

**TOWN OF SOMERSET
HARBORMASTER
REGULATIONS FOR
MOORING, MOORING PERMITS and ANCHORING**

Authority and enforcement

- (a) These regulations are adopted by the Harbormaster pursuant to Massachusetts General Laws, Chapters 90B, 91, and 102, and Commonwealth of Massachusetts Regulations Chapter 310, Section 9.07
- (b) The Harbormaster and/or Assistant Harbormasters have the authority to enforce all regulations set forth herein.

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) “berth” means any space wherein a vessel is confined by wet slip, float, mooring, or other type of docking facility.
- (2) “boatyard” means a facility whose function is the construction, repair, or maintenance for vessels, which may include provisions for vessel storage and docking while awaiting service
- (3) “channel” means a navigable route for the passage of vessels, established by customary use or under the authority of federal, state or municipal law.
- (4) “environmentally sensitive resource area” means those areas specifically defined by the Department of Coastal Resources in conjunction the Shellfish Department. The locations of all such areas shall be designated using accepted scientific criteria, described in writing, defined using GPS or other acceptable method and receive final approval from and be filed with the Office of the Harbormaster.
- (5) “Harbormaster” means the duly appointed Harbormaster or Assistant Harbormaster.
- (6) “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 centerline, exclusive of bow sprits, bumpkins, rudders, outboard motor brackets, and similar fittings or attachments.

- (7) “marina” means a berthing area with docking facilities under common ownership or control and with berths for ten or more vessels, including commercial marinas, boat basins, and yacht clubs. A marina may be an independent facility or may be associated with a boatyard.
- (8) “Mooring tackle” means the anchor(s), hawsers(s), bridles(s), and so forth, used to secure a vessel.
- (9) “person” means an individual, partnership, trust, firm, corporation, association, commission, district, department, board, municipality, public or quasi-public agency or authority.
- (10) “private recreational boating facility” means a facility for berthing of recreational vessels at which all berths and accessory uses thereto are not available for patronage by the general public, or where exclusive use of any such berth is available on a long-term basis. Such berths shall not include a berth reserved for the operator of said facility.
- (11) “qualified person” means an individual who has received written approval to inspect moorings from the Harbormaster. The Office of the Harbormaster shall maintain a list of qualified mooring inspectors.
- (12) “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.
- (13) “other object” means any floating object, including but not limited to floats, rafts, or storage cars for marine products, secured by anchors or bottom moorings.
- (14) “immediate family” means parents, siblings, children, spouses, and legally adopted step-children.

Applicability

These regulations apply to all-

- (a) Mooring tackle in the waters of the Town of Somerset
- (b) Vessels or other objects anchored or moored on the waters of the Town of Somerset

MOORING PERMITS

- (a) Other objects, including, but not limited to, floats or rafts attached to ground tackle shall obtain an independent permit for the mooring(s).
- (b) Boats secured to a permitted moored float shall have a “boat only” mooring permit.

Obtaining a new mooring permit

A person desiring assignment of a **new mooring location** and issuance of a **new mooring permit** shall:

- (a) Complete a “Town of Somerset Mooring Application” provided by the Office of the Harbormaster.
- (b) The Harbormaster must approve and sign the “Application.”
- (c) In order to receive a mooring permit the applicant must present the “Application.”
- (d) Failure to complete the steps above shall result in rejection and return of the application, or invalidate a permit.

Renewal of an existing permit

- (a) The mooring permit holder who wishes to renew the permit shall -
 - (1) Ensure that the information on the form is accurate and that all requested information is complete;
 - (2) Provide copies of boat registration or documentation as requested; and
 - (3) Return the form to the Office of the Harbormaster
- (b) A permit holder who does not wish to renew the permit should so indicate on the renewal form and return the form to the Office of the Harbormaster.

(c) Denial of Permit where Local Taxes ,Fes, or other charges are outstanding

Please note: Pursuant to Massachusetts General Laws Chapter 40, section 57 and the Town’s “By-law Authorizing Denial or Revocation of local License or Permit for Nonpayment of Local Taxes, Fees, or Other Charges in the Town of Somerset” (adopted at the May 20, 2002, Annual Town Meeting), a permit under these regulations may be denied, revoked, or suspended if the applicant or permit holder has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve month period and that party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.

**MOORING TACKLE SPECIFICATIONS,
IDENTIFICATION and INSPECTION OF MOORINGS**

Mooring tackle specifications

- (a) Substitutions of similarly sized mooring anchors are not permitted without the approval of the Harbormaster.
- (b) The tackle specifications outlined below are **minimum standards** and are **not** designed to meet severe conditions. If **severe weather** is predicted, the prudent mariner should take **additional measures**, including the removal of the vessel from the water.

Vessel length	Mushroom	Pyramid (Dormor)	Concrete Block	Chain size	Hardware size	Line size
Up to 13'	75 lbs.	70 lbs.	200 lbs.	3/8"	3/8"	7/16"
14'-16'	100 lbs.	135 lbs.	300 lbs.	3/8"	3/8"	7/16"
17'-20'	150 lbs.	200 lbs.	500 lbs.	1/2"	1/2"	1/2"
21'-24'	250 lbs.	400 lbs.	1,000 lbs.	1/2"	1/2"	5/8"
25'-27'	350 lbs.	500 lbs.	2,000 lbs.	5/8"	5/8"	3/4"
28'-30'	400 lbs.	700 lbs.	3,000 lbs.	3/4"	3/4"	7/8"
31'-40'	None	1,000 lbs.	4,000 lbs.	1"	1"	1"
41'-50'	None	2,000 lbs.	6,000 lbs.	1 1/8"	1 1/8"	1 1/8"
Over 50'	As Specified by the Harbormaster					
Floats And Docks	As Specified by the Harbormaster					

- (c) Construction of mooring blocks shall be approved by the Harbormaster. Concrete blocks 1,000 lbs and over shall be steel-reinforced. Hairpins shall be 25% heavier than required chain.

- (d) Size equivalents for concrete blocks:

150 lb = 18"x18"x6"
 300 lb = 18"x18"x12"
 500 lb = 22"x22"x12"

1000 lb = 28"x28"x18"
 2000 lb = 36"x36"x18"
 4000 lb = 48"x48"x21"
 6000 lb = 48"x48"x31"

- (e) **Length of chain** shall be at least three (3) feet longer than the depth of water at mean high water where the mooring is located.
- (f) **Total length of chain and pennant** – shall be equal to **at least 3-times** the depth of water at **Mean High Water (MHW)** where the mooring is located, but shall not be more than 4-times the depth of water at MHW without permission of the Harbormaster.
- (g) **Mooring pennants (hawsers)** shall be three strand-nylon or equivalent, shall not float, shall be fitted with thimbles of appropriate size where they are attached to chain or metal fittings, shall be shackled directly to the chain, and shall be equipped with adequate chaffing gear where they pass through chocks or hawser holes.
- (h) **Length of Mooring pennants (hawsers)** shall be **2 ½ times** the distance from the waterline to top of the stem, plus the distance to the deck cleat.
- (i) **Shackles** shall be at same size as the chain or larger.
- (j) **Swivels**, if used, shall be one size larger than the chain to which they are connected.
- (k) **Shackles** and **swivels** shall be **safety wired or welded** to prevent loosening.
- (l) **Screw anchors** shall be installed by a **licensed installer** certified by the anchor manufacturer and approved by the Harbormaster.
- (m) Location of all **permanent** mooring anchors, including blocks, shall be assigned by the Harbormaster, and **exact latitude/longitude positions**, using GPS or other approved system, must be obtained and recorded during the installation, and provided to the Harbormaster.
- (n) **No new concrete blocks** are permitted in **protected areas**. Existing blocks will be replaced with alternative systems through attrition.
- (o) **All concrete mooring blocks** located within **environmentally sensitive resource areas** shall be **removed and replaced** by an approved alternative anchor within 5-years from the date the area is designated and approved by the Harbormaster.
- (p) **All mushroom anchors** shall be equipped with an appropriately sized **shank weight** to assist in the proper ‘setting’ of the mooring.
- (q) **Mooring buoys** shall be a **white mooring ball with a blue horizontal stripe**.
- (r) **Winter spars** shall –

- (1) Be white in color with a blue band.
- (2) Be upright at an angle of not less than forty-five (45) degrees at any period of tide and have a minimum of 18 inches exposed.
- (3) Not be constructed of **wood**.
- (4) Not be used between **June 15th and October 1st**.
- (5) Be identified with the owners name and assigned mooring permit number.

Identification of moorings

- (a) The Town of Somerset will assign a mooring permit number that shall be permanently and legibly displayed on the **mooring buoy or winter spar** in block characters (letters and Arabic numerals) of at least one (1) inch in height and must contrast in color with the background. [Beginning January 2009 mooring permit numbers are permanently assigned. The number will not change from year to year.]

Mooring Inspection

- (a) All moorings shall be inspected and approved by a qualified person before being placed in service in the waters of the Town of Somerset.

Mooring Inspection Guidelines:

1. Any chain showing more than 33% wear from the size specified in the mooring regulations must be replaced. If a mooring chain meets the 33% guideline but shows excessive or uneven wear in the opinion of the inspector, he may require another inspection within one year.
2. Any chain which has deformed (stretched or bent) links must be replaced.
3. Only double-ring or double shackle type swivels are permitted and must be replaced when ring or shackle pin is 33% worn. Swivels are only to be used between chain and pennant.
4. Shackles must be replaced when worn 33%. All shackles must be seized with electrical (plastic) wire ties or stainless steel wire.
5. Mushroom anchor eyes and shafts – wear must not exceed 33% of their diameter when new.
6. Mooring pennants with obvious chafing, stretching, or unlaying must be replaced. Approved pennant materials are nylon (strand or double braid), and pro-d (nylon and Dacron).
7. Chain and tackle shall be supported by a floating mooring ball (hard plastic ball or inflated ball).
8. Mooring balls must be white with blue band and have the permit number legibly painted on same.
9. The Harbormaster shall assign all mooring locations.
10. The use of U.S. made chain and hardware is recommended.

- (b) All moorings and mooring tackle shall be inspected at least once every three years by a qualified person.

Qualified Mooring Inspectors

1. Must be able to supply, service, and/or repair all types of moorings.
 2. Must be able to install or replace all moorings in their original field or on a site assigned by the Harbormaster.
 3. Inspectors must certify that mooring tackle and equipment complies with all Town of Somerset regulations including labeling mooring ball with permit # and permit holder's last name. The inspector shall provide to the Harbormaster a completed mooring inspection form for every inspection.
 4. The issuance of a permit to become a qualified mooring inspector requires proof of liability coverage insurance of at least \$250,000.
 5. The Town of Somerset Harbormaster retains authority to manage all mooring activities, including issuing permits and inspections.
 6. Inspectors shall adhere to all Town of Somerset mooring regulations and by-laws.
 7. No law enforcement authority of any kind is authorized by the appointment of a mooring inspector.
 8. Inspectors with the approval of the mooring permit holder may inspect the mooring by hoisting from the water or by using a certified diver.
- (c) The Harbormaster may, at any time, inspect any mooring, and may remove or cause to be removed any mooring that fails to meet the provisions of these regulations of Town Bylaws

Moving, relocating, removal of moorings

- (a) Moorings shall not be moved from an approved location without the prior approval of the Harbormaster.
- (b) If for any reason the approved location of a mooring is not adequate for the vessel, it shall be the responsibility of the permit holder/owner to move the mooring, within ten (10) days, to a new location approved by the Harbormaster.
- (c) In the event that a mooring is moved from its approved location by storm, ice or other cause, it shall be the responsibility of the permit holder/owner of the mooring to, at the earliest possible opportunity, but in no case later than fourteen (14) days from the date the dislocation of the mooring is or could be discovered, relocate the mooring to the location originally approved, or to another location approved by the Harbormaster.
- (d) The Harbormaster may relocate, remove or cause to be removed or relocated any mooring or vessel whenever, in their judgment, the safety of other vessels or the maximum use of the area requires such action.

- (e) Any expense of such inspection, removal or relocation and any liability incurred therefore, shall be the responsibility of the permit holder/owner of said mooring.

Rental of Moorings

- (a) No person shall rent or lease a mooring unless authorized by the Harbormaster.
- (b) A commercial (rental) mooring shall have a “commercial mooring permit” issued by the Office of the Harbormaster.
- (c) Violations of this regulation may result in the revocation of the mooring permit, removal of the mooring, and non-criminal citation and fines consistent with these regulations.

Two year rule

- (a) When a permit holder/owner of a mooring discontinues the use of a mooring for the vessel described in the mooring permit, the permit holder/owner may retain the mooring location for a period not to exceed two (2) years, and the mooring may be used by another vessel as prescribed below.
- (b) If after two (2) years the permit holder/owner **does not own a vessel requiring the mooring**, the Harbormaster may reassign the mooring location.

Mooring Float Regulations for Private Use

1. A Mooring Float permit is required to moor a float at a mooring location in order to accommodate a second boat. Said permit may be issued by the Harbormaster subject to the following conditions:
 - a. That the request for a float to accommodate a second boat is for said second boat to be owned and registered to a member of the immediate family.
 - b. That said float permit is only issued to a current mooring permit holder with an additional fee charged to the 2nd boat on the float.
 - c. In addition to the above, float permits may be issued to a Commercial entity or individuals on a “special needs” basis (i. e. medical, elderly, or handicapped per the A.D.A.) at the Harbormaster’s discretion.
 - d. The float permit number and last name shall be attached to each end of float in 3” block letters of contrasting color.

2. Permits for Floats will be issued with particular consideration given to clear channels with the size to be determined by the Harbormaster depending on the sizes of the vessel(s) with a maximum of 6 x 24 feet.
3. Mooring tackle specifications will be as specified by the Harbormaster.
4. Floats should have an attached boarding ladder and may have a storage box, with a maximum size of 2 x 4 feet fastened to the structure. No other items may be attached to the float. The storage box may not contain flammable liquids or other pyrotechnic materials.
5. Floats are for seasonal use only and must be removed by Nov. 1st each year unless permission is extended by the Harbormaster. New season launch date for floats shall be April 1st or later. The winter storage location must be reviewed and approved by the Harbormaster. In no case shall they be stored below the high tide line.
6. Whenever the 2nd side mooring requirement is no longer required by an immediate family member, with authorization of both float owner and the Harbormaster, 2nd side availability may be assigned to another permit holder or person on the waiting list, on a temporary basis, with approval of the Harbormaster. If the float is not reused by a family member within 2 years, the float permit may be revoked.
7. A mooring permit for a float shall not be transferred, except to a member of the immediate family, without the written approval of the Harbormaster.
8. Construction of the float shall be approved by the Harbormaster or his representative with particular emphasis on cleats which should be through bolted with backing plates.
9. Floats must be of a natural color. Environmentally sensitive bottom paint is permissible.
10. Float permits are issued annually and expire on December 31st of the year they were issued. They may be revoked if any of the above regulations are violated.

Moorings used by persons other than the permit holder.

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** subject to the following provisions:

- (1) When a mooring is used by a vessel owned and operated by a person who is not the permit holder/owner of the mooring, it shall be the responsibility of the owner/operator of said vessel to maintain the mooring and leave it in the same condition as when first used by him.
- (2) If during the period of use by another vessel the mooring is lost, dislocated or damaged, the owner/operator of the vessel using the mooring shall be liable to the permit holder/owner of the mooring for a sum of money sufficient to recover, restore, renew or relocate the mooring to the approved location, and to restore it to the condition it was in when first used by him.
- (3) The **person** using said mooring must submit all pertinent information on the boat involved to the Office of the Harbormaster.

Lost moorings

- (a) In the event that a mooring is lost, it shall be the responsibility of the permit holder/owner to, at the earliest possible opportunity, locate, mark and properly identify said lost mooring.
- (b) If after six (6) months the permit holder/owner fails to locate, mark and properly identify a lost mooring, he shall relinquish the approved location, and the mooring may be removed by the Harbormaster.

Penalties

The owner of any vessel, mooring or other object not properly moored or not properly permitted, and anyone found in violation of these rules and regulations, shall be liable to a **non-criminal citation not to exceed \$50.00 per offense, removal of the mooring, vessel, or all three. Each day or portion of a day of continued violation shall constitute a separate offense for purposes of these regulations.**

Conformance with existing regulations

Nothing in the above regulations shall be construed as altering in any way the content and meaning the provisions of the applicable state and federal statutes and regulations.

**BY AUTHORITY OF THE HARBORMASTER
TOWN OF SOMERSET**

Robert Ganem
Harbormaster

Date: 3/16/09