

The Chilmark Waterways Rules & Regulations

Approved by **Select Board** and Harbormaster on December **XX**, 2023

I. Purpose

The purpose of these regulations is to establish standard policies and practices within Chilmark waters to provide for the safety of moored and berthed vessels, safety on all Chilmark waters and to preserve the historic uses of the ponds and harbor. Menemsha Harbor is principally a commercial fishing port and a family oriented harbor with limited Transient Boat facilities.

These regulations shall be enforced by the Harbormaster appointed by the **Select Board**, the Assistant Harbormasters, and members of the Chilmark Police Department as appropriate. It shall be the responsibility of all those operating in Chilmark waters, and those seeking mooring or docking space in Chilmark to comply with these regulations, which will be strictly enforced for the benefit of all residents and visitors to Chilmark.

Copies of these regulations are available from the Harbormaster, the Town Clerk and are posted on the Town website: www.chilmarkma.gov.

II. Definitions:

- A. "Mooring", as specified in these regulations, means anything attached to the bottom (excluding docks, piers and partial day or emergency anchoring) used to secure a boat. "Mooring Areas" shall mean those portions of Chilmark waters designated as such by the **Select Board** and the Harbormaster.
- B. "Mooring Permit Holder" shall mean the holder of a Mooring Permit and space assigned to him/her by the Harbormaster.
- C. "Private Mooring" shall mean any Mooring placed in Chilmark waters for owner's sole private use.
- D. "Mooring Permit" means a notice from the Harbormaster that the applicant has received permission to place a Mooring in a specified area.
- E. "Mooring Year" is the period for which a Mooring is assigned. The period runs from April 1st to November 1st. When referring to slips, the period runs from January 1st to December 31st.
- F. "**Mooring Contract**" means **an electronic form** approved by the Harbormaster that must be returned to the Harbormaster prior to 5 PM January 15* each year with the **annual payment fee** to obtain a Mooring Permit. The Harbormaster will furnish such an application to each Mooring Permit Holder from the prior year. Should Town Hall be closed on January 15, the deadline will be the next business day at 5 PM.
- G. "Mooring Waiting List" is a chronological listing of qualified applicants (who must be over 12) based on the date they first applied to the Harbormaster by **completing and filing a written Waitlist Request Form to be on the Mooring Waiting List. Request forms are available on the Harbormaster's section of the Chilmark Town Website. Such written request will be dated and added to the waiting list in the order which they are received. Once being added to a waiting list, applicants must renew in writing each year prior to 5 PM January 15* to remain on the list. A Waitlist Renewal Form will be provided to each person on the waiting list on November 15* of each year.** Should Town Hall be closed on January 15, the deadline will be the next business day at 5 PM. If no annual written request is timely filed, the applicant's name shall be removed from the Mooring Waiting List and those below that applicant will move up accordingly. Applicants removed from the list for failure to submit the annual request must file a new request to be on the list and will be placed at the bottom of the list as of the date of the request. The Mooring Waiting List shall be maintained by the Harbormaster and kept available for public inspection as well as posted on the Town website.
- H. "Docked Boat" means any boat that is tied to a dock, pier, slip, clothesline system, placed on the beach below the high water mark, or made fast in any way to shore.
- I. "Marina" means any facility that provides dockage at a slip or berth for more than three

boats that are not registered to the facility owner. This does not include boats above the high water mark.

- J. "Filled Dock" means the dock and parking area on the west side of Menemsha Basin and accessed by the Causeway.
- K. "Causeway" means the raised road structure leading to the Filled Dock.
- L. "Year Round Resident" means a resident of the Town who resides at least 9 months a year in Chilmark.
- M. "Slip Contract" means an electronic form approved by the Harbormaster that must be returned to the Harbormaster prior to 5 PM January 15* each year with the annual payment fee to obtain a slip in Menemsha Basin. The Harbormaster will furnish such a form to each Slip Lessee from the prior year. Should Town Hall be closed on January 15, the deadline will be the next business day at 5 PM.
- N. "Slip Waiting List" means a chronological listing of qualified applicants for a harbor slip based upon the date which they applied in writing to the Harbormaster for a slip assignment on a specified dock. Beginning in 2020, an applicant for the Slip Waiting List must be over the age of 12 when he/she first applies. Each application must be renewed in writing each year prior to 5 PM on January 15* to remain on the list. Should Town Hall be closed on January 15 the deadline will be the next business day at 5 PM. There shall be separate waiting lists for the East Side of the Filled Dock, the commercial dock on the east side of the Causeway, the floating dock on the east side of the Causeway, the channel dock on the west side of the Causeway, the charter dock area on the east side of the harbor and the Southeast Corner Small boat dockage area. Section VI describes the various dock requirements. A person may only be on one slip waiting list at a time and anyone moving from one slip waiting list to another will start as a new applicant for that list. The Harbormaster shall assign slips from these lists according to availability and as appropriate for each boat. These lists shall be kept available for public inspection at the Harbormaster's office and shall be on the Town website.
- O. "Transient Boat" means a boat not owned or chartered by someone who is a beneficial owner of property in the Town or is a resident of the Town for all or part of the year.
- P. "Fee and Fine Schedule" means a list of fees and fines which apply to these regulations as adopted and amended from time to time by the **Select Board**, a copy of which is available at the Town Hall and posted on the Town Website.
- Q. "Commercial Mooring" means any Mooring placed in Chilmark waters for which a rental fee is charged and is paid to the two existing Chilmark marine service businesses (the "CMSB"), which have been historically issued multiple annual permits for at least twenty five (25) years and are permitted to continue their operations in accordance with this provision or until the Department of Environmental Protection, or other governing authority, rules otherwise, or until these regulations are amended or revoked. To remain in operation, the CMSB must be registered as required by the appropriate state or federal authorities and may not transfer their right to charge rental fees for commercial moorings to any other person or entity, with the exception that the CMSB may be maintained by the surviving spouse of the present operators. In the event that a commercial mooring becomes available from either of the CMSB, the available commercial mooring shall be offered to the next eligible person on the Mooring Waiting List. The right of the two CMSB to continue the practice of issuing commercial moorings may be revoked by the Harbormaster, in his discretion and after hearing with at least seven days' notice, for failure to follow any of these rules and regulations, or for any other reason within the scope of the Harbormaster's powers. The **Select Board** shall participate in said hearing and, prior to the Harbormaster's decision; make a recommendation on whether to revoke.
- R. "Dinghy" means a small boat of less than 8 feet used solely as a means of transportation to and from a moored vessel.

III. GENERAL WATERWAYS RULES AND REGULATIONS

- A. The Waterways of the Town are Stonewall Pond, Nashaquitsa Pond, Menemsha Pond, Chilmark Pond, Squibnocket Pond, Tisbury Great Pond, Menemsha Creek or Channel, Menemsha Basin, and Menemsha Bight.

- B. No boat shall operate at a speed greater than headway speed, or six miles per hour, or which could cause a wash or wake within 150 feet of mooring areas, harbors or bathing areas whether public or private. Vessel operators must adhere to speed restrictions and no wake areas posted by the Harbormaster.
- C. Water skiing is not allowed in Nashaquitsa Pond, Stonewall Pond, Chilmark Pond, the Chilmark portions of Squibnocket Pond, Tisbury Great Pond, Menemsha Basin, and Menemsha Creek or channel; or within 150 feet of bathing areas, moored vessels and shellfish propagation floats.
- D. Personal Watercraft or Jet Ski operation is prohibited except in channels to access the Vineyard Sound.
- E. Wind surfing is not allowed in Menemsha Basin, Menemsha Creek, the channel or within 150 feet of the bathing beach.
- F. Pollution- The discharge of sewage, garbage, rubbish, or other debris or pollutants is prohibited in Chilmark waters. Transient Boats shall be required to pump-out holding tanks once every seven days or more often as needed. The Harbormaster should be contacted for use of the pump- out facilities. The Harbormaster may inspect any vessel in Chilmark waters at any time to determine compliance with this and all other pollution regulation.
- G. Swimming and Diving- No person shall swim, snorkel (skin dive), or Scuba dive in Menemsha Harbor or the Menemsha Channel with the exception of commercial diving operations being conducted with the advanced permission from the Harbormaster or his/her designee from. The Menemsha Channel shall be defined as the area from bell Buoy #1 to Buoy #4. All commercial diving activities shall be conducted in accordance with “29 CFR 1910.424 - SCUBA Diving” and any applicable State laws. A fine as specified on the Fee and Fine Schedule shall punish whoever is found in violation of this ordinance.
- H. Fishing- All vessels shall use care and courtesy when transiting Menemsha Channel or operating near boats in which people are fishing. No vessel engaged in fishing or any person fishing from the shore shall obstruct Menemsha Channel or impede its use. Vessels transiting the channel have the right-of-way over any person fishing from the shore.
- I. Navigational Aids- No vessel shall tie to any navigation aids.
- J. No person shall operate any vessel on the waterways of the Town of Chilmark or manipulate any water skis, sailboats, surfboards, personal watercraft, jet skis, or similar device thereon in a manner so that the lives or safety of the public might be endangered.
- K. The operator of any vessel involved in a boating accident shall report any incident to the Harbormaster, and where damage exceeds \$500.00 or results in death, missing persons or requires medical treatment beyond first-aid to the MA Environmental Police by filing an approved accident report form which can be provided by the Harbormaster.
- L. The provisions of M.G.L. Chapter 90B, sections 1 through 19, inclusive, as amended, are hereby adopted as additional waterway regulations for the Town of Chilmark.
- M. The provisions of 323CMR4.00 THE OPERATION OF PERSONAL WATERCRAFT, as amended, are hereby adopted as additional waterway regulations for the Town of Chilmark.
- N. No anchorage is allowed in the harbor or navigational channels.
- O. No overnight anchorage is allowed in Menemsha or Nashaquitsa Ponds.
- P. The float dock at Harriph’s Creek is principally for loading and unloading from moored boats. No dinghy shall be tied to the designated loading/unloading zone marked on the face of the dock. Any dinghy propelled by machinery (gas or electric) must have a valid state registration displayed on the hull to be kept at the dock. Violators may be fined in accordance with the Fee and Fine Schedule. All users must also follow any and all rules posted on the dock.
- Q. All mooring permit holders, slip lessees and those on either mooring or slip waiting lists are responsible for providing and maintaining their current contact information (winter and summer) with the Harbormaster's office.

- R. **The Select Board**, with the advice of the Harbormaster, has the right to review and respond to hardship cases on written application and at a posted meeting. A "hardship case" is a failure to comply with these regulations, including the applicable deadlines, for a reason that is not self-imposed. (Example: illness, tragedy or accident).

IV. GENERAL MOORING REGULATIONS

- A. No Mooring shall be placed in Chilmark waters unless permitted by the Harbormaster and in compliance with these regulations. Before placing a permitted Mooring in the water each year, all tackle must be in compliance with subpart P of this section and section V of these regulations. All moorings must be inspected annually by the Harbormaster.
- B. An identification sticker in duplicate shall be issued by the Harbormaster to each Mooring Permit Holder after receipt of the annual registration fee and a completed and approved Mooring Application. One sticker must be attached to the outside hull of the boat, aft on the port side and the other to the Mooring ball or to a plastic bottle secured to the Mooring ball. Failure to display the sticker will result in a fine as listed in the Fee and Fine Schedule, and may subject the owner to revocation of his/her Mooring Permit if not corrected. It is the sole responsibility of the Permit Holder to affix the stickers to any permitted Mooring. A dinghy permit decal will be issued to each mooring permit holder with the same identification number as their mooring. This sticker shall be placed inside the hull of the dinghy on the transom (aft) so it can be easily seen from the dock. Failure to display the decal will result in a fine and removal of the dinghy from the dock.
- C. A Mooring Permit for the placement of a Mooring at a location established and approved by the Harbormaster must be obtained before any ground tackle is installed. Moorings established or placed without such authorization will be subject to immediate removal by the Harbormaster at the owner's expense.
- D. All **Mooring Permits** shall be permitted by the Harbormaster annually. **Any Mooring Contract not signed, payed for and received** by 5 PM, January 15* is deemed denied, except as provided in Section III(R) (hardship cases). No more than one Mooring Permit will hereafter be issued to any household. Mooring permit holders with more than one permit as of 2005, which permits are used exclusively for personal, non-commercial purposes, may retain their permits. Any Mooring permit holder who is on a slip waiting list for Menemsha Basin who ascends to the top of the list will forfeit their mooring permit to the next person on the list in order to receive a slip. Any person who has a slip and a mooring as of 2020 which are both being used in accordance with these regulations may retain both spaces.
- E. All information requested on the Mooring Application shall be provided or the application will be rejected.
- F. The Mooring fee for Chilmark residents and non-residents is as specified on the Fee and Fine Schedule.
- G. **No private mooring permit may be rented, sold or transferred except to a surviving spouse. If a mooring permit holder is deceased, a one year grace period will be given to the family to decide whether or not to transfer the permit to a surviving spouse. If the family decides that they would like to transfer the permit to a spouse, ownership of the boat must be transferred within the one year grace period, during which time the family may continue use of the mooring.**
- H. Moorings must be used to be retained. Any Mooring Permit Holder who does not occupy his/her Mooring with the boat assigned to such mooring for more than 30 days in one mooring year, without receiving permission from the Harbormaster for a one year grace period, will forfeit their mooring permit to the next person on the waiting list.
- I. **Existing Commercial Mooring and Marina Permit Holders shall, on June 1st of each year, provide the Harbormaster with an alphabetical list of current renters of Moorings. This list shall include the boat name, type, year, length, registration, or documentation numbers, town where**

excise tax is paid, name, address and phone numbers of renter. The Harbormaster shall forward a copy of this list to the Chilmark Board of Assessors the next business day. In the event that more than one renter will occupy the same commercial mooring during one mooring year, information for both renters must be provided on the list of renters of moorings.

- J. No vessel shall occupy a Mooring for which it is not permitted without the advance permission of the Harbormaster. The Harbormaster has the authority to remove any vessel violating the provisions of these regulations. Such removal shall be at the owner's risk and expense. At no time should any vessel be tied to a Mooring inconsistent with the Mooring tackle regulations and the rules of good seamanship.
- K. No Mooring, after being set, shall be moved or in any way changed without the prior approval of the Harbormaster.
- L. No Mooring shall be set within the navigational channels, nor shall any part of the vessel moored obstruct said channels. Any vessel not in compliance shall be subject to a fine in accordance with the Fee and Fine Schedule, and removal by the Harbormaster at the owner's risk and expense.
- M. Mooring Permit Holders shall not increase the size of a boat on their Mooring without advance approval from the Harbormaster.
- N. No Mooring Permit Holder shall permit the temporary use of his/her Mooring by another without advance notice to the Harbormaster.
- O. Each Mooring shall be removed on or before November 1st of each year. After November 1st, the Harbormaster shall fine the Mooring Permit Holder, in accordance with the Fee and Fine Schedule, and may remove the Mooring at the Mooring Permit Holder's risk and expense.
Repeated failure to remove a Mooring may subject the Mooring Permit Holder to loss of the Mooring Permit.
- P. Moorings shall be maintained in a safe condition. Chain, shackle or other tackle that has worn by one-third its original diameter shall be replaced. The Harbormaster or his designee may inspect Moorings at any time to determine compliance. Failure to maintain a safe mooring hereunder shall be cause for revocation of the Mooring Permit by the Harbormaster.
- Q. In an emergency, or a situation requiring immediate attention, the Harbormaster or his designee, may take temporary action deemed necessary regarding the Mooring of any vessel. No rafting of boats on a private Mooring is allowed.
- R. No overnight live-aboards are allowed on any Mooring other than transient Town owned Moorings inside or outside the harbor.
- S. No Mooring Permits will be issued in any name other than an individual.
- T. All mooring permit holders are required to provide a valid registration or USCG Federal Document. If the mooring permit holder is not named on the registration or official document, proof of ownership shall be provided to the Harbormaster

V. MOORING TACKLE REGULATIONS

- A. General. Subject to the discretion of the Harbormaster, the recommended minimum requirements for mooring tackle are as follows:
 - Length of boat, Mushroom, Cement Block
 - 0-16 ft. 75# 24"x24"x08"***
 - 17-25 ft. 125# 30"x30"x08"***
 - 26-32 ft. 250# 30"x 30"x12"***
 - 33-50 ft. 500# 48"x48"x5"***
 - 50 feet & over ** Subject to ruling by the Harbormaster.
- B. Chain Size
 - Length of boat Recommended Minimum

Diameter 0-16 ft. 3/8"
17-25 ft. 1/2"
26-32 ft. 5/8"
33-50 ft. 3/4"
50 ft. & over 7/8" + Subject to ruling by the Harbormaster.

C. Pennant Diameter

Boat Length Nylon or
equivalent 0-16 ft. 1/2"
17-25 ft. 5/8"
26-32 ft. 3/4"
33-50 ft. 7/8"
50 ft. & over Subject to ruling by the Harbormaster.

D. Scope and Pennants

The length of the chain from the flotation buoy to the ground shall be equal to maximum height of high water plus two (2) feet. The pennant shall be 2/3rds the length of the boat.

E. Buoys

The use of spars for mooring flotation is prohibited. Only composite flotation balls shall be used. In all types of buoys chain must be passed through the buoy connecting the Mooring pennant to the Mooring chain. Pennant buoys are not allowed in crowded areas. All flotation buoys shall be plainly and clearly visible above the surface of the water at all times.

VI. DESCRIPTION AND SPECIAL RULES FOR DOCKS IN MENEMSHA BASIN

A. Dutcher Dock

Description: 120 feet along bulkhead (North of the Gas Pumps).

Purpose: To provide dockage for two Transient Boats of 50' or less LOA, or a combined length of any number of boats less than 120' LOA. Boats may raft with each other if both owners agree. This dock is also used to provide space for commercial fishermen off-season to unload or to repair gear. Space so used by commercial fishermen may be used for no more than 24 hours at a time.

B. Transient Boat Dock

Description: 16 slips and one float at the North end of the harbor.

Purpose: To provide Transient Boat dockage for vessels 50' or less. Vessels larger than 50' LOA may occupy these slips with the permission of the Harbormaster if based on his experience and judgement, the vessel may safely dock in the slip assigned without causing damage to harbor infrastructure of vessels in the surrounding area.

C. Commercial Fishing Bulkhead

Description: Bulkhead South of the
Fuel Dock.

Purpose: To accommodate commercial fishing boats only.

1. No docking in loading zones ("yellow sections") between the two fish markets, except while actually engaged in unloading between the hours of 6am to 9pm, or Transient Boats filling water tanks between 9am and 3pm only, or as arranged by the Harbormaster.
2. Commercial fishing vessels may tie up to the commercial bulkhead south of the fuel dock without charge, provided they are owned by "Commercial Fisherman" as defined by the **Select Board**.
3. Commercial fishing equipment shall be kept off the dock except for no more than two bait barrels

and one gear storage box. Lobster pots and other fish traps may be placed on the dock for rigging, or during periods of setting and hauling, but shall not remain on the dock for more than 72 hours at a time, without the advanced permission of the Harbormaster. Any gear staged, or stored on the dock must be kept neat and orderly and every effort shall be made to maintain clear and safe passage of pedestrian foot traffic.

4. Commercial vessels tied to the dock for longer than 72 hours shall provide valid commercial fishing permits at the request of the Harbormaster and leave the dock regularly during periods of permissible fishing. If at any time, a commercial fishing vessel becomes inactive and remains at the dock, the Harbormaster shall determine whether there is a need for the space by other active commercial vessels. If there is a demand for the space and no other accommodation can be made along the dock, the inactive vessel(s) shall be asked to vacate within a reasonable amount of time as determined by the Select Board. If at such time, the inactive vessel(s) cannot leave the harbor under their own power, or arrangements cannot be made by the owner to have the vessel(s) removed, the Harbormaster may take appropriate action to have the vessels removed from the harbor by a commercial towing and salvage company.

D. East Side of Filled Dock

Description: 14 slips along East side of Filled Dock

Purpose: To accommodate vessels of Chilmark homeowners or Year Round Residents.

Boats occupying these slips must be the appropriate size and beam to fit within the slip.

E. Commercial Dock

Description: 7 slips on the dock along east side of the Causeway to Filled Dock.

Purpose: To accommodate commercial fishing vessels of Chilmark Year Round Residents. Commercial Slip Lessees shall provide valid commercial fishing permits at the Harbormaster's request.

F. Small Boat Floating Dock

Description: 17 slips to the East of the Causeway to the Filled Dock.

Purpose: To accommodate boats owned by Year Round Chilmark Residents, that are the appropriate size and beam for the slip.

G. Commercial Channel Dock

Description: 150 feet along the West side of the Filled Dock and the North end of the Filled Dock.

Purpose: To accommodate the loading/unloading and maintenance of commercial fishing vessels and gear, repair of gear and temporary tie-ups. Space may be used at the discretion of the Harbormaster for Boats up to 85 feet LOA if not needed for fishermen or fish buyers.

H. Channel Dock

Description: 190 feet on the west side of the Causeway with alongside tie-ups.

Purpose: To accommodate boats up to 30 feet LOA owned by Chilmark homeowners or Year Round Residents.

I. Charter Dock Area

Description: 4 Slips in the Southeast corner of Menemsha Basin.

Purpose: To provide dockage for boats owned and operated by licensed charter fishermen who are Year Round Chilmark Residents. These slip lessees shall provide the Harbormaster with a valid State Charter Fishing license, Federal Captains License annually as part of their contract agreements. At the end of each season, Captains shall provide the Harbormaster with a log of all for-hire trips conducted during the season with names and contact information of paying customers.

J. South East Small Boat Dockage

Description: Dockage for small boats behind the Charter Dock.

Purpose: To provide additional dockage for boat up to 18 feet LOA owned by Chilmark homeowners or Year Round Residents.

K. Floating Docks alongside Transient Boat Dock

Description: Floating docks accessed from the end of the Transient Boat Dock

Purpose: To provide dockage for transient boat dinghies and for boats less than 18 feet LOA that are owned by a year round resident and operated by a child of said resident who is less than 18 years old at the time the dock is being used. Proof of age shall be provided at the Harbormaster's request.

L. Filled Dock Parking Area

Description: To provide parking for permitted vehicles of vessels in use of any dock space accessed by the causeway, located on the West side of the harbor. This area shall be used for vehicle parking only. No tables, chairs or other personal belongings are permitted within the parking area, to include the timber wharf on the west side of the paved parking area.

VII. GENERAL REGULATIONS FOR MENEMSHA BASIN

- A. The Harbormaster assigns all slips as appropriate to the vessel. Annual slip lease contracts and payments must be returned to the Harbormaster by 5 PM on January 15* to renew a slip contract.
- B. Non-use of a slip for at least 30 days within one mooring year as defined in Section II part E. of these regulations, without the written permission of the Harbormaster for a one year grace period, will result in the non-renewal of the lease contract for the following mooring year. If permission for a one year grace period is granted, the Harbormaster reserves the right to rent out the space at the current transient rate and maximum length of stay as outlined in Section VII part N of these regulations.
- C. If a slip holder sells his/her boat, he/she must receive written permission from the Harbormaster for a one year grace period. If a new boat is not acquired and being used in his/her slip by the following boating season, the slip will be allocated to the next person on the waiting list.
- D. No slip may be rented, sold or transferred except to a surviving spouse, who is a qualified Chilmark resident or homeowner. If a Slip Lessee is deceased, a one year grace period will be given to the family to decide whether or not to transfer the slip to a surviving spouse. If the family decides that they would like to transfer the slip to a spouse, ownership of the boat must be transferred within the one year grace period, during which time the family may continue use of the slip. In the event that the surviving spouse of the deceased already has a slip within the harbor to include Commercial or Charter Dock slips, the slip of the deceased may not be transferred.
- E. No one shall live aboard any boat in Menemsha Basin with the exception of paying transient customers. Commercial Captains and their crews may spend the night aboard their boats for no more than 24 hours when they are temporarily affixed to the Commercial Bulkhead after offloading catch. Special circumstances may be considered for vessels in need of repair or beset by weather conditions.
- F. The slip holder must own or be the lessee of the boat in their slip. All slip lessees are required to provide a valid registration or USCG Federal Document. If the slip lessee is not named on the registration or official document, proof of ownership shall be provided to the Harbormaster.
- G. The Harbormaster must be notified if a boat will be out overnight or for an extended period so that the slip can be used for Transient Boat rental space.
- H. Only one recreational (non-commercial including for hire) slip may be leased to any household. Slip leases will only be issued in the name of a single individual. The slip may not be transferred except in accordance with section VII part D. of these regulations. Commercial and Charter Dock slips may not be transferred.
- I. Parking on the Filled Dock is limited to one car per Slip Lessee, which shall display a parking permit issued by the Harbormaster. Parking permits will also be issued to Shellfish Farmers who have obtained a Grant from the Town to operate a farm within Chilmark waters. Each parking permit number will be recorded in the Harbormaster's database for identification by parking enforcement officers. Parking permits may be transferred by the permit holder

between vehicles, but multiple parking permits will not be issued. Any vehicle parked on the Filled Dock MUST DISPLAY a valid parking permit FOR THE CURRENT YEAR, or a parking ticket will be issued, and the vehicle may be towed at the owners risk and expense. Transient Boats occupying unused residential slips may receive a temporary parking permit issued by the Harbormaster for the length of their stay, but must return the permit before their departure date. Temporary permits may also be issued on a case-by-case basis if multiple people are using a slip lessee's boat and require one extra vehicle to transport people or supplies, or if the Harbormaster or designee in his absence determine that there is a legitimate reason or need to access the West Dock parking area. These permits must be returned immediately after leaving. Names, contact information, and license plate numbers will be required for temporary permits and will be recorded in the Harbormaster's database at the time of issuance.

- J. Boats must be appropriate in length and beam for the slip assignment held. No boat will be assigned to a slip which cannot fit wholly within the slip or will encroaching into adjacent berths or cause a safety or navigational hazard.
- K. If a slip lessee wishes to increase the size of their boat, they must first receive permission from the Harbormaster. When a person increases boat size beyond capability of the slip assigned, an effort will be made to affect a switch in docking space, but there will be no guarantee this can be done and no changes will be made in slip size.
- L. When a person decreases boat size below what is reasonable for the slip, an effort will be made by the Harbormaster to make the best use of the available space.
- M. From Memorial Day to Labor Day, no vessel may occupy transient space unless the owner/operator is living aboard or on board weekends so the boat can be moved and holding tank pumped. If the owner cannot make it back to the vessel on weekends during the length of their stay, the Harbormaster must be notified to be made aware of the vacant vessel.
- N. Transient Dockage and Moorage is limited in time to promote turnover and fair access to transient cruising boats. No one transient boat will be allowed to stay in a transient berth for extended periods. In order to encourage use by as many transient boats as possible, during the months of July and August, no transient boat may maintain any berth for more than fourteen (14) consecutive days on any Town Dock or Mooring. When a transient boat departs after spending at least fourteen (14) consecutive days, having stayed in an area listed above, that transient boat may not return until seven (7) days have passed. No transient may rent a transient berth for more than 30 days during the months of July and August.
- O. Overnight parking in the Menemsha Beach parking area for vehicles being used by Transient Customers requires permission from the Harbormaster and Chief of Police between Memorial Day and Labor Day. Permission may be given for overnight parking between the hours of 9pm and 9am, but these vehicles may not remain in a parking space for longer than 5 hours during daylight hours (9am to 9pm).
- P. One boat to a slip (dinghies may also be kept in a slip if wholly within the confines of the slip).
- Q. Space for disabled vessels towed in will be arranged as required by the Harbormaster.
- R. Boats shall be moved at the discretion of the Harbormaster to better accommodate other vessels as required.
- S. Lobster pots interfering with safe navigation, in Menemsha Harbor, or in a marked channel, will be removed by the Harbormaster.
- T. The Town of Chilmark shall not be liable for the theft, fire, damage, or injury to persons or vessels while using piers or wharves or commercial moorings under Town control.
- U. Violation of any of these regulations may result in the revocation of the current slip lease and/or loss of slip in subsequent years.
- V. Rafting of boats on moorings or docks in Menemsha Basin is subject to the control of the Harbormaster to assure safety and freedom of passage.
- W. Dogs on transient boats must be on a leash whenever not on the boat.
- X. No Town employee shall operate or board any boat to assist in docking even if requested to do so. Lines shall be handled by Town employees from the dock or from moored/docked boats when propulsion machinery is secured. The Harbormaster may board any vessel at any time to conduct

a safety inspection and may take command of any vessel in an emergency situation. In the event that a vessel has a limited crew, the Harbormaster may designate a qualified subordinate to board the vessel to assist with docking or mooring in order to reduce the risk of collision.

- Y. All boats in slips or on bulkheads must be in a safe operating condition or being actively worked on to become operational within 7 days.
- Z. No open fires or portable gas, charcoal or outdoor electric grilling of any kind on boats or docks and other areas within 50 feet of docked vessels. No cleaning of fish on the docks unless previously permitted by the Harbormaster.

VIII. ENFORCEMENT AND FINES

- A. Anyone violating any provision of these Waterways Regulations shall be subject to a penalty as set forth in the Fee and Fine Schedule. Each violation of each provision shall constitute a separate offense. For continuing violations, each day or portion thereof during which a violation continues shall constitute a separate offense.
- B. The provisions of the Chilmark Non-Criminal Disposition By-Law and M.G. L. Chapter 40, section 21D shall apply to violations of these regulations.
- C. These regulations may be enforced by the Harbormaster, any assistant Harbormaster, any Chilmark police officer or any other person or agent appointed by the **Select Board**. The Harbormaster shall have the authority to interpret these regulations where uncertainty exists in order to carry out the purpose of the regulations stated in Section I and elsewhere herein. The Select Board will support the Harbormaster in such interpretation unless the interpretation is patently unreasonable.
- D. Any person aggrieved by the enforcement of these regulations may bring the matter to the Select Board.

IX. SEVERABILITY

The provisions of the Chilmark Waterways Rules and Regulations are severable, and if any provision hereof of the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions hereof or application thereof which can be given effect without such invalid provision or application.

* The Harbormaster will attempt to contact any prior year applicant who has not responded by January 1st by phone and/or by letter to ensure they have received their renewal notice and they are aware of the January 15th deadline. Failure to reach such applicant shall not relieve the applicant of meeting the deadline.

** Subject to ruling by the Harbormaster

