

2023

Manual for Marblehead Waters

Office of the Harbormaster

9 Ferry Lane

Marblehead, MA 01945

(781) 631-2386



Manual for Marblehead Waters

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HARBOR INFORMATION

Organization / Phone Number / Radio

Emergency Responders

Harbormaster's Office 781-631-2386 VHF16 (After hours contact Police Department)

Marblehead Police Department 781-631-1212 or 911

Marblehead Fire Department 781-631-1234 or 911

Gloucester Coast Guard 978-283-0705 VHF16

Boston Coast Guard 617-223-3201 VHF16

Report Oil Spills 617-223-3000

Poison Control 617-232-2120

Recompression Chamber Mass Eye & Ear 617-209-4061

Law Enforcement Units

Salem Harbormaster 978-741-0098

Danvers Harbormaster 978-762-0210

Manchester Harbormaster 978-526-7832

Beverly Harbormaster 978-921-6059

Mass. State Police / Marine division 617-740-7820

Mass Boat & RV Registration and Titling Bureau 617-626-1610

Mass Environmental Police 1-800-632-8075

Government Agencies

U.S. Customs Service Boston 617-565-6208

U.S. Customs Service Gloucester 978-921-0782

U.S. Coast Guard Marine Safety Office 617-223-3123

U.S. Post Office Marblehead 781-631-2140

Yacht Clubs

Boston 781-631-3100 VHF 68

Corinthian 781-631-0005 VHF 09

Dolphin 781-631-8000 VHF 68

Eastern 781-631-1400 VHF 09

Marblehead 781-631-9771 VHF 71

Mooring Companies

Jordan Marine 781-631-5992

Mid-Harbor Marine 781-631-0611

Willard and Son 781-631-2707

Northeast Mooring & Salvage 781-631-9595

Houghton Marine Services 781-631-9338 houghtonmarine.com

Marine Services

Cloutman Marine Service 781-631-9751

Fair Wind Outboards 781-631-3388

Ryan Marine Services 781-631-3573

Hansen Marine Engineering 781-631-3282

Marblehead Marine Construction 781-631-5280

Marblehead Trading Company 781-639-0029

Fuel Dock 781-639-2944

Mobile Marine 781-639-0082

Coastline Marine Service 781-990-1284

PROCEDURE FOR HOLDING TANK PUMP-OUT

There are two methods for pumping out your boat's holding tank:

- There is a self-service, user-friendly pump-out facility located at the Cliff Street (Shipyard) dock. The facility is open 24 hours a day, seven days a week, from Memorial Day to Halloween.
To pump out your tank, remove the boat's deck cap marked "WASTE." Install your pump-out fitting or use the available yellow universal fitting. Attach the green suction hose to the fitting, making sure the valve is open. Press the green "ON" button; the pump will run approximately five minutes. Push start again if tank is not empty. When the tank is empty, disconnect and hang hose neatly on the stanchion.
- The pump-out boat generally operates Friday Through Sunday from 8 am to 4pm during the boating season. To have them come to your mooring and service your vessel, you must hailer the Marblehead pump crew on VHF # 9. Calls generated on opposite sides of Marblehead (West shore, Main harbor) from where the boat is situated may need to be repeated until the boat is within range. Please provide your mooring number, name of vessel, type of vessel, length, color etc... Note: because the same operator is not always on duty, information given at each request may be necessary. **You must be aboard your vessel for the service.**

PART I
MARBLEHEAD WATERS BY-LAWS
CHAPTER 1-24 WATERWAYS

Sec. 1-24-101. Territorial boundaries.

Marblehead Waters are the waters between the shores of the town and a line dividing the Town of Marblehead and the Town of Swampscott, running from Phillips Beach at the end of Seaview Avenue, as defined by the Harbor and Land Commissioners under Chapter 196 of the Acts of 1881, across Great Pig Rocks to a point southwesterly of the bell at Outer Breakers thence along a line northeasterly to a point southwesterly of Halfway Rock thence northwesterly to Satan Rock thence in a line to Mid Channel Rock off Eagle Island to a point in the line dividing the Town of Marblehead and the City of Salem as defined by the Harbor and Land Commissioners under Chapter 196 of the Acts of 1881. Said point being in the water space between said town and city, said point being also in a straight line drawn from the mainland of said Town of Marblehead near Peaches Point to Curtis Point in the City of Beverly, the distance between said point and the mainland near Peaches Point; thence turning and running in a general westerly, southwesterly, southerly and southwesterly direction along the said line dividing the Town of Marblehead and the City of Salem as defined by said Harbor and Land Commissioners to a point at or near the mouth of the Forest River.

Sec. 1-24-102. Definitions and general provisions.

The words, terms and phrases hereinafter in this section defined shall, whenever used in this By-Law, have the meaning set forth in this section, unless the context requires a different meaning.

(A) *Harbormaster* shall include assistant harbormasters duly appointed by the board of selectmen.

(B) *Vessel* includes ships of all kinds, barges, sailing vessels, watercraft and powerboats of any type or kind by whatsoever means propelled, every structure designed, adapted or capable of being navigated, towed or operated on water from place to place for the transportation of merchandise, people, or for any other purpose.

(C) *Person* means and includes an individual; a receiver; a trustee; a co-partnership; joint ventures; a firm; an unincorporated association; a syndicate; a trust; a corporation; or any entity.

(D) **Pier** means any structure built out into the water for use as a landing place.

(E) **Wharf** means any structure generally parallel to the shore for use as a landing place.

(F) **Winter buoy spar** means a winter mooring marker.

(G) **Mooring** means a semi-permanent anchorage, installation, consisting of a heavy anchor or block, chain, a mooring buoy, and pennant.

(H) **Pennant** means a line or chain by which a vessel is made fast to a mooring buoy.

(I) **Mooring buoy** means a buoy marking a mooring.

(J) **Mooring buoy spar** means a winter mooring maker.

(K) **Mooring permit** means written authority issued by the Harbormaster.

(L) **Wake** means the disturbed water that a vessel leaves astern.

(M) **Aground** means stuck on the bottom.

(N) **Adrift** means without being fast to a stationary object.

(O) **Moor** means to hold a vessel in place by cables or chains to a pier or buoy.

(P) **Anchor** means to hold a vessel in place by lowering a heavy weight into the water by cable.

(Q) **Scuba** means self-contained underwater breathing apparatus. A diving apparatus with compressed air tanks for breathing underwater.

(R) **Snorkel** means a breathing tube extending above the surface of the water, used in swimming just below the surface.

(S) **Surface supply** means the air supplied from surface to a diver underwater.

(T) **Berth** means a position to tie up to or anchor.

(U) **Anchorage areas** means areas designated for anchoring.

(V) **Awash** means semi-submerged vessel or object.

(W) **Float** means a floating dock.

1-24-103 Harbormaster

Under the supervision and control of the board of selectmen, the Harbormaster shall have the authority to enforce all lawful regulations of this by-law; to assign moorings to vessels within designated areas; to assign berths or landing places to vessels coming alongside wharves, floats or piers; to order any vessel improperly moored or anchored to change its location, and in case his orders are not complied with, to cause such vessel to be so moved and to collect the cost thereof from owner of said vessel.

Sec. 1-24-104. General regulations for Marblehead Waters

(A) No vessel shall exceed the speed of five (5) miles per hour or cause a disturbing wake in anchorage areas.

(B) No person shall operate a vessel while towing water skiers, aquaplanes, or other similar devices in anchorage areas except in connection with water carnivals and exhibitions authorized by the Harbormaster.

(C) A vessel which is:

- (1) In a deteriorated and unseaworthy condition, or
- (2) Sunken or likely to sink, or
- (3) Aground, or
- (4) Adrift and likely to damage piers, wharves, floats or other vessels or to constitute a menace to navigation, or
- (5) Secured to a mooring without proper authorization, or
- (6) Awash, is hereby declared to be a public nuisance and shall be considered a stray vessel.

(D) All stray vessels shall be delivered to the possession of the Harbormaster until claimed by the proper owner or disposed of according to law (as under MGL Chapter 91, Section 41). If the proper owner claims such property prior to disposition thereof, he shall pay all expenses incurred in connection therewith including: charges for raising and storing same.

(E) Removal of any stray vessel by the Harbormaster shall be without liability to the Town of Marblehead, its officers, agents, or employees.

(F) Any person scuba, snorkel or surface supply diving shall:

- (1) Display a divers flag consisting of a red field and a white diagonal stripe of sufficient size not less than twelve (12) inches square.
- (2) Display said flag on a float or other similar device holding said flag upright at a height sufficient to be visible to passing boaters.
- (3) Tow the aforesaid float and flag with him while he is submerged underwater and surface there under; unless for commercial purposes permission in writing is granted by the Harbormaster to otherwise display flags or warning devices.
- (4) Remove said flag and float upon completion of dive.

(G) No person shall place or maintain a lobster pot or buoy attached thereto within seventy-five (75) feet of a float located within Marblehead Waters.

Sec. 1-24-105. Mooring permits and fees.

(A) No person shall moor, anchor or set any mooring, vessel or float within the limits of Marblehead Waters, except those areas which are not considered by the harbormaster to be common anchorage areas, without first obtaining a mooring permit from the Harbormaster.

(B) No mooring permit shall be issued until the applicant files an application with the Harbormaster setting forth applicant's name and address, business and home telephone numbers, length and type of vessel to be attached thereto, and such further information as is necessary to enable the Harbormaster to pass upon the adequacy of the mooring and gear to be used by the applicant. Upon receipt of the application and any inspection of the mooring and gear as the Harbormaster may require, a mooring permit shall be issued designating the mooring location if in the opinion of the Harbormaster said mooring and gear is sufficient to moor the vessel described in the application and there is available space

(C) The Harbormaster shall collect from the applicant a mooring permit fee of Ten dollars (\$10.00) per foot for Marblehead Harbor, Little Harbor, and Doliber's Cove. All other locations in Marblehead anchorage shall be assessed Nine dollars (\$9.00) per foot. Working Commercial Fishermen shall have their permit fee abated to a rate of Four dollars (\$4.00) per foot upon approval of the Harbormaster. Such fee shall be assessed on a per-foot basis, measured from the stem in a straight line aft to the stern of the vessel. Booms, boomkins or pulpits are exempt from the measurement. The minimum mooring permit fee shall be seventy dollars (\$70.00). The mooring permit fee for a float shall also be assessed on Six dollars and Fifty cents (\$6.50) per lineal foot basis of the overall length. Said

fee shall be collected before a mooring permit is issued. All fees collected by the Harbormaster shall be paid to the Town of Marblehead. All permits shall expire on the first day of February following the year of issue.

(D) No mooring permits shall be transferable and no person shall cause any vessel to be attached to said mooring unless said vessel is described in the aforesaid application provided, however, the Harbormaster may permit the temporary use of a mooring by another vessel.

(E) The holder of a mooring permit shall cause his mooring identification number to be painted or attached to the mooring buoy of said mooring. Any mooring not properly marked may be removed by the Harbormaster.

(F) Winter buoy spars need to be approved by the harbormaster. Winter buoy spars shall be upright and clearly numbered at all times. They shall be removed prior to the first day of May and not be set until after the fifteenth day of October of each calendar year. The top part of all winter buoy spars and mooring buoys shall be painted white or other light color so as to be easily visible at any tide level. Any winter buoy spars not removed by the first day of May, may be considered as abandoned and may be removed by the Harbormaster.

(G) The Harbormaster shall periodically inspect mooring and gear, including pennants and buoys, and if found defective shall notify the holder in writing. Said holder shall correct said defective condition within a reasonable time. The Harbormaster shall order holders to have said mooring lifted at holder's expense once each three (3) years for visual examination to determine its condition. In lieu of lifting mooring, replacements may be made, or at holder's expense, the Harbormaster may permit an underwater visual inspection by an independent diver who shall report the mooring condition to the Harbormaster.

(H) The Harbormaster shall keep a detailed description of all moorings, their location, holder's name and address, business and home telephone numbers, date mooring was set, and the name, length and type of vessel to be attached thereto.

(I) Improper use of a mooring permit, failure to remedy any defective condition, setting a mooring without a permit, or any other violation of any provision of this By-Law shall cause cancellation of the mooring permit, where applicable, and shall be liable to a penalty not exceeding three hundred dollars (\$300.00) for each offense. Any such violation is also punishable by a non-criminal disposition in the manner provided in chapter 40, section 21D of the General Laws. For the purpose

of such non-criminal disposition under this section, the enforcing persons shall be the Harbormaster and Assistant Harbormasters, and the specific penalty for each such violation shall be as follows: First Offense, Fifty Dollars (\$50.00); Second Offense, One Hundred Dollars (\$100.00); Third and Subsequent Offenses, One Hundred Fifty Dollars (\$150.00). Each day that such violation is permitted to exist shall constitute a separate offense. A mooring set in violation of this by-Law may be removed by the Harbormaster at the expense of the person so setting the mooring. Said expense shall not exceed the penalty herein provided, and may be recovered in contract by the town in accordance with the provisions of Chapter 40, section 31, of the General Laws. The Harbormaster shall give a fifteen (15) day notice in writing to the holder of such cancellation. The mailing of a notice to the holder at the address designated on his application shall be deemed to be sufficient notice of cancellation. Upon the cancellation of said mooring permit, it shall be the duty of the holder of said mooring permit to immediately remove said mooring and gear. If he should fail to remove same within thirty (30) days, said mooring and gear shall become the property of the Town of Marblehead.

Sec. 1-24-106. Severability.

If any provision of this by-Law is held invalid or inoperative, the remainder shall continue in full force and effect as though such invalid or inoperative provisions had not been made.

PART II
BOATS, DOCKS AND WATERWAYS, CHAPTER 2-3

Sec. 2-3-101. Scope.

In accordance with the provisions of Massachusetts General Laws, Chapter 88, section 19, as amended, the following rules and regulations are hereby adopted for the common landing places in the Town of Marblehead known as Philip T. Clark Public Landing (State Street), Theodore P. O'Brien Landing (Commercial Street), Richard H. Rockett Landing (Village Street) and Graves Beach Landing (Beacon Street).

Sec. 2-3-102. Use of common landing place, permit required.

(A) No person shall fasten or tie any boat to any part of a common landing place without a permit issued by the Harbormaster or an Assistant Harbormaster unless actually engaged in loading or unloading of passengers and guests.

(B) No person shall fasten or tie any boat to any part of a common landing place for a period of time longer than thirty (30) minutes without a permit issued by the Harbormaster or an Assistant Harbormaster.

(C) No person shall fasten or tie any boat to any part of any common landing place for the purpose of loading or unloading passengers for hire without a permit issued by the Harbormaster or an Assistant Harbormaster.

Sec. 2-3-103. Use of float rings.

No person shall fasten or tie any boat to a numbered ring on any float unless said ring has been assigned and a permit issued to said person.

(1) The Harbormaster or an Assistant Harbormaster shall assign and issue permits for numbered rings situated on floats to resident owners of boats not exceeding twelve (12) feet in length and/or 4ft 6 inches in width.

(2) The Harbormaster or an Assistant Harbormaster shall provide one guest ring at each landing for tenders of visitors and shall issue permits for the use of said guest ring for a period of time not longer than three (3) days.

- (3) Permits shall be issued for available rings to the persons selected upon the payment of a seasonal fee of Two hundred dollars (\$200.00), payable to The Town of Marblehead. Working Commercial Fishermen shall have their ring fee abated to a rate of forty dollars (\$50.00) upon approval of the Harbormaster.
- (4) All permits may be revoked for violation of any rule or regulation governing the use of a common landing place and shall expire on the first day of February next after the date of issuance and shall be nontransferable.
- (5) Each permit shall be valid only for the boat described in said permit and permits may be amended for the purpose of changing the description of a boat at the request of the permittee in accordance with these rules and regulations.
- (6) The Board of Selectmen reserves the right to determine the manner and method by which owners may be assigned rings and issued permits.

Sec. 2-3-104. Bait containers.

No person shall place or allow to stand any bait container owned or used by him on any landing without a permit issued by the Harbormaster or an Assistant Harbormaster and only in such area as described in said permit.

- (1) Each bait container for which a permit has been issued shall bear the identification of the owner or user thereof.
- (2) The permittee of each bait container shall remove all bait from said bait container by 9:00 a.m. of the morning following the day said bait is placed in a bait container.
- (3) All bait containers shall be of water-tight construction. Leaky bait containers shall be removed forthwith.
- (4) All bait containers shall be cleaned by washing immediately after the removal of bait as provided in paragraph (2) hereof.

Sec. 2-3-105. Equipment storage.

No person shall place or store traps, fishing gear or other equipment or any other thing of whatsoever nature on any part of any common landing place without a permit issued by the Harbormaster or an Assistant Harbormaster and only in such area and for such time as described and set forth in said permit, except that such traps, fishing gear and other equipment may be placed on a common landing place for the purpose of and while actually engaged in being loaded and unloaded from boat to vehicle or vehicle to boat, provided foot and vehicle traffic are not obstructed.

Sec. 2-3-106. Litter prohibited.

No person shall deposit, discard, place or throw any bait, trash, garbage, refuse, oil or hazardous material from or on any part of any common landing place.

Sec. 2-3-107. Penalty for violations.

Any person convicted of a violation of any of the aforementioned rules and regulations shall be punished by a fine of not more than twenty dollars (\$20.00). Violation of any provision of this Chapter 2-3 is also punishable by a non-criminal disposition in the manner provided in chapter 40, section 21D of the General Laws. For the purpose of this section, the specific penalty shall be twenty dollars (\$20.00) for each offense, the enforcing persons shall be the Harbormaster and Assistant Harbormasters, and each day on which the violation exists may be deemed a separate offense.

Sec. 2-3-201. Parking on Philip T. Clark Public Landing.

(A) No person shall park a motor vehicle as defined in Massachusetts General Laws, Chapter 90, as amended, on Philip T. Clark Public Landing for a period of time longer than two (2) hours between the hours of 6:00 a.m. and 10:00 p.m. of any day without a permit issued by the Harbormaster or an Assistant Harbormaster.

(B) No person shall park a motor vehicle in any place on Philip T. Clark Public Landing other than those parking spaces marked or signed for angle parking and such motor vehicle shall be parked with one (1) wheel within twelve (12) inches of the concrete bumper and at the angle to the concrete bumper indicated by such marks or signs. Said motor vehicle shall be parked so that all wheels of said motor vehicle shall be placed wholly within the painted lines provided.

(C) Any person violating the provisions of subsections (A) or (B) hereof shall be subject to a fine of fifteen dollars (\$15.00) and having the vehicle towed.

Sec. 2-3-202. Parking on Theodore P. O'Brien Landing.

Parking of motor vehicles on the pavement at Theodore P. O'Brien Landing is prohibited.

Sec. 2-3-203. Parking on Graves Beach Landing.

Parking of motor vehicles at the Graves Beach Common Landing Place is restricted to two (2) hours from May first to October first.

Any violation of this rule and regulation shall be punishable by a fine of not more than twenty dollars (\$20.00).

Sec. 2-3-204. Time limit for parking while transporting bait.

No motor vehicle used for the transporting and delivery of bait shall be parked on any public landing in the Town of Marblehead for a period longer than one hour.

Any violation of this rule and regulation shall be punishable by a fine of not more than twenty dollars (\$20.00).

ABANDONED PROPERTY

Sec. 2-3-301 Authorization Required; Removal of Property; Penalty for Violation

(A) No person shall deposit, place, discard, store, leave or abandon, or cause or permit to be deposited, placed, discarded, stored, left or abandoned, any vessel, or part thereof, boat trailer, cradle, jack stand or other property, on any property of the Town under the jurisdiction of the Harbors and Waters Board, without the express written authorization of the Harbormaster.

(B) Within ten (10) days after notification by the Harbormaster or his designee of a violation of this by-law the owner or custodian of such property or other violator shall remove it from such town property, failing which the Harbormaster may so remove such property at the expense of such owner, custodian, or other violator.

(C) Any violation of this by-law shall be punishable by a fine of three hundred dollars (\$300.00) for each offense.

PART III

HARBORMASTER'S POLICIES AND RULES AND REGULATIONS FOR MARBLEHEAD WATERS

Application for Mooring Permit, Mooring Permit Waiting List

(A) Starting October 1, 2017 an **“ASSIGNABLE”** and **“UNASSIGNABLE”** main harbor waiting list will be maintained from the existing list of names and numbers.

1. We have created an **“ASSIGNABLE”** and **“UNASSIGNABLE”** waiting list from the existing names.
2. Both lists remain \$15.00 per year and no matter which list you are on you will retain the number you were given when you started.
3. There is **no detriment** to being on the “Unassignable list” because the minute you purchase a vessel, your number will be transferred over to the “assignable list” and providing your number qualifies, you will be considered for an assignment that upcoming season.
4. We are hoping that this will alleviate the pressure to supply a boat at any cost to avoid being removed from the list and give everyone the time they need to make this important purchase.
5. If you are waiting 20 years to purchase a vessel because you will not moor a boat anywhere but the Main Harbor of Marblehead, you should do the following.
 - a. Keep an eye on the assignable list to see how close you would be getting to an assignment with your number. (any questions call or email the office)
 - b. Purchase the boat of your choice, change the info on your waiting list account and request a move to the “assignable list”.
 - c. Make sure to apply for the temporary mooring waiting list each year in case nothing permanent opens for your boat size. You can write your request directly on the renewal form or via email prior to January 31st.
6. The Harbormaster reserves the right to remove anyone from the waiting lists at any time for falsifying boat ownership or misrepresenting ownership of a vessel.
7. **You must own a boat to be considered for a temp or a permanent mooring assignment.**

(B) All persons wanting to be assigned a mooring location within Marblehead Waters must complete an Application for Mooring Permit available from the

Harbormaster's Office. The application requires the name, mailing address and phone numbers of all applicants, as well as the size and type of vessel to be moored, its name if available, and any preference for location within the harbor. If you do not yet have a vessel, you may estimate the size and type you plan to purchase and check off the space No boat space on the application Partnerships are no longer allowed in Marblehead waters.

(C) If mooring space is available in the harbor area you indicate at the time of application, you will be directed to proceed to step (F), below, to complete a Mooring Permit Application and show proof of ownership for a vessel. Otherwise, upon submission of a completed application and payment of a Fifteen dollar (\$15.00) application fee, the Harbormaster's office will assign the application a number and place the Applicant of Record on the Mooring Permit Waiting List.

Note: the expected waiting time for a mooring in the Marblehead main harbor is approximately 20+ years, while there is currently 2-3 year wait required for the West Shore (Salem). No wait time is required for the Peaches Point (N section) areas but there is no public access or launch service.

(D) (D) A mooring/ring/kayak waiting list renewal form will be emailed every October 1st to each applicant of record on all waiting lists. This form must be completed and returned to the Harbormaster's Office or via online payment options. The Fifteen dollar(\$15.00) renewal fee is due no later than November 1st of that calendar year in order to remain on the waiting list. The waiting lists are posted on the town website and is updated annually on January 1st. It is the applicant's responsibility to renew their waiting list status each year before November 1st to avoid a five dollar (\$5.00) late fee. As stated on the renewal form, applicants now have 90 days from the mailing of the renewal forms on October 1st to pay the fee or their name will be removed from the list as of **January 1st**. It is the applicant's responsibility to ensure that their email address information is correct, current, and up to date. Not receiving this form for any reason will not be grounds for reinstatement. The email address designated on the application shall be deemed sufficient for notifications. The waiting list is posted annually in the first week of January.

APPEAL FOR ALL WAITING LIST REACTIVATION

February 2016 Applicants inactivated on any harbor waiting list as a result of the 2014 policy change may submit a one-time written appeal to the Harbormaster, requesting reinstatement within the calendar year of inactivation. This can only be done once during the life of the account.

(E) All Waiting List Renewal Forms will be sent every fall to each Applicant of Record on the Waiting List. This form must be completed and returned to the Harbormaster's Office along with a Fifteen-dollar (\$15.00) renewal fee no later than November 1 of that calendar year in order to remain on the Waiting List. A \$15.00 fee is required as of November second and any waiting lists not paid prior to January 1st will be removed from the list. It is the applicant's responsibility to ensure that his address information is correct on the Waiting List.

(F) When the Harbormaster determines a mooring/ring/kayak location is available for assignment, notification will be sent via phone, e-mail or letter to that Applicant of Record with the oldest date of application, and lowest number on the on the "Assignable" Waiting List whose vessel fits the parameters of the available location. The applicant so notified will have fifteen (15) days to show proof of ownership of a vessel to the Harbormaster and to indicate via phone, e-mail or letter the acceptance of the offered mooring assignment. If the Harbormaster does not receive a positive reply and proof of ownership within this timeframe, he shall notify the next most suitable Applicant of Record until either the space is taken or the waiting list is exhausted.

(G) Upon acceptance of an assignment, becoming an Owner of Record as outlined below. The applicant must then complete a Permit Application and pay the appropriate fees. Unless approved by the Harbormaster, a new mooring should be set in the designated mooring location within 30 days of acceptance, for use by the permitted vessel.

(H) All mooring tackle for a new mooring must be constructed in accordance with the specifications set forth in the then-current Manual for Marblehead Waters, or as otherwise approved by the Harbormaster. All mooring tackle must be inspected by the Harbormaster or his assistants prior to being set in the designated mooring location. Mooring tackle must be made available to the Harbormaster's office for inspection and placement in accordance with the Harbormaster's directions and in accordance with the issued permit.

Vessel Ownership, Sales and Transfers

(A) Before a Mooring Permit will be issued for Marblehead Waters, the applicant must show proof of ownership of a vessel to the Harbormaster.

As of January 1, 2014, the Harbormaster will no longer recognize partnerships on mooring permits. The owner of record will be the only name listed on the permit. Proof of ownership may be established by one of the following:

Certificate of documentation with the owner of record listed as managing owner.

Certificate of state registration with the owner of record listed as primary owner.

Vessels with no motor or documentation will need to produce papers of ownership and a rubbing of the vessel's hull numbers.

(B) Partnerships established prior to 1/1/14 will be grandfathered but will be required to produce a certificate of documentation with the owner of record listed as managing owner or certificate of state registration with the owner of record listed as primary owner upon when either is renewed.

(C) When a grandfathered multi-ownership is terminated, in whole or in part, the mooring permit stays with the owner of record. No other persons or other co-owners may have access rights or use of the existing mooring space, nor may they have continued use of space, or have their name replace the former owner of record, except when they have had their names on the mooring waiting list for a period of time such that under normal progression they would be, or would have been, eligible for a mooring assignment.

(1) This provision does not permit co-owners to each have a mooring space upon the break-up of a partnership with each now owning their own vessel.

(D) When a vessel is sold, the new owner shall have no access rights to, nor use of, the existing mooring space.

(E) Change of ownership of a vessel must be reported immediately to the Harbormaster.

(F) The Harbormaster, at any time, may request any and all documents of ownership. Failure to comply will result in forfeiture of the Mooring Permit.

(G) Transferral of a mooring permit is not allowed, except with spouse, children or parents of the permit holder and then only with the prior approval of the Harbormaster.

Commercial Moorings

The purpose of a mooring titled “Commercial” is to assist marine businesses and brokers with their operation. A Commercial mooring is for use by one permitted vessel integral to business practice. The harbormaster has the sole discretion as to what businesses qualify for these mooring permits and has the right at any time to revoke for any infractions in the Manual for Marblehead Waters. All Commercial mooring requests are subject to the review of the Harbormaster.

Definitions:

OOR- means owner of record of the vessel.

Corporation- means a company or group of people authorized to act as a single entity and recognized as such by law, including but not limited to, Limited Liability Companies (LLCs)

1. Commercial moorings are specifically to be used to assist with business only.
2. Commercial moorings may not be used as personal moorings.
3. The permitted user may not allow a Commercial mooring to be rented out for use by any vessel other than the permitted vessel, and may not allow to be used by friends, relatives or any other person.
4. Any vessel permitted to a Commercial mooring and state registered or documented as a Corporation must list:
 - A) The owner of record (OOR) on the mooring as the managing owner/partner Corporation.
 - B) If at any time the OOR leaves the Corporation, the mooring will be reassigned by the Harbormaster to the next waiting commercial request.
 - C) If at any time the permitted vessel is no longer occupying the mooring, it will be at the sole discretion of the Harbormaster as to whether to allow the OOR to substitute a different boat to occupy said mooring.
5. Commercial moorings are **nontransferable**. Any transfer of, or attempt to transfer a Commercial mooring will result in immediate revocation and termination of the permit. Transfers are open to review under special circumstances by the Harbormaster.

LLC's Regulations

As of January 1, 2019 all permitted vessels' registered or Coast Guard Documented to a corporation (LLC) will be considered Commercial moorings and subject to the policy on commercial moorings.

If you wish to keep your mooring recreational, the permitted vessel must be registered or documented to the owner of record by April 1st and not any other individual, company, corporation or LLC. If the owner of record is an immediate family member such as spouses and their children, you may provide copies of the paperwork providing proof of the family-held Corporation; a mooring may retain recreational status at the sole discretion of the harbormaster. On April 1, 2019, all mooring holders that have not produced a State Registration, Coast Guard Documentation or proof of application in the owner of record's individual name will be converted to Commercial mooring status.

Change of Vessel Size, Change of Mooring Location

(A) A Mooring Permit holder may not change the size of the vessel associated with the permit without prior permission from the Harbormaster.

(1) A change of vessel size may require reassignment to another mooring location under the control of the Harbormaster. The new assignment may be in the Town of Marblehead's West Shore waters. There are no guarantees that a mooring will be available for change in vessel size.

(2) Violations of this section are subject to automatic Mooring Permit revocation.

(B) A mooring permittee who requests a change in location must submit a letter to the Harbormaster stating the reasons for requesting the relocation. The Harbormaster will consider such requests in relation to other demands for mooring space and shall have sole authority to grant or deny such requests.

Seasonal and Temporary Utilization of Moorings

(A) All moorings must be put in serviceable condition by June 15th each year. Serviceable condition means that routine checks and chain replacement have been done; the buoy is floating high and is properly marked; and pennants are in good condition and are attached. Non-serviced moorings are subject to permit revocation.

(B) A Mooring Permit holder must use his or her mooring for a minimum of forty five (45) consecutive days during each Boating Season (from June 1 to September 30), *with the vessel listed on the permit*. Failure to satisfy this requirement will result in summary revocation of the Mooring Permit. Only the following exceptions may apply:

(1) If a Mooring Permit holder in the main harbor notifies the Harbormaster's Office, prior to June 15th, of an intention not to use his or her mooring for the upcoming or current boating season, such non-use shall be allowed for one year. The Mooring Permit holder will still be responsible for payment of the applicable mooring permit fee. And have the mooring put in serviceable condition.

(2) If the Harbormaster arranges for the temporary seasonal use of a non-used mooring, the permit holder may be reimbursed for his or her mooring maintenance costs **as described under section (C), below**.

(C) Once the Harbormaster has been notified of permit holder's planned temporary non-use of a mooring, the Harbormaster may allow temporary seasonal usage of that mooring by a different person. The temporary usage will be for one season only and the person's name selected must be present on the assignable mooring permit waiting list:

(1) A person on the mooring permit waiting list may request a temporary seasonal mooring permit for the upcoming Boating Season by applying in writing via email or directly on the waiting list renewal form to the Harbormaster between October 1st and February 1st.

(2) The Harbormaster will maintain an annual list of applicants desiring a temporary seasonal assignment. The list will be maintained in order by the date at which each applicant was entered on the mooring permit waiting list; the list will be discarded each year on August 31st. The current list will be available for public inspection on the town website and at the Harbormaster's Office after March 1st.

(3) When the Harbormaster approves a request from a mooring permit holder to not use a mooring for a season, the Harbormaster will attempt to allocate that mooring to a suitable vessel chosen in order from the list of applicants desiring a seasonal temporary mooring. Such a temporary assignment will be for one boating season only and will not affect the applicant's position on the mooring permit waiting list.

(4) A person granted a seasonal temporary mooring must pay the applicable annual mooring permit fee to the Town and must reimburse the permanent mooring holder a flat rate of \$350 representing cost of mooring service/maintenance fees. In the event that a mooring permit holder in the West Shore area is granted a temporary mooring in the Marblehead Main Harbor, only

the difference between the West Shore permit fee and the Main Harbor permit fee will be collected.

(D) When the vessel listed on a mooring permit is not occupying that mooring for short periods of time, the Harbormaster may authorize the temporary use of the mooring for up to two weeks by a different vessel, subject to the following:

- (1) Any vessel temporarily occupying a mooring must be of a size and type appropriate for the mooring.
- (2) Dockmasters of yacht clubs may assign visiting guest vessels to vacant moorings of their respective club members.
- (3) Dockmasters of yacht clubs may assign one of their members to use a vacant mooring of another member, provided that the vessel in question is listed on a valid mooring permit for Marblehead Waters.
- (4) The dockmasters will be under the direct supervision of the Harbormaster and must maintain for inspection by the Harbormaster a list of all vessel assignments so made.
- (5) The Harbormaster may revoke any temporary assignment made by a dockmaster.

(E) Except for the mechanism for short term and seasonal temporary use outlined above, it shall be unlawful for a permit holder to rent or otherwise knowingly permit the use of his or her mooring to another person for a vessel not listed on the permit. Any violation of this rule may result in a fine of three hundred dollars (\$300.00) and automatic revocation of the Mooring Permit.

RING PERMITS AND TEMPORARY ASSIGNMENTS

A ring permit holder must use their ring for a minimum of forty five (45) days during each boating season (from June 1st to September 30th) with the vessel listed on the ring permit. Failure to satisfy this requirement will result in revocation of ring permit. The following exceptions may be applied.

(1) If a ring permit holder notifies the Harbormaster Office, prior to May, 15th, of an intention not to use their ring for the upcoming or current boating season, such nonuse shall be allowed for one year.

(2) The ring permit holder will still be responsible for payment of the applicable ring permit.

(3) The Harbormaster may arrange for a temporary seasonal use of a non-used dinghy ring. The Harbormaster will maintain a list of applicants requesting

temporary ring assignment. The list will maintained in order by date at which each applicant was entered on the ring permit waiting list The temporary assignee will pay the Harbormaster office the seasonal rate for a ring permit.

(4) The list will be discarded each year on August 31st. A new list will be started in beginning January 1st. The current list will be available for inspection at the Harbormasters Quarters after March 15th.

Commercial Fishermen

(A) Vessels of residents engaged exclusively in fishing and lobstering may be given a preference to assignment of mooring space over recreational vessels. Subject to the Harbormaster's approval, mooring permit fees for working commercial fishermen shall be abated to Four dollars (\$4.00) per foot.

Payment of Fees

(A) Failure to pay any mooring permit fees by their due date shall result in penalties or cancellation of the mooring permit:

(1) Payments received from one (1) to thirty (30) days late will be subject to a twenty dollar (\$20.00) late fee.

(2) Payments received from thirty one (31) to sixty (60) days late will be subject to a fifty dollar (\$50.00) late fee.

(3) Failure to pay applicable mooring permit fees within ninety (90) days will result in mooring permit cancellation.

(4) If the excise tax due for a vessel remains unpaid after the due date, the Harbormaster shall refuse to allow said vessel to moor, dock, or otherwise be situated within the waterways of Marblehead until all due excise taxes and penalties have been paid. Failure to pay all excise fees and any penalties due for a vessel listed on a mooring permit by September 30 will result in revocation of the mooring permit.

Responsibilities of a Mooring Permit Holder, Penalties

(A) It is the responsibility of all mooring permittees to comply with the provisions of the Marblehead Waters Standards for Mooring Equipment.

(B) The rafting of vessels on moorings is permitted only under the following conditions:

- (1) The moored vessel in the raft must be the legal permit holder of the mooring location or be designated by the Harbormaster to occupy the mooring.
- (2) At least one qualified operator must remain on board each rafting vessel at all times so that the raft may be broken in an emergency. Exceptions to this rule may be made to permit the unattended rafting of day-sailor type one-design racing boats during regattas. The sponsoring yacht club must contact the Harbormaster for prior approval of this exception.
- (3) Rafts must be dispersed when the wind is in excess of 25 knots, when the safety of neighboring vessels is threatened, or when directed by the Harbormaster or his representative.
- (4) A skiff, or small tender only, may be secured alongside an authorized moored vessel and may not be left trailed astern unattended.

(C) Whenever a vessel is involved in an incident of property damage or personal injury, it shall be reported in writing to the Harbormaster within seven (7) days.

(D) The Marblehead Harbormaster monitors channel 16 VHF-FM or may be reached by telephone at (781) 631-2386. After hours the Harbormaster duty person may be reached for emergencies by telephoning the police department at (781) 631-1212 or 911.

(E) The Harbormaster and his assistants shall have complete authority for the management, operation and control of the harbor. An appeal from citations for violations of the rules and regulations of Marblehead waters shall be made in writing to the Harbormaster within seven (7) days of the issuance of the citation.

PART IV

MARBLEHEAD WATERS STANDARDS FOR MOORING EQUIPMENT

The following should be considered acceptable standards for mooring equipment used in Marblehead Waters. The Harbormaster may authorize or require departures from these published standards based upon unique circumstances.

Because the quality of the holding ground and exposure to wind and seas varies widely, Marblehead waters have been divided into three zones for the purpose of determining mooring standards. These zones are depicted in the chartlet on the rear cover of this manual.

(A) Mooring Weight.

Reference chart to determine the minimum mooring weight to be used in the assigned mooring zone for a given vessel length.

Mooring block (concrete or equivalent) dry weight in pounds:			
Mooring Zones			
Length of Vessel	1	2	3
10' – 17'	1000	1000	1000
18' – 26'	2000	1500	1200
27' – 35'	3500	2500	2000
36' – 42'	4500	4000	2500
42+' & over	Moorings individually reviewed		

(1) Mushroom anchors are not allowed except in certain circumstances where authorized by the Harbormaster.

(2) Dor-Mor anchors are allowed with prior approval from the Harbormaster.

(3) The mooring link on a mooring block shall be securely imbedded in the block and thoroughly secured by a crisscross pattern of not less than one-half inch

(1/2") iron reinforcing rods. The mooring link shall be composed of not less than one inch (1") diameter chain link.

(B) Chain.

Reference chart to determine the size chain (in inches) to be used in a mooring zone for a given vessel length.

Minimum chain sizes in inches (lower – upper):		
Mooring Zones		
Length of Vessel	1	2 & 3
10' – 17'	3/8 (full length)	3/8 (full length)

18' – 26'	1/2" – 3/8"	1/2" – 3/8"
27' – 35'	5/8" – 3/8"	1/2" – 3/8"
36' – 42'	5/8" – 1/2"	5/8" – 1/2"
42+ & over	Moorings individually reviewed	

(1) The total length of chain shall be twice the depth at Mean High Water at the mooring site. When the upper and lower chain is specified the length of the upper chain shall be the MHW depth plus five (5) feet.

(2) All chain and connecting shackles shall meet SAE standards of United States made chain (ACCO, Campbell, or equal).

(C) Pennants.

Reference chart to determine the minimum size and length of pennants to be used in a mooring zone for a given length vessel.

(1) All moorings shall be equipped with a primary and a secondary pennant. If the secondary is not wire or chain, then a double primary must be utilized.

(2) Secondary pennants should be the same in finished length as the primary pennant. Adequate chaffing gear should be installed.

(3) Both pennants should be lashed together along the lower length near the buoy to prevent the pennants from wrapping around the buoy.

(4) Stainless steel wire and chain are not recommended for use in secondary pennants because they do not stretch and can subject cleats and chocks to excessive loads during storms.

(5) Pennant lengths given in the chart are measured from the bow chock to the mooring buoy.

Pennant diameters in inches and lengths in feet		
Length of Vessel	Dacron/Nylon	Minimum Length
10' – 17'	1/2"	6'
18' – 25'	5/8"	10'
26' – 35'	3/4"	10'
36' – 42'	1"	12'
42+' & over	Individually reviewed	

(D) Chocks and Cleats

(1) Chocks should be of a compatible size for the pennants and be in proper alignment with the cleat(s).

(2) All chocks and cleats must be fastened with strong backing blocks or plates to withstand heavy loads. *Note: many new boats come with inadequate chocks and cleats.*

(3) The Harbormaster will not renew a mooring permit for a vessel that parted a mooring due to inadequate chocks or cleats.

(E) Mooring Floats/Buoys.

(1) Buoys may be formed, molded or fabricated from expanded monocellular plastic, fiberglass or wood. Inflatable buoys filled with foam flotation are acceptable.

(2) Buoys may be conical, cylindrical, spherical or square in shape. The horizontal diameter of the buoy must be between 18" and 30". The buoys must float with 4" to 20" free-board when supporting mooring tackle. *Note: Marine growth will add considerable weight to the mooring system causing the buoy to lose buoyancy. Allowance must be made for this when determining the size of the buoy.*

(3) The exposed portion of mooring buoys shall be white. Commercial mooring maintenance companies may have a distinctive "ID" color, registered with the

Harbormaster, for their customers' buoys. The color shall be light and easily visible at all times and tides, and applied to the top surface of the buoy.

(4) Each mooring buoy shall bear an identifying buoy number assigned by the Harbormaster. The buoy number shall be not less than 1 1/2" by 1 1/2" block/stencil size, it shall consist of 1 letter and 3 figures (e.g. M123), and shall be clearly marked and visible at all times.

(5) It is the permit holder's responsibility to assure that the buoys are maintained in serviceable condition, notwithstanding they may otherwise be commercially maintained. Buoys that are awash or partially submerged will result in fines or permit revocation.

(F) Inspection and Maintenance.

(1) Inspection

(a) Mooring companies, certified divers, and individual mooring permit holders must notify the Harbormaster's Office in writing within seven (7) working days of any inspection. Written reports of all inspections shall include date of inspection, name of person conducting inspection, condition of equipment and should state in detail what components were replaced and/or repaired.

(b) All divers performing mooring inspections must be registered with the Harbormaster to be certified for performing inspections.

(2) Replacement and Maintenance of Components

(c) All 3/8" top chain must be inspected at least every two (2) years.

(d) All 1/2" top chain in Zone One (1) must be inspected at least every two (2) years.

(e) All 1/2" top chain in Zones Two (2) and Three (3) must be inspected at least every three (3) years.

(f) All bottom chain must be inspected every three (3) years and replaced when any portion of the chain shows signs of elongation or significant wear/deterioration. All mooring blocks should be inspected when the bottom chain is inspected.

(g) It is the permit holder's responsibility to ensure that all components of his mooring system are constantly maintained in serviceable condition.

(h) Unsatisfactory maintenance of the mooring is subject to forfeiture of the mooring permit.

(G) Winter Mooring Spars.

(1) The use of wooden winter mooring marker spars is prohibited.

(2) All winter markers must be clearly marked and painted as required for regular buoys.

(a) No spar shall be set until after October 15th and must be removed prior to May 1st of each year.

ZONE CHART 1 and 2 Main Harbor



Zones and section lines are not exact. Zone 1 will cover sections L, A, B and parts of section C. Section C will be determined by the Harbormaster and mooring services contractor. Zone 2 will include Sections H, G, F, E, D and parts of section C.

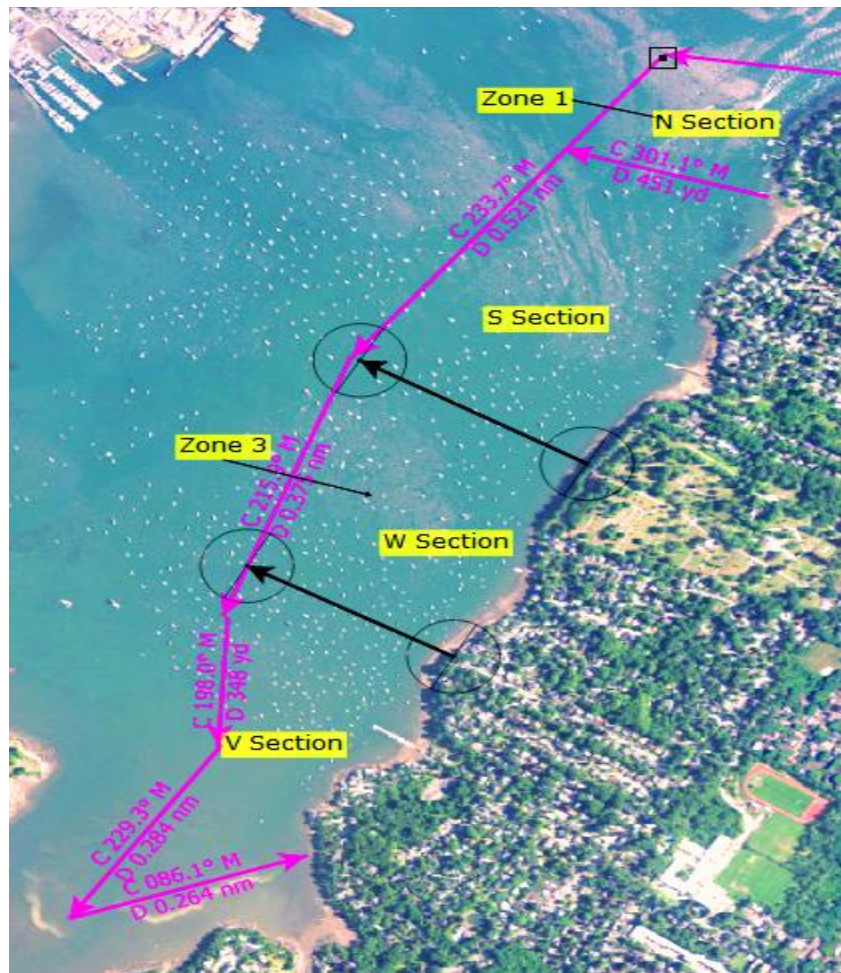
ZONE CHART 1

Outer Harbor



Zones and section lines are not exact. Zone 1 will cover sections L, N and parts of section S. Section S will be determined by the Harbormaster along with the mooring services contractor.

ZONE CHART 3 West Shore



Zones and section lines are not exact. Zone 3 will cover sections V, W, and part of S. Section S will be determined by the Harbormaster along with mooring services contractor.

Mooring/Aquatic Site Policy

This policy is to assure the protection of Marblehead waterways and environment from any mooring related scouring of the ocean floor or navigational hazards within town boundaries. All mooring placement will adhere to Massachusetts Marine Fisheries Guidelines and Department of Environmental Protection Agency in accordance with Aquatic Sites. Marblehead Harbormaster will also not permit placement of moorings in areas less than 2ft mean low water based on NOAA charts. Certain areas will fall into exemption from placement of moorings (not allowed). Existing moorings may be maintained so long as owned by the current owner, but may not be assigned to new owners if the mooring does not comply with this policy. These areas are as follows.

1. Wyman Cove Area
2. Lead Mills Area

Wyman Cove line of demarcation.

42 30.237N 070 52.538W to 42 30.128N 070 52.891W

Lead Mills line of demarcation.

42 30.128N 070 52.891W to 42 30.344N 070 52.894W

Please note that these policies are not by-laws or regulations. They are guidelines in order to protect the ecology of Marblehead waters.

