



MANCHESTER-BY-THE-SEA

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MANCHESTER HARBOR

MOORING & WATERWAY REGULATIONS

AMENDED 12/16/2024

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Section A: Introduction / Definitions

In order to better promote fair and adequate public access and to provide efficient and effective management of the town's harbors and waterways, the Town of Manchester 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.

Authority

Pursuant to the general authority under Massachusetts General Laws, the Town of Manchester 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

The land beneath the tidal waters of the Town of Manchester 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 Deputy Harbormaster.

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.

Vessel of Record

For the purpose of these Harbor Regulations, a *"Vessel of record"* is the vessel recorded in the harbormaster database for a specific mooring. Ownership is confirmed by documents such as: state registration form, USCG documentation papers, bill of sale, or other legal documents stating vessel ownership.

Waterway Permit

All vessels that habitually use the harbor and are moored by means of a ground tackle system located within designated mooring areas, a vessel berthed alongside a dock that is privately or commercially owned and tenders berthed at town docking facilities are required to display a Waterway Permit Sticker. Tenders berthed at docks other than town owned docks are not required to pay the waterway permit fee. Application for a Waterway Permit Sticker is made through the Harbormaster's office. The annual permit fee will be posted on the application form.

Waterway Permit Sticker

“*Waterway Permit Sticker*” means a small decal type sticker issued annually by the Harbormaster. It shall be affixed to the outside of the vessel’s transom on the upper starboard side and on the inside of the transom in tenders. Stickers are issued for all moored vessels, vessels berthed at commercial or private docking facilities and tenders kept at town owned floats within the tidal waters of Manchester-by-the-Sea. A jointly owned Vessel of Record receives one permit, listing the registered mooring holder.

Vessel Length

In order to calculate the mooring permit fee, the length on deck (LOD) of a vessel *exclusive* of bowsprit, boom, boom-kin, draft, swim platform, outboard rudder, and outboard engine shall be considered the vessel length. Total vessel length will be rounded up to the nearest foot. Maximum boat length in the mooring field with the exception of Area 7 is 45 feet, including bowsprit, davits, boom-kin, swim platform, and outboard engine. Minimum boat length in all mooring fields is 13 feet, not including bowsprit, davits, boom-kin, swim platform, and outboard engine. Area 2 is a designated commercial area where boat length will be limited at the discretion of the Harbormaster.

In order to calculate vessel length for the purpose of mooring assignment the following shall apply vessel length shall include any bowsprit, boom, boom-kin, outboard rudder, swim platform and outboard engine permanently fixed to the vessel. Total vessel length will be rounded up to the nearest foot.

Mooring Tackle

Any means of permanently anchoring a vessel in Manchester Harbor or any portion of the Manchester waterfront. This may include block or helical anchors, chain or floating rode in the water column, buoy and pennant.

Mooring Tackle Requirements

All ground tackle for a mooring site must be approved by the harbormaster before placing a vessel on that tackle. A mooring site holder who maintains his/her own tackle must report size of block and chain to the harbormaster prior to use.

Dock/Float/Raft

A floating structure held in place by mooring tackle or pilings.

Rafting

Two vessels tied together for a short period of time either at a dock or on a mooring.

Tender

A small vessel used to transfer individuals and equipment to and from a larger vessel. A tender may also be referred to as a dinghy.

Human Powered Vessels

Any vessel requiring the exertion of any person to propel the vessel through the water shall be considered human powered. Including but not limited to: canoes, kayaks, sailboards, paddleboards and any current or future vessel requiring exertion by the operator to propel it through the water.

Floating Domicile

Any vessel, home, craft or other structure, that is in or upon any waterway, wetland, marsh or floodplain, within the jurisdiction of Manchester, whether such craft is moored, grounded, adrift, floating, sunk, or otherwise made fast to, or attached to the bottom, the shoreline, or any other structure, the craft having been designed, used, or intended to be used, whether as originally constructed or by retrofit, as a temporary or permanent residence, business, social club, and for whatever reason is unsuitable for navigation on the waterways.

Section B: General Regulations

Navigation

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. Speed in the harbor is limited to “headway speed” (the slowest speed at which a vessel may be operated and maintain steerage).

Discharge

No person or persons (ashore or aboard a vessel) will allow the discharge of sanitary waste, trash, oil, fuel or other debris to enter Manchester waterways.

Mooring Location

- a) The Harbormaster is responsible for the assignment of all mooring locations within Manchester waterways. Installation of a new mooring must be set under the supervision, or at the direction of the Harbormaster. Mooring tackle set without prior authorization of the Harbormaster shall be ordered removed immediately by the Harbormaster at the owner’s expense.
- b) Permit holders may not move or allow mooring tackle to be moved from its assigned location without the written permission of the Harbormaster.

- c) Shallow water moorings must be fore and aft moored. No person holding a shallow water mooring location is eligible to be placed on the change of location waitlist.

Mooring Definitions

- a) A regular mooring is one that has been historically located in established mooring areas usually with enough water to avoid grounding at low tide.
- b) Shallow moorings are those that have been installed since 2013 in low water areas around existing mooring areas usually near shore and can potentially be grounded at low tides. Shallow water moorings are located along the shoreline of mooring areas 2-3-5. Shallow water moorings must use fore and aft mooring tackle. The size of vessel is limited to no more than 20 feet in length.

Commercial Fishermen

For the purpose of Manchester Harbor mooring and permitting regulations in Area “2” 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”. 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 any mooring area. Commercial fishermen must have a commercial fishing license and or commercial lobster permit. Must be able to show catch report if requested.

Fishing Gear

No permanent setting of 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).

Mooring Areas (see map)

- 1-Inner harbor, north of Railroad Bridge
- 2-Head of main harbor, east of line between Westerly end of Masconomo Park and pier of railroad drawbridge
- 3-Central harbor, extending westward from Area B to line between the Westerly end of Reed’s Park and the Southerly end of Norton’s Point
- 4- Whittier’s Cove; (Tuck’s Point)
- 5- Proctor’s Cove
- 6- Area west of Bow Bell Ledge (Nun #12)
- 7- Off West Manchester
- 8- Shallow Water-Long Beach/Black Beach/Areas 2, 3 and 5, shallow water
- 9- Magnolia Harbor (waters incorporated to the Town of Manchester. Not on Map)



Wait Lists

- a) The Harbormaster maintains all wait lists including Magnolia Harbor and posts them publicly at the harbormaster's office as well as other suitable venues. All posted waitlists must be dated and archived electronically as well as in a paper file annually.
- b) Applicants on all mooring waitlists 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. Boat owners on the change of location waitlist are exempt. Failure to renew by the due date will result in removal from the waitlist.
- c) Mooring Waitlist positions are transferable to spouse or children only in the event of death of the original applicant.
- d) Any falsification of wait list application information will automatically result in the waitlist applicant being removed from the waitlist.

Mooring Change List – for current mooring permit holders who wish to change mooring location. Mooring holders in Magnolia Harbor who can document five years or more as having

paid the Manchester waterway permit fee and use of the mooring are eligible to place their names on the Change list.

Mooring Wait List – for applicants who do not currently hold a waterway permit.

Commercial Fishermen Wait List – for commercial fishermen seeking moorings located in Area 2. A tender space accompanies a commercial fisherman's mooring permit.

Tender Waitlist - for individuals requesting space for a tender at town owned dock facilities.

Shallow Mooring Waitlist –must be on the mooring waitlist.

Kayak Rack Waitlist – This is a resident only list.

Outboard Motors & Outdrive Units

Outboard motors and outdrive lower units may not be left in an “up” position unless the skeg and propeller are covered so as to prevent damage to nearby vessels. Small outboards suspended from a vessel's rail and protruding beyond the topsides of the vessel are included in this regulation. Vessel owners not in compliance will be responsible for damage caused by an uncovered unit left in the “up” position. This applies to vessels on moorings, town docks or any location where damage to a nearby vessel could occur.

Section C: Piers and Floats

Morss Pier

The Manchester Harbor Department is responsible for management of and access to, Morss Pier. The floats at Morss Pier are intended for the primary purpose of supporting commercial fishermen and their activities. Other waterfront interests shall have access to the pier with the prior permission of the harbormaster and only if such access does not interfere with commercial fishing operations.

The crane and hoist at Morss Pier are intended for the primary purpose of supporting commercial fishermen and their activities. Other waterfront interests shall have access to the crane and hoist only if such access does not interfere with commercial fishing operations. The crane and hoist are rated for half a ton (1,000 lbs.). Any operator who exceeds the weight limit of 1,000 lbs. shall lose access rights for thirty days for a first violation. Any subsequent violation may result in permanent loss of rights. A key required to operate the hoist is available through the harbor department.

Personal property such as lobster traps, bait and fishing gear shall not be stored on town piers.

Public Docks

All children twelve and under are required to wear a USCG approved life jacket of an appropriate size while on a public float. Access to public floats will be denied for failing to observe this regulation.

No vessel shall be tied to any public dock or landing for a period greater than 30 minutes without the express permission of the Harbormaster.

Personal property such as lobster traps, bait and fishing gear shall not be stored on town floats.

Tender and Non-Tender Dock Regulations:

- a) Permits for tender and non-tender dock space may not be passed down in a family, leased, or otherwise assigned.
- b) Permitted tenders and non-tenders must display the permit sticker on the inside of the transom in a visible location.
- c) Vessels must be secured with a line from the bow and must provide at least 10 feet of scope.
- d) Outboard motors may not be left in an “up” position. This applies to tenders tied to vessels, town docks are any location where damage to a nearby vessel could occur.
- e) Vessels must be maintained and in a seaworthy condition.
- f) Vessels must not block or hinder other vessels at the facility.
- g) Tie-up of vessels at public landings is at the owner’s risk. The town assumes no responsibility for damage due to theft or vandalism.

All vessels, tenders and non-tender must be removed from public landings by December 1st unless otherwise authorized by the Harbormaster.

Tenders and non-tenders tied to town owned floats causing damage to adjacent craft, whether due to their construction, design, or location will be subject to removal by owners on order of the Harbormaster. All tenders and non-tender tied to town floats are to be maintained and bailed free of water. The Harbormaster shall segregate tenders (i.e., aluminum, inflatable, etc.) as required to minimize damage to adjacent craft.

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

Private Non-Commercial Bottom Anchored Floats

Any float not part of a DEP Chapter 91 permit requires a waterway permit. There is no charge for this permit. Applications for such structures are subject to the same permitting procedures and use requirements as other mooring permitted vessels including an Army Corp. of Engineers Permit and the issuance of a DEP 10-A permit from the harbormaster.

All lights on floats must be white in color. Seasonal operation only between May 1st and October 15th.

Commercial Floats

All commercial floats require a DEP Chapter 91 permit on file in the harbormaster’s office. No waterway permit is required.

Section D: Mooring Management

Mooring Gear and Equipment Regulations:

1. It shall be the permit holder's responsibility to ensure mooring gear is maintained and in serviceable condition at all times. The harbormaster will be the final arbiter in the event that a mooring is determined to no longer meet the standards in this document. The permit holder must take immediate steps to correct any deficiency as determined by the harbormaster before placing a vessel on the mooring.
2. The harbormaster may order that a mooring be serviced if found to be fouled with marine growth or otherwise fail to meet the minimum standards set forth in this document.
3. Moorings not serviced within ten (10) days of notification will be removed at the owner's expense.
4. No mooring equipment shall be placed in Manchester waters without first being inspected by the harbormaster or town approved mooring service provider.
5. Only authorized mooring companies may service moorings in Manchester waters. Authorization must first be obtained from the harbormaster before new tackle is placed in Manchester waters.

Town Approved Mooring Service Providers:

Mooring Area Designations:

- **Area (1)**, all moorings inside the drawbridge.
 - **Area (2)**, NE of the drawbridge bound by the Amtrak rail bed, Beach St. and Masconomo Park.
 - **Area (3)**, SW from Masconomo Park to the Narrows bound by Day's Creek marsh, Manchester Marine and Crocker's Boat Yard.
 - **Area (4)**, Whittier Cove bound by Norton's and Tuck's Pt. as well as Whittier Creek.
 - **Area (5)**, Proctor Cove bound by the Narrows, Proctor St. and Bow Bell Ledge.
 - **Area (6)**, Bow Bell Ledge SW to Sand Dollar Cove bound by the channel.
 - **Area (7)**, SW of Glass Head to Chubb Creek Entrance Bound by Harbor St. and the channel.
 - **Area (9)**, Magnolia Harbor
1. Any mooring float or winter spar without a Manchester issued number will be considered illegal and removed. Unless claimed by the owner, these mooring floats or spars will be held in the custody of the Harbormaster for one (1) year and then disposed of according to General Law.
 2. All mooring gear shall be inspected and/or serviced by a certified diver, or mooring service company at least once every third year from the date of installation. Pennant to chain connection shall be inspected out of water annually. In the event of a 25% loss of material in any portion of the gear the degraded section must be replaced before placing a vessel on the mooring. This includes but is not limited to chain, shackles, moussing wire, thimbles and swivels. Failure to maintain minimum standards set forth by the Harbor Department will result in the loss of mooring rights in Manchester.
 3. All mooring owners or mooring service companies shall notify the Harbor Department in writing of all inspections and service completed to mooring gear.

4. Winter spars shall be rigged in such a manner that the spar maintains an upright position during all tide levels. The top portion shall have the number affixed to at least two sides. Winter spars shall be removed no later than May 15th.
5. All moorings shall be equipped with a primary pennant or bridle and secondary pennant.
6. All mooring floats shall be clearly marked by assigned mooring number and vessel name.

Minimum Standards for Mooring Equipment:

1. The following are the minimum acceptable standards for mooring equipment used in Manchester waters.
2. All vessels shall maintain these minimum standards while moored in Manchester waters.
3. Individual standard requirements may be affected by design and weight of the vessel. In the event that the Harbor Department deems a vessel requires heavier tackle the owner must make the required changes before the vessel is placed on the mooring.

Mooring Block Weight & Type (Pounds)							
Length of Vessel	Mooring Area						
	1	2	3, 5 & 6	3 N of Channel	4	7	9
13 – 23	2↔200DM	2↔1000CM	1000CM/Helix	2↔1000CM	2↔200DM	Helix	1500CM
24 – 30	2↔300DM	2↔2000CM	2000CM/Helix	2↔2000CM	2↔300DM	Helix	3000CM
31 – 45		2↔3500CM	3500CM/Helix	2↔3500CM	2↔3500CM	Helix	4000CM
46 – 55		*	*	*		*	5000CM
DM-Dor/Mor CM-Cement ↔Bow & Stern *Individual Review							

Chain Size - For All Mooring Areas		
Length of Vessel	Bottom	Top -Area 7
13 - 23	1/2"	1/2"
24 – 30	5/8"	1/2"
31 – 45	5/8"	5/8"
46 - 55	3/4"	5/8"
Area 7- Reviewed on an individual basis		

Scope of Chain - Length for All Mooring Areas:

1. Bottom Chain: Fifteen (15) feet with the exception of Areas 6 & 7 where eel grass exists. No chain may impact eel-grass beds.
2. Top Chain (Area 7): Less than depth at mean low water.

Pennants - Length and Size for All Mooring Areas:

1. Primary and secondary pennants are required on all vessels. A vessel owner may choose a single pennant with a bridle system in lieu of a double pennant. Bridle material must be of appropriate diameter for the vessel.
2. Secondary pennants shall be a minimum of (3) three feet longer than the primary pennant.
3. The secondary pennant shall be attached to the top chain with a shackle or shackle and pear ring.
4. All pennants or bridle shall have chaffing gear where pennant passes through chock. All chocks should be compatible in size with line and have smooth rounded edges.
5. All pennants shall have a thimble spliced where line and chain connect.
6. Primary pennants shall be replaced every (5) five years.

Length of Vessel	Primary/Secondary/Bridle	Finished Length
13 – 20'	1/2"	15'
21 – 27'	5/8"	15'
28 – 35'	3/4"	15'
36 – 45'	1"	15'
Area 7 - Reviewed on an individual basis (Nylon/Dyneema approved for all uses)		

Responsibility:

1. It shall be the ultimate responsibility of the mooring permit holder to ensure the safe and serviceable condition of all mooring equipment and to ensure compliance with all minimum standards set forth by the Harbor Department.
2. The Harbor Department may require the replacement of pennants before the (5) five year minimum required in this document in the event of excessive storm impact in Manchester Harbor. The mooring holder shall be responsible for ensuring that pennants are replaced when so required by an approved provider within thirty days (30) of notice. It shall be the responsibility of the Waterway Permit holder to notify the Harbor Department when a Waterway Permit is no longer desired or any information on the permit has changed.
 - a) An individual may be assigned a maximum of two mooring permits.
 - b) Mooring permits are issued to the original mooring holder only. In the event that an original mooring permit was issued to more than one individual and documentation is presented to the harbormaster then all original mooring applicants have legal claim to the use and renewal of the mooring.
 - c) 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.
 - d) A waterway permit holder may allow the use of his/her mooring by a transient vessel of an appropriate size with permission of the Harbormaster. Use will be granted for a period no greater than (2) two weeks per vessel in any given season. If a transient boater is on

the mooring waitlist, then the period may be extended with the permission of the harbormaster up to no more than 30 days.

- e) Mooring permit renewal must be completed annually on or before March 1st and all related fees must be received by the treasurer no later than April 15th.
- f) 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. The published wait list fee must be paid to the town in order to be entered on the wait list. All applications and payments will be submitted through the Harbormaster's office or online through the Harbormaster's website.

Temporary Mooring Site Permit Program

A mooring site permit may be issued or assigned by the Harbormaster on a temporary basis not to exceed one (1) season per assignment.

- a) A mooring site permit holder may place his/her mooring in the *Temporary Mooring Program* for reassignment for a minimum of one full season; a longer period may be considered by the Harbormaster but must have a documented end date. Placement of a mooring site in the *Temporary Mooring Program* shall be made prior to March 31st.
- b) At the time the mooring is placed in the *Temporary Mooring Program*, the mooring permit holder shall provide written evidence to the Harbormaster documenting the size and condition of the mooring tackle. Information will include type and weight of mooring block, type and size of chain and pennant, date of last mooring inspection and the name of inspector, name of person/firm responsible for annual maintenance, and any additional information that may be required by the Harbormaster.
- c) The Harbormaster shall assign a temporary mooring using the *Mooring Wait List* as the primary method of determining the priority of assignment. However, necessary caution shall be exercised to ensure that such assignment does not compromise the safety of adjacent boats. To that end, the *Mooring Wait List* order may be waived to place only an appropriate boat on a mooring in the Temporary Mooring Program.
- d) The temporary permit assignee shall have the mooring inspected and certified at his cost before placing a boat on the mooring and have the service provider furnish a report that is given to the Harbormaster. All costs for inspection and service to the mooring above \$300 shall be paid by the mooring holder.
- e) During the period that a mooring site is in the *Temporary Mooring Program*, the person to whom the mooring site is assigned shall be responsible for all fees.

Mooring Assignment

- a) 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.
- b) Applicants bypassed because the location cannot accommodate their vessel retain their positions on the change list.
- c) 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.
- d) Applicants notified of the availability of a mooring location have 14 days to respond. Under unusual circumstances the Harbormaster may waive the applicant’s response time.
- e) Notified applicants who refuse an initial mooring assignment retain their position on the waiting list.
- f) A new permit holder who is issued a permit after June 30th is required to record a *Vessel of Record* for the assigned mooring prior to renewal the following year.
- g) A vessel of record must be on the assigned mooring prior to June 30th of the renewal year.
- h) In the event a permit is offered and issued prior to July 1 a vessel of record must utilize the mooring 45 days in the current season in order to be eligible for renewal. Any new permit holder receiving an assignment after July 1st may not take advantage of the one-year grace period the following season. A vessel of record must be on the permittee’s mooring by June 30th of the year following the assignment.
- i) Per Massachusetts Department of Environmental Protection moorings may be passed to an immediate family member. The qualifying description is parent, spouse to child or vice versa. No mooring may be passed laterally to any other relative including siblings.

Mooring Assignment List

- a) The Harbormaster will maintain a database of all assigned moorings. The database includes the permit number, mooring location area, assignee’s name, address, telephone number, vessel size, name, type, and registration or documentation number, fees, and use.
- b) The assignment list is posted publicly at town hall and the Harbormaster website. A permanent record of names on all waitlists maintained by the harbormaster shall be kept in the Harbormaster’s office at town hall.
- c) Active commercial fishermen receive priority for mooring locations that become available in Area “2”. Other commercial enterprises receive no such priority in Area “2”.
- d) Commercial fishermen may also be assigned a waterway 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

- a) Waterway permits expire annually on December 31st.
- b) Application for permit renewal must be submitted to the Harbormaster by March 1st of the following year. Permits may only be renewed by the mooring holders or their spouse.

- c) Permit holders must inform the Harbormaster by March 1st of each year of any change to the Vessel of Record.
- d) Permit renewals require that the following documents be on file at the Harbormaster's office:
 - i. Current vessel state registration or copy of documentation papers.
 - ii. Proof of boat excise payment from previous fiscal year.
 - iii. Proof of paid waterway permit fee.
- e) No permit will be issued if there are unresolved harbor violations.
- f) Mooring fees are published on the waterway permit application.

Waterway Permit Stickers

- a) The Harbormaster provides permit holders with an identification sticker (small decal) labeled with a serial number for the *Vessel of Record*. A sticker will be issued at the time of initial mooring renewal or assignment. Stickers will not be issued annually. In the event a sticker becomes illegible a replacement will be issued. This sticker must be attached to the outside of the hull on the upper right-hand side of the transom.
- b) The number on the sticker and number on the mooring must match. In the event that the mooring holder has a dinghy site at one of the town docks a sticker will be assigned with a number that also matches the mooring number.
- c) No permit holder whose name appears on the list of delinquent boat excise tax list prepared by the *Assessor'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

- a) Boats that habitually use the harbor and maintain berthing space at private marinas or private docks within Manchester waterways must display a waterway permit sticker. The permit sticker must be displayed outside the hull on the upper right side of the transom. Application for the waterway permit is applied for through the Harbormaster's office.
- b) A late fee shall be assessed when an individual using a slip space fails to pay the waterway fee by June 1st.
- c) Vessel owners, who maintain more than one vessel, both at a berthing space or on a mooring, must obtain and display a waterway permit sticker for each vessel.

Change to the Vessel of Record

- a) If a permit holder sells or otherwise transfers possession of a *Vessel of Record*, the permit holder must notify the Harbormaster within 30 days of transfer. The permit holder may replace the vessel within one permit year. The new vessel must be 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.
- b) 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 vessel.

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 appeared on the original mooring application or to an immediate family member. Immediate family members include parents, spouse, or children.

Transfer of Mooring Rights

No waterway permit or mooring site may be sold, rented, swapped, relocated or bartered. The holder of a mooring site may transfer the mooring site 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.

Tackle Ownership

If a waterway 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

- a) 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.
- b) 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 and floating rode or other mooring system that will have less impact on eel grass fields.

Bow and Stern Moorings

All vessels moored in Area 1 inside the drawbridge shall be required to have both a bow and stern mooring of a design approved by the harbormaster. Bow and stern moorings may include a permitted float shared by two mooring holders. Each side will be considered an assigned mooring location and reassignment of these spots will be from the mooring waitlist only.

Mooring holders located in other mooring areas may apply for a bow and stern system with or without a float. If the space is deemed appropriate by the harbormaster with no interference to neighboring moorings then a permit will be issued.

No new moorings spots will be assigned as part of the bow and stern initiative, the goal is to create and maintain safe navigation channels in and out of the harbor.

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 an equivalent type.

Section E: Use of Moorings

Habitual Use

- a. In recognition of the limited mooring space in Manchester waters and high demand, the Town of Manchester expects all moorings to be fully utilized and makes underutilized moorings available for reassignment.
- b. For the purpose of these regulations, habitual use requirements are satisfied if the *Vessel of Record* occupies the mooring for a minimum of 45 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.
- c. Any mooring entering a second year of vacancy must be occupied by the vessel of record no later than June 30th of the second year or the permit shall be revoked and the mooring reassigned.
- d. 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.
- e. A permit holder who owns more than one vessel may receive a sticker for each vessel owned. The permit holder may place any vessel he/she owns on his/her mooring providing it is appropriate in size for the mooring and a fee has been paid for the largest vessel likely to be on the mooring.

Permitted Boat Yard Moorings

- a) Permitted boat yard moorings may be used as support moorings for vessels during service procedures. No mooring use time limit is placed on service procedures.
- b) Permitted boat yard moorings are authorized for use by transient boaters for a period not to exceed 14 days.

- c) Seasonal Rental is allowed providing that any individual renting a boat yard mooring is assigned from the town managed waitlist and offered in chronological order from the top of the waitlist to the bottom until all spots are filled. The Harbormaster will offer all recipients of seasonal mooring on the waitlist for a permanent mooring and were offered in the appropriate order per the waitlist. Any recipient of a seasonal boatyard mooring must be on the waitlist for at least one (1) year in order to be eligible. This assignment in no way confers permanent private assignment. Location on the mooring waitlist is unaffected by a seasonal boat yard mooring assignment,
- d) Under no condition or exception shall a permitted yard mooring be rented, leased, or loaned to a vessel's owner for permanent use.
- e) The Harbormaster must be notified (within seven (7) days), with the following information pertaining to seasonal boats: Vessel name, size, make, and owner's contact information.
- f) 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.

Emergency Conditions

The Harbormaster has the authority to declare emergencies and implement a storm plan 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 day light rafting of a maximum of two vessels on moorings in areas A through G and private docks is permitted under the following conditions:

The rafted vessel must not interfere with the safety and accessibility to abutting moorings and boats.

At least one qualified operator must remain on board each rafted vessel at all times to respond to emergencies.

Rafts must be dispersed when sustained winds exceed 20 knots, or the safety of other ⚠ neighboring vessels is threatened, or when directed by the Harbormaster.

No rafting is allowed at town, commercial or private docking facilities if a hazard to navigation caused by the rafting vessels is deemed to exist by the Harbormaster.

Stray Vessels

- a) A stray vessel is defined as any vessel which is:
 - i. In a deteriorated or un-seaworthy condition

- ii. Sunken or likely to sink.
 - iii. Aground or awash
 - iv. Adrift
 - v. A hazard or menace to navigation
 - vi. Secured to a mooring without proper authorization.
- b) 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 of removing the vessel shall be the responsibility of the owner. Permit holders who fail to remove or secure a stray vessel forfeit their mooring permit.

Section F: Dock Permits for Tenders.

Manchester tender tie-up sites:

Town Hall
Morss Pier
Reed Park
Tucks Point

The Harbormaster issues permits for the seasonal tie-up of tenders and tenders less than 12'. Permits must be renewed and paid for on an annual basis.

Manchester Non-tender tie-up sites:

Reed Park
Tucks Point

The Harbormaster issues permits for the seasonal tie-up of tenders and tenders less than 12'. Permits must be renewed and paid for on an annual basis.

Tender Permit Fees

The fee for a permit is published on the permit application.
All boat excise taxes owed by the applicant must be paid in full before a permit will be issued.

Section G:

Paddle Sport Storage Racks

Racks are located at Tuck's Point and behind Town Hall

- a) Cost of one rack space is \$100 from April 1st – December 1st annually. The fee must be paid in full by March 31st annually.
- b) Maximum length/width for the vessels on the rack is 14'x 3'.
- c) Rack space is assigned from the kayak storage waitlist maintained by the harbormaster. Upon receipt, space will be assigned by number. Before placement of a vessel the owner

- must attach a registration sticker along the port side of vessel.
- d) Owner agrees to remove the vessel by December 1st annually. Failure to remove a vessel from the rack by the date stated will result in loss of storage rights during subsequent seasons.
 - e) Owner must ensure the vessel is reasonably secured in its assigned rack space and will not pose any danger to any passersby. Owner must provide locking mechanism.
 - f) Owner must ensure the assigned rack space is clean and tidy at all times.
Nothing other than one vessel may be left on, in, around or by the rack at any time.
 - g) The storage rack unit may only be used for the one vessel of the individual assigned the space and is not transferable.
 - h) In addition, any person receiving space on town owned racks will be required to complete an approved Safe Boating Course with a passing score. An approved “If Found” sticker will also be required to be affixed to the vessel before placement on an assigned rack space.
 - i) Owner acknowledges that vessel storage rack rental is at their own risk. The Town of Manchester accepts no responsibility for loss of or damages to the vessel. Failure to comply with above terms will result in termination of storage rights

Section H: APPEALS

All appeals must be made in writing to the Harbormaster. The Harbormaster must respond in writing within 30 days. If after an appeal the matter remains unresolved, the aggrieved may appeal this matter in writing to the Board of Selectmen.

Appeal of Decisions of the Harbormaster

- a. Any person aggrieved by a decision of the Harbormaster under these Rules and Regulations (other than a decision to pursue a violation of these rules and regulations and/or state statute in a court of competent jurisdiction) may appeal such decision to the Manchester Board of Selectmen within thirty (30) calendar days from the date said decision is rendered in writing by the Harbormaster.
- b. Such an appeal shall be filed in writing with the Manchester Town Clerk setting forth the reasons for the appeal. The filing shall be considered complete when stamped as received by the Town Clerk. The clerk shall deliver the appeal to the Chairman of the Manchester Board of Selectmen for the purpose of scheduling a hearing of the appeal.
- c. The Manchester Board of Selectmen shall hold a hearing within forty-five (45) days of receipt by the Town Clerk of such appeal (Normally the next scheduled meeting). The appealing party shall be given notice by the Manchester Board of Selectmen by certified mail at least seven (7) days prior to the date set for the hearing.

- d. The Manchester Board of Selectmen shall hear all relevant evidence presented to it during the course of the hearing by the Harbormaster and appealing party. Either side may present witnesses or evidence in support of their respective positions. The Chairman of the Manchester Board of Selectmen shall serve as the presiding officer and shall determine the admissibility of testimony in evidence. This hearing shall be held on an informal basis with strict rules of evidence not applying.
- e. After hearing, the Manchester Board of Selectmen shall decide the appeal by simple majority of those present and voting and shall render a decision which may affirm, reverse or modify the decision under review, or may remand the matter to the Harbormaster for further proceedings in accordance with the terms of these rules and regulations. The decision of the Manchester Board of Selectmen, which shall be recorded in the minutes of the meeting, shall set forth sufficient findings of fact as appropriate. The Chairman shall provide the appellant written notification of the decision of the Manchester Board of Selectmen outlining the findings of fact within 10 days of the decision.
- f. Appeal for failure to renew a mooring is detailed on page 18 under general provisions and no further appeal for failure to renew a mooring to the Selectmen will be heard.

Section I: AUTHORITY of a HARBORMASTER

Massachusetts General Law Chapter 90B

Section 12. The provisions of this chapter and all rules and regulations made under the authority thereof shall be enforced by the director, deputy directors of enforcement, chiefs of enforcement, deputy chiefs of enforcement, environmental police officers and deputy environmental police officers of the division of law enforcement, department of fisheries, wildlife and environmental law enforcement, by harbor masters and assistant harbor masters, by police officers assigned to harbor patrol, by fish and game wardens, by members of the state police, and by city and town police officers assigned to patrol the waters of the commonwealth. For the purpose of such enforcement such officers may board any motorboat and may conduct an inspection thereof, including an examination of the certificate of number, and may require the operator of such motorboat to give his true and correct name and address. Whoever attempts to prevent any such officer from boarding such motorboat for the purpose of inspecting, or whoever attempts to prevent such officer from making an inspection of such boat, shall be punished as provided in section thirty-eight.

Section J: FEDERAL & STATE REGULATIONS

Nothing herein should be considered as interfering with Federal & State laws applicable to the coastal waters, tidal waters, tidal rivers and harbors of the state. Where the requirements of these Rules and Regulations are in conflict with other laws or rules, the more restrictive, or that imposing the higher standard, shall govern.

Section K: CITIZEN COMPLAINTS

Complaint Procedure

Persons aggrieved by a violation of any regulation contained herein may file a sworn complaint with the Harbormaster giving the following information:

- a) Date and time of violation.
- b) The boat causing violation, including description and if possible, name and identifying number.
- c) Owner, if known.
- d) Operator or master of vessel, if known.
- e) Nature of violation.
- f) Damage or injuries cause, if any; and
- g) Witnesses, including name, address and telephone number.

Action of the Harbormaster

If the Harbormaster determines, based on the complaint and any other investigation the Harbormaster may undertake, that probable cause exists to believe that a violation of any regulation has occurred, the Harbormaster shall either

- a) Issue a written warning to the alleged offender.
- b) Issue a citation and proceed to enforce any violation of these regulations as provided herein in a court of competent jurisdiction.
- c) Take other such actions as authorized by these regulations or other applicable local, state, or federal laws.

Section L: FEES

The schedule of fees for such permits and applications established by the Manchester by- the Sea Select Board

General Provisions

- a) It is the responsibility of a mooring site applicant to submit the approved application permit to the Harbormaster together with all fees due before March 1st of each year. Failure to renew by March 1st will result in the revocation of mooring rights. A mooring site applicant who fails to renew by March 1st will have thirty days to appeal the revocation. Applicants will appeal by contacting the harbormaster, submitting the overdue mooring renewal and paying \$100 dollar fee. Failure to appeal within the thirty-day appeal period will result in the immediate loss of mooring rights. All appeals must be completed by March 31st.

- b) Except as specified by the Temporary Mooring Site Program the mooring site permit holder shall be responsible for any and all mooring site fees due the Town of Manchester by the Sea resulting from usage of their mooring sites. Use of an assigned mooring site is not permitted until full payment of all fees due.
- c) In the event that a mooring permit holder has no vessel at the time of renewal a minimum fee will be assessed. The fee will be based upon the maximum length of vessel for the mooring being renewed.

Mooring Site Fees

- a) Recreational Waterway permit: \$12.50/foot
- b) Commercial Service Waterway permit: \$12.50/foot based on maximum length the mooring can accommodate.
- c) Temporary Waterway permit: \$12.50/foot.

Other Fees

- a) Recreational and Commercial Seasonal slip permit: \$12.50/foot (including privately owned slips)
- b) Dredge Assessment: \$2.50/foot (all vessels)
- c) Commercial Fisheries Waterway Permit: \$6.00/ft. commercial fisheries as defined by Massachusetts code of regulation).
- d) Tender fee: \$75.00 All Town Piers, Floats and Ramps \$56.25 Commercial
- e) Non-Tender Small Boat Fee: \$200 annually
- f) Mooring Site Waiting List: (all mooring fields) \$20 annually.
- g) Late Fee for Slip Renewals after June 1st: \$100
- h) Late Fee for Mooring Renewals after March 1st: \$100
- i) Failure to display current Waterway Permit sticker: \$100
- j) Outhaul: No charge
- k) Morss Pier Hoist Fee - \$100 annually for hoist key – commercial use only.
- l) Paddle Sport Rack Fee - \$100 annually
- m) Town Hall Launch Ramp Fee - all vessels including human powered vessels - \$5/ day pass, \$25/ season pass, \$350 commercial pass. No charge for individuals who paid the annual Waterway fee.
- n) Reed Park Transient Tie-up Fee - \$3/foot Overnight / \$10 hourly
- o) Launch Service Fee – Season Pass \$575. Per ride pass \$10 per person each way.
- p) Harbor Launch Tour -Adults \$25 per person Children 7-12 \$12 per person Children 6 – Under are Free
- q) Harbor Tour – 1 hour up to 24 passengers \$300 2 hours up to 24 passengers \$575.

Section M: SEVERABILITY

In the event that any section, subsection or any portion of these Regulations shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or any other portion of these Regulations; to this end, the provisions of these Regulations are hereby declared to be severable.

Section N: EFFECTIVE DATE and RECORD OF CHANGES

These rules and regulations shall take effect on December 21, 2015. Section B: Mooring Location c), Mooring Definitions, a) and b). Wait Lists a), Section D: Mooring Management d), Section K, Mooring Site Fees. Other Fees and replaces the Town of Manchester Waterway Rules and Regulations originally approved March 2011, amended June 18, 2012, March 4, 2013, December 15, 2014, September 15, 2016, November 12, 2018, March 2, 2020, April 18, 2023 and December 16 2024 Section L-Section E Permitted Moorings, Section D Mooring Assignment I. , Section C Private bottom anchored floats, These Rules and Regulations shall remain in effect until altered or repealed by the Manchester-by-the Sea Select Board.