

Date: February 12, 2008

**TOWN OF CHATHAM
HARBORMASTER**

**REGULATIONS FOR
CHATHAM MUNICIPAL FISH PIER**

§1001 Authority and enforcement

- (a) These rules and regulations are adopted by the Harbormaster pursuant to MGL ch.91 sec. 10c and ch. 102.
- (b) The Wharfinger, Harbormaster, and Assistant Harbormasters have the authority to enforce these regulations.

§1002 Definitions

The following words, for the purposes of these regulations, unless another meaning is clearly apparent for the way the word is used, have the following meanings:

- (1) “commercial fishing vessel” means any vessel that off-loads or intends to off-load at the fish pier any product, for the purpose of sale, except bay scallops and soft shell clams.
- (2) “fish” means all finfish, flatfish, shrimp, and incidental catches of lobster and sea scallops.
- (3) “fish pier” means the municipal fish pier complex between Shore Road and the waters of Aunt Lydia’s Cove and Chatham Harbor, including but not limited to bulkheads, fish-packing house, floating dock, Wharfinger’s building, and parking areas.
- (4) “fishing season” means the 12 month period starting June 1 and ending May 31 of the next year.
- (5) “Harbormaster” means the duly appointed Harbormaster, Assistant Harbormaster or Wharfinger.
- (6) “ Wharfinger” means duly appointed Wharfinger.
- (7) “length” means the straight line measurement of the overall length from the foremost part of the vessel to the aftermost part of the vessel, measured parallel to the centerline, exclusive of bow sprits, bumpkins, rudders, outboard motor brackets, and similar fittings or attachments.
- (8) “lobster” means all crustaceans and lobsters.

- (9) "person" means any individual, partnership, trust, firm, corporation, association, commission, district, department, board municipality, public or quasi-public agency or authority.
- (10) "charter boat" means any charter vessel embarking passengers for hire, for the purpose of sport fishing from the fish pier.
- (11) "tour boat" means any vessel embarking passengers for hire in order to conduct tours, sightseeing or beach shuttles from the fish pier.
- (12) "shellfish" means all mollusks, sea clams, mussels, and sea scallops (including meats not in the shell).
- (13) "vessel" means every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on the water.

§1003 Applicability

These regulations apply the use of the Chatham municipal fish pier, docks, floats, and bulkheads located in the waters of Aunt Lydia's Cove.

§1004 General provisions

- (a) The U.S. Coast Guard and the Town of Chatham shall have a designated berth reserved for their use on a twenty-four hour basis. No other vessel may use this berth. Under no circumstance shall a vessel be left unattended obstructing this berth.
- (b) The drinking of intoxicating beverages is prohibited on board any vessel tied to the fish pier.
- (c) The Wharfinger/ Asst. Harbormaster shall be responsible for the issue of all docking permits.
- (d) The Harbormaster shall be responsible for –
 - 1. Issuing all mooring permits and the removal of all derelict vessels in accordance with Town of Chatham Bylaws.
 - 2. The removal of any vessel illegally tied to the fish pier.

§1005 Use of fish pier generally

- (a) Commercial Fishing Vessels must off-load all finfish at an unloading station maintained for that purpose by a tenant at the fish pier or in the yellow zone in the south jog. Party boats may off-load that portion of their catch retained by the passengers at the south jog floating dock.

1. Only one vessel at a time shall be permitted to off-load within the specified area.
 2. All off-loading shall be accomplished so as not to interfere with any of the other operations of the fish pier facilities. All off-loading shall be conducted between the hours of 8 a.m. and 9 p.m., but shall in no event commence before 8 a.m. Any vessel that has started off-loading prior to 9 p.m. may finish the process, however, **NO OTHER VESSEL** may begin after 9 p.m.
 3. No vessel may be left unattended while at this berth.
 4. In all cases the vessel with immediate access to the off-loading area shall have priority over all other vessels provided that the buyer/packer is in place and ready to take out.
- (b) Any vessel using the unloading stations or the float shall not lie there for a period of time longer than is reasonably necessary to unload their catch, take on fuel, ice, supplies, or passengers. If a longer time is required, permission must first be obtained from the Wharfinger.
- (c) Vessels may, with permission of the Wharfinger, use the North and South Jogs for the minor repair or installation of mechanical or electrical equipment.
- (d) No unmanned vessel may be tied to any portion of the fish pier after 2000 hours, without special permission of the Wharfinger.
- (e) The owner of any vessel causing damage to the fish pier shall be responsible for repairing, or having repaired, such damage, within 90 days, to a condition satisfactory to the Town. Failure to meet these provisions may result in the suspension of docking permit until such time as repairs are completed.
- (f) No vessel shall be issued a docking permit that exceeds 50 feet in length.
- (g) Any vessel in the yellow zone will move at the request of the Wharfinger or any permitted vessel needing the berth to unload fish, shellfish, lobsters, or to take on gear or supplies.
- (h) No vessel shall be issued a docking permit with a fixed pulpit. Pulpits shall be retracted in the following areas at all times: Aunt Lydia's Cove Entrance Channel , Aunt Lydia's Cove, and while tied to any portion of the Fish Pier, without permission of the Wharfinger.

§1006 Docking permits

- (a) No more than 100 docking permits shall be issued in any fishing season.
- (b) Docking permits will be issued annually on a first-come, first-serve basis for the fishing season.

- (c) No new (first-time issued) docking permits are to be issued before a new applicant has proof of a place to keep the vessel that is signed by the Wharfinger or the Harbormaster. This rule may also apply to current permit holders whose moorings become unusable.
- (d) The owner or agent of any vessel applying for a docking permit must present a valid Certificate of Numbers issued by a State, or a valid Certificate of Documentation issued by the Coast Guard, for the vessel.
- (e) Before off-loading fish at the fish pier, all commercial fishing vessels must obtain a docking permit from the Wharfinger.
- (f) Before off-loading any shellfish at the fish pier, all commercial fishing vessels must obtain, in addition to a docking permit, a shellfish landing permit.
- (g) Before off-loading any lobsters at the fish pier, all commercial fishing vessels must obtain, in addition to a docking permit, a lobster landing permit.
- (h) Except when unloading to the two leaseholders at the face of the pier and before offloading finfish at the fish pier all commercial fishing vessels must first obtain, in addition to a docking permit a groundfish offloading permit
- (i) Before embarking any passengers at the fish pier or party boat float, the owner or agent of any party boat must:
 - 1. Obtain a charter or passenger for hire boat permit (C, D, E or F)
 - 2. Present evidence that the operator of the vessel has a valid and appropriate license issued by the Coast Guard.
 - 3. Present evidence that a vessel intending to carry 6 or more passengers for hire meets the requirements of the Coast Guard.
 - 4. Vessel owners will at all times carry and cover a full, in force liability insurance policy of not less than one million dollars,(\$1,000,000.00) and shall hold harmless and indemnify the Town of Chatham against any and all claims pertaining to the operations relevant to the embarking/disembarking passengers from the municipal fish pier. A copy of this policy will be provided to the Wharfinger when applying for a permit.
- (j) In order to assist agencies and individuals involved in search and rescue and vessel safety and for no other purpose, the owner or agent of each vessel applying for a docking permit shall annually complete the vessel search and rescue information form supplied by the Wharfinger.
- (k) All applications for a docking permit are subject to review by the Selectmen, the Wharfinger, and the Harbormaster. A permit shall be denied to any vessel that fails to meet any of the requirements of these regulations, and may be denied to any vessel that fails to meet any of the requirements of these regulations, and may be denied to any vessel if it is determined

that it would not be in the best interest of the Town, or that the available facilities are not adequate.

(l) Docking permits are not subject to abatement or refund and may not be transferred, except that the owner of a vessel with a valid docking permit may, after presenting evidence of the sale of that vessel, request that the permit be transferred to another vessel owned by him that meets all the requirements for obtaining a docking permit.

(m) Upon the sale, disposal, or abandonment of a vessel with a docking permit, the owner or agent shall surrender the docking permit within ten days.

(n) The Board of Selectmen, by majority vote, raise, lower, eliminate, or re consider any and all docking fees.

§1007 Use of Floating Docks

(a) The South Jog float is open for use by the general boating public on a first come, first serve basis.

(b) Persons using the South Jog float for any type of private business must first obtain an appropriate docking permit. (See below)

(c) Passenger loading and off-loading may only be conducted at the South Jog floating dock. No other portion of the Fish Pier may be used for any loading or off-loading of passengers.

(d) The maximum amount of persons on the South Jog floating dock shall not exceed fifteen (15) persons at any one time.

(e) Without the express permission of the Harbormaster, Asst. Harbormaster or Wharfinger, no vessel may remain tied up to the South Jog floating dock for longer than fifteen (15) minutes. If a longer period is necessary, permission may be granted by the Harbormaster, Asst. Harbormaster or Wharfinger.

(f) No dinghies or skiffs may remain tied to the South Jog float for longer than fifteen (15) minutes.

(g) No dinghy or skiff greater than fourteen (14) feet may remain tied to the North Jog floating dock .

§1008 Fees for Use of Fish Pier

(1) DOCKING PERMIT A: Commercial fishing vessel - resident owner, \$200 plus \$3 per foot of length of the vessel to be permitted.

(2) DOCKING PERMIT B: Commercial fishing vessel - non-resident owner, \$300 plus \$3 per foot of length of the vessel to be permitted.

- (3) DOCKING PERMIT C: Commercial Fishing / Charter boat vessel - resident owner, \$300 plus \$3 per foot of length of the vessel to be permitted.
- (4) DOCKING PERMIT D: Commercial Fishing / Charter boat vessel - non-resident owner, \$400 plus \$3 per foot of length of the vessel to be permitted.
- (5) DOCKING PERMIT E: Passenger, shuttle and tour carrying vessels - resident owner, \$200 plus \$3 per foot of length of the vessel to be permitted.
- (6) DOCKING PERMIT F: Passenger, shuttle and tour carrying vessels - non-resident owner, \$300 plus \$3 per foot of length of the vessel to be permitted.
(Passengers for hire / charter permit must obtain a docking permit (C, D, E or F, as appropriate) plus pay an additional \$300)
- (7) DOCKING PERMIT G: Shellfish Offloading Permit - Vessel must obtain an appropriate docking permit plus pay an additional \$300 in order to offload shellfish. (This shall not include incidental landings of quahogs, steamers and razor clams landed by scratchers)
- (8) DOCKING PERMIT H: Lobster Offloading Permit – Vessel must obtain an appropriate docking permit plus pay an additional \$300 in order to offload lobsters. (This shall not include incidental landings by gill netters)
- (9) DOCKING PERMIT J: Fin Fish Yellow Zone Offloading Permit – must obtain an appropriate docking permit plus pay an additional \$300 in lieu of the \$.25 box fee.
- (10) DOCKING PERMIT K: Fuel Purchase Permit – must obtain an appropriate docking permit plus pay an additional \$50. (Vessel fueling from a tank truck must be done in yellow zone only while adhering to all local and state fire fueling codes)
- (11) FUEL VENDOR FEE: See Selectmen rules and regulations, Sec. 1004.

NOTE: South Jog Offloading Vehicle Permit – See the Selectmen rules and regulations governing use of the Fish Pier, Sec. 1004.

- (12) TRANSFER OF DOCKING PERMITS: Before transfer of a docking permit a vessel, in addition to the provisions of §1006(k), must meet the following –
 - (a) An owner requesting the transfer of a docking permit to a larger vessel will be required to pay the difference in the per foot fee already paid and the per foot fee required for the larger vessel.
 - (b) No rebate will be granted for the transfer of a docking permit to a smaller vessel.
 - (c) With permission from the Harbormaster or Wharfinger commercial fishing

vessels who have had a valid docking permit for a period not less than five consecutive years may transfer or obtain a party boat permit. New first time charter boat individuals, must be on the waiting list to be assigned a charter boat permit.

- (13) As a condition of holding a permit, packer or buyer agrees that it will not exercise nor permit its officers, agents, or employees to exercise any discrimination (whether by segregation or otherwise) against any person because of race, national origin, age or religion in the course of its use of the leased premises and further agrees to comply with all Federal or State rules and regulations relating to the payment of minimum wages to its employees in the operation of its business.

§1009 Enforcement

- (a) Enforcement of these regulations shall be the responsibility of the Wharfinger, Harbormaster and Asst. Harbormasters.
- (b) Violations of these regulations may be punishable by written warning or fine of up to \$50 dollars, per offense, as determined by the Wharfinger and/or Harbormaster. Subsequent violations may result in additional fines, or suspension of docking privileges (docking permit).
- (c) Further, the right to use the facilities may be suspended or revoked by the Board of Selectmen upon recommendation of the Wharfinger or Harbormaster for violations of these regulations or other valid reason such as conduct that tends to create a nuisance. The Selectmen may hold a hearing for a Docking Permit suspension.

§1009 Severability

In the event that any portion, section, or clause of these Rules and Regulations is hereafter judiciously found to be invalid, such decision, invalidity, or voidance shall not affect the validity of the remaining portions of these Rules and Regulations.

Stuart F.X. Smith
HARBORMASTER

DATE