

Chapter 12

WATERWAYS

Section 12- 101 Harbor and Docking Regulations

(a) Definitions.

As used herein, words shall be given their normal meanings in common usage. The following words, however, shall have the meanings hereafter set forth wherever they are used in this ordinance.

BACK RIVER AREA of CRITICAL ENVIRONMENTAL CONCERN -- The Weymouth waters of the Back River located south of the Route 3A bridge.

FLEXIBLE CONTROL BOOM -- A boom floating in the water and principally made out of rubber, plastic, styrofoam or other similar materials, and projecting above the surface of the water at least twelve (12) inches and extending below the surface of the water at least twenty (20) inches, said boom to be so constructed to permit any portions or sections thereof to be interchanged or linked together and to be of sufficiently lightweight construction that it may be moved or towed from one location to another.

HARBOR MASTER -- A person appointed by the police chief pursuant to the provisions of section 3-312 of this code of ordinances.

HEADWAY SPEED -- Minimum speed forward (NO WAKE) not to exceed six (6) miles per hour.

MOOR -- To secure a vessel to the bottom of a body of water by the use of mooring tackle.

MOORING -- A place where buoyant vessels are secured to the bottom of the body of water by mooring tackle or berthed at a slip, pier, float or dock.

MOORING TACKLE -- The hardware used to secure a vessel to a mooring.

OIL and/or LIQUID CARGO -- Any oil, petroleum product or petroleum byproduct, liquid chemical, flammable liquid or any other liquid which could contaminate, pollute or otherwise be dangerous or harmful to Weymouth waters or shorelines.

PENNANTS -- A length of nylon line or equal; for mooring the buoy to the vessel; its length and diameter will be determined by the length of the vessel.

PERMIT OWNER -- A person who has been issued a Weymouth mooring permit.

PERSONAL WATERCRAFT -- A small vessel which uses an inboard motor powering a water jet pump as its primary source of motive power and which is designed to be operated by persons sitting, standing or kneeling on the vessel. The term includes, but is not limited to, a jet ski, wet bike or surfjet so called.

TERMINAL -- An installation on land adjacent to the shore where a mooring or a dock or docks is available for tying up vessels so they may load or unload flammable liquid cargo in bulk, which installation shall include the mooring, dock or docks and equipment and buildings on the adjacent shore location for receiving or loading such cargo.

TERMINAL OPERATOR -- The owner, lessee or agent, person, firm or corporation in possession of and legally liable for the operation of a terminal.

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TRANSFER OPERATIONS -- The movement of oil and/or liquid cargo into or out of a vessel, from or to a shore tank or from or to another vessel, and shall include either loading or unloading.

VESSEL -- Any vessel, ship or barge or other floating liquid carrier, whether self propelled or not.

WEYMOUTH WATER -- All waters within the corporate limits of the Town of Weymouth.

10-A PERMIT -- An annual permit granted by the Harbor Master for any float, raft or dock which is bottom anchored in place.

(b) Transfer operation precautions. - Every caution shall be exercised during transfer operations to prevent discharge of petroleum products into the waters of Weymouth Harbor, Fore River or Back River.

(c) Prevention of seepage or leaks. - Whenever any vessel enters any wharf, terminal or anchorage for the purpose of transferring oil or liquid cargo, the terminal operator shall provide such vessel with a flexible control boom, which shall be placed in the water around such vessel so as to control and prevent any seepage overflow, leak or other excess oil or liquid cargo from entering into Weymouth waters, Fore River or Back River.

(d) Pollution report. - A written report entitled "Inspection Report -- Pollution Prevention" on a form provided by the Harbor Master shall be filled out for each vessel berthing and signed in the required spaces by the terminal operator. The form duly executed shall be forwarded promptly after completion of transfer to the Harbor Master.

(e) Enforcement; right of entry by Harbor Master - It shall be the duty of the Harbor Master to enforce the provisions of this ordinance. All terminal operators shall be deemed to have authorized the Harbor Master to enter upon their premises, or any vessel therein, whenever the Harbor Master shall deem it necessary to make an inspection, unless the terminal operator shall have filed written notice of his refusal to grant such authorization with the Harbor Master and with the Division of Natural Resources of the Commonwealth of Massachusetts.

(f) Penalties. - Violations of this ordinance shall be prosecuted by the Harbor Master in courts of competent jurisdiction and shall be punishable by the maximum penalty permitted by the General Laws of the commonwealth to be imposed by towns. Each day or portion thereof during which violation continues after notice thereof has been given by the Harbor Master to the terminal operator shall be deemed to be a separate offense.

Section 12-102 Motorboats

(a) Dangerous operation prohibited. - No person shall operate a motorboat upon any pond, lying within the town, in a manner which endangers the safety of the public or is detrimental or injurious to the neighborhood or to the value of property therein.

(b) Evidence of violation. - It shall be evidence of the violation of this ordinance if such motorboat is operated by a motor not having underwater exhaust or in a noisy or obnoxious manner, or at any unreasonable rate of speed, or without slowing down and exercising due caution while approaching and passing persons bathing or any other watercraft.

(c) Penalties. - Any person violating any provision of this ordinance shall be subject to a penalty.

Section 12-103 Harbor Boating and Mooring

(a) General regulations.

A. Speed.

(1) Watch your wake at all times.

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(2) Headway speed only when operating watercraft within the confines of moored or docked vessels or where fuel is pumped. This is to include marinas, yacht clubs, launching ramps or assigned anchorage areas. Headway speed will also be maintained when the operator's vision is obscured under bridges or bends or other matters. The following are the boundaries of headway speed areas both inbound and outbound:

(a) Weymouth Back River: starting from lighted navigational aid No. 4 fl r 4s, two hundred (200) yards NE off the tip of Lower Neck through the entire Weymouth Back River area.

(b) Weymouth Fore River: starting from navigational aid No. 22 fl r 4s, nine hundred (900) yards NNW off the flag pole on Great Hall to the fixed bridge at East Braintree.

B. Waterskiing.

Waterskiing shall be permitted only in areas designated by the Harbor Master. All permitted areas to be posted at the Harbor Master's office.

C. Harbor pollution.

(1) No oil shall be dumped or pumped overboard into the harbor.

(2) No untreated sewage, rubbish, debris, garbage or dead fish shall be discharged into Weymouth waters.

(3) No boats or vessels shall run their engines with propellers engaged while tied to the docks. Boats requiring dock trials may do so with permission of the harbor master.

(4) Derelict boats, motors or foreign debris shall not be allowed in the harbor or on the shores. Removal of the same is not the responsibility of the harbor master.

D. Temporary berthing.

(1) Tie-up periods at town floats or on the launching ramps will be limited to fifteen (15) minutes. A tie-up time limit at the town floats or piers for visitors overnight or boats with breakdowns will be limited at the discretion of the harbor master.

(2) All crafts entering Weymouth Back River or Fore River are subject to the discretion of the harbor master who should be consulted before anchoring or tying up to any of the facilities or moorings.

(3) Boats shall not be tied to town docks in dead storage for over four (4) weeks' time, after which, upon notice from the harbor master, they shall be removed.

E. Float and pier rules.

(1) No fishing gear, equipment or any other matter shall be allowed to remain on the town docks or town floats for over twenty-four (24) hours without permission of the harbor master.

(2) No swimming will be allowed from the state pier, town pier or floats attached to public docks in Weymouth Fore River or Back River.

(3) There will be no soliciting from town-owned floats.

(4) All floats and gangways must have the owner's name and assigned number (given by the harbor master) clearly displayed and also in a concealed location known only to the owner.

(5) An annual 10-A permit must be on file with the harbor master for any bottom anchored float, raft or dock. The harbor master will inspect all such floats annually. The owner's means of bottom anchoring must be demonstrated to the harbor master for approval, once every five (5) years. The expense for such a visual inspection shall be the responsibility of the owner.

(6) All floats, rafts or docks without an approved 10-A permit may be removed at the owner's expense within the two (2) weeks after receipt of a written notice from the harbor master defining the defects.

F. Conduct.

(1) Noise. Unmuffled noise from engines, outboards, amplifying systems, radios and the like shall be kept at a minimum when in the proximity of piers, floats or yacht anchorages.

(2) Negligent operation. No person shall operate any motorboat or any vessel in a reckless or negligent manner so as to endanger the life, safety or property of any person.

G. Fees.

(1) Commercial interest, party boats, fishing boats, associations or companies using the town pier for permanent moorings, float access or gangways will pay an annual fee fairly determined by the harbormaster.

(2) All persons tying tenders to the town pier shall be charged an annual fee to be fairly determined by the harbormaster.

H. Personal watercraft.

The operation of personal watercraft is prohibited in the Weymouth waters of the Back River Area of Critical Environmental Concern.

I. Channel obstructions.

No private markers, moorings or anchorage buoys, lobster pot buoys or other temporary or permanent markers may be placed in the fairway or channel of Weymouth at any time without the expressed permission of the Harbor Master. Any such markers or buoys so placed in any fairway or channel within Weymouth waters shall be construed as a hazard to navigation and, upon the order of the Harbor Master, shall be removed by the person causing it to be in place. If necessary, the Harbor Master or his agent may remove the hazard.

J. Trawling restrictions.

No trawling with nets within the waterways of the Town of Weymouth starting from navigational aid No. R12 Weymouth Back River to the Weymouth Back River headwaters (Herring Brook).

Section 12-104 Mooring regulations.

(a) Mooring permits. - No vessel shall be moored or located within Weymouth waters without a current Weymouth mooring permit.

(b) Applications. -

(1) Applications for a mooring shall be dated, signed and filed with the harbor master. Permits may be granted by the harbor master in the order of application dated as locations become available. If the harbor master denies a mooring application and the applicant can show just cause, he/she may request and receive a hearing from the town council on their rights to have a mooring in the Weymouth Back River or Fore River. All future moorings will be assigned a suitable space in accordance with the requirements of the boat, that is, length, draft, type of rig, and shall be placed at a location designated by the harbor master. A mooring is not transferable. However, the harbor master may approve the transfer of a mooring to a person within the immediate family of the permittee.

(2) Any boat owner who has not placed his/her assigned boat on the mooring will be given one (1) year to place an assigned boat without forfeiting his/her mooring location. An extension of one (1) year may be granted by the harbor master.

(c) Special areas.

(1) Moorings are to be spaced at a distance to allow the vessel scope of three hundred sixty degrees (360°) in order to prevent damage or contact to surrounding vessels in all weather and tide conditions. The vessel shall not be allowed to encroach any navigable channel.

(2) Anchoring devices. Only mushroom anchors, granite or concrete blocks and auger-type mooring devices will be allowed. The specifications for said mooring devices and ground tackle will be available at the harbor master's office.

(d) All areas.

(1) The use of spars for chain flotation shall be prohibited. Only balls or styrene-type chain flotation shall be used. In all types of chain flotation buoys, other than metal, chain or metal rod must be passed through the buoy connecting the mooring pennant to the mooring chain.

(2) All chain flotation buoys shall be plainly and clearly visible above any tide level at all times.

(3) The above-described moorings shall be painted white with a blue band and with the owner's boat name, length of boat and mooring number on can or buoy, also owner's name on mooring block or mushroom anchor.

(4) All moorings located within the Town of Weymouth shall conform to the regulations and will be placed at a location designated by the harbor master. Any mooring that has not been assigned by the harbor master may be immediately removed by the direction of the harbor master or his agent at the owner's expense and a penalty of fifty dollars shall be imposed on the boat owner.

(5) Where winter spars or buoys are used, they shall be clearly visible or marked at all times except during ice conditions.

(6) Winter spars, or buoys shall not be installed prior to September 15 and must be removed by June 1. If any winter spar buoys are not removed by June 1, after fourteen (14) days' notice by the Harbor Master, the Harbor Master by direction may remove said spar buoy at the owner's expense. All winter spar buoys must display their assigned mooring location number so that it is visible at all times (except during ice conditions) and all spar buoys must be painted in contrasting color to the sea.

(7) The harbor master may inspect all moorings within the Town of Weymouth waterways. Except in an emergency, no unauthorized use of a private mooring or float will be allowed without

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the express permission of the owners. Furthermore, there shall be no anchoring allowed within a mooring area without prior permission from the harbor master.

(8) All pennants shall be nylon or equivalent with regards to the size of the vessel with adequate mooring devices including, but not limited to, thimbles on all line ends and secured shackle pins to eliminate the hazard of chafing.

(a) Pennants may be checked annually by the harbor master.

(b) A certificate of inspection for defective moorings found by the harbor master will be held in his files, showing conditions at the time of inspection.

(9) Owners of defective moorings shall be allowed fourteen (14) days after receiving notice from the harbor master to correct the defective conditions. If the defect is not corrected after this time, the owner will be subject to penalties in conformance with this Code. The harbor master, upon finding a defective mooring, shall properly mark said mooring to show danger or obstruction.

(10) The harbor master may request owners of moorings to have said moorings lifted or inspected at the owner's expense for faulty ground tackle. The harbor master will determine the repair or replacement of any defective ground tackle. In lieu of lifting moorings, replacements may be made. Upon certification of a mooring's fitness or replacement, the owner may replace the mooring at its original location or as directed by the harbor master.

(11) The harbor master shall keep a detailed description of all moorings, their location and owner's name, telephone number, home and business address, date of moorings and length and rig of boat.

(e). Vessel listing. - The owners or persons in control of any vessel habitually moored or berthed in Weymouth waters shall, prior to April 1 of each year, list with the harbor master each and every vessel in excess of twelve (12) feet in length so moored, berthed or kept, on forms provided by him, the owner's name, home or business address, date of purchase of vessel, its description and registration number. In order to defray the cost of this listing; each owner or person in control shall pay a service fee to the harbor master, which fee shall be established as provided in section 5-306 of these ordinances.

(f). Mooring permits. - All boats that are habitually moored, berthed or kept as of July 1 within the Town of Weymouth waters shall not be placed on a mooring, dock or float until all applicable excise taxes and penalties past and current have been paid as well as other related fees. A current mooring permit must be issued and properly affixed to the port quarter, aft of the vessel. The mooring permit is not transferable to any person. The mooring decal must be affixed on assigned vessel when the vessel is launched. The assigned Weymouth mooring location number and the owner's last name must be on the mooring buoy and visible at all times. If the vessel is in a slip at a yacht club or marina the vessel owner must be able to show proof of the location on request of the harbor master. If a vessel remains on a mooring, dock or float without a current mooring permit after May 1, a mooring violation will be tied to the vessel. If the mooring violation is not resolved within fourteen (14) days, the vessel will be impounded per court order.

(g). Trailerred vessels. - All trailerred vessels that are registered in the town of Weymouth will be subject to the provisions of this ordinance and must display a mooring decal or proof of payment of the excise tax and other related fees.

(h) Yacht clubs and marinas. - Applications for mooring spaces in all yacht clubs and marinas shall be dated, signed and filed with the harbor master.

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(i) Violations and penalties. –

A. A penalty of \$50.00 per day shall be imposed if the infraction is punished pursuant to the provisions of c. 40, § 21D and section 1-109 of these ordinances. If the infraction is punished pursuant to the provisions of c. 40, § 21 and section 1-110 of these ordinances the court may impose the highest fine allowed by law.

B. Offenders will be prosecuted by the harbor master and all other enforcement agents.

C. Violations of the Weymouth Harbor Ordinance may be sufficient cause for the harbor master to refuse an individual or his vessel the use of town-owned or controlled facilities for such period of time as may be determined by the harbor master with the approval of the mayor, in addition to necessary court action in case of violation of the Motor Boat Law.