

Manchester Harbor
Mooring & Waterway Regulations

March 2011

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Section A: Introduction / Definitions

In order to better promote fair and adequate public access and to provide the efficient and effective management of the town's harbors and waterways, the Town of Manchester-by-the-Sea adopts the following regulations for the mooring, and use of vessels, floats, rafts, and related structures within the tidal waterways of the Town of Manchester-by-the-Sea.

Authority

Pursuant to the general authority under Massachusetts General Laws, the Town of Manchester-by-the-Sea is authorized to issue temporary annual permits to the public for the mooring of vessels and related structures under such terms, conditions, and restrictions that may be deemed necessary for the benefit of the public.

Ownership of Mooring Sites

Because the land beneath the tidal waters of the Town of Manchester-by-the-Sea is owned by The Commonwealth of Massachusetts and is held for the public trust as part of the public domain, all moorings are of a temporary nature. No person has a property right in any mooring location without an express grant by the Commonwealth or express Act by the state legislature.

Harbormaster

"Harbormaster" means the duly appointed Harbormaster or Assistant Harbormaster.

Permit Sticker

Permit sticker means a small decal type sticker issued annually by the Harbormaster. It is to be affixed to the outside of a transom's upper starboard side. Stickers are issued for Mooring Permits & Dinghy Dock Permits.

Mooring Permit

All vessels that habitually use the harbor and are moored by means of a ground tackle system located within designated mooring areas, or a vessel berthed alongside a dock, or within a slip, private or commercial, are required to display a "Mooring Permit Sticker". Application for a mooring permit sticker is made through the Harbormaster's office. The annual permit fee will be posted on the application form.

Certified Vessel Owner

For the purpose of these Harbor Regulations, a "Certified Vessel Owner" is the legal owner of a vessel as confirmed by documents such as: state registration form, USCG documentation papers, bill of sale, or other legal documents stating vessel ownership, or authorized use if leased or chartered.

Vessel of Record

The Vessel of Record for a mooring permit must be registered, if required by state boating law, documented, leased, or chartered to the permit holder in the permit holder's name. A jointly-owned Vessel of Record receives one permit listing the registered owner.

Vessel Length

1. In order to calculate the mooring permit fee, the following measurement shall apply: the length overall (LOA) of a vessel *exclusive* of bowsprits, booms, boomkins, drafts, swim platforms, outboard rudders, and outboard engines is considered the vessel length.
2. In order to calculate a vessel's size for the purpose of mooring assignment location, the following shall apply: the vessel's length shall include bowsprits, booms, boomkins, outboard rudders, swim platforms, and outboard engines. Total vessel length will be rounded up to the nearest foot.

All Mooring Locations Must be Approved by the Harbormaster

1. The Harbormaster is responsible for the assignment of all mooring locations within Manchester waterways.
2. Installation of a new mooring must be set under the supervision, or at the direction of the Harbormaster.
3. Mooring tackle set without prior authorization of the Harbormaster shall be ordered removed immediately by the Harbormaster at the owner's expense.

Commercial Fishermen - Mooring Area "B"

1. For the purpose of Manchester Harbor mooring and permitting regulations in Area "B" as pertaining to commercial fishermen, the following definition will apply: "A commercial fisherman is defined as a person who makes his living by catching fish, is a member of any industry concerned with catching or trapping fish, shellfish, or other sea life for commercial sale".
2. Charter fishing boat operators and recreational fishermen are NOT considered commercial fishermen; and therefore will not be granted any special consideration for a mooring permit in "Area B".

Section B: General Regulations

1. No vessel shall be moored or anchored so as to interfere with free and unobstructed use of channels, fairways, or berthing spaces without express written approval of the Harbormaster.
2. No person or persons (ashore or aboard a vessel) will allow the discharge of sanitary waste, trash, or other debris to enter Manchester waterways.
3. Speed in the harbor is limited to “headway speed” (the slowest speed at which a vessel may be operated and maintain steerage).
4. Mooring Areas are designated as follows:

Area	Location
A	Inner harbor, north of Railroad Bridge
B	Head of main harbor, east of line between westerly end of Masconomo Park and pier of railroad drawbridge
C	Central harbor, extending westward from Area B to line between westerly end of Reed’s Island and southerly end of Norton’s Point
D	Whittier’s Cove; (Tuck’s Point)
E	Proctor’s Cove
F	Area west of Bow Bell Ledge (Nun #12)
G	Off West Manchester
M	Magnolia Harbor (waters incorporated to the Town of Manchester

5. Maximum boat length in the mooring field of areas A, B, C, D, E, and F is 45 feet, including bowsprit, davits, boomkin, swim platforms, and outboard engines.
6. The holder of a mooring permit must notify the Harbormaster if the assigned boat will be absent from the mooring in excess of 14 days.
7. No permanent setting of moorings, lobster pots with buoys attached, or any other type of gear with buoys attached will be allowed in Manchester’s Main Harbor Channel (extending from Red Nun “6” and Green Can “7” to the head of the harbor).
8. No vessel shall be tied to any public dock or landing for a period greater than 60 minutes without the express permission of the Harbormaster.
9. Abandonment of any boat in town waterways or placing a boat on an unauthorized mooring is prohibited.

Section C: Mooring Management

1. An individual can only be assigned a maximum of two mooring permits.
2. Mooring permits are issued for one specific Vessel of Record along with a Certified Owner of the Vessel of Record.
3. No mooring permit holder may place or allow placement of a vessel other than the Vessel of Record on a mooring without prior authorization of the Harbormaster.
4. A mooring permit holder may allow use of his/her mooring by a visiting yacht of an appropriate size with permission of the Harbormaster.
5. A mooring permit must be applied for annually and must be filed on or before March 31st.
6. All mooring marker buoys must be in place and properly marked with the permitted area and number no later than June 1st.

Application for a Mooring Permit

Any person desiring a mooring must complete a mooring wait list application, along with the published wait list fee in order to be entered on the wait list. All applications will be submitted through the Harbormaster's office or online through the Harbormaster's web site.

Original Mooring Permit Application (Joint- or Co-Ownership)

All names of joint owners of a vessel must appear on the "ORIGINAL Mooring Permit Application". If a vessel's owner allows a joint owner, or co-owner(s) to share an interest in the vessel after the ORIGINAL mooring permit is granted; the joint owner or co-owners will not be entitled to mooring transfer rights or share in the use of the mooring. Proof of joint ownership (bill of sale, etc), shall accompany the original application.

Waiting Lists

1. The Harbormaster maintains three types of public mooring wait lists:
 - "The Mooring Change List" – for current mooring permit holders who wish to change their mooring location;
 - "The Mooring Wait List" – for applicants who do not currently hold a mooring permit;
 - "The Commercial Fishermen Wait List" – for commercial fishermen seeking moorings located in Area B. A dinghy space accompanies a commercial fisherman's mooring permit.
2. The Harbormaster maintains all wait lists and posts them publicly at the harbormaster's office as well as other suitable venues.
3. All applicants on the waiting lists must file an annual renewal application on or before MARCH 31st of each year on a form provided by the Harbormaster with

the appropriate renewal fee. Failure to renew by the due date will result in removal from the waiting list.

4. Waiting list positions are transferable to parents, spouse or children only in the event of death of the original applicant.
5. Any falsification of wait list application information will automatically result in the wait list applicant being removed from the wait list.

Mooring Assignment

1. When a mooring location becomes available, the Harbormaster offers the location to the first applicant on the "Change List" providing the vessel is suitable for the available location. Boats will be assigned a mooring based on parameters such as length, draft, beam, sail or power, inboard or outboard engine etc. THE HARBORMASTER WILL EXERCISE DISCRETION IN ASSIGNING MOORINGS! SIGNIFICANT CHANGES WILL BE DOCUMENTED.
2. Applicants bypassed because the location cannot accommodate their vessel retain their positions on the change list.
3. If there is no applicant on the entire change list whose vessel is suitable for the available location, the Harbormaster offers the location to the first applicant on the "Mooring Wait List" whose vessel is suitable for the available location.
4. Applicants notified of the availability of a mooring location have 14 business days to respond. Under unusual circumstances the Harbormaster can waive the applicant's response time.
5. Notified applicants who refuse an initial mooring assignment retain their position on the waiting list.
6. Applicants who decline a second mooring assignment offer or who do not respond to a second offer within 14 business days after notification, forfeit their position on the waiting list. Under unusual circumstances the Harbormaster can waive the applicant's response time.
7. Once issued a permit, if the permit holder fails to place the Vessel of Record on the mooring location within 12 months, the mooring permit will be revoked and the mooring location reassigned.

Mooring Assignment List

1. The Harbormaster maintains a list of all assigned moorings. The list includes the permit number, mooring location area, assignee's name, address, telephone number, vessel's size & name, type, and registration or documentation number.
2. The assignment list is posted publicly at the Harbormaster's office as well as periodically in other suitable venues.
3. Active commercial fishermen receive priority for mooring locations that become available in Area "B". Other commercial enterprises receive no such priority in

Area "B".

4. Commercial fishermen may also be assigned a mooring permit for recreational use. Such assignment is subject to the same application process, wait list rules, and other requirements imposed on other mooring applicants.

Permit Renewal

1. Mooring permits expire annually on December 31.
2. Application for permit renewal must be submitted to the Harbormaster by March 31 of the following year.
3. Permit holders must inform the Harbormaster by March 31 of each year of any change to the Vessel of Record.
4. Permit renewals require that the following documents be on file at the Harbormaster's office:
 - Current vessel state registration, or copy of documentation papers;
 - Paid excise tax receipt from previous fiscal year; and
 - Proof of paid mooring permit fee.
5. No permit will be issued if there are unresolved harbor violations.
6. Mooring fees are published on the mooring permit application.

Mooring Permit Stickers

1. The Harbormaster provides permit holders with a mooring identification sticker (small decal) labeled with the permit number for the mooring location and the length of the Vessel of Record. This sticker must be attached to the outside of the hull on the upper right hand side of the transom.
2. No permit holder whose name appears on the list of delinquent boat excise taxpayers prepared by the Collector's office will be issued a mooring permit until such time as the excise tax and related interest and penalties are paid in full.

Private Marinas & Docks

1. Boats that habitually use the harbor and maintain berthing space at private marinas or private docks within Manchester waterways must display a mooring permit sticker. The permit sticker must be displayed outside the hull on the upper right side of the transom. Application for the mooring permit is applied for through the Harbormaster's office.
2. Boats with mooring permits (ground tackle systems) that also maintain berthing space at a private marina or private dock must obtain and display a mooring permit sticker for each vessel.

Change to the Vessel of Record

1. If a permit holder sells, charters, loans, or otherwise transfers possession of a mooring permit's Vessel of Record, the permit holder must notify the Harbormaster. The permit holder may replace the vessel within one year if the vessel is suitable for the mooring location as judged by the harbormaster. The Harbormaster must approve the new Vessel of Record for the permit location before the vessel occupies the mooring.
2. If the Harbormaster judges that the replacement vessel is unsuitable for the mooring location, the Harbormaster may deny renewal of the mooring permit and require relocation of the mooring. If available locations cannot accommodate the new Vessel of Record, the permit holder will forfeit the permit and be added to the mooring waiting list.

Sale of a Vessel of Record

When a Vessel of Record assigned to a mooring permit is sold or transferred to another party, the new owner or party in charge of the vessel retains no rights to the mooring location; unless ownership is transferred to a current joint-owner-of-record of the vessel (whose name appears on the original mooring application) or to an immediate family member. Immediate family members include parents, spouse, or children.

Transfer of Mooring Permits

No mooring permit or location may be sold, rented, swapped, relocated, or bartered. The holder of a mooring permit may transfer the permit to an immediate family member with the approval of the Harbormaster. Immediate family members include parents, spouse, or children.

Swapping of Moorings

Under certain conditions and circumstances involving safety; it may be in the best interest of the harbor to allow the swapping of mooring locations by permit holders. However, swapping of mooring locations will only be permitted under the direction and express written permission of the Harbormaster.

Non-renewal and Reassignment

If a mooring permit is not renewed and the mooring location is reassigned, the former permit holder may sell the ground tackle to the new permit holder. If the mooring tackle is not sold, it must be removed by the former permit holder. If the former permit holder fails to remove the mooring tackle, the Harbormaster may do so. Cost to remove such tackle will be the responsibility of the former permit holder.

Unauthorized Mooring Tackle

1. No mooring tackle will be set, or removed without approval from the Harbormaster. Any mooring tackle set without authorization of the Harbormaster will be removed. Cost to remove unauthorized mooring tackle will be the responsibility of the owner.
2. No mooring tackle may be altered to accommodate a vessel other than the vessel-of-record without the prior authorization of the Harbormaster. Tackle so

altered may be removed immediately by the Harbormaster at the owner's expense; and the mooring permit for that location will be revoked and reassigned.

Helix Mooring System

Any newly permitted mooring spaces in Areas F or G will require the installation of a Helix-type mooring system or other mooring system that will have less impact on eel grass fields. When any existing permitted mooring holder in Areas F or G replaces their mooring tackle, they will be required to install the Helix-type mooring system or a better equivalent.

Section D: Use of Moorings

Habitual Use

1. In recognition of the limited mooring space in Manchester waters and its high demand, the Town of Manchester-by-the-Sea expects all moorings to be fully utilized and makes underutilized moorings available for reassignment.
2. For the purpose of these regulations, habitual use requirements are satisfied if the Vessel of Record occupies the mooring for a minimum of 60 days from June 1st through Oct. 1st. If a permit holder does not expect to meet the habitual-use requirements for the stated period, the Harbormaster must be notified in writing as soon as possible. The period of non-use of a mooring permit must not exceed one permit year.
3. Permit holders who fail to comply with habitual use requirements or allow the habitual use of a mooring by an unauthorized vessel forfeit their mooring permit.

Temporary Use

A permit holder must notify the Harbormaster if the Vessel of Record will not occupy the mooring during all or part of the boating season. Typical reasons for vacant moorings include loss, lay-up for repairs, sale, or extended deployment of the vessel. The Harbormaster may offer the mooring location for temporary or seasonal assignment during the period of vacancy with permission of the permit holder.

Permitted Boat Yard Moorings

1. Permitted boat yard moorings are used as support moorings for vessels during service procedures. No mooring use time limit is placed on service procedures.
2. Permitted boat yard moorings are authorized for use by transient boaters, for a period not to exceed 14 days. If an extension beyond 14 days is required, the Harbormaster must be notified.
3. Under no condition or exception shall a permitted yard mooring be rented, leased, or loaned to a vessel's owner for permanent use.
4. The Harbormaster must be notified (within a reasonable time period), with the

following information pertaining to transient boats: boat's Name, size, make, and owner's contact number.

5. During the busy boat yard periods involving commissioning or decommissioning (April-June & Sept.-Nov), yard management will be relieved from the requirement of contacting the Harbormaster regarding vessel mooring location information.

Movement of Mooring Tackle

Permit holders may not move or allow mooring tackle to be moved from its assigned location without the written permission of the Harbormaster.

Private Non-Commercial Rafts

All rafts require a (ground tackle system) mooring permit. Applications for such structures are subject to the same permitting procedures and use requirements as other mooring permitted vessels.

Emergency Conditions

The Harbormaster has the authority to declare emergencies due to sudden conditions or unforeseen events. Such emergencies may require the temporary movement or removal of permitted vessels and moorings. Unforeseen events include extreme weather, hazardous materials incidents, and emergency repairs to underwater apparatus such as cables or pipes. Prior to the declaration of an emergency, permit holders are given 24 hours notice, if possible. In the event that permit holders cannot be contacted or fail to remove their vessels or moorings as directed by the Harbormaster, the Harbormaster has the authority to move vessels and moorings at the permit holder's expense.

Vessel Rafting

Temporary, short-term rafting of vessels on moorings is permitted under the following conditions:

1. The rafted vessel must not interfere with the safety and accessibility to abutting moorings and boats;
2. At least one qualified operator must remain on board each rafted vessel at all times to respond to emergencies;
3. Rafts must be dispersed when sustained winds exceed 20 knots, or the safety of a neighboring vessels is threatened, or when directed by the Harbormaster; and
4. The above rafting conditions do not apply to vessels tied alongside docks.

Stray Vessels

1. A stray vessel is defined as any vessel which is:
 - In a deteriorated or un-seaworthy condition
 - Sunken or likely to sink
 - Aground or awash

- Adrift
 - A hazard or menace to navigation
 - Secured to a mooring without proper authorization.
2. Stray vessels are considered a public nuisance and must be removed by their owners. If the owner fails to remove the stray vessel, the Harbormaster may do so. The costs to remove the vessel shall be the responsibility of the owner. Permit holders who fail to remove or secure a stray vessel forfeit their mooring permit.

Appeals Process

All appeals must be made in writing to the Harbormaster. After appeal and the matter remains unresolved, the aggrieved may appeal this matter in writing to the Board of Selectmen.

Section E: Dock Permits for Dinghies and Tenders

Authority

1. The Harbormaster issues dock permits for the seasonal tie-up of dinghies and tenders less than 12'.
2. Dock permits are limited to Manchester residents only except in the case of a commercial fisherman with a mooring permit.
3. Permits must be renewed and paid for on an annual basis.

Dock Permit Fees

1. The current fee for a dock permit is published on the permit application.

Designated areas for dock permits include

1. Town Hall floats
2. Morse Pier floats
3. Reid Park floats
4. Tucks Point floats

Tie-up Rules

1. All boat excise taxes owed by the applicant must be paid in full.
2. Dock permits are for an individual and may not be passed down in a family, leased, or otherwise assigned.
3. Permitted vessels must display its dock permit sticker on the inside transom in an easily visible location.
4. Vessels must be secured with a line from the bow and must provide at least 6 feet of scope.
5. Outboard motors must not be left on tied-up vessels.
6. Vessels must be maintained and in a seaworthy condition.
7. Vessels must not block or hinder other vessels at the facility;
8. Tie-up of vessels at public landings is at the owner's risk. The town assumes no responsibility for theft or vandalism.
9. All vessels must be removed from public landings by November 1 unless otherwise authorized by the Harbormaster.

FAILURE TO FOLLOW THESE REGULATIONS MAY RESULT IN FINES AND/OR REVOCATION OF YOUR MOORING PERMIT OR DINGHY DOCK PERMIT.