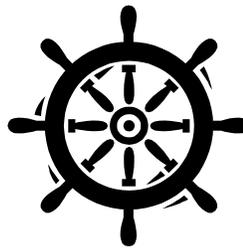




Town of Tisbury
Waterways Regulations



May 23, 1995

Amended March 30, 1999; May 30, 2000;

May 2 and 23, 2006; & May 2, 2008

March 2, 2010; April 20, 2010 continued to May 4, 2010;

July 12, 2011; October 16, 2012

January 22, 2013; and May 7, 2013

May 20, 2014

March 17, 2015 May 23, 2017

RULES AND REGULATIONS FOR TISBURY WATERWAYS

INTENT

It is determined to be in the best interests of the Town of Tisbury and its citizens that Vineyard Haven Harbor, Lagoon Pond, and Lake Tashmoo be used by active, registered or documented, commissioned vessels.

LIABILITY

Persons using the public facilities and areas within the limits of the Town of Tisbury must assume all risk of personal injury and damage or loss to their property. The Town of Tisbury assumes no risk on account of accident, fire, theft, vandalism or acts of God.

SANITATION DEVICES

1. No vessel may discharge untreated wastes into the waters of Tisbury. Approved marine sanitation devices or holding tanks must be used on the waters of Tisbury.
2. Contact Harbormaster for pump out facilities
3. All commercial vessels shall have a one-foot diameter contrasting color circle painted around the sewage discharge hole to ensure visibility of prohibited sewage dumping.
4. All vessels for hire that anchor, moor, or dock in the inner harbor shall be equipped with holding tanks.
5. Any business providing services to transient boaters, including dockage and mooring rental, must provide pump-out services for their customers, effective January 1, 2015.

POLLUTION

1. No person may discharge oil, spirits, flammable liquids or contaminated bilge wastes into Vineyard Haven waters. No person may dispose of kitchen wastes, garbage, litter, plastic, or other refuse into the waters of Vineyard Haven.
2. No odor or smoke deemed offensive by the Harbormaster shall be allowed.

SPEED LIMITS

Headway speed will be enforced within 150 feet of all beaches, docks, floats, boats anchored or moored, and channel areas. Headway speed only and no wake inside a line from the Eastville jetty and nun 6. Four Miles Per Hour/No Wake speed shall be enforced in the Inner Harbor.

WATER SPORTS

1. Water-skiing, jet-skiing, operation of other high speed personal water craft, and similar water sports shall be prohibited within 100 feet of any beach, dock, navigation area, moored or anchored boat, or conservation-management area as designated by the Harbormaster, and 300 feet from swimmers and swimming areas, except when approaching or leaving a dock or beach.
2. The operation of all personal watercraft as defined in CMR 3234.02 is restricted to headway speed only, within Lagoon Pond, Lake Tashmoo and Vineyard Haven Harbor, inside a line drawn from Navigation Aid #7 on Eastville Jetty to Navigation Aid #10 on Vineyard Haven Harbor main breakwater.
3. Para-sailing from a boat is permitted on the waters of Tisbury only at the discretion of the Harbormaster.

4. Board-sailing is not permitted in the Inner Harbor of Vineyard Haven.
5. Skin-diving, scuba diving, and snorkeling are prohibited in the Vineyard Haven Inner Harbor from June 1st through September 15th without permission from the Harbormaster.

NOISE

1. Motor vessels shall be equipped with an effective muffling device. No motorboat shall be operated on Tisbury waters with an altered muffling device, by-pass or cut-out which diminishes or prevents the proper operation of the muffler.
2. Motor vessels shall not be operated on Tisbury waters with a noise level in excess of the following standard measured at (A) fifty feet (50') from the stern of the motorboat, or (B) one hundred feet (100') from the shore.

| Motor Manufacture Date | Decibel Level |
|--|---------------|
| Prior to January 1, 1976 | 86 dB |
| On or after January 1, 1976 and prior to January 1, 1982 | 84 dB |
| On or after January 1, 1982 | 82 dB |

3. Generating plants, main engines or any power equipment may be operated only in a fashion not deemed offense by others.

USE OF VESSEL AS AN ABODE

The use of vessels in Tisbury as a permanent or long-term abode is specifically prohibited. Sleeping aboard vessels is allowed as a secondary use to the vessel's principal commercial or recreational use (i.e.: cruising).

VESSELS AT ANCHOR

1. No moorings permitted in the Outer Harbor East Anchorage, which is the area of the harbor lying seaward of the Large Vessel mooring Area and east of the Main Channel, excluding the Lagoon Pond Entrance Channel.
2. Boats will be allowed to anchor for up to three days in all Tisbury waters. All boats must be pumped out within the first two days of arrival to establish that they have functioning holding tanks and thereafter on a schedule depending on the number of persons on board and the size of the holding tank. The schedule to be based on 5 gallons per day per person.

The following information will be recorded for each boat:

- a. Name of boat and hailing port;
 - b. Date of arrival and intended date of departure;
 - c. Number of persons on board;
 - d. Size of holding tank;
 - e. Name, address, phone number and e-mail address; and
 - f. Actual date of departure.
3. No anchoring within the mooring fields.

WINTER STORAGE

1. Winter dinghy storage on Town beaches is prohibited.
2. Winter Storage on a mooring only with Harbormaster's permission.

FERRIES AND LARGE VESSELS

1. Vessels over 100 feet in length must announce their intentions on channel 16 before exiting or entering the inner harbor.
2. Scheduled ferries, meaning passenger carrying vessels over 100 feet must allow at least fifteen minutes between their boats and other scheduled boats while maneuvering within the inner harbor.
3. No two scheduled ferries may be underway inside the Eastville jetty at the same time. When two or more vessels are waiting, priority will be granted to SSA.
4. All commercial ferries shall operate within hours compliant to noise regulations.
5. All commercial ferries with a schedule shall submit their proposed summer schedule to the Harbormaster for approval no later than December 31st.
6. Any new ferries over 150 feet on length must be double ended.

TOWN PIERS

1. All uses of any town dock or pier or adjacent properties shall be at the user's risk.
2. No vessel shall be left unattended at a town dock without permission of the Harbormaster or Assistant.
3. Every vessel berthing at a town dock must have its overboard toilet discharge sealed. The Harbormaster or assistant may board any vessel at a town dock to ensure the closure of overboard discharge valves.
4. The day-to-day direction of the use of town docks or piers shall be undertaken by the Harbormaster or Assistants.
5. Major repairs or maintenance of vessels are usually not allowed at town facilities. The extent of any work allowed will be determined by the Harbormaster or Assistant.
6. Swimming and diving are forbidden from Town docks or piers.
7. The Town of Tisbury's docks piers and landings are intended for recreational use of its citizens and visitors. Under certain circumstances, limited commercial activity may be allowed on public facilities in the Town under the following regulations.

OWEN PARK PIER REGULATIONS

INTENT

The Town Pier at Owen Park is to provide Tisbury residents access to their Harbor. As an extension of Owen Park, it is a place for townspeople to enjoy with their families and friends and to share with visitors.

1. Two spaces shall be reserved near the outer end of the pier for the Harbormaster's boats. One space shall be made available to commercial fishermen where rafting will be allowed.

2. No gear is to be deposited or stored on the pier.
3. Use of electric power from the pier is forbidden.
4. The potable water spigot near the end of the pier is available for brief use by boaters.
5. Pedestrians may use the pier for walking and fishing as long as such activity does not interfere with other uses set forth in these regulations.
6. Excluding the Harbormaster's berths, face of the pier, and both the North and South sides of the tee at the end of the pier, Tisbury residents may at times and without charge secure their boats for up to three (3) hours.
7. Both sides of the inboard or shore end of the pier may be used for securing dinghies, provided that the low dinghy landing on the south side must be used for embarking and disembarking, and must be kept open for successive users.
8. At all times the East face of the pier, and both North and South sides of the tee, shall be available for temporary use of not more than ten minutes for taking aboard or discharging people or goods.
9. Remaining spaces on both sides of the pier from 5 p.m. to 9 a.m. may be rented for town revenue, provided slips are unavailable from private marinas.
10. No charcoal grills, barbecues, or other open fires may be used on the pier or aboard any boat tied up at the pier.
11. No generating units on a vessel, portable or permanently installed, may be used while the vessel is tied to the Owen Park Pier, or rafted to another boat tied to the pier.
12. Provisions for unattended vessels: When a vessel is left unattended for more than 24 hours the Harbormaster must be notified, and a responsible party named in the event that the vessel needs assistance.
13. Penalties: Each day on which any violation or offense shall exist shall be deemed to be a separate violation or offense. Nothing contained herein shall be construed to be a limitation of any method of enforcement, including criminal, civil or non-criminal disposition.
 - A. Criminal Complaint: Whoever violates any provision of these Regulations may be penalized by indictment or on complaint brought in the District Court. Except as may be otherwise provided by law and as the Court may see fit to impose, the maximum penalties for each violation or offense shall not be more than \$50.00 dollars.
 - B. Non-criminal Disposition: Whoever violates any provision of these Regulations may be penalized by the non-criminal disposition method as provided for in G. L. c. 40, section 21D, as the same is or may hereafter be amended or supplemented. Nothing contained herein shall require the use of the non-criminal disposition method. The non-criminal disposition penalty for each violation shall be \$25.00 dollars, unless otherwise allowed by law.

LAKE STREET LANDING PIER REGULATIONS

INTENT

The dock, boat ramp, landing and parking area at the foot of Lake Street is a Town of Tisbury facility serving those seeking access to Lake Tashmoo. This small facility serves a wide constituency including recreational power and sailboaters, kayakers, shellfishermen, commercial fishermen and charter boats. The following regulations will help facilitate shared use by all.

1. Dock Usage:

- Two spaces shall be reserved near the outer end of the pier for the Harbormaster and the Shellfish Department boats.
- The outside west side of the dock is for loading and unloading and is limited to 15 minutes (or more with permission of the Harbormaster).
- There is no dockage allowed on the north side of the dock by the boat ramp except where designated and will be limited to 15 minutes for active launching.
- Dock space will be limited to 20 minutes for loading and unloading along the along the bulkhead. Exception: Licensed fishing boats may dock here for up to 2 hours for active loading and unloading of gear.
- Commercial boats may dock for up to two hours on the South side of the dock but only if they are attended at all times
- No overnight docking is allowed without daily permission from the Harbormaster.
- Use of electric power from the pier is forbidden, except with permission from the Harbormaster.
- The potable water spigot near the end of the pier is available for brief use by boaters.
- No charcoal grills, barbecues, or other open fires may be used on the pier or aboard any boat tied up at the pier.
- No generating units on a vessel, portable or permanently installed, may be used while the vessel is tied to the Lake Street Pier, or rafted to another boat tied to the pier.
- Pedestrians may use the pier for walking and fishing as long as such activity does not interfere with other uses set forth in these regulations.
- Storage of gear on the dock is allowed from June 15 through September 15 for up to 72 hours. During other seasons, the limit is 7 days. Gear should not obstruct passage for other dock users. Bait may not be stored on the dock at any time. Carcass collection barrels must be covered at all times and emptied daily.

From November 1 through April 1, boats may extend their use of the dock with permission of the Harbormaster, although the west face of the dock must be kept open at all times. In adverse weather conditions, boats must leave the dock.

2. Parking

- 20 minute parking spaces are for temporary loading and un-loading only.
- Handicapped space is required for any public facility and must be kept open for those with a current handicap sticker.
- Parking violations will be subject to enforcement by local police.

3. Dinghy and Small Craft Use and Storage:

Definition: A dinghy is 12' or less in length. Small craft include kayaks, sunfish, wind-surfers and canoes.

1. All dinghies/small craft being stored at the Lake Street Landing must be registered with the Harbormaster. Permit stickers may be purchased at Town Hall or at the Harbormaster's Office for \$25.00/year. Stickers are free to mooring holders upon payment of their annual mooring fee bill. Permit sticker must be applied to the inside stern of the dinghy/small craft. It is the responsibility of the dinghy owner to insure the sticker is attached and protected.
2. Dinghy painters must be at least 6 feet in length
3. All outboards must be in the down position
4. All dinghies must have gunnel guards
5. No chains allowed when securing your dinghy to the dock

Usage of the Floating Docks

- a) Dinghies may remain on the floating dinghy docks for no more than 72 hours;
- b) Only dinghies will be permitted at the floating docks

When not on the floating dock, dinghies must be stored on the beach.

Lighter craft such as kayaks shall be stored on the three-tiered rack.

Unusable dinghies/small craft must be removed by the owner.

No dinghies shall be stored on the Town beach between December 15 and April 15, without written permission from the Harbormaster.

The Town will provide up to 3 dinghies for use by the public on a trial basis

- a) Boat owners are encouraged to use a Town dinghy to row out to their mooring;
- b) The Town dinghy must be returned to the floating dock prior to departure;
- c) Town dinghies shall not be left on a mooring under any circumstances.

These regulations will be enforced per existing Waterways Regulations as follows:

- 1st Notice: Written Warning
- 2nd Notice: \$25.00 fine
- 3rd Notice: Loss of storage privileges on Town Property

Storage fees for dinghies removed from the Town beach: \$50.00

Storage of dinghies /small craft on Town property and/or use of a Town-provided dinghy is at the owner's risk. The Town of Tisbury will not be liable for any damage or loss. (July 12, 2011)

4. Penalties: Each day on which any violation or offense shall exist shall be deemed to be a separate violation or offense. Nothing contained herein shall be construed to be a limitation of any method of enforcement, including criminal, civil, or non-criminal disposition.

- Violations of overnight docking will be fined \$50 for the first offense, \$100 for the second offense, and \$200 for the third offense. A fourth violation will result in the loss of mooring privileges.

- Violations of docking time limits will be subject to a \$25 fine. Repeated violations may result in the loss of mooring privileges.
- Violations of gear storage regulations will result in removal by the Harbormaster. The owner must pay removal and storage fees plus a \$50 fine.
- The Harbormaster has the right to remove inactive dinghies from the floating docks after 72 hours.
- Town dinghy will be retrieved by the Harbormaster for use by others if left on a mooring. There will be a \$25 charge if the Harbormaster has to retrieve a dinghy from a mooring.
- Dinghies should be removed from the beach by December 1.

COMMERCIAL ACTIVITIES

1. With approval of the Board of Selectmen, the Town may permit certain commercial access to its public piers. These permits will be limited to the following activities:
 - a) Commercial Fishing
 - b) Charter Fishing
 - c) Charter Sailing
 - d) Launch Services
 - e) Aquaculture and Shellfish Farming
 - f) Parasailing/Aqua sports
 - g) Community Boating
 - h) Moring Maintenance Services
 - i) Ferries
2. Under Section .07 of the Vineyard Haven Harbor District of Critical Planning Concern Regulations adopted on October 24, 2000, certain commercial activities within the DCPC area require a Harbor Use Permit. These include freight service, ferries, marine biological and oceanographic research, seaplane or floatplane service, dredging, harbor taxis, tours, and launch services.
3. With the Harbormaster's permission, some water-dependent activities that can be construed as commercial may use the public piers. These include but are not limited to, research and water testing, emergency boat repair and transient use by commercial vessels, such as visiting fishing boats.
4. The following activities may not be permitted or allowed on Town piers:
 - a) Boat Rental
 - b) Loading/unloading of heavy construction/repair equipment/building supplies that might cause damage to the pier.

PERMITTING PROCESS

- Activities listed under #1 above must apply for a commercial permit/license to operate in the Town of Tisbury.
- Applications are available in the Harbormaster's Office or at Town Hall
- Each application shall be accompanied by a non-refundable application/license fee of \$25.00.
- Permits shall not be transferable.

Once completed, permit applications will be referred to the Harbor Management Committee and the Harbormaster for a recommendation and receive final approval from the Board of Selectmen. Permits will be subject to enforcement by the Harbormaster's Office in accordance with existing pier regulations.

VIOLATIONS

Whoever operates any commercial activity, business or any marine endeavor for profit or hire or the like on any Town pier without first being permitted as stated above, or upon application, having had the application denied by the Board, shall be subject to a fine of not more than one Hundred Dollars (\$100) for each occasion of non-permitted activity. Each occasion on which any violation or offense shall exist shall be deemed to be a separate violation or offense. Nothing contained herein shall be construed to be a limitation of any method of enforcement, including criminal, civil or non-criminal disposition. (April 20, 2010)

FUEL AND SALE OF FUEL AT LAKE TASHMOO – LAKE STREET LANDING

Fuel sales from a truck at Lake Tashmoo - Lake Street Landing shall be allowed for to five (5) commercial fishermen with mooring permits in Lake Tashmoo, the proper credentials and proof of commercial fisherman status on a first come first served basis. A fee of \$35 shall be charged for this permit which is renewable annually.

All boaters with moorings in Lake Tashmoo, except those commercial fishermen with dockside-fueling permits, may be allowed to use 5-gallon containers to transport fuel to their vessels. They may not fill their tanks at dockside from 5-gallon containers. (May 4, 2010)

MOORING REGULATIONS

INTENT: It is determined to be in the best interests of the Town of Tisbury and its citizens that Vineyard Haven Harbor, Lagoon Pond, and Lake Tashmoo be used by active, registered or documented, commissioned vessels.

PREAMBLE: In order to better promote adequate space for moorings, ensure adequate public access, ensure a safer environment for the public, to provide for the effective management of the harbors and waterways of the Town of Tisbury, and to promote the public welfare, good and safety in marine related activities, the following regulations for the mooring of vessels within the waters of the Town of Tisbury are hereby adopted.

1. Authority: Pursuant to the general authority under G.L. c. 102., section 21 et seq., G.L. c. 91, section 10A, G.L. c. 43B, section 13, 310 CMR 9.07 and all other applicable legal authority, the Harbormaster of the Town of Tisbury is authorized to establish regulations for the mooring of vessels in Tisbury waters. The Tisbury Harbormaster hereby establishes the following rules and regulations for the placement and use of moorings within the waters of the Town of Tisbury. All such moorings and permits granted, including assignments of locations, are of a temporary nature and no property or vested rights are created or granted. The Harbormaster may in his or her discretion issue approvals, denials, assignments and grants of permits, assignments and approvals hereunder.
2. The major portion of mooring locations in Tisbury will be made available for the personal use of Tisbury and other Massachusetts residents, and a lesser portion will be available for commercial and transient rental use. All mooring locations are and shall remain the jurisdiction of the Town of Tisbury, are subject to the approval by the Harbormaster, are of a temporary nature, create no vested or property rights, and are non-transferable. Permits for the placement of moorings at locations established and approved by the Harbormaster must be obtained from the Harbormaster before any ground tackle is installed. Moorings that are established or placed without such authorization will be subject to immediate removal by the Harbormaster at the owner's expense.
 - a. Mooring permits are for primary moorings only and shall not be granted or renewed if the vessel of record has a mooring elsewhere. Applicants for such mooring denied shall be referred to the list of rental moorings. The term "primary moorings" as in this paragraph shall mean a mooring where the vessel of record is moored for at

least thirty (30) days each year. Hurricane moorings may be an exception, and addressed individually by the Harbormaster.

- b. To the extent possible and subject to space, public safety, and location considerations, the Harbormaster may give preference to homeowners of property directly abutting waterways and taxed as waterfront in assigning mooring locations adjacent to said property, said assignments to be given notwithstanding any waiting list. This regulation does not apply to already designated mooring areas. Upon transfer of this residential property to a new owner other than next of kin (defined as mother, father, sister, brother, son, daughter, or spouse) mooring permit owner must relinquish any mooring obtained through property purchase.
3. There are two categories of moorings permitted in the waters of the Town of Tisbury:
 - a. Private (Vessel-of-Record) Moorings: Permits for the use and location of private mooring locations are granted by the Harbormaster for the calendar year. No person will place a vessel other than the vessel-of-record on any mooring without obtaining prior approval from the Harbormaster. Private moorings shall not be sublet except by the Town.

A mooring permit holder may request that another vessel be allowed to use his assigned mooring for up to two weeks. For periods longer than two weeks, the Town will collect rent from that vessel-owner for the mooring or lease it to someone on the mooring waiting list at the seasonal rate.

- b. Commercial Moorings: Commercial mooring location permits shall only be issued to businesses properly licensed by the Commonwealth of Massachusetts and/or the Town of Tisbury. Individual persons (whether as individuals or through a "passive business endeavor" or other device) will not be issued commercial mooring permits.

1. The intended purpose of commercial moorings is to enhance the operation of marine related businesses (e.g. boatyards, marinas) in their service and maintenance capabilities. Commercial moorings shall not be sublet for less than 14 consecutive days. With permission of the Harbormaster, five (5) commercial moorings in Lake Tashmoo may be rented on a nightly basis provided that there is no advertising about the availability of rental moorings.

All commercial moorings shall have an individual color scheme to be determined by the Harbormaster

2. Requests for new or additional commercial mooring permits will be reviewed by the appropriate Harbor Management Committee and the Harbormaster who will make a recommendation to the Board of Selectmen.

3. Transient Rental Moorings: Those parties seeking to operate transient rental moorings (defined as any period less than 14 days) must make application for same to the Harbormaster. Approval of said transient rental mooring permit from the Harbormaster is conditioned upon the issuance of an Army Corps of Engineers' permit and any permit approved by the Harbormaster will not be deemed issued until the Army Corps of Engineers' permit is issued. The approval by the Harbormaster of the transient rental mooring permit will be deemed void if the Army Corps of Engineers' permit is not granted within 120 days of the Harbormaster's approval of the application, or any extension of said period. If an extension is going to be needed, the applicant must make a timely request to the Harbormaster for same along with supporting documentation. Applicants shall file with the Harbormaster a copy of their application to the Army Corps of Engineer when it is filed with the Corps. A copy of the permit from the Army Corps of Engineers, when issued, shall be filed with the Harbormaster. Due to the length of time involved in such applications, parties intending to offer transient rental moorings are cautioned to apply for approval from the Army Corps of Engineers and any other regulatory body early enough to complete the application process and obtain issuance of any permits or authorizations prior to the boating season.

4. Mooring Locations: Mooring tackle will be set, reassigned, relocated, or moved only upon the approval of the Harbormaster, in locations assigned by the Harbormaster and under the supervision or direction of the Harbormaster. All location assignments are of a temporary nature and no vested or property rights are created therein. There is no assurance of approval for or renewal of any particular assignment of location and all such approvals and assignments are subject to the discretion of the Harbormaster based on the needs of the community, conditions of the area involved, seasonal conditions, nature of the vessel and other circumstances related to the safe, efficient, and proper use of the waterways. Any abandoned mooring tackle, including blocks, found in any Town waterways including that not approved by the Harbormaster, may be considered as abandoned and will be removed and disposed of in accordance with the law and must be reported to the Harbormaster for disposition.

5. Applications for Mooring Permits: Individuals or businesses desiring a mooring in the Town of Tisbury must file a written application with the Harbormaster, along with a one time, non-refundable application fee of \$25.00 for each list on which the applicant wishes to be placed, i.e., Inner Harbor, Outer Harbor, Lagoon or Tashmoo. The application fee is for the processing of the application and is separate from any mooring fees required hereunder. Mooring Permit Applications not granted must be refiled annually, and be accompanied by a \$10.00 fee for each list that the applicant is on and wishes to retain his place, in order for the applicant to remain on the waiting list. If no annual re-application is so filed, as provided hereunder, the applicant's name will be removed from the waiting list, and those below that party on the list shall move up on the list accordingly.

a. The Harbormaster shall maintain a waiting list by specific harbor for private mooring space (*Private Mooring Waiting List*), commercial mooring space (*Commercial Mooring Waiting List*), and Town-maintained rental moorings (*Rental Mooring Waiting List*), and each list shall be updated at least annually.

6. Mooring Records and Lists: The Harbormaster shall keep a detailed record of each mooring, its location, and the permittee's name, address, telephone number, date the mooring was last inspected, and the name, length, draft, beam, and registration or documentation number of the vessel-of-record. Such information must be provided by the permittee. All permittees must inform the Harbormaster of any changes in the information pertaining to the record of each mooring. The maintaining of such information is for the convenience of the Town and is not an assurance that specific action, including contacting the owner, will occur.

7. As provided in Paragraph 6 above, available moorings shall be offered to the next named applicant on the mooring waiting list, subject to the constraints contained in these rules and regulations including the determination by the Harbormaster of the suitability of the mooring location. If the available mooring is not suitable in the Harbormaster's judgment to accommodate the next named applicant's vessel or specific needs, it shall be offered to the next named qualified applicant. The applicant so bypassed shall retain his or her place on the waiting list. An applicant who refuses a mooring offered by the Harbormaster or who does not notify the Harbormaster of his/her refusal or acceptance of said permit and pay the fee therefor within thirty (30) days after notice being issued by the Harbormaster shall forfeit his/her permit and be dropped from the waiting list.

a. Assignment of Mooring: When an applicant on the waiting list is given a mooring permit, there shall be a one-time assignment fee of \$50.00.

8. Renewal of Mooring Permit: All mooring permits shall expire on December 31, and should be renewed by January 31 of the following calendar year. Fees unpaid for more than three months from the billing date will cause the mooring permit to be revoked. The tackle must be removed by the permittee from that permitted location within 30 days of the Harbormaster's written revocation notice or such shorter time if the Harbormaster determines that the circumstances warrant such action. If the tackle is not so removed it may be removed by or at the direction of the Harbormaster and the costs associated therewith shall be the responsibility of the owner. Nothing contained herein shall constitute an assurance or obligation that the

Harbormaster will remove such tackle, and the obligation to do so and the liability arising from any such tackle shall remain that of the owner.

- a. Tackle not so removed may be considered abandoned and disposed of in accordance with applicable law.
- b. For the implementation of these regulations following their adoption, as an interim procedure, the applications for renewal must have been within thirty (30) days following the adoption of the regulations.

9. Mooring Permit Fee: All mooring applications must be accompanied by payment of the annual fee at the time of renewal or upon assignment of a new mooring location permit. Annual mooring fees will not be prorated.

10. Transferability: All mooring locations are and shall remain the jurisdiction of the Town of Tisbury and permits are not transferable. All such moorings and permits granted, including assignments of locations, are of a temporary nature and no property or vested rights are created or granted. The Harbormaster may in his or her discretion issue approvals, denials, assignments and grants of permits, assignments and approvals hereunder. A mooring location may not be sold, transferred, rented, swapped, reassigned, relocated, or bartered. If a permittee parts with possession of, or transfers the title or interest in the vessel identified in the mooring permit as the vessel of record, the permittee may replace that vessel with a new vessel of record if it is judged by the Harbormaster to be suitable for that mooring and must immediately file a new or amended mooring application with the Harbormaster for the approval of the Harbormaster, containing the information pertaining to the new vessel being proposed for that mooring.

- a. The ground tackle of an expired permit or person parting with the possession of or transferring the title or interest in the vessel, unless approval is granted for the new proposed vessel of record, must be removed at the expense of the individual who is quitting the mooring, or it may be sold to the next registered permit holder.
- b. Upon approval and assignment of a mooring, the new mooring holder will have an inspection performed and send the resulting report to the Harbormaster's Office. Following a satisfactory inspection, the new mooring holder may begin using the mooring. Compensation, if any, for the existing mooring gear is between the old and new mooring holders and not required by the Town. (Oct. 16, 2012)
- c. Sale of commercial enterprises which have moorings: Excepted from the foregoing prohibition on the transfer of mooring locations shall be sales of commercial businesses to which mooring locations have been assigned. In such instances, the mooring locations shall be assignable along with the sale of the business. The transferee shall have no greater rights than the transferor and shall remain subject to the rules and regulations and all other applicable laws, rules and regulations. The transferor and transferee shall apply to the Harbormaster for approval of the transfer of the mooring locations and shall supply to the Harbormaster relative thereto such relevant information as he/she may request. Upon approval by the Harbormaster, he/she shall endorse the mooring permit as transferred or may issue such other documentation to evidence his/her action on the request.
- d. Should next of kin (defined as mother, father, sister, brother, daughter, son or spouse) inherit and maintain the vessel-of-record, the mooring permit will be transferred to that individual.

11. The mooring location permit holder is required to notify the Harbormaster by April 1st of each year if the vessel-of-record will not be on the mooring during that year, whereupon the mooring will then be treated as the Town's mooring. The Harbormaster may then offer that mooring to the name on the top of the Rental Mooring Waiting List as a temporary mooring for the remainder, or any portion, of that year only.

- a. If the holder of a mooring permit in the Inner Harbor fails to notify the Harbormaster by June 15th of any year that the vessel-of-record will not be at that mooring location during that year, and has also not used that mooring by June 15th, the mooring will then be treated as the Town's mooring. The Harbormaster may then rent, for the benefit of the Town, the mooring as a transient rental mooring for the remainder, or any portion, of that year only.
- b. The failure of the permit holder to use his/her assigned mooring location for the vessel-of-record for at least 30 days in any of three consecutive years will, in addition to any other action which may be taken by the Harbormaster, be grounds for the Harbormaster not to renew or approve said permit after the third year.
- c. When a mooring is used by the Town for any reason except emergencies under paragraph 14 below, the Town shall assume full responsibility for that mooring during the period of use.

12. Emergency Conditions: The Harbormaster, in an emergency, may temporarily assign any vessel he/she deems proper to a vacant mooring so long as such temporary assignment does not interfere with the use of that mooring by the vessel-of-record.

- a. Boat owners having a mooring in the Outer Harbor must file written authorization, bearing the original signatures of the vessel owner and a person authorized to relocate the vessel, with the Harbor Master in case of weather emergency. Nothing contained herein shall constitute or be construed as an assurance that the Harbormaster will take any particular action in the event of an emergency. Each vessel/mooring owner and/or captain and or person in charge thereof is responsible for the safety of said vessel and the mooring and nothing hereunder and no action of the Harbormaster shall transfer that responsibility to the Harbormaster or the Town.

13. Mooring Buoys and Markings: All rental mooring buoys shall be of a distinctive marking approved by the Harbormaster. Markings of all mooring buoys shall be permanently attached or painted thereon and visible and legible whether the mooring is in use or not in use.

14. Winter Stakes: Winter stakes shall be installed not later than January 1 at all moorings not occupied by a vessel. Winter stakes shall be readily visible above the water at all times when installed and must have the mooring-registration number assigned by the Harbormaster visible and legible from at least two (2) sides when the stake is in place. No winter stakes shall be in place between June 1 and October 15. If a stake is not removed by June 1, the mooring shall be considered abandoned. If the stake is not removed by June 1, it may be removed by or at the direction of the Harbormaster and the costs associated therewith shall be the responsibility of the owner. Nothing contained herein shall constitute an assurance or obligation that the Harbormaster will remove such stake, and the obligation to do so and the liability arising from any such stake shall remain that of the owner. Stakes not so removed may be considered abandoned and disposed of in accordance with applicable law and the mooring permit for that location will be revoked.

15. Swim Floats: Swim Floats require a permanent mooring and must be removed and winter staked from November 15 to April 15. Applications for swim floats shall follow the same procedure for other mooring permits hereunder and shall otherwise be subject to these regulations and all other applicable laws, rules and regulations.

16. Floating Docks: Floating docks, permitted under G.L. c. 91 and by the Conservation Commission, require a permanent mooring and must be removed from November 15 to April 15. Applications for floating docks shall follow the same procedures for other mooring permits hereunder and shall otherwise be subject to these regulations and all other applicable laws, rules and regulations.

17. Care and Maintenance: All mooring tackle shall be safe and suitable for the purposes used and it shall be the responsibility of the owner or person in charge of same to ensure that said tackle is safe and suitable. Mooring tackle care and maintenance are the responsibility of the owner or person in charge,

whether or not that party is the permit holder. The owners or persons in charge, whether or not the permit holders are required to have their tackle inspected, by a Harbormaster-approved inspector, at least once every three years, and the top chain, pennant, and hardware are to be inspected annually. A complete inspection must be performed prior to any reassignment. An inspection report must be filed with the Harbormaster's office within 14 days of any inspection. Mooring tackle determined by the Harbormaster not to be serviceable or not in conformance with the Recommended Minimum Mooring Tackle Specifications established herein may result in removal by the Harbormaster, at the expense of the owner, of the tackle or vessel-of-record assigned to that mooring until the nonconformity is corrected, or an order for said removal. All mooring ground tackle will in all respects meet or exceed the Recommended Minimum Mooring Tackle Specifications and may not be varied without the express written permission of the Harbormaster. Failure to comply with this paragraph may result in immediate revocation of the mooring location permit and removal by the Harbormaster, at the expense of the owner, of the tackle or any vessel on such mooring, or any order for said removal. Nothing contained herein shall constitute an assurance or obligation that the Harbormaster will remove or order the removal of said vessel, and the obligation to do so and the liability arising therefrom shall remain that of the owner.

18. Utilization of proper mooring tackle is necessary to secure vessels adequately at their moorings. Storms, wind, waves, tides, currents, and wash must be considered when selecting appropriate hardware. The specifications for mooring tackle contained herein or as may be specified by the Harbormaster are only minimum standards for tackle reasonably believed under normal circumstances to be adequate to secure vessels in Tisbury waterways. These standards are advisory only, and the Town of Tisbury assumes no liability for personal injury or property damage which results from the utilization of any tackle which meets or exceeds these recommendations. Nothing contained herein shall constitute an assurance or obligation as to the suitability of said tackle or any tackle used.

a. Parties may exceed, with the permission of the Harbormaster, the minimum requirements and are urged to consult with their own marine professionals and experts as to the needs of their particular vessel and mooring location. The liability arising from any mooring tackle shall remain that of the owner except those under lease by the Town.

19. Vessels to be Operational: No vessel owner or person in charge thereof shall keep at a mooring an inoperable vessel for more than 30 days in any year, unless an extension is granted by the Harbormaster. An inoperable vessel is defined as a vessel whose main source of propulsion is designed to be an engine and which is incapable of being operated under its own power, or any vessel whose main source of propulsion is designed to be sail and which is unable to be sailed.

20. Inoperable vessels under winter storage: Excepted from the foregoing prohibition shall be vessels which are inoperable because they are moored during the winter storage period, which shall be from October 15 to May 15. All locations for winter storage shall be subject to the approval of the Harbormaster.

21. Alternative Moorings: Anyone wishing to use low impact mooring design may apply to a Harbormaster to use other technology. This will be called alternative moorings. An application will require the following:

- A complete design on paper showing all parts, pieces, connections, sizes etc.
- The calculated holding power of the mooring.
- The swinging radius including the boat.
- The proposed position of the mooring.
- A description of boat that will use the mooring.

The harbormaster may require additional information and may require professional review at the owner's expense. Approval will be up to the Harbormaster.

Should an alternative mooring be installed and later declared to be unsatisfactory by the Harbormaster, it shall be removed within 14 days.

TABLE A:

| Boat Length | Block Size |
|------------------|------------------|
| Up to 20 ft. | 1000 lb. |
| 20 ft. to 25 ft. | 2000 lb. |
| 26 ft. to 45 ft. | 4000 lb. |
| 46 ft. to 50 ft. | 6000 lb. |
| Over 50 ft. | Per harbormaster |

All moorings shall be sized according to the largest boat that might use the mooring. This could mean that the mooring is sized larger than the permit holder's boat.

INSPECTIONS: Regular inspections shall be done to meet both the manufactures recommendations and the Town Regulations. Any components damaged or not in good condition shall be replaced within 10 days of the inspection. The inspector shall complete and submit a town approved inspection form within 14 days of the inspection.

Any mooring using elastic band technology shall be inspected as follows:

Every Year: The low impact mooring and all its components shall be cleaned and inspected. This yearly inspection may be done by a qualified and approved diver.

Every Three Years: All the mooring components (excluding the block or helix) must be removed from the water for a more complete inspection. All the components must be cleaned and inspected for damage, wear, and corrosion, etc. Any components showing more than 20 % wear shall be replaced. In addition to the normal inspection the length of the elastic rode must be measured and checked against the installed length. Any yield more than 10 % shall require replacement of the elastic rode.

Every Six Years: All the mooring components (including the block or helix) must be removed from the water for a more complete inspection. All the components must be cleaned and inspected for damage, wear, and corrosion, etc. Any components showing more than 20 % wear shall be replaced. In addition to the normal inspection the length of the elastic rode must be measured and checked against the installed length. Any yield more than 20 % shall require replacement of the elastic rode.

INSTALLERS: Installers shall be approved by the Harbormaster. Criteria for approval shall include but not be limited to: Availability of sufficient and proper equipment to perform the work safely and professionally. Knowledge of mooring systems and proper rigging. Experience and reputation working on mooring systems. Ability to perform in a professional manner.

INSPECTORS: Inspectors shall be approved by the Harbormaster. Criteria for approval shall include but not be limited to: Availability of sufficient and proper equipment to perform the work safely and professionally. Knowledge of mooring systems and proper rigging. Experience and reputation working on mooring systems. Ability to perform in a professional manner.

Specific to diving inspectors is a ability to perform rigging tasks reliably under water and the requirement to have a surface monitor present together with the required divers down flags, etc.

22. Nothing contained herein shall constitute a limitation as to the authority of the Town or Harbormaster under any other applicable law, rule or regulation and all such authority is specifically reserved. All permits, approvals, and assignments are issued subject to the conditions contained herein and are subject to such further directives and conditions as may be determined by the Harbormaster to be necessary and appropriate under the circumstances of the particular matter. By applying for and receiving any permit, approval, assignment or authorization hereunder, the applicant and or permit holder agrees to be bound by the terms hereof and to the extent necessary grants a license to the Town and Harbormaster as may relate to access and use of any mooring as provided for hereunder. By issuance of any such permit, approval, assignment or authorization hereunder, the Town grants a license, subject to the terms and conditions of these regulations and the authority of the Town and Harbormaster, to the use of said mooring.

23. Nothing contained herein is intended to be nor shall constitute or be construed to be intended or constituted to be an explicit or inferred specific assurance of safety or assistance or of any particular action by the Harbormaster.

24. The term “Harbormaster” means the person so appointed to serve as such, the person acting as “Acting Harbormaster”, if any, any Assistant Harbormaster or Deputy Harbormaster or any persons authorized to act in the place of and for the Harbormaster.

25. The captions to any section of these regulations are for editorial purposes only.

26. Severability: Should any portion of these regulations be determined to be invalid for any reasons and such determination is upheld, such determination shall not affect the remaining provisions of these regulations which shall remain in full force and effect, and to this end the provisions of these regulations are hereby declared to be severable.

27. Enforcement: These regulations will be enforced by the Harbormaster or designee, and any police officer of the Town of Tisbury.

28. Penalties: Each day on which any violation or offense shall exist shall be deemed to be a separate violation or offense. Nothing contained herein shall be construed to be a limitation of any method of enforcement, including criminal, civil, or non-criminal disposition.

a. Criminal Complaint: Whoever violates any provision of these Regulations may be penalized by indictment or on complaint brought in the District Court. Except as may be otherwise provided by law and as the Court may see fit to impose, the maximum penalties for each violation or offense shall not be more than \$50.00 dollars.

c. Non-criminal Disposition: Whoever violates any provision of these regulations may be penalized by the non-criminal disposition method as provided for in G.L. c. 40, section 21D, as the same is or may hereafter be amended or supplemented. Nothing contained herein shall require the use of the non-criminal disposition method. The non-criminal disposition penalty for each violation shall be \$25.00 dollars, unless otherwise allowed by law.

RECOMMENDED MINIMUM MOORING TACKLE SPECIFICATIONS

Utilization of proper mooring tackle is necessary to secure vessels adequately at their moorings. Storms, wind, waves, tides, currents, and wash must be considered when selecting appropriate hardware. The specifications for mooring tackle contained herein or as may be specified by the Harbormaster are only minimum standards for tackle reasonably believed under normal circumstances to be adequate to secure vessels in Tisbury waterways. These standards are advisory only, and the Town of Tisbury assumes no liability for personal injury or property

damage which results from the utilization of any tackle which meets or exceeds these recommendations. Nothing contained herein shall constitute an assurance or obligation as to the suitability of said tackle or any tackle used.

MOORING SYSTEM FOR LAKE TASHMOO (OUTSIDE GRID) AND LAGOON POND

| Length of Boat (feet) | Mushroom Mooring | Chain (Inches) | Nylon Pennant (Inches) |
|--------------------------|---------------------|-------------------|---------------------------|
| Under 18 | 100 lbs. | 1/2 | 1/2 |
| 18 to 23 | 150 lbs. | 5/8 | 5/8 |
| 23 to 29 | 250 lbs. | 5/8 | 5/8 |
| 30 to 39 | 500 lbs. | 3/4 | 3/4 |
| 40 to 49 | 750 lbs. | 1 | 1 |

- Total scope to be 3 1/2 times the depth of water at storm high tide. Chain length is to be at least 2 times the depth of water at Storm High Tide. Concrete blocks may be substituted in the ponds as per the Vineyard Haven Harbor schedule.
- All pennant lines running through a chock or any other object where chafing may occur should have adequate chafe guards.
- All shackles, swivels and other hardware used in the mooring hookup should be proportional in size to the chain used. All shackles should be properly seized.
- The pennant shall be spliced and shackled into the bitter end of the top chain. The use of a second pennant in heavy weather is encouraged. All moorings shall have a buoy with its number on both sides and the vessel-of-record's name or registration number on it.

MOORING SYSTEM FOR LAKE TASHMOO MOORING GRID ONLY

| Registered Boat Length on Deck (feet) | Block (pounds) | Bottom Chain (Inches) | Top Chain (Inches) | Nylon Pennant (Inches) |
|---|-------------------------|--------------------------|-----------------------|---------------------------|
| Under 18 | Min. 100 Mushroom. | 1/2 | 3/8 | 1/2 |
| 18 to 25 | Min.1000; Max. 2000lbs. | 1/2 | 3/8 | 5/8 |
| 26 to 40 | 3000 | 3/4 | 5/8 | 7/8 |
| 41 to 49 | 4000 | 1 | 5/8 | 1 |
| 50 to 75 | 6000 | 1¼ | 3/4 | 1¼ |

- Total scope to be 3 times the depth of water at mean high tide. Chain length is to be at least 2 times the depth of water at mean high tide.

The maximum length of the pennant will be two and one half the distance from the bow chock to the mooring cleat or post. (approximately 8 to 10 feet).

- All pennant lines running through a chock or any other object where chafing may occur should have adequate chafe guards.
- All shackles, swivels and other hardware used in the mooring hookup should be proportional in size to the chain used and of domestic manufacture meeting Federal Specifications RR-C-271 D. All shackles should be properly seized.
- The pennant shall be spliced on a thimble and shackled into the bitter end of the top chain. The use of a second pennant in heavy weather is encouraged. All moorings shall have a buoy with its number on both sides and the vessel-of-record's name or registration number on it. Mooring buoys shall be of the type that the chain runs through and the pennant shall be attached at the top.

MOORING SYSTEM FOR VINEYARD HAVEN HARBOR

| Registered Boat Length on Deck (feet) | Block (pounds) | Bottom Chain (Inches) | Top Chain (Inches) | Nylon Pennant (Inches) |
|---------------------------------------|----------------|-----------------------|--------------------|------------------------|
| Under 20 | 1000 | 1/2 | 3/8 | 5/8 |
| 20 - 30 | 3000 | 5/8 | 1/2 | 3/4 |
| 30 - 39 | 4000 | 3/4 | 5/8 | 7/8 |
| 40 - 49 | 4000 | 1 | 5/8 | 1 |
| 50 - 75 | 4000 | 1 1/4 | 3/4 | 1 1/4 |

Vessels 75 feet and over must consult with the Harbormaster.

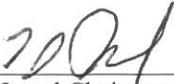
- The total scope of the chain should be 2 1/2 times the depth of the water at storm high tide. The heavy bottom chain is to be 1 1/2 times the depth, and the light chain length is to be the same as the depth of the water.
- The maximum length of the pennant will be two and one-half times the distance from the bow chock to the water plus the distance from the bow chock to the mooring cleat or post.
- All pennant lines running through a chock or any other object where chafing may occur should have adequate chafe guards.
- All shackles, swivels and other hardware used in the mooring hookup should be proportional in size to the chain used and of domestic manufacture meeting Federal Specifications RR-C-271 D. All shackles should be properly seized.
- The pennant shall be spliced and shackled into the bitter end of the top chain. The use of a second pennant in heavy weather is encouraged. All moorings shall have a buoy with its number on both sides and the vessel-of-record's name or registration number on it. Mooring buoys shall be of the type that the chain runs through and the pennant shall be attached at the top.

APPLICATION, MOORING AND PIER FEES

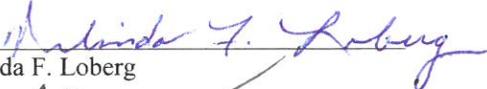
Please see Attachment A.

Given under our hand this second day of October 2018

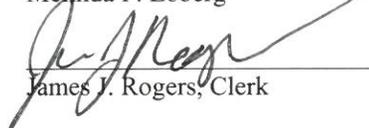
Tisbury Board of Selectmen



Tristan R. Israel Chairman



Melinda F. Loberg



James J. Rogers, Clerk

Attachment A:Tisbury Mooring Fees

| <u>Length</u> | | <u>2014</u> | <u>+ 5%</u> <u>2015</u> | <u>2016</u> | <u>+10%</u> <u>2017</u> | <u>2018</u> |
|-----------------------------|--------------|-------------|----------------------------|-------------|----------------------------|-------------|
| | | \$ | \$ | \$ | \$ | \$ |
| Under 20 | | 82.50 | 86.75 | 86.75 | 95.50 | 95.50 |
| 20 - 30 | | 137.50 | 144.50 | 144.50 | 159.00 | 159.00 |
| 30 - 39 | | 192.50 | 202.25 | 202.25 | 222.50 | 222.50 |
| 40 - 49 | | 247.50 | 260.00 | 260.00 | 286.00 | 286.00 |
| 50 - 59 | | 302.50 | 317.75 | 317.75 | 349.50 | 349.50 |
| 60 - 69 | | 357.50 | 375.50 | 375.50 | 413.00 | 413.00 |
| 70 -79 | | 412.50 | 433.25 | 433.25 | 476.50 | 476.50 |
| 80 - 89 | | 467.50 | 491.00 | 491.00 | 540.00 | 540.00 |
| 90 -99 | | 522.50 | 548.75 | 548.75 | 603.50 | 603.50 |
| 100 ft. and over | | 577.50 | 606.50 | 606.50 | 667.00 | 667.00 |
| Commercial Fisherman | | | | | | |
| Tashmoo Moorings | | 585.00 | 614.25 | 614.25 | 675.50 | 675.50 |
| Leases | | | | | | |
| Summer | | | | | | |
| Under 30 ft. | Resident | 825.00 | 866.25 | 866.25 | 953.00 | 953.00 |
| Under 30 ft. | Non-Resident | 1,320.00 | 1,386.00 | 1,386.00 | 1,524.50 | 1,524.50 |
| 30 ft. & over | Resident | 1,100.00 | 1,155.00 | 1,155.00 | 1,270.50 | 1,270.50 |
| 30 ft. & over | Non-Resident | 1,540.00 | 1,617.00 | 1,617.00 | 1,778.50 | 1,778.50 |
| Shoulder | Resident | 200.00 | 210.00 | 210.00 | 231.00 | 231.00 |
| | Non-Resident | 330.00 | 346.50 | 346.50 | 381.00 | 381.00 |

| | | | | | | |
|---------------|--------------|--------|--------|--------|--------|--------|
| Winter | Resident | 475.00 | 498.75 | 498.75 | 548.50 | 548.50 |
| | Non-Resident | 600.00 | 630.00 | 630.00 | 693.00 | 693.00 |

Subtotal Moorings & Leases

Commercial

| | | | | | |
|---------------------|--------|--------|--------|--------|--------|
| Inner Harbor | 330.00 | 346.50 | 346.50 | 381.00 | 381.00 |
| All Other Locations | 165.00 | 173.25 | 173.25 | 190.50 | 190.50 |

Town mooring fee per night 50.00 50.00 50.00 50.00 50.00 50.00 50.00

Owen park pier fees 25 feet and under OAL: \$5.00 per hour from 10 a.m. To 4 p.m.
Over 25 feet OAL: \$10.00 per hour from 10 a.m. To 4 p.m.
\$1.00 per foot overall (\$30 minimum) from 4 p.m. To 10 a.m.
\$5.00 per day for commercial fishermen

NON-REFUNDABLE APPLICATION FEE \$25.00 PER LOCATION