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TOWN OF CHATHAM
HARBORMASTER

**REGULATIONS FOR
CHATHAM MUNICIPAL FISH PIER**

**A True Copy, ATTEST:
Chatham Town Clerk**

Julie Smith

§1001 Authority and enforcement

- (a) These rules and regulations are adopted by the Harbormaster pursuant to MGL ch.91 sec.10(c), ch.40 sec. 22(f) 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 unloads or intends to unload at the fish pier any product, for the purpose of sale, except bay scallops and soft shell clams.
- (2) "Product" means all finfish, shellfish, lobsters, sea scallops and all other seafood.
- (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

- (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 alcoholic beverages is prohibited on board any vessel tied to the fish pier.
- (c) The office of the 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 Loading and Unloading/ Vessel Docking

- (a) Commercial Fishing Vessels must unload all product 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 unload that portion of their catch retained by the passengers at the south jog floating dock.

1. Only two (2) Vessels at a time shall be permitted to offload within the specified unloading areas. A third (3) vessel shall be permitted to offload within the specified area with the Harbormaster of Wharfingers permission.
 2. All unloading shall be accomplished so as not to interfere with any of the other operations of the fish pier facilities. All unloading 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 unloading 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 any specified unloading area.
 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, Harbormaster and/or Assistant Harbormaster 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, Harbormaster and/or Assistant Harbormaster.
 - (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 shall 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 from the Harbormaster or Wharfinger.
 - (i) Vessels holding a valid Fish Pier Docking permit, while actively engaged in the loading/unloading of fish product, supplies or gear, shall be given priority in access to the fueling/offloading area on the face (east side) of the packing house.

§1006 Docking permits

- (a) Docking permits become available for purchase, renewal and issuance annually on or about May 1st for the fishing season beginning June 1st. No more than 100 docking permits shall be issued between May 1st and October 31st. Twenty (20) additional docking permits may be issued annually for each fishing year. These additional permits will be limited to the use of the face (east side) of the fish pier. No usage of the jogs or lower lot vehicle parking will be allowed by these permit holders.

The following procedure shall be used for the renewal and issuance of docking permits:

1. A docking permit holder will be mailed annually a docking permit renewal form from the office of the Harbormaster.
 2. If a permit holder wishes to renew a permit, the applicant shall insure that all of the information on the form is accurate and that all requested information is complete.
 3. Each applicant shall provide copies of the boat registration or documentation as requested
 4. Each applicant shall provide a completed Search & Rescue form provided by the office of the Harbormaster.
 5. A permit holder who does not wish to renew the permit shall indicate such on the renewal form and return the form to the office of the Harbormaster.
 6. A permit holder who fails to renew their docking permit by May 31st shall forfeit this permit. Persons who fail to meet this deadline, may apply to the Harbormaster for reinstatement during the month of June for that fishing season.
- (b) 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.
- (c) Before unloading fish at the fish pier, all commercial fishing Vessels must obtain a docking permit from the office of the Harbormaster.
- (d) Before unloading any shellfish at the fish pier, all commercial fishing Vessels must obtain in addition to a docking permit, a shellfish landing permit.
- (e) Before unloading any lobsters at the fish pier, all commercial fishing Vessels must obtain in addition to a docking permit, a lobster landing permit.
- (f) Except when unloading to the two leaseholders at the face of the pier and before unloading product in the specified unloading areas at the fish pier, all commercial fishing Vessels must first obtain in addition to a Docking permit, a South Jog Unloading permit (Docking Permit F).

- (g) 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, or E)
 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.
- (h) 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 if it is determined that it would not be in the best interest of the Town, or that the available facilities are not adequate.
- (i) 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.
- (j) 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.
- (k) The Harbormaster may raise, lower, eliminate or reconsider any and all docking fees in accordance with MGL ch. 40 sec.22f and MGL ch. 91 sec.10c. Before prescribing any regulations at the Fish Pier the Harbormaster may present said regulations to the Aunt Lydias Cove Committee, which shall hold a public hearing on the proposed regulations.

§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 unloading 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, Assistant Harbormaster or Wharfinger, no Vessel shall remain tied up to the South Jog floating dock for longer than fifteen (15) minutes in the red zone, and the yellow zone shall be used for loading/uploading only. If a longer period is necessary, permission may be granted by the Harbormaster, Assistant Harbormaster or Wharfinger.
- (f) No dinghies or skiffs may remain tied to the South Jog float for longer than fifteen (15) minutes without permission of the Harbormaster or Wharfinger.
- (g) No dinghy or skiff greater than fourteen (14) feet may remain tied to the North Jog floating dock and those dinghies tied to the North Jog float, must do so in the green zone. All dinghies or skiffs must be a tender to a vessel with a valid docking permit. Vessels with a docking permit or the general public may tie up in the red zone for no longer than fifteen (15) minutes without the permission of the Harbormaster, Assistant Harbormaster or Wharfinger.

§1008 Fees for Use of Fish Pier

- (1) DOCKING PERMIT A: Commercial Fishing Vessel - resident owner, \$350 plus \$3 per foot of length of the Vessel to be permitted.
- (2) DOCKING PERMIT B: Commercial Fishing Vessel - non-resident owner, \$1,000 plus \$10 per foot of length of the Vessel to be permitted.
- (3) DOCKING PERMIT C: Commercial Fishing / Charter Boat Vessel - resident owner, \$750 plus \$3 per foot of length of the Vessel to be permitted.
- (4) DOCKING PERMIT D: Commercial Fishing / Charter Boat Vessel - non-resident owner, \$1,300 plus \$10 per foot of length of the Vessel to be permitted.
- (5) DOCKING PERMIT E: Passenger, Shuttle and Tour Carrying Vessels - resident owner, \$650 plus \$3 per foot of length of the Vessel to be permitted.
- (6) DOCKING PERMIT F: South Jog Unloading Permit- Vessel must obtain an appropriate Docking permit plus pay an additional \$300 in order to unload all seafood products. (This shall not include incidental landings of quahogs, steamers or razor clams. This shall also not include the incidental landing of lobsters by gillnetters).
- (7) DOCKING PERMIT G: Fuel Purchase Permit- Vessel 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.)

(8) FUEL VENDOR PERMIT: See Selectmen rules and regulations, Sec. 1004.

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

(9) WAITLIST FEE: The Harbormaster shall establish and maintain a Docking Permit waitlist. An application fee of \$5 for residents and \$15 for non-residents is required for placement on the wait list with an annual renewal to remain on the waitlist. Residents on the waitlist shall have a first right of refusal to obtain a docking permit when a docking permit becomes available.

(10) 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.

(11) 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 Assistant Harbormasters.
- (b) Violations of these regulations may be punishable by written warning or fine of up to \$200 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

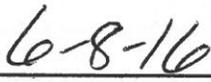
Selectmen upon recommendation of the Wharfinger or Harbormaster for violations of these regulations or other valid reason such as conduct that tends to create a nuisance. The Selectmen may hold a hearing for a Docking Permit suspension.

§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

The following sections have been modified and/or new and revised May 3, 2016:

- §1001 Authority and Enforcement - (a)
- §1005 Loading and Unloading/Vessel Docking - (i)
- §1006 Docking permits - (a) (b) (c) (d) (e) (f) (g) (h) (i) (j) (k) (l) (m) (n)
- §1008 Fees for Use of the Fish Pier - (1) (2) (3) (4) (5) (6) (7) (8) (9)
- §1009 Enforcement - (b)