

# Town of Fairfield

## Harbor Management Commission

Sullivan Independence Hall  
725 Old Post Road  
Fairfield, Connecticut 06824

November 17, 2015

### RULES AND PROCEDURES<sup>1</sup>

#### FOR MOORING, ANCHORING, AND DOCKING VESSELS IN THE SOUTHPORT HARBOR MANAGEMENT AREA<sup>2</sup>

1. Mooring Committee:

(a) A Mooring Committee shall be appointed by the Chairman of the Harbor Management Commission (HMC), and shall consist of two members of the HMC plus the Harbor Master as an ex-officio member. The Mooring Committee shall assist the Harbor Master with matters pertaining to the mooring, anchoring, and docking of vessels in the Southport Harbor Management Area (HMA) and with other matters concerning safe and efficient operation of the HMA in a manner consistent with *The Management Plan for Southport Harbor* (Harbor Management Plan).

2. Mooring Permits Required:

(a) In order to provide for adequate access for vessels, for safety of persons and property, for protection of natural and historic resources, and for optimum use of the HMA, the Harbor Master must approve all mooring locations within the HMA, including locations used for “individual-private” mooring purposes and locations used for “commercial” mooring as defined by the U.S. Army Corps of Engineers (USACE) and Connecticut Department of Energy and Environmental Protection (DEEP) and requiring authorizations from those agencies. A mooring permit issued by the Harbor Master shall be required for the use of each approved mooring location.

(b) It is a violation of the Fairfield Code for any person to moor a vessel in the HMA without a current and valid permit issued by the Harbor Master.

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<sup>1</sup> These Rules and Procedures are prepared and adopted in accordance with Section 24-8E of the Fairfield Code and Sections 22a-113k through 22a-113t of the Connecticut General Statutes, and in furtherance of *The Management Plan for Southport Harbor* as adopted by the Town of Fairfield Representative Town Meeting and approved by the State of Connecticut.

<sup>2</sup> For the purpose of these Rules and Procedures, the Harbor Management Area is the area of jurisdiction of the Fairfield Harbor Management Commission, as established by Chapter 24 of the Fairfield Code and defined in *The Management Plan for Southport Harbor*. The HMA includes Southport Harbor and adjacent areas, and consists of the Southport Inner and Outer Harbors and Sasco Brook downstream of Route 1 within the Town of Fairfield. (See figure 1.)

(c) No provision contained in these Rules and Procedures shall limit the power of the Harbor Master to station and remove vessels as provided in applicable sections of the Connecticut General Statutes.

3. Mooring and Docking Records:

(a) The Harbor Master, with assistance from the Mooring Committee, shall keep a detailed record of each approved mooring location and vessel permitted to use that location, as well as the name, home, and business address and telephone numbers of the owner of the permitted vessel; the name, length, beam, registration number and/or documentation, and type of the permitted vessel; and any other pertinent information as may be determined by the HMC and Harbor Master, including, but not limited to, proof of liability insurance for the permitted vessel.

(b) Pursuant to Sec. 24-11M of the Fairfield Code, the Harbor Master, with assistance from the Mooring Committee, shall keep a detailed record of all vessels (except transient vessels and tenders used to reach larger vessels) tied up to any dock in the HMA, as well as the name, home, and business address and telephone numbers of the owner(s) of the dock and docked vessel(s); the name, length, beam, registration number and/or documentation, and type of docked vessel(s); and any other pertinent information as may be determined by the HMC and Harbor Master, including, but not limited to, proof of liability insurance for the docked vessel(s).

(c) Mooring and docking records shall be maintained in such a manner that information can be easily obtained by the HMC, Mooring Committee, and Harbor Master with regard to any individual mooring location, moored vessel, docking facility, and owner of a moored or docked vessel.

(d) All mooring permittees shall be responsible for promptly notifying the Harbor Master of any changes to the information provided on their mooring permit applications. All persons on the mooring waiting list also shall be responsible for notifying the Harbor Master of any changes to the information provided on their waiting list applications, and all dock owners shall be responsible for notifying the Harbor Master of any changes to the information they have provided concerning the vessel(s) tied to their docks.

4. Harbor Mooring Plan:

(a) The HMC in consultation with the Harbor Master may prepare a comprehensive Harbor Mooring Plan to guide the allocation of all moorings in the HMA and to identify each assigned mooring location. Such plan may be adjusted as necessary by the HMC to provide for the most safe and efficient use of Harbor mooring locations. The plan may designate specific mooring “zones” within the HMA for the purpose of mooring vessels of a particular size, draft, and type. The plan also may provide for the placement of mooring tackle<sup>3</sup> in interlocking series or “strings.”

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<sup>3</sup> For the purpose of these Rules and Procedures, “mooring tackle” is the hardware (e.g., chain, line, anchor, buoys, and other equipment) used to secure a vessel at a mooring location.

5. Assignment of Mooring Locations:

- (a) All assignments of mooring locations shall be made by the Harbor Master, with assistance from the Mooring Committee. All assigned mooring locations shall be properly utilized by the mooring permittee, in accordance with these Rules and Procedures, during the boating season of April 15 to October 15.
- (b) A single list of current mooring assignments and a single mooring waiting list of all persons waiting for a mooring location in the HMA shall be maintained by the Harbor Master. The mooring waiting list shall be open on an equal basis to all applicants who meet the criteria established in these Rules and Procedures. The mooring waiting list, the list of current assignments of mooring locations, and a copy of these Rules and Procedures shall be available for public review in the Department of Public Works Office in Sullivan Independence Hall.
- (c) The names of persons waiting for a mooring location shall be entered and maintained on the mooring waiting list according to the order in which those persons' waiting list applications are received by the Harbor Master. The most senior applicant on the list shall be the person whose name is listed and numbered first; all subsequent applicants shall be added sequentially to the list and assigned a progressively higher number. No person or vessel shall be entered on the list more than once.
- (d) In assigning mooring locations in accordance with Chapter 24-12 of the Fairfield Code and these Rules and Procedures, there shall be no discrimination on the basis of town of residence.
- (e) In assigning mooring locations, first priority shall be given to those persons applying for the renewal of permits granted to them in the preceding year; second priority shall be given to requests by mooring permittees for transfer to a different mooring location in the order such requests may be received by the Harbor Master; and third priority shall be given to persons on the mooring waiting list.
- (f) In assigning mooring locations, consideration shall be given to size, draft, and type and use of vessels, including use for recreational and commercial purposes, and to any other conditions that may affect the capacity of the HMA to safely accommodate moored vessels in an environmentally sound manner, including but not limited to: 1) the availability of adequate space, adequate depth, and adequate water access to the mooring location; 2) the need to maintain navigation ease and safety in the HMA; 3) available parking spaces and points of shoreline access to mooring locations; 4) historical and traditional uses of different sections of the HMA, including any mooring "zones" that may be designated by the HMC for mooring vessels of a particular size, draft, and type; 5) the presence of valuable and sensitive environmental resources; 6) the historic and esthetic character of residential areas near the HMA; and 7) opportunities for re-establishing historically-used mooring areas.
- (g) No vessel having a total length of more than fifty feet shall be moored or berthed in Southport Harbor.

(h) In assigning mooring locations, the Harbor Master shall be guided by these Rules and Procedures and any Harbor Mooring Plan that may be prepared by the HMC and adjusted as necessary to maintain the most safe and efficient use of available mooring locations.

(i) Any available mooring location shall be offered to the most senior (lowest numbered) applicant on the mooring waiting list, subject to the constraints described in these Rules and Procedures. If an available mooring location is not suitable to accommodate the most senior applicant's vessel, it shall be offered to the next senior qualified applicant. The most senior applicant shall retain his place on the waiting list in this case. Efforts shall continue to provide a suitable mooring location for the most senior applicant.

(j) An applicant on the waiting list to whom a mooring location is offered by the Harbor Master shall have 15 days to accept that location following receipt of written notice<sup>4</sup> from the Harbor Master. Failure to respond within 15 days to any written offer from the Harbor Master for a mooring location shall result in the removal of the applicant's name from the mooring waiting list. Upon acceptance of a mooring location, the applicant shall have 30 days to submit a complete mooring permit application and all necessary fees and supporting documentation to the Harbor Master or else the mooring location shall be offered to the next senior qualified applicant on the waiting list.

(k) A one-time option to defer acceptance of a mooring location offered by the Harbor Master is available to an applicant who requests, in writing and within 15 days of receipt of the Harbor Master's offer, to defer such acceptance. In this case the applicant will retain his or her position on the waiting list with no guarantee that a mooring location will be available to the applicant in the future. Refusal by an applicant to accept a second offer of a mooring location shall result in the applicant's name being moved to the bottom of the waiting list.

(l) In the interest of ensuring safe, efficient, and equitable use of the HMA, no one individual shall be assigned more than one mooring location, and no one household shall<sup>5</sup> be permitted to use more than one mooring location. Only one mooring location shall be assigned to any one vessel. Mooring permittees in any one household assigned two mooring locations as of the June 29, 2007 effective date of this section may apply to the Harbor Master for retention of those locations provided the permittees are in compliance with all other requirements set forth in these Rules and Procedures.

(m) Mooring permits shall be issued by the Harbor Master only to those applicants owning a vessel properly registered in accordance with applicable laws and regulations of the State of Connecticut.

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<sup>4</sup> For the purpose of these Rules and Procedures, "written notice" shall include a notice delivered as a paper copy or electronically via email.

<sup>5</sup> For the purpose of these Rules and Procedures, "household" shall mean the person or group of people living in the same residence.

(n) In assigning mooring locations and issuing mooring permits, the Harbor Master shall, to the extent practical and to the extent consistent with all other applicable sections of these Rules and Procedures, assign priority for mooring locations to littoral/riparian property<sup>6</sup> owners who apply for permits to utilize mooring locations offshore of their properties. A mooring location assigned to a littoral/riparian property owner offshore of his or her property is intended to be used by that property owner for mooring a vessel owned by that property owner; the assigned mooring space shall not be rented to another person or used to moor another person's vessel.

(o) The holder of a mooring permit that is valid only for a mooring location within the North Anchorage "commercial" mooring area<sup>7</sup> duly authorized by the Connecticut DEEP and USACE may simultaneously maintain a place on the mooring waiting list. (See no. 11(c) below.)

6. Assignment of Mooring Locations for Commercial Fishermen:

(a) In assigning mooring locations and issuing mooring permits, the Harbor Master shall, to the extent possible, give special consideration to providing mooring locations for vessels used for licensed commercial fishing purposes.

(b) To apply for a permit or to renew a permit for a mooring location for a commercial fishing vessel, the applicant must meet the following requirements in addition to providing all other information required by these Rules and Procedures: 1) possess a current and valid State of Connecticut commercial fishing license; and 2) possess a vessel licensed for commercial fishing purposes and equipped principally for commercial fishing purposes.

(c) Assignment and use of a mooring location for a commercial fishing vessel must be consistent with all other applicable mooring procedures and requirements established in the Harbor Management Plan and these Rules and Procedures, and with all applicable state and federal laws and regulations.

7. Navigation Fairways:

(a) In allocating and assigning mooring locations in the federal anchorage and other areas, the Harbor Master shall maintain appropriate navigation fairways for recreational and commercial vessels navigating to, from, and through mooring locations and areas. Fairways shall be designated by the HMC and shall be of an appropriate width, consistent with the size, draft, and type of moored vessels. Within the entire length of the 100-foot wide section of the federal anchorage, a navigation fairway of at least 75 feet in width shall be maintained at all times.

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<sup>6</sup> For the purpose of these Rules and Procedures, "littoral/riparian property" means property contiguous to the navigable water of the HMA and which, pursuant to water-rights law, affords its owner with certain rights including the right of reasonable access to the HMA.

<sup>7</sup> For the purpose of these Rules and Procedures, the "North Anchorage commercial mooring area" is the mooring area used and managed by the Pequot Yacht Club in accordance with *The Management Plan for Southport Harbor*, these Rules and Procedures, and mooring field permits issued by the Connecticut DEEP and USACE. The North Anchorage is upstream of and adjacent to the Southport Harbor federal anchorage area.

8. Application for Mooring Space and Permit:

- (a) Any person may apply for a mooring permit by completing in full the application provided for that purpose and submitting the completed application and all necessary fees and supporting documentation to the Harbor Master.
- (b) The HMC may, as necessary to avoid possible abuses of the mooring assignment Rules and Procedures, establish fair and reasonable requirements on a case by case basis to limit the issuance of mooring permits for vessels with joint ownership.
- (c) All applicants for mooring permits shall indemnify and hold harmless the Town of Fairfield, its officers, designees, and employees for any and all claims, damages, or losses of any kind, including legal costs arising out of the use of any mooring location that may be assigned to those applicants.
- (d) All applicants for a mooring permit shall maintain liability insurance on the vessel identified in any mooring permit that may be issued to them.
- (e) A complete application for a mooring permit shall include: the proper application form completed in full; proof of the vessel's proper registration in the State of Connecticut; proof of the applicant's vessel liability insurance; a check for the appropriate mooring permit fee and, if applicable, the mooring tackle maintenance charge; and any other pertinent materials as determined by the Harbor Master.
- (f) The HMC shall require a reasonable and non-refundable initial application fee, established by the Town of Fairfield, from all applicants placed on the mooring waiting list. This fee shall be credited against the first year annual mooring permit fee specified in Section 10 of these Rules and Procedures, and shall be collected and deposited in the same manner as the annual mooring permit fee.

9. Renewal of Mooring Permit:

- (a) All mooring permits shall be valid only for the year in which they are issued and may be renewed in accordance with these Rules and Procedures.
- (b) All mooring permits shall expire on December 31st. Applications for renewal of mooring permits must be completed and returned to the Harbor Master by January 31 of the following year. A grace period lasting until the last calendar day of February may be allowed by the Harbor Master for receipt of applications for renewal of mooring permits.
- (c) Failure to return a complete application for renewal of a mooring permit by the date specified in these Rules and Procedures may result in denial of the application and reassignment of the mooring location previously assigned.

10. Annual Mooring Permit Fee:

- (a) Any person receiving a permit for a mooring location in the HMA shall pay an annual mooring permit fee (not to exceed the maximum amount authorized by state law) established by the Town of Fairfield as authorized by Sec. 22a-113s of the Connecticut General Statutes and Chapter 24-12 of the Fairfield Code.
- (b) When the Harbor Master determines that a suitable mooring location exists for an applicant for a new or renewed mooring permit, the applicant will be notified and must pay the appropriate annual fee, payable to the Town of Fairfield, and submit all other required documents before the permit shall be issued. This fee shall be nonrefundable and shall be in addition to any duly established, nonrefundable fee for mooring tackle maintenance that may be required.
- (c) All fees collected pursuant to Chapter 24-12 of the Fairfield Code, Section 22a-113s of the Connecticut General Statutes, and these Rules and Procedures shall be deposited into the Fairfield Harbor Management Account within the Town of Fairfield General Fund, as authorized by Section 22a-113s of the Connecticut General Statutes, and used exclusively for purposes directly associated with management and improvement of the HMA.

11. Transfer of Mooring Permits, Vessels, and Locations:

- (a) Mooring permits shall be non-transferable except that the HMC and Harbor Master may approve the transfer of a mooring permit between a deceased and surviving spouse if not doing so would create an unreasonable hardship to the surviving spouse in the judgment of the HMC and Harbor Master. Whenever the holder of a mooring permit transfers the title or interest in or otherwise parts with possession of the vessel identified in the mooring permit to another person by any arrangement whatsoever, the mooring permit shall expire. The new possessor, transferee or owner of the vessel shall have no vested right to use the mooring location covered by the mooring permit. Whenever the holder of a mooring permit enters into a partnership agreement for the use of the permitted vessel, continuation of the permit is subject to review and approval by the HMC and Harbor Master.
- (b) A mooring permittee may, upon written application to and approval by the Harbor Master, retain the mooring location assigned under the mooring permit for a replacement vessel provided that vessel is moved onto the mooring location within one year and is suitable for the approved mooring location. If the replacement vessel is significantly smaller, larger, or of different draft or type, the Harbor Master shall have the right to relocate the replacement vessel to another, more suitable mooring location if such a location is available. There is no guarantee that a mooring location will be available to accommodate any mooring permittee's replacement vessel.
- (c) A mooring permit issued by the Harbor Master for a mooring location within the North Anchorage "commercial" mooring area duly authorized by the Connecticut DEEP and USACE shall not be transferable to a mooring location outside of that commercial mooring area, with the following exception. The Harbor Master may approve the transfer of such a mooring permit if: a) a mooring location outside of the North Anchorage is available for relocation of the mooring permittee's vessel; and b) that permittee was granted a permit prior to state and federal authorization

of the North Anchorage commercial mooring area and that permit has been continuously renewed since that time.

(d) A mooring permit issued by the Harbor Master for a mooring location outside of the state and federally authorized North Anchorage commercial mooring area may be transferable to a location inside of the North Anchorage with the approval of the Pequot Yacht Club acting as the commercial mooring area permittee.

12. Mooring Location and Placement:

(a) No mooring tackle shall be placed or maintained in any part of the HMA until the mooring location has been approved by the Harbor Master. No mooring tackle shall be placed in any areas in which mooring is prohibited by the Harbor Management Plan, and all permits granted shall be consistent with all provisions of the Management Plan.

(b) In accordance with Section 26-157a (e) of the Connecticut General Statutes, no mooring tackle shall be placed on any oyster bed without the permission of the owner or lessee of such bed.

(c) Mooring permittees may be directed at any time by the Harbor Master to move their vessels to a new or different mooring location in the HMA for the purposes of maintaining public safety and the most efficient use of available mooring space.

13. Use of Mooring Location or Tackle:

(a) Use of an assigned and permitted mooring location shall be sustained by the mooring permittee as the primary mooring location of the permitted vessel over a reasonable period of time during the boating season of April 15 to October 15. The permittee's use of the mooring location in accordance with this requirement shall be subject to review by the Harbor Master and HMC at the close of the boating season. A mooring permittee who, in the judgment of the Harbor Master and HMC, has not attached his or her vessel to the assigned mooring for a sustained and reasonable period of time during the boating season shall be notified in writing by the Harbor Master that his or her mooring permit and privileges may be revoked. Upon receipt of any such notification from the Harbor Master, the permittee must respond in writing within ten (10) days to show cause, to the satisfaction of the Harbor Master and HMC, why the permit should not be revoked. Failure of a mooring permittee to properly respond to written notification from the Harbor Master concerning use of the assigned mooring location shall result in revocation of the mooring permit and privileges. No permitted mooring location may be left unused for more than one permit year.

(b) A mooring permittee shall attach the vessel identified in the mooring permit to the permittee's assigned mooring location by July 15 in the year for which the mooring permit has been issued. A mooring permittee who has not attached his or her vessel to the assigned mooring location by July 15 shall be notified in writing by the Harbor Master that his or her mooring permit and privileges may be revoked. Upon receipt of any such notification from the Harbor Master, the permittee must respond in writing within five (5) days to show cause, to the satisfaction of the Harbor Master and HMC, why the permit should not be revoked. Failure of a mooring permittee to properly respond to written notification from the Harbor Master concerning an unused mooring location shall result in revocation of the mooring permit and privileges.



- (c) A mooring permittee shall notify the Harbor Master if his or her assigned mooring location will be vacant for any extended period of time during the boating season.
- (d) The requirements for sustained use by the mooring permittee of a mooring location or tackle as set forth in 13(a), 13(b), and 13(c) above shall not apply to vessels moored in the North Anchorage “commercial” mooring area duly permitted by the Connecticut DEEP and USACE.
- (e) The HMC may, on an annual basis, establish a date by which all moored vessels must be removed from the HMA.

14. Secure Mooring, Anchoring, and Docking of Vessels:

- (a) The owner of any vessel moored, anchored, or docked within the HMA shall be responsible for causing such vessel to be tied, secured, or anchored with proper care and equipment and in such manner as may be required to prevent the moored, ~~or~~ anchored, or docked vessel from breaking loose and causing damage to any other vessel, persons, or property. The Harbor Master may order any vessel that may have broken loose from its mooring tackle, anchor, or dock, or any vessel that, in the judgment of the Harbor Master, is at risk of breaking loose, to be properly reattached or otherwise secured to avoid damage to any other vessel, persons, or property.
- (b) All mooring tackle shall comply with minimum standards established by the HMC and adjusted, as necessary, by the Harbor Master and be subject to regular inspection to ensure compliance.
- (c) Each person mooring, anchoring, or docking a vessel in the HMA shall be responsible for any damage to his or her own vessel or to any other vessel or property that may be caused by failure to secure his or her own vessel with proper care and equipment in such a manner to prevent the vessel from breaking loose and causing damage to any other vessel, persons, or property.

15. Identification of Approved Mooring Locations and Permitted Vessels:

- (a) The Harbor Master may, from time to time, establish and amend reasonable standards for the marking of mooring buoys or provide marking tags to be attached to all approved moorings in the HMA. Notice of such standards will be provided in writing to all approved mooring permittees.
- (b) All vessels permitted to use a mooring location in the HMA shall display a current mooring permit identification decal issued by the Harbor Master. The number on the decal shall correspond to the number of the mooring permit issued by the Harbor Master. The purpose of the decal shall be to help ensure that all vessels attached to moorings in the HMA are properly permitted and their owners easily identified in the event of an emergency. The decal shall be affixed, by the mooring permittee, to the transom of the permitted vessel. The Fairfield Police Department’s Marine Unit will assist the HMC and Harbor Master with the identification of any unpermitted vessels moored in the HMA and with enforcement of these Rules and Procedures in accordance with the Connecticut General Statutes and Fairfield Code.

16. Ownership of Mooring Tackle:

(a) In order to provide for adequate access for vessels, ~~the~~ safety of persons and property, protection of natural and cultural resources, and optimum use of the HMA, it is the policy of the Harbor Management Plan that all mooring tackle placed in the HMA shall be owned by the Town of Fairfield. Excluded from this policy is: 1) mooring tackle in the North Anchorage “commercial” mooring area duly permitted by the Connecticut DEEP and USACE; and 2) mooring tackle utilized by littoral/riparian property owners who hold valid permits for mooring locations offshore of their properties where such tackle is not utilized in coordination with other mooring tackle in a managed “string” or series of mooring tackle called for in the Harbor Mooring Plan.

(b) All privately owned mooring tackle utilized at any duly approved mooring location in the HMA as of the June 29, 2007 effective date of this section may remain in private ownership until such time as the applicable mooring permit is not renewed. At that time, the privately owned tackle shall be removed from the HMA by the owner or transferred to the Town of Fairfield at a fair market value mutually agreed upon by the owner and Town.

(c) All privately owned mooring tackle utilized in the HMA shall be subject to all applicable Rules and Procedures concerning the inspection of that tackle.

17. Mooring Inspection and Maintenance:

(a) No mooring tackle shall be placed in the HMA without inspection and approval of the tackle by the Harbor Master or his authorized designee. The Harbor Master shall direct the placement of all mooring tackle.

(b) All mooring tackle, with the exception of “helix” anchors which shall be removed as necessary in consultation with the Shellfish Commission, shall be raised and/or removed by the HMC or its designee for inspection by the Harbor Master or his designee at least once every three (3) years. If, as the result of such inspection, it shall be determined by the Harbor Master or his designee that any piece of mooring tackle has become unsafe or otherwise inadequate, all such pieces of mooring tackle shall be replaced accordingly.

(c) Mooring tackle inspection procedures should allow for annual harvesting of shellfish from the HMA by commercial shellfishermen in specific locations determined by the HMC in consultation with the Shellfish Commission. Since shellfish purification will not take place when water temperature is below 50 degrees F, procedures for the annual removal of moorings should provide for three weeks of shellfish harvesting in the fall prior to November 15, and two weeks in the Spring after April 1.

18. Mooring Maintenance Charge:

(a) Unless excluded by these Rules and Procedures, any person receiving a permit for use of a mooring location in the HMA shall pay an annual, nonrefundable mooring maintenance charge to defray the HMC’s annual costs for maintaining and, as necessary, buying new mooring tackle. The annual mooring tackle maintenance charge shall be nonrefundable and be determined annually by the HMC. The annual mooring tackle maintenance charge must be submitted, along with the annual mooring permit fee, prior to issuance of any mooring permit.

(b) The annual mooring tackle maintenance charge shall not be applied to: 1) vessels moored in the state- and federally permitted North Anchorage; 2) vessels berthed at docks and floats in the HMA; and 3) vessels owned by littoral/riparian property owners moored offshore of their properties with privately owned mooring tackle not utilized in a managed “string” or series of mooring tackle called for in the Harbor Mooring Plan.

19. Revocation of Mooring Permit:

(a) The Harbor Master shall have the authority to revoke a mooring permit if the permittee fails to maintain the moored vessel in a seaworthy condition or fails to comply with any permit conditions or provisions of these Rules and Procedures, including but not limited to:

- (i) failure to maintain a properly registered, documented, or insured vessel;
- (ii) failure to secure a vessel to its mooring with proper care and equipment;
- (iii) failure to use the assigned mooring location in accordance with these Rules and Procedures.

20. Transient Mooring:

(a) A minimum of three transient mooring locations with mooring tackle in place will be available at all times outside of the North Anchorage. Such mooring locations will be available for short-term use (not to exceed three consecutive days) by transient vessels. Use of a transient mooring location outside of the North Anchorage for a period greater than three consecutive days may only be with the permission of the Harbor Master. These mooring locations shall be available on a first-come, first-served basis.

(b) The Pequot Yacht Club may provide transient mooring locations with mooring tackle in place in the North Anchorage. Such mooring locations will be available for use (not to exceed 14 consecutive days) by Yacht Club members with the permission of the manager of the Pequot Yacht Club. Use of a transient mooring location in the North Anchorage for a period greater than 14 consecutive days may only be allowed with the permission of the Harbor Master acting in consultation with the manager of the Pequot Yacht Club.

21. Vessels Making Fast:

(a) No person shall make fast or secure a vessel to any mooring already occupied by another vessel, or to a vessel already moored, with the following exception. A rowboat, dinghy, or yacht tender regularly used to serve a larger vessel for transportation of persons or property to or from shore may be temporarily secured to such larger vessel or to the mooring regularly used by such larger vessel if the smaller vessel does not encroach into a designated channel or fairway or otherwise unduly interfere with navigation in the HMA.

22. Powers and Duties of the Harbor Master: In accordance with powers and duties of the Harbor Master pursuant to all applicable sections of the Connecticut General Statutes, and to the extent not inconsistent therewith, the Harbor Master shall exercise the following powers and duties:

- (a) Correction of Unsafe Anchoring, Docking, or Mooring: If any vessel shall be found in the judgment of the Harbor Master to be anchored, docked, or moored in an unsafe or dangerous manner, or in such a way as to create an existing or potential hazard to other vessels or to persons or property, the Harbor Master shall order and direct necessary measures to eliminate such unsafe or dangerous condition. Primary responsibility for compliance with such orders and directions shall rest with the owner of the improperly anchored, docked, or moored vessel or his authorized designee; in the absence of such owner or agent, said responsibility shall rest with the authorized operator of the vessel or the facility at which the vessel is anchored, docked, or moored. In an emergency situation and in the absence of any such responsible person, the Harbor Master or his designee may forthwith board such vessel and cause the improper situation to be corrected, and the owner of the vessel shall be liable for the costs incurred by the Harbor Master or his designee in effecting such correction.
- (b) Removal of Unseaworthy Vessels: No person shall secure or permit to be anchored, docked, or moored in the HMA a vessel of any kind which the Harbor Master considers unseaworthy or in a badly deteriorated condition, or which is likely to sink or to damage docks, wharves, floats, and/or other vessels, or cause water pollution, or which may become a hazard to navigation. Any unseaworthy or badly deteriorated vessel shall be removed from the water and/or be otherwise disposed of as directed by the Harbor Master and at the expense of the registered owner.
- (c) Elimination of Obstructions of Channels, Fairways, and Berthing Space: No person shall moor, anchor, or dock a vessel so as to interfere with the free and unobstructed use of channels, fairways, docks, or berthing spaces within the HMA or to voluntarily or carelessly sink or allow to be sunk any vessel in any channel, fairway, berthing space; or to float loose timber, debris, logs, or piles in any channel, fairway, or berthing space in such a manner as to impede navigation or cause damage. Any abandoned or sunken vessels within the HMA shall be subject to removal by order of the Harbor Master, in accordance with the procedure set forth in the Connecticut General Statutes.
- (d) Relocation and Removal of Mooring Tackle and Unpermitted Vessels:
- (i) The Harbor Master may require any mooring tackle or vessel to be moved to a new location whenever, in his judgment, the safe and efficient use of the HMA so requires.
- (ii) If an order given by the Harbor Master with respect to removing unauthorized mooring tackle and vessels moored without current and valid permits, changing the location of existing privately owned mooring tackle for the purpose of promoting safe and efficient use of the HMA, or replacing privately owned mooring tackle determined to be inadequate are not taken by the owner, if known, within fourteen days after notification, or, if not known, after notice has been posted for that period on the vessel or mooring tackle, the Harbor Master may cause such vessel or mooring tackle to be removed or relocated. The expense of such vessel or mooring tackle removal or relocation and any liability arising from injury to person or property incurred thereby shall be the responsibility of the vessel or mooring tackle owner.
- (iii) Nothing above shall prevent the Harbor Master or his designee from taking measures with or without notice if, in the judgment of the Harbor Master, such measures are necessary in order to provide for the safety of persons or property.

(e) Suspension of Requirements and Imposition of Emergency Requirements:

(i) The requirements of these Rules and Procedures pertaining to a specific mooring location, area, and/or vessel may be suspended by the Harbor Master if, in the judgment of the Harbor Master, such suspension is necessary to provide for the safety of persons or property or if the imposition of the requirements would result in an unreasonable hardship on the person or persons so affected.

(ii) In order to most effectively respond to any emergency as may be caused by a severe storm or other natural or man-made conditions, the Harbor Master is empowered to suspend the requirements of these Rules and Procedures and/or impose additional requirements in the interest of public safety.

23. Review of Decisions:

(a) Any party aggrieved by a decision pertaining to the application of these Rules and Procedures may submit a request in writing to the HMC to review that decision. Such request shall be submitted within 30 days of the date of the decision. The HMC shall review the decision and render a finding on the matter within 60 days of receipt of the aggrieved party's written request.

(b) While Sec. 15-1 ("Harbor masters") of the Connecticut General Statutes requires the Harbor Master who is appointed by the Governor to exercise his duties in a manner consistent with the Harbor Management Plan, it should be recognized that Town ordinances, rules, and procedures cannot alter the Harbor Master's duties and powers established in the Connecticut General Statutes which include primary authority to station vessels and issue mooring permits. As a result, the HMC may not over-ride the Harbor Master's mooring assignments, provided such assignments are consistent with the Harbor Management Plan and these Rules and Procedures.

24. Violations:

(a) Any penalties imposed for violations of these Rules and Procedures shall be as provided in the Connecticut General Statutes and Fairfield Code.

25. Revocation of Mooring Permits and Removal of Unpermitted Vessels:

(a) Pursuant to Sec. 15-8 ("Power to station vessels. Penalty for resisting") and Sec. 15-9 ("Vessels may be removed. Procedures. Notice. Regulations. Penalty") of the Connecticut General Statutes, the Harbor Master may cause to be removed any vessel moored in the HMA in violation of these Rules and Procedures.

Rules and Procedures for Mooring and Anchoring Vessels

Adopted October 9, 1995

Amended Effective June 29, 2007, November 24, 2010, and December 4, 2015