or paper forms will be accepted by Harbor Department personnel.

Applicants needing guidance or additional information not found here are welcome to call the Harbor Clerk or Harbormaster. Applicants will be required to provide the following information:

- Full Name
- Home Address
- Home/Cell/Business Phone numbers
- Email
- Vessel type (kayak/dinghy/sailboard, etc.)
- Vessel description (make/model/color)
- Vessel size (length and beam)
- Location desired, and whether the vessel is needed to access an adjacent mooring.

Your application will not be processed if any of the above information is missing.

Beach Permits applications will be governed by the following restrictions:

1. No more than two permits per household will be issued. Permit holders with more than 2 permits as of 2023 will be grandfathered but no more than 2 permits per household will be issued for the 2024 season and beyond until the wait list is fully exhausted. After the

wait list is exhausted, families requesting more than 2 permits may be awarded additional open spots but only for the current season. Those additional spots will not be awarded the following season until the next season wait list is exhausted.

2. Due to limited staffing, Harbor personnel will not make phone calls to wait list members individually and will not accept incoming registration calls.
3. The Harbor Clerk will contact the applicant by email only. Within 72 hours, the applicant must contact the Harbor Clerk by email to accept the permit. Within 7 days of accepting the permit, the applicant must make arrangements with the Harbor Clerk to pick up the permit. Payment in full is required prior to the issuance of the permit. Failure to meet these timelines will result in cancellation of the permit offer.
4. Applicants may request up to 2 specific areas (from the 5 available) for their vessels. A separate application must be completed for each area.
5. Applicants must exercise the permit by placing a kayak on the rack by June 1. Failure to occupy the kayak rack or notify the HM by June 1 will result in the permit being cancelled and offered to the next person on the wait list. Permit holders who place Kayaks on the rack after June 1 will have those kayaks confiscated. No refunds will be offered.
6. Applicants who receive a spot on the wait list must renew that spot by paying an annual wait list fee.
7. Applicants must remove their vessels from the rack by October 31 or they will be confiscated by the Harbormaster.
8. Renewals: Beach permits must be renewed by January 31. If the permit has not been renewed by January 31, it will be forfeited and will be issued to the next person on the wait list.

3.A.4. Beach Permit Order of Precedence:

Upon review by the Harbor Clerk and Harbormaster, permits will be issued as space allows based on the following order of precedence:

1. First priority to Jamestown residents with adjacent moorings who use the vessel to reach their moored boat;
2. Second priority to Jamestown residents with prior year permits who have renewed;
3. Third priority to Jamestown Residents with permit applicants on the current wait list with a limit of 2 per household;

4. Fourth priority to Jamestown Resident families on the wait list who have requested more than 2 permits per household.

3.A.5. Specific Rules:

All permittees shall be governed by the Harbor Ordinance and the following rules:

Permit Sticker:

The sticker for the current year must be attached to the vessel in a manner that it can be readily seen when the vessel is on the rack or in the designated storage area. Stickers may not be transferred to anyone not on the application and may only be used for the location and vessel for which it was issued. Lost or stolen permit stickers must be reported to the Harbor Clerk immediately.

Use of racks:

Racks at the five locations may differ in design. Where posted, kayaks only are allowed on the rack, and other types of vessels must be stored in the designated area – usually on a platform at ground level. Some racks are designed with slots to store SUPs on their side. Signage will provide direction for storage. It is important to store the vessel in the designated spot to maximize space for the number of permits issued. Vessels stored improperly will be tagged by the Harbormaster and may be confiscated.

Enforcement:

Vessels not in compliance with the ordinance or these rules will be tagged with a red warning card and given 5 days to rectify the problem. If the problem is not resolved within the allotted time, the cable/lock will be cut and the vessel will be confiscated. Residents missing vessels should contact the Police Department to pay the storage fee and fine.

Town Ordinance Enforcement Fees:

There will be a \$100 storage fee and fine to return a confiscated vessel, payable upon pickup at the Police Station. Payments are only accepted by check. If the vessel is not claimed within 30 days, the vessel will be considered abandoned and disposed of by the Harbormaster.

Trailers on Town Beach and adjacent to storage racks:

Trailers capable of being towed on roadways are not permitted in town owned kayak/dinghy rack areas and along the East Ferry town beach. The East Ferry town beach, Maple Avenue, Fort Getty and Heads Beach areas can only accommodate smaller dolly type trailers that are not allowed on town roadways.

3.A.6. Locations:

There are five CRMC approved beach permit areas allowed on town property:

Head's Beach

Maple Avenue/Sheffield Cove

Fort Getty

Park Dock

East Ferry

The number of permits for each location is determined by the Harbor Commission and will be periodically reviewed and updated as needed.

Storage Areas: To comply with CRMC requirements, vessels may only be stored on designated racks or in designated storage areas. Consequently, there are a limited number of permits that may be issued at each location to ensure that environmental impact is minimized. Any vessel outside the rack or designated storage area may be confiscated by the Harbormaster or Harbor Department representative. Owners of confiscated vessels will be required to pay the storage and violation fee at the Jamestown Police Station.

3.A.7. Beach Permit Timeline:

December 1 - Harbor Clerk sends renewal notification by email to those with current permits.

January 31 – Last day for current permit holders to renew permit.

February 1 – Harbor Clerk sends certified letter if permit holders have not renewed or notified the Harbor Clerk that they are relinquishing their permit or spot on wait list. If a permit holder wants to appeal, they must notify the Harbor Clerk by February 15 so the appeal can be heard at the March Harbor Committee meeting.

February 15 - Current permit holders not responding to email or certified letter, or not appealing to the Harbor Commission, will have their permit cancelled.

Mid-March – Harbor Clerk mails permit stickers out to all who renewed and who have paid for new season.

Mid-March – Harbor Clerk emails wait listed persons offering them open spots. If no response is received within 72 hours, the person will be removed from the wait list.

April 1- Harbormaster emails permit holders announcing season opening; Permit holders will be informed that they must exercise the permit by placing vessels on racks by June 1.

June 1- Harbormaster verifies all sticker numbers currently placed on the racks. Permit holders with no vessels on the racks will be notified that their permit is revoked. No refunds will be provided.

June 2 – Harbor Clerk sends emails to wait list members offering open spots. Wait listed members must respond within 72 hours with intent to accept, pay, and place a vessel on the rack or in the area within 7 days.

June 2 - Harbormaster places town stamp on each vessel on racks to certify the vessel was on the rack prior to the deadline. Permits for vessels being loaded on racks after June 2 will differ in appearance/color.

June, July, August - Harbormaster monitors rack occupancy and offers empty spots to wait list members.

October 1- Harbormaster emails all permit holders notifying them to remove vessels by October 31.

October 31- Racks and locations are closed, all vessels must be removed.

November 1 - Harbormaster confiscates any remaining vessels.

3.B. Mooring & Outhaul Permit Wait List Process:

Any assigned mooring or outhaul space given up by a permit holder reverts to the harbor commission for assignment, by the Harbor Clerk, to the next person on the relocation or waiting list whose vessel fits the mooring or outhaul space, the appropriate mooring or outhaul class involved, and the relevant shoreside requirements.

3.B.1. Order of Precedence for Mooring/Outhaul Assignments:

1. Relocation Requests in the order received;
2. Next on the wait list with a vessel that will fit;
3. Boat size change requests;

3.B.2. Mooring Wait List Limitations:

When a wait list member is offered a mooring permit, they may decline the offer and maintain their position on the wait list only two times. After the second offer is refused, the individual will be removed from the wait list.

3.B.3. Wait list offer timing:

1. Offer is provided by email only; Harbor Clerk maintains communication records;
2. Permit wait list individual responds within 72 hours by email only. If no response is received, the offer to that permit wait list person will be cancelled and offered to the next person on the wait list.

3. Permit wait list individual pays fees, collects permit within 72 hours after responding;
4. Permit wait list individual commissions mooring or outhaul within 7 days after payment;
5. Permit wait list individual places vessel on the location within 15 days after commissioning; After 1 August, new mooring permit holders may delay vessel placement until the following season but must pay the pro-rated permit rate for the current season and must occupy the mooring for at least 20 days during the following season.
6. Failure to meet any of the above timing requirements will result in cancellation of the permit and the return of the space to Harbor Clerk for reassignment to the next person on the wait list;
7. These timelines are according to seasonal availability and may be adjusted with Harbor Director or Harbor Commission agreement. Mooring commissioning and vessel placement may be delayed if mooring offers occur during the offseason, Nov 1- March 30.

3.B.4. Vessels allowed on Moorings:

The Jamestown Ordinance states vessels less than 16 feet, or that displace less than 150 pounds do not normally require moorings. Kayaks and Dinghies do not normally require moorings. Permit holders or permit applicants wishing to use smaller vessels may request permission from the Harbor Director in writing. Mooring permit holders who place vessels less than 150 pounds displacement on the mooring will be warned and given 5 days to rectify. Violators may have the mooring permit cancelled and vessels removed at permit holder's expense.

3.B.5. Mooring and Outhaul Permit Timeline:

December 1 - Harbor Clerk sends renewal notification by email to those with current permits.

January 31 – Last day for current permit holders to renew permit.

February 1 – Harbor Clerk sends certified letter if permit holders have not renewed or notified the Harbor Clerk they are relinquishing their permit or spot on wait list. If a permit holder wants to appeal, they must notify the Harbor Clerk by February 15 so the appeal can be heard at the March Harbor Committee meeting.

February 15 - Current permit holders not responding to email or certified letter, or not appealing to the Harbor Commission, will have their permit cancelled.

Mid-March – Harbor Clerk mails permit stickers out to all who renewed and who have paid for new season.

Mid-March – Harbor Clerk emails wait listed persons offering them open spots. If no response is received within 72 hours, the person will be removed from the wait list.

April 1- Harbormaster emails permit holders announcing season opening; Permit holders will be informed that they must exercise the permit by placing vessels on the moorings for at least 20 days of the season 1 April-31 October.

June 15- Moorings are fully commissioned by permit holders and mooring service providers.

June – October - Harbormasters monitor mooring use to ensure boats are on the mooring for at least 20 days. Mooring permit holders with no boat will receive emails or phone calls from the Harbor Masters.

3.C. Disposition of Tackle for Relinquished Moorings:

Section 78-26 of the Harbor Ordinance specifies the requirements for the disposition of mooring tackle, including permit holder responsibilities.

3.C.1. Procedures:

The permit holder is the owner of the mooring tackle associated with that permit. When a permit is relinquished, for any reason, it is the permit holder's responsibility to remove their property – in this case the mooring tackle - from town waters, as follows:

1. Tackle must be removed within 15 days following the cancellation of the permit.
2. Tackle must be removed by a certified Mooring Service Provider and proof of removal will be provided by the service provider to the Harbor Office.
3. If tackle is not removed within 15 days, the Harbor Office will make arrangements for the tackle to be removed at the owner's expense. The owner may also be charged a fine per day for not removing the mooring equipment.
4. Only in rare circumstances, and with the Harbormaster's permission, may the tackle be dropped to the ocean floor. Any tackle improperly disposed of will be subject to additional penalties.
5. The owner of mooring equipment may choose to sell that equipment to the person who is applying for that mooring permit/location and shall manage the sale under their own private agreement. Jamestown Harbor personnel will not get involved in the sale of mooring tackle. The Jamestown approved commercial mooring provider may be able to provide a value estimate based on current condition, prior inspections conducted, and market value. The person assuming the mooring location is not obligated to purchase the equipment from the previous mooring permit holder and may choose to purchase new equipment. If the owner of the mooring equipment does not sell to the new permit holder, the owner must contact their mooring provider and remove all equipment within 15 days of permit cancellation.

3.D. Outhauls

3.D. 1. General;

Jamestown owns two (2) sets of outhauls and permits those in a similar manner as moorings. The Harbor Division maintains a wait list and informs members when an opening becomes available. Wait list members must keep their contact information updated in Online Mooring. Outhaul offer timelines shown in the Mooring permit section are the same. Failure to respond to an offer by email within 72 hours will result in cancellation of the offer and drop from the wait list.

3.D.2. Locations:

Outhauls available to the public are currently located at Forty Getty and West Ferry.

Several private outhauls are located around the island and are permitted by the Harbor Division and Harbormaster. Riparian property owners interested in using an outhaul system must comply with CRMC Redbook requirements and obtain a riparian outhaul permit with the Harbor Division.

3.D.3. Specific Rules:

Vessels using outhauls must measure 13-21 feet in length. Dinghies will be allowed to use the Dutch Harbor dinghy docks with a permit application. Dinghy owners who use the dinghy to reach their moorings, will be continue to be prioritized for a dinghy dock permit. Other outhaul use restrictions include:

1. Outhaul permit holders must provide their own tackle;
2. Outhaul permit holders must provide vessel registration; The vessel must be registered under the outhaul permit holder's name only.
3. Outhauls may be transferred to wait list members only for 1 season as approved by the Harbor Director. Longer transfer periods may only be approved by the Harbor Commission.
4. Outhauls may be transferred to family members in the same manner as moorings;
5. Outhauls may not be used by marina vessels or commercial vessels with the exception of fishermen or aquaculture farmers.
6. Outhauls must have all equipment attached no later than June 15 and must be occupied for 20 days during the season in the same manner as moorings;

Outhaul permit holders may request exceptions to this and all policies in this rule book from the Harbor Director in writing.

3.D.4. Order of Precedence

7. Upon review by the Harbor Clerk and Harbormaster, outhaul permits will be issued as space allows, based on the following order of precedence:
 - a. priority to Jamestown residents with prior year permits who have renewed according to the timeline established.
 - b. second priority to Jamestown Residents with current applications on the wait list.

3.E. Use of Town Owned Docks:

There are multiple public docks owned and maintained by the Town: a wooden pier at Fort Getty for commercial fishing vessels and recreational fishing; two touch and go floating docks in West Ferry; and two three touch and go floating docks and one concrete ferry dock in East Ferry There is also a wooden pier owned by the town at East Ferry. The floating docks in East and West Ferry provide vessel pump out stations.

3.E.1. General:

The Town docks are provided in support of the Harbor Commission’s stated goal 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 boats, who seek to use town waters for passive and active recreation.”

The Town docks are provided as a convenience to visitors to Jamestown, but are limited in space. Consequently, priority must be given to vessels requiring use of the pumpout stations.

All docks include sufficient signage regarding use and time limits. Users of the docks are required to comply with the rules below.

3.E.2 Specific Rules:

1. Time Limits:

Because of limited space, the docks are necessarily “touch and go”, intended for use as a pickup/drop off location. Signage on the docks clearly indicate the time allowed which is currently 30 minutes only. The Harbormaster may adjust time limits seasonally upon review with the Harbor Executive Director. Violators will be ticketed by the Harbormaster or by Police Department personnel.

2. Dinghies:

There are a limited number of spaces in West Ferry for dinghy use. In West Ferry, dinghy permits are available. There is a fee for the permit. A permit allows overnight/seasonal use of the designated dinghy dock. All other use by non-permitted dinghies is limited to 30 minutes. The Harbormaster may adjust time limits seasonally upon review with the Executive Director. Defined time limits shall be posted. As of the date of this edition, there are no public dinghy spots available at East Ferry. Vessels needing dingy space at East Ferry may coordinate with the Commercial Marina Manager.

Vessels using Town anchorage areas in West Ferry are allowed to use the dinghy dock closest to the Harbormaster's boat for overnight short times only. Vessels using anchorage areas may not occupy a spot that shows a sign stating "permit required." Vessels using commercial marina moorings at West Ferry should use the commercial marina dinghy area and not the public dinghy areas.

The Harbormaster may attach a red warning or violation sticker to any dinghies that are tied up to the touch and go docks or dinghy docks and may assign a fine in accordance with the Harbor Ordinance Appendix A.

3. Fishing:

Fishing is permitted from the Town docks, but fishermen must give way to vessels approaching, remove their lines, and not impede the use of the dock by vessels. Fishermen are prohibited from cleaning fish on town docks and must use the established fish cleaning stations where they are provided.

4. Swimming:

For safety concerns and by Town ordinance, swimming from any of the town docks is prohibited.

5. Commercial Use Prohibited:

Ferries, marina launches and charter vessels with more than six (6) passenger capacity are prohibited from using designated town owned touch and go docks. The loading and unloading of passengers is prohibited from the south side of the wood pile pier without express approval from the Harbor Master.-Charter boats should contact the Harbormaster on Ch 16 to notify arrival and planned departure times.

3.E.2 Concrete Ferry Dock

Located in East Ferry at the southwest end of the wood pile pier. This dock is intended to serve primarily commercial vessels i.e. Rhode Island Public Utility (RIPUC) scheduled ferries and charter vessels with more than six (6) passenger capacity.

1. No vessel shall use the ferry dock without first obtaining a seasonal permit from the Harbor Office.
Permits are not transferable to other vessels.
2. No commercial vessels may declare Jamestown as a port of origin without approval from the Town Council.
Port of origin is defined as the point at which the trip originates for any passenger(s).
Advertising and directing passengers to embark at East Ferry is prohibited.
3. No vessel with a port of origin outside of Narragansett Bay may use the ferry dock without express approval from the Town Council.
4. Commercial vessels shall not use the ferry dock in a manner that interrupts the regularly scheduled RIPUC ferry trips.
5. No equipment, signage or other materials may be on the dock.
6. No water storage tanks may be filled at the dock.
7. Vessel captains must always remain with the vessel while at the dock.
8. All vessels are encouraged to contact the Harbor Master and to deconflict arrival and departure via channel 16 and/or 71.

Vessel captains found in violation may be subject to fine in accordance with Jamestown Ordinance 78-27.

3.F Swim Floats

3.F.1. General:

Swim floats must be constructed and used in accordance with Coastal Resource Management Council Red Book requirements (section 300.4) and must be permitted by CRMC themselves via an application on their website. The Town of Jamestown also requires a permit application and requires that the swim float bottom be moored in lieu of the guest mooring which is only assigned to Riparian property owners. Swim floats must be registered in the town Online Mooring database the same way a guest mooring would be.

3.F.2. Specific Rules:

1. Swim floats may not be larger than 150 square feet (example: 10 x 15);
2. They may not have lighting, water slides or signage;

3. They may not have boats, jet skis, or other vessels attached at any time;
4. They must have locations approved by Harbormaster;
5. They must have tackle inspected every 3 years by a qualified mooring inspector, in the same manner as moorings.

3.G.1 Use of Harbor Masters and Harbor Vessels for external support

During special events, Jamestown Municipal authorities, DEM, Homeland Security, USCG or other agencies may request Harbor Master and boat support for security purposes. A letter request should be provided to the Harbor Office and will be subject to agreement by the Town Administrator and Chief of Police.

Sec. 78-27.- Regulated activities.

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

(b) *Management and control of vessels.*

(1) *Vessel operation.* Every person operating a vessel within the waters of the town 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 article for any person to refuse to move, slow to headway speed, or stop when directed by the harbormaster or any other duly authorized enforcement officer.

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

(c) *Vessel speed and operation.*

(1) Operators of vessels within the coastal and harbor waters of the Town of Jamestown shall comply with all state and local laws and regulations on vessel speeds and wakes that establish a maximum speed for vessels of five miles per hour, no wake (G.L. 1956, 46-22-9) in the mooring zones of harbor waters.

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

(3) In all designated channels, fairways, and mooring zones of harbor waters, paragliding, parasailing, windsurfing, water skiing, jet skiing, tubing, knee boarding, and similar activities are limited to a five miles per hour maximum speed. In coastal waters and in the transient and conservation zones of harbor waters, the named activities are prohibited within 200 feet of the shore and within 100 feet of any vessels moored or anchored. Any person who violates these regulations, inclusive of G.L. 1956, 46-27-2, shall be subject to penalties under this article.

(4) Seaplanes and other airborne watercraft are prohibited from surface operation within mooring zones or within 200 feet of the shore; they are prohibited from taking off or landing in the waters under town jurisdiction as stated in section 78-24 of this article.

(5)

No vessel shall be moored or anchored so as to interfere with the free and unobstructed use of channels, fairways, or berthing spaces within the areas under town jurisdiction as defined in section 78-24 of this article.

(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 waters of the town is prohibited under this article. The town adopts G.L. 1956, 46-12-39 as part of its 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 waters of the town any untreated sewage or other waste matter or contaminant of any kind. The town shall monitor and report annually to the department of environmental management 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 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 waters or waterfront areas of Jamestown.

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

(f) *Abandoned vessels and structures.* When, in the opinion of the harbormaster, a vessel or structure has been abandoned in the waters of the town, the harbormaster may take custody and control of such vessel and remove it, store it, or otherwise dispose of it, all at the expense and sole risk of the vessel owner. Reasonable notice of such disposal shall be publicly given. The harbormaster 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. The harbormaster may direct a vessel to move or relocate.

(1)

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

- (2) Rafting. 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 thoroughfare. 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 harbormaster.
- (h) *Use of vessels as abodes.* In accordance with the Rhode Island Coastal Resources Management Program, Section 300.5, houseboats or floating businesses, as defined therein, are prohibited from mooring or anchoring unless within the boundaries of a marina. Houseboats or floating businesses shall tie into fixed marina pumpout facilities. Applicants for floating businesses shall fulfill the additional Category "B" requirements of 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.
- (i) *Penalties; fines.* Pursuant to this article and the powers granted in the enabling legislation, G.L. 1956, 46-4-6.9 and the general laws of the State of Rhode Island, a person who violates any law as stated therein shall be subject to penalties and fines as set forth in the attached 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.
- (j) *Informal procedure for the payment of boating fines.*
 - (1) *Payment without personal appearance.* The harbormaster or any other duly authorized enforcement officer who charges any person with an offense under this article, 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 14 days and tripled if not paid within 30 days.

(3) *Failure to answer.* An individual who fails to answer within 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.

(k) *Enforcement.* The primary responsibility for enforcement of regulated activities, including the issuance of summonses for violations is delegated to the harbormaster and the Jamestown Police Department. Police officers and the harbormaster of the Town of Jamestown shall have the power and authority to enforce the rules and regulations of this article and of the General Laws of the State of Rhode Island.

(Ord. of 6-17-2004, § 7; Ord. of 6-20-2011(3); Ord. of 11-7-2011; Ord. of 8-4-2014(1), § 1(Exh. A))

Sec. 78-35. - Appendix B; fines schedule.

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 article, provided however this list is not exclusive and jurisdiction may be conferred with regards to other violations.

Town Ordinances		
Statute		Fine
<u>Section 78-25 (a)(b)(c)</u>	Rights-of-way to Waters	\$50.00 pbm*
<u>Section 78-26(j)(2)</u>	Anchorage restrictions: Moorings	\$50.00 pbm*
<u>Section 78-27(b)(1)</u>	Vessel operation	\$75.00 pbm*
<u>Section 78-27(b)(1)</u>	Excessive speed	
	1 to 10 mph	\$25.00 pbm*
	11 to 15 mph	\$50.00 pbm*
	16 to 20 mph	\$75.00 pbm*
	21 to 25 mph	\$100.00 pbm*
	26 plus	add \$5.00 per mph
<u>Section 78-27(b)(2)</u>	Obedience to order of harbormaster or police	\$100.00 pbm*
<u>Section 78-27(b)(3)</u>	Operation within prohibited area	\$75.00 pbm*
<u>Section 78-27(c)(1)</u>	No wake and vessel speed in mooring zone	\$75.00 pbm*
<u>Section 78-27(c)(2)</u>	Operation near a public bathing area	\$50.00 pbm*
<u>Section 78-27(c)(3)</u>	Water skiing violations	\$50.00 pbm*

<u>Section 78-27(c)(6)</u>	Unauthorized use of mooring	\$50.00 pbm*
<u>Section 78-27(d)(1-2)</u>	Pollution, discharge, or dumping into waters	\$100.00 pbm*
<u>Section 78-27(e)</u>	Prohibited use of town floats and docks	\$50.00 pbm*
<u>Section 78-27(g)</u>	Anchorage restrictions: Vessels	\$50.00 pbm*

*Note—pay by mail.

General Laws of Rhode Island		
G.L. 1956, § 46-22-3	Numbers not displayed	\$50.00 pbm*
G.L. 1956, § 46-22-5	Required equipment	\$50.00 pbm*
G.L. 1956, § 46-22-8	Excessive noise	\$50.00 pbm*
G.L. 1956, § 46-22-9	Passing vessels (reasonable care)	\$50.00 pbm*
G.L. 1956, § 46-22-9.2	Flotation devices: Children	\$50.00 pbm*
G.L. 1956, § 46-22-9.8	Approved boating safety course	\$50.00 pbm*
G.L. 1956, § 46-22-22	Failure to submit an accident report	\$100.00 pbm*
G.L. 1956, § 46-22-24	Interference in diving area	\$100.00 pbm*

*Note—pay by mail

(Ord. of 6-17-2004, app. B; Ord. of 11-7-2011)

Editor's note— See editor's note to § 78-32.

PERMIT TYPE	RATE*
Mooring - Resident	\$5.06/foot
Mooring - Non-Resident	\$10.12/foot
Mooring-Commercial	\$10.12/foot
Mooring - Yacht Club	\$1,501.50 (flat rate)
Outhaul - Recreational - West Ferry	\$660.00 (flat rate)
Outhaul - Recreational - Fort Getty	\$605.00 (flat rate)
Outhaul- Commercial - West Ferry	\$660.00 (flat rate)
Outhaul- Commercial - Fort Getty	\$605.00 (flat rate)
Pier- Recreation	\$88.00/foot of length
Pier-Commercial	\$44.00/foot of length
Concrete Ferry Dock-East Ferry-RIPUC Ferry	\$0
Concrete Ferry Dock-East Ferry-Charter Non profit	\$50.00
Concrete Ferry Dock-East Ferry-Charter 50 Pax or less	\$750.00
Concrete Ferry Dock-East Ferry-Charter 51 Pax or more	\$1,000.00
Beach - 12' and under	\$69.30
Beach - Over 12' (per foot of beam)	\$27.50/ foot of beam
West Ferry Dinghy Dock	\$495.00
Late Fee	\$110.00 (per month)
Wait List Fee	\$12.10 (flat rate)

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JOHN AUSTIN MURPHY, of counsel
NEALE D. MURPHY
1904-2003

May 10, 2024

Harbor Commissioners
93 Narragansett Avenue
Jamestown, RI 02835

Re: Jamestown Harbor Management Rule Book

Dear Commissioners,

My firm represents Conanicut Marine Services, Inc. I am writing today in regards to the proposed rule changes in the Jamestown Harbor Management Rule Book. As you are likely aware, this rule book was put before the Town Council on the May 6, 2024 Town Council meeting where the Town Council provided clear direction on language they would like to see. I believe that most of those items were taken into consideration in this version, however, there are a couple of items of note to mention.

With regards to Section 3.E.2 Concrete Ferry Dock, specifically the first paragraph, the Town Council recognized the primary purpose of the Concrete dock to primarily serve PUC ferry service. As such, the following language is proposed to coincide with the Town Council request:

“This dock is intended to serve primarily PUC scheduled ferries and other commercial vessels such as charter vessels with more than six (6) passenger capacity.”

The next comments are related to Section 3.E.2 (2), (5), (6), (7) (8) and the final sentence as follows:

1. With regards to(2): At the end of “Advertising and directing....” It is suggested to add, after “prohibited” “..., without permission from the Town Council”
2. With regrade to (5): Same as #2 suggested to add “...without permission from the Town Council.”
3. With regards to (6) same as #2 add “...without permission from the Town.”

4. With regards to (7): at the end, suggested to add "...unless prior agreement with Town Council."
5. With regards to (8): suggested to remove the words "are encouraged to" and replace with "shall" or "must". (Encouraged to does not provide any accountability for violations.)
6. Lastly, the last sentence: suggested to add "...may be subject to fine or loss of permit..."

Thanks for your time and consideration with this matter.

Best,

A handwritten signature in black ink, appearing to read "C. S. Infantolino", written in a cursive style.

Christian S. Infantolino