

TOWN OF COHASSET HARBOR
DEPARTMENT

COHASSET HARBOR REGULATIONS

Section I Authority, Jurisdiction, and Purpose

- (a) This regulation is adopted pursuant to Section 10A of Chapter 91 of the Massachusetts General Laws and Section 2(b)(ii) of Article IX of the Cohasset General By-laws.
- (b) This regulation applies to the control and management of moorings in the Cohasset Harbor.
- (c) This regulation is promulgated by the Harbor Master to carry out his or her obligations under Chapter 91 and Article IX referenced above.
- (d) This regulation is a requirement of the Army Corps of Engineers to ensure compliance with its policy entitled, "Definition of Open- To All on Equal Terms" and Section 12-7 of Digest of Water Resources Policies and Authorities published by Army Corps, EP 1165-2-1, 15 Feb 89 and Chapter 2 entitled, "Navigation", ER 1105-2-20. 15 May 85.
- (e) Actions by the Harbor Master shall be subject to applicable laws administered by the Massachusetts Department of Environmental Protection and Environmental Management, this Office of Coastal Zone Management, the United States Army Corps of Engineers and the Coast Guard.

Section 2 Definitions

- (a) Harbor - Cohasset Harbor as defined In the bylaw.
- (b) Moorings - Temporary buoys held by bottom anchors for the tie-up of boats.
- (c) Mooring Classifications - Any classification of boats in the Harbor designated by the Harbor Master for a particular use such as commercial or recreational class.
- (d) Cohasset Harbor Plan - A plan drawn up by the Harbor Master and approved by the Board of Selectmen identifying areas of the Harbor where moorings may be located.
- (e) Harbor By-law - Article IX of the General By-laws.

Section 3 Mooring Fields

(a) Designation

The Harbor Master may assign mooring under the following classifications:

- (i) commercial fishing fleet
- (ii) All other recreational boats

(b) Location

The mooring areas are designated on the Cohasset Harbor Plan on file in the office of the Harbor Master.

Section 4 Administration of Mooring Location Waiting Lists

- (a) Boat owners shall designate on their application for mooring location the mooring classification under which they desire to be listed.
- (b) The Harbor Master shall keep separate waiting lists for each mooring classification in accordance with Section 2 (x) of the Harbor Bylaw and 3(a) of the Harbor Regulations.
- (c) As mooring become available, the Harbor Master shall assign boats to suitable mooring locations in the order in which boat owners are listed in the relevant mooring classification waiting list. The Harbor Master shall select suitable mooring locations in order to ensure safety and conserve space in the Harbor. To illustrate, the Harbor Master shall accommodate small draft boats in shallow areas and group together in one mooring field boats of similar size and characteristics. If offered a mooring an individual has 72 hours from time of notification to accept or reject the mooring. Notification must be personally delivered by telephone or hand delivered letter. After 7 days of effort to contact by phone or mail have proved unsuccessful, the Harbor Master will contact the next person on the mooring waiting list. An individual will only be contacted once per calendar year for a mooring.
- (d) The Harbor Master in assigning moorings shall not establish any requirement such as residency in the Town of Cohasset or membership in any club or association.
- (e) No portion of any mooring field within the Federal Project Area (defined by the Army Corps and adopted by the United States Congress) shall be set aside for any yacht club, private association, boat yard or any other entity

- (t) The assignee of a new mooring will adhere to Section 16, Paragraph (c).

Section 5 Public Records

- (a) The Harbor Master shall keep records of all information relevant to harbor management, including lists of mooring holders, waiting lists, and fee schedules.
- (b) Upon request of any member of the public, the Harbor Master shall make available for review such records, and for a reasonable charge established by the Town Accountant, shall provide copies thereof.

Section 6 Required Permit

An approved mooring permit (hereinafter "permit") from the Harbor Master is required for installation of mooring tackle for any boat, float or lobster car/pound within the limits of Cohasset Harbor. The application for a permit shall be that prescribed by the Board of Selectmen on the form entitled "Application for Mooring Location", dated April, 1985, as revised from time to time.

Section 7 Maximum Length

No boat with a length overall in excess of forty five (45') feet shall be permitted, assigned or allowed a mooring location or a slip in Cohasset Harbor. For the purposes of these regulations, the expression "length overall" shall mean the length from the fixed most forward point of the boat or its extremities to the point furthest aft, including without limitation, parts affixed to the boat such as bow pulpits, bow sprits, boomkins, mizzen booms, rudders, swim platforms, and outboard motors in raised position

Section 8 Permit Renewal.

Once issued, no mooring permit shall be renewed unless the boat owner has moored his boat in Cohasset Harbor during the previous calendar year for 2 weeks or more and has evidence thereof in the form of a paid excise tax bill with respect to the boat assigned to the mooring. For a period of less than 2 weeks, it must be approved by the Harbor Master in advance in writing.

Section 9 Mooring Construction

All mooring tackle shall be constructed in accordance with the "mooring specifications for Cohasset Harbor", as revised from time to time by the Harbor Master (hereinafter called the specifications") and on file with the Harbor Master,

and shall not be set or moved without first being inspected by and the move approved by the Harbor Master.

Mooring sticker shall be affixed to the port side aft no later than June 15th. Failure to place the mooring sticker by June 15th will result in a daily fine of \$25.00. Each day constitutes a separate violation.

Mooring buoys shall be imprinted with the name of the mooring holder and the name of the boat.

Section 10 Disposition of Mooring Location

Mooring locations shall not be sold, bequeathed, transferred, swapped, bartered, rented, or leased except as provided in Article IX of the General By-Laws of the Town of Cohasset, as amended from time to time.

Section 11 Maintenance

Every boat owner shall be responsible for the care and maintenance of his mooring tackle. All mooring tackle shall be inspected at least every five (5) years by the Harbor Master or an Assistant Harbor Master at the boat owner's expense, such inspection to include raising of the block.

Section 12 Vacant Moorings

Any mooring left vacant shall be at the sole risk and responsibility of the boat owner to whom the mooring location has been assigned; however, the mooring owner is not responsible for damage which emanates from the Harbor Master permitting some individual or entity other than the mooring holder to use the mooring or from a trespasser using the mooring.

Section 13 Transient Moorings

The Harbor Master shall have the right to assign, on a temporary basis, any vessel he deems proper to a vacant mooring, provided such temporary assignment does not interfere with the use thereof by the boat owner to whom the mooring is permanently assigned.

Section 14 Mooring Locations - Limit

No individual or entity may be assigned more than one mooring. The mooring location assigned is restricted to the boat assigned to that location, and no other boat may occupy that location without the permission of the Harbor Master.

Section 15 Fees

Fees for mooring permits are due and payable by April 1 each year; user's fees are due and payable within two weeks of the boat owner's placing of his boat upon its assigned mooring or leased or assigned berthing. Upon failure to pay the mooring fee or user's fee on time, the Harbor Master shall pursue such remedies as are available under Massachusetts General Laws, special laws pertaining to Cohasset Harbor passed by the Massachusetts Legislature, and the general By-Laws of the Town of Cohasset, including without limitation, ordering the removal of the boat from the Harbor at the owner's expense and re-assigning the mooring location to the next eligible person on the mooring waiting list.

Section 16 Retention of Mooring Location in the Event of sale or Other Disposition

In the event a boat owner sells or otherwise disposes of the boat described on the "Application for Mooring Location", the boat owner may retain the mooring location for another boat if the following conditions are met:

- (a) The Harbor Master is notified by the boat owner within thirty (30) days of the transaction relating to the sale or other disposition of the boat and of the boat owner's intention to place another boat on the mooring location.
- (b) The boat owner obtains the Harbor Master's approval to place a different boat on the existing mooring location on or before July 31st of the year next after the year of sale or other disposition of the original boat.
- (c) The boat replacing that described on the original "Application for Mooring Location" must be, in the judgement of the Harbor Master approximately the same size, with a limitation not to exceed, 2 feet, plus or minus.
- (d) A change, plus or minus, will only be permitted one time.

Failure to fulfill the above conditions by the boat owner shall terminate the boat owner's permit, and the mooring location may be re-assigned to another boat.

Section 17 Sunken Water Craft

The owner of a vessel, raft, dinghy or other property sunk within the confines of Cohasset Harbor shall report it to the Harbormaster. It shall be the owner's responsibility to remove the obstruction as soon as practical.

Section 18 Town Landings and Piers

- (a) Any dinghy tied to town floats, awash and left unattended for 72 hours or more, shall be pumped, removed and stored by the Harbor Master at the owner's expense at the cost of Twenty-five (\$25.00) dollars.
- (b) Dinghies or tenders shall be secured only by the bow. The securing line, wire, or chain in its fully extended position must allow the bow of the dinghy or tender

to be positioned no closer than six nor more than eight feet from the points of the town dock to which the dinghy is secured. Dinghies or tenders tied to town floats in violation of this regulation will be removed and stored by the Harbor Master at the owner's expense at the cost of Twenty-five (\$25.00) dollars.

(c) No dinghy or tender in excess of twelve (12') feet in length shall be regularly tied to or berthed at town docks. All dinghies and tenders berthed at town docks shall be padded rubber rails or gunwales to prevent damage to other boats.

(d) No boat shall be made fast to a town landing or pier for more than thirty (30) minutes, except by permission of the Harbor Master.

(e) The Harbor Master shall be responsible for town landings, floats, and piers.

(t) Persons wishing to use town ramps for larger boats requiring a storage cradle shall apply in advance to the Harbor Master for written permission. Such cradles, mooring blocks, boats, trailers or other equipment that can cause a traffic obstruction shall not remain on the town ramps for more than one tide.

Section 19 Skin Diving

Any person skin diving in Cohasset Harbor shall on each occasion obtain the prior permission of the Harbor Master and shall:

(a) display a diver's flag not less than twelve (12") inches square consisting of a red field and a white diagonal stripe:

(b) display such flag on a float or other similar device upright at a height sufficient to be visible to passing boats.

(c) tow such float and flag with him while he is submerged in the water, except that for commercial purposes, permission in writing may be granted by the Harbor Master to display flags in another manner,

(d) be required to operate only from a boat attended by another person.

Section 20 Water Skiing and Related Sports

No person shall operate a boat in Cohasset Harbor while towing a water skier, aquaplane, or other similar device except in connection with a water carnival and exhibition authorized by the Selectmen or in an area designated by the Selectmen.

Section 21 Swimming

(a) No person shall swim or dive from town or private piers or floats within Cohasset Harbor unless enrolled in an organized instructional program permitted by the Harbor Master.

(b) No swimming is permitted near or in a navigational channel, fairway or area where vessels normally navigate.

Section 22 Prohibited Activities

(a) No person shall operate a boat in Little Harbor while towing a water skier, aquaplane or other similar device except on even numbered days.

(b) Cohasset Harbor, the Gulf and Little Harbor are NO WAKE zones. Operation of boats in these Cohasset waters shall not cause a disturbing wake in, proximity to other boats, docks, piers, and floats that may cause them to ship water, lose equipment or endanger life, limb and/or property.

(c) No boats, lobster pots, lobster cars, pounds, or crab pots shall be moored or slipped in such a manner which could cause a hazard to navigation or to property and otherwise shall be ordered to be moved at the owner's expense by the direction of the Harbor Master.

(d) No person shall discharge, deposit or throw overboard into the Harbor oil, refuse, bait or any similar type of waste.

(e) No individual or entity shall anchor a vessel within Cohasset Harbor, the entrance to the channel, or the inner harbor inside the breakwater.

(f) To prohibit the mooring of boats in Little Harbor and the Gulf River except for boats owned and registered by property owners who abut those bodies of water.

Section 23 Negligent Operation

Negligent operation of a boat shall constitute a violation of these regulations. For the purpose of these regulations, negligent operation is the failure to exercise that degree of care that a reasonable person under like circumstances would demonstrate in order to prevent the endangering of life, limb or property of any person.

Section 24 Penalties

Except where another penalty is expressly provided, any violation of these regulations shall be subject to a penalty of Two Hundred (\$200.00) Dollars.