



TOWN OF WESTPORT

WATERWAYS

RULES AND REGULATIONS

As of July 1, 2013

Harbor Master
P.O. BOX 337
WESTPORT, MA 02791
TELEPHONE: 508-636-1105
Fax: 508-636-1147

All mooring owners and users of the waterways are responsible for reading and obeying the Waterways Regulations.

I. PURPOSE

The purpose of the regulations is to standardize mooring practices and behavior within the waterways to fully utilize the area in the Westport Rivers, while implementing uniform safety practices and to provide adequate space for all types of recreational usage.

Copies of these regulations are available from the Harbor Master or from the Town Clerk.

II. DEFINITIONS

- A. ***Mooring Areas***"- Shall mean those portions of the Westport Waters, which shall be designated as such by the Board of Selectmen and/or Harbor Master.
- B. ***Registered Owner***"- Shall mean the holder of a mooring space assigned to him by the *Mooring* Assignment Committee and/or Harbor Master.
- C. ***Mooring Assignment Committee***"- Shall consist of the Harbor Master and one member of the Harbor Advisory Committee.
- D. ***Commercial Mooring***"- Shall mean any permanent mooring placed in the Westport Waters for which a rental fee may be charged. They shall only be granted to marine service businesses.
- E. ***Private Mooring***" Shall mean any permanent mooring placed in the Westport Waters for the owner's private use.
- F. ***Mooring Year***" Will date annually from April 1st through March 31st, and is the period for which mooring space is assigned.
- G. ***Yearly Waiting List***"- All new Mooring permits shall be filed with the Harbor Master. The Mooring Assignment Committee shall, upon available space, assign the owner a mooring space. If space is unavailable the committee will assign the applicant to the Harbor Master to a *Yearly Waiting List*." All new applications shall be added to this list in order received. Upon availability of space, the committee will assign moorings based on the order of this list. As of April 1st 1998, all applicants on the Mooring Yearly Waiting List must reapply before April 1st of each year to remain active on the Yearly Waiting List. Those applicants on the Waiting List who do not reapply by April 1, will be dropped from the Waiting List. The Mooring Assignment Committee will determine available space.
- H. ***Docked Boats***" - Shall mean any boat that is tied to a dock, pier, slip, clothesline system or placed on a beach below the high water mark, within the Westport Waters of areas A, B, & C or not registered under the mooring regulations.
- I. ***Marina***" Shall mean any facility, which provides dockage or berthing for more than five (5) boats that are not registered to the facility owner and may also provide services of a vessel. (See definition below)
- J. ***Harbor Master***" - As appointed per CH 102 M.G.L. (Mass. General Laws)
- K. ***Personal Watercraft***" - Personal watercraft means a small vessel which uses an inboard motor powering a water jet pump as it's primary source of motive power, and which is designed to be operated by persons sitting, standing or kneeling on the vessel. This term

includes but is not limited to a Jet Ski, wet bike, or surf jet, so called.

- L. ***“Vessel Service Facility”*** - A shorefront commercial facility providing one or more of the following: vessel construction, repair or servicing; vessel storage, hauling and launching; the sale of vessels; the sale of supplies and services for vessels and their equipment and accessories; berthing or dockage facilities for not more than five vessels not being serviced or repaired.
- M. ***“Vessel”*** - Every description of watercraft, other than a sea/float plane on water, used as a means of transportation on the water. Specifically excluded by this definition are floating homes or dwellings or “houseboats”.
- N. ***“Dwelling”*** - Is a structure used in whole or part for human habitation. A dwelling does not include a trailer or mobile home however mounted, or a vessel.

III. MOORING & DOCKING REGULATIONS

- A. No mooring shall be placed In the Westport Rivers (areas A, B, & C) unless they are in compliance with these regulations.
- B. A moratorium on new moorings has been in effect per order of Westport Board of Selectmen. As of April 1, 1989 the moratorium has been amended to read: "New PRIVATE moorings are permitted in areas " A & C" within 100 feet of the High Water Mark and in area "B" between Grinnell Rock and Bial Pt, and between Charlton Wharf and Canoe Rock within 100 feet of the high water mark, excluding all islands in all areas of the Westport Rivers. These moorings shall be granted conditionally by the Mooring Assignment Committee. As of April 1, 2009 New private moorings will be allowed within 150 feet of MHW (Mean High Water) if space allows, in the following areas: Off of Cummings Lane; Hillcrest Acres; Shirley Street; Florence Street; Petty Lane; and 1634-1636 Drift Road and from 504 River Road –South to Canoe Rock in the West River.
- C. An identification sticker will be issued to each registered mooring holder upon receipt of the annual registration fee. This sticker must be attached to the outside of the hull of the boat, aft on the port side. Failure to display said sticker will result in a **\$50.00** fine and/or subject the owner to revocation of his mooring registration.
- D. All Moorings shall be registered with the Harbor Master each year. The registration period for any year shall end at 12:00 noon, April 1. Any moorings not registered before this time may be canceled and removed by the Harbormaster at the owner’s expense and the mooring space allocated to the Yearly Waiting List.
- E. Waterways Use Fee, Commercial and Private mooring permits: The Waterways Use Fees shall be per/foot as determined annually by the Board of Selectmen by March 1 of each year. All Moorings, Commercial and Private shall require a permit and the rate will be determined annually by the Board of Selectmen. Boats ten feet or less are exempt.
- F. A mooring location is transferable only on the approval of the Mooring Assignment Committee and current owners of moorings shall have preference over the Yearly Waiting List. Transfers should be filed with the Harbor Master.
- G. Owners who register moorings that are lost or are not usable in their present state, shall have their registrations voided and not renewed. Any mooring that is not visible by

August 1st shall be considered abandoned, unless recently lost, and the space allocated to those on the Yearly Waiting List.

- H.** No private mooring may be rented, sold or transferred without prior written permission of the Mooring Assignment Committee. Any private mooring owner who has not used his mooring after one mooring year will forfeit his mooring location.
- I.** Boat owners failing to pay excise tax on their boats shall be liable for loss of mooring and or dockage privileges and/or removed from same at boat owner's expense.
- J.** The Harbor Master may permit temporary use of the mooring upon application of the owner. Temporary means to the end of the calendar year.
- K.** No vessel shall occupy a mooring for which it is not registered without advance permission of the mooring owner and Harbor Master. The Harbor Master has the authority to move any vessel violating the provisions of these regulations, and such movement shall be at the risk and expense of the owner. At no time should any vessel be tied to a mooring inconsistent with the mooring tackle regulations.
- L.** No more than two vessels may be rafted at any time. The raft must have a qualified operator on board at all times.
- M.** Assignment of mooring space shall be made by the Mooring Assignment Committee. At such time as a mooring space shall become available in Westport Harbor, the committee shall assign the space to the first person on the list provided the vessel fits within the space available. The Mooring Assignment Committee will maintain this list. If the vessel is too large, the assignment will be made to the first vessel on the list that will fit in the mooring space.
- N.** No mooring shall be set within the marked navigable channels nor shall any part of any vessel moored obstruct said channels. Any vessel not in compliance shall be moved by the Harbor Master at the owner's risk and expense.
- O.** No Mooring, after being set, shall be moved or in any way changed or sold without the approval of the Harbor Master.
- P.** Owners of moorings are forbidden to change the size of a boat on their mooring without advanced approval of the Harbor Master.
- Q.** No private mooring/owner shall permit the temporary use of his mooring without advanced notice to the Harbor Master.
- R.** Commercial mooring and Marina owners shall provide to the Harbor Master by July 1st of each year, an alphabetical list of the current renters of moorings and slips to include: name of boat owner, name of boat, type, year, and length of vessel, registration or documentation numbers, town where excise tax is paid, private and business address and phone numbers of renters. The Harbor Master shall send a copy of this information to the Westport tax assessors.
- S.** Each mooring buoy shall be colored white with a horizontal blue stripe surrounding the middle and marked with the mooring registration number in (3) three inch numbers, (boat name is optional).
- T.** Moorings that are not properly marked as stated are subject to removal at the owner's risk

and expense.

- U. "Winter logs" are prohibited. Winter floats if used must be 6" minimum diameter and spherical in shape either white or orange in color with mooring permit number marked on it. Winter floats if used shall be removed by June 1st of each year and not set before October 1st of each year.
- V. The Registered Owner shall be required to maintain his mooring in safe condition. Any chain, shackle, swivel or other tackle, which has become warped or worn by one-third its normal diameter, shall be replaced.
- W. Failure to maintain a safe mooring hereunder shall be cause for revocation by the Harbor Master. The Harbor Master and his designated agents may inspect any mooring at any time to determine compliance with this section.
- X. No commercial moorings shall be placed in area "C" of the Westport Waterways.
- Y. The Harbor Master may in any emergency situation or situation requiring immediate attention take any action regarding these regulations which shall be temporary until the Mooring Assignment Committee meets at which meeting the Mooring Assignment Committee shall affirm, modify or rescind the action.
- Z. Boats over ten (10) feet in length that are docked at commercial or private facilities in the Westport waters of areas A, B, & C shall be registered with the Harbor Master by July 1 of each year. All new registrations shall be by August 1.
 - 1. An identification sticker shall be issued upon registration and should be applied as per mooring regulations. Anyone failing to display said sticker properly, aft on the port-outside, shall be subject to penalties and fines under paragraph A of "Enforcement and Fines."
 - 2. Any boat that is docked or moored in a private dock or slip without the written permission of the owner shall be subject to a \$50.00 fine and removal by the Harbor Master or his agent at the boat owner's expense.
- AA. "Houseboats / live-aboard Dwellings" are permitted only in area "B" of the Westport Waterways, must be owner occupied, and have a minimum holding / waste tank with a capacity of 12 gallons.

IV. MOORING TACKLE REGULATIONS

A. Specifications Of Minimum Requirements For Moorings Installed Are As Follows:

Length of Boat	Mushroom	Cement Block or Equiv.
0 ---- 16 ft.	150 lb.	24" x 24" x 08"
17 ---- 25 ft.	250 lb.	30" x 30" x 08"
26 ---- 32 ft.	500 lb.	30" x 30" x 12"
33 ---- 50 ft.	1000 lb.	48" x 48" x 15"
over 50 ft	Subject to ruling by Harbor Master	

Note: All cement blocks must be of the reinforced type.

Hairpins must be 25% heavier than chain specifications.

All shackles wired with Stainless or Equivalent.

B. Chain Size

Length of Boat	Diameter
0 ----- 16 ft.	1/2"
17 ----- 25 ft.	5/8"
26 ----- 32 ft.	3/4"
33 ----- 50 ft.	7/8"

C. Pennant Diameter

Length of Boat	Nylon or Equivalent
0 ----- 16 ft.	1/2"
17 ----- 25 ft.	5/8"
26 ----- 32 ft.	3/4"
33 ----- 50 ft.	7/8"

D. Scope

Length of chain for flotation buoy: --- Water Floor to 2 ft. above maximum high water.

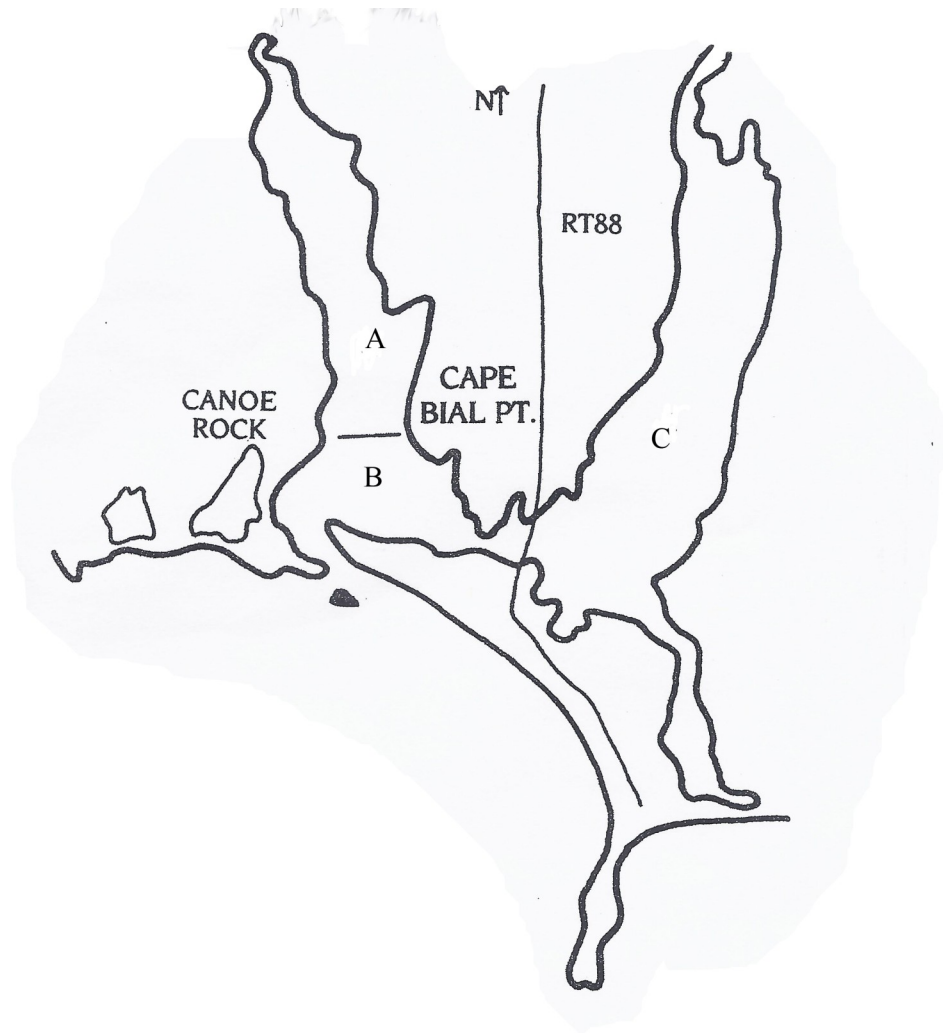
Length of pennant --- 2/3rd's of the length of the boat.

V. BUOYS

The use of spars for flotation shall be prohibited. Only cans, balls or styrene-type chain flotation shall be used. In all types of flotation buoys, other than metal, chain or a metal rod must be passed through the buoy connecting the mooring pennant to the mooring chain.

All chain flotation buoys shall be plainly and clearly visible above the tide level at all times.

Boats 25 feet or less can use a styrene or Styrofoam type float, with a line passing through its center. This float shall be white with a blue stripe around it



VI. WATERWAYS RULES AND REGULATIONS

- A. Speed in all mooring areas - No boat shall operate at a speed greater than headway speed, which shall cause a wash or wake that may endanger other property or life.
- B. Waterways Sections -
 - Section A - An area of the West Branch of the Westport Rivers that begins at a line drawn from Canoe Rock to Point Bial and all areas North.
 - Section B - An area from the Nubble and south of Section A to boat ramp at Point Bridge (Rte. 88).
 - Section C - An area from Point Bridge including all of the East Branch of the Westport River to the Narrows North of Donovan's Lane.
- C. Water Skiing - Water skiing is prohibited in Section B of the Westport Waterways and any concentrated mooring areas.
- D. Personal Watercraft and Water Skiing - As herein before permitted is subject to the provisions of the Chapter 90 B General Laws of the Commonwealth of Massachusetts and to the further restriction that there shall be no personal watercraft operation or water skiing within four hundred (400) feet of bathers, divers, piers, wharves, floats, moored boats or any shore unless at "*headway speed*" or within a marked channel. "Water-skiing" shall include motor-propelled surfboards and water bikes and the towing or manipulation of a surfboard or other similar devices behind a motorboat. Water skiing and personal watercraft operation shall only occur in approved areas. No personal watercraft operation

or water skiing activity shall occur between the hours of sunset and sunrise.

- E. Fishing - All vessels shall use care and courtesy when passing under Point Bridge or by boats where people are fishing. No fishing is allowed over main channel from any bridge.
- F. Wind Surfing - Windsurfers are not to operate in the Main Channels of Section B or in concentrated Mooring Areas. Free access across the channel at any point is permitted but repeated crossings will not be permitted.
- G. Navigational Aids - No vessel shall tie to any navigational channel markers within the Westport Waterways.
- H. Diving From Point Bridge (Rte.88) shall be prohibited.
- I. Sanitation Devices - Westport Tidal Waterways are a Zero Discharge zone. The discharge of sewage, garbage, rubbish or other debris from vessels and dwellings on the Westport Waterways is prohibited.

A holding tank pump-out facility is maintained by the Town of Westport. The Westport Harbor Master also operates a floating pump-out vessel for area “B” of the Westport Waterways. Pump outs may be scheduled by calling the Harbor Master.

- J. Liquor - No persons shall operate any vessel on the Waterways of Westport while they are under the influence of intoxicating liquor, narcotic drug, barbiturate or marijuana.
- K. Negligent Operation - No persons shall operate any vessel on the Waterways of Westport or manipulate any water skis, sailboats, surfboards, jet skis or similar device thereon in a negligent manner so that the lives or safety of the public might be endangered.
- L. Reporting Accidents - All boating accidents occurring in Westport Waters, where damage exceeds \$100.00 or results in a death, missing person or requires medical treatment more than first aid, shall be reported to the Harbor Master and to:

Massachusetts Environmental Police & MEP Communications Center	
175 Portland Street	175 Portland Street
Boston, MA 02114	Boston, MA 02114
Tel (617) 727-3905	Tel (617) 727-6398

and also reported to the nearest U.S.C.G. facility if damage is over \$200.00.

- M. Scuba Diving - Diving and snorkeling are prohibited in the Westport Waters within 50 feet of any marked Channel. Divers must display all state and Coast Guard regulated devices.

VII. ENFORCEMENT & FINES

- A. Whoever violates any of the provisions of these Waterways Regulations, or refuses or neglects to obey the lawful and reasonable orders of those empowered to enforce the same, or resists them in the discharge of their duties, shall be fined not less than fifty dollars (\$50.00) for the first violation and not more than three hundred dollars (\$300.00) for each violation thereafter within the same calendar year. Where a vessel is or has been operated in violation of any provisions of the Waterways Regulations and the owner, operator or other responsible person cannot be found within a twenty-four-hour period or

where it appears that the vessel and the person in violation will depart from the town in order to avoid the enforcement of the penalties of these regulations, the Harbor Master may seize said vessel as security and may move it to a safe place of storage, including dry land storage, until the violation has been disposed of administratively or judicially, and if a violation has been found, the cost of seizing and holding said vessel shall be assessed against the vessel and the vessel shall be sold at a public auction to pay such penalties and costs if not otherwise paid. If said auction produces surplus proceeds after payment of penalties and costs, said surplus shall be held in a separate account and be paid over to the owner of the vessel upon proof of such ownership.

- B.** The provisions of the Westport Non-Criminal Disposition by-law and M.G.L. Chapter 40, Section 21D shall apply to violations of these regulations.
- C.** The regulations may be enforced by the Harbor Master, any Assistant or Deputy Harbor Masters, any police officer or any other agent or person appointed by the Board of Selectmen.

