

TOWN OF ORLEANS

MOORING/DOCKING REGULATIONS AND POLICIES

As amended May 13, 2009

Section A. Mooring Permits

(1) Mooring Permit Required

No person shall keep or moor any vessel, float, or raft greater than nine (9) feet in overall length in or on the waters, flats, or shores of the town of Orleans, except when tied to a private pier, without first obtaining a mooring permit and mooring permit sticker from the Harbormaster.

(2) Mooring Permit Types

Type 1: Individual permit. A Type 1 permit may be issued to an individual vessel owner for a specific vessel and shall entitle the permit holder to moor their vessel at a location designated by the Harbormaster.

Type 2: Blanket permit. A Type 2 permit may be issued to a commercial marina, sailing school, or other similar private recreational boating facility or association and shall entitle the permit holder to maintain a mooring field at a location designated by the Harbormaster.

(3) Mooring Permit Sticker and Fee

- a. Mooring permit stickers, issued annually by the Harbormaster, shall be affixed to the port bow of the permitted vessel.
- b. No more than one mooring permit sticker shall be issued for a vessel.
- c. Mooring permit stickers shall be valid for a period of one year terminating on December 31 of each year unless sooner suspended or revoked by the Harbormaster.
- d. The annual fee for a mooring permit sticker shall be as follows:

- 1) **Type 1 Resident Commercial:** In order to be eligible for a Resident Commercial mooring permit, an applicant must meet all of the following conditions:
 - Be a resident of Orleans or Eastham.
 - Hold a current commercial license to sell shellfish, finfish, or lobster issued by the Massachusetts Division of Marine Fisheries.
 - If a resident of Eastham, hold a current Orleans commercial shellfish permit.

The annual fee for a Resident Commercial permit shall be thirty dollars (\$30).

- 2) **Type 1 Resident or Non-Resident:** Beginning July 1, 2008, the annual fee shall be sixty-four dollars (\$64). Beginning July 1, 2009, the annual fee shall be seventy-five dollars (\$75).

- 3) **Type 2:** Beginning July 1, 2008, the annual fee shall be one hundred thirty-nine dollars (\$139). Beginning July 1, 2009, the annual fee shall be two hundred dollars (\$200).

(4) Mooring Buoys and Identification

Mooring buoys shall be of white styrofoam, rubber, or plastic material and shall have the assigned mooring permit number permanently and legibly displayed on the buoy in numbers no less than one (1) inch in height and in a color that contrasts with that of the buoy.

(5) Mooring Permit Use

Failure to set and use a mooring and mooring permit annually shall, unless otherwise authorized in writing by the Harbormaster, result in the revocation of said permit.

(6) Mooring Permit Transfer Prohibited

Mooring permits shall be issued by the Harbormaster for a specific vessel owner. No mooring permit shall be transferable to another person, except to a person within the immediate family of the permit holder with the approval of the Harbormaster.

(7) Relocation of Moorings Prohibited

Mooring permits shall be issued by the Harbormaster for a specific location to be designated by the Harbormaster. No mooring permit holder shall relocate his or her mooring to another location without the prior written approval of the Harbormaster.

(8) Vessel and Owner Information

Mooring permits shall be issued for a specific vessel and its owner. All information provided to the Harbormaster pertaining to the vessel and its owner (*Owner's name, address, and phone number, vessel make, length, year, color, state registration number if applicable, vessel name, and engine make and horsepower*) shall be kept current and accurate. It shall be the responsibility of the mooring permit holder to notify the Office of the Harbormaster of any change in the permit holder's address or phone number. No change of vessel information shall be allowed without the prior approval of the Harbormaster.

(9) Mooring and Tender Removal - Annual

Moorings and tenders (*a.k.a. dinghies, prams, etc.*) shall be removed from the waters, flats, or shores of the town of Orleans by no later than November 15th annually, unless otherwise authorized by the Harbormaster.

Section B. Mooring Permit Issuance and Renewal

(1) Mooring permit issuance

a. The determination as to whether a **Type 1** individual mooring permit will be issued shall be made at the sole discretion of the Harbormaster. In making that decision, the Harbormaster may consider, but shall not be limited to, one or more of the following factors:

1. A chronological waiting list of mooring permit requests
2. The number of vessels currently moored in the area
3. Physical characteristics of the vessel (*e.g. size and type*)
4. Availability of, and proximity to, parking or lawful access
5. Potential for impact on navigation
6. Potential for impact on any natural resource
7. Purpose of vessel use (*e.g. commercial or recreational*)

b. The determination as to whether a **Type 2** blanket-mooring permit will be issued shall be made by the Harbormaster who may seek a recommendation from the Board of Selectmen. In making that decision, the Harbormaster may consider, but shall not be limited to, one or more of the following factors:

1. Purpose of Type 2 permit (*e.g. marina, sailing school, etc.*)
2. Proximity of the area to other mooring fields or public access points
3. A chronological waiting list of mooring permit requests and the potential effect that the issuance of a Type 2 permit would have on said waiting list
4. The number of vessels currently moored in the area in question
5. Physical characteristics of the vessels (*e.g. size and type*)
6. Availability of, and proximity to, parking or lawful access
7. Potential for impact on navigation
8. Potential for impact on any natural resource
9. The interest, needs, or welfare of the public

c. A vessel owner requesting a mooring permit shall complete and submit a “*Town of Orleans Mooring Permit Application*” and provide the necessary fee to the Office of the Harbormaster. Mooring permit applications shall be processed as follows:

1. For **Type 1** applications, the Harbormaster shall act upon the application within a period of fifteen (15) days from receipt. The Harbormaster shall not discriminate against any applicant on the basis of residency, race, religion, sex, age, disability, or other illegal distinction.

2. For **Type 2** applications, the Harbormaster may request a meeting with the Board of Selectmen to review the application. If at such meeting, the Board of Selectmen recommends that a public hearing be conducted, the Harbormaster shall not act upon the application until such a hearing has been concluded. The Harbormaster may, on

his own initiative, conduct a public hearing on any such application. The Harbormaster shall act upon the application within thirty (30) days from receipt unless a public hearing is conducted, in which case the Harbormaster shall act upon the application within ten (10) days of the close of the public hearing. In no event shall the public hearing process exceed a period of ninety (90) days from the date of the completed application without the written consent of the applicant.

3. If the application is approved, the mooring permit and mooring permit sticker for the appropriate year shall be issued by the Harbormaster.

(2) Mooring permit renewal - Annual

a. The Harbormaster shall allow, subject to all applicable local and state regulations, by-laws, and statutes, a previous mooring permit holder to renew, on an annual basis, his or her mooring permit for a period of one (1) year or appropriate fraction thereof, terminating on December 31 of each year.

b. The Harbormaster shall provide a mooring permit holder with an annual “Mooring Permit Renewal” form.

c. A mooring permit holder who wishes to renew the permit shall:

- 1) Ensure that the renewal form is completed and that all information contained therein is accurate.
- 2) Return the renewal form with the necessary payment to the Office of the Harbormaster between January 1 and March 31 inclusive.

d. A mooring permit holder who does not wish to renew his or her mooring permit should so indicate on the renewal form and return said form to the Office of the Harbormaster.

e. Mooring permits must be renewed annually between January 1 and March 31 inclusive. Failure to renew during this period shall result in the revocation of the mooring permit.

Section C. Mooring Waiting Lists

(1) Establishment of a Mooring Waiting List

The determination as to whether a mooring waiting list will be established for a specific location shall be made at the sole discretion of the Harbormaster. In making that decision, the Harbormaster may consider, but shall not be limited to, the following factors:

- a. The number, size, and type of vessels currently moored in the area
- b. Availability of, and proximity to, parking or lawful access
- c. Potential for impact on navigation in the area
- d. Potential for impact on any natural resource in the area

(2) *Placement on a Mooring Waiting List and Fee*

a. The determination as to whether a mooring waiting list applicant's name will be placed on a waiting list for a mooring shall be made at the sole discretion of the Harbormaster. In making that decision, the Harbormaster may consider, but shall not be limited to, the following factors:

1. Date of application
2. Physical characteristics of the vessel (*e.g. size and type*)
3. Availability of, and proximity to, parking or lawful access
4. Purpose of vessel use (*e.g. commercial or recreational*)

b. The applicant for a mooring waiting list shall complete and submit a "*Town of Orleans Mooring Waiting List Application*" and provide the necessary fee to the Office of the Harbormaster. The fee shall be five dollars (\$5) per mooring waiting list annually.

c. The applicant for a mooring waiting list shall provide current and accurate vessel information on their mooring waiting list application. Any subsequent changes to the vessel information contained within the original application must be approved by the Harbormaster. Failure to provide current and accurate vessel information may result in removal from the mooring waiting list.

d. Upon receipt by the Harbormaster of a mooring waiting list application, the Harbormaster shall enter the date of receipt on the application and add the name of the applicant and a description of the applicant's vessel to the chronological mooring waiting list for the area requested.

e. All mooring waiting lists shall be posted at the Office of the Harbormaster and shall be up-dated regularly.

(3) *Mooring Waiting List Renewal*

a. The Harbormaster shall provide those individuals on the mooring waiting lists with an annual "*Mooring Waiting List Renewal*" form.

b. If the individual on the mooring waiting list wishes to renew their place on the mooring waiting list, they shall:

1. Ensure that the information on the renewal form is accurate and sign the renewal form.
2. Return the renewal form with the necessary payment to the Office of the Harbormaster between January 1 and March 31 inclusive.

(4) *Removal from a Mooring Waiting List*

1. An individual on the mooring waiting list who does not wish to renew their place on a mooring waiting list should so indicate on the renewal form and return said form to the Office of the Harbormaster.

2. An individual on the mooring waiting list must renew their place on the mooring waiting list annually between January 1 and March 31 inclusive. Failure to renew during this period shall result in removal of the individual's name from the mooring waiting list.

(5) Assignment of a Mooring to an Individual from a Mooring Waiting List

When a mooring location becomes available, the Harbormaster may offer the site to the first individual on the mooring waiting list with a vessel appropriate in size or type as determined by the Harbormaster for the mooring location. If the individual chooses not to accept the location, the Harbormaster shall contact the next individual(s) on the mooring waiting list with a vessel appropriate in size or type as determined by the Harbormaster for the mooring location until the space has been assigned.

Section D. Mooring Tackle Specifications

All moorings are required to be of the mushroom anchor design unless otherwise authorized by the Harbormaster.

"Double anchoring" (*anchoring bow and stern*) of vessels is prohibited except with the express permission of the Harbormaster.

Please note that the tackle specifications outlined below are minimum standards and are not adequate for storm or hurricane protection:

LENGTH OF VESSEL	PROTECTED AREA	NON-PROTECTED
Under 16'	50lbs.	75lbs.
16'-19'	75lbs.	100lbs.
19'-26'	100lbs.	150lbs.
26'-30'	150lbs.	200lbs.
30'-40'	200lbs.	250lbs.
Over 40'	<i>As specified by Harbormaster</i>	

MUSHROOM SIZE (lbs.)	CHAIN/SHACKLE (inches)	LINE DIAMETER (inches)
50	3/8	1/2
100	3/8	1/2
150	1/2	5/8
200	5/8	5/8
Over 200	<i>As specified by Harbormaster</i>	

• **MOORING BUOYS** shall be of white styrofoam, rubber, or plastic material and shall have the assigned mooring permit number permanently and legibly displayed on the buoy in numbers no less

than one inch in height and in a color that contrasts with that of the buoy.

- **TOTAL LENGTH OF MOORING, CHAIN, AND PENNANT** shall be equal to at least three (3) times but, without the permission of the Harbormaster, shall not be more than four (4) times the depth of the water at Mean High Water, where the mooring is located.
- **MOORING PENNANTS (HAWSERS)** shall be three-strand nylon or equivalent, shall not float, shall be fitted with thimbles of appropriate size where they are attached to chain or metal fittings and shall be equipped with adequate chaffing gear where they pass through chocks or hawseholes.
- **SHACKLES AND SWIVELS** shall be safety wired or welded to prevent loosening.

Section E. Mooring Inspection, Relocation, or Removal

(1) Mooring Inspection or Removal

The Harbormaster, Assistant Harbormasters, or their agent may, at any time, inspect any mooring located in the waters of Orleans and may remove or cause to be removed any mooring that fails to meet all of the provisions of the regulations contained herein. Any expense for inspection or removal and any liability incurred therefore shall be the responsibility of the permit holder / owner of said mooring.

(2) Mooring Relocation or Removal

The Harbormaster, Assistant Harbormasters, or their agent may, at any time, relocate, remove, or cause to be relocated or removed, any mooring or vessel whenever, in their judgment, the safety of others vessels is in jeopardy or maximum use of the area requires such action. Any expense for relocation or removal of a mooring or vessel and any liability incurred therefore shall be the responsibility of the mooring permit holder.

Section F. Use of Town Landings, Bulkheads, Piers, and Docks

(1) Town Landings

Mooring permit holders shall be allowed to access their moorings from town landings. To the extent that sufficient space is available as determined by the Harbormaster, mooring permit holders may keep their tenders at town landings subject to the conditions contained within Section B sub-section 9 herein. This regulation does not authorize the keeping of tenders on private property or trespassing on private property.

(2) Town Bulkheads, Piers, and Docks

Mooring permit holders shall be allowed to access their moorings from town bulkheads, piers, and docks. No vessel may remain tied to a town bulkhead, pier, or dock for a period in excess of one-half (1/2) hour without the express permission of the Harbormaster or Assistant Harbormasters. In addition to any fine for violation of this ordinance, the Harbormaster, Assistant Harbormasters, or their agent may remove or cause to be removed the vessel in violation. Any expense for removal of said vessel and any liability incurred therefore shall be the responsibility of the owner of the vessel.

Section G. Appeal of Harbormaster Decision

Any mooring permit holder or applicant for a mooring permit or mooring waiting list aggrieved by a decision of the Harbormaster or any condition or restriction imposed relative to such mooring or application, pursuant to Massachusetts General Law Chapter 91, Section 10A and 310 Code of Massachusetts Regulations 9.07, may appeal in writing to the Massachusetts Department of Environmental Protection Waterways Division in accordance with the appeal procedures of that Department.

Penalties

In addition to any other penalties specified within these regulations or the Orleans Waterways Bylaw, violation of any provision of the following sections shall be punished by a fine of fifty (\$50) dollars: Section A. and Section F.

Whoever violates any provision of Section A. subsections 4 through 8 or Section E. may be subject to revocation of their mooring permit by the Harbormaster.

Whoever violates any provision of Section A. subsection 9 may be subject to a one (1) year suspension of their mooring permit by the Harbormaster.