

Recommended Changes
Tisbury Waterways Regulations

Approved Chapter 1 copy

Draft copy beginning with Chapter 2 for continued discussion.

Town of Tisbury
Waterways Regulations



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CHAPTER I. GENERAL WATERWAYS REGULATIONS

I. INTENT

It is determined to be in the best interests of the Town of Tisbury, its citizens, and its visitors that the waterways under the Town's jurisdiction be regulated in a fair and equitable manner that provides for the safe, and environmentally protected use thereof. The Town requires, that all vessels operating within Vineyard Haven Harbor, Lagoon Pond, and Lake Tashmoo will be active vessels.

II. DEFINITIONS

VESSEL: Watercraft of every description, except a seaplane on the water capable of being used as a means of transportation on water (MGL Ch. 90B, sec 1)

ACTIVE VESSEL: An active vessel is a vessel that shall be able to transit a body of water under its main source of power as designed

AQUACULTURE MOORINGS: A mooring for the sole purpose to aid the mooring holder in the business of Aquaculture farming.

COMMERCIAL FISHING RAFT: A raft used exclusively for the storage and drying of pots/traps

COMMERCIAL MOORINGS: Moorings owned by a business to enhance the operation of marine-related businesses (e.g., boatyards, marinas) in their service and maintenance capabilities.

INOPERABLE VESSEL: Any motor or sail Vessel which is incapable of being operated under its intended mode of power, and which has been in such condition for more than 30 days.

NON WATER-DEPENDENT VESSEL: A Vessel constructed as a raft, barge, or hull and having a primary use that is not water dependent, and for which transportation is only a secondary use or purpose.

NON WATER-DEPENDENT FLOATING BUSINESS: A business or commercial use that is not water dependent and/or does not require direct access to water for its use

HOUSEBOAT: A type of Vessel, constructed on a raft, barge, or hull that is primarily for habitation, and used for transportation only as a secondary purpose.

LIVEABOARD: An active Vessel used for habitation.

DINGHY: A Vessel that is 10' or less in length which is typically used to traverse to a larger Vessel or to shore.

SMALL CRAFT: Small Vessels such as kayaks, sunfish, windsurfers, and canoes.

BERTH: Any space wherein a Vessel is confined by wet slip, float, mooring, or other type of docking facility. (310 CMR 9.02)

MSD (Marine Sanitation Device) Type III: A holding tank where sewage is stored until it can be discharged shore-side or at sea (current Federal/State regulations require beyond three miles from shore). It must "be designed to prevent the overboard discharge of treated or untreated sewage or any waste derived from sewage." 33 CFR 159.53(c) (2 pp. 163 K).

HEADWAY SPEED: The minimum speed a vessel may be operated to maintain steerageway.

HARBORMASTER: An official of the Town of Tisbury responsible for enforcing Waterways Regulations and ensuring the safety, navigation, security, and proper operation of Tisbury Waterways and its facilities.

PRIVATE MOORINGS: A private mooring is defined as a single point, single Vessel mooring, non-commercial and seasonal.

COMMERCIAL FISHER: Any person or entity meeting all of the following criteria below:

1. Holds a license issued by the Commonwealth of Massachusetts, Department of Marine Fisheries to shellfish or finfish.
2. Whose Vessel is Federally documented or commercially registered in Massachusetts.
3. Who is required to document landings (fish landing slips) annually.

TISBURY WATERWAYS: All navigable waterways including the following:

1. Vineyard Haven Inner Harbor: Inside of a line drawn from Navigation Aid #7 on Eastville Jetty to Navigation Aid #10 on Vineyard Haven Harbor main breakwater as depicted in Appendix V Figure 1
2. Vineyard Haven Outer Harbor: Outside of a line drawn from Navigation Aid #7 on Eastville Jetty to Navigation Aid #10 on Vineyard Haven Harbor main breakwater out to a line drawn from the West Chop Lighthouse to the East Chop Lighthouse As depicted in Appendix V Figure 2
3. Lagoon Pond: The waters west of the Oak Bluffs/Tisbury boundary line as depicted in Appendix VI Figure 1
4. Lake Tashmoo: The waters known as Lake Tashmoo and depicted in Appendix VI Figure 2
5. Vineyard Sound.

III. WAIVER OF LIABILITY

Persons using the public facilities and areas within the limits of the Town of Tisbury assume all risk of personal injury and damage or loss to their property, and by their use waive all right to make any claim as to such injury or loss against Tisbury or its agents, servants or employees. The Town of Tisbury accepts no risk on account of accident, fire, theft, vandalism, or acts of God.

IV. SANITATION

1. All tidal waters in the Tisbury Waterways are included in the no-discharge zones of Vineyard and Nantucket Sounds. Approved Holding Tanks and sealed heads must be used on all Tisbury Waterways.
2. All Vessels berthed in Tisbury Waterways are required to comply with Type III USCG-certified marine approved sanitation devices (MSD) on board Vessels that are 1) equipped with installed toilets, and 2) operating on U.S. navigable waters (which include the three-mile territorial seas). 33 U.S.C. 1322(h)(4) (PDF) (10 pp, 170 K).
3. The MSD requirements do not apply to Vessels that do not have installed toilets (e.g., Vessels with "porta-potties"). Composting toilets are defined as Type III MSD.
4. No Vessel may discharge untreated wastes into Tisbury Waterways.
5. Contact Harbormaster for pump-out facilities.
6. The Harbormaster or Assistant may board any Vessel to ensure conformity to sanitation regulations.
7. Any business providing services to transient boaters, including dockage and mooring rental, must provide pump-out services for their customers.

V. POLLUTION

No person may discharge oil, spirits, flammable liquids, contaminated bilge wastes or cleaning materials or harmful chemicals into the Tisbury Waterways. No person may dispose of kitchen wastes, garbage, litter, plastic, or other refuse into Tisbury Waterways.

No odor or smoke deemed offensive by the Harbormaster shall be allowed.

VI. SPEED LIMITS

Headway speed will be enforced within 150 feet of all beaches, docks, floats, boats anchored or moored, and channel areas. Headway speed only and no-wake speed shall be enforced in the Inner Harbor, and Tashmoo, and throughout the West Arm of Lagoon Pond beginning at the Channel.

The operation of all personal watercraft as defined in CMR 3234.02 is restricted to headway speed only, within Lagoon Pond, Lake Tashmoo, and Vineyard Haven Harbor, inside a line drawn from Navigation Aid #7 on Eastville Jetty to Navigation Aid #10 on Vineyard Haven Harbor main breakwater.

VII. WATER SPORTS

1. Water-skiing, jet-skiing, operation of other high-speed personal watercraft, and similar water sports shall be prohibited within 150 feet of any beach, dock, moored or

anchored boat, or conservation-management area as designated by the Harbormaster, and 300 feet from swimmers and swimming areas, except when approaching or leaving a dock or beach.

2. Parasailing is prohibited on the Tisbury Waterways except in the Vineyard Haven Outer Harbor.
3. Boardsailing and kiteboarding are not permitted in the Inner Harbor or Lake Tashmoo.
4. Skin-diving, scuba diving, and snorkeling are prohibited in the Vineyard Haven Inner Harbor from June 1st through September 15th without permission from the Harbormaster.
5. Boardsailing and kiteboarding are prohibited in Lake Tashmoo between Memorial Day and Columbus Day

VIII. NOISE

1. Motor Vessels shall be equipped with an effective muffling device. No motor Vessel shall be operated on Tisbury waters with an altered muffling device, by-pass, or cut-out which diminishes or prevents the proper operation of the muffler.
2. Motor Vessels shall not be operated on Tisbury waters with a noise level in excess of the following standard measured at either fifty feet (50') from the stern of the motorboat, or one hundred feet (100') from the shore.

Motor Manufacturer Date	Decibel Level
Prior to January 1, 1976	86 dB
On or after January 1, 1976 and prior to January 1, 1982	84 dB
On or after January 1, 1982	82 dB

IX. INOPERABLE VESSELS

1. No Vessel owner or person in charge thereof shall keep at a mooring an Inoperable Vessel as defined by these regulations unless an extension is granted by the Harbormaster.
2. At the Harbormaster's request, any vessel may be required to leave its mooring and transit the body of water in which it is moored and return to its mooring to prove the Vessel is operable under its own power.

X. LIVEABOARD

The Town of Tisbury recognizes that people living aboard their vessels on the waterways of the town is an activity that is part of the marine and boating community, as such the Town of Tisbury wishes to maintain and preserve this way of life.

1. LIVEABOARD:

People are allowed to live on their Vessels in compliance with the following.

- (a) Between May 1 and November 1. (when Town pump-out boats are operational).
- (b) If at anchor in Tisbury Waters, Vessels must comply with the seven (7) day anchoring limitation.

The above limitations do not apply to Vessels at a private pier with pump-out services.

XI. HOUSEBOATS

Houseboats are expressly prohibited from Tisbury Waterways.

XII. NON WATER-DEPENDENT FLOATING VESSELS AND BUSINESSES

Non Water-Dependent Vessels and Floating Businesses are expressly prohibited from Tisbury Waterways.

All pre-Existing non-conforming Vessels or uses are expressly prohibited, except for the following two currently existing non-conforming Vessels or uses: (1) the Vessel "Rouse" in Vineyard Haven Harbor, owned and/or operating by Jeffrey Canha; and (2) the Vessel "Rascal" in Lagoon Pond at Safe Harbor Marina, owned and/or operated by Marion Wilson. These two Vessels or uses alone may continue their current status as a non-conforming

Vessel or use shall not be transferable to new owners, new uses, new Vessels or for any substantial alteration of either existing Vessel, or use.

XIII. VESSELS AT ANCHOR

1. No anchored Vessel is to be left unattended for more than 24 hours unless specific arrangements are made with the Harbormaster.
2. Vessels will be allowed to anchor for up to seven days in all designated anchorage areas. After seven days at anchorage, all Vessels must transit out of all Tisbury Waterways for a minimum of 24 hours prior to returning.
3. All Vessels must comply with the Sanitation regulations in section IV.
4. No Vessel is permitted to anchor within the mooring fields.
5. Rafting shall be limited to 3 Vessels upon Tisbury Waterways
6. Anchoring is prohibited in Lake Tashmoo clam flats as designated and marked by the Tisbury Shellfish Constable.

XIV. FERRIES AND LARGE VESSELS

1. Vessels over 100 feet in length must announce their intentions on channel 16 before exiting or entering the inner harbor.
2. Scheduled ferries, meaning passenger-carrying vessels over 100 feet must allow at least fifteen minutes between their boats and other scheduled boats while maneuvering within the inner harbor.
3. No two scheduled ferries may be underway inside the Eastville jetty at the same time. When two or more vessels are waiting, priority will be granted to SSA.
4. All commercial ferries shall operate within hours compliant with noise regulations.
5. All commercial ferries with a schedule shall submit their proposed summer schedule to the Harbormaster for approval no later than December 31st.

XV. TOWN PIERS/LANDINGS

The Town of Tisbury's dock's piers and landings inclusive of Owen Park Pier, Lake Tashmoo Landing and Lagoon Pond Landing are intended for the recreational use of its citizens and visitors.

A. GENERAL REGULATIONS

1. No vessel shall be left unattended at a town dock without permission of the Harbormaster or Assistant
2. The day-to-day direction of the use of town docks or piers shall be undertaken by the Harbormaster or Assistants.
3. Major repairs or maintenance of vessels are not allowed at town facilities without the explicit approval of the Harbormaster or Assistant.
4. Swimming and diving are forbidden from Town docks or piers.
5. Use of electric power from the pier is forbidden, except with permission from the Harbormaster.
6. Pedestrians may use the pier for walking and fishing if such activity does not interfere with other uses outlined in these regulations.
7. No charcoal grills, barbecues, or other open fires may be used on the pier or aboard any boat tied up at the pier.
8. No generating units on a vessel, portable or permanently installed, may be used while the vessel is tied to any Town Pier, or rafted to another boat tied to the pier.
9. No Overnight docking without daily permission from the Harbormaster.
10. 20-minute parking spaces are for temporary loading and unloading only.

B. COMMERCIAL ACTIVITIES ON TOWN PIERS

- I. With the approval of the Select Board, the Town may permit certain commercial access to its public piers. These permits will be limited to the following activities:
 - a. Commercial Fishing
 - b. Charter Fishing
 - c. Charter Sailing
 - d. Launch Services

- e. Aquaculture and Shellfish Farming
 - f. Parasailing/Aqua sports
 - g. Community Boating
 - h. Mooring Maintenance
 - i. Services Ferries
 - j. Cruises/Tours
2. Under Section .07 of the Vineyard Haven Harbor District of Critical Planning Concern Regulations adopted on October 24, 2000, certain commercial activities within the DCPC area require a Harbor Use Permit. These include freight service, ferries, marine biological and oceanographic research, seaplane, or floatplane service, dredging, harbor taxis, tours, and launch services.
 3. With the Harbormaster's permission, some water-dependent activities that can be construed as commercial may use the public piers. These include but are not limited to, research and water testing, emergency boat repair, and transient use by commercial vessels, such as visiting fishing boats.
 4. The following activities may not be permitted or allowed on Town piers:
 - a. Boat Rental
 - b. Loading/unloading of heavy construction/repair equipment/building supplies that might cause damage to the pier.
 5. Permitting Process for Commercial Activity on Town piers:
 - a. Activities listed above must apply for a commercial permit/license to operate in the Town of Tisbury.
 - b. Applications are available in the Natural Resources Office.
 - c. Each application shall be accompanied by a non-refundable application/license fee (see Fee Appendix).
 - d. Permits shall not be transferable.
 - e. Once completed, permit applications will be reviewed by the Harbormaster for approval., referred to the Waterways Committee and the Harbormaster for a recommendation and receive final approval from the Select Board.
 - f. There is an annual fee for Commercial Use of Piers permits (see fee schedule appendix). The annual fee will be billed to the permit holder at the beginning of each calendar year until notice is received from the permit holder that they are no longer using the Town piers for commercial purposes.
 - g. A record of Commercial Permit Holders will be submitted to the Town Administrator's office annually.
 - h. Permits will be subject to enforcement by the Harbormaster's Office following existing pier regulations.
 6. Violations of Commercial Activity on Town Piers

Whoever operates any commercial activity, business or any marine endeavor for profit or hire or the like on any Town pier without first being permitted as stated above, or upon application, having had the application denied by the Harbormaster or Select Board, shall be subject to a fine for each occasion of non-permitted activity. Each occasion on which any violation or offense shall exist shall be deemed to be a separate violation or offense. Nothing contained herein shall be construed to be a limitation of any method of enforcement, including criminal, civil, or non-criminal disposition.

C. OWEN PARK PIER REGULATIONS

The Town Pier at Owen Park is to provide Tisbury residents access to their Harbor. As an extension of Owen Park, it is a place for townspeople to enjoy with their families and friends and to share with visitors.

1. Two spaces shall be reserved near the outer end of the pier for the Harbormaster's boats. One space shall be made available to commercial fishermen. who are actively fishing, rafting will be allowed. Fishing vessels may not exceed 40 feet in length.
2. No gear is to be deposited or stored on the pier.
3. Excluding the Harbormaster's berths, the face of the pier, and both the North and South sides of the tee at the end of the pier, Tisbury residents may at times and without charge secure their boats for up to three (3) hours.
4. At all times the East face of the pier, and both North and South sides of the tee, shall be available for temporary use of not more than ten minutes for taking aboard or discharging people or goods.
5. Remaining spaces on both sides of the pier from 5 p.m. to 9 a.m. may be rented for town revenue, provided slips are unavailable from private marinas.

D. LAKE STREET LANDING REGULATIONS

The dock, boat ramp, landing, and parking area at the foot of Lake Street is a Town of Tisbury facility serving those seeking access to Lake Tashmoo. This small facility serves a wide constituency including recreational power and sailboaters, kayakers, shellfishermen, commercial fishers, and charter boats. The following regulations will help facilitate shared use by all.

1. Two spaces shall be reserved near the outer end of the pier for the Harbormaster and the Shellfish Department boats.
2. The (outside west side) face of the dock is for loading and unloading and is limited to 20 minutes (or more with permission of the Harbormaster).
3. There is no dockage allowed on the north side of the dock by the boat ramp except where designated and will be limited to 20 minutes for active launching.
4. Dock space will be limited to 20 minutes for loading and unloading along the bulkhead. Exception: Licensed fishing boats may dock here for up to 2 hours for active loading and unloading of gear.
5. Commercial boats may dock for up to two hours on the South side of the dock but only if they are attended at all times.
6. Storage of gear on the wharf is allowed from June 15 through September 15 for up to 72 hours. During other seasons, the limit is 7 days. Gear should not obstruct passage for other dock users. Bait may not be stored on the dock at any time. Carcass collection barrels must be covered at all times and emptied daily.
7. From November 1 through April 1, boats may extend their use of the dock with permission of the Harbormaster, although the west face of the dock must be kept open at all times. In adverse weather conditions, boats must leave the dock.

8. FUEL AND SALE OF FUEL AT LAKE STREET LANDING

- a. The Town shall permit fuel sales from a truck for seven (7) commercial fishers with mooring permits in Lake Tashmoo, the proper credentials, and proof of commercial fisher status on a first-come-first-served basis. Commercial fishers must apply for and renew this permit annually for a fee. (See Appendix 5)
- b. Hours of operation permitted only on three (3) days within any seven (7) days, excluding weekends.
- c. Fuel Supplier: Select Board will annually advertise to solicit potential vendors to include a list of eligibility requirements.
- d. Vessel owners must secure the vessel to the bulkhead loading space while refueling.
- e. Vendor must deploy proper containment procedures during fueling operations. A containment boom must be provided jointly by the commercial fueler and fishermen and kept on the dock.

E. DINGHY AND SMALL CRAFT USE AND STORAGE

1. All dinghies/small craft stored on town property must be registered with the Harbormaster.
2. Permit stickers may be purchased at Town Hall or the Harbormaster's Office (See Appendix 5). Stickers are free to mooring holders upon payment of their annual mooring fee bill.
3. Permit sticker must be applied to the inside stern of the dinghy/small craft. It is the responsibility of the dinghy owner to ensure the sticker is attached and protected.
4. Dinghy painters must be at least six feet in length
5. All outboards without prop guards, must be in the down position (prop in the water)
6. All dinghies must have gunnel guards
7. No chains allowed when securing dinghy to dock
8. No dinghies shall be stored on the Town beach between December 15 and April 15, without written permission from the Harbormaster
9. Dinghies may not remain on the floating dinghy docks for more than 72 hours. The Harbormaster may remove inactive dinghies from the floating docks after 72 hours.
10. Only dinghies will be permitted at the floating docks
11. When not on the floating dock, dinghies must be stored on the beach.
12. Small craft such as kayaks shall be stored on the three-tiered rack.
13. Unusable dinghies/small craft must be removed by the owner.
14. The Town will provide up to 3 dinghies for use by the public at the Lake Street Landing
 - a. Boat owners are encouraged to use a Town dinghy to row out to their mooring.
 - b. The Town dinghy must be returned to the floating dock before departure.

- c. Town dinghies shall not be left on a mooring under any circumstances.
- d. Town dinghy will be retrieved by the Harbormaster for use by others if left on a mooring.

CHAPTER II. MOORING REGULATIONS FOR TISBURY WATERWAYS

XVI. PREAMBLE

To better promote adequate space for moorings, ensure adequate public access, ensure a safer environment for the public, to provide for the effective management of the harbors and waterways of the Town of Tisbury, and to promote the public welfare, good, and safety in marine-related activities, the following regulations for the mooring of vessels within the waters of the Town of Tisbury are hereby adopted.

XVII AUTHORITY, ENFORCEMENT, PENALTIES

Pursuant to the general authority under G.L. c. 102., section 21 et seq., G.L. c. 91, section 10A, G.L. c. 43B, section 13, 310 CMR 9.07 and all other applicable legal authority, the Harbormaster of the Town of Tisbury is authorized to establish regulations for the mooring of vessels in Tisbury waters. The Town of Tisbury hereby establishes the following rules and regulations for the placement and use of moorings within the waters of the Town of Tisbury. The Harbormaster may in his or her discretion issue approvals, denials, assignments, and grants of permits, assignments, and approvals hereunder.

Enforcement: These regulations will be enforced by the Harbormaster or designee, and any police officer of the Town of Tisbury.

Penalties: Each day on which any violation or offense shall exist shall be deemed to be a separate violation or offense. Nothing contained herein shall be construed to be a limitation of any method of enforcement, including criminal, civil, or non-criminal disposition. (See Appendix)

Nothing contained herein is intended to be nor shall constitute or be construed to be intended or constituted to be an explicit or inferred specific assurance of safety or assistance or any particular action by the Harbormaster

The captions to any section of these regulations are for editorial purposes only.

XVIII. MOORING LOCATIONS

The major portion of mooring locations in Tisbury will be made available for the personal use of Tisbury and other Massachusetts residents, and a lesser portion will be available for commercial and transient rental use. The Harbormaster shall issue permits for the placement of moorings at locations established before any ground tackle is installed. All mooring locations and assignments granted are, and shall remain under the authority of the Town of Tisbury, are subject to the approval by the Harbormaster, are of a temporary nature, create no vested or property rights, and are non-transferable. Moorings that are established or placed without such authorization will be subject to immediate removal by the Harbormaster at the owner's expense.

- a. Mooring tackle will be set, reassigned, relocated, or moved only upon the approval of the Harbormaster, in locations assigned by the Harbormaster and under the supervision or direction of the Harbormaster. There is no assurance of approval for or renewal of any assignment of location and all such approvals and assignments are subject to the discretion of the Harbormaster based on the needs of the community, conditions of the area involved, seasonal conditions, nature of the vessel, and other circumstances related to the safe, efficient, and proper use of the waterways.
- b. Any abandoned mooring tackle, including blocks, found in any Town waterways including that not approved by the Harbormaster, may be considered as abandoned and will be removed and disposed of in accordance with the law and must be reported to the Harbormaster for disposition.

No moorings are permitted in the Outer Harbor East Anchorage, which is the area of the harbor lying seaward of the Large Vessel mooring Area and east of the Main Channel, excluding the Lagoon Pond Entrance Channel.

XIX. PREFERENCE TO HOMEOWNERS

Subject to space, public safety, and location considerations, the Harbormaster will give preference to homeowners of property directly abutting waterways and taxed as waterfront in assigning mooring locations adjacent to said property, said assignments to be given notwithstanding any waiting list and limited to one assignment per property. This regulation does not apply to already designated mooring areas. Upon transfer of this residential property to a new owner other than next of kin (defined as mother, father, brother, sister, son, daughter, or spouse) mooring permit owner must relinquish any mooring obtained through the property.

XX. MOORING CATEGORIES

CHAPTER II. MOORING REGULATIONS FOR TISBURY WATERWAYS

XVI. PREAMBLE

To better promote adequate space for moorings, ensure adequate public access, ensure a safer environment for the public, to provide for the effective management of the harbors and waterways of the Town of Tisbury, and to promote the public welfare, good, and safety in marine-related activities, the following regulations for the mooring of vessels within the waters of the Town of Tisbury are hereby adopted.

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Penalties: Each day on which any violation or offense shall exist shall be deemed to be a separate violation or offense. Nothing contained herein shall be construed to be a limitation of any method of enforcement, including criminal, civil, or non-criminal disposition. (See Appendix)

Nothing contained herein is intended to be nor shall constitute or be construed to be intended or constituted to be an explicit or inferred specific assurance of safety or assistance or any particular action by the Harbormaster

The captions to any section of these regulations are for editorial purposes only.

XVII. MOORING LOCATIONS

The major portion of mooring locations in Tisbury will be made available for the personal use of Tisbury and other Massachusetts residents, and a lesser portion will be available for commercial and transient rental use. The Harbormaster shall issue permits for the placement of moorings at locations established before any ground tackle is installed. All mooring locations and assignments granted are, and shall remain under the authority of the Town of Tisbury, are subject to the approval by the Harbormaster, are of a temporary nature, create no vested or property rights, and are non-transferable. Moorings that are established or placed without such authorization will be subject to immediate removal by the Harbormaster at the owner's expense.

- a. Mooring tackle will be set, reassigned, relocated, or moved only upon the approval of the Harbormaster, in locations assigned by the Harbormaster and under the supervision or direction of the Harbormaster. There is no assurance of approval for or renewal of any assignment of location and all such approvals and assignments are subject to the discretion of the Harbormaster based on the needs of the community, conditions of the area involved, seasonal conditions, nature of the vessel, and other circumstances related to the safe, efficient, and proper use of the waterways.
- b. Any abandoned mooring tackle, including blocks, found in any Town waterways including that not approved by the Harbormaster, may be considered as abandoned and will be removed and disposed of in accordance with the law and must be reported to the Harbormaster for disposition.

No moorings are permitted in the Outer Harbor East Anchorage, which is the area of the harbor lying seaward of the Large Vessel mooring Area and east of the Main Channel, excluding the Lagoon Pond Entrance Channel.

XIXVIII. PREFERENCE TO HOMEOWNERS

Subject to space, public safety, and location considerations, the Harbormaster will give preference to homeowners of property directly abutting waterways and taxed as waterfront in assigning mooring locations adjacent to said property, said assignments to be given notwithstanding any waiting list and limited to one assignment per property. This regulation does not apply to already designated mooring areas. Upon transfer of this residential property to a new owner other than next of kin (defined as mother, father, ~~bro~~ther, sister, son, daughter, or spouse) mooring permit owner must relinquish any mooring obtained through the property.

XXIX. MOORING CATEGORIES

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There are five categories of moorings permitted in the waters of the Town of Tisbury:

A. PRIVATE (VESSEL-OF-RECORD) MOORINGS:

Private mooring permits are for vessels that are habitually moored or principally situated in the Town of Tisbury Waterways. Permits for the use and location of private mooring locations are granted by the Harbormaster for the calendar year. No person will place a vessel other than the vessel-of-record on any mooring without obtaining prior approval from the Harbormaster. The permit holder shall not sublet or otherwise charge any rent, fee, or other forms of compensation for the use of the mooring. No private mooring, itself, is to be used to generate any financial or other compensation to the permit holder. Corporations, trusts, businesses, LLCs, partnerships, and yacht clubs will not be accepted for private mooring space applications.

At times when a mooring is not being used by the mooring permit holder/owner, or when a mooring permit holder/owner has discontinued the use of a mooring, the mooring may be used by another vessel, provided prior approval is obtained from both the permit holder/owner of the mooring and the Harbormaster or designee, subject to the following provisions:

1. Guest Use:

- a. A private mooring permit holder with written approval from the Harbormaster may authorize a non-permit holder (e.g. guest, friend) to use said permit holder's mooring for up to two weeks. With the proper state and federal permits, the mooring permit holder may request that another vessel be allowed to use his/her assigned mooring for longer than two weeks. For periods of longer than two weeks, the Town will collect rent from the vessel owner for the mooring or lease it to someone on the mooring rental waiting list at the seasonal rate. For an administrative fee, they may remain for another 2 weeks.
- b. The same non-permitted vessel will not be allowed to use the same mooring for more than one boating season.

2. Temporary Season Assignment:

- a. Upon notification to the Harbormaster that a mooring permit holder/owner will not be using their mooring during the season, the Harbormaster may temporarily assign (for the remainder of that season) said mooring to the first eligible person on the private mooring waiting list.
- a. There will be a temporary assignment (separate) fee charged by the Harbormaster to the vessel assigned from the waiting list.
- a. If the holder of a mooring permit is required to notify the Harbormaster by April 1st of each year if the vessel of record will not be on a mooring during that year, whereupon the mooring will then be treated as the Town's mooring for that year. The Harbormaster with the proper state and federal permits may then offer that mooring to the name on the top of the rental mooring waiting list as a temporary mooring for the remainder, or any portion, of that year only.
- b. If the holder of a mooring permit in the Inner Harbor fails to notify the Harbormaster by June 15th of any year that vessel of record will not be at that mooring location during that year, and has also not used that mooring by June 15th, the mooring will then be treated as the Town's mooring for that year. With the proper state and federal permits the Harbormaster may then rent, for the benefit of the Town, the mooring as a transient rental mooring for the remainder, or any portion, of that year only.
- e.a. The vessel accepting a temporary assignment will remain on its original position on the private mooring waiting list if not otherwise assigned
- d. Any vessels temporarily reassigned to a private mooring will reimburse the permit holder for the mooring fee for that season, be liable for any damage to the assigned mooring, provide an appropriate pennant and pay excise tax. For any private mooring assigned to a non-permit holder by the Town, the mooring permit holder will receive an abatement from the Town for the mooring fee for that year only.
- e.b. The Mooring Owner/Permit Holder will retain the ability to renew their permit provided all other regulations are followed.

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B. COMMERCIAL MOORINGS:

Commercial mooring location permits shall only be issued to businesses or Recreational boating facilities properly licensed by the Commonwealth of Massachusetts and/or the Town of Tisbury. Individual persons (whether as individuals or through a "passive business endeavor" or other devices) will not be issued commercial mooring permits.

1. The intended purpose of commercial moorings is to enhance the operation of marine-related businesses (e.g., boatyards, marinas) in their service and maintenance capabilities.
2. Commercial moorings shall not be sublet for less than 14 consecutive days. Sublet moorings shall have an Army Corps permit. (see Rental Moorings). With the permission of the Harbormaster, five (5) commercial moorings in Lake Tashmoo may be rented on a nightly basis provided that there is no advertising about the availability of rental moorings.
 - a. ~~Exceptions to the 14 consecutive day restriction must be reviewed by the Harbormaster and granted a waiver by the Select Board. All such waivers shall be kept at the Harbormaster's office, and posted on the Town website. These waivers will have the name of the individual who requested the waiver, the disposition of the request, and the reason for the decision. The Harbormaster's office shall maintain these records as public documents in paper and electronic form and shall keep these records for public review indefinitely or until otherwise instructed by the Select Board/Town Manager. (See Appendix for Waiver Form)~~
 - b. Assignments of vessels to any moorings sublet more than 14 days shall come from a waiting list and procedures similar to the Harbormaster's for assignment of vacant moorings under their control for those willing to pay the rental fee for such moorings. In the event, such facility has no one on its waiting list and no one is interested in renting its available moorings, it shall be offered to the owner of a suitable vessel who is listed first on the applicable Harbormaster Waiting List and is willing to enter into the mooring rental assignment agreement then offered by the recreational boating facility. Recreational boating facilities shall be required to submit to the Harbormaster the information set forth in Section V.B, subsection 3.

3. In the establishment of the written waiting list procedures, the Harbormaster or recreational boating facilities shall comply with the provisions of 310 CMR 9.07(2)(a). The fair and equitable assignment from a waiting list shall at a minimum include:
 - a. Date of application.
 - b. Physical characteristics of vessels, e.g., size and type;
 - c. Purpose of vessel use, e.g. commercial vs. recreational or public vs. private; and
 - d. In the case of a recreational boating facility, renewal of a mooring rental assignment or issuance of a mooring rental assignment to individual patrons, members, or customers of the facility.
4. ~~Five-Four~~ Commercial Town moorings located in Tashmoo shall be made available for lease to Commercial Fishers who meet the definition for Commercial Fishing. Commercial Fishermens must apply through the waiting list and reapply annually to remain on the list. When a Commercial Fisher mooring becomes available it will be offered to the next person on the Commercial Fisher waitlist. (see fee appendix). ~~Commercial Fishermen will retain their place on the private mooring wait list.~~
5. ~~All commercial moorings shall have an individual color scheme to be determined by the Harbormaster~~
6. Requests for new or additional commercial mooring permits will be reviewed by the ~~appropriate Waterways Advisory Committee and the Harbormaster~~ who will make a recommendation to the Board of Select Board.
7. Commercial Town Moorings made available to Commercial Fishers shall not be transferrable except as provided in section XXVI, TRANSFERABILITY (section number may change).

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C. RENTAL OR SUBLET MOORINGS:

Commercial moorings installed for which any type of user fee is charged or receives compensation must be permitted by the Army Corps of Engineers.

1. New and renewal applications for any type of Commercial transient rental permit (defined as a period less than 14 days) or for any Commercial mooring that will be sublet (defined as a period of more than 14 days) shall apply to the Harbormaster yearly. In addition to the requirements of these regulations, the applicant shall submit proof of a permit from the Army Corps of Engineers, or proof that the rental mooring applicant has submitted all the correct information as required by the Army Corps of Engineers to show they are in substantial compliance with the federal application process. Failure to comply with the above will result in denial of the application.
2. ~~Mooring Buoys and Markings: All rental mooring buoys shall be of a distinctive marking approved by the Harbormaster. Markings of all mooring buoys shall be permanently attached or painted thereon and visible and legible whether the mooring is in use or not in use.~~

D. AQUACULTURE MOORINGS:

1. Aquaculture moorings shall be used for rafts, for the sole purpose of growing, upwelling, antifouling, culling and/or growing.
2. Raft requirements: Maximum size raft is to be 16 feet -by 32 feet. Mooring tackle will consist of a 2-ton concrete block, 5/8" inch chain through mooring ball, 2/4 inch swivel, and 2 1/2 inch chain legs to the corner of the raft.
3. Aquaculture mooring permit fees will be exempt for the first two years after which all current permit fees will apply. (See appendix 5).
4. Aquaculture moorings shall be subject to all mooring regulations as outlined in the Tisbury Waterways Regulations for Mooring Care and Maintenance, sec. XXXI (?).

See definitions:

E. COMMERCIAL FISHING RAFTS:

Commercial fishers moored in and working out of Tashmoo may apply for one of 5 commercial raft mooring permits for the exclusive purpose of storing and drying out of pots/traps, subject to the review and approval of the Harbormaster.

1. Applicants must submit a copy of a current State and/or Federal license to fish a minimum of 100 commercial traps/pots with the raft application.
2. A waiting list for Commercial raft mooring permits will be established. Mooring permits are not transferable. The recommended location is south of Hillman Point and north of Drews Cove as delineated by the Harbormaster. If an area is found to be a sensitive aquatic site, consultation with the Harbormaster will be required.
3. Commercial fishermen shall follow all Lake Street dock regulations or will forfeit their raft permit.
4. Raft requirements: Maximum raft size is 16 ~~feet~~ - X 24 ~~feet~~. Mooring tackle will consist of a 2-ton concrete block, 5/8" ~~inch~~ chain through mooring ball, 3/4" ~~inch~~ swivel, and 2, 4/2" ~~inch~~ chain legs to corners of the raft.
5. Mooring tackle is subject to current permit fees & mooring inspection requirements.

XXI. APPLICATIONS FOR MOORING PERMITS

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Mooring permits are for vessels that are habitually moored or principally situated in the Town of Tisbury Waterways. Proof of payment of vessel excise tax must be provided annually. Nonpayment of excise tax may result in loss of assigned mooring. Hurricane moorings may be an exception and addressed individually by the Harbormaster.

1. Individuals or businesses or Commercial Fishermen desiring a mooring in the Town of Tisbury must file a written application with the Harbormaster, along with a one-time, non-refundable application fee for each waiting list on which the applicant wishes to be placed, i.e., Inner Harbor, Outer Harbor, Lagoon or Tashmoo. (see fee appendix)
2. The application fee is for the processing of the application and is separate from any mooring fees required hereunder.
3. Newly assigned permit holders are required to provide proof of ownership of the vessel within one year of mooring assignment.

3.

4. When a mooring is used by the Town for any reason except emergencies Sec XIV, the Town shall assume full responsibility for that mooring during the period of use
5. Any applicant aggrieved by a refusal to permit a mooring, float, raft, or by any condition or restriction imposed relative thereto, may request a review in writing to the Department of Environmental Protection within 30 days after receiving notice of such refusal or of the imposition of such condition or restriction

XXII. WAITING LISTS

1. The Harbormaster shall maintain a waiting list consistent with 310 CMR 9.07 for the fair and equitable assignment of moorings from a waiting list for use of vacant or new moorings, floats, or rafts held by bottom-anchor and ramps associated thereto. By specific harbor for private mooring space (Private Mooring Waiting List), commercial mooring space (Commercial Mooring Waiting List, Commercial Raft Waiting List), Commercial Fishers Waiting List and Town-maintained rental moorings (Rental Mooring Waiting List), and each list shall be updated at least annually.

Methods for mooring assignment which are appropriate include, but are not limited to, one or more of the following: date of application; physical characteristics of vessels, (e.g., size and type, purpose of vessel use, commercial vs. recreational, public vs. private).

2. A list of all mooring waiting lists ~~and assignments lists~~ shall be kept at the Harbormaster's office and posted on the Town website. These waiting lists will have the date an individual first appeared on the list and the date the mooring was assigned to that individual. ~~The Harbormaster's office shall maintain these records as public documents in paper and electronic form and shall keep these records for public review indefinitely or until otherwise instructed by the Board of Select Board/Town Manager.~~
3. ~~The Harbormaster shall annually, by May 1st of each year, update and publish the mooring wait lists on the Town website with a copy to the Town Clerk.~~
- 4.3. ~~When a new mooring is established and assigned or added to the Harbormaster's own inventory of available town moorings, the notification shall be posted at the Town Clerk's office and on the official Town website.~~
- 5.4. All new assignments of they vacant moorings shall be taken from the first suitable vessel on the waiting list. If the next vessel on the waiting list is not selected for a mooring is not the next suitable for the vacant mooring, the vacant mooring will be assigned to the next suitable vessel on the waiting list. ~~vessel in line on the wait list then the Harbormaster shall provide a written reason for such a selection to the Board of Select Board/Town Manager, the Waterways Advisory Committee, and to all individuals on the waiting list who have been passed over within 15 days of such an assignment.~~
- 6.5. Mooring Permit Applications not granted must be refiled annually by January 3-1st and be accompanied by a fee (see appendix) for each waiting list that the applicant is on to retain their place on the waiting list. ~~Persons who have not renewed their waiting list by Jan 31" may still renew their waiting list standing subject to the appropriate late fees until Feb 31st.~~

If no annual re-application is so filed, as provided hereunder, the applicant's name will be removed from the waiting list, and those below that party on the list shall move up on the list accordingly.

- 7.6. When an applicant on the waiting list is given a mooring permit, there shall be a one-time assignment fee. (see appendix)
- 8.7. Should the assigned available mooring not meet the needs of the vessel, the Harbormaster shall be notified, and the vessel reassigned to the next available suitable mooring. ~~No moorings may be moved out of any grid mooring area for any reason.~~
- 9.8. An applicant who refuses a mooring offered by the Harbormaster or who does not notify the Harbormaster of his/her refusal or acceptance of said permit and pay the fee therefore within thirty (30) days after notice being issued by the Harbormaster shall forfeit his/her permit and shall retain their place on the waiting list.
- 10.9. Any applicant that accepts a temporary sublet or assignment for a mooring will retain their place on the private mooring waiting list.
- 11.10. Upon approval and assignment of a mooring, the new mooring holder will have an inspection performed and send the resulting report to the Harbormaster's Office. Following a satisfactory inspection, the new mooring holder may begin using the mooring. Compensation, if any, for the existing mooring gear is between the old and new mooring holders and not required by the Town.

XXIII. RENEWAL OF MOORING PERMITS:

1. All mooring permits shall expire on December 31 and should be renewed by January 31 of the following calendar year.
2. Two (2) Year Rule
 - a. The failure of the permit holder to use his/her assigned mooring location for the vessel-of-record for at least 30 days ~~in one season in any one of 2 consecutive years~~ will be grounds for the Harbormaster not to renew or approve said permit ~~after one year of non-use~~. The mooring will then immediately be reassigned to the next appropriate vessel on the waiting list. The permit holder will be notified by certified mail if the permit will not be renewed
 - b. Mooring permit holders who have not used their assigned mooring for one-two years may appeal under special circumstances in writing to the Harbormaster ~~and the Waterways Committee~~ for one additional year.

3. All mooring renewals applications must be accompanied by payment of the annual fee, a copy of the current registration for the vessel of record, and proof of payment of excise tax at the time of renewal or upon assignment of a new mooring location permit. Annual mooring fees will not be prorated.
4. Fees unpaid for more than three months from the billing date will cause the mooring permit to be revoked. No waterways permits nor mooring space shall be assigned to any person who is arrears on any boat excise tax or waterways permit mooring fees, due and payable to the Town, for any year present or previous. ~~Proof of the payment shall be submitted with application for mooring.~~
5. Permit holders will be notified by certified mail for revocation of the mooring permit for any reason.
6. The ground tackle of an expired permit, revoked permit, or person parting with the possession of or transferring the title or interest in the vessel, unless approval is granted for the new proposed vessel of record, must be removed from that permitted location within 30 days of the Harbormaster's written revocation notice or such shorter time if the Harbormaster determines that the circumstances warrant such action, at the expense of the individual who is quitting the mooring, or it may be sold to the next registered permit holder. The next permit holder will not be required to purchase the tackle.
 - a. If the tackle is not so removed it may be removed by or at the direction of the Harbormaster and the costs associated therewith shall be the responsibility of the owner.
 - b. Tackle not so removed may be considered abandoned and disposed of in accordance with applicable law.
 - c. Nothing contained herein shall constitute an assurance or obligation that the Harbormaster will remove such tackle, and the obligation to do so and the liability arising from any such tackle shall remain that of the owner, and not with the new permit holder.

XXIV.HI. THE MOORING LOCATION PERMIT HOLDER

The mooring permit holder is required to notify the Harbormaster by April 1st of each year if the vessel-of-record will not be on the mooring during that year. The Harbormaster may then offer that mooring for a temporary permit assignment to the next appropriate vessel on the top of the Mooring Waiting List for the remainder of that year only. The vessel accepting a temporary permit assignment will remain on its original position on the mooring waiting list if not otherwise assigned.

- ~~1. Any vessels accepting a temporary permit assignment for a private mooring will reimburse the permit holder for the mooring fee for that season and pay excise tax. For any private mooring assigned by the Town, the mooring permit holder will receive an abatement for the mooring fee for that year only. The mooring permit holder will retain the ability to renew their permit provided all other regulations are followed.~~
- ~~2. The failure of the permit holder to use his/her assigned private mooring location for the vessel-of-record for at least 30 days in any one of two consecutive years will be grounds for the Harbormaster not to renew or approve said permit after one season of non-use. The mooring then will be immediately reassigned to the next appropriate vessel on the waiting list.~~
- ~~3. When the Town uses a mooring for any reason except emergencies under Paragraph XIV below, the Town shall assume full responsibility for that mooring during the period of use.~~

XXIV. MOORING RECORDS AND LISTS

The Harbormaster shall keep a detailed record of each mooring, its location, and the permittee's name, address, telephone number, the date the mooring was last inspected, and the name, length, draft, beam, and registration or documentation number of the vessel-of-record. Such information must be provided by the permittee. All permittees must inform the Harbormaster of any changes in the information pertaining to the record of each mooring. The maintaining of such information is for the convenience of the Town and is not an assurance that specific action, including contacting the owner, will occur.

XXV. TRANSFERABILITY:

All mooring locations are and shall remain the authority of the Town of Tisbury and mooring permits cannot be passed through partnerships or willed to the next generation and may only be transferred to an immediate family member. The Harbormaster shall maintain a fair and equitable system of waiting list(s) for the assignment of vacated spaces as they become available.

For purposes of this section, transfers will be considered for any of the following: Spouse, mother, father, son, daughter, and legal partner.

1. A surviving family member of the decedent may request the transfer of a town permit. ~~Any such application for transfer must be filed within the same calendar year of the permit holder's death.~~
2. Should next of kin (defined as mother, father, brother, sister, daughter, son, or spouse) inherit and maintain the vessel-of-record, the mooring permit will be transferred to that individual.
3. If a permittee parts with possession of or transfers the title or interest in the vessel identified in the mooring permit as the vessel of record, the permittee may replace that vessel with a new vessel of record if it is judged by the Harbormaster to be suitable for that mooring and must immediately file a new or amended mooring application with the Harbormaster for the approval of the

Harbormaster, containing the information pertaining to the new vessel being proposed for that mooring.

4. ~~Moorings may be transferred one time only within a twelve month period.~~
5. ~~New assignments may not be transferred within the first year of the permit receipt.~~
6. 2. Sale of commercial enterprises which have moorings: Excepted from the foregoing prohibition on the transfer of mooring locations shall be sales of commercial businesses to which mooring locations have been assigned. In such instances, the mooring locations shall be assignable along with the sale of the business. The transferee shall have no greater rights than the transferor and shall remain subject to the rules and regulations and all other applicable laws, rules, and regulations. Mooring transfers will only be considered when the mooring permit is in good standing at the time of the application. All applicable boat excise tax payments must be current. Mooring tackle inspection must be current. The transferor and transferee shall apply to the Harbormaster and ~~Select Board~~ for approval of the transfer of the mooring locations and shall supply to the Harbormaster relative thereto such relevant information as they may request. Upon approval by the Harbormaster, he/she shall endorse the mooring permit as transferred or may issue such other documentation to evidence his/her action on the request.

XXVI. VESSELS TO BE OPERATIONAL

No vessel owner or person in charge thereof shall keep at a mooring an inoperable vessel for more than 30 days in any year unless an extension is granted by the Harbormaster.

XXVII. INOPERABLE VESSELS UNDER WINTER STORAGE

Excepted from the foregoing prohibition shall be vessels that are inoperable because they are moored during the winter storage period which shall be October 15 to May 15. All locations for winter storage shall be subject to the approval of the Harbormaster.

1. Any vessel in any Town harbor can only be stored for the winter, on a Town or private mooring that has a current up-to-date inspection. ~~No exceptions.~~
2. Every vessel winter stored on a Town or private mooring in any Tisbury Waterway must have liability insurance. A copy of the insurance binder is to be provided to the Harbormaster.
3. Mooring pennants must be heavy-duty and have heavy chafe gear at minimum, through chocks, and over bob stays
4. Every vessel in winter storage in any Town Harbor must have a designated on-island caretaker at all times. ~~The caretaker must sign in with the Harbor office at least once every 2 weeks. Contact information for the caretaker must be provided to the Harbormaster.~~
5. No vessel should be moved from its winter storage mooring if the vessel meets all winter storage regulations without notification to the owner.
6. Harbormaster shall determine which boats are appropriate for winter storage.
7. Boats should only be stored in the more protected area of all Tisbury Waterways.
8. No winter storage on any Private or Town elastic moorings

XXVIII. EMERGENCY CONDITIONS

The Harbormaster, in an emergency, may temporarily assign any vessel he/she deems proper to a vacant mooring so long as such temporary assignment does not interfere with the use of that mooring by the vessel-of-record.

1. Boat owners having a mooring in the Outer Harbor must file written authorization, bearing the original signatures of the vessel owner and a person authorized to relocate the vessel, with the Harbor Master in case of a weather emergency.
2. Nothing contained herein shall constitute or be construed as an assurance that the Harbormaster will take any particular action in the event of an emergency.
3. Each vessel/mooring owner and/or captain and or person in charge thereof is responsible for the safety of the said vessel and the mooring and nothing hereunder and no action of the Harbormaster shall transfer that responsibility to the Harbormaster or the Town.

XXIX. SWIM FLOATS

Swim Floats require a permanent mooring and must be removed, and winter staked from November 15 to April 15. Applications for swim floats shall follow the same procedure for other mooring permits hereunder and shall otherwise be subject to these regulations and all other applicable laws, rules, and regulations.

XXX. FLOATING DOCKS

XXXI. MOORING CARE AND MAINTENANCE

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- 1. All mooring tackle shall be safe and suitable for the purposes used and it shall be the responsibility of the owner or person in charge of same to ensure that said tackle is safe and suitable. Mooring tackle care and maintenance are the responsibility of the owner or person in charge, whether or not that party is the permit holder.
- 2. Mooring Inspections
 - a. All mooring permit holders shall adhere to a required, regular maintenance and inspection schedule. to meet both the manufactures recommendations and the Town Regulations by a Harbormaster-approved inspector, at least once every three years, and the top chain, pennant, and hardware are to be inspected annually.
 - b. A complete inspection must be performed ~~upon prior to any reassignment~~. An inspection report must be filed with the Harbormaster's office within 14 days of any inspection.
 - c. Any components damaged or worn to ~~more than 30% less than 33%~~ measured with step gauge, of original size, or not in good condition shall be replaced within 10 days of the inspection.
 - d. Any mooring using low impact elastic rode technology shall adhere to the following additional requirements:
 - i. Every Year: The low-impact mooring and all its components shall be removed each winter and stored on land cleaned and inspected. Any components showing more than 20 % wear shall be replaced. The length of the elastic rode shall be measured and checked against the installed length. Any yield more than 20 % shall require replacement of the elastic rode. This yearly inspection may be done by a qualified and approved diver.
 - ii. Every Six Years: All the mooring components (including the block or helix) shall be removed from the water for a complete inspection. Any components showing more than 20 % wear shall be replaced. The length of the elastic rode must be measured and checked against the installed length. Any yield more than 20 % from installed length of elastic rode shall require replacement of the elastic rode.

[ALTERNATIVE PROVISIONS]:

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- i. Owners of low impact moorings shall follow manufacturers' protocols for the installation, inspection and maintenance of their moorings.
- iii. All low impact mooring owners shall provide a copy of such protocols to the mooring inspector and to the Harbormaster.

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- 3. Installers/Inspectors shall be approved by the Harbormaster. Criteria for approval shall include but not be limited to:
 - a. The availability of sufficient and proper equipment to perform the work safely.
 - b. Knowledge of mooring systems and proper rigging, experience working on mooring systems.
 - c. The mooring barge must have two spuds and a minimum 3-ton lifting capacity.
 - d. Approved inspectors must show proof of a current certificate of liability insurance.
 - e. Diving Inspectors shall have the ability to perform rigging tasks reliably underwater and require a surface monitor to be present together with the required diver-down flags.
- 4. Mooring tackle determined by the Harbormaster not to be serviceable or not in conformance with the Recommended Minimum Mooring Tackle Specifications established herein may result in an order by the Harbormaster, for removal of the tackle at the expense of the owner, or removal of the vessel-of-record assigned to that mooring, unless the nonconformity is corrected within 10 days of the Harbormaster order. Failure to comply with this paragraph may result in the immediate revocation of the mooring location permit.

5. All mooring ground tackle will in all respects meet or exceed the Recommended Minimum Mooring Tackle Specifications and may not be varied without the express written permission of the Harbormaster.
6. Nothing contained herein shall constitute an assurance or obligation that the Harbormaster will remove or order the removal of said vessel, and the obligation to do so and the liability arising therefrom shall remain that of the owner.

XXXII. WINTER STAKES:

Winter stakes shall be installed not later than January 1st at all moorings not occupied by a vessel. Winter stakes shall be always readily visible above the water when installed and must have the mooring-registration number assigned by the Harbormaster visible and legible from at least two (2) sides when the stake is in place. No winter stakes shall be in place between June 1st and October 15. If a stake is not removed by June 1st, the mooring shall be considered abandoned and disposed of in accordance with applicable law and the mooring permit for that location will be revoked. If the stake is not removed by June 1st, it may be removed by or at the direction of the Harbormaster and the costs associated therewith shall be the responsibility of the owner. Nothing contained herein shall constitute an assurance or obligation that the Harbormaster will remove such stake, and the obligation to do so and the liability arising from any such stake shall remain that of the owner.

XXXIII. RECOMMENDED MINIMUM MOORING TACKLE SPECIFICATIONS

Utilization of proper mooring tackle is necessary to secure vessels at their moorings. Storms, wind waves, tides, currents, and wash must be considered when selecting appropriate hardware. The specifications for mooring tackle contained herein or as may be specified by the Harbormaster are only minimum standards for tackle under normal circumstances considered to be adequate to secure vessels in Tisbury waterways. These standards are advisory only, and the Town of Tisbury assumes no liability for personal injury or property damage that results from the utilization of any tackle which meets or exceeds these recommendations.

Parties may exceed, with the permission of the Harbormaster, the minimum requirements and are urged to consult with marine professionals and experts as to the needs of their vessel and mooring location. Nothing contained herein shall constitute an assurance or obligation as to the suitability of said tackle or any tackle used.

A. MINIMUM SPECIFICATIONS FOR ALL MOORING SYSTEMS

1. All pennant lines running through a chock or any other object where chafing may occur should have adequate chafe guards.
2. All shackles, swivels, and other hardware used in any mooring hookup should be one size larger than the chain used and be of domestic manufacture meeting Federal Specifications RR-C-271 D.
3. All shackles should be properly seized with Stainless or Monel wire. Zip ties are not allowed as a shackle seizing. Systems using wire rope clips are not allowed.
4. The pennant shall be spliced and shackled into the bitter end of the top chain. The use of a second pennant in heavy weather is encouraged.
5. Mooring buoys shall be a minimum of 12" in diameter, white, hard/soft-shell high-density foam-filled of the type that the chain runs through the top and the pennant shall be attached at the top.
6. All moorings shall have a 2" blue reflective band around the middle
7. All moorings shall have a buoy with its number on both sides and the vessel-of-record's name or registration number on it at least 2" block letters.
8. At least 50% of the buoy must be above the water at all time
9. The Mooring Installer shall record the position of each mooring by a Global Positioning System (GPS) fix and record all the mooring specifications

B. LOW IMPACT MOORING SYSTEMS

Certain Federal (Army Corps of Engineers and State (D.E.P. and D.M.F) require that low-impact mooring technology be used on moorings in certain areas and conditions. Where low-impact technology is required or opted for by the mooring holder, these regulations and specifications apply.

1. All low-impact mooring shall be sized and installed by an approved installer who shall follow the mooring manufacturer's manual for installation and maintenance, and correctly size the mooring for the specific site depth and tidal range and wave action, and boat size.
2. Existing low-impact moorings shall be brought into compliance with these regulations as the systems wear and are replaced.
3. The mooring configuration of the low impact mooring design. shall consist of an anchor, to an elastic rode, to a chain to the surface through a mooring ball, and a pennant to the boat. See Harbormaster or Appendix II.
4. No low-impact mooring shall be installed without the approval of the Harbormaster. No existing chain mooring shall be changed to a low-impact mooring without the approval of the Harbormaster.
5. No low impact moorings will be installed in Vineyard Haven Harbor or any gridded chain mooring fields

C. ACCEPTABLE LOW IMPACT MOORING ANCHORS

1. Shall consist of a concrete block or helix anchor.
2. Helix anchor minimum specifications:
 - a. Helix moorings shall be placed/installed at the discretion of the Harbormaster. No Helix mooring is to be placed without the written approval of the Harbormaster.
 - b. The shaft must be a minimum of 1 1/2" thick and at least six feet in length, galvanized steel
 - c. There shall be a minimum of two helixes attached to each shaft with the lower helix being a minimum of 8-inch diameter and the top helix being a minimum of 10 inches on the diameter.
 - d. It shall be the responsibility of the Mooring Installer to assure that the proper size and length helix is used according to subsoils within a given mooring area and for the vessel to be moored.
 - e. All helix moorings shall be installed as close to flush with the bottom surface as possible with no more than 6" protruding above the bottom surface.

f. Torque Requirements:

- i. 500FT.LBS. for shallow water small boat moorings.
- ii. 1000ft.lbs. for other moorings for boats up to 50ft.

3. Block anchor minimum specification:

Boat Length	Block Size
Up to 20 ft.	1000 lb.
20 ft. to 25 ft.	2000 lb.
26 ft. to 45 ft.	4000 lb.
46 ft. to 50 ft.	6000 lb.
Over 50 ft.	Per harbormaster

D. LOW IMPACT ELASTIC RODE

1. All elastic rodes shall be provided with a certification from the manufacturer specifying the length (as measured from pull to pull) the breaking strength, and the elongation characteristics (stress/strain curve). This certification shall be provided to the Harbormaster, the mooring holder, and made available to the installers and inspectors.
2. The rode shall have attached by the manufacturer or installer or permanent tag with a unique identifying number, this number shall be recorded with the harbormaster.
3. The rode shall be provided with heavy galvanized deep thimbles at each end attached in a manner to provide full strength of the rode for the life of the rode.
4. The rode shall be heavy molded one piece with appropriate thimbles, bushings, and connections (such as the Hazelett Rode) or the rode shall be covered with tight weave cover to protect the rode from abrasion and marine growth (such as the Storm Soft Rode).
5. The size and length shall be according Appendix II or see Harbormaster for specific design.
6. The rode shall have a float attached near the anchor end in such a manner to hold the shackle holding the rode to the anchor in an upright position and help prevent fouling of the rode on the shackle and bail. This float shall be made of durable material and filled with closed-cell foam so as not to absorb water over time.

E. ADDITIONAL LOW IMPACT MOORING REQUIREMENTS

SWIVEL: Required at the top connection between the elastic rode and the chain. This swivel shall be a minimum of 1 size larger than the chain size.

CHAIN: The chain is to be galvanized and sized as shown on the accompanying exhibits.

BUOY: The mooring buoy shall meet existing conventional buoy specifications. Low Impact moorings will be identified with the letters "LI". No "spar" buoys.

PENNANT: The pennant shall meet existing specifications for conventional moorings.

SMALL BOAT MOORINGS: At the Harbormaster's discretion, small boats less than 20 feet in length may use a single blade round shaft helix or low-profile block. A braided synthetic line from the anchor to the Buoy and a pennant as shown in exhibit. Torque requirements still apply.

XXXIV. MINIMUM MOORING TACKLE REQUIREMENTS (BY LOCATION)

A. MOORING SYSTEM FOR LAKE TASHMOO (OUTSIDE GRID) AND LAGOON POND

Length of Boat (feet)	Mushroom Mooring	Chain (Inches)	Nylon Pennant (Inches)
Under 18	100 lbs.	1/2	1/2
18 to 23	150 lbs.	5/8	5/8
23 to 29	250 lbs.	5/8	5/8
30 to 39	500 lbs.	3/4	3/4
40 to 49	750 lbs.	1	1

Total scope to be 3 1/2 times the depth of water at storm high tide. Chain length is to be at least 2 times the depth of water at Storm High Tide. Concrete blocks may be substituted in the ponds as per the Vineyard Haven Harbor schedule.

B. MOORING SYSTEM FOR LAKE TASHMOO MOORING GRID ONLY

Registered Boat Length on Deck (feet)	Block (pounds)	Bottom Chain (Inches)	Top Chain (Inches)	Nylon Pennant (Inches)
Under 18	Min. 100 Mushroom.	1/2	3/8	1/2
18 to 25	Min. 1000; Max. 2000lbs.	1/2	3/8	5/8
26 to 40	3000	3/4	5/8	7/8
41 to 49	4000	1	5/8	1
50 to 75	6000	1 1/4	3/4	1 1/4

Total scope to be 3 times the depth of water at mean high tide. Chain length is to be at least 2 times the depth of water at mean high tide.

The maximum length of the pennant will be two and one half the distance from the bow chock to the mooring cleat or post. (approximately 8 to 10 feet).

C. MOORING SYSTEM FOR VINEYARD HAVEN HARBOR

Registered Boat Length on Deck (feet)	Block (pounds)	Bottom Chain (Inches)	Top Chain (Inches)	Nylon Pennant (Inches)
Under 20	1000	1/2	3/8	5/8
20 - 30	3000	5/8	1/2	3/4
30 - 39	4000	3/4	5/8	7/8
40 - 49	4000	1	5/8	1
50 - 75	4000	1 1/4	3/4	1 1/4

Vessels 75 feet and over must consult with the Harbormaster.

The total scope of the chain should be 2 1/2 times the depth of the water at storm high tide. The heavy bottom chain is to be 1 1/2 times the depth, and the light chain length is to be the same as the depth of the water.

The maximum length of the pennant will be two and one-half times the distance from the bow chock to the water plus the distance from the bow chock to the mooring cleat or post.

D. ALTERNATIVE MOORINGS

Anyone wishing to use low impact mooring design may apply to a Harbormaster to use other technology. This will be called alternative moorings. An application will require the following:

1. A complete design on paper showing all parts, pieces, connections, sizes etc.
2. The calculated holding power of the mooring.
3. The swinging radius includes the boat.
4. The proposed position of the mooring.
5. A description of the boat that will use the mooring.

The harbormaster may require additional information and may require professional review at the owner's expense. Approval will be up to the Harbormaster.

Should an alternative mooring be installed and later declared to be unsatisfactory by the Harbormaster, it shall be removed within 14 days

XXXV. SEVERABILITY:

Should any portion of these regulations be determined to be invalid for any reasons and such determination is upheld, such determination shall not affect the remaining provisions of these regulations which shall remain in full force and effect, and to this end the provisions of these regulations are hereby declared to be severable.

Given under our hand this _____ th day of _____, 2022.

Tisbury Select Board

Jeffrey C. Kristal, Chairman

John Crocker, Harbormaster

Larry Gomez, Vice Chairman

Roy Cutner, Clerk

Appendix I. APPLICATION, MOORING AND PIER FEES

A. NON-REFUNDABLE APPLICATION FEE

\$25.00 Per Location

B. PRIVATE MOORING FEES

Length of Boat	All Private Mooring Permit Holders (R & NR)
Under 20 ft	\$82.50
20 to 29 ft.	\$137.50
30 to 39 ft.	\$192.50
40 to 49 ft.	\$247.50
50 to 59 ft.	\$302.50
60 to 69 ft.	\$357.50
70 to 79 ft.	\$412.50
80 to 89 ft.	\$467.50
90 to 99 ft.	\$522.50
100 ft. and over	\$577.50

C. COMMERCIAL MOORING FEES

\$330.00 for Inner Harbor

\$165.00 for all other Town locations

D. OWEN PARK PIER FEES

25 feet and under OAL: \$5.00 per hour from 10 a.m. to 4 p.m.

Over 25 feet OAL: \$10.00 per hour from 10 a.m. to 4 p.m.

\$1.00 per foot overall (\$30 minimum) from 4 p.m. to 10 a.m.

\$5.00 per day for commercial fishermen

E. SEASONAL TOWN-OWNED MOORINGS FOR LEASE:

Summer (April 1 to November 30)

Length of Boat	Residents	Non-Residents
Under 30 ft	\$825.00	\$1,320.00
30 ft & Over	\$1,100.00	\$1,540.00

Shoulder (April 1 to June 30 or Labor Day to November 30) includes Town docks

Residents: \$200.00; Non-residents: \$330.00

Winter (December 1 to March 30)

Residents: \$475; Non-residents: \$600.00

F. TOWN MOORING FEE PER NIGHT:

\$50.00 per night

Mooring one-time assignment fee. of \$50.00.

Mooring Waiting List annual renewal fee: \$10.00

Dinghy Permit (non-mooring holder): \$25.00

G. FUEL AND SALE OF FUEL AT LAKE STREET LANDING

Annual fee: Thirty-Five dollars (\$35).

Appendix II PENALTIES

Each day on which any violation or offense shall exist shall be deemed to be a separate violation or offense. Nothing contained herein shall be construed to be a limitation of any method of enforcement, including criminal, civil, or non-criminal disposition.

1. **Criminal Complaint:** Whoever violates any provision of these Regulations may be penalized by indictment or on a complaint brought in the District Court. Except as may be otherwise provided by law and as the Court may see fit to impose, the maximum penalties for each violation or offense shall not be more than Fifty Dollars (\$50.00).
2. **Non-criminal Disposition:** Whoever violates any provision of these Regulations may be penalized by the non-criminal disposition method as provided for in G. L. c. 40, section 21D, as the same is or may hereafter be amended or supplemented. Nothing contained herein shall require the use of the non-criminal disposition method. The non-criminal disposition penalty for each violation shall be Twenty-five Dollars (\$25.00) unless otherwise allowed by law.

A. DOCKING

Violations of overnight docking will be fined Fifty dollars (\$50) for the first offense, One Hundred dollars (\$100) for the second offense, and Two Hundred dollars (\$200) for the third offense. A fourth violation will result in the loss of mooring privileges.

Violations of docking time limits will be subject to a Twenty-five dollar (\$25 fine). Repeated violations may result in the loss of mooring privileges.

DINGHY AND SMALL CRAFT VIOLATION

These dinghy and small craft regulations will be enforced per existing Waterways Regulations as follows:

1st Notice: Written Warning

2nd Notice: \$25.00 fine

3rd Notice: Loss of storage privileges on Town Property

Storage fees for dinghies removed from the Town beach: \$50.00

Harbormaster retrieval of a town dinghy from a mooring: \$25

B. GEAR STORAGE

The owner must pay removal and storage fees plus a Fifty dollar (\$50) fine.

C. COMMERCIAL ACTIVITY ON TOWN PIERS VIOLATIONS

Not more than One Hundred Dollars (\$100)

Appendix III Waivers

Town of Tisbury Waterways Regulations Waiver Request

Requester's Name: _____

Submission Date: _____

Referenced Regulation:

Description of Request

Harbormaster Recommendation

Approve Deny

Select Board Decision

Approve Deny

Expiry Date _____

Appendix IV Low impact mooring example

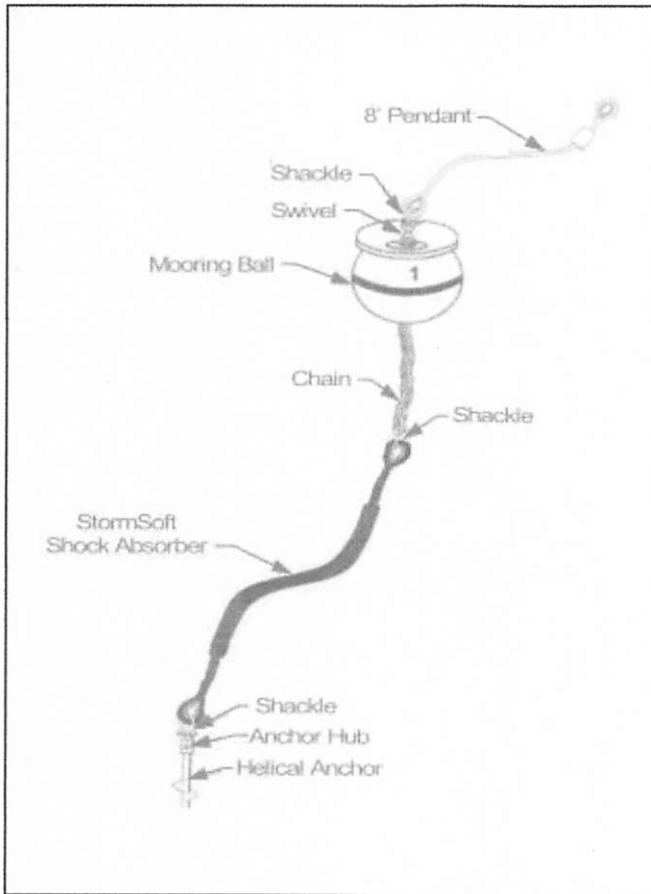


Figure 1.

Appendix IV Vineyard Haven Harbor

Figure 1. Vineyard Haven Inner Harbor

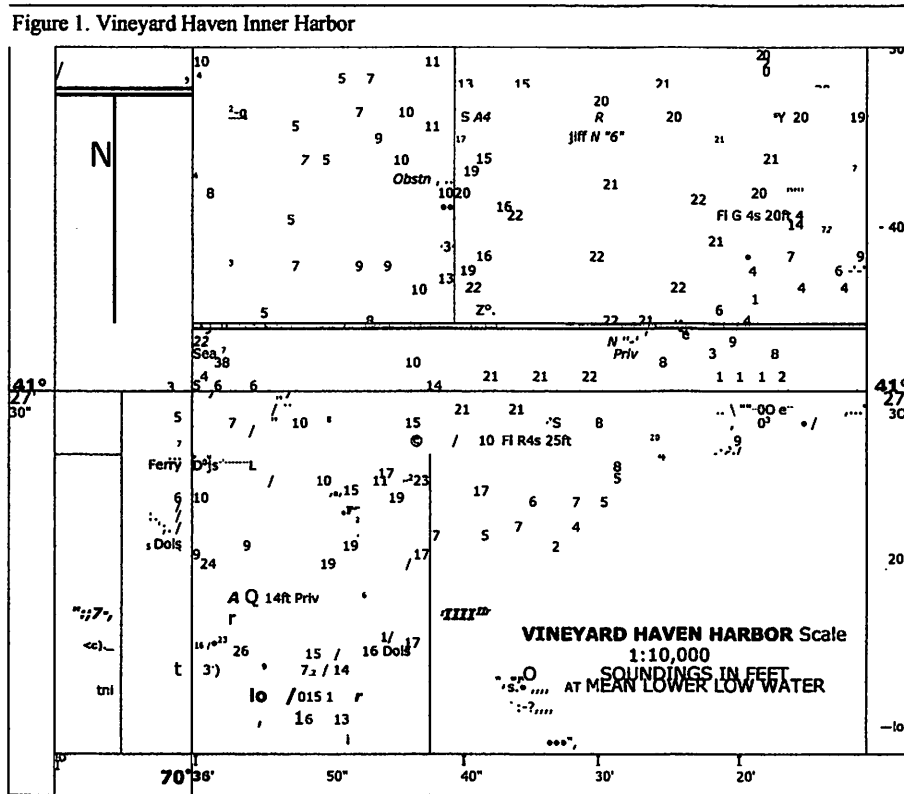
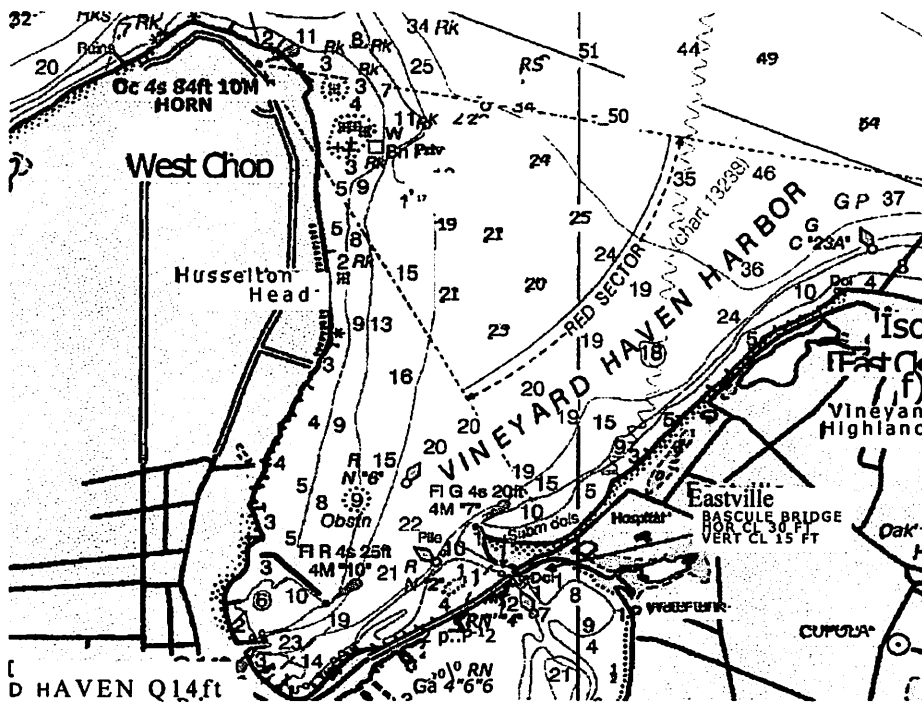


Figure 2 Vineyard Haven Outer Harbor



Appendix VI Lagoon Pond; Lake Tashmoo

Figure 1. Lagoon Pond

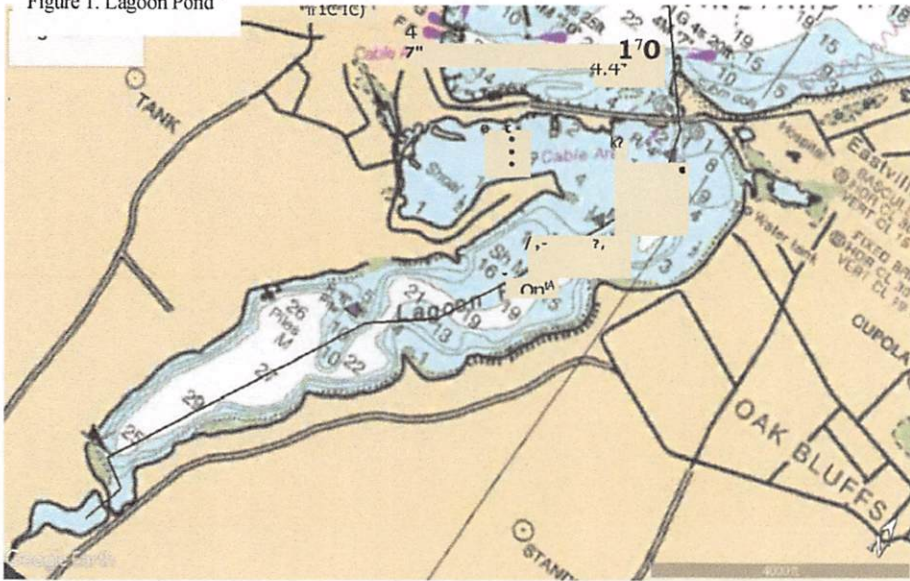


Figure 2. Lake Tashmoo

