

# Town of Brewster

## Mooring Regulations

### 1.) Authority

This regulation is written under the authority of Massachusetts General Laws Chapters 90B, 91, and 102, and 310 CMR Section 9.07.

The Harbormaster and/or Assistant Harbormaster has the authority to enforce all regulations set forth herein.

### 2.) Purpose

This regulation is intended to protect the health and safety of the general public and limit the environmental impact on Brewster's waterways. The purpose is to establish fair and adequate rules of conduct that govern the placement, type, and equipment used when mooring vessels in the Town of Brewster. Voluntary compliance is our goal; however, noncompliance will result in fines and penalties.

### 3.) Applicability

These regulations apply to vessels, rafts and/or swim floats anchored or moored in the Brewster waters of Cape Cod Bay and fresh water ponds.

### 4.) Definitions

"Abandoned Vessel" means a vessel in which the owner is unable to be determined or fails to respond to attempts to be identified

"Harbormaster" means any duly appointed Harbormaster or Assistant Harbormaster as authorized by MGL Chapter 102.

"Length" means the straight line measurement of the overall length of the foremost part of the vessel to the aftermost part of the vessel, measured parallel to the centerline, exclusive of fittings or attachments, but including pulpits, bowsprits and swim platforms.

"Hazard" means located within navigation channels, obstructing launch ramps or swimming areas, striking adjacent vessels or adjacent mooring tackle, or damaging a resource area such as salt marsh or eelgrass beds.

"Mooring Area" means an area designated in these regulations where a mooring can be placed and which no restrictions have been issued.

"Mooring Buoy" means a white mooring ball with a blue horizontal stripe.

"Mooring Marker" means a white Styrofoam, rubber, or plastic float with a blue horizontal stripe.

"Mooring Tackle" means the anchor(s), chain(s), hawser(s), bridle(s), and so forth, used to secure a vessel.

"Vessel" means every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on the water.

"Properly Moored" means the following:

In the Brewster waters of Cape Cod Bay and fresh water ponds, no vessel will be moored directly in front of Town Landings or community bathing areas or so as to interfere with swimming or access in said areas.

In the waters of Cape Cod Bay, no vessel will be moored within a distance of 80 feet of another mooring or 100 feet of designated aquaculture areas unless authorized by Harbormaster/ Assistant Harbormaster.

In the waters of Cape Cod Bay, all vessels must maintain a minimum of 25 feet from all aquatic vegetation, including but not limited to sedge (*Spartina*) or eelgrass (*Zostera*).

In the ponds of Brewster, no mooring will be placed within a distance of 50 feet of another mooring unless authorized by Harbormaster/ Assistant Harbormaster.

In the ponds of Brewster no mooring will be placed so as to obstruct any public boat launch sites, or hinder access in or out.

## 5.) Regulations

No person shall anchor, place or maintain in the waterways of Brewster any mooring or float that is under the jurisdiction of the Harbormaster without first obtaining a mooring permit and tags from the Harbormaster.

### 5.1) Responsibilities

The location, type, and adequacy of each mooring must be approved annually by the Harbormaster or Assistant Harbormaster before placement. All moorings will be the responsibility of the owner of the vessel and will be maintained and installed by the owner.

The Town shall not be responsible for any loss or damage to vessels or persons or other property at the Town's floats, ramps, landings, moorings or docks. Vessel owners/operators will be held responsible for any damage caused by them or their vessels or to any Town structure or facility.

## 5.2) Mooring Inspections

The Harbormaster or Assistant Harbormaster may, at any time, inspect any mooring and may remove or cause to be removed any mooring that fails to meet the provisions of these regulations.

No person other than the rightful owner, his or her representative or the Harbormaster shall pull or otherwise tamper with any mooring.

## 5.3) Mooring Permits

No person shall keep or moor any vessel greater than 9 feet in overall length for a period in excess of 14 consecutive days in or on the waters, flats, or shores of the Town of Brewster, without first obtaining a mooring permit and mooring tag. Floats and swim rafts must also obtain a mooring permit and mooring tag. Mooring permits can be obtained at the Town of Brewster Natural Resources Department, Brewster Town Hall, or on-line at <http://www.town.brewster.ma> under the Department of Natural Resources. Completed applications shall be acted upon within a period of 15 days from receipt.

All mooring permits **must** be renewed annually by February 15<sup>th</sup>.

No permit shall be issued if, in the opinion of the Harbormaster, the mooring, float, or raft and its associated equipment are inadequate or unsafe; if it will endanger other vessels; if there is insufficient space available within the waterways to place or maintain the proposed mooring; or if it will interfere with navigable channels. No permit shall be issued if outstanding taxes, fees or other liabilities are owed to the Town.

## 5.4) Mooring Sticker, Tag

A mooring sticker and tag will be issued for each permitted vessel that is properly moored with in the waters of Brewster. Mooring stickers must be displayed on the port side of the hull, 1" aft of and in line with the state registration sticker. On non-engine propelled boats, it will be displayed on the port side of the hull, 2" below the sheer strake or rail and 12" aft of the stem.

In addition to a mooring permit, two mooring tags will be issued; one to be attached to the mooring buoy, and the second to be attached on the shackle connecting the chain and line. (See diagram)

5.5) Proper Mooring of Vessel

All vessels must be “properly moored” in a manner described and defined in these regulations, and in a location that does not present a hazard to navigation, access, swimming, aquaculture or other moored vessels.

No vessel determined to be unseaworthy, or which is likely to injure persons or damage private or public property, or which might become a menace to navigation shall be permitted to moor in Town waters or tie up at Town landings. The Harbormaster shall determine whether any craft is unseaworthy and take appropriate steps for the removal of the vessel at the owner’s expense. This shall not apply to vessels in immediate distress as a result of current emergencies.

5.6) Subletting Prohibited

Mooring spaces are not transferrable and cannot be sublet. The owners of mooring permits may not allow other vessel owners the privilege to use their mooring without permission of the Harbormaster.

5.7) Display of Registration

All motorized vessels moored in the waters of the Town shall have properly displayed registration numbers and a valid registration certificate as assigned in the state wherein the vessel is registered.

5.8) Mooring Tackle (Minimum Specifications)

Length of Boat	Weight of Mushroom anchor		Chain & Shackle	Line Diameter
	Protected (Pond)	Unprotected (Bay)		
Under 16'	50 lbs.	75 lbs.	3/8"	1/2"
16' to 18'	75 lbs.	100 lbs.	3/8"	1/2"
19' to 25'	100 lbs.	200 lbs.	3/8"	1/2"

**CONCRETE OR CINDER BLOCKS ARE NOT PERMITTED AS MOORING MATERIAL**

Length of chain will be at least three feet (3') longer than the depth of the water at Mean High Water where the mooring is to located.

Total length of mooring – chain and pennant – will be equal to at least three times the depth of water at Mean High Water where the mooring is located, but no more than four (4) times.

Only mooring markers of the type described in these regulations can be used. The mooring buoy will bear the name and mooring permit number (see diagram). Use of wooden or steel winter buoys on permanent moorings is permitted only from November 1<sup>st</sup> to April 1<sup>st</sup>.

#### 5.9) Mooring Area Restrictions

Mooring is not allowed directly in front of Town Landings or in Paine's Creek (unless authorized by Harbormaster).

#### 6.0) Abandoned Moorings

Abandoned and/or unregistered moorings that cannot be identified shall be removed by the Harbormaster and disposed of in the best interest of the Town.

#### 7.0) Floats

The placement of temporary floats and/or rafts in the waters of Brewster, held by anchors or bottom moorings must be approved by the Harbormaster and require a mooring permit. All floats and/or rafts must be identified with the mooring permit numbers to the land and seaward sides of the float. Numbers shall be in contrasting colors and a minimum of two (2) inches in height.

#### 8.0) Refueling of Vessels

With the exception of transferring approved portable fuel tanks to open boats, no person shall refuel or cause fuel to be added to any fuel tanks aboard any vessel at any Town Landing, dock, or pier that is not equipped with a duly licensed fuel pumping station. No fuel shall be transferred from any container while the vessel is made fast to any Town Landing, dock, or pier.

#### 9.0) Mooring Fees

Upon notification of approval of mooring applications by the Harbormaster, the fees for permits are listed below:

Annual mooring fee: \$20.00

#### 10.) Waiting List

In mooring areas where no additional spaces are available, applicants must complete a Mooring Application, with a copy of their vessel registration or documentation papers. The applicant shall be placed on a waiting list maintained by the Harbormaster.

The applicant waiting the longest, based upon the receipt of that party's first annual application unfilled for lack of space, shall be selected unless disqualified by these regulations; however, holders of previous mooring permits will first be allowed to renew their moorings or obtain substitute moorings within the control of the Harbormaster or Assistant Harbormaster.

## 11.) Mooring and Tender Removal

All moorings shall be removed from the waters, flats, or shores of the Town of Brewster by no later than November 15<sup>th</sup> annual, unless otherwise authorized by the Harbormaster.

If moorings remain in place after November 15<sup>th</sup>, mooring tags must be visible.

All tenders (a.k.a dinghies, prams) shall be removed no later than November 15<sup>th</sup>.

## 12.) Tender Storage

All tenders must be properly stored as not to molest or hinder the growth or survival of upland dunes and vegetation. Placement of tenders must not interfere with or deteriorate coastal dunes.

Mooring permits do not authorize trespass onto or storage of tenders on private property.

There will be a designated area at Mant's Landing and at Crosby Landing to store tenders. Applicants must be assigned storage space by the Harbormaster.

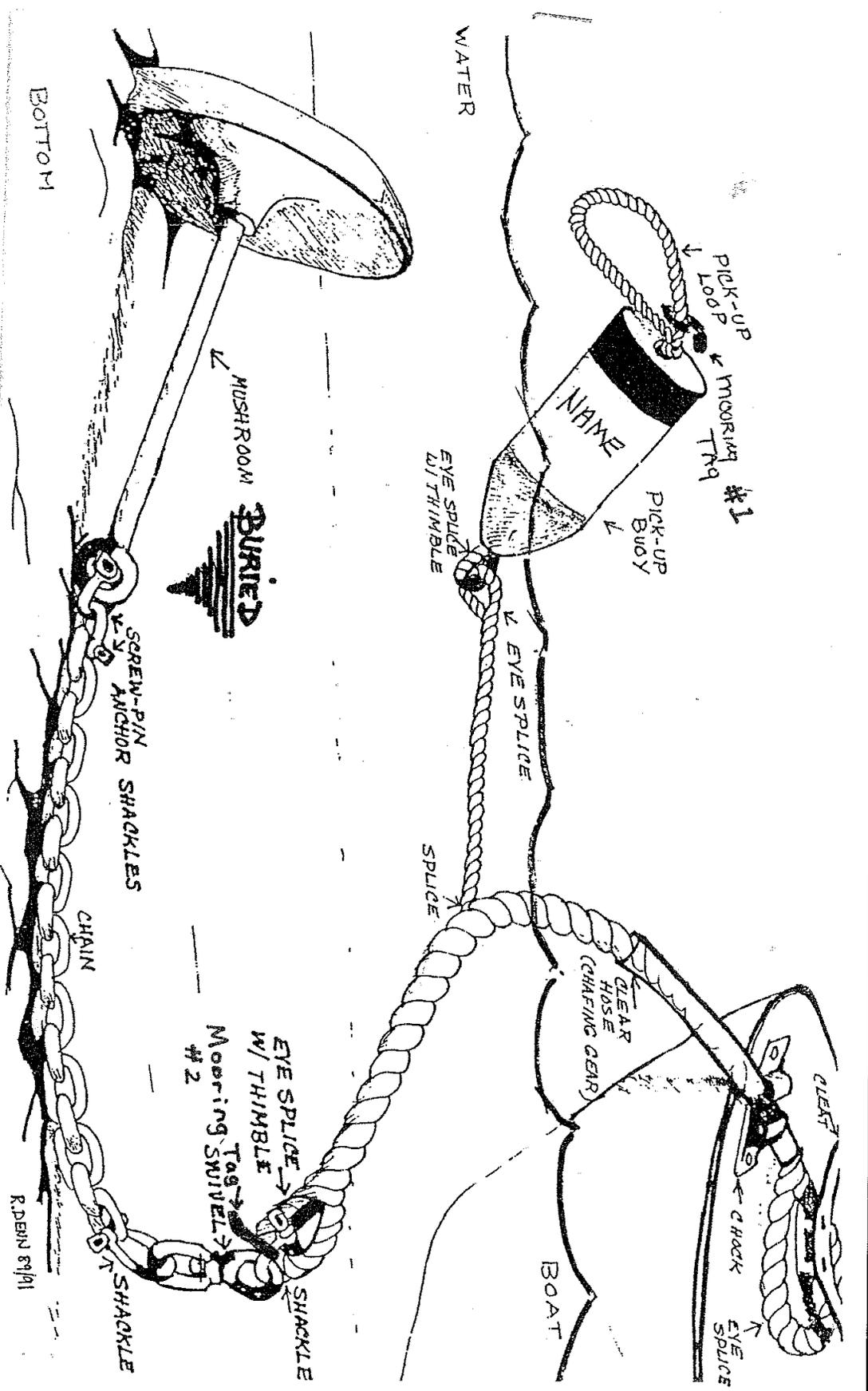
## 13.) Violations and Penalties

### 13.1) Failure to Obtain Permit or Improperly Moored Vessels

A vessel moored without an authorized mooring permit, or which is otherwise improperly moored, will be first given a warning that the vessel is in violation of the Town of Brewster mooring regulations. Said warning notice will be affixed to the vessel and will include the date of the notice, the nature of the violation, and requirement that the violation be corrected. A certified letter, including the information outlined above, will also be sent to the vessel owner, if known.

If the owner fails to correct the violation or to make acceptable arrangements with the Harbormaster within 48 hours, the enforcing person may pursue criminal enforcement or non-criminal enforcement in accordance with the provisions of Massachusetts General Laws Chapter 40, Section 21D. In the latter instance, the penalty shall be \$200.00, and each day the violation continues shall be a separate offense.

Revised July 29, 2008



R.DENN 6/1/91



# Town of Brewster Application for Mooring Permit

<p style="text-align: center;"><b>Applicant</b></p> <p>Name _____  <div style="text-align: center;">Mailing Address</div> Street _____  City State Zip _____  Phone _____  <div style="text-align: center;">Local address</div> Street/Town _____  Phone _____  Email _____</p>	<p style="text-align: center;"><b>Official Use</b></p> <p>Sticker # _____ Tag # _____  Mooring Area/Description: _____    Registration _____  Expiration _____ Amount paid _____  Date issued _____  Officer _____</p>
<p style="text-align: center;"><b>Vessel</b></p> <p><input type="checkbox"/> Outboard <input type="checkbox"/> Inboard <input type="checkbox"/> Sail  <input type="checkbox"/> Other _____  Vessel Name _____  Length _____ feet Hull colors _____  Make/Model _____  Year of Manufacture _____  Hull ID# _____  State Registration # _____</p>	<p style="text-align: center;"><b>Mooring</b></p> <p>Location (attach sketch map) _____  <input type="checkbox"/> New <input type="checkbox"/> Renewal  Date last inspected _____  Type _____  Weight of Mushroom _____ pounds  Buoy type _____ Color _____</p>
<p style="text-align: center;"><b>Engine/Propulsion</b></p> <p>Type &amp; Horsepower _____  Make &amp; Year _____  Serial Number _____</p>	<p style="text-align: center;"><b>Permission from Upland Owner</b>  (Cape Cod Bay Only)</p> <p><input type="checkbox"/> I am the upland property owner.  <input type="checkbox"/> I have written permission from the upland property owner or his agent.  <input type="checkbox"/> The Town of Brewster is the upland property owner.  <input type="checkbox"/> Other (explain on back)</p>

## *Waiver of Responsibility*

In consideration of this application being accepted, I waive and release any and all rights and claims for personal damages against the Harbormaster and the Town of Brewster. I hereby absolve the Harbormaster and Assistant Harbormaster from all responsibilities of liability to myself and others or damage to any vessel, equipment, or property. I certify that the information supplied above is the best of my knowledge and belief.

Applicant Signature \_\_\_\_\_

Date \_\_\_\_\_