



# TOWN OF WESTPORT

## WHARFAGE DEPARTMENT DOCK RULES AND REGULATIONS

### INTRODUCTION

William Almy on March 16, 1936 sold to the Town of Westport a certain wharf and the buildings thereon, standing with the adjoining pier, and all the other property belonging to said wharf. The wharf, known at that time as Central Wharf, located at the southern most terminus of Westport Point, Massachusetts, was sold to the Town of Westport with the expressed wish of William Almy that said wharf be used for the benefit of and insured continuance of the Westport Fisherman. William Almy, in his wisdom, realized the fishing industry has been traditionally vital to the Westport economy and continues to remain one of the very few viable local industries affording employment and a high quality of life to Westport citizens.

The Westport Board of Selectmen having assumed control of "Central Wharf" from the Westport Landing Commissioners, in 1955, and in keeping with William Almy's wishes did have, in 1970, an additional pier constructed on "Central Wharf" to accommodate the expanding fishing industry and in that same spirit hereby provide rules and regulations for efficient wharfage use.

Rules and regulations contained herein are intended to provide for the proper and orderly use of Town Wharf by boats, skiffs their owners, masters, mates and crew. These rules and regulations issued by the Board of Selectmen are subject to any changes and any amendments thereto the Board may deem necessary or expedient for sound wharf management.

Whoever violates any provision, rule or regulation contained herein shall be subject to a hearing before the Board of Selectmen, and the Board may at their discretion suspend and/or revoke any or all wharfage privileges.

### DEFINITIONS

**Boat** - Any vessel capable of being used on the water.

**Commercial Boat** - Any vessel capable of being used on water and in any marine related construction or

marine waterways maintenance and so duly licensed from which the owner and/or master, mate and required crew derive their principle source of income.

**Commercial Fishing Boat** - Any vessel capable of being used on the water and in any marine fishery and so duly licensed from which the owner and/or master, mate and required crew derive their principle source of income.

**Skiff** - Any of various types of boats small enough for sailing or rowing by one person.

**Wharfage** - The use of a wharf and associated structures.

**Wharfage Fees** - The charge or payment for the privileges of wharfage.

**Wharfinger** - Person appointed by the Westport Board of Selectmen who as agent for the Board has charge of the Wharf.

The Wharfinger, in administering his or her duties, shall not only keep in mind the letter of the following provisions and rules and regulations but also the manner in which they were made. To this end the Wharfinger should prescribe to a philosophy not only permits efficient utilization of the Town Dock by and for the Westport fisherman and the benefit of the Westport fishing industry as a whole but also allow for maximum utilization of the Town Dock to sustain the monetary needs associated with upkeep, upgrading and possible expansion for the benefit of the Town of Westport and the future needs of Westport's citizens.

#### GENERAL PROVISIONS

1. In all matters regarding the granting of wharfage, Westport citizens shall be given preference.
2. Any person desiring Wharfage must apply for such to the Board of Selectmen or Wharfinger by means of certified mail.
3. Applicants for Wharfage will be placed on a waiting list. Assignment to the waiting list does not guarantee the applicant dock space nor does it guarantee the applicant dock space on a first come, first serve basis. Rather, the waiting list is one mechanism or criteria by which wharfage may be assigned when suitable dock space becomes available and the Board of Selectmen and Wharfinger may meet the needs of efficient dock use and maximum dock utilization.
4. Any wharfage applicant claiming resident or citizen status for preferential treatment for wharfage assignment shall submit satisfactory proof of citizenship or residency in the Town of Westport. Proof of such citizenship or residency shall be the burden of the applicant to the satisfaction of the Wharfinger. Such proof to consist of current real estate tax receipt, current and legal rent lease agreement of at least a term not considered seasonal or rent receipts affirming that lease agreement, driver's license, automobile registration, boat registration, voter's registration listing, children's enrollment in Westport's public school system and any other proof deemed necessary by the Wharfinger to establish whether the applicant actually and physically resides in the Town of Westport as a citizen.
5. Wharfage applicants shall be assigned to the waiting list according to the following criteria and hierarchy:

- a. Commercial fishing boats owned by Westport citizens or corporations owned by Westport citizens.
  - b. Commercial boats owned by Westport citizens or corporations owned by Westport citizens.
  - c. Commercial fishing boats owned by non-residents or citizens or corporations owned by non-residents or citizens.
  - d. Commercial boats owned by non-residents or citizens or corporations owned by non-residents or citizens.
6. Skiffs owned by Westport citizens shall be granted wharfage according to the following hierarchy:
- a. Skiffs used primarily or in part for commercial fishing.
  - b. Skiffs used primarily for recreational fishing.
7. Wharfage privileges shall include, unless otherwise provided, mooring along the wharf or piers, parking, storage and electric use.
8. Skiff owners cannot be guaranteed parking and storage privileges.
9. In cases where a wharfage holder sells a vessel to another wharfage holder in good standing, then the sold vessel may be allowed to remain in berth with continued wharfage privileges.
10. In cases where a vessel moored at the Town Dock is sold to a resident, the sold vessel may be allowed to remain at berth and continue with wharfage privileges provided there are no other persons or corporations on the waiting list with vessels which may be accommodated with suitable space on the Town Dock.
11. In cases where a vessel is sold to a non-resident or corporation owned by a non-resident, that vessel may continue at berth and with wharfage privileges provided there are no other persons or corporations on the waiting list with vessels which may be accommodated with suitable space on the Town Dock.
12. Wharfage will be granted for a period of one year beginning on January 1st of any one year to December 31st of that year and will be automatically renewed each year except as otherwise provided.
13. The billing for Wharfage Fees for that year will be forwarded to the wharfage holder sometime during the summer of that year and be due no later than sixty days from the date of issuance.

## RULES AND REGULATIONS

1. All boats and skiffs granted wharfage shall be subject to a wharfage fee.
2. All persons using the Town Dock do so at their own risk.

3. No boat or skiff shall moor or otherwise use the Town Dock without first obtaining permission from the Wharfinger except in cases of emergency.
4. Any boat or skiff mooring at the Town Dock without permission and not leaving within a reasonable time after a request for removal by the Wharfinger shall be subject to removal by the Harbormaster at the expense of the owner and/or master and the owner and/or master shall be subject to criminal trespass charges.
5. The northeast section of the wharf shall be reserved for use by skiffs only.
6. Except for the northeast corner of Central Wharf all other sections of the Wharf and associated piers shall be reserved for use by commercial fishing boats and by commercial boats.
7. Commercial fishing boat owners or masters and commercial boat owners or masters may tie alongside their vessel one skiff without charge so long as that skiff does not interfere with normal operations and traffic on, into or out of the Town Dock.
8. Any vessel owner excepting wharfage at the end of the piers does so with full knowledge that any other vessel not granted wharfage may also use the end of the piers for repairs, refitting and loading and unloading.
9. Any vessel not granted wharfage and requiring the end of the pier for loading, unloading, repairs or refitting must contact both the wharfinger and the owner/or master of the vessel granted wharfage at the end of the dock as to time and date when the end of the pier will be required as well as length of time needed.
10. No vessel shall unduly hinder or inconvenience vessels assigned to the end of the pier while loading, unloading, being repaired or refitted.
11. Any vessel requiring the end of the dock for repairs or refitting shall be subject to a daily fee.
12. Any boat not actively engaged as a commercial boat or commercial fishing boat shall not be granted wharfage except when there are no other actively engaged boats seeking wharfage provided suitable wharfage is available.
13. Any boat granted wharfage and has not been actively engaged as a commercial boat or commercial fishing boat for the previous year shall not have wharfage renewed except in cases where no other actively engaged boats are awaiting wharfage.
14. No substances injurious or potentially injurious to the structural integrity of the Town Dock or the marine environment and organisms contained therein shall be stored on the Town Dock except for the purpose of loading and unloading.
15. No substances injurious or potentially injurious to the marine environment and organisms contained therein shall be dumped from the Town Dock or any vessel into the Westport River estuary and no such substances shall be pumped from any vessel into said body of water.
16. No empty bait barrels shall be stored on the Town Dock except for purposes of loading and unloading.

17. No bait shall be dumped from the Town Dock or any vessel moored along the Town Dock into the Westport River estuary.
18. Broken, discarded or otherwise useless equipment and materials shall not be kept on the Town Dock.
19. Parking and storage privileges on the Town Dock for any one vessel shall be confined to an area roughly the length of that vessel and 15 feet side. In some cases wharf configuration does not permit storage and parking alongside the vessel as previously described, therefore other parking and storage privileges may be made with the wharfinger.
20. A center stripe approximately 15 feet wide shall be kept open on the piers and wharf.
21. No boat or skiff shall in any manner interfere with the right of any other vessel to moor and pass from and into the Town Dock,
22. No vehicle or stored material shall interfere with the parking or storage privileges of wharfage holders.
23. No double berthing and/or double tying at the Town Docks unless authorized by the Wharfinger and except for in the case of an emergency.

#### **WHARFAGE AND OTHER FEE SCHEDULES**

All boats, vessels, and skiffs, commercial boats and commercial fishing boats, except as otherwise provided, shall be subject to an annual wharfage fee of \$24.00 per foot.

All vessels using the Town Dock for the purpose of repair or refitting shall be assessed a daily fee of \$25.00 per day, except for the first day and non-emergency uses (i.e. loading, unloading).