

City of Norwalk

Harbor Management Commission

Norwalk City Hall
125 East Avenue
Post Office Box 5125
Norwalk, Connecticut 06856-5125

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RULES AND REGULATIONS¹ FOR MOORING AND ANCHORING VESSELS IN NORWALK HARBOR

1. Mooring and Harbor Safety Committee:

(a) A Mooring and Harbor Safety Committee shall be appointed by the Chair of the Norwalk Harbor Management Commission (NHMC) and shall consist of four members of the NHMC, one of whom shall serve as an alternate member of the committee, plus the State of Connecticut Harbor Master for Norwalk Harbor who shall serve on the committee as a nonvoting ex-officio member. As authorized by the NHMC, the Mooring and Harbor Safety Committee shall have specific responsibilities for implementing these Rules and Regulations and shall direct and advise the Harbor Master with matters pertaining to the mooring and anchoring of vessels² in Norwalk Harbor³ and shall review all other matters affecting boating and navigation safety in the harbor and safe and efficient operation of the harbor. The Mooring and Harbor Safety Committee's direction and advice to the Harbor Master shall be for the purpose of ensuring that all actions and decisions by the

¹ These rules and regulations are prepared and adopted in accordance with Section 69-22 of the Norwalk Code and Sections 22a-113k through 22a-113t of the Connecticut General Statutes, and in furtherance of the provisions of the Norwalk Harbor Management Plan as adopted by the City of Norwalk and approved by the State of Connecticut. In those instances where there may be conflicts between these rules and regulations and the provisions of the Harbor Management Plan, the rules and regulations shall take precedence.

² For the purpose of these Rules and Regulations, "mooring" is defined as the action to secure a vessel to: a) mooring tackle so designed that when the attachment of such tackle to the vessel is terminated, some portion of the tackle remains below the surface of the water and is not under the control of the vessel; and b) a floating docks (mooring float) no more than 100 square feet in area unattached to land, not associated with any other docking structure, and secured in whole or in part by mooring tackle. "Mooring tackle" is the hardware (e.g., anchor chain, line, buoys, and other equipment) used to secure a vessel or mooring float at a mooring location. Anchoring is defined as the action to secure a vessel temporarily to the bottom of Norwalk Harbor by dropping an anchor or anchors from the vessel so that when the vessel departs from its anchoring location the anchor or anchors depart with the vessel.

³ For the purpose of these Rules and Regulations, Norwalk Harbor is defined as that part of Norwalk Harbor consisting of the Inner and Outer harbors subject to the jurisdiction of the Norwalk Harbor Management Commission as defined in the Harbor Management Plan. Excluded from this definition is the Five Mile River Harbor which is under the jurisdiction of the Five Mile River Commission.

Harbor Master pertaining to these Rules and Regulations are consistent with the Norwalk Harbor Management Plan (the Plan) as required by Sec. 15-1 of the Connecticut General Statutes.⁴

2. Mooring Permits Required

(a) In order to provide for adequate access for recreational and commercial vessels, for the safety of persons and property, and for the optimum use and safe and efficient operation of Norwalk Harbor, the Harbor Master must approve all mooring locations in Norwalk Harbor, including locations used for “individual-private” mooring purposes and locations used for “commercial” mooring purposes as defined by the U.S. Army Corps of Engineers (USACE) and the Connecticut Department of Energy and Environmental Protection (DEEP)⁵. 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 Norwalk Code for any person to moor any vessel⁶ in Norwalk Harbor without a permit from the Harbor Master approved by the Mooring and Harbor Safety Committee and issued through the online mooring system established by the NHMC.

(c) Placement of mooring tackle⁷ to secure any floating dock unattached to land and greater than 100 square feet to which a vessel may be attached for any period of time is subject to these Rules and Regulations and state and federal regulatory requirements administered by the Connecticut DEEP and USACE, and must be reviewed by the NHMC for consistency with the Norwalk Harbor Management Plan.

⁴ Sec. 15-1 of the General Statutes requires that harbor masters and deputy harbor masters shall exercise their powers and duties in a manner consistent with any harbor management plan adopted for the harbor over which they have jurisdiction.

⁵ For the purpose of these Rules and Regulations, an “individual-private” mooring location is a location where the placement of mooring tackle for use by a single vessel is authorized by the January 4, 2008 Office of Long Island Sound Programs “General Permit for Harbor Moorings.” As defined in that General Permit, such mooring tackle shall not be rented or used for any commercial purpose; no charge shall be made by the permittee for its use; and placement of the mooring tackle shall not interfere with navigation and shall otherwise be consistent with the Norwalk Harbor Management Plan. A “commercial” mooring location is a location where placement of mooring tackle requires specific authorization by the OLISP and USACE pursuant to the state legislation known as the Structures and Dredging Act and the Department of the Army General Permit for the State of Connecticut. Commercial mooring locations include, but are not limited to, locations where mooring tackle is provided for a fee by any boating facility.

⁶ For the purpose of these Rules and Regulations, “moor any vessel” shall mean to secure a vessel to: a) mooring tackle so designed that when the attachment of such tackle to the vessel is terminated, some portion of the tackle remains below the surface of the water and is not under the control of the vessel or its operator; or b) a floating dock (mooring float) no more than 100 square feet in area unattached to land, not associated with any other docking structure, and secured in whole or in part by mooring tackle.

⁷ For the purpose of these Rules and Regulations, “mooring tackle” is the hardware (e.g., chain, line, anchor, buoys, and other equipment) used to secure a vessel or floating dock at a mooring location.

(d) Placement of mooring tackle to secure any floating dock attached to land and to which a vessel may be attached for any period of time is subject to state and federal regulatory requirements administered by the Connecticut DEEP and USACE and must be reviewed by the NHMC for consistency with the Norwalk Harbor Management Plan.

(e) Use of any mooring locations for commercial purposes requires approval by the DEEP and the USACE in addition to approval by the Harbor Master. No permit for use of a commercial mooring location shall be issued by the Harbor Master until such time as the NHMC has determined that the proposed commercial mooring location is consistent with the Plan and the DEEP and USACE have issued commercial mooring permits for that location.

(f) No provision contained in these Rules and Regulations shall limit the power of the Harbor Master to station and remove vessels as provided in the Connecticut General Statutes, including Sections 15-8, 15-9, and 22a-113r of the General Statutes.

3. Mooring Records

(a) The NHMC, acting through the Mooring and Harbor Safety Committee, shall keep a detailed record concerning ~~of~~ each approved mooring location and the vessel permitted to use that location, including: the name, home and business address, email address, and telephone numbers of the owner of the permitted vessel; the name, length, beam, registration number required by the State of Connecticut, and type of the permitted vessel; and any other pertinent information as may be determined by the Mooring and Harbor Safety Committee, including, but not limited to, proof of liability insurance for the permitted vessel. The Harbor Master shall assist the Mooring and Harbor Safety Committee with compilation and maintenance of mooring records. Those records shall be maintained in the online mooring system and include a copy of each mooring permit issued by the Harbor Master.

(b) Mooring records shall be maintained in such a manner that information can be obtained easily by the NHMC, Mooring and Harbor Safety Committee, and Harbor Master with regard to any individual mooring location, moored vessel, and ~~of~~ owner of a moored vessel and also with regard to all mooring locations within a particular harbor area.

(c) The Mooring and Harbor Safety Committee shall maintain in the Norwalk City Hall and in the online mooring system any a waiting list for mooring space in Norwalk Harbor that may be necessary, and a list of current assignments of mooring locations, and both lists shall be updated annually.

(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 any mooring waiting list that may be established by the Mooring and Harbor Safety Committee also shall be responsible for notifying the Harbor Master of any changes to the information provided on their waiting list applications. Mooring permittees and persons on any mooring waiting list shall utilize the online mooring system to provide the required notification of changes.

4. Online Mooring System

(a) For the purpose of processing mooring permit applications and managing mooring records in the most efficient and cost-effective manner, the NHMC shall require use of a computerized system for mooring permit application and administration whereby applicants will apply for new

and renewed permits online and all required information will be input directly by the applicant to the online system and stored in the system. The NHMC also shall require that applicable mooring fees be submitted directly by the applicant through the online mooring system unless, in response to a request by a particular applicant, the NHMC should determine that such requirement would create an undue hardship for that applicant.

(b) The Mooring and Harbor Safety Committee shall be responsible for operation and maintenance of the online mooring system. The Harbor Master shall assist the Mooring and Harbor Safety Committee with operation and maintenance of the online mooring system as necessary and at the direction of the Committee.

5. Allocation of Moorings Locations

(a) In allocating mooring locations, the Harbor Master shall give first priority to those persons applying for the renewal of permits granted in the preceding year, second priority to relocation requests in order of application, and third priority to new applicants in order of application.

(b) In allocating mooring locations, the Harbor Master shall, to the extent possible, accommodate littoral property owners who apply for mooring locations offshore of their properties.⁸ When necessary to achieve the most equitable use of available mooring locations, the Harbor Master may limit the assignment of mooring locations to littoral property owners who have established docks, piers, or other structures providing boating access to navigable water.

(c) In allocating mooring locations, the Harbor Master shall, to the extent possible, assign priority for mooring locations to licensed commercial fishermen. Up to 10% of the available mooring locations in mooring areas not designated as “commercial” mooring areas in permits issued by the USACE and Connecticut DEEP may be reserved for the use of licensed commercial fishermen.

(d) In allocating mooring locations, the Harbor Master shall give consideration to size, draft, type, and use of vessels to be moored.

(e) In allocating mooring locations in accordance with these Rules and Regulations, the Harbor Master shall not discriminate on the basis of the applicant’s town of residence or any other factor.

(f) Mooring permits shall be issued only to the owner of the vessel to be moored and all moored vessels must be properly registered to the permittee in accordance with laws of the State of Connecticut and properly insured in accordance with these Rules and Regulations.

(g) Within the limits of size and type of vessels, available mooring locations shall be offered to the most senior (lowest numbered) applicant on any mooring waiting list that may be established by the Mooring and Harbor Safety Committee, subject to the requirements of these Rules and Regulations. If an available mooring location is not suitable to accommodate the most senior applicant’s vessel or specific needs, 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. The Harbor Master shall

⁸ For the purpose of these Rules and Regulations, “littoral property” means property contiguous to the navigable waters of Norwalk Harbor and which, pursuant to water-rights law, affords its owner with certain rights including the right of reasonable access to navigable water.

continue efforts to provide a suitable mooring location for the most senior applicant. If the most senior applicant refuses a mooring location which is suitable for his or her vessel in the opinion of the Mooring and Harbor Safety Committee and Harbor Master, that applicant shall be moved to the bottom of the waiting list. In order to obtain the most effective utilization of existing mooring locations, lists of applicants shall be maintained to include date of application and type or size of vessel. These lists will be available for public inspection at the Norwalk City Hall and through the online mooring system.

(h) In the interest of ensuring safe, efficient, and equitable use of Norwalk Harbor, the NHMC may limit the number of mooring locations that can be assigned to any one individual, household, corporation, or other group. In the absence of compelling reasons to the contrary, clearly demonstrated to the satisfaction of the Mooring and Harbor Safety Committee, only one mooring location shall be allocated to any one vessel.

6. Application for Mooring Permit

(a) Any person, association, corporation, or other group may apply for a mooring permit. The NHMC shall require that all applicants complete and submit mooring permit applications utilizing the online mooring system established by the NHMC. (See no. 4 above.)

(b) The online mooring system shall utilize a mooring permit application form, developed by the Mooring and Harbor Safety Committee, that allows for the collection of information on the vessel and the vessel's owner as well as any additional information considered necessary by the Mooring and Harbor Safety Committee and Harbor Master.

(c) If a mooring permit application is approved by the Harbor Master and Mooring and Harbor Safety Committee, a copy of the approved permit shall be provided to the applicant through the online mooring system and one copy shall be retained for the records of the NHMC and Harbor Master.

(d) The NHMC may, as necessary to avoid possible abuses of the mooring assignment rules and regulations herein established, establish fair and reasonable requirements on a case by case basis to limit the issuance of mooring permits for vessels with joint ownership.

(e) All applicants for a mooring permit shall maintain liability insurance on the vessel identified in any mooring permit that may be issued to them, and shall provide a copy of the insurance certificate when applying for a mooring permit. All applicants shall agree to indemnify and hold harmless the City of Norwalk, 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 the applicant. Any permittee in receipt of a commercial mooring field permit issued by the DEEP and USACE also shall hold harmless the City of Norwalk, 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 within the commercial mooring field.

(f) A complete application for a mooring permit shall include: the application form completed in full; proof of the vessel's current registration in the State of Connecticut; proof of the applicant's vessel liability insurance; the mooring tackle inspection form completed in full; payment through the online mooring system of the appropriate mooring permit fee; and any other pertinent materials as determined by the NHMC.

7. Mooring Permits Valid for One Year Only

(a) All mooring permits shall be valid for a period not to exceed one year, unless renewed in accordance with the provisions of these Rules and Regulations. All mooring permits shall expire on the 31st day of December following the date of issuance.

(b) No vessels shall be moored in Norwalk Harbor from January 1 to March 15 of each year. Renewed permits shall be valid from March 15 to December 31. Limited exceptions to the January 1 to March 15 exclusion may be granted under Section 19(a) of these Rules and Regulations.

8. Renewal of Mooring Permit

(a) All mooring permits shall expire on December 31st of the year issued. To renew an expired permit an applicant must submit all required information and fees through the online mooring system no later than January 31st of the following year. Renewal applications received after January 31st but before March 1st must pay a Late Permit Fee. At least 30 days before the January 31st renewal date, notice of such date shall be announced through the online mooring system.

(b) Any mooring permit not renewed in accordance with paragraph 8(a) above shall expire on March 1st. In such case, the former permittee must remove the abandoned mooring tackle from the water within thirty days following expiration of the permit unless, in response to a written request by the former permittee, the NHMC should determine that such removal would create an undue hardship for that former permittee.

(c) A former permittee who has not renewed a previously issued mooring permit within the periods of time established herein, may subsequently apply for reinstatement, subject to all other applicable provisions of these Rules and Regulations, including payment of a reinstatement fee and the applicable mooring permit fee.

(d) The Mooring and Harbor Safety Committee with assistance from the Harbor Master shall be responsible for administration of all mooring permit renewals. All mooring permittees shall be notified of renewal requirements by the Mooring and Harbor Safety Committee through the online mooring system established by the NHMC.

(e) For vessels located in a managed mooring field of at least 50 vessels subject to valid federal and state commercial mooring permits, a Preliminary Mooring List must be submitted to the Harbor Master by the mooring field manager by March 31. This list must be accompanied by a fee equal to one-half the amount of the prior year's total fee for the entire mooring field. The Final Mooring List with all information necessary to complete an application for each vessel in the field shall be submitted by April 30 with the balance of the fees due.

9. Annual Mooring Permit Fees

(a) Any person, association, corporation, or other group receiving a new or renewed permit for a mooring location in Norwalk Harbor shall pay an appropriate annual fee as proposed by the NHMC and adopted by the Norwalk Common Council from time to time as authorized by Sec. 22a-113s of the Connecticut General Statutes and subject to any other local, state, and federal requirements.

(b) When the Harbor Master determines that a suitable mooring location exists for an applicant for a new or renewed mooring permit, the applicant shall pay the appropriate annual fee, payable to the City of Norwalk, before the permit shall be issued. This fee shall be nonrefundable. All mooring fees shall be submitted directly by the applicant through an online mooring system established by the NHMC unless, in response to a request by a particular applicant, the NHMC should determine that such requirement would create an undue hardship for that applicant.

(c) All fees collected pursuant to this section shall be deposited into the Norwalk Harbor Management Fund, as authorized by Sec. 22a-113s of the Connecticut General Statutes, and used exclusively for the maintenance and improvement of Norwalk Harbor for the public and for expenses for personnel and equipment directly related to the function of the NHMC and the Harbor Master or Deputy Harbor Master.

(d) When proposing a mooring permit fee schedule for adoption by the Norwalk Common Council, the NHMC may differentiate fees for recreational and commercial vessels; consider reduced fees for duly established non-profit organizations⁹; and consider special fees for placement of mooring tackle used to secure floating docks to which vessels may be attached.

(e) No more than four mooring locations permitted at a reduced fee may be assigned to any duly established non-profit organization.

10. Transferral of Mooring Permits and Vessels

(a) An individual-private mooring permit shall authorize use of a mooring location only for the single, registered vessel indicated on the permit. The use of a mooring location for any other vessel is prohibited and shall be grounds for revocation of the mooring permit. Individual-private mooring permits shall not be transferable with the transfer of vessels. Whenever a mooring permittee 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 new vessel possessor, transferee, or owner shall have no vested right to use the mooring location covered by the mooring permit and must apply for a new permit in order to use that location or another location.

(b) A mooring permittee may, upon written application to and approval by the Harbor Master and Mooring and Harbor Safety Committee, retain the permitted mooring location for a replacement vessel provided that vessel is owned and properly registered by the permittee and is moved onto the mooring location within sixty days (unless the period is extended by the Harbor Master and Mooring and Harbor Safety Committee because of special circumstances). If the replacement vessel is significantly smaller, larger, or of different draft or type, the Harbor Master shall have the right to relocate the vessel to another, more suitable mooring location if, in the judgment of the Harbor Master, such relocation will advance the safe and efficient operation of the harbor.

⁹ For the purpose of these Rules and Regulations, “non-profit organization” means an incorporated organization which exists for educational or charitable purposes, does not operate for profit, and is granted tax-exempt status by the Internal Revenue Service.

(c) Mooring permits shall be nontransferable except that the Mooring and Harbor Safety Committee 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 Mooring and Harbor Safety Committee and Harbor Master.

11. Mooring Location and Placement

(a) When a permit is issued for a mooring location, the Harbor Master shall assign a specific location for that mooring. No mooring tackle shall be placed or maintained in any part of Norwalk Harbor until the location for placement of that mooring tackle has been approved by the Harbor Master.

(b) Moorings under no circumstances shall be located within navigation channels or fairways or otherwise interfere with the safe and efficient operation of the harbor as determined by the Harbor Master.

(c) In accordance with Sec. 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. When considering placement of mooring tackle on designated natural shellfish grounds, the Harbor Master and Mooring and Harbor Safety Committee shall consider the recommendations of the Norwalk Shellfish Commission.

(d) Moorings located within designated anchorages identified in the Harbor Management Plan should be placed in accordance with specific mooring plans to provide safe and efficient mooring of vessels.

12. Transient Mooring and Anchoring

(a) The NHMC may designate transient mooring and anchoring locations, identified by the Harbor Master, for the exclusive, short-term use (not to exceed a total of 14 days in any calendar year) by recreational vessels visiting Norwalk Harbor. This space shall be available on a first-come, first-served basis. No vessel shall ride on its ship's anchor in Norwalk Harbor unattended for more than 24 hours without the expressed permission of the Harbor Master.

(b) No vessel shall anchor in Norwalk Harbor with the use of the vessel's anchoring equipment for a period greater than 14 days in any calendar year, unless expressly approved by the Harbor Master, in accordance with state statutes.

(c) The Harbor Master may require any person anchoring in the harbor to display for inspection the anchors, chains, and other equipment used at such anchoring for soundness of condition.

(d) The City of Norwalk accepts no responsibility for the safety of transient mooring and anchoring locations during periods of extreme weather including, but not limited to, gale winds, hurricanes, and extreme high water.

13. Abandonment of Mooring Tackle

(a) Any permitted mooring location not used for a period of one permit season may be considered abandoned and the mooring tackle shall be subject to removal or relocation by order of the Harbor Master acting at the direction of the NHMC. Any mooring tackle not authorized by a

current and valid permit from the Harbor Master may be considered as abandoned and subject to removal at any time. No permitted mooring location may be left unused for more than one calendar year without written permission of the NHMC.

(b) Any mooring permittee who owns mooring tackle and is vacating his or her mooring location may sell the tackle occupying such location to another permittee with a current and valid permit and shall notify the Harbor Master of such sale. Failure of the owner to remove such tackle shall constitute the abandonment thereof, and such tackle may be removed by the Harbor Master at the expense of the owner. Sale of mooring tackle shall not transfer any rights for a mooring permit or use of a mooring location, nor absolve the purchaser from compliance with the mooring tackle inspection requirements of these Rules and Regulations.

14 . Mooring Tackle Inspection

(a) No mooring tackle shall be placed in Norwalk Harbor without inspection and approval of the tackle by the Harbor Master or his authorized designee. All mooring tackle placed in the harbor shall be in compliance with any mooring tackle guidelines that may be established by the NHMC.

(b) It is required that all mooring tackle must be inspected for soundness of condition no less than once every two calendar years. The Harbor Master may require any mooring permittee to display for inspection the anchor, chains, and other mooring equipment for soundness of condition. All mooring tackle shall be inspected and certified for soundness by a qualified inspection contractor acceptable to the NHMC and Harbor Master. A list of qualified mooring tackle inspection contractors shall be made available to the mooring permittee by the Harbor Master. An official mooring tackle inspection form provided by the Mooring and Harbor Safety Committee shall be filed by the mooring owner with the NHMC once every two years utilizing the online mooring system.

(c) The Mooring and Harbor Safety Committee and Harbor Master shall maintain, utilizing an online mooring system established by the NHMC, a record of each inspection for a period of four years. If, as a result of such inspection it shall be determined that any chain, shackle, swivel, anchor, or other piece of mooring tackle has become unsafe or otherwise inadequate, such chain, shackle, swivel, anchor, or other piece of mooring tackle shall be replaced by the mooring permittee at the expense of the permittee, re-inspected, and a new inspection report shall be submitted through an online mooring system established by the NHMC. Failure to replace unsafe or otherwise inadequate mooring tackle shall be grounds for revocation of the mooring permit by the Harbor Master.

(d) Qualified mooring tackle inspection contractors acceptable to the NHMC shall maintain appropriate commercial insurance of an amount and type acceptable to the City of Norwalk Risk Manager.

15. Secure Mooring and Anchoring of Vessels

(a) The owner of any vessel moored or anchored within Norwalk Harbor 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 vessel from breaking loose and causing damage to any other vessel, person, or property, and shall thereafter provide for periodic inspection of mooring or anchoring equipment as required by these Rules and Regulations.

(b) All mooring tackle shall comply with any guidelines established by the NHMC and adjusted, as necessary, by the NHMC in consultation with the Mooring and Harbor Safety Committee and Harbor Master. All mooring permittees shall recognize that requirements for mooring tackle may vary in different locations in Norwalk Harbor and that some locations and conditions may require mooring tackle that exceeds the guidelines.

(c) The mooring tackle guidelines shall be provided by the Mooring and Harbor Safety Committee, utilizing the online mooring system established by the NHMC, to all mooring permit applicants.

(d) Mooring permittees are advised to monitor forecasts of approaching storms and apply additional safety measures to secure their vessels as necessary, including removal of their vessels from mooring locations in the harbor.

16. Identification of Approved Mooring Locations

(a) The Mooring and Harbor Safety Committee acting in consultation with the Harbor Master may, from time to time, establish and amend reasonable standards for all mooring buoys used in Norwalk Harbor. Such standards shall be in compliance with any state or federal requirements for the marking of mooring buoys. Notice of standards and requirements for marking approved mooring locations shall be provided in writing to all mooring permittees.

(b) All mooring buoys (including temporary “winter buoys”¹⁰) must be clearly identified at all times with the assigned mooring permit number.

(c) In accordance with Section 15-121-A3(a) of the Regulations of Connecticut State Agencies, all anchorage and mooring area buoys shall be white with a clearly visible horizontal blue reflectance band around the circumference of the buoy centered midway between the top of the buoy and the water line.

(d) Temporary mooring buoys (“winter buoys”) used to mark approved mooring locations may be used only during the period of October 15 through March 15, subject to any additional restrictions imposed by the Harbor Master to maintain safe and efficient use of the harbor. Any temporary buoy must be permanently identified with the assigned mooring permit number clearly visible. The Mooring and Harbor Safety Committee acting in consultation with the Harbor Master may, from time to time, establish and amend reasonable requirements for placement of temporary mooring buoys.

(e) All vessels permitted to use a mooring location in Norwalk Harbor and all mooring buoys and mooring floats secured with mooring tackle shall display a current mooring permit identification decal issued by the Mooring and Harbor Safety Committee. The number on the decals shall correspond to the number of the mooring permit issued by the Harbor Master. The purpose of the decals shall be to help ensure that all vessels moored in the harbor are properly permitted and

¹⁰ For the purpose of these Rules and Regulations, a “winter buoy” is a flotation device, acceptable to the Mooring and Harbor Safety Committee, that may be used to temporarily mark a permitted mooring location during a specific period of the year when that location is not utilized to moor a vessel.

attached to properly inspected mooring tackle and their owners easily identified in the event of an emergency. Decals shall be affixed, by the mooring permittee, to the transom of the permitted vessel and to the mooring buoy or mooring float by a date specified by the Mooring and Harbor Safety Committee.

17. Relocation and Removal of Mooring Tackle

(a) The Harbor Master acting in consultation with the Mooring and Harbor Safety Committee may require any mooring tackle or moored vessel to be removed to a new location whenever, in his judgment, such removal is needed to maintain safe and efficient use of the mooring location.

(b) If an order given by the Harbor Master with respect to removing unauthorized mooring tackle, removing mooring tackle not properly identified in accordance with Section 16 of these Rules and Regulations, changing the location of mooring tackle for the purpose of ensuring safe and efficient use of the mooring location, or replacing mooring tackle determined to be unsafe or otherwise inadequate are not taken by the owner, if known, within fourteen days after the owner's receipt of written notice by certified mail, or, if the owner is not known, after notice has been posted for that period on the vessel or mooring tackle, the Harbor Master may cause such mooring tackle to be removed or relocated, or may drop same to the bottom of the harbor. The expense of such mooring tackle removal or relocation and any liability arising from injury to person or property incurred thereby shall be the responsibility of the mooring permittee.

(c) Nothing above shall prevent the Harbor Master 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.

18. Designation of Navigation Fairways to be Kept Free of Moorings

(a) In order to provide safe navigation in all parts of Norwalk Harbor, the NHMC, with consideration of the advice of the Mooring and Harbor Safety Committee and Harbor Master and with authority provided by Sec. 22a-113n of the Connecticut General Statutes, shall designate, as necessary, the location of navigation fairways within which mooring locations shall not be approved and to make changes in such designations when conditions or needs require.

19. Suspension of Requirements and Imposition of Emergency Requirements

(a) The requirements of these Rules and Regulations pertaining to a specific mooring or anchoring location and/or moored or anchored vessel may be modified by the NHMC, acting in consultation with the Mooring and Harbor Safety Committee and Harbor Master, if, in the judgment of the NHMC, such modification 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.

(b) 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 acting in consultation with the Mooring and Harbor Safety Committee is empowered to suspend the requirements of these Rules and Regulations and/or impose additional requirements in the interest of public safety.

20. Violations

(a) These Rules and Regulations have been adopted and approved in accordance with Sec. 22a-113r of the Connecticut General Statutes and Sec. 69-22 of the Norwalk Code. In accordance with Sec. 69-22D of the Norwalk Code, any person who shall violate any of these Rules and Regulations shall be fined an amount authorized by the Code. Each day such violation continues after the time for correction of the violation has been given in any written order issued by a duly authorized police officer of the City of Norwalk shall constitute a continuing violation and shall be subject to a fine in an amount authorized by the Code for each day said violation continues.

(b) Fines levied for violations of these Rules and Regulations as authorized by the Norwalk Code shall be collected by the City of Norwalk and deposited into the Norwalk Harbor Management Fund established pursuant to Sec. 22a-113 s of the Connecticut General Statutes.

(c) Any person who obstructs, resists, or willfully refuses to obey the order of the Harbor Master or Deputy Harbor Master for the stationing of a vessel in accordance with these Rules and Regulations shall be subject to the fines and penalties set forth in Sec. 15-8 and other applicable sections of the Connecticut General Statutes, enforceable by any duly authorized police officer of the City of Norwalk.

21. Revocation of Mooring Permits

(a) The Harbor Master acting in consultation with the Mooring and Harbor Safety Committee may revoke a mooring permit if the permittee fails to maintain the moored vessel in a seaworthy condition or fails to comply with any permit condition or provision of these Rules and Regulations.

22. Review of Decisions

(a) Any party aggrieved by any decision pertaining to the application of these Rules and Regulations may submit a request in writing to the NHMC to review that decision with respect to these Rules and Regulations and with respect to the goals, objectives, policies, and guidelines established in the Norwalk Harbor Management Plan. Such request shall be submitted within 30 days of the date of the decision. The NHMC 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 of the Connecticut General Statutes requires the Harbor Master who is appointed by the Governor to act in a manner consistent with the Norwalk Harbor Management Plan, it is recognized that City ordinances, rules, and regulations cannot alter the Harbor Master's duties and powers established in the Connecticut General Statutes which include primary authority to station vessels. As a result, the NHMC may not over-ride the Harbor Master's mooring assignments, provided such assignments are consistent with the Harbor Management Plan and these Rules and Regulations.

23. Exclusions

(a) Specifically excluded from the requirements of these Rules and Regulations are the placement of swim floats, navigation and regulatory markers, and aquaculture structures secured by bottom anchors and subject to state and federal regulatory programs, including regulatory programs administered by the Connecticut DEEP, USACE, and Connecticut Department of Agriculture's Bureau of Aquaculture. All applications for swim floats, navigation and regulatory markers,

and aquaculture structures must be reviewed by the NHMC for consistency with the Norwalk Harbor Management Plan and by the Harbor Master for potential impacts on safe and efficient operation of the Harbor. Pursuant to the DEEP's General Permit for Swim Floats, no vessel shall be attached to a swim float at any time.

Rules and Regulations for Mooring and Anchoring Vessels:

Adopted by the Norwalk Harbor Management Commission on August 26, 1992
Approved by the Norwalk Common Council on October 27, 1992

Additions adopted by the Harbor Management Commission on October 27, 1993
Approved by the Common Council on November 9, 1993

Additions and amendments adopted by the Harbor Management Commission on November 21, 1994
Approved by the Common Council on December 27, 1994

Additions and amendments adopted by the Harbor Management Commission on October 22, 1997
Approved by the Common Council on March 10, 1998

Additions and amendments adopted by the Harbor Management Commission on May 26, 2004
Approved by the Common Council on June 22, 2004

Additions and amendments adopted by the Harbor Management Commission on January 28, 2015
Approved by the Common Council on March 22, 2016