

TOWN OF WELLFLEET

MARINA AND HARBOR RULES AND REGULATIONS INCLUDING MOORING REGULATIONS

Amended 08/25/2015

These regulations shall supersede all previous regulations

The Town of Wellfleet welcomes those who will use the facilities and services of the Wellfleet Marina. For the benefit of all who use these facilities, the following Rules and Regulations have been established in order to provide the most efficient and optimal utilization of the harbor, to provide for the safety of moored and berthed vessels and those using them, to protect the environment and water quality, and to provide space for all users of the harbor.

Any person wishing to view or copy the Town of Wellfleet Marina Rules and Regulations, Slip and Mooring holders list, Slip and Mooring waiting list, Marina Fee Schedules or the Town of Wellfleet Harbor Management Plan may do so at the Town of Wellfleet Harbormasters Office, Town Pier, Wellfleet, Massachusetts.

This information is also available on the town website: www.wellfleet-ma.gov.

I. DEFINITIONS

Berth – the space allotted to a vessel tied up at the L-Pier

Commercial Vessel – a vessel used to make a profit or to provide a livelihood or means of employment for the applicant. Charter boats, shellfishing boats and skiffs used to make a living are considered commercial.

Enforcing Agent – Harbormaster, Assistant Harbormaster, and the Wellfleet Police Department or their appointees.

Fee Schedule – a fee schedule for all charges relating to the Marina. The fee schedule will be published by February 1st of each year beginning 2011. Checks or money orders should be made to the Town of Wellfleet and paid to the Harbormaster or his assistant. The schedule will be posted on the Town of Wellfleet's website under the Marina heading and in the Harbormaster's office.

Harbor – the embayment or bay defined as the area from Billingsgate Shoal to Jeremy Point to Great Island and clockwise around the shore to Lieutenant Island to the Wellfleet/Eastham town line and back across the water to Billingsgate Shoal.

Harbormaster – the person authorized to supervise the Marina and Harbor and enforce the Rules and Regulations relating to both. The duties and responsibilities of the Harbormaster herein stated conform to the Harbormaster duties and responsibilities as stated in applicable sections of Massachusetts General Laws, Chapter 90B, Chapter 91 and Chapter 102.

Lease – a contract granting the seasonal use of a slip, berth, or mooring to a vessel owner in the Marina or Harbor. This may be renewed as indicated in the Marina and Harbor Rules and Regulations.

Length or LOA (length over all) – the horizontal distance between the outboard side of the foremost part (bow) of the hull and the outboard side of the aftermost part (stern) of the hull. It does not include bowsprits, rudders, or other similar fittings and attachments that are not part of the hull envelope.

Marina – the collection of wharves, docks, slips, and moorings designed around a protective sea-wall located within the area of Chipman's Cove, Duck Creek, and extending to a line from the outer end of the breakwater to the first groin northwest of the L-Pier in Wellfleet Harbor.

Mooring – space allotted in the Marina or Harbor for securing a vessel by anchor.

Owner – the owner of any vessel berthed, moored, docked or using the Marina or Harbor or the authorized representative of the owner.

P & I Insurance – property and indemnity insurance for vessel owners, contractors, and charterers against liability arising out of the operation of the vessel for loss of life of any person, illness or injury to passengers and crew, damage to cargo while loading, carrying or unloading cargo, damage to piers and docks, and removal of wreckage as required by law.

Rental Agreement – a short term agreement allowing transient vessels access to a slip, berth, or mooring on a daily or weekly basis.

Resident – any individual able to demonstrate residence in the Town of Wellfleet by showing a current real estate tax bill, rental payment slip, or valid lease for residential property with the Town.

Rules and Regulations – the Town of Wellfleet Marina and Harbor Rules and Regulations as updated and revised on August 25, 2015.

Slip – the space allotted to a vessel docked in the Marina other than at the L-Pier.

Taxpayer – any individual listed as a property owner in the Wellfleet Assessor's Office with property having a minimum annual tax amount owed of \$400.00.

Town – the Town of Wellfleet acting by and through its authorized representatives.

Vessel – shall refer to watercraft of every description used or capable of being used as a means of transport of persons or property.

Wellfleet Waterways – the areas outside the Marina proper and within Wellfleet territorial boundaries.

II. GENERAL RULES AND REGULATIONS

A. All vessels, persons, and vehicles entering or using the Wellfleet Harbor and/or Marina shall be governed by the Rules and Regulations contained herein and all other applicable laws, by-laws, rules and regulations, and orders of the court, if any, concerning the operation of vessels and the use of piers, slips, berths, and moorings, including, without limitation, those promulgated by the United States Coast Guard (USCG), the Environmental Protection Agency (EPA), the Massachusetts Division of Environmental Protection (DEP), the Department of Homeland Security (DHS), the Commonwealth of Massachusetts, and the Town of Wellfleet.

B. When a vessel enters the Marina or Harbor area, it immediately comes under the jurisdiction of the Harbormaster and shall be secured only where assigned and maneuvered as directed. The speed limit for all vessels within the limits of the Marina shall be no more than 5 miles per hour, and vessels shall leave no wake. Vessels and persons shall obey all lawful commands of the Harbormaster or the Harbormaster's assistants.

C. Only vessels in good condition, as determined by the Harbormaster, and under their own power, shall be admitted to slips, moorings, and berthing areas. In the event of an emergency during the owner's

absence, i.e., breakdown of bilge pump, leaks, failing mooring lines, etc., the vessel owner will be assessed a reasonable charge for any emergency service rendered.

D. To be admitted and to continue as an occupant of the Marina or Harbor areas a vessel must be actively used for pleasure, commercial fishing, shellfishing and aquaculture, chartered fishing, or sightseeing trips and must be registered, identified, marked, equipped, and operated and maintained as required by law and standard practice and subject to periodic inspection by the Harbormaster to determine the maintenance of proper safety concerns.

E. All vessels will be secured in their assigned space or mooring in a manner acceptable to the Harbormaster. For information regarding and regulations specific to moorings refer to Section III. C. of these regulations.

F. Liability Insurance or P&I Insurance in an amount of at least \$250,000 shall be required on all motorized or self-propelled vessels over 14 feet in length whose owners lease slips, berths, moorings, or seasonal launch privileges in the Marina or the Harbor. A certificate of insurance from the insuring agent naming the Town of Wellfleet as "additional insured" must be submitted to the Harbormaster before the lease is granted.

G. The owner (and the guests for whom he/she is responsible) agrees to conduct himself at all times when in the Marina, or on any vessel operating in the Marina or Harbor, so as to create no annoyance, nuisance, or hazard to the Marina or Harbor or to any other persons.

H. The fueling of vessels, except in designated areas, is prohibited in the Marina.

I. The Marina does not provide launch service.

J. Registration with the Harbormaster or his representative is required for overnight stays, at any time, on any vessel within the Marina or Harbor.

K. The consumption of alcoholic beverages is prohibited on any Town landing, float, pier, building, or parking areas owned by or under the jurisdiction of the Town.

III. MOORING REGULATIONS

It shall be the responsibility of the applicant/boat owner to ensure compliance with the law and these regulations. While the Town has made reasonable attempts to develop specifications believed proper, they are not a guarantee or assurance of a safe mooring, safety or assistance. Due to weather, use, and other factors over which the Town has no control, ultimate responsibility and liability rests on the individual boat owner.

A. MOORING PERMITS:

(for a chart of the Town Mooring Basin and the Federal Anchorage, see Appendix 1)

1. Any person wishing to moor a vessel in the Wellfleet Harbor mooring basin or Wellfleet waterways must first obtain permission from the Harbormaster to place and maintain such a mooring. Mooring assignments will be fair and equitable and open to all and assigned on a first-come, first-served basis.

2. All moorings must be registered with the Harbormaster Department. All applications for moorings in the Town of Wellfleet must be submitted in writing on an approved form from the Harbormaster Department.

3. All mooring permits are issued for the exclusive use of the vessel indicated on the permit. The use of the mooring by any other vessel is prohibited and will be grounds for the revocation of the mooring permit. Mooring permits are issued for one boat per mooring.
4. Moorings assigned to a service company or corporations are to be used for the mooring of the company's boats only and for no other purpose. Any deviation will result in the loss of said moorings.
5. Falsifying information on a mooring permit application or failure to submit a fully completed mooring permit application shall be cause for denial or revocation of such application.
6. Vessel owners are required to submit the following documentation with new applications or renewal applications when applicable:
 - a. Copy of the State registration or documentation of the vessel.
 - b. Completed mooring application.
 - c. Proof of insurance as defined in the Marina Rules and Regulations.

B. COMMERCIAL VESSELS:

1. On the south facing portion of the L-Pier, no vessel longer than 75' in length (LOA) will be accommodated. Any vessel over that length may be directed by the Harbormaster to anchor in a designated area, if and as available, as determine by the Harbormaster.
2. In addition to liability or P&I insurance, all commercial vessels are required to maintain oil spill insurance coverage and a certificate of insurance from the insuring agent must be submitted to the Harbormaster annually.
3. Fueling of vessels from the fuel truck is permitted in the designated area only. The vessel being fueled must be tied in the fueling area and the hose will not be allowed to pass over any rafted vessels. Violators will be subject to a fine of \$100, and repeat violators risk losing all Marina and Harbor privileges.
4. No part of the Marina or Harbor, ashore or afloat, nor any vessel therein shall be used for the conducting or solicitation of business of any kind except for the normal operation of commercial fishing, charter fishing, or sightseeing vessels, and no signs or other advertising material will be permitted without the permission of the Harbormaster, who will control size and placement. Nothing in this section will prohibit an owner from contracting for or using such devises as his vessel may require from the businesses or resources regularly available in the area or to him privately.
5. See Fee Schedule for unloading fees for commercial vessels on the L-Pier.
6. Transient commercial vessels may rent dock space, if available, at the discretion of the Harbormaster.

C. MOORING SPECIFICATIONS:

1. All moorings shall meet the minimum standards before placement. These standards are for normal weather conditions. In case of gale winds, hurricanes, or extreme tides it is the mooring owner's responsibility to ensure certain precautions are taken. (See storm precautions in section

V, B) The Town of Wellfleet realizes that mooring loads are variable, that it is impossible to say all boats of equal length require the same size mooring and that such standards cannot be applied to all boats. The Harbormaster reserves the right to require a boat owner to increase the minimum mooring standard for any vessel should the Harbormaster feel the minimum standard would be inadequate for the vessel because of unusual design, but not limited to excessive weight, windage, or draft.

2. All moorings minimum sizes:

Length of Vessel	Mushroom	Mooring Chain Size	Line Size
14' – 16'	#75	5/16"	1/2"
17' – 19'	#100	5/16"	1/2"
20' – 25'	#150	3/8"	5/8"
26' – 30'	#200	1/2"	5/8"
31' – 40'	#250	1/2"	3/4"

3. All moorings must use mushroom anchors. All pennants shall be made of non-floating line.

4. Pennant length shall be two times the free board at the bow plus the distance to the mooring cleat.

5. Pennants shall have proper chafing gear so as to cover an area one foot either side of the bow chocks.

6. Total length of chain and line shall be three times the depth at mean high water. The length of the chain should be a minimum of six feet and a maximum of ten feet.

7. All chains, shackles, shackle pins, line, thimbles, swivels, buoys, and pennants shall be in good condition and of proper size.

8. If the mushroom anchor is exposed at low water, the anchor must be completely buried with the shaft in a horizontal position.

9. Moorings found to be inadequate to the Town of Wellfleet specifications shall be corrected immediately. Responsibility and liability for corrective action rests with the individual boat owner.

10. Mooring buoys shall be inflated, formed, molded, or fabricated from white Styrofoam, rubber, plastic, or fiberglass. Each buoy shall be white with a one-inch horizontal blue stripe. The first three (3) letters of the permit holder's last name, three inches high, in a contrasting color shall be visible at all times.

D. MOORING TAGS AND BOAT STICKERS:

1. Each permitted mooring shall have attached on the mooring buoy, above the waterline and visible at all times, a numbered annual mooring tag issued by the Harbormaster Department.

2. Each vessel for which a mooring permit has been issued shall have attached on the stern in a visible location, an annual sticker issued by the Harbormaster Department. The sticker shall display the mooring permit number, vessel registration or documentation number, make, length, color, and owner's name.

3. Each owner having a mooring permit may pick up a free sticker for his/her tender at the Harbormaster's Office. Tenders without stickers will be ticketed. Please note that part of the Town's Environmental Protection legislation includes a "Small Vessel Identification and Permitting Program (Section 2.06)" The rule states that all such vessels must be stored in assigned areas and have a sticker, or they may be removed and the owners fined.

E. CANOES AND BOATS IN GREAT PONDS:

1. No boats, kayaks, or canoes may be left on or moored off public landings at any great pond in the Town of Wellfleet with the exception of Gull Pond Landing.

2. All boats, kayaks, and canoes at Gull Pond must have a Town of Wellfleet boat sticker as described in the regulations. (See Section D and the Town's Environmental Protection Regulations, Section 2.06. This is available on the Town website under the Conservation heading.)

3. Any boat, kayak, or canoe left or moored at Gull Pond without a boat sticker or at any other great pond will be confiscated by the Town and if unclaimed after six months from the date of confiscation may be sold at auction. Confiscated boats, kayaks, or canoes may be claimed by their owners:

- a. After proper identification and
- b. At the convenience of the Harbormaster or Beach Administrator and
- c. Only during regular business hours: 8AM to 4PM, Monday through Friday

The owner must pay a fine of \$50 before any confiscated vessel will be returned. The Town of Wellfleet is not responsible for any theft or damage to confiscated vessels.

F. PLACEMENT OF MOORINGS IN THE TOWN OF WELLFLEET/CORP OF ENGINEERS MOORING BASIN:

1. No mooring shall be placed, altered, or shifted except under the direction of the Harbormaster. The Harbormaster may relocate permitted moorings if, in his opinion, it is warranted due to congestion, to ease navigation, or as a measure of public safety.

2. Renewal applicants will be reassigned their previous mooring location.

3. New moorings are assigned on a "move up" policy, based on date of application, physical characteristics of the boat, and purpose of the boat, whether commercial or recreational. The Harbormaster Department shall maintain a mooring waiting list providing for the fair and equitable distribution of mooring assignments open to all and assigned on a first-come, first-served basis. Persons making application for a different vessel from that of the previous year will not automatically be granted space. If the new vessel is larger than the capacity of the original mooring space, an effort will be made to affect a switch in the mooring space, but there is no guarantee that this can be done. If there is a decrease in boat size, a switch may be made to assure the best overall use of the mooring basin.

4. The Town of Wellfleet is under no obligation to provide any applicant specialized space. The Harbormaster Department will do its best to accommodate within the framework of available space and physical situation prevailing at any given time.

5. All moorings shall be removed at the end of the boating season except those with commercial uses. These may remain with the written permission of the Harbormaster Department. All other moorings may be removed at season's end by the Harbormaster Department at the owner's expense.

G. PLACEMENT OF MOORINGS IN WELLFLEET WATERWAYS:

1. No mooring shall be placed within 200 feet of a public recreational beach at mean high water.
2. No mooring shall be placed within 100 feet of the nearest edge of a marked channel or federal channel.
3. No mooring shall be placed nearer than 50 feet from any other mooring.
4. No mooring shall be placed on any private property other than that of the applicant if the owner of the property objects.
5. If the mushroom anchor is exposed at low water, the anchor must be completely buried with the shaft in a horizontal position.
6. No mooring shall be located so that a boat lying on it shall be less than 50 feet from a licensed shellfish area (grant) designated by the Shellfish Constable. This restriction shall not apply to moorings permitted to the licensee of a grant and placed within or adjacent to said grant.

H. TRANSIENT MOORINGS:

The Town of Wellfleet shall maintain eighteen transient moorings available for use from May 15 to October 15. They shall be used for transient vessels only and in the following manner. Fifteen moorings are to be placed on the northern end of the dredged basin.

Three shall be 500# mushroom anchors with a maximum vessel length of 55 feet.

Three shall be 300# mushroom anchors with a maximum vessel length of 32 feet.

Nine shall be 200# mushroom anchors with a maximum vessel length of 25 feet.

The Town of Wellfleet Marina shall also maintain 3 or more transient moorings in the area of the harbor southwest of the breakwater and west of buoy R12 and the navigation channel for vessels not wishing to moor within the Marina. All transient buoys shall be marked "TRANSIENT" and numbered.

1. A fee shall be charged for the use of transient moorings. (See fee schedule on Town website)
2. Reservations and assignment of transient moorings shall be made by the Harbormaster Department depending on availability and on a first-come, first-served basis. Reservations shall be made by mail or in person and shall include the first night's rental fee as a non-refundable deposit. The Harbormaster Department shall maintain a radio watch on channel 09 VHF to book

daily transient rentals. Short term transient moorings (not to exceed 5 hours) shall be allowed, when available, for a fee.

3. A transient mooring log shall be maintained by the Harbormaster Department.

4. Transient moorings are to be rented for a period not to exceed thirty consecutive days in a season with the following exception:

Live-aboards will be allowed in the slip area or on transient and waterway moorings. Live-aboard vessels may be no longer than 55 feet and will be charged the daily transient vessel rate. (See Fee Schedule) Live-aboard mariners wishing to commit to a 30 day stay will be charged a flat \$1,000 fee with an additional \$100 for the month if they wish to use the dinghy dock. The thirty day contract may be renewed throughout the season (May 15 to October 15) at the Harbormaster's discretion. No live-aboard may be moored in the Town Mooring Area. Waterways live-aboard vessels must use town moorings assigned by the Harbormaster.

5. The Town of Wellfleet accepts no responsibility for the safety of transient moorings during periods of extreme weather including, but not limited to, gale winds, hurricanes and extreme high water.

I. MOORING OF RAFTS, FLOATS AND BARGES:

1. Service vessels, hereafter defined as rafts, floats, and barges without power, whose sole purpose is to support the propagation and harvest of shellfish, may be granted permission to moor on the owner's shellfish grant after obtaining a Floats and Rafts permit at no cost from the Harbormaster Department.

2. Service vessels shall be properly moored according to the specifications of the Town of Wellfleet Mooring Regulations and any special conditions required by the Harbormaster.

3. Service vessels shall have the owner's name and grant number affixed to one side of the vessel, above the water line, with letters and numbers a minimum of 3 inches high.

4. Service vessels shall display at night a 360 degree white anchor light at least 10 feet above water level.

5. Service vessels shall have no more than 200 square feet of storage and work space per licensed area. Permission to moor service vessels larger than 200 square feet may be granted by the Harbormaster with the consultation of the Marina Advisory Committee and the Shellfish Advisory Board.

6. Winter storage on Town property or on Town Landings of service vessels used for the purpose of shellfish propagation and harvesting is prohibited without the express written permission of the Harbormaster.

7. Service vessels are not permitted in the Federal anchorage or channel.

J. MOORING INSPECTIONS:

1. Before a mooring permit, mooring tag, or boat sticker is issued, the mooring owner must submit his/her mooring buoy, pennant, chafing gear, chain, line, and connecting hardware for an

out of the water inspection by the Harbormaster Department prior to placement of the permitted mooring.

2. If, as a result of such inspection, in the opinion of the Harbormaster, any anchor, link of chain, shackle, swivel, or any other piece of mooring gear has become damaged or worn, it shall be replaced. Failure to replace worn or damaged pieces shall be grounds for revocation of mooring permit.

3. The Town of Wellfleet assumes no responsibility or liability for inspected moorings that fail.

K. ANCHORING:

No vessel shall anchor in the waters of Wellfleet for a period greater than one week without notifying the Harbormaster. Permission may be granted for a brief extension. No anchoring is allowed in Wellfleet mooring basins.

IV. FEES AND LEASES

A. Fees for leasing or renting slips, berths, or moorings shall be based on the published schedule and shall be paid in advance to cover a full season or part thereof. Leases shall not be canceled unless a suitable replacement can be obtained promptly and new fees collected. After the new fees are collected, proportional reimbursement for the unused seasonal lease will be made or, in the case of a lease for a portion of the season, an amount equal to the fees received will be reimbursed. All such reimbursements will have a ten percent administrative fee deducted.

1. Each owner or operator leasing space in the Marina or Harbor is responsible for providing the Harbormaster with a current and accurate address annually.

2. Daily rates for transients start at 12 noon. Check out time is 12 noon of the following day.

3. The season runs from May 15 to October 15 every year. For operations outside that time frame, see the Harbormaster or his assistants and consult the fee schedule.

4. The fee schedule is revised annually. Check at the Harbormaster's office for the latest revision.

B. To be eligible for "Taxpayer" rates an applicant must qualify as a taxpayer as defined above in Section I, Definitions.

C. In the event of violation of Marina and Harbor Rules and Regulations, the Harbormaster may cancel a rental agreement on twenty four hours notice providing that the renter has made no effort to correct the identified problem when it is called to his/her attention. Refusal to correct a problem upon notification by the Harbormaster or Assistant Harbormaster will lead to immediate steps for removal of the vessel as set forth in Section IX – Vessel Removal Procedures, except that the notice provisions of Section IX A and IX B will not apply. Reasons for such cancellation include, but are not limited to, violation of Wellfleet Marina and Harbor Rules and Regulations and non-payment of fees when due.

D. The Harbormaster has the right to reassign slips, berths, and moorings for best utilization of Marina and Harbor resources.

E. Subleasing of slips, berths, and moorings is strictly prohibited.

F. At the discretion of the Harbormaster, a mooring owner may request permission to leave the mooring vacant for a period of not more than one season. The mooring owner is required to apply and pay for the mooring permit for that period. Failure to make such application and pay the fee shall result in the forfeiture of the mooring location. Any such mooring permit application shall be considered a new mooring and shall be subject to the usual constraints of such.

G. Marina leases are transferable only under the following circumstances:

1. Commercial slip, berth, or mooring requests shall be put in writing and presented to the Harbormaster. Transferees must meet, at minimum, the following criteria:

a. When a commercial fishing vessel 35 feet or longer is sold and currently occupies a slip, berth, or mooring, that slip, berth, or mooring may be transferred to the new owner of the vessel.

b. The vessel being sold shall remain a commercial fishing vessel. It cannot revert to sport fishing or other type of commercial venture.

c. Applicant shall be a Wellfleet resident.

d. Applicant shall have held a Wellfleet and/or State commercial fishing license for a minimum of five years.

e. Applicant shall have no outstanding debts owed to the Town or outstanding excise taxes owed on the vessel.

2. In the case of the death of a slip, berth, or mooring lease holder, the lease may be transferred one time only to the surviving spouse of the lease holder and will be terminated upon the death of said surviving spouse. In the event that the lease holder does not have a surviving spouse at the time of his/her death, the lease will be terminated at the end of the then current season, or, if the lease holder dies prior to the start of the season, the lease will be terminated immediately and will not be renewed. Such transfer may be to an individual only and not to any trust, corporation, or other entity.

All requests for slip, berth, and mooring transfers are subject to prior review by the Marina Advisory Committee. This review does not include transfers referred to in Section 7-B above. Recommendations by the Harbormaster and Marina Advisory Committee will be presented to the Board of Selectmen for a final decision on the transfer.

V. SAFETY

A. The Town and the Harbormaster will take all reasonable precautions to ensure the security and safety of all vessels in the Marina and Harbor, but neither the Town nor the Harbormaster assumes any responsibility for the safety and security of any vessel or property in the Marina and Harbor and will not be held liable for fire, theft, trespass, or damage to any vessel or vehicles or its equipment arising from any cause whatsoever. All vessel owners, operators, and their guests are to be attentive to potential safety issues including, especially, aquaculture equipment that is properly marked and conforms to all other rules and regulations, fire risks, and careless operation which may endanger others.

B. Owners should prepare for storms and high winds when expected and make storm plans with their boatyard or mooring contractor to do one or more of the following. In the event of a storm the Harbormaster recommends that the owners haul the boat, if at all possible, and place it well above high water taking into account extreme tidal conditions and storm surge. Remember, haul out areas and ramps will be very busy. If the boat cannot be hauled, remove:

1. all sails, roller furling, etc.,
 2. all dodgers, biminis, and enclosures,
 3. antennas and electronics,
 4. all non-permanent equipment (deck chairs, rafts, boxes, etc.),
 5. ship's papers and valuables,
 6. portable fuel tanks (gasoline, propane).
7. Owners or their agents should also pump out excess water from bilge and drain water tanks. Make sure batteries are fully charged, pump switches and intakes are not jammed and are working freely. Secure windows, hatches, seacocks, and fuel lines to engine and cooking appliances. Check chafing gear and make the boat as watertight as possible. Ultimately, the responsibility is that of the boat owner. The Marina does not assume responsibility for the protection of any vessel.

C. Vessel owners shall not place supplies, materials, accessories, or debris on any float or walkway and shall not construct or place thereon any lockers, chests, cabinets, or containers without the permission of the Harbormaster.

D. Vessels having tenders on davits, gangways or boarding ladders or steps, extreme overhangs, bow and stern sprits, boomkins, spars, pulpits, etc., shall be secured in such a manner that none of these appurtenances shall create a hazard or block free passage along any float, walkway, or waterway.

E. Swimming or waterskiing is prohibited anywhere within the Marina.

F. Charcoal or any form of open fire anywhere within the Marina is absolutely prohibited.

G. Children 10 years of age or younger should be accompanied by adults at all times.

VI. SANITATION

A. The Harbormaster Department requests your assistance in enhancing water quality and protecting Wellfleet's natural resources. All boaters with marine sanitation devices on board shall use pumpout facilities to purge their holding tanks. The Town of Wellfleet Marina will maintain a pumpout cart and a pumpout boat to provide service to the mooring basin. Boaters may obtain information on pumpouts and marine wastes by contacting the Harbormaster Department at 508-349-0320 during operating hours.

Federal, State, and Town statutes prohibit the discharge of sewage, waste material, oil and fuel, rubbish or refuse of any kind or description into any river, stream, pond, or tidal waters. Heavy fines and

imprisonment are the penalties for violations. All garbage and other refuse must be placed in receptacles provided by the Marina.

B. Noise shall be kept to a minimum at all times. Consideration for others requires discretion in the operation of engines, generators, radios, and television sets in such a manner and at such times as to create no nuisance or disturbance.

C. Laundry shall not be hung on any boat, float, walkway, or anywhere else in the Marina.

D. The cleaning of fish and the disposal of fish or fish parts thereof are prohibited anywhere within the Marina including service and parking areas.

E. Power washing of boat bottoms is prohibited at the Marina.

F. Dogs and pet animals are permitted in the Marina only on leash or otherwise confined or restrained. Pickup and disposal of pet waste at the Marina is required and "mutt-mitts" are available.

VII. STORAGE

A. Tenders and other small vessels shall be stored aboard vessels or placed where the Harbormaster directs. All such small vessels shall carry identification numbers, marks, or names. Identifying stickers may be obtained at the Harbormaster's Office. They may not be tied up in rentable space or on any float, walkway, or ramp.

B. The Harbormaster will make a reasonable effort to provide winter tie-ups for vessel owners who have seasonal leases. Off-season fees must be paid in full by October 15th. For all others seeking off-season dockage, weekly rates must be paid in advance and will be offered at the discretion of the Harbormaster. All off-season tie-ups must follow the direction of the Harbormaster.

C. Winter moorings will be provided for a fee for floats, rafts, or barges which are removed from their shellfish grant areas for the winter. No beaching of any such equipment will be allowed. Any such equipment in violation of the above shall be removed at the owner's expense. All tenders and other watercraft must be removed from Town Landings and/or beaches by November 1st. Any vessels left after this date will be removed at the owner's expense.

D. All vessels renting storage space on a daily, weekly, or monthly basis between October 15 and May 15 are required to pay in full to the Harbormaster before occupying any slip, berth, or mooring. A Security and Damage Deposit must also be paid and will be held by the Town in escrow and refunded to any owner or master of the vessel on termination of the rental agreement, provided that during the period the vessel is in the harbor:

1. all accumulated dockage fees have been paid when due;
2. All rules and regulations of the Marina and Harbor and all lawful orders of the Harbormaster have been complied with by the vessel or crew; and
3. No damage has been caused by the vessel and its crew to any of the Marina and Harbor facilities.

If any of the above conditions have not been complied with, the security deposit shall be forfeited to the Town and no portion of it shall be refunded and, notwithstanding the forfeiture of the deposit, the Town shall have the right to proceed against the vessel, its owner, master, or crew in any proceeding, civil or criminal, to enforce its Rules and Regulations and Orders; to recover for any damage done to harbor facilities; or to recover for any dockage fees due.

VII. ENFORCEMENT AND PENALTIES

A. Criminal Complaint – whoever violates any of the above Marina and Harbor Rules and Regulations shall be punished by a fine of one hundred dollars (\$100) for each offense. A violation of each specific rule or regulation shall be deemed a separate offense, and each day on which a violation occurs or continues shall be deemed a separate offense, subject to the penalties stated herein.

M.G.L. Chapter 102, Section 28 Penalties: provides in part that violations of sections 17-27 or a refusal or neglect to obey the lawful orders of a Harbormaster, or resisting a Harbormaster who is carrying out his duties, are punishable by a fine of up to \$50.00 and the offender is liable in tort to any person suffering damage thereby.

B. Non-criminal disposition – as an alternative or in addition to initiating criminal proceedings pursuant to subsection (1) above, the enforcing agent may dispose of a violation of these Rules and Regulations pursuant to the following procedures:

Whoever violates any provision of these Rules and Regulations may, in the discretion of the enforcing agent, be penalized by a non-criminal complaint pursuant to the provisions of M.G.L. Chapter 40, Section 21D. Whoever violates any Rule and Regulation as stated above shall be subject to a fine of one hundred dollars (\$100). A violation of each specific rule or regulation shall be deemed a separate offense, and each day on which a violation occurs or continues shall be deemed a separate offense, subject to the penalties stated herein. Owners shall be responsible for the conduct of their guests and crew, and as such, the enforcing agent may, as an alternative, subject the owner to any or all fines and penalties for any violation of these Rules and Regulations by a guest or crew of the owner.

IX. VESSEL REMOVAL PROCEDURE

The Wellfleet Harbormaster shall have the right to remove any vessel in violation of any rule or regulation promulgated by the Board of Selectmen or the Wellfleet Harbormaster, any bylaw adopted by the Town of Wellfleet regulating vessels or any law, rule, or regulation adopted by the Commonwealth of Massachusetts or its agents regulating vessels, or any law, rule, or regulation enacted by the Federal Government regulating the operation of vessels in the Town's Harbor and Marina for which a violation citation has been issued to the owner and/or master of the vessel, provided however:

A. The Harbormaster shall cause to be delivered by hand or certified mail to the owner of a vessel subject to removal, a written notification signed by the Harbormaster stating the nature of the violation, the specific law, bylaw, rule, or regulation under which the Harbormaster asserts a claim of violation and a statement of acts necessary to cure said violation.

B. If the owner of the vessel has not cured the violation within ten (10) days or requested a hearing before the Board of Selectmen within such time to review the Harbormaster's determination, the Harbormaster may remove the vessel.

C. The owner shall be responsible for all costs, fees, and charges, including removal, transportation, and storage.

D. Upon removal, all rights to the use of the slip, berth, or mooring shall be terminated and the owner shall have the right to receive a refund of the pro rata share of the yearly dockage fee paid

to the Town of Wellfleet. The Harbormaster may deduct any portion or all of the cost incurred in removing said vessel from the amount to be refunded to the owner.

E. Notwithstanding anything continued herein, in the event that the condition of the vessel is such that there exists an immediate danger to the public safety, navigation, or the environment, the Harbormaster may correct said condition by removing the vessel or by any means the Harbormaster deems appropriate. The owner of the vessel shall be responsible for all costs associated with said corrections.

X. PARKING

A. The Harbormaster and the Harbormaster Department, and/or the Wellfleet Police Department shall designate and enforce parking regulations in the Marina parking area.

B. Marina parking in the area east of the restrooms on the south side hereby referred to as Area A, shall be for:

1. vehicles with boat trailers
2. boat trailers
3. commercial vessels
4. commercial trucks (larger than pickups, not used for passengers)
5. busses
6. heavy equipment
7. any other parking as authorized by the Harbormaster.

C. A fee shall be charged for overnight parking of vehicles and equipment listed in subsections 1 through 7. Vehicles and vessels that do business with the Marina have the option to purchase a seasonal parking permit. Such fees and permits are published in the Marina Fee Schedule.

D. Parking anywhere at the Marina shall not interfere with the flow of traffic.

E. Area B, which is any area outside of Area A, shall be for passenger vehicles, pickup trucks, and vehicles not for hire. No occupied recreational vehicles (campers, RVs, and vessels) will be allowed to park overnight (sunset to sunrise). See Town by-law Article VII, Section 23. No parking in the yellow no parking zones, fire lanes, or easements. No parking in handicapped parking spaces without a handicapped plate or placard. The Harbormaster and/or the Wellfleet Police Department may close areas of the Marina for special events.

Appendix 1 – Mooring areas in Wellfleet Harbor and Waterways

This is a schematic image and not to scale.



Draft combination of previous Rules and Regulations and newly revised Mooring Regulations
5/20/2015