

APPENDIX C

Harbor Ordinances

ARTICLE I. IN GENERAL

Sec. 8-1. Purpose of chapter.

The purpose of this chapter is to:

- (1) Manage the waters of the town and balance the diverse uses of the waters and waterfront;
- (2) Maintain and improve shoreline public access and water quality;
- (3) Continue to support opportunities for commercial fishing and recreational boating; and
- (4) Remain consistent with the goals and policies of the town harbor management plan, the town comprehensive plan, the state coastal resources management program, the state department of environmental management, and the US Army Corps of Engineers.

(Code 1972, § 5.1-1; Ord. No. 2001-38, 12-12-01)

Sec. 8-2. Definitions.

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

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

Boat launching ramp means any manmade or natural facility used for the launching and retrieval of boats. (article 300.4, state coastal resources management program)

Channel means any water areas reserved for unobstructed movement of vessels.

Commercial fisherman means an active, full-time fisherman with a current commercial license and a working commercial vessel.

Commercial mooring means any mooring that the owner does not keep their own personal boat on.

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

Harbor commission means the body established to carry out the provisions of this chapter and the responsibility associated with the management of the harbor management plan. See section 908 of the town Charter.

Harbormaster means that person appointed by the town council.

Marina means any dock, pier, wharf, float, floating businesses, or combination of such facilities, that service five or more recreational boats as a commercial enterprise or in association with a club. (article 300.4, state coastal resources management program)

Mean high water (MHW) means the average height of the high waters over a 19-year period.

Moor means to permanently secure a vessel to the bottom of a waterbody by the use of mooring tackle.

Mooring means that location within a waterbody duly permitted by the town and registered to the applicant.

Mooring tackle means all hardware used to secure a vessel at a mooring.
Nonresident means any individual, business or corporation which does not meet the definition of the word "resident."

Nonwater dependent use means those activities which are not dependent upon the waterfront for continued use (e.g. restaurants and residential development).

Nonwater related use means those activities which are in no way dependent upon or even related to the waterfront for its continued use.

Private mooring means a mooring for the mooring owner's personal boat. The mooring owner must own 50 percent or greater of the boat which would be placed on the mooring. The owner must provide documentation to the harbormaster to ensure true ownership and residency. (Examples of documentation include drivers license and boat registration).

Qualified inspector means any person or business approved as an inspector of mooring tackle by the harbor commission.

Recreational boating facility means marinas, launching ramps, residential boating facilities, recreational wharves, piers and slips, floats or floating docks, and recreational mooring areas. (article 300.4, state coastal resources management program)

Resident means any permanent, full-time inhabitant of the town. Proof of residency is required at the request of the harbormaster. A post office box is not a legal address for this purpose.

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

Shellfish transplant area means as defined by the state DEM, fish and wildlife.

Vessel means every description of watercraft, used or capable of being used as a means of transportation on water. (Specifically excluded by this definition are floating homes.)

Water dependent use means those waterfront activities, solely dependent upon the waterfront for their continued use (e.g. commercial fishing, marinas and boat building).

(Code 1972, § 5.1-2; Ord. No. 2001-38, 12-12-01)

Cross references: Definitions generally, § 1-2.

Sec. 8-3. Penalties for violation of chapter.

The Town Council herein establishes penalties for boating violations, consistent with state law, based upon the recommendation of the harbor commission.

- (1) Every owner, master, or person in charge of any vessel who shall neglect or refuse to obey the direction of the harbormaster or an assistant harbormaster, or violates any rule or regulation promulgated under G.L. 1956 §§ 46-4-1 et seq. or 46-22-1 et seq., not specifically set forth herein is subject to a fine not to exceed \$100.00 or imprisonment not to exceed ten days.
- (2) Any person violating the provisions of this chapter shall be subject to a penalty not to exceed those in the following table:

Penalty Schedule for Boating Violations

Offense	Fine/Penalty
Vessel registration: RIGL 46-22-3	
Unregistered	Violation. Up to \$100.00
Numbers not displayed	Violation. Up to \$100.00
Possession of a vessel with the hull ID number altered, removed, or destroyed	Up to \$500.00
Vessel operation:	
Excessive speed or wake: RIGL 46-22-9.5	
Up to ten miles	\$ 25.00

11 miles to 15 miles	50.00
16 miles to 20 miles	75.00
21 miles to 25 miles	100.00
Over 25 miles, per mile	5.00
Improper operation in swimming area or restricted area RIGL 46-22-9	Up to \$1,000.00 and/or one year imprisonment
Operation in a reckless manner RIGL 46-22-9	Up to \$1,000.00 and/or one year imprisonment
Refusal to stop when ordered RIGL 46-22-9	Up to \$1,000.00 and/or one year imprisonment
Inadequate boat personnel	Up to \$200.00
Underaged boat personnel	Up to \$200.00
Failure to use personal floatation devices	Up to \$200.00
Operation outside time limits	Up to \$200.00
Any other personal watercraft offense of RIGL 46-27-2 not specified herein	Up to \$500.00
Interference with other vessel	Up to \$100.00
Caused an accident	Up to \$100.00
Failure to submit accident report	Up to \$100.00
Interference in SCUBA diving area	Up to \$100.00

Vessel equipment:	
Improper light installation	Up to \$100.00
Improper use of lights	Up to \$100.00
Improper sound producing appliance	Up to \$100.00
Improper personal flotation devices	Up to \$100.00
Improper personal flotation devices for children under ten	Up to \$100.00
Improper fire extinguisher	Up to \$100.00
Improper muffling device	Up to \$100.00
Miscellaneous:	
Unmarked SCUBA area	Up to \$100.00
Unauthorized racing/regatta	Up to \$100.00
Unauthorized docking/mooring	Up to \$100.00
Failure to render assistance	Up to \$100.00
Obstruction of right-of-way	Up to \$100.00

(Code 1972, § 5.1-5(c); Ord. No. 2001-38, 12-12-01)

Sec. 8-4. Enforcement.

(a) *Harbormaster and harbor patrol.* A harbormaster and harbor patrol shall enforce this chapter as follows:

- (1) The Town Council shall appoint a harbormaster and assistant harbormasters as authorized by and with the duties set forth in G.L. 1956, § 46-4-1 et seq.
- (2) A harbor patrol, made up of the harbormaster, assistant harbormasters and selected police officers, appointed on an annual basis by the town council, shall patrol the waters under its jurisdiction. The harbor patrol shall come under the direction and control of the harbormaster.
- (3) All harbor patrol boat crew members must qualify in boat handling and water safety in a manner and degree satisfactory to the harbormaster.
- (4) The harbormaster, assistant harbormasters and selected police officers of the town are authorized to make arrests and to take other steps to enforce the provisions of this chapter and, in the exercise thereof, shall have the authority to stop and board any vessel within the water subject to the jurisdiction of the town pursuant to G.L. 1956, § 46-22-17.
- (5) Any patrol boat used for the service of the town shall keep a log in a manner satisfactory to the harbormaster. Such log shall indicate the date, time and service, weather conditions, wind conditions, area patrolled at one-half hour intervals, gas consumption and a description of occurrences, incidences and other confrontations.
- (6) All regulations relating to the town's boating regulation program shall be maintained by the offices of the town administrator and town clerk, and all violations shall be processed by the harbor patrol in accordance with provisions of law applicable thereto.
- (7) The harbormaster shall appoint a lieutenant who shall take charge in the absence of the harbormaster and shall perform such other duties as delegated by the harbormaster.
- (8) When on active duty, members of the harbor patrol authorized by the harbormaster, shall have the right to bear firearms while in full

uniform, in accordance with the ordinances of the town or laws of the state or the United States.

(b) Enforcement of operation and equipping of vessels. The state law provisions concerning operation and equipping of vessels shall be adopted as follows:

(1) The Town Council adopts all of the provisions of G.L. 1956, § 46-22-1 et seq., relating to the operation and equipment of vessels and motorboats within the water subject to the jurisdiction of the town.

(2) The Town Council adopts all of the provisions of G.L. 1956, § 46-27-1 et seq., relating to the operation of personal watercraft.
(Code 1972, § 5.1-5; Ord. No. 2001-38, 12-12-01)

Sec. 8-5. Areas under jurisdiction.

The coastal waters and harbor areas of the town included under the jurisdiction of this chapter include those waters within Bristol Harbor and the Bristol Shoreline to the inshore bounds of the federal channel starting at the northwesterly bound of the Warren-Bristol line, southerly around Poppasquash Point, southeasterly to the Mount Hope Bridge, excluding the waters adjacent to Hog Island which are in the Town of Portsmouth, and northerly to the northeasterly point of the Bristol/Warren line.
(Code 1972, § 5.1-3; Ord. No. 2001-38, 12-12-01)

Sec. 8-6. Deposit of revenue into general fund.

All revenue generated by town boat launching fees, mooring permit fees, qualified mooring inspectors, other fees of this chapter, and fines levied under the authority of this chapter shall be deposited into the general revenue fund of the town for general purposes of the town, including the management and implementation of the town harbor management plan and this chapter.
(Code 1972, § 5.1-8; Ord. No. 2001-38, 12-12-01)

Sec. 8-7. Liability.

Persons using the coastal waters and harbor areas of the town 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.

(Code 1972, § 5.1-9; Ord. No. 2001-38, 12-12-01)

Sec. 8-8. Informal procedure for payment of boating violation fines.

(a) *Payment without personal appearance.* Any member of the Bristol Harbor Patrol and any other duly authorized enforcement officer who charges any person with an offense as set forth in this chapter, in addition to issuing a summons for the offense, shall provide the offending operator with a form which will allow the offender to dispose of the charge without the necessity of personally appearing before the municipal court, provided that any operator who has been guilty of a third or subsequent boating violation within 12 months of the first offense must appear before the municipal court on the date specified on the summons, and may not dispose of the third or subsequent offense administratively. This section shall apply to both resident and nonresident operators.

(b) *Method of payment.* If the offending operator elects to dispose of the charge without personally appearing before the municipal court, he or she shall execute the form indicated and return it to the municipal court not later than 20 days from the date of the summons either by mailing or delivering the form and summons to the municipal court clerk or the clerk's designee with a check or money order in the amount indicated by the fine schedule on the form.

(c) *Schedule of violations.* Those violations set forth in § 8-3 of this chapter may be handled administratively through the method described in this section, provided however that this list is not exclusive and jurisdiction may be conferred on the municipal court with regard to other violations consistent with the Rhode Island General Laws, and these ordinances.

(d) *Failure to answer.* In the event an operator fails to answer within 20 days, then he or she shall have waived his or her right to dispose of the offense without personal appearance, and the person charged with such violation must appear before the municipal court on the date specified on the summons.

(e) *Adjudication.* Adjudication of boating violations contained in this chapter shall be in the same manner as for cases involving motor vehicle violations as set forth in section 2-215 of these ordinances.

(Ord. No. 2001-38, 12-12-01)

Sec. 8-9. Qualifications and requirements of assistant harbormasters.

(a) All applicants for appointment to assistant harbormaster shall be interviewed and evaluated by a screening board of superior officers who shall rate all applicants and shall list them in the numerical order of standing and then be presented to the Town Council for appointment based on this evaluation.

(b) A member must be a resident of the town and must never have been convicted of a crime involving moral turpitude.

(c) A member, at the member's expense, must successfully pass a physical examination. Such examination shall follow the standards established by the National Association of Police and Fire Surgeons.

(d) A member must be a high school graduate or its equivalent and shall be tested for educational background. Every applicant shall be given intelligence and psychological tests to determine his aptitudes for this service.

(Ord. No. 2001-38, 12-12-01)

Secs. 8-10--8-40. Reserved.

ARTICLE II. HAROR REGULATIONS

Section 8-41. Vessel Speed zones.

The Town hereby designates the following vessel speed zones, to be established and marked immediately by Town Council petition to the State Department of Environmental Management, Division of Enforcement:

- (1) *Navigation fairways.* Vessel speed shall not exceed five miles per hour, nor create wake in any navigation fairway, as established and described in this article and in the harbor management plan.
- (2) *Mooring fields.* Vessel speed shall not exceed five miles per hour, nor create wake in any mooring field, as established and described in the harbor management plan.
- (3) *Dock areas.* Vessel speed shall not exceed five miles per hour, nor create wake in any dock areas, as established and described in the harbor management plan.

(Code 1972, § 5.1-4(a); Ord. No. 2001-38, 12-12-01)

Section 8-42. Vessel operations.

Vessels used alone or engaged in activities including, but limited to, water skiing, jet skiing, paragliding and other like uses are not allowed within 200 feet of any swimming area, mooring area, shoreside facility, rights of way ingress and egress point, launching ramp or navigation fairway. Vessels used in these manners are allowed within 200 feet of shoreside facilities when the sole purpose is to begin or end such activity.

(Code 1972, § 5.1-4(b); Ord. No. 2001-38, 12-12-01)

Section 8-43. Navigation fairways.

Navigation fairways are hereby designated within the following parameters, to be forwarded to the Coastal Resources Management Council for the U.S. Coast Guard establishment:

- (1) Bristol Harbor – East;
- (2) Bristol Harbor – West; and,
- (3) Kickemuit River.

(Code 1972, § 5.1-4(c); Ord. NO. 2001-38, 12-12-01)

Section 8-44. Obstruction of channels, fairways, and berthing spaces.

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 detailed in Section 8-5.

(Code 1972, § 5.1-4(b); Ord. No. 2001-38, 12-12-01)

Section 8-45. Swimming and waterskiing

Swimming is prohibited in all navigation fairways, town dock areas and launching areas. In mooring fields and transient anchorage areas swimming is prohibited, with the exception of vessel owners or crews or persons contracted to do maintenance on the boat or its mooring tackle within a reasonable distance of said boat. Waterskiing shall be prohibited in all designated channels, fairways and mooring areas.

(Code 1972, § 5.1-4(e); Ord. No. 2001-38, 12-12-01)

Sec. 8-46. Fishing and placement of fishing gear.

(a) The placement of fish nets are prohibited in all navigation fairways and mooring fields.

(b) Fishing is prohibited on Rockwell Dock and on the finger piers of Church Street Dock.

(Code 1972, § 5.1-4(f); Ord. No. 2001-38, 12-12-01)

Sec. 8-47. Boat sewage waste no discharge zone.

The disposal of untreated boat sewage wastes by any means into the coastal waters of the town is prohibited. No person shall operate a marine sanitation device at any time so as to create or permit to pass or to be discharged any sewage into the waters of the town. Penalty for violation of this section shall be a fine of \$500.00 for the first offense. The second offense will result in a fine of \$1,000.00 and forfeiture of all mooring permits and/or dock slips in the name of the offender.

(Code 1972, § 5.1-4(g); Ord. No. 2001-38, 12-12-01)

Sec. 8-48. Marine debris.

The discharge of any waste, garbage, plastic, cardboard, chemicals, refuse, petroleum product or byproduct, paint varnish, dead animals, fish, bait or any other debris into the coastal waters of the town is prohibited.

(Code 1972, § 5.1-4(h); Ord. No. 2001-38, 12-12-01)

Sec. 8-49. Towing and moving of vessels.

If any vessel berthed, moored, or anchored in the coastal waters of the town is found to be in violation of any provision of this article, the harbormaster is directed to move, relocate or tow such vessel. In addition to any fines such violation may incur, a fee of \$50.00 shall be collected from the vessel owner for such harbormaster action. This fee shall be set by the Town Council annually, upon recommendation from the harbor commission.

(Code 1972, § 5.1-4(i); Ord. No. 2001-38, 12-12-01)

Sec. 8-50. Rafting.

Vessels may raft on a single mooring when such activity does not interfere with the proper functioning of adjacent single moorings or vessel anchorages. Vessels at raft shall have a person aged 16 years or older on boat at all times.

(Code 1972, § 5.1-4(j); Ord. No. 2001-38, 12-12-01)

Sec. 8-51. Abandoned vessels, structures and moorings.

(a) Upon determination of the harbormaster, the harbormaster may take custody and control of abandoned vessels, structures and moorings located in the coastal waters and harbor areas of the town and remove, store or otherwise dispose of such vessel, structure or mooring at the expense and sole risk of the owner of the abandoned vessel or structure. Reasonable notice of such removal, storage, or disposal shall be publicly advertised.

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

(Code 1972, § 5.1-4(k); Ord. No. 2001-38, 12-12-01)

Sec. 8-52. Special events.

The harbormaster, shall be notified in writing of certain special events, such as swimming races, regattas, marine parades, or other marine and maritime activities that may from time to time be held on or in the coastal waters and harbor areas under the jurisdiction of the town.

(Code 1972, § 5.1-4(l); Ord. No. 2001-38, 12-12-01)

Sec. 8-53. Boat standards.

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

(Code 1972, § 5.1-4(m); Ord. No. 2001-38, 12-12-01)

Sec. 8-54. Rights-of-way to the water.

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

(b) No person shall park or store a vessel, vehicle or structure on a designated public right-of-way to the water as defined by the coastal resources management council or the town.

(c) Any person in violation of this section shall be subject to a fine in accordance with section 8-3 of this chapter.

(Code 1972, § 5.1-4(n); Ord. No. 2001-38, 12-12-01)

Sec. 8-55. Transient anchoring and anchorages.

(a) A vessel may anchor on its own anchor in the coastal waters and harbor areas of the town except in federal navigation channels, navigation fairways, shellfish transplant beds, mooring fields, swimming areas, rights-of-way ingress and egress areas, and launching ramp areas. No vessel anchored under such conditions shall be left unattended. Owners and/or operators of such vessels may go ashore, but must be available to tend the vessel in the event of heavy weather. It shall be the vessel owner's and/or operator's responsibility to remain clear of all moored vessels, and other structures.

(b) Transient anchorages. The following areas are established for use as transient anchorage areas:

(1) North of Walker's Cove to State Street.

(Code 1972, § 5.1-4(o); Ord. No. 2001-38, 12-12-01)

Sec. 8-56. Failure to stop.

It shall be a violation of this article for any person to refuse to move or stop on oral command or order of the harbormaster or assistant harbormasters operating from a patrol boat identified as such and exercising the duties lawfully assigned to him.

(Code 1972, § 5.1-4(p); Ord. No. 2001-38, 12-12-01)

Sec. 8-57. Mooring inspections.

(a) All new moorings in the coastal waters and harbor areas of the town must have the chain, tackle and anchor inspected by the harbormaster or his designee prior to setting the mooring.

(b) Every permit holder shall be required to maintain his mooring in safe condition. Any chain, shackle, swivel or other tackle which has become warped or worn by one-third its normal diameter shall be replaced. Failure to maintain a safe mooring shall be cause for revocation of the mooring permit and shall be deemed a violation of this article. The harbormaster or his designee may inspect any moorings at any time to determine compliance with this section.

(c) All moorings shall be inspected once every two years, and the results of such inspection shall be reported to the harbormaster by September 1. Mooring inspections shall be performed by a qualified inspector. The inspection shall be made by either raising the mooring or by underwater inspection. Such inspection shall determine compliance with the mooring and mooring tackle standards of the mooring and dock regulations of this article. Any mooring or component of a mooring reported not in compliance with the mooring and dock regulations shall be replaced within 30 days of such notice. Any mooring washed ashore during a storm shall be inspected by the harbormaster or his designee before it is reset. All costs of any mooring inspection required under the provisions of this article shall be the responsibility of the mooring owner.

(d) Within 45 days after a mooring and/or its mooring tackle has been reported to violate any requirements of the mooring and dock regulations of this article, a second mooring inspection must be completed to determine if the violation has been corrected and meets the standards detailed in the mooring and dock regulations of this article. The results of such second mooring inspection must be reported to the harbormaster. Failure to correct the violation shall cause the mooring to be deemed not safe and shall be cause for the revocation of the mooring permit, a violation of this article, and subject to the removal of the mooring from the coastal waters and harbor areas of the town,

in accordance with any provision of this article at the risk and expense of the mooring owner.

(Code 1972, § 5.1-4(q); Ord. No. 2001-38, 12-12-01; Ord. No. 2002-32, 1-8-03)

Sec. 8-58. Qualified mooring inspectors.

(a) The harbor commission shall develop and set standards for the requirements and qualifications of mooring inspectors. The harbor commission may designate as many inspectors as it feels are necessary. Minimum requirements for mooring inspectors that the harbor commission shall consider are that an inspector must hold an active certificate as a certified SCUBA diver, and that all mooring inspectors are familiar with the minimum mooring and mooring tackle specifications of this article.

(b) The harbor commission shall make available an application form which potential mooring inspectors must complete to be considered a designated mooring inspector. The application shall be filed with the harbor commission with the appropriate fee. The harbor commission shall determine if such applications meet the requirements to be a qualified mooring inspector for the town and shall so designate the applicant as a qualified mooring inspector able to carry the certain provisions of this article for which such activity is allowable. Qualified mooring inspectors must reapply by October 31 of each year.

(c) The harbor commission shall keep a list of all qualified mooring inspectors and shall make this list available to all mooring permit holders.
(Code 1972, § 5.1-4(r); Ord. No. 2001-38, 12-12-01)

Sec. 8-59. Winter stakes.

All winter stakes shall be removed from the water by June 1 of each year, and may not be placed back in the water until October 1 of each year.

(Code 1972, § 5.1-4(s); Ord. No. 2001-38, 12-12-01)

Sec. 8-60. Mooring permits.

(a) *Mooring permit required.* No mooring shall be located, or maintained, in the coastal waters and harbor areas of the town until a permit has been issued for the use of such moorings by the harbormaster.

(b) *Placement of moorings.* The harbormaster directs the placement of the moorings within the mooring field boundaries and the harbormaster determines

that mooring tackle conforms to the specifications and standards set forth in all applicable regulations and any conditions of the permit.

(c) *Transfer of mooring permits.* No mooring permit shall be sold, assigned or otherwise transferred by a permit holder. Assignments of all mooring permits shall be made only by the harbormaster's office.

(d) *Transfer of moorings.*

(1) At such time as an existing mooring becomes available for sale, the owner shall notify the harbormaster and provide proof of inspection within the last year. The harbormaster shall assign the space to the person next on the waiting list whose boat fits the mooring. The mooring owner may then sell the mooring gear in its location to this person; or, remove the mooring within ten days at the mooring owner's expense.

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

(3) No existing private mooring shall be allowed to transfer to a commercial mooring without prior authorization from the harbormaster.

(4) If more than five commercial moorings (held by the same entity) become available for sale, they shall not transfer without the review and approval of the harbor commission. The standard for review shall be the ability of the proposed new owner to comply with the requirements of section 300.4.E.1 (a) and (b) of the state coastal resources management program as they relate to the provision of sanitary facilities and parking and any additional requirements of the harbor commission.

(e) *New moorings* Available spaces for new moorings shall be assigned by the harbormaster to the person next on the waiting list whose boat fits the space.

(f) *Increase in boat size.* Mooring permit holders who plan to put a larger boat on their mooring must file an application form with the harbormaster to receive his authorization. Failure to comply with this regulation can result in forfeiture of the mooring permit.

(g) *Request for a mooring permit.*

(1) To be eligible for a new mooring permit, an applicant must own a boat for which a private mooring permit is being sought, or be a commercial mooring operator.

(2) All requests for mooring permits shall be submitted to the harbormaster on the application forms provided by the harbormaster.

(3) An application shall be accompanied by the appropriate fee and shall be received in the office of the harbormaster.

(4) A complete and accurate mooring permit application must be submitted before the harbormaster can act to approve or deny such application.

(5) The harbormaster shall determine if a mooring permit can be issued only after all provisions of the harbor management plan, this ordinance and all applicable regulations are met; provided that mooring space is available.

(6) Mooring tackle must be installed and confirmation received to the harbormaster within 15 days from the date of approval or said mooring permit shall be forfeited.

(h) *Permit renewals.*

(1) Permits shall be renewed annually.

(2) Applications for renewals of a valid mooring permit shall be submitted to the harbormaster on the application forms provided by the harbormaster.

(3) The harbormaster shall mail the forms for the renewal of permits by February 15 of each year to those persons who held valid mooring permits on January 1 of that year, to the address listed on their last mooring permit. A second notice will be sent via certified mail on or

about March 1 to all mooring permit holders whose mooring payments have not yet been received.

(4) A renewal application, accompanied by the appropriate fee, shall be received by March 15 of any calendar year in the office of the harbormaster. An additional processing fee will be implemented after March 30. After 30 days of delinquency, a late fee up to \$100.00 may be applied. After 60 days of delinquency, the mooring or winter stake will be removed by the harbormaster.

(5) It shall be the responsibility of the mooring permit holder to notify the harbormaster of any change of address.

(6) If a mooring permit holder has not received a renewal permit, it is their responsibility to contact the harbormaster's office.

(7) Upon receipt of the complete renewal application and fee, the harbormaster's office shall forward to the permit holder a mooring sticker which shall be affixed to the mooring buoy so that it is visible at all times.

(i) *Relocation of existing permitted mooring.*

(1) All requests for relocation of existing permitted moorings must be submitted to the harbormaster. Information for such a request must meet the requirements listed for a mooring permit application, as well as show proof of a valid mooring permit issued for the previous or current year. The reasons for a mooring relocation must be clearly stated in the request.

(2) Action on the relocation request will be taken by the harbormaster based upon availability of space, the requirements of this chapter, and the type and size characteristics of the vessel.

(3) Any request received by the harbormaster that is not complete shall be returned to the applicant and no action will be taken on the request.

(j) *Failure to renew an existing valid mooring permit.* Failure to renew an existing valid mooring permit in accordance with the provisions of these regulations shall result in the permitted owner's abandonment of all his privileges in the previously permitted mooring space. Upon the written request of the harbormaster the permit holder shall immediately remove the mooring tackle from the mooring space. If the permit holder does not remove the

mooring tackle within 30 days of the written request, the harbormaster may remove the now abandoned mooring tackle at the permit holder's expense.

(k) *Forfeiture of mooring space.* Any permit holder shall be deemed to have forfeited his mooring space by reason of any one of the following:

- (1) Failure to comply with any of the requirements of this chapter;
- (2) Removal of mooring and mooring tackle and notification to the harbormaster that the mooring has been forfeited;
- (3) Failure to respond to the harbormaster's notice that (i) the mooring does not comply with the mooring tackle standard's set forth in this chapter and all applicable regulations, or (ii) that the mooring has been displaced or moved from its permitted location without approval.
- (4) Failure to display the mooring sticker on the mooring buoy.
- (5) Failure to resurface, repair or replace mooring tackle within 60 days after being advised to do so by the harbormaster.

(l) *Removal of mooring from forfeited mooring space.* The harbormaster shall send a letter, by registered mail, to the mooring owner advising of the reason for forfeiture as stated above. The mooring owner shall be given a reasonable time frame for compliance; and, if they do not comply, then the harbormaster's office shall cause the mooring to be removed at the owner's expense. If a boat is tied to the mooring, the boat will also be removed and stored at the owner's expense.

(m) *Available spaces.* As of June 1 of each year, the harbormaster shall determine the number of mooring permits available for mooring placement. The number of permits available shall equal the number of spaces authorized by this article, minus the sum of all acceptable mooring permit renewal applications. The available mooring permits shall be made available first to those persons whose names appear on the waiting list whose boat fits the mooring.

(n) *Waiting list.* The harbormaster shall maintain a waiting list of all new applications for private and commercial mooring permits. When no mooring space is available for new or relocated moorings, applications shall be placed on the waiting list upon receipt of a completed application made in accordance with this section in the order in which they are received by the harbormaster. The harbormaster shall update the waiting list twice a year and make the waiting list available for public review at all times. The waiting list shall show

the names of the persons desiring the mooring space, the date of application, the area in which such space is desired; and, the size of the boat for which the mooring space has been requested. The waiting list shall be updated once a month; and, shall be posted at the harbor master's office and town hall at all times.

(o) *Occupancy of mooring.*

(1) No vessel shall occupy a mooring other than the one for which it has been permitted. The harbor master shall have the authority to move or cause to be moved any vessel violating the provisions of this section, at the expense and risk of the vessel owner.

(2) *Temporary guest use* --For temporary guest use of a mooring by a vessel other than the one permitted, for a period not exceeding seven days, the mooring owner, or his agent, must notify the harbor master upon the vessel's arrival at the mooring. Upon written request by the mooring owner, the harbor master may, for good cause, allow temporary guest use of a mooring for a period greater than seven days.

(3) Any mooring which is not used for one year shall be considered abandoned and must be removed by its owner from the mooring area. This period may be extended if extenuating circumstances are presented to the harbor master on a timely basis. If the owner fails to remove the mooring upon order of the harbor master, the owner will be billed for the cost of the mooring removal.

(4) It shall be a violation for any vessel to attach, use or occupy any mooring that fails to comply with any section of this chapter.

(p) *Preference to Bristol residents.* In the assignment of initial mooring space and the reallocation of existing mooring space, Bristol residents shall be given priority over nonresidents. However, a nonresident shall not lose priority to a resident more than three times before such nonresident is given first priority to an appropriate mooring space.

(q) The rate charged for all mooring permits shall be in accordance with the fee schedule in section 11-1 of the Town Code. Bristol residents shall be entitled to a maximum of one mooring permit at the residential rate.
(Ord. No. 2001-38, 12-12-01; Ord. No. 2002-32, 1-8-03)

(r) *Temporary moorings.* The Harbor Master is hereby authorized to permit moorings on a temporary basis when used in conjunction with residential waterfront property. Temporary mooring permits may not be renewed but

holders of temporary permits may reapply as a new permit holder in accordance with this chapter. Temporary mooring permits shall expire at the end of one year or upon the permitting of a dock slip or permanent mooring by the permit holder, whichever comes first. All other provisions of this chapter shall apply to temporary moorings. (Ord. No. 2001-38, 12-12-01; Ord. No. 2002-32, 1-8-03, Ord. No. 2004-03, 2-18-04)

Sec. 8-61. Mooring permit application requirements.

- (a) All applications for mooring permits shall contain such information as requested by the harbormaster, and in the least, the following information.
- (1) Name, address, telephone number (home and office), and e-mail address (if applicable) of owner;
 - (2) Vessel name, active registration number, hull identification number (HIN), length (ft.), type, and color and documentation number of the boat to be on the mooring;
 - (3) Proof of ownership of the vessel;
 - (4) Emergency contact name and telephone;
 - (5) Mooring classification, actual anchor weight, mooring type;
 - (6) Appropriate registration fee;
 - (7) Number of sleeping berths, if any, and type of marine sanitation device and need for pumpout boat pennant;
 - (8) Area(s) where applicant would like to locate mooring, prioritized.

The harbormaster may, from time to time, amend the mooring permit application.

(Ord. No. 2001-38, 12-12-01)

Sec. 8-62. Mooring placement and siting.

(a) *Moorings associated with residential waterfront properties.* Moorings used in conjunction with residential waterfront property are allowed to be placed in the coastal waters and harbors areas of the town in those waters immediately adjacent to the upland residential waterfront property with the exception of shellfish transplant areas. The mooring permit holder must comply with all mooring permit application requirements and receive a mooring permit from the town as described herein, and the mooring must meet all mooring tackle standards and inspections as set forth in this chapter and any applicable regulations before such placement will be permitted. One mooring placed in accordance with this subsection shall be allowed for each residential waterfront property, in addition to any mooring sited in the mooring field. All mooring placements shall be, including temporary moorings, shall be in accordance with the Harbor Management Plan.

(b) *Mooring field siting standards.* All designated mooring fields sited within the coastal waters and harbor areas of the town shall be setback a minimum distance:

- (1) From riparian moorings and shoreline rights of ways that which is sufficient to allow ingress and egress and to prevent interference with the exercise of private and public rights.
- (2) Fifty (50) feet from all residential or commercial docks, piers, floats and public launching ramps.
- (3) Public mooring areas shall be setback from Federal Navigation projects at least three times the U.S. Army Corps of Engineers authorized project depth from federal navigational projects.
- (4) Moorings shall be prohibited in Federal Navigation Projects.
- (5) All new and significantly expanded mooring fields shall be sited to ensure that tides and currents aid in flushing the mooring area.
- (6) All new and significantly expanded mooring areas shall be sited to avoid adverse effects on water quality
- (7) 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.
- (8) Mooring area shall be sited so as to not significantly effect finfish and or shellfish resources, wetlands, submerged aquatic vegetation and aquatic habitat.
- (9) Moorings areas shall be adequately serviced and pump out stations shall be accessible.

(c) *Mooring field designations.* Certain waters of the town shall be designated as mooring fields. Those waters authorized for the placement of permitted moorings shall be located in accordance with all policies of the town's harbor management plan, the policies and requirements of the coastal resources management council's guidelines for the development of municipal harbor management plans, and the CRMC's management procedures for siting mooring fields. Any revisions to the size, and/or location of these mooring field designations shall require the approval of the Harbor Commission, the Town Council, and the Coastal Resources Management Council before the revisions may take effect.

(d) *Maximum number of moorings.* Based on the findings of the harbor management plan and study conducted in October 2001, there shall be a maximum number of moorings in the Bristol harbor mooring field and in the Kickemuit River mooring field. In the Bristol Harbor mooring field, the maximum number of moorings shall be set at 500. In the Kickemuit River mooring fields (north and south), the maximum number of moorings shall be set at 165.

(e) *Maximum number of commercial moorings.* The maximum number of commercial moorings allowed in any mooring field shall be 30 percent of the total mooring spaces authorized. No one entity shall own more than 75 of the total allowable commercial moorings. Any entity owning more than five commercial moorings must have direct waterfront access and be able to provide sanitary facilities and adequate parking as prescribed by the Coastal Resource Management Program (R.I. CRMP) Section 300.4.E.1(a) & (b). (Ord. No. 2001-38, 12-12-01; Ord. No. 2002-32, 1-8-03)

Sec. 8-63. Mooring tackle specifications.

(a) Moorings and mooring tackle shall meet the minimum standards set forth in all applicable regulations and the following:

- (1) The minimum length of the pennant should be 2 1/2 times the distance from the bow chock to the water plus the distance from the bow chock to the mooring cleat or post. The maximum length shall not exceed three-fourths the length of the boat.
- (2) All pennant lines running through a chock or any other object where chafing may occur should have adequate chafeguards.
- (3) The total scope of the chain should be 2 1/2 times the depth of the water at high tide. The bottom and top chain should each consist of approximately 50 percent of the scope.
- (4) All shackles, swivels, and other hardware used in the mooring hookup should be proportional in size to the chain used.
- (5) All shackles should be properly seized.
- (6) Only mushroom anchors, or equivalent, will be acceptable on permanent moorings unless otherwise authorized by the harbormaster.

(7) The minimum distance between any two moored vessels shall be determined by the harbormaster.

(b) The harbormaster may approve informal variances to mooring tackle specifications, other than those minimum standards described herein, for specific cases if such specifications are inappropriate for the area in which a mooring will be located. The harbormaster must file such variance with the harbor commission.

(Ord. No. 2001-38, 12-12-01)

Sec. 8-64. Permitting of slips at town docks.

(a) Permit required for use of slips at town docks. No vessel shall use a slip at a town dock until a permit has been issued for the use of such slip by the harbormaster. To be eligible for a dock permit, an applicant must, be a resident of the town, and own a boat for which the dock permit is being sought.

(1) All requests for dock permits shall be submitted to the harbormaster on the application forms provided by the harbormaster.

(2) An application shall be accompanied by the appropriate fee and shall be received in the office of the harbormaster.

(3) A complete and accurate dock permit application must be submitted before the harbormaster can act to approve or deny such application.

(4) The harbormaster shall determine if a dock permit can be issued only after all provisions of the harbor management plan, this chapter and all applicable regulations are met; provided that dock space is available.

(5) Applications for annual commercial dock permits, other than permit renewals, shall be submitted to the harbormaster, in person, by January 1 of that year.

(6) Applications for private recreational dock permits shall be submitted to the harbormaster by March 15 of that year.

(b) *Permit renewals.*

(1) Permits shall be renewed annually.

(2) Applications for renewals of a valid dock permit shall be submitted to the harbormaster on the application forms provided by the harbormaster.

(3) The harbormaster shall mail a notice for the renewal of permits by February 15 of each year to those persons who held valid dock permits on January 1 of that year, to the address listed on their last dock permit. A second notice will be sent via certified mail on or about March 1 to all permit holders whose dock slip renewal application and fees have not yet been received.

(4) A renewal application for either a commercial or private recreational dock permit, accompanied by the appropriate fee, shall be received by March 15 of any calendar year in the office of the harbormaster or the dock slip shall be forfeited.

(5) It shall be the responsibility of the permit holder to notify the harbormaster of any change of address or vessel size.

(c) *Transfer of dock permits prohibited.* No dock permit shall be sold, assigned or otherwise transferred by a permit holder.

(d) *Failure to renew an existing dock slip permit.* Failure to renew an existing dock slip permit by March 15 shall result in the permit holder's abandonment of all his privileges in the previously permitted dock slip. Upon the written request of the harbormaster, the permit holder shall remove the vessel from the dock slip. If the permit holder does not remove the vessel within 30 days of the written request, the harbormaster may remove vessel at the permit holder's expense.

(e) *Forfeiture of dock slip.* A town dock permit shall be deemed forfeited by reason of anyone of the following:

(1) Failure to comply with any of the requirements of this chapter or the dock slip rules and regulations as established by the harbor commission.

(2) Removal of vessel by vessel owner and notification to the harbormaster that the vessel has been removed and the dock slip forfeited.

(3) Failure to notify the harbormaster of a change in the vessel's size.

(f) *Available spaces.* As of May 1 of each year, the harbormaster shall determine the number of dock permits available. At Rockwell Dock, allocation of dock slips shall be equally divided (50 percent/50 percent) between commercial and recreational boaters, provided however, that any unused commercial slips may be allocated to resident recreational boaters for that year. Commercial boats shall not be allowed in recreational slips.

(g) *Waiting list.* The harbormaster shall maintain a waiting list of all applications for private and commercial dock permits. When an appropriate dock slip is available, applications shall be placed on the waiting list upon receipt of a completed application made in accordance with this chapter in the order in which they are received by the harbormaster. The harbormaster shall update the waiting list once a month and make the waiting list available for public review at all times. The waiting list shall be posted at the harbormaster's office and town hall.

(h) *Occupancy of a dock slip.* No vessel shall occupy a dock slip other than the one for which it has been permitted. The harbormaster shall have the authority to move or cause to be moved any vessel violating the provisions of this section, at the expense and risk of the vessel owner. The harbormaster may permit the temporary use of a dock slip by another vessel upon written approval by the permit holder. [Permission for the temporary use of a dock space shall be limited to not more than five consecutive days, and no more than 20 days in any permit year.]

(Ord. No. 2001-38, 12-12-01; Ord. No. 2002-32, 1-8-03)

Sec. 8-65. Records and numbering.

(a) The harbormaster shall keep a detailed record of all moorings and dock slips and their location based on a current harbor management plan. The records shall include the owner's name, home and business address, telephone number(s), permit number and mooring number, the date the mooring was placed, last mooring inspection date, and all vessel data.

(b) Each mooring located in the Town of Bristol, once permitted, shall be assigned a mooring number by the harbormaster. The number will be displayed in contrasting color in two places on each mooring buoy or pick-up float in block letters at least three inches in height. Winter stakes shall be numbered with the same number as the mooring. Any mooring or winter stake not displaying a registration number will be considered a not-permitted mooring and will be removed in accordance with any provision of this article.

(Ord. No. 2001-38, 12-12-01)

Sec. 8-66. Additional requirements for commercial mooring permits.

(a) Commercial mooring permit holders must submit to the harbormaster a breakdown by mooring with the following information:

- (1) Vessel name, registration number, length, breadth, draft, type and color;
- (2) Name and phone number of boat owner;
- (3) Number of sleeping berths, if any, and type of MSD, if any;
- (4) Mooring classification, actual mooring weight.

(b) Upon initial submission of the above information to the harbormaster, each commercial mooring permit holder must submit an annual report with the information required above and shall prepare and submit a plan that details the use and layout of those commercial moorings permitted within a town mooring field by April 1 of each year. For moorings that are rented after April 1, the commercial mooring permit holder must notify the harbormaster within one week of assigning the rental and supply the information requested above.

(Ord. No. 2001-38, 12-12-01)

(Code 1972, § 5.1-4(t))

Secs. 8-67--8-90. Reserved.

ARTICLE III. HARBOR COMMISSION ADVISORY COMMITTEE*

***Cross references:** Boards, commissions and committees, § 2-91 et seq.

Sec. 8-91. Established.

There is hereby established a harbor commission advisory committee, which shall report to and provide advice and assistance to the town harbor commission regarding policies and regulations to be established with regard to the coastal and harbor waters under the jurisdiction of the town.

(Ord. No. 1996-09, § 5.1-23, 6-26-96)

Sec. 8-92. Membership.

The harbor commission advisory committee shall consist of not less than three members nor more than six members appointed by the Town Council to serve for three-year staggered terms. Of the first members appointed, one shall be designated to serve a one-year term, one shall be designated to serve a two-year term and a third shall be designated to serve a three-year term. If more than three members are appointed, the fourth member shall be designated to serve a two-year term and the fifth member shall be designated to serve a three-year term. Further, the members of the advisory committee shall provide for geographic representation among the different areas of the waters under the jurisdiction of the town. Therefore, at least one member of the advisory committee shall be a user of the Kickemuit River, at least one member of the advisory committee shall be a user of the downtown waterfront, and at least one member of the advisory committee shall be a user of the Poppasquash shore. If there are more than three members on the advisory committee, the additional two members may be users of any geographic area, provided that at all times at least one member of the advisory committee shall represent each one of the aforementioned geographic areas.

(Ord. No. 1996-09, § 5.1-24, 6-26-96; Ord. No. 1998-27, 10-7-98)

Sec. 8-93. Powers.

The members of the harbor commission advisory committee shall serve without compensation and without voting powers on the harbor commission. The harbor commission advisory committee shall address such issues as may be referred to them by the harbor commission, and may also address issues brought up by members of the harbor commission advisory committee. The minutes of the harbor commission advisory committee, together with all reports, recommendations and advice, shall be submitted to the town harbor commission.

(Ord. No. 1996-09, § 5.1-25, 6-26-96)