

Town of Brewster

Mooring Regulations

1.) Authority

- a) This regulation is written under the authority of Massachusetts General Laws Chapters 90B, 91, and 102, and 310 CMR Section 9.07.
- b) The Harbormaster and/or Assistant Harbormaster has the authority to enforce all regulations set forth herein.

2.) Purpose

- a) 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 the goal; however, noncompliance will result in fines and penalties.

3.) Applicability

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

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.

"Kayak Rack/Seasonal Boat Storage" means a town provided area to store kayaks, canoes or other floatation items.

"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.

“Swim Raft or Swim Float” means a raft with a maximum size of 12’ X 12’ whose primary purpose is for swimming purposes only and shall not be used to store vessels or used for other purposes.

5.) Regulations

- a) 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

- a) 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.
- b) The Town shall not be responsible for any loss or damage to vessels, 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 any Town structure or facility.

5.2) Mooring Inspections

- a) 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. Any chain or mooring tackle that shows significant wear, does not meet these specifications.
- b) No person other than the rightful owner, his or her representative or the Harbormaster shall pull or otherwise manipulate with any mooring.

5.3) Mooring Permits

- a) 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.

- b) Vessels 9 feet in length and less may moor without paying a mooring fee, but must be registered and have current mooring stickers and tags.
- c) Seasonal boat storage racks provided by the town at public landings also require a permit from the Harbormaster or Town. This kayak/canoe/standup paddle board storage rack permit is covered under separate regulations and permit.
- d) Mooring permit applications can be obtained at the Town of Brewster Conservation Department, or on-line at <http://www.brewster-ma.gov> under the Department of Natural Resources. Completed applications shall be acted upon within a period of 15 days from receipt or as detailed herein.
- e) All mooring permits must be renewed annually by February 15. Any person who fails to renew by this date may lose their position, and in locations where waiting lists are established, their position will be reassigned and they must join the waiting list. There will be a \$20 processing fee for mooring applications or renewals received after April 1 of each year.
- f) 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;
 - If it will interfere with navigable channels.
 - If outstanding taxes, fees or other liabilities are owed to the Town.
- g) The vessel size length, width, draft may affect mooring approval.

5.4) Mooring Sticker, Tag

- a) A mooring sticker and tag will be issued for each permitted vessel that is properly moored within 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.
- b) 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

- a) 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.
- b) No vessel determined to be unseaworthy, 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.

- c) No moored vessel or raft may be connected to the shoreline by means or rope or anchor line, but shall be free floating with bottom mooring tackle.
- d) 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 so as to interfere with swimming or access in said areas.
- e) In the Brewster 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 the Harbormaster/ Assistant Harbormaster.
- f) In the Brewster 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*) and eelgrass (*Zostera*).
- g) 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.
- h) 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 from public launch sites.
- i) In the ponds of Brewster all moored vessels, rafts and floats must maintain a minimum depth of 4 (four) feet of water at average low water below the bottom of the vessel, raft or float.
- j) Mooring tackle that shows evidence of significant wear and is unsafe is not acceptable.

5.6) Subletting Prohibited

- a) 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

- a) 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, DEADMEN AND SIMILAR HOME MADE
ANCHORING DEVICES ARE NOT PERMITTED**

- a) Length of chain will be at least (3) three feet longer than the depth of the water at mean high water where the mooring is to be located.
- b) Total length of mooring (chain and pennant) will be equal to at least (3) three times the depth of water at mean high water where the mooring is located, but no more than four (4) times.
- c) 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, plastic, or steel winter buoys on permanent moorings is permitted only from November 1 to April 1.

5.9) Mooring Area Restrictions

- a) Mooring is not allowed directly in front of Town Landings or in Paine's Creek, Quivett Creek, or within areas of salt marsh (unless authorized by Harbormaster).

6.0) Abandoned Moorings

- a) 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) Swim Rafts or Swim Floats

- a) The placement of temporary swim floats and/or swim rafts in the waters of Brewster, held by anchors or bottom moorings must be approved by the Harbormaster and require a mooring permit prominently placed on the float. Swim floats and/or swim rafts may not be connected to shore by means of line, chain or ramp. In freshwater ponds, all rafts and/or floats must maintain a minimum depth of four feet of water at average low water.
- b) Swim rafts and or swim floats may not have any pressure treated materials in direct contact with the water. Floatation materials shall not have exposed styrofoam billets. All floatation billets must have a solid outer coating.

8.0) Refueling of Vessels

- a) 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

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

- b) Annual mooring fee: \$30.00
- c) Annual Waiting List fee: \$10.00

10.) Waiting List

- a) In mooring areas where no additional spaces are available, applicants must annually complete and submit a Mooring Waiting List Application, with the appropriate fee, by February 15 each year. The applicant shall be placed on a waiting list maintained by the Harbormaster.
- b) 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, as long as their renewal application is received by the office by February 15.
- c) Failure to submit a waiting list application by the deadline will cause an applicant to be removed from the waiting list.

11.) Mooring and Tender Removal

- a) All moorings, vessels, and floats shall be removed from the waters, flats, or shores of the Town of Brewster by no later than November 15 for the winter, unless otherwise authorized by the Harbormaster.
- b) If moorings remain in place after November 15, mooring tags must be visible.
- c) All tenders (e.g., dinghies, prams) shall be removed no later than November 15.
- d) If tenders are not removed by November 15th, said vessel will be tagged with a violation notice, stating the date, nature of violation and DNR contact information. Efforts will be made to notify the vessel owners. If no action is taken within 48 hours of the initial notice, the vessel will be removed and stored at the DNR office.
- e) Any vessel removed will be held at the DNR office until the owner has been notified, vessel is claimed, or for one (1) year at which time the vessel is considered an abandoned vessel and may be disposed of in the best interest of the Town.

12.) Tender Storage

- a) All tenders must be properly stored so 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.
- b) Mooring permits do not authorize trespass onto or storage of tenders on private property.

13.) Renewals

All renewals shall be done through the Town's on-line mooring system or personal check.

14.) Violations and Penalties

14.1) Failure to Obtain Permit or Improperly Moored Vessels

- a) 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.
- b) If the owner fails to correct the violation or to make acceptable arrangements with the Harbormaster within 48 hours, the Town 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 FEBRUARY 10, 2023



TOWN OF BREWSTER, MASSACHUSETTS

NATURAL RESOURCE / SHELLFISH / HARBORMASTER DEPARTMENT

1657 MAIN STREET BREWSTER, MA 02631

PHONE: (508) 896-4546 RBURCH@BREWSTER-MA.GOV

MOORING PERMIT APPLICATION FOR 20_____

APPLICANT INFORMATION NAME: _____ STREET: _____ (WINTER MAILING ADDRESS) CITY, STATE: _____ ZIP: _____ CELL PHONE: (_____) _____ HOME PHONE: (_____) _____ E-MAIL: _____	STICKER # _____ TAG# _____ DATE RECEIVED: _____ AMOUNT PAID: _____
VESSEL INFORMATION <input type="checkbox"/> SAME (if no changes, check box) <input type="checkbox"/> NEW (if new vessel fill out fields below) <input type="checkbox"/> Outboard <input type="checkbox"/> Inboard <input type="checkbox"/> Sail <input type="checkbox"/> Other _____ Vessel Name _____ Length _____ Make / Model _____ Hull Colors _____ State Reg. # _____ Hull ID # _____	MOORING TACKLE / LOCATION Date last inspected ____ / ____ / ____. Type ____ Weight ____. Buoy type ____ Color ____ LOCATION _____ _____ _____
ENGINE / PROPULSION Type & Horsepower _____ Make & Year _____ Serial Number _____	
PERMISSION FROM UPLAND OWNER (Cape Cod Bay Only) <input type="checkbox"/> I am the upland property owner <input type="checkbox"/> I have written permission from upland owner <input type="checkbox"/> Town of Brewster is the upland owner <input type="checkbox"/> Other (explain on back)	

If this application is 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 liability to myself and others, or damage to a vessel, equipment, or property. I certify that the information supplied above is the best of my knowledge and believe to be accurate.

APPLICANT SIGNATURE _____

DATE _____

