

CHAPTER XXVIII
Danvers Waters Bylaw

Section 1: Application of Chapter.

1. The provisions of this by-law shall apply to all persons and activities, including boating, skin-diving, scuba diving, jet skiing or water skiing, fishing or swimming, in the tidal waters of the Town, including tidal waters west of Liberty Street Bridge on the Porter River, and west of the Water Street Bridges on the Crane and Waters Rivers.

Compatibility with Other Regulations.

1. Nothing contained herein shall be construed to supersede or conflict with or interfere with or limit jurisdiction of the United States Government or limit or conflict with the laws and regulations of the Commonwealth of Massachusetts, except that in the case of concurrent laws or regulations, it shall be intended that the stricter, more restrictive shall apply.

Section 2: Boundaries.

1. Danvers Harbor tidal waters are the waters between the shores of the Town on the Porter, Crane, Waters and Danvers River, and a boundary line dividing the Town of Danvers from the City of Beverly and the City of Salem and the City of Peabody.

Section 3: Harbormaster.

1. The Town Manager shall appoint a Harbormaster and such Assistant Harbormasters as he deems necessary.
2. Under the supervision and control of the Town Manager, the Harbormaster shall have the authority to enforce all lawful requirements of this By-law; to assign moorings to vessels within designated areas; to assign berths or landing places to vessels coming alongside wharves, floats or piers; to order any vessel improperly moored or anchored to change its location.

Section 4: Mooring Permits.

1. No person shall establish a mooring within the tidal waters of the Town of Danvers without first obtaining a permit from the Harbormaster.
2. Falsifying information on a mooring permit application shall be grounds for refusal or forfeit of the mooring privileges and permit.
3. All vessels must be removed from moorings by December 1st, and the Town Marina by November 1st of each calendar year, unless otherwise authorized by the Harbormaster.
4. The Harbormaster shall collect from the applicant a mooring permit fee in the amount established by the Town Manager. Such fee shall be assessed on a per-foot basis, measured from the stem in straight line aft to the stern of the vessel. Booms, boomkins or pulpits are exempt from the measurement. The minimum mooring permit fee shall be for a 12-foot boat. All fees collected by the Harbormaster shall be paid to the Town of Danvers.
5. Permits shall not be issued to or renewed for persons who have not fully paid their boat excise taxes for the previous year(s). Failure to fully pay boat excise taxes for the previous fiscal year(s) shall be grounds for suspension or revocation.

6. The Town Manager, acting through the Harbormaster, shall have the power to establish standard contracts and contract terms and fees for the rental of wharves, slips, docks and moorings, including guest moorings.
7. To obtain a Mooring Permit in Danvers Waters, a person must be the vessel owner, as defined by the following:
 - a. The owner of a vessel shall be considered to be the person listed as owner on the Certificate of Registration, or the Documentation Certificate.
 - b. Additional confirmation of ownership may be required and this may be one, or both of the following:
 1. Sales Tax receipt.
 2. Current insurance policy.
 - c. It is recognized that a vessel may have multiple ownership, but it is mandatory that all owners shall be listed on the Mooring Permit Application, with their percent of ownership, and that confirmation of ownership for each be provided.
8. The length of time a permit holder may retain his Mooring Permit after non-ownership of the permitted vessel, shall not exceed the remaining unexpired permit term. The Harbormaster may assign the temporary use of the space.
9. Failure to pay the Mooring Permit fee shall result in forfeit use of the mooring space and permit.
10. Whenever the harbormaster considers a mooring, floats, rafts and docks held by anchors, bottom moorings or other, in violation of harbor regulations or a hazard to navigation, he may, after due notification to the owner, by certified mail to the address of record, order their removal, together with any vessel which may be attached to it, to a new location. Such action may be taken without notification to or reply from an owner only if, in the determination of the Harbormaster, the owner cannot be contacted within seventy-two (72) hours or if emergency conditions require immediate action. Any expenses incurred in the removal or relocation of such mooring or any damages resulting shall be the responsibility of the owner. If above were installed without permission in tidal town waters they shall be considered a public nuisance. They may be removed by the Harbormaster at the expense of the owner in the event he fails to remove the same after notice in writing from the Harbormaster.
11. Guest moorings may be provided by the Town in public mooring areas in a number to be determined by the Harbormaster. The provision of any guest mooring in the public waters by the Town shall in no way make the Town liable for any damages which may occur to persons or property at any such moorings or at other moorings.
12. The Harbormaster may locate and regulate all boats in the waters of the Town, and may remove any boat to a new location, or cause it to be so removed, if any one of the following circumstances prevails:
 - a. The boat is improperly or illegally moored.
 - b. A boat occupying a berth at a wharf or pier is not removed within a reasonable period after notice from the owner of the wharf or pier to the master or owner of

said boat, and the pier owner makes a complaint to the Harbormaster.

- c. A boat not discharging cargo or passengers or receiving cargo or passengers or services stands in the way of another boat waiting to carry out any of these activities, and the master or owner of the latter boat so notifies the Harbormaster.

13. Improper use of a mooring permit, failure to remedy any defective condition, or other violation of any provisions of this By-law shall be grounds for cancellation of the mooring permit. The harbormaster shall give a fifteen (15) day notice to the holder of such cancellation. The mailing of a notice by certified mail to the holder at the address designated on his application shall be deemed to be sufficient notice of cancellation. Upon the cancellation of said mooring permit, the permit holder must immediately remove said mooring and gear. If he should fail to remove same within said period of fifteen (15) days, the Harbormaster may direct its removal at the owner's expense.

Section 5: Minimum Standards for Mooring Equipment.

1. The Harbormaster shall make regulations regarding the size, type, construction, weight, and placement of all moorings within the tidal waters of the Town. All moorings shall be placed under the direction of the Harbormaster. All moorings are subject to inspection by the Harbormaster prior to their initial placement and as deemed necessary.

Section 6: General Regulations for Danvers Waters.

1. No engine-less vessel, other than small pure sailboats less than fourteen (14) feet long or rowing dinghies, kayaks or canoes, or a vessel that is maintained in such a manner that does not have the ability to navigate safely under its own power shall be authorized to occupy a mooring in Danvers or a slip at a town marina. Active vessels temporarily disabled and under repair contract require Harbormaster approval.
2. A vessel is hereby declared to be a public nuisance and shall be considered a stray vessel if:
 - a. in a deteriorated and unseaworthy condition, or
 - b. sunken or likely to sink, or
 - c. aground, or
 - d. adrift and likely to damage piers, wharves, floats or other vessels or to constitute
 - e. a menace to navigation, or
 - f. secured to a mooring without a proper authorization, or
 - g. awash.

All stray vessels shall be delivered to the possession of the Harbormaster until claimed by the proper owner or disposed of according to law. If the proper owner claims such property prior to disposition thereof, he shall pay all expenses incurred in connection therewith including charges for raising and storing same.

3. ABANDONMENT OF VESSELS, MOORINGS, ETC.

Except in a maritime emergency currently affecting those aboard or others in the immediate vicinity, no vessel, mooring or other object shall be deliberately abandoned, sunk or

otherwise placed in waters within the Town of Danvers where it may constitute a hazard. Any abandoned, sunk or improperly placed vessel, mooring or object so found and any vessel otherwise improperly secured, swamped, sunk, washed ashore or found in a restricted area may be ordered by the Harbormaster to be removed or relocated. If corrective action is not taken after twenty-four (24) hours notice to the owner or if the owner is not known after notice has been posted for the same period at the Harbormaster's office, the Harbormaster shall have authority to remove or relocate it, and the expense of such removal or relocation shall be charged to the vessel and its owner.

4. Nothing in the above shall be deemed to prevent emergency action by the Harbormaster with or without notice to the owner if, in his judgment, such action is necessary.

5. Removal of any stray vessel by the Harbormaster shall be without liability to the Town of Danvers, its officers, agents or employees.

6. POLLUTION

The dumping or discharge of oil, raw sewage, dead fish, garbage, waste, rubbish or debris of any kind, including residue of sanding and scraping of boats while in water, anywhere so as to pollute the waters, shores or beaches of the Town is prohibited.

7. UNLAWFUL DEPOSITS

a. Generally. No person shall throw or deposit in Danvers Harbor any litter, petroleum products, lubricating oil, fish oil or other greasy substance.

b. Litter. Throwing overboard of litter from any ship, boat, vessel, watercraft or from any pier, wharf, dock, float, bridge, beach or other location into the tidal waters of the Town shall be prohibited. The term "litter" is defined as bottles, glass, wood, trash, tires, cans, scrap metal, junk, paper, garbage, rubbish, trees, brush and lawn trimmings, timber and wood products, paint scrapings, dead animals and other refuse.

c. Discharge of oils. The discharge, from any location on land, intentionally or otherwise, of oil in any of its forms, animal, vegetable or mineral into the Town's harbor is prohibited.

d. Pumping engine rooms, bilges, etc. Pumping of engine compartment, bilge water containing petroleum products from any boat, ship, vessel or other watercraft located in Danvers Harbor and its environs, is prohibited.

8. HARBORMASTER TO INITIATE HARBOR POLLUTION COMPLAINTS.

The Harbormaster shall be an agent for the Town for initiating formal complaints to the Commonwealth and the Federal Government relative to harbor pollution in any form.

9. OCCUPANCY OF VESSELS.

No vessels may be used as a residence at a mooring in Danvers in excess of seven (7) continuous days unless otherwise authorized by the Harbormaster. This shall not prevent any vessel from seeking a haven from a storm in the harbor during the period immediately before, during, and after such a storm, but such vessels shall not make any discharge of waste, garbage or other pollution into said harbor during said stay and shall move on as soon as weather permits.

10. ADDITIONAL USE REGULATIONS.

The Harbormaster's permission is required for navigation by power boats or mooring of

same West of the Liberty Street Causeway on Porter River, West of the Water Street Bridge on Crane River, and West of Water Street Bridge on Waters River. This is to include jetskis, jetbikes and other motorized craft.

11. There will be no speeding or testing of power boats in the vicinity North and West of Parker Island, Jersey Lane, and Liberty Street.

Section 7

1. ENFORCEMENT AND PENALTIES

These By-laws shall be enforced by the Harbormaster and Assistant Harbormasters.

1. Criminal Complaint.

Whoever violates any provisions of these By-laws may be penalized by indictment or on complaint brought in the District Court. Except as may be otherwise provided by law, and as the District Court may see fit to impose, the maximum penalty for each violation or offense, brought in such manner, shall be three hundred dollars.

2. Non-criminal Disposition.

Whoever violates any provision of these By-laws, the violation of which is subject to a specific penalty, may be penalized by a non-criminal disposition as provided in General Laws, Chapter 40, Section 21D.

Without intending to limit the generality of the foregoing, it is the intention of this provision that the above By-laws and selections of By-laws are to be included within the scope of this subsection, that the specific penalties as listed here shall apply in such cases and that the Harbormaster and Assistant Harbormasters shall in all cases be considered enforcing persons for the purpose of this provision.

Each day on which any violation exists shall be deemed to be a separate offense. For the purpose of repeat offenses, each calendar year shall constitute a new beginning.

Regulation of Boating (Harbormaster)

1st Offense	\$ 30.00
2nd Offense	\$ 50.00
3rd Offense	\$100.00
4th and Subsequent Offenses	\$200.00

Section 8: Regulations.

1. The Board of Selectmen may promulgate such rules and regulations as necessary for the proper operation, safety, health, and welfare of the landing places and tidal waters of the Town.

Any such rules and regulations shall not become effective unless published in one or more newspapers. (AUTH: ARTICLE 12, TM 3/19/90).

SLIP FEE

1. Pursuant to the authority granted by Section 22F of Chapter 40 of the General Laws, persons with dockage in the Waters of the Town of Danvers on other than a transient basis (one week or less) shall annually pay a slip fee to the Town in the amount specified by the Town Manager based upon the length overall (LOA) of a vessel (12 ft. minimum). Persons who have been assessed and have paid a mooring fee to the Town of Danvers for any year shall not be obligated to pay the slip fee during that year.” (AUTH; BOARD OF SELECTMEN JANUARY 7, 1997)
2. The equipment, operational and safety standards contained in Massachusetts General Laws C. 90B for the operation of water craft are hereby adopted as a regulation of the Town of Danvers and are incorporated herein by reference. Any violation of the said equipment, safety and operational standards may be enforced by the Danvers harbormaster or Assistant harbormasters by means of a non-criminal citation pursuant to C. 40 section 21D of the General laws or by means of criminal complaint.
3. (AUTH; BOARD OF SELECTMEN JANUARY 7, 1997)

CRANE RIVER PARK MARINA RULES AND REGULATIONS

1. In accordance with the provisions of the Town of Danvers Harbor By-Laws Section Four the following regulations are hereby adopted for Crane River Park Marina
2. A dockage and slip permit must be applied for and obtained annually. Application forms are available from the Harbormaster and must be submitted before April 1st of each year.
3. The rental period is from May 15 through October 31. No sub-leasing of slips will be allowed except upon prior permission of the Harbormaster. No refunds will be given.
4. All charges for dockage are due no later than April 1st.
5. The owner agrees not to hold the town responsible for damages caused by fire, theft, storm, wind, rain, flood, or causes beyond its own control while the boat is in the marina. The boat owner will be held responsible for damage which he may cause to other boats or structures. Any boat which may sink in the Marina may be removed by the Town at the expense of the boat owner.
6. Vessels within the Marina will be operated at headway speed only without any disturbing wake.
7. Vessels shall be in a seaworthy condition. If they constitute a fire hazard they shall be removed from the marina, at the expense of the boat owner.
8. Tenders shall be stored only with the express permission of the Harbormaster in an area allocated for the use of the same for an additional fee.
9. Boats not marked or identified as required by law will not be permitted within the marina.
10. All dock lines will be supplied by the boat owner and kept in good condition and replaced when necessary.

11. Boat owners shall not store supplies, materials, accessories, or debris upon any walkway and shall not construct thereon any lockers, chests, cabinets, steps, ramps, or similar structure with our permission of the Harbormaster.
12. Noise shall be held to a minimum at all times. Tenants shall use discretion in operating any motors, generators, or radios so as not to create a nuisance.
13. Disorder, depredations or indecorous by the tenant or tenant's visitors that might injure a person, cause damage to property or harm the reputation of the Marina shall be cause for immediate removal of persons and/or boats without refund.
14. All children must be accompanied by adults and all children under the age of twelve (12) must wear Coast Guard approved life jackets while on or around dock areas.
15. The Town of Danvers reserves the right to remove any boat still tied to the floating docks on or after November 1st. The owner of the boat will be liable for all hauling and storage costs.
16. Dogs shall be leashed within the confines of the Marina area, floats, and piers.
17. It is understood that the Town of Danvers assumes no responsibility for loss or damage by theft, fire, or other wise to boats, vehicles, or other property.
18. Open flame of any sort is forbidden in the Marina area either inside of outside of boats.
19. Boats shall not lie at the public service dock except for the purpose of loading, unloading, refueling, or washdown.
20. The fee for seasonal rental shall be determined by the Town Manager.

PUBLIC LANDINGS RULES AND REGULATIONS

In accordance with the provisions of Massachusetts General Laws, Chap. 88, sec. 19, as amended, the following rules and regulations are hereby adopted for the common landing places in the town of Danvers known as Popes Landing (Harbor Street) and Crane River Marina Landing (McDewell Avenue).

1. No person should fasten or tie any boat to any part of a common landing place without a permit issued by the Harbormaster or an Assistant Harbormaster unless actually engaged in loading or unloading of passengers and quests of equipment.
2. No person shall fasten or tie any boat to any part of a common landing place for a period of time longer than thirty (30) minutes without a permit issued by the Harbormaster or Assistant Harbormaster.
3. No person shall fasten or tie any boat for hire to any part of a common landing place for the purpose of loading or unloading passengers without a permit issued by the Harbormaster or Assistant Harbormaster.
4. No person shall place or allow to stand any bait container owned or used by him on any landing without a permit issued by the Harbormaster or Assistant Harbormaster and only in such area as described in said permit.

5. No person shall place or store traps, fishing gear or their equipment or any other thing of whatsoever nature on any part of any common landing place without a permit issued by the Harbormaster or an Assistant Harbormaster and only in such area and for such time as described and set forth in said permit, except that such traps, fishing gear and other equipment may be placed on a common landing place for the purpose of and while actually engaged in being loaded or unloaded from boat to vehicle or vehicle to boat, provided foot and vehicle and vessel traffic is not obstructed.
6. No person shall deposit, discard, place, or throw any bait, trash, garbage, refuse, oil, or hazardous material from or on any common landing place.
7. There shall be no scaling or cleaning of fish or shellfish on any of the town's wharves, ramps, floats, or piers or in any waters of the harbor in general.
8. No person shall leave any boat or vessel, fishing equipment, fish, or any other personal property upon town landing places, floats, wharves, or piers for longer than is necessary in the act of loading or unloading same to and from boats or vehicles.
9. The town shall not be responsible for any loss or damage to boats or vessels at the town wharves, floats, piers, or moorings.
10. No warp or line or cable, electrical or other shall be passed across the channels or any dock so as to obstruct or interfere with vessels navigating in the area.
11. All boats or vessels using the town landings shall observe all police, fire, health, and sanitary regulations of the town, and the owners or operators of such boats shall not permit acts contrary to good order, public safety or public health, including public profanity or obscene language or acts. Unnecessary noise, loud talking or playing of musical instruments between the hours of 11:00 p.m. and 8:00 a.m. is not permitted. No person upon such boats shall throw garbage, paper, refuse, or debris of any kind into the harbor.
12. It shall be unlawful for any person to conduct any business on or from any town landing unless authorized by the Board of Selectmen. The selling of tickets or the solicitation of persons to buy tickets or attempting to get passengers in any other manner for boat trips or fishing trips from the town landing is prohibited. It shall also be unlawful to solicit by signs or any other method from or on the town landing to get passengers for any such fishing or other trips whereby the persons operating or conducting such trips are using the town landing as their place of business or headquarters. No signs or other means of advertising shall be attached to or displayed from the town landing by or in behalf of any person conducting business from there or elsewhere. However, any person conducting a harbor sail, ferry, excursion by boat, boat livery, or the taking out of fishing parties, but maintaining wharf, headquarters, or principal place of business elsewhere, may use the town landing as a point of call and may discharge or take passengers. The boats engaged in such ventures shall not lay at any berth on the town landing longer than shall be ordinarily and reasonably necessary for their occupants, passengers, or customers to board or alight therefrom.
13. Use of a common landing for commercial fishing purposes is prohibited. However, a person or persons may dock at any common landing for the purpose of discharging or taking on commercial fish products upon prior permission of the Harbormaster.

14. With the exception of charter or commercial fishing boats, no vessels or watercraft of any kind whatsoever docked at any town-owned landing shall be used as a place from which public business or professional services are conducted.
15. The usage of town launching ramps shall be controlled by rules established by the Town Manager and Harbormaster. These rules may include control or temporary parking of boat trailers and motor vehicles at or near the approach to each ramp, closing of launching ramp for repairs or other reasons considered appropriate.
16. Parking fees at Popes Landing are determined by the Town Manager.

MOORING RULES AND REGULATIONS

In accordance with the provisions of Danvers By-Laws and Regulations Sections 3, 4, and 5, the following Mooring Regulations are hereby adopted within the waterways of Danvers.

1. No mooring permit shall be issued until the applicant files and application with the Harbormaster.
2. Applications shall be on a form prescribed by the Harbormaster.
3. Failure to submit a fully completed form shall be grounds for refusal to issue a permit.
4. Permits for the use of mooring spaces shall be for a period of one (1) year, or any fraction thereof, terminating no later than December 31 of each year, unless revoked by the Harbormaster for good cause, and shall be renewable annually for one (1) year. The Harbormaster shall, after January 1, send permit forms to all permit holders of the previous calendar year.
5. Placement of applications. Applications for renewal of mooring permits shall be submitted between January 1 and April 1. New applications shall be placed on waiting lists in order of their receipt.
6. Suspension, revocation. A permit may be suspended or revoked by the Harbormaster whenever in his opinion the boat and mooring or the mooring unduly threatens the safety of the mooring area or the reasonable use of
7. that area by other boats. Mooring at a place other than that specified on the permit will be grounds for revocation.
8. No mooring permit shall be transferable and no person shall cause any vessel to be attached to said mooring unless said vessel is described in the aforesaid application provided. However, the Harbormaster may permit the temporary use of a mooring by another vessel.
9. The Harbormaster shall keep a detailed description of all moorings, their location, holder's name and address, business and home telephone numbers, date mooring was set, and the name, length, and type of vessel to be attached thereto.
10. Failure of a vessel owner holding a mooring permit to apply for a permit renewal before April 1 shall be grounds for failure to renew the permit.

11. In areas where no additional spaces are available, applicants shall be placed on a continuing waiting list maintained at the office of the Harbormaster. The waiting list shall be a public document and be available for inspection. The waiting list shall include all applicants for moorings in chronological order of application, regardless of the applicant's preferences for particular mooring locations. The person at the top of the list shall have priority to obtain the next available location, but may waive the right to the next available location if it is not the place convenient to him or her without losing his or her place at the top of the waiting list. In the event of a waiver, the next person on the list shall be offered the location, and if that person waives the right to the location, the next successive person shall be offered the location, and so on, until someone in succession on the list takes it and registers a mooring there. Notice to the person entitled to the next available mooring shall be in writing.
12. A person who plans not to use his mooring space for a period of time, but maintains ownership of the permitted vessel, must notify the Harbormaster of such intent.
13. Change of ownership of a vessel must be reported immediately to the Harbormaster.
 - a. The Harbormaster's permission must be obtained prior to changing vessels, in order to retain an assigned mooring.
 - b. Larger vessels may not occupy a smaller vessel's space.
 - c. Under certain conditions, smaller vessels may not occupy a larger vessel's space. A condition exists if the space is more appropriate to a deeper draft larger vessel.
 - d. Violations of this section may be subject to Mooring Permit revocation.
14. Vessels of town residents engaged exclusively in commercial fishing and lobstering will be given preference in assignment of mooring space over recreational vessels.
15. Visiting boats shall be allowed to moor at any guest mooring for a period of forty-eight (48) hours, after which they may be subject to removal at the Harbormaster's discretion.
16. When in the opinion of the Harbormaster, a vessel secured to a single point mooring presents a hazard to other vessels laying nearby, he may direct the vessel's owner to proceed with a two point mooring system at the bow and stern of the vessel and said owner shall be notified in writing by the
17. Harbormaster and shall have fourteen (14) days to place the additional mooring required.
18. The Harbormaster may limit the size and lengths of vessels habitually moored in an anchorage area of the harbor if in his opinion this is warranted due to congestion, to ease navigation, or as a measure of public safety.
19. The location of all moorings shall be determined from time to time by the Harbormaster. No mooring shall be located in the main stream or any channel of the harbor, unless, in the opinion of the Harbormaster, the particular circumstances require it. Moorings shall be located so that vessels attached
20. on them shall not block any channel or approach to docks, wharves, or other moorings in the vicinity or create and other hazard to navigation. If used, pennant length shall be limited to no more than twice the distance from the bow chock to the water line.
21. Any mooring may be inspected and his owner may be ordered by the Harbormaster to remove or relocate it whenever, in the judgement of the Harbormaster, the safety of other

vessels, or the optimum use of the area requires such action. The expenses of such removal or relocation shall be the responsibility of the owner. Except in emergency situations, an owner shall have fourteen (14) days to relocate or remove a mooring when so ordered by the Harbormaster.

22. The Harbormaster or his designated representative shall periodically inspect mooring and gear, including pennants and buoys, and if found defective shall notify the holder in writing. Said holder shall correct said defective condition within a reasonable time, not to exceed fourteen (14) days. The Harbormaster shall order holders to have said mooring lifted at the owner's expense once each three years for visual examination to determine its condition, or at the holder's expense, the Harbormaster may permit an underwater visual inspection by an independent diver who shall report the mooring condition to the Harbormaster.
23. Rafting up is not allowed except on a temporary basis for purposes of visits of short duration.
24. Written reports of all inspections shall include date of inspection, name of person conducting inspection, and condition of equipment shall be filed with the Harbormaster within seven (7) working days of the inspection.
25. Whenever mooring equipment is serviced by the owner or his representative, notification shall be made to the Harbormaster within seven (7) working days, accounting in detail what components were replaced and/or repaired.

“Mooring Block Weight”

Length of Vessel	Weight of Block
0-17'	800lbs.
18-26'	1,500lbs.
27-35'	2,000lbs.
36-45'	3,500lbs.