

96-1. Purpose

The goals of this chapter are to:

- A. Provide for the regulation of the public waters within the Town of Charlestown, as described herein and hereafter referred to as the "coastal ponds," by establishing regulations that balance and manage the diverse uses of the coastal ponds of the Town of Charlestown; and to minimize user conflicts.
- B. Ensure that all waterway activities are occurring in a safe and controlled manner so as to prevent unnecessary accidents through the administration and enforcement of the Harbor Management Plan, and the rules and regulations established pursuant hereto.
- C. Provide a mechanism to ensure that the administration and operational costs of this chapter and the Harbor Management Plan are shared by the Town of Charlestown, private and commercial mooring owners and other groups or individuals as may be identified by the Coastal Pond Management Commission, hereinafter described.
- D. Regulate, monitor, administer and manage all moorings placed in the coastal ponds by providing fair and efficient means for mooring space allocation, the continuation of mooring services and the maintenance of mooring areas.
- E. Maintain, improve and develop public access opportunities to the coastal ponds of the Town of Charlestown for the benefit of all user groups, including those without boats who seek to use the coastal ponds for passive and active recreation.
- F. Remain consistent with the goals and regulations of the Rhode Island Coastal Resources Management Council, the Rhode Island Department of Environmental Management, the State Guide Plan and the United States Army Corps of Engineers.
- G. Maintain and improve the quality of water within the jurisdictional boundaries of the Town of Charlestown.
- H. Maintain compliance with the Town of Charlestown Comprehensive Plan, as the same may be amended from time to time.

96-2. Definitions

The following definitions will apply to this chapter and any regulations that are adopted pursuant to Chapter 96-5 hereof:

ANCHOR

To secure a vessel temporarily to the bottom of a water body by dropping an anchor or other ground tackle from a vessel.

BREACHWAY

A connecting channel, usually between a coastal pond and the ocean, which permits water exchange between the two.

CHANNEL

Any water areas that are reserved for unobstructed movement of vessels.

COASTAL POND MANAGEMENT COMMISSION

An appointed group of residents who are responsible for overseeing and instituting the Town Harbor Management Plan's rules and regulations.

COASTAL PONDS

Ninigret Pond, Quonochontaug Pond and Green Hill Pond, described as coastal ponds or lagoons located behind a barrier beach which, in their natural condition, permanently or occasionally exchange waters with the ocean.

FAIRWAY

Any locally designated water areas reserved for unobstructed movement of vessels.

HARBOR MASTER

An official appointed by the Town Council of the Town of Charlestown upon the recommendation of the Town Administrator to carry out the provisions of this chapter or any other ordinance and any additional regulations subsequently adopted for the implementation of the ordinance.

LAUNCHING RAMP

A man-made or natural facility used for the launching and retrieval of boats.

MARINA

Any dock, pier, wharf, float, floating business, or combination of such facilities that services five or more recreational boats.

MARINE SANITATION DEVICE (MSD)

A specific piece of machinery or system of machinery that is dedicated to treat, process, and/or store raw, untreated sewage that can accumulate onboard water vessels. It does not refer to portable devices such as portable toilets.

MOOR

To permanently secure a vessel to the bottom of the water body by the use of mooring tackle.

MOORING

A place or a semipermanent anchorage installation consisting of a heavy anchor, mooring buoy and a pennant whereby buoyant vessels are secured to the bottom of a water body in accordance with this chapter.

MOORING PERMIT, COMMERCIAL

A permit issued to a commercial entity by the harbor master, and where the mooring tackle associated with the mooring permit is located on the coastal ponds within a Coastal Resources Management Council approved mooring field and can be rented by the permit holder for profit.

MOORING PERMIT, PRIVATE

A mooring permit that is issued by the harbormaster to an individual, or a waterfront association within the coastal ponds, and where the mooring tackle associated with the mooring permit is used by the permit holder.

MOORING SPACE

The water space assigned to a permit holder by the harbor master, where the mooring tackle associated with the mooring permit is placed.

MOORING TACKLE

The hardware used to secure a vessel at a mooring and which is kept in place seasonally or semipermanently.

MOORING, WATERFRONT

A mooring held by a riparian property owner under a permit granted by the Town of Charlestown, and which is located within the coastal waters bordering that property as bounded by the seaward extension of that property's lateral lot lines.

OUTHHAUL

Non-single-point anchoring device, for the purpose of securing a boat in tidal waters and retrieving it from shore.

PERSON

An individual, group of people, firm, association, organization, partnership, trust, company or corporation.

RECREATIONAL BOATING FACILITY

A marina, launching ramp, residential and limited recreational boating facilities, recreational wharves, piers and slips, floats or floating docks, and recreational mooring areas.

REGISTERED OWNER

The person owning the vessel assigned to a mooring permit at the time of issue.

RESIDENT

Any person whose legal residence is the Town of Charlestown or any person resident in another community or state but who owns real estate within the Town of Charlestown.

RESIDENTIAL BOATING FACILITY

A dock, pier, wharf, or float, or combination of such facilities, contiguous to a private residence, condominium, cooperative or other home owners' association properties that may accommodate up to four (4) boats.

RIGHT-OF-WAY

An unobstructed path or corridor from a public thoroughfare or facility leading to or along the coastal ponds and shoreline areas below the mean high-water mark.

TRANSIENT MOORING

Any mooring designated for rental and short term use on a first come, first serve basis.

VESSEL

Every description of watercraft, other than a seaplane on water, used or capable of being used as a means of transportation on water. Specifically excluded by this definition are floating homes or houseboats.

VESSEL, COMMERCIAL

Any type of vessel used primarily for any type of commercial venture, including but not limited to fishing, towage, salvage and the carrying of passengers for hire.

WATERFRONT ASSOCIATION

A home owners association, where the home owners within the association all have deeded use of a waterfront right of way or a parcel of waterfront property.

96-3. Jurisdiction of Town

The coastal ponds of the Town of Charlestown are those coastal ponds within the jurisdiction of the corporate boundaries of the Town of Charlestown known as "Ninigret Pond" and "Quonochontaug Pond" and all other coastal waters not otherwise named within the town's jurisdiction.

96-4. Coastal Pond Management Commission

The Coastal Pond Management Commission shall be the local regulatory body authorized to regulate the coastal ponds of the town through the implementation of the Harbor Management Plan, ordinances, and, regulations. The Coastal Pond Management Commission shall enforce the provisions and ordinances of the Harbor Management Plan as well as adopt additional policies, rules and regulations for the implementation of the Harbor Management Plan and subsequent ordinances and perform all acts necessary and consistent with the Harbor Management Plan and such ordinances, subject to the approval of the Charlestown Town Council and the Coastal Resources Management Council.

- A. Composition. The Coastal Pond Management Commission shall consist of seven (7) resident members appointed by the Town Council after duly advertising the availability of these positions, with representation from each of the following groups, to the extent possible: two (2) recreational boaters, one (1) commercial fisherman, one (1) commercial marina or marine-related service operator, one (1) residential shorefront property owner and two (2) undesignated members, one (1) of whom shall be a resident of the Town of Charlestown north of Route 1. At least one (1) member of the Commission shall have a boat moored or docked on Ninigret Pond, and at least one (1) member shall have a boat moored or docked on Quonochontaug Pond. In the event that the Town Council does not have sufficient applicants from any particular representative group described above, the position shall be filled with any otherwise qualified candidate.
- B. Appointments. Members shall be appointed by the Town Council for terms consisting of three (3) years. Appointments shall be staggered so that approximately one-third (1/3) of the membership terms shall expire each year. [Amended 3-9-1998 by Ord. No. 210]
- C. Vacancies. To the extent possible, vacancies shall be filled from the group in which the vacancy occurred. [Amended 3-9-1998 by Ord. No. 210]
- D. Officers. A Chairman, Vice Chairman and Secretary shall be elected by the members of the Commission. Meetings shall be called by the Chairman or at the request of at least three (3) members of the Commission. The Secretary shall keep minutes of all meetings and file such minutes with the Town Clerk.
- E. Powers and duties. The Coastal Pond Management Commission shall be a local regulatory body authorized to regulate the coastal ponds of the town through the implementation of the Harbor Management Plan, ordinances, and regulations. The Coastal Pond Management Commission is authorized to:
1. Recommend to the Town Council the adoption of rules, regulations, fees, penalties and other amendments to the Harbor Management Plan and any subsequent ordinances which may be necessary to fulfill the goals and objectives of the Harbor Management Plan.
 2. Recommend additional authorities and duties for the Harbor Master, hereinafter detailed, with the approval of the Town Council.
 3. Assist in the preparation of an annual budget in accordance with the provisions of the town charter to expend moneys in the Coastal Pond Management Fund as defined in Chapter 96-8.

4. Act as a board of appeals, to hear any person aggrieved by any decision of the Harbor Master in the enforcement and implementation of this chapter and the regulations adopted hereunder. The Coastal Pond Management Commission shall file all of its decisions with the Town Clerk, and any person aggrieved by a decision of the Coastal Pond Management Commission may appeal said decision to the Town Council by filing a notice of appeal with the Town Clerk within fifteen (15) days after filing of the decisions.
5. Review and revise as necessary the Harbor Management Plan and its ordinances and regulations for the Town Council and Coastal Resources Management Council approval. The Harbor Management Plan and any ordinances and regulations adopted pursuant thereto shall be reviewed and revised at least once every five (5) years.

F. Ex officio members.

1. The Harbor Master shall be a nonvoting, ex officio member of the Coastal Pond Management Commission.
2. The Chairman of the Conservation Commission, or his/her designee, shall be a nonvoting, ex officio member of the Coastal Pond Management Commission.
3. To enable the Coastal Pond Management Commission to coordinate issues of mutual concern between adjacent coastal municipalities, there may be two (2) nonvoting, ex officio members from the Harbor Commission. One (1) of South Kingstown and one (1) of Westerly, Rhode Island.

G. Compensation. Coastal Pond Management Commission members may be compensated for any normal expenses incurred in the performance of their duties but shall otherwise not be compensated.

96-5. Regulations

A. The Coastal Pond Management Commission shall adopt rules of procedure and regulations for the operation of this chapter, which regulations shall not become effective until approved by resolution of the Town Council after public hearing.

B. Mooring Regulations

1. Permitting Process

- a. No mooring tackle shall be located in the Coastal Ponds of the Town of Charlestown until a valid permit has been issued for the use of such mooring tackle by the Harbor Master, and when the mooring tackle associated to the

mooring permit conforms to specifications and standards set forth in these regulations.

b. Request for a Mooring Permit

- 1) The Harbor Master must be contacted directly for all mooring permit requests to provide the mooring permit applicant with the correct application that must be submitted.
- 2) Mooring permit applications can be obtained from the Harbor Master or the Town Clerk's office. An application shall be accompanied by the appropriate fee and shall be received by the Town Clerk. A complete and accurate mooring permit application must be provided before the Harbor Master can act to approve or reject such application. The Harbor Master shall determine if a mooring permit can be issued only after all provisions of the Harbor Management Plan and the regulations are met.
- 3) If a mooring permit cannot be issued to an applicant, the applicant can request to be placed on the mooring permit wait list. A mooring permit wait list application can be obtained from the Harbor Master or the Town Clerk's office, and can also be completed electronically online. A complete and accurate mooring permit wait list application must be submitted along with the required one time processing fee as described in Chapter 98-6 before the Harbor Master can approve or reject such application.
- 4) At the time a mooring permit wait list applicant's name comes up on the wait list to be granted an available mooring permit, the applicant will be notified via email by the Harbor Master that a mooring permit has become available. The applicant will have fourteen (14) days to accept the mooring permit. Upon acceptance of an available mooring permit, the applicant will be provided a mooring permit application by the Harbor Master. A complete and accurate mooring permit application, along with the required mooring permit fee as described in Chapter 96-6, must be submitted within fourteen (14) days to the Harbormaster or the Town Clerk's office before the Harbor Master can act to approve, or reject the issuance of a mooring permit to the applicant.
- 5) If the Harbor Master issues a mooring permit, the permit holder for which such permit has been issued must locate the mooring tackle at the direction of the Harbor Master or Assistant Harbor Master(s) in accordance with the Harbor Management Plan and these regulations.

c. Permit Renewals

- 1) The Harbor Master shall mail a notice of mooring permit renewal along with mooring permit renewal instructions by March 1 of each year to those persons who held valid mooring permits at the end of the previous calendar year, to the address listed on their last mooring permit. It shall be the responsibility of the mooring permit holder to notify the Harbor Master of any change in address.
- 2) A mooring permit renewal must be completed electronically online, and mooring fees as described in Chapter 96-6 be paid in full by March 31. A mooring permit holder may request a mooring permit renewal application be provided if the applicant is unable to complete the mooring permit renewal electronically online. Applications for renewal of a valid mooring permit shall be submitted to the Harbor Master or the Town Clerk's office by March 31 of each year-and shall be accompanied by the appropriate fee.
- 3) Failure to submit a complete and accurate application by March 31 of each year will result in a late fee as described in Chapter 96-6. Applications for renewal not received prior to June 1 of each year will result in revocation of the mooring permit by the Harbor Master.

2. Relocation of an existing permitted mooring tackle

- a. All requests for relocation of existing permitted mooring tackle must be submitted to the Harbor Master in writing by mail or email. The mooring permit holder must have been issued a valid mooring permit for the previous year, and provide the reason for the request to relocate mooring tackle associated with the mooring permit. Based on availability of space, requirements of the ordinance, and type and size characteristics of the vessel, appropriate action will be taken on the request. Any request received by the Harbor Master that is not complete and in writing, will result in the request being denied, and no action will be taken.

3. Failure to renew an existing, valid mooring permit

- a. Failure to renew an existing valid mooring permit in accordance with provisions of these regulations by June 1 of any given year shall result in the permit holder's surrender of the mooring permit, and abandonment of all his privileges and interests in the previously permitted mooring space. The Harbor Master shall make available the surrendered mooring permit for issuance, and may remove the now abandoned mooring at the permit holder's expense. Such expenses may in turn be recovered by the Town, in accordance with any provision of these regulations.

4. Forfeiture of a Mooring Permit and Mooring tackle Space

- a. Failure to comply with requirements of the ordinance or regulations
- b. Removal of mooring tackle by the permit holder and notification to the Harbor Master that the mooring has been removed.
- c. Failure to comply with and remedy within thirty (30) days violations described in the Harbor Master's violation notice that the mooring does not comply with the mooring tackle standards hereinafter set forth.
- d. Any mooring tackle that is not associated with a commercial mooring permit that is being rented for profit.
- e. Any mooring in violation of the regulations set forth for the request of temporary mooring tackle use as described in Chapter 96-5(B)(7)(c.).
- f. Any such forfeited mooring permit shall remain in the name of the permit holder for a period of twenty-one (21) days after notice by certified mail to the permit holder, within which time the permit holder shall have the right to appeal the forfeiture. In the event the appeal is not granted, the Harbor Master shall have the right to issue the mooring permit and dispose of such mooring tackle as he/she sees fit.

5. Available Space

- a. The total number of moorings not associated with waterfront property permitted in both coastal ponds within the Town of Charlestown shall not exceed 300.
- b. The Harbor Master shall determine the number of mooring spaces available for mooring placement within designated mooring fields. These available mooring spaces shall be made available to those persons whose names appear on the mooring permit waiting list as described in Chapter 96-5(B)(6).
- c. Charlestown residents shall be given priority for a mooring permit over non-residents. A non-resident shall not lose priority for a mooring permit to a resident more than three (3) times before such non-resident is given first priority to an appropriate mooring space. In the case of a mooring field located within a federal navigation project, permits shall be allocated according to the U.S. Army Corps of Engineers requirement of "open to all on a fair and equitable basis"

- d. If any mooring permit waiting list applicant shall refuse a grant of mooring space, his or her application shall be removed from the mooring permit waiting list. Requests for mooring tackle relocation shall be given the same preferential treatment as stated above regarding residents and non-residents. All approved mooring permits, and approved mooring tackle locations shall be recorded by the Harbor Master after all requirements as described in Chapter 96-5(B)(8)(b.) have been met.
- e. If an applicant on the mooring wait list has been granted a mooring permit by the Harbor Master, upon acceptance, the applicant must provide proof that they will have a vessel to occupy the mooring to the Harbor Master within sixty (60) days, or the mooring permit shall be revoked and there shall be no refund of any collected mooring fees. Accepted forms of proof shall be a copy of a state issued boat registration, boat title, bill of sale, or a boat rental/lease agreement in the name of the applicant.
- f. If an applicant on the mooring wait list has been granted a mooring permit by the Harbor Master, upon acceptance, mooring tackle must be installed in the designated location, or provide proof that a mooring tackle installation has been scheduled with an approved mooring inspector within sixty (60) days. If the mooring tackle has not been installed, or proof of a scheduled mooring tackle installation by an approved mooring inspector has not been provided, the granted mooring permit will be revoked and there will be no refund for any collected mooring fees.

6. Waiting List

- a. The Harbor Master shall maintain a waiting list of applicants seeking a mooring permit when the allowable limit of mooring permits, not to include Waterfront Mooring Permits, has been issued, or no mooring space in the designated mooring fields is available. Placement of applicants on such a waiting list will be recorded from completed mooring permit waiting list applications as they are received and approved by the Harbor Master. A one-time application processing fee set by the Coastal Ponds Management Commission as described in Chapter 96-6, will be applied and due at time of initial application by an applicant to be placed on the waiting list. The Harbor Master shall update the waiting list at least twice a year in January and June, and make available for public review at all times online, and at the Town Clerk's office.
- b. The Waiting List Application form shall include an applicant's name, mailing address, contact phone numbers, email address, boat information if available, requested mooring field location, and signature.

- c. Waiting List Application Renewal forms will be sent out annually during the month of October and must be completed by current waiting list applicants to remain on the waiting list for the next season. Renewal forms must be completed and returned to the Harbor Master or the Town Clerk's office no later than November 30. Waiting List Applicants who fail to submit a waiting list application renewal form by November 30 will be removed from the waiting list.
- d. Waiting list requirements;
 - 1) A Waiting List Application must be submitted to the Harbor Master or the Town Clerk's office by the applicant requesting to be placed on mooring permit waiting list. All required information must be completed before waiting list application will be accepted for processing.
 - 2) Waiting list application Processing Fee as described in Chapter 96-6
 - 3) Completion of a Waiting List Renewal Application annually by the listed applicant.

7. Occupancy of Mooring

- a. Nothing other than the vessel, or its tender, which has been permitted for a mooring permit shall occupy said mooring tackle. The Harbor Master shall have the authority to move any vessel or other object violating provisions of this section, with such movement at the expense and risk of the vessel or object owner.
- b. Mooring tackle associated with any mooring permit, must be occupied by the mooring permit holder's vessel for the majority of the mooring season.
- c. The Harbor Master may permit temporary use of mooring tackle associated with an approved mooring permit by another person upon written request to the Harbor Master by the permitted mooring permit holder for a Private or Waterfront (Riparian Rights) mooring permits.
 - 1) The Mooring permit and mooring tackle shall not be in violation of this chapter.
 - 2) A Temporary Mooring Use Form must be completed by the mooring permit holder and submitted to the Harbor Master before a request for temporary mooring use will be approved or rejected by the Harbor Master.

- 3) A non-refundable processing fee as described in Chapter 96-6 will be due for each request for temporary mooring use and shall be paid before a request for temporary use will be approved or rejected by the Harbor Master.
- 4) Up to four requests for temporary use of mooring tackle will be allowed, with a maximum of fourteen (14) days use per approved request.
- 5) The permit holder is responsible for ensuring that any users of their mooring tackle abide by town ordinances Chapter 86 Boats and Waterways, and Chapter 96 Coastal Ponds and Mooring. Any violations will result in future requests by the permit holder for temporary mooring use to be denied, and/or subject to the provisions of Town Code of Ordinances, Chapter 96-7 Penalties for offenses, and fines.
- 6) Any violations of Chapter 96-5(B)(7)(c.) will result in the said mooring permit being revoked, and the forfeiture of mooring space.

8. Mooring Permit Classification and Requirements

a. Mooring permits are classified as the following;

- 1) Private Mooring Permit
- 2) Waterfront Recreational Mooring Permit (Riparian Rights)
- 3) Commercial Mooring Permit

b. Mooring Permit Requirements

1) Private Mooring Permit

- a) Available to both resident, and non-resident applicants who are listed on the mooring permit waiting list where moorings are issued as they become available and as described herein of Chapter 96-5(B)(5)
- b) A holder of a Private Mooring Permit issued by the Harbor Master is authorized to moor any vessel they so choose, as long as the vessel is sea worthy, and does not exceed the maximum allowed vessel size of the mooring tackle as described herein of Chapter 96-5(B)(16).
- c) Mooring tackle of a Private Mooring Permit shall be located within an approved mooring field as designated within the Harbor Management Plan.

- d) Proof of boat ownership is required to obtain and hold a Private Mooring Permit. Documentation with vessel information shall be submitted to the Harbor Master upon request.
- e) A Storm Preparedness and Recovery Plan shall be completed and submitted to the Harbor Master.
- f) Private Mooring Permit holders may request the temporary use of mooring tackle by another person in accordance with Chapter 96-5(B)(7)(c.).
- g) Private Mooring Permits in effect, in violation of these regulations will be revoked by the Harbor Master and there shall be no refund of collected mooring fees.
- h) The annual fee for a Private Mooring Permit is set by the Coastal Ponds Management Commission, and can be found in the Town Code of Ordinances, Chapter 96-6: Fees.

2) Waterfront Mooring Permit (Riparian Rights)

- a) Waterfront mooring permits are available to residents or associations with waterfront property (Riparian rights). This does not include individual property owners who have deeded use of waterfront right of ways.
- b) Moorings~~s~~ tackle owned by persons who own waterfront property are allowed to be placed in the coastal ponds of the Town in riparian waters directly adjacent to their waterfront property as bounded by the seaward extension of that property's lateral lines. The property owner must comply with all mooring permit application requirements and receive a mooring permit from the Harbor Master as described herein, and the mooring tackle must meet all mooring tackle standards and inspections as described hereinafter, before such placement will be permitted. One (1) such mooring tackle is allowed to be placed in these areas by waterfront property owners.
- c) A holder of a Waterfront Mooring Permit issued by the Harbor Master is authorized to moor any vessel they so choose, as long as the vessel is sea worthy, and does not exceed the maximum allowed vessel size of the mooring tackle as described herein of Chapter 96-5(B)(16).

- d) Persons who have an approved mooring permit associated with waterfront property (riparian rights) may apply to have an outhaul (see Chapter 96-5(B)(16)(d.) for specifications). Outhaul mooring arrangements are not considered moorings, but the Harbor Master may authorize an annual permit for such, provided that Charlestown has a Coastal Resources Management Council approved and active harbor management plan. An outhaul is a non-single-point anchoring device, for the purpose of securing a boat in tidal waters and retrieving it from shore.
- e) Except as provided below, an outhaul(s) is/are to be permitted to the contiguous waterfront property owner.
 - (1) Up to two (2) outhauls may be allowed per waterfront property.
 - (2) Outhauls are not permitted on properties which contain a recreational boating facility.
 - (3) Permits are to be issued only if they are consistent with the Rhode Island Coastal Resources Management Program (Red Book), including the provisions of Section 300.18 (must not disturb submerged vegetation or habitat).
 - (4) Charlestown procedures acknowledge that the Coastal Resources Management Council retains the authority to revoke any permits issued by the Town of Charlestown if it finds that such permit conflicts with the Rhode Island Coastal Resources Management Program.
 - (5) From November 1st to April 1st, when a boat is not being secured by the device on an annual basis, the outhaul cabling system shall be removed.
 - (6) Outhauls may be "grandfathered" in their current location upon annual Harbor Master documentation that such outhauls have been in continuous use at such location since 2004 and the contiguous property owner(s) agree in writing to such; however, such "grandfathering" is extinguished whenever a recreational boating facility is approved at the location.

- f) Proof of boat ownership is required to obtain and hold a Waterfront Mooring Permit. Documentation with vessel information shall be submitted to the Harbor Master upon request.
- g) A Storm Preparedness and Recovery Plan shall be completed and submitted to the Harbor Master.
- h) Waterfront Mooring Permit holders may request the temporary use of mooring tackle by another person in accordance with Chapter 96-5(B)(7)(c).
- i) Waterfront Mooring Permits in effect in violation of these regulations will be revoked by the Harbor Master and there will be no refund of collected mooring fees.
- j) The annual fee for a Waterfront Recreational Mooring Permit is set by the Coastal Ponds Management Commission and can be found in the Town Code of Ordinances, Chapter 96-6: Fees.

3) Commercial Mooring Permit

- a) Available to a commercial entity as defined in Chapter 96-2 only
- b) Rental use of mooring tackle associated with an approved Commercial Mooring Permit is allowed, and may be occupied by any vessel type, recreational or commercial.
- c) The permit holder is required to complete and submit to the Harbor Master, a Temporary Mooring Use Form for any vessel utilizing the mooring at any time. A new form must be completed and submitted at any time the vessel utilizing the mooring is to change.
- d) The permit holder must provide a description of what the mooring will be used for.
- e) Adequate parking and sanitary facilities must be provided.
- f) Mooring tackle must be located within an approved mooring field as designated within the Harbor Management Plan and placed at the location within the mooring field as directed by the Harbor Master.

- g) Commercial Mooring Permits in effect, in violation of these regulations will be revoked by the Harbor Master and there will be no refund of collected mooring fees.
- h) A Storm Preparedness and Recovery Plan shall be completed and submitted to the Harbor Master.
- i) The annual fee for a Private Mooring Permit is set by the Coastal Ponds Management Council, and can be found in the Town Code of Ordinances, Chapter 96-6: Fees.

9. Mooring Permit Application requirements

- a. All applications for a mooring permit shall contain the following information.
- b. All applications for a mooring permit shall include a Storm Preparedness and Recovery Plan to be completed by the mooring permit holder or applicant.

1) Private Mooring Permit

- a) Applicant information shall include; Name, mailing address, local address if applicable, twenty-four (24) hour contact phone, secondary/cell phone if applicable, email address, and an emergency contact with a twenty-four (24) hour contact phone number.
- b) Vessel information shall include; state issued boat registration number as displayed on the vessel, hull identification number, year, make, model, color, length, width, draft, and marine sanitation device type.
- c) Mooring Information shall include; mooring permit number, mooring permit field assignment, date of last mooring inspection, mooring inspection status, and current mooring service provider.
- d) Signature accepting the rules and regulations.

2) Waterfront Mooring Permit

- a) Applicant information shall include; Name, mailing address, local address if applicable, twenty-four (24) hour contact phone, secondary/cell phone if applicable, email address, and an emergency contact with a twenty-four (24) hour contact phone number.

- b) Vessel information shall include; state issued boat registration number as displayed on the vessel, hull identification number, year, make, model, color, length, width, draft, and marine sanitation device type.
- c) Mooring Information shall include; mooring permit number, mooring permit field assignment, date of last mooring inspection, and current mooring service provider.
- d) Signature accepting the rules and regulations.

3) Commercial Mooring Permit

- a) Applicant information shall include; Name of Business, business contact person, mailing address, local address if applicable, twenty-four (24) hour contact phone, secondary/cell phone, email address, and an emergency contact with a twenty-four (24) hour contact phone number.
- b) Mooring Information shall include; mooring permit number, mooring permit field assignment, date of last mooring inspection, mooring inspection status, and current mooring service provider.
- c) Signature accepting the rules and regulations.

10. Numbering

- a. Each mooring permit and the mooring tackle associated with the mooring permit located in the Coastal Ponds of the Town of Charlestown, once permitted, shall be assigned a number annually by the Harbor Master.

11. Mooring Records

- a. The Harbor Master shall keep a detailed record of all mooring permits, mooring tackle, their location, along with the permit holder's name, home mailing (and business, if applicable) address, telephone number(s), mooring permit number, date mooring was set, last mooring inspection date, and vessel data. The Harbor Master may keep separate or combined private or commercial mooring records, in accordance with this provision.
- b. The Harbor Master shall keep on file Individual Boater Storm Preparedness and Recovery Plans submitted as required by mooring permit holders.

12. Permit Ratios

- a. Commercial moorings shall comprise no more than ten percent (10%) of all moorings in all designated mooring fields considered in total. Mooring permits associated with waterfront property owners are not to be included in this ratio.

13. Transfer of Moorings

- a. Transfer of a private mooring permit to an immediate family member of the mooring permit holder (brother, sister, mother, father, spouse, children or grandchildren), as designated by the mooring permit holder, on a one time basis is permitted. Subsequent transfers of the mooring permit by the mooring permit transferee is prohibited under any circumstances.
- b. Transfer of a Commercial Mooring Permit shall not be permitted.

14. Anchoring, Town Transient, and Waterfront Associations

- a. Any vessel may anchor on its own anchor in the Coastal Ponds of the Town for a period not to exceed forty-eight hours. Written consent of the Harbor Master must be obtained for periods longer than forty-eight (48) hours. Owners or operators of such vessels may go ashore, but must be available to tend the vessel in the event of heavy weather or other emergency and must notify the Harbor Master where they may be reached in case of emergency. Anchored vessels must be kept clear of all moored vessels. No vessel may anchor in any navigation channel, fairway, ingress and egress path, mooring field, or swimming area.
- b. The town does not have moorings available for public transient use.
- c. The existence of a waterfront association confers no special priorities with regard to assignment of moorings to its association members. A waterfront association must certify to the Harbor Master that parking and dingy storage space is available for association members when parking and dingy storage is necessary for access to mooring~~s~~ tackle. Dinghy storage shall not be placed where it may damage the coastal buffer. Waterfront associations are required to keep parking and dinghy storage areas free of litter and abandoned boats. Mooring~~s~~ permits that are issued to waterfront associations must be located in Charlestown, and Coastal Resources Management Council approved mooring fields.

15. Mooring Fields

- a. No mooring shall be located or placed within the Coastal Ponds of the Town without a valid mooring permit issued by the Harbor Master and without having the mooring inspected as detailed herein and approved by the Harbor Master. The Harbor Master must direct the placement of the mooring.
- b. No vessel so moored shall extend beyond the designated mooring field boundaries as described in the Harbor Management Plan.
- c. All designated mooring fields sited within the coastal ponds of the Town shall be set back a minimum distance of:
 - 1) Fifty (50) feet from the Mean High Water (MHW) mark of the shore, and fifty (50) feet from shore side structures such as, but not limited to, docks and piers; and
 - 2) One hundred (100) feet from the center line of all navigation channels, fifty (50) feet from center line of all fairways, and twelve and a half (12.5) feet from ingress and egress paths to shore side structures including but not limited to docks, boathouses and launching ramps. Ingress and egress to and from shore side structures shall follow the shortest path possible to the navigation channel. The Harbor Master may designate that docks for adjacent properties share the same ingress/egress path through a mooring field.
- d. Mooring Field Designations.
 - 1) Certain waters of the Town of Charlestown shall be designated as mooring fields. Those waters herein designated are authorized for the placement or permitted moorings as detailed within these regulations.
 - 2) Mooring fields designated in accordance with all policies of the Town of Charlestown's Harbor Management Plan, the policies and requirements of the Coastal Resources Management Council's Guidelines for the Development of Municipal Harbor Management Plans, and the Coastal Resources Management Council's Management Procedures for Sitting Mooring Fields.
 - 3) Any revisions to the size or location of designated mooring fields shall require Town Council approval. Once Town Council approval is obtained, approval for the revisions from the Coastal Resources Management Council shall also be obtained. Once approval has been obtained from the Coastal Recourses Management Council, the revisions may take place.

- 4) Visual maps and the established mooring field designations can be found on the Town of Charlestown website, under Harbor Management and Boating.
- e. No mooring shall be placed where the clearance between the hull bottom of a moored vessel and the coastal pond bottom shall be less than twelve (12) inches at mean low water (MLW).
- f. No mooring tackle shall be placed where a boat's swing will take it within fifty (50) feet of the mean high water (MHW) mark on the shore, over traditional fishing grounds as defined by the Coastal Resources Management Council, and public recreation areas. All mooring or anchorage areas must be sited in relation to these areas so as to protect and preserve their value, access to, or use of them.
- g. No mooring tackle shall be placed where a boat's swing will take it within one hundred (100) feet of the center line of navigation channels, fifty (50) feet of the centerline of fairways, or twelve and a half (12.5) feet of the center line of ingress or egress paths to and from shore side structures.
- h. Mooring tackle shall be arranged so as to minimize the possibility of collision with other moored boats. The swing of any moored boat may not come closer than fifty (50) feet to any shoreline or shore side structure.
- i. A "No-Wake" speed of five (5) mph shall be observed in all mooring areas.
- j. No mooring shall be located within three hundred (300) feet of federal, state or town conservation areas, except in the case of that mooring tackle owned by a waterfront property owner whose property is adjacent to a conservation area.
- k. All mooring fields shall be serviced by adequate and accessible marine pump out facilities and dump stations, which are at all times maintained in operational condition.

16. Mooring Tackle Specifications

- a. All mooring tackle placed under these regulations must meet the following standards and be comprised of the following components.
 - 1) Mooring tackle shall consist of an approved anchor, two (2) sections of galvanized steel chain connected with a galvanized steel swivel and shackle, a buoy and a nylon pendant.

- 2) The length of the anchor chain connected to the anchor shall be equal to at least three-eighths (3/8) inch in diameter and one and one-half (1 ½) times the maximum depth of water at mean high water (MHW) where the mooring is placed and be connected to a second length of chain by a swivel. The second length of chain shall be at least three-eighths (3/8) inch in diameter and equal in length the maximum depth of water at mean high water (MHW). All shackles shall be safety wired.
- 3) The mooring buoy shall be constructed of encapsulated high density foam. The buoy shall have buoyancy rating sufficient to support the weight of the lighter chain so that at least two-thirds of the buoy projects above the water surface.
- 4) The nylon pendant shall consist of a minimum one-half (1/2) inch line, and equal in length to one and one-half (1 ½) times the distance from the water line to the bow chock. The pendant shall be secured to the bottom of the buoy with a spliced thimble and shackles and equivalent anti-chaffing gear at the boat end.
- 5) The following table shall establish guidelines for the weight of the approved anchor. The Harbor Master may modify these guidelines based on conditions at the mooring site taking into account such factors as composition of the bottom, wave height, current, and wind conditions. In cases where the anchor is in less than three (3) feet of water at mean low water (MLW), a marking buoy shall be suspended above the anchor to mark its location as a hazard to navigation.

<i>Boat Length</i>	<i>Anchor Weight</i>	<i>Lower Chain</i>	<i>Upper Chain</i>	<i>Pennant</i>
Under 10'	50 LBS	3/8"	3/8"	1/2"
10-15'	75 LBS	3/8"	3/8"	1/2"
16-19'	150 LBS	1/2"	3/8"	1/2"
20-22'	200 LBS	1/2"	1/2"	1/2"
23-25'	250 LBS	5/8"	1/2"	5/8"
26-30'	300 LBS	5/8"	1/2"	5/8"

- b. Both summer floats and pickup buoys must be readily and intelligibly visible above the water at all times when in use. The winter sticks or stakes shall not be placed prior to October 1 and shall be removed from Coastal Pond mooring spaces not later than June 1 of each year. Assigned Town mooring stickers shall be affixed to mooring float and permitted boat by June 30. All summer floats and winter sticks or stakes must be marked with permit holder's assigned number and blue reflective stripe. Numbers must be bold and at least two (2) inches in height. No other markings other than the assigned permit number, and current year mooring permit sticker, shall be visible on the floats. The mooring permit holder's last name may also be displayed on the mooring float, but it is not required.
- c. The Harbor Master may approve variances to mooring tackle specifications other than those minimum standards described herein for specific cases if such specifications are appropriate for the area in which a mooring will be located.
- d. Outhaul Specifications;
 - 1) Outhaul pipes shall be a minimum of one and one-half (1 ½) inch galvanized steel pipe.
 - 2) Outhaul line should be a minimum of three eighths (3/8) inch.
 - 3) All vessels using outhauls must be equal to or less than sixteen (16) feet in length.
 - 4) No motorized vessels with more than eight (8) horsepower shall use an outhaul.

17. Inspections

- a. All new moorings in the Coastal Ponds of the Town must have the chain, tackle, and anchor inspected by a town qualified mooring inspector prior to setting the mooring. Once an inspection has been completed, a certificate of inspection must be completed by the mooring inspector and forwarded to the Harbor Master.
- b. Every permit holder shall be required to maintain his mooring in safe condition. Any chain, shackle, swivel, or other tackle which has become warped or worn by one-third (1/3) its normal diameter shall be replaced. Failure to maintain a safe mooring shall be cause for revocation of the mooring permit and shall be deemed a violation of these regulations. The Harbor Master or his designee may inspect any moorings at any time to determine compliance with this section.

- c. All moorings shall be inspected once every three (3) years by a town qualified mooring inspector. The inspection shall be made by either raising the mooring or by underwater inspection. Such inspection shall determine compliance with the mooring and mooring tackle standards of these regulations. The Harbor Master shall record and maintain records of such inspections. All costs of any mooring inspection required under the provisions of these regulations shall be the responsibility of the mooring permit holder. Mooring permit holders will be notified, at time of permit renewal when their mooring tackle is due for inspection. The Harbor Master shall divide all moorings into three equal groups. In the first three years of these regulations, two groups will be inspected earlier than three (3) years. This will be necessary to develop a three (3) year rotation. Mooring permit holders shall be responsible for arranging inspections, and inspections shall be completed by June 30th of the year due.

- d. Mooring Inspectors
 - 1) Mooring service providers must be certified as qualified by the town to conduct inspections and maintain all mooring tackle. To be certified as qualified by the Harbor Master, mooring inspectors must meet the following requirements;
 - a) Have submitted an application to be certified as a qualified mooring inspector along with the application fee as set forth by these regulations.
 - b) Have completed a mooring inspection and maintenance training program approved by the Coastal Ponds Management Commission, or provide proof of other mooring tackle inspection training or experience.
 - c) Have passed a Coastal Ponds Management Commission approved written mooring inspection exam issued by the Harbor Master.
 - d) Show proof upon request by the Harbor Master of required equipment to properly conduct mooring tackle inspections.
 - e) Complete all mooring tackle inspections, maintenance, and modifications in accordance with Chapter 96-5(B)(16)

- e. Any mooring tackle component found not to be in compliance with these regulations shall be subject to issuance of a violation according to Chapter 96-5(B)(18).

18. Violations

- a. Any mooring permit or mooring tackle found not to be in compliance with this ordinance and regulations or any other related Town or State statute shall be deemed a violation.
- b. The Harbor Master is empowered to issue such violations. It is the discretion of the Harbor Master whether a violation warning or violation shall be issued.
- c. The Harbor Master shall issue and make notification of violation warnings by email, and in person or by certified mail.
 - 1) Upon receipt of a violation warning, the person shall have seven (7) days to contact the Harbor Master.
 - 2) If no contact is made within seven (7) days, a violation notice will be presented in person, or by certified mail.
 - 3) Violations to mooring tackle must be rectified within thirty (30) days or fines and/or penalties will be issued subject to the provisions of Town Code of Ordinances, Chapter 96-7.

19. Fines and Penalties

- a. Any violation pertaining to mooring tackle placement and/or tackle components, shall be subject to relocation or removal of mooring tackle by the Harbor Master at the mooring permit holders risk and expense.
- b. Any violation pertaining to Chapter 96-5(B)(7) will result in loss of the mooring permit, and forfeiture of mooring space.
- c. All violations are subject to the provisions of Town Code of Ordinances, Chapter 96-7.

96-6. Fees

- A. Mooring fees are non-refundable and shall be set annually by the Coastal Pond Management Commission and shall be approved as part of the Coastal Pond Management Commission's budget submittal to the Town Council. At no time shall the fee collected by the Coastal Pond Management Commission from any mooring permit applicant be less than the following:
 1. Private Mooring Permit, Resident/Non Resident: One hundred-thirty five dollars (\$135)

2. Waterfront Mooring Permit (Riparian Rights): One hundred-thirty five dollars (\$135)
3. Commercial Mooring Permit: Two hundred-sixty dollars (\$260)
4. Mooring Permit Application Late Fee: Twenty-five dollars (\$25)
5. Temporary Mooring Use Fee (Per Request): Twenty-five dollars (\$25)
6. Mooring Permit Wait List Application Resident/Non-Resident: Twenty-five dollars (\$25)
7. Qualified Mooring Inspector Certification: Fifty dollars (\$50)

96-7. Penalties for offenses, and fines

- A. The Chief of Police or his/her designee shall prosecute any violation under this chapter after notification by the Harbor Master of said violation. Such prosecution shall be in the Municipal Court.
- B. Any violation of this chapter or regulations promulgated hereunder or any violation of the Town of Charlestown Harbor Management Plan shall be punishable by a fine not to exceed one hundred dollars (\$100) for each violation or by imprisonment not exceeding ten (10) days. Each day the violation exists shall be deemed a new violation. Violation of this chapter may result in the loss of a mooring permit.
- C. It shall be a misdemeanor punishable by a fine of not more than one hundred dollars (\$100) for any person to refuse to move or stop on oral command or order of the Harbor Master or his designee exercising the duties lawfully assigned to him.
- D. All fines levied in Chapter 96 are payable to the Town of Charlestown within fourteen (14) days of the offense. Failure to pay the fine as required within fourteen (14) days shall subject the violator to an additional fine not to exceed fifty dollars (\$50) and to answer to the offense in Municipal Court, unless such nonpayment is handled in accordance with Chapter 96-7(E).
- E. Any fine levied in Chapter 96, disputed by the violator, may be adjudicated in the Municipal Court, provided that such adjudication is requested in writing within fourteen (14) days of the offense. This ordinance shall take effect upon its passage.

96-8. Coastal Pond Management Fund

A Coastal Pond Management Fund is hereby created to receive and expend moneys for coastal pond related purposes as determined by the Coastal Pond Management Commission and approved by the Town Council. All revenues generated by town boat launching fees, mooring permit fees, qualified mooring inspector fees, other fees of this chapter and fines levied under the authority of this chapter shall be deposited into this fund. Funds shall be disbursed for purposes directly associated with the management and implementation of the Harbor Management Plan and this chapter. Moneys from this fund shall be allocated to the Harbor Master and/or his designee for the purpose of enforcing the provisions of the Harbor Management Plan and/or this chapter. The Coastal Pond Management Fund shall be established, budgeted and administered in a manner consistent with the budget procedures of the Town of Charlestown. It is not anticipated that receipts into the fund will cover all costs of the Harbor Master and Coastal Pond Management Commission. Accordingly, additional expenses will be provided from general funds.

96-9, Liability

Persons using the coastal ponds of the Town of Charlestown shall assume all risk of personal injury and damage or loss to their property. The Town of Charlestown assumes no risk on account of accident, fire, theft, vandalism or act of God.

96-10. Recordkeeping

All records relating to this chapter and the regulations promulgated hereunder shall be maintained by the Charlestown Town Clerk, and all violations shall be processed by the Harbor Master or the Police Department in accordance with the provisions of law applicable thereto.