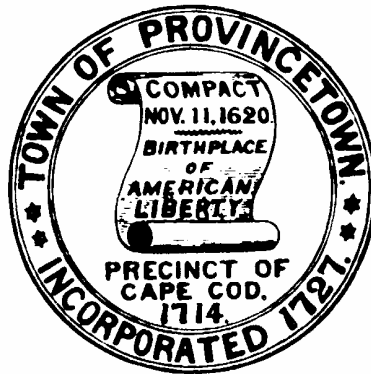


Town of Provincetown Massachusetts



Harbor Regulations Mooring Rules and Regulations

Approved January 1, 1997
Amended March 26, 2004
Amended March 13, 2006
Amended March 22, 2007

**TOWN OF PROVINCETOWN
HARBOR REGULATIONS**

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Chapter 1

MacMILLAN PIER REGULATIONS

Adopted 6/19/89

*Amended 6/26/89, 7/24/89, 3/5/90, 12/9/91, 12/28/92, 12/13/93, 5/23/94, 12/12/94,
12/26/95, 1/22/96, 8/26/96, 12/30/96, 12/11/00, 12/16/02, 3,24,03*

*Chapter 1 Approved and Amended by Provincetown Public Pier Corporation's
Board of Directors*

Provincetown Public Pier Corporation

Purpose: The Provincetown Public Pier Corporation (PPPC) has been established by Chapter 13 of the Acts of 2000 for the purpose of bringing sound market-based management practices to MacMillan Pier operations. Section 3(b) of Chapter 13 authorizes the Board of Selectmen to lease MacMillan Pier to the PPPC not to exceed 20 years. Section 4 of chapter 13 authorizes the Board of Selectmen to appoint 5 volunteers to up to five year terms as the PPPC Board of Directors providing members of the board have experience in one or more of the following fields: commercial fishing, law, finance, marine operations and real estate. Section 5 (b) of Chapter 13 authorizes the PPPC to adopt rules and regulations. In order to effect enforcement of PPPC

regulations a general by-law amendment will be placed on the April 7, 2004 Town Meeting warrant to allow Harbormasters and Police Officers the option to enforce violations of these regulations with, but not limited to, non-criminal disposition citations pursuant to G.L c. 40 subsection 21D and sections 2-3-1 through 2-3-3 of the General By-laws. Accordingly, Harbor Regulations Chapter 1, MacMillan Pier will be superceded by these regulations upon passage.

Article 1. Definitions

1-1-1 "Pier" shall mean MacMillan Pier, owned by the Town of Provincetown, MA.

1-1-2 "Marine Superintendent" shall be that person appointed by the Town Manager as Harbormaster under the provisions of the Charter of the Town of Provincetown and shall include duly appointed deputy and assistant harbormasters. The Harbormaster is the duly appointed official of the Town who has responsibility and authority for the performance of duties as set forth in Massachusetts General Laws Chapters 88, 91, 91A, and 102 and as set forth in the By-laws, Regulations, and Orders of the Town of Provincetown.

1-1-3 "Provincetown Based Vessels" shall mean a vessel based primarily in Provincetown, whose owner's domicile or legal residence is in Provincetown or Truro. In the case of a vessel owned by a trust, organization, corporation, partnership, association, company or other business organization, a Provincetown based vessel shall be defined as one whose owner's principal office is in Provincetown or Truro. The address of a Post Office Box is not acceptable as proof of address. A current real estate tax bill, non-seasoned lease, utility bill or valid Massachusetts Operators License or any other ID issued by the Massachusetts Motor Vehicle Registration, both listing an address in Provincetown or Truro are acceptable as proof of address.

1-1-4 "Town" shall mean the Town of Provincetown, Massachusetts.

1-1-5 "Vessel": includes ships of all kinds, barges, houseboats, sailing vessels, watercraft and power boats 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.

1-1-6 "PPPC" shall mean Provincetown Public Pier Corporation established by Chapter 13 of the Acts of 2000.

1-1-7 "Pier Manager" shall be that person employed by the PPPC to manage day-to-day operations or other designee.

1-1-8 "Live-a-board" shall be a person or persons using a vessel as habitation or overnight accommodation for more than 7 nights.³

1-1-9 Holding Mooring: A single, non-rental, non-recreational mooring used to hold a vessel for marine repair and service or commercial tenants of MacMillan Pier.⁴

Article 2. General

1-2-1 All vessels, persons, and vehicles using the Pier shall be governed by the Rules and Regulations contained herein and all other applicable laws, by-laws, rules and regulations and orders of the court, if any, concerning the operation of vessels and the use of piers, including, without limitation, those promulgated by the United States Coast Guard, the Environmental Protection Agency, the Department of Environmental Protection, the Commonwealth of Massachusetts, the Town of Provincetown and the PPPC.

1-2-2 *Deleted April 5, 2004*

1-2-3 All persons, vessels and vehicles using the Pier shall be responsible for the security of their own property. The Town or PPPC, its officials, agents or employees shall not be responsible for the loss of or damage to life, persons or property occurring at the Pier and facilities owned, controlled, or operated by the Town from any cause whatever.

1-2-4 The Pier shall normally be open for use by licensees, transient vessels and the general public on a twenty-four hour a day basis, unless the PPPC, Harbormasters Office or public safety officials determine that for the purposes of maintaining public safety or security of the premises, that more limited hours of operation are necessary.

1-2-5 Soliciting of business by use of megaphones or loud speakers is prohibited. Recorded music and live entertainment will conform to 13-2-6 of the Town's general by-laws. PPPC may provide waivers as required in 13-2-6-4.

Article 3. Use of Pier

1-3-1 MacMillan Pier is primarily for the general use and benefit of commercial fishing vessels and commercial passenger vessels, and for the passive enjoyment by the general public. All users of the Pier for commercial purposes, including but not limited to commercial fishing, fish and seafood unloading and wholesaling, retail uses, community events, exhibition of art or performance art and commercial passenger vessels, shall require a license from the PPPC and be subject to the rules or contracts attached to an approved license or permit applications. All other uses, including recreational uses, except enjoyment by the general public and commercial uses other than those licensed by the PPPC, are prohibited, unless expressly authorized by the PPPC.

1-3-2 The decks, floats, structures, and waterways of MacMillan Pier and other Town-owned and operated docking and berthing facilities shall not be obstructed for any purpose other than the berthing of, access to and loading and unloading of vessels. Storage or repair of traps, nets, gear, bait or other supplies beyond 48 hours is prohibited except with the permission of the Pier Manager and in areas designated for storage or repair. Tenants shall be required to clean up any debris on completion. Nets must be in an exactics container with the name of the vessel indelibly labeled on container. No gear may be stored on pier by transient vessels.²

1-3-3 When stretching wire on the Pier, a line and a block will be used. Wires are not to cause damage to any parts of the Pier, such as poles, ladder, utility boxes, or cap

rails. No wire will be stretched after 9:00 am from April 30th until October 1st, unless expressly authorized by the Pier Manager.³

1-3-4 Limited Pier space is available. Its use and berth assignments by vessels shall be under the direct supervision and control of the Pier Manager. Permanent berthing of vessels and placement of floats shall be by license or permit from the PPPC. Transient berthing of vessels is allowed only upon permission of the Pier Manager and upon the payment of appropriate fees. Use of the east facing finger piers shall be restricted to active, full-time, year-round commercial fishing vessels. Any other uses of these finger piers must be approved by the PPPC.²

1-3-5 Vessels wishing to utilize the Pier on a transient basis to load and unload gear, supplies, seafood and other items shall be accommodated on a first-come first-serve basis and in accordance with Article 5 of this regulation. The Pier Manager may establish a maximum time limit on the use of the Pier by any one vessel in order to assure that the use of the Pier is available to other vessels.

1-3-6 Vessels desiring use of Pier space for an extended time period and not otherwise licensed for such shall obtain, in advance, the permission of the Pier Manager. Such vessels may be required to move to make way for other vessels needing use of the Pier.

1-3-7 Vessels which are not listed on the float space license wishing to utilize a float space may do so with the permission of the licensee AND with the written permission of the Pier Manager for a period not to exceed 24 hours. In an emergency, the Pier Manager may grant permission for a period greater than 24 hours, but in no event longer than the date of the next scheduled meeting of the PPPC, the permission of which Board shall be necessary for such continued utilization beyond said date. Rental of privately licensed float spaces to transient vessels is not allowed unless specifically provided for in float space license.

1-3-8 All vessels using the Pier shall be maintained in a safe, sound and seaworthy condition and capable of getting underway under its own power except in cases of temporary incapacity during emergency repairs. Vessels incapable of getting underway on their own power for a period greater than twenty-four hours shall notify the Pier Manager. Docking and berthing privileges may be denied to any vessel, which in the opinion of the Pier Manager or Marine Superintendent, is not in a safe, sound and seaworthy condition or which poses a hazard to the safety of the Pier, vessels, the public or environment. Any such vessel tied to the Pier may be directed to leave the Pier by the Pier Manager or Marine Superintendent.

1-3-9 Fueling of vessels at the Pier shall be prohibited, except by properly licensed operators. Servicing of vessels, including but not limited to welding, electronic and hydraulic repairs, replacing gear, and engine repairs, at pier-side shall be allowed at the discretion of the Pier Manager provided other pier operations are not adversely affected.

1-3-10 The consumption of alcoholic beverages at or on the Pier is prohibited. Community events wishing to serve alcohol shall apply for and be approved for a waiver of this regulation for a period not to exceed one day from the PPPC. The PPPC may include restrictions on approval or may deny the application.

1-3-11 The owners or captains of all resident vessels using MacMillan Pier shall make available to the Pier Manager the names of at least two qualified persons who can be contacted in the event of the need to move vessels. All other transient vessels berthed at the Pier shall have on board at all times sufficient personnel qualified to move the vessels when requested by the Pier Manager. Upon order of the Harbormaster/Pier Manager, all vessels must be moved within 30 minutes.²

1-3-12 All vessel owners must notify the Pier Manager when vacating their assigned berth for the season. PPPC reserves the right to assign and charge for spaces not in use by annual permit holders during the period the space is vacant.²

1-3-13 Artist, performance and street vending licenses are required for the display and/or sale of art, sculptures or other public displays or performance. Operators will adhere to the PPPC rules and requirements of the license or the license will be revoked without appeal. Permit or license holders must produce a valid license or permit in accordance with General By-law 9-4 to allow inspection by any Police Officer, Harbormaster or Pier Manager on request.

1-3-14 All persons using the pier are subject to the laws and regulations of the Town of Provincetown regarding personal conduct and behavior. Abusive language, actions, threats and/or illegal activities are subject to enforcement by the Harbormaster and/or the Police Department. Owners and Captains of any vessel berthed at the pier are responsible for the conduct of their crew at all times. Provincetown is a designated "No Place For Hate" community.³

Article 4. Public Access

1-4-1 MacMillan Pier shall normally be open and available to the public 24 hours a day throughout the year.

1-4-2 Public pedestrian access shall be within the curbed sidewalk along either side of the Pier. Pedestrians shall not obstruct the operation and movement of vessels and vehicles utilizing the Pier.

1-4-3 *Deleted April 5, 2004*

1-4-4 No one shall be permitted to use skateboards, roller blades, or bicycles on any gangways, floats or floating docks. All other use of skateboards, roller blades or bicycles on MacMillan Pier shall be at the discretion of the Pier Manager or Marine Superintendent. These uses shall not obstruct the operation and movement or safety of vessels, vehicles or pedestrians utilizing the Pier.

1-4-5 Swimming shall only be allowed in areas so designated by the Pier Manager or Marine Superintendent and is at the users' own risk. No diving or jumping is allowed from electrical boxes, gangways, jib cranes or other structures on MacMillan Pier.

1-4-6 Dogs must be leashed or under voice and sight control at all times while on the pier or any of its adjacent floats, docks and gangways. Dog owners/walkers are required to clean up after the animal immediately and dispose of the waste in a waste container. Dogs are not allowed to be aboard vessels unattended overnight while the vessel is berthed at the pier or its adjacent floats, docks or gangways. Violations of this regulation are enforceable by a non-criminal disposition of \$50 for each offence.³

Article 5. Vehicles and Parking

1-5-1 Use of the Pier by vehicles shall be limited to those vehicles actively serving vessels and businesses at the Pier and casual vehicular travel by the general public. No vehicle shall be parked as to block the access of other vehicles to the Pier. Parking of vehicles and heavy trucks shall be prohibited on the Pier, except in the space and times so designated by the Pier Manager and as specified in section 1-5-6 of these regulations. No vehicles shall be left unattended or overnight on the Pier, except with the written permission of the Pier Manager or Marine Superintendent.

1-5-2 The Pier Manager, Marine Superintendent or Police Department may close the Pier or sections thereof to vehicular traffic if in their judgment closing is required in the interest of public safety. Sections of the Pier may be closed to vehicular and public access for properly licensed short-term community events.

1-5-3 No person using the Pier shall cause the load limit to be exceeded as posted.

1-5-4 The minimum space between vehicles on the approach and intermediate Pier shall be five (5) feet.

1-5-5 No person shall operate a motor vehicle in excess of ten (10) miles per hour on the Pier.³

1-5-6 Parking is prohibited on MacMillan Pier except in the following designated areas and under the conditions specified. Vehicles which do not follow these rules will be subject to ticketing and towing:

a) Pier Permit Parking Area

The spaces designated by "Pier Permit Parking Only" signs shall be primarily used by the Owner/Captains of the commercial fishing fleet who need access to their vehicles while working on their vessel and licensed MacMillan Pier business tenants. These are not permanent parking spaces for tenants but are only to be used while they are actively working their vessels. Rear-view mirror tags will be issued to each tenant with accounts in good standing and no past due balances. This tag must be clearly visible on the vehicle's rear-view mirror while parked in these spaces. Only one parking permit will be issued per tenant. Pier parking permits and time limits (1-5-6 g) shall be valid and enforced from May 15th to October 1st of the year issued. Off-season use shall not require a permit; all other regulations remain in effect.³

b) Harbormaster Office Parking:

The spaces designated by the "Harbormaster/Police Parking Only" signs shall be used only by vehicles identified as PPPC, Marine Department, Police Department or Fire

Department/Rescue Squad vehicles.

c) West-side of Approach Pier

Vehicles which are actively loading, unloading or fueling vessels on the west side of the Pier may park along the west side of the approach Pier. These vehicles can be parked for no longer than 15 minutes. For vehicles which need to be parked for longer than 15 minutes, a "Temporary Parking Permit" must be obtained in advance from the Pier Manager or Harbormaster on-duty and clearly displayed in the windshield.³

d) Seafood Offloading Spaces:

The area inside the yellow lines, which delineate Offloading Spaces (Loading Zones), shall be reserved for vehicles actively engaged in offloading or loading of seafood. Any other uses must be approved in advance by the Pier Manager and will be secondary to uses of the commercial fishing fleet.

e) Ferry Passenger Standing Zone

The third lane next to the pedestrian walkway on the main Pier shall be used for the discharge and loading of ferry passengers and luggage.³

f) Handicap Parking Spaces:

Parking in the blue parking spaces is reserved for vehicles with handicap plates or placards only. All other vehicles will be ticketed or towed without regard for time limits, Tenant rear-view tags or Temporary Permits

g) Time Limits

All parking, with the exception of the Handicap spaces is limited to MacMillan Pier tenants actively working their vessels/businesses. All other vehicles must obtain a temporary parking permit in advance from the Pier Manager or Harbormaster on duty.³

(h) Floating Docks Parking Area:

The parking spaces at the floating docks are only to be used by tenants actively working on their vessels at the dock and only one vehicle per crew at a time. No vehicle may park in floating docks lot if the associated vessel leaves the facility.²

Article 6. Passenger Vessels

1-6-1 Commercial passenger vessels may regularly utilize the Pier for the loading and unloading of passengers only under an agreement with the PPPC and in the specific locations contained within the agreement. Occasional similar use of the Pier by passenger vessels may be permitted upon advance request and approval of the Pier Manager. No vessels utilizing MacMillan Pier may embark or disembark passengers from 11 PM to 7 AM with out a security detail of Harbormasters or Police Officers at the vessel's expense.

1-6-2 Passenger vessel operators intending to use the Pier, or any other town-owned or operated berthing facility, shall be required to provide copies of all current Coast Guard vessel certifications, operators' licenses, and insurance certificates. They may also be required to provide the following information: total number of toilet fixtures, sink fixtures,

kitchen sink fixtures, occupancy, holding tank capacity, trash disposal and schematics and narratives on the gray-water and black-water plumbing configurations.

1-6-3 The PPPC shall continue to license those entities which were licensed during the summer of 1986 provided that said entities have been properly licensed in each succeeding year since 1986 and that said licensees shall have been and shall remain in good standing with all applicable laws, By-laws, rules, regulations and license terms.

1-6-4 The terms of all such licenses shall be as determined by PPPC in compliance with Chapter 13 of the Acts of 2000. For new licenses, licenses that were previously revoked or licenses that are not renewed by April 1 of the year after a previously approved renewal license, 1-6-3 shall not apply. PPPC may issue new licenses on a seasonal or short-term basis in compliance with Chapter 13 of the Acts of 2000 and consistent with the conditions of MacMillan Pier Chapter 91 License for a wide range of commercial water transportation services to public passengers for hire, tourism attractions or commercial fisheries.

1-6-5 All attachments, such as floats, gangways, and booths must be removed from the Pier by the date designated by the PPPC unless an exemption is granted by the Pier Manager. Additionally, these items must be removed upon direction of the Pier Manager or Harbormaster for public safety or for severe weather conditions.

1-6-6 No boat shall be left in dead storage or inactive at the Pier or Town-owned floats or licensed float spaces.

Article 7. Commercial Fishing Vessels

1-7-1 All commercial fishing vessels wishing to regularly utilize the Pier shall obtain in advance from the PPPC an annual or semi-annual dockage permit for the use of the Pier. The permit shall be issued to a specific vessel, and shall entitle the vessel to the full use of and access to the Pier in common with other permit holders, subject to the rules, regulations and permit terms of the Pier. Commercial fishing vessels permit requirements and terms are listed on the application for commercial fishing vessel berth.

1-7-2 Annual dockage permits shall be valid from April 1st through March 30th of the following year. Past due fees not paid by the specified date of renewal will prevent the vessel from tying to the Pier and any such vessel docking at MacMillan Pier after the specified date may be fined \$50.00 on a non-criminal disposition citation or any other applicable law for every 24-hour period thereafter.

1-7-3 Semi-annual dockage permits shall be valid from April 1st through September 30th and from October 1st through March 30th. Past due fees not paid by the specified date of renewal will prevent the vessel from tying to the Pier and any such vessel docking at MacMillan Pier after the specified date may be fined \$50.00 on a non-criminal disposition citation or any other applicable law for every 24-hour period thereafter.

1-7-4 Semi-annual dockage may be granted to vessels whose captains and/or crews reside in Provincetown or Truro, or so that the vessels can be moved as noted in 1-3-11. Annual dockage permits may be granted in Provincetown-based vessels as defined in 1-1-3 and moved as noted in 1-3-11.

1-7-5 Fishing vessels not having a valid annual, or semi-annual dockage permit shall be assessed the transient vessel fee. The Pier Manager shall collect fees for the use of the Pier by transient commercial fishing vessels.

1-7-6 Pulpits that cannot be retracted or raised shall not be permitted on the floating docks.

1-7-7 *Deleted April 5, 2004*

1-7-8 All vessels with floating docks slips or on commercial fixed fingers shall maintain a permitted holding mooring appropriate for the size vessel or the ability to remove the vessel on it's trailer in case of severe weather or it's inability to mechanically function.

1-7-9 Users are responsible for removal of any gear, trash and general cleanup of the area around their vessels.

1-7-10 *DELETED* March 9, 2006

1-7-11 Licensees whose berth is located at the fixed finger piers and the floating docks may be subject to fees or fines for the abuse of potable water privileges. Abuse of privileges shall be as determined by the Pier Manager and fees or fines will be determined by the Pier Manager based on guidelines from the Town Water Department.³

1-7-12 Licensees whose berth is located on the fixed finger piers or floating docks are not authorized to sub-lease, lend or reassign the berth to any other vessel at any time without the written consent of the Pier Manager. Unauthorized vessels docked in licensee berths shall be removed at the request of the Pier Manager or Harbormaster on-duty. If the vessel is not removed, it will be subject to transient rates, ticketing or towing charges payable by the owner of the vessel.³

Article 8. Offloading/Handling of Seafood

1-8-1 The PPPC may lease an area of the Pier for seafood offloading if said lessee is in good standing. Said license shall limit the lessee to operating on its leased premises only.

1-8-2 Each Pier Space licensee is allowed a specific number of vehicles as detailed in its respective lease. All such vehicles and their use shall satisfy applicable requirements as to road worthiness, registration, etc. and shall be conformant with orders issued by the Barnstable Probate Court as presently in effect and as may be amended from time to time.

1-8-3 All seafood offloading operations on MacMillan Pier shall assure the cleanliness of areas used for offloading at the end of each operating period and as health standards may require and/or as may be required by the Pier Manager, Marine Superintendent or his delegates from time to time during offloading operations. In addition to other measures used to assure conformance with these requirements, offloading areas

shall be washed down with water under pressure of at least 50 pounds per square inch (gauge). Water from the Municipal Water supply shall not be used for this purpose.

1-8-4 Licensees shall be subject to fines or suspension or revocation of their licenses for violations of these regulations, Federal, State, and local By-Laws, regulations and lawful orders of the Marine Superintendent or his delegates.

1-8-5 All state and federally licensed seafood offloaders shall be allowed to pack out through the lessee of MacMillan Pier Offloading Spaces, with the fee therefore to be determined by the lessee. Fees shall not discriminate in regards to residency of offloaders.

All offloading fees and discounts based on volume or membership shall be posted in a conspicuous place permanently fixed about the offloading station and Harbormasters office.

1-8-6 Vessels berthed at the east facing finger piers may offload their catch of fish or seafood into their own vehicles or into a vehicle which is rented or leased to them but not sub-leased to them. This offloading may take place adjacent to the east facing finger piers or at an area designated by the Pier Manager.

1-8-7 Vessels listed on float space licenses may offload into their own vehicles or into a vehicle which is rented or leased to them. This offloading may take place at an area adjacent to their float space.

1-8-8 Seafood offloading on MacMillan Pier is restricted to Pier Offloading Spaces, the area adjacent to the east facing finger piers as noted in Section 1-8-6, the approach pier as detailed in Section 1-8-7, or an area temporarily designated by the Pier Manager or Harbormaster due to special circumstances such as weather or safety concerns.

1-8-9 Any person off-loading seafood from MacMillan Pier shall do so only in locations approved by the PPPC or its designee. No person shall conduct seafood or gear off-loading from any portion of MacMillan Pier, including the courtesy float, without obtaining a permit issued by either the PPPC or the entity authorized by the PPPC pursuant to a lease or other written agreement between the PPPC and such entity, to issue such permits for seafood and gear off-loading operations, and paying the established fee to either the PPPC or its designee, as directed by the PPPC.¹

Article 9. Pollution Prevention

1-9-1 Waiting vehicles shall turn off their engines while in the ferry terminal area of MacMillan Pier or on the direction of the Harbormaster or Pier Manager.⁴

1-9-2 Garbage, sewage, and refuse shall be properly disposed of. Persons using the Pier shall wash down the Pier surface after unloading fish and at other times as required.

1-9-3 Waste oil and used engine oil and batteries shall be properly disposed of in the waste oil container at the Provincetown Highway Department or other authorized facility

and shall not be left on the Pier. Violators may be subject to ticketing. Each day shall be a separate offence.⁴

1-9-4 See also Provincetown General By-Laws, Chapter 12.

1-9-5 Fueling of vessels at the Pier shall be prohibited except by properly licensed delivery trucks whose companies and vehicles have applied for and received an annual Fuel Delivery Permit

1-9-6 Hoses for fuel delivery may not be routed across open water. No deliveries may be made to vessels in the floating dock slips beyond the second slip from the Pier.

1-9-7 Sale of oil and related products to vessels on MacMillan Pier must have the name of the vessel indelibly written on each package, container or drum by the vendor. Failure to comply with this regulation will result in revocation of the Fuel Delivery Permit.

Article 10. Fees

1-10-1 Fees for uses permitted on the Pier shall be as established from time to time in accordance with Chapter 13 of the Acts of 2000. Unless otherwise provided by law or by-law, the PPPC shall establish all fees under this Chapter.

Article 11. Penalties

1-11-1 Violations of any provisions of these regulations, may be penalized by a non-criminal disposition as provided under Massachusetts General Laws, Chapter 40, Section 21D. Each day on which a violation exists shall be deemed a separate offense.

1-11-2 Licensees, transient vessels, and other users of MacMillan Pier who fail to pay the required fees and/or fail to comply with other requirements for use of the Pier by the time deadline for same shall forfeit use privileges at the Pier forthwith and may be subject to collection procedures. In the case of licensees, the PPPC may at its discretion, elect to hold a show cause hearing in lieu of immediate suspension of privileges. Continuation of a violation shall constitute a trespass. Violators may be subject to the Town's and PPPC's remedies and penalties therefore in addition to other applicable penalties.

1-11-3 Penalties for violations of other laws, regulations, court orders, etc., shall be prescribed under the laws, etc. concerned.

1-11-4 *Deleted April 5, 2004*

1-11-5 *Deleted April 5, 2004*

Article 12. Dinghy Dock

1-12-1 The skiff-dinghy dock shall be made available only to vessels which are less than maximum 16 feet in length, do not have a steering wheel and are used to access a properly authorized mooring or a transient vessel at anchor. Docking and berthing privileges may be denied to any vessel, which in the opinion of the Pier Manager or Marine Superintendent is not in a safe, sound and seaworthy condition or which poses a hazard to

other vessels. The skiff-dinghy dock may also be used for commercial purposes as determined by the PPPC.

1-12-2 Vessels may use this dock on a transient basis, free of charge, for a maximum tie-up time of 7 hours except seasonal skiff-dinghy dock permit holders as described in section 1-12-3. These transient vessels may not tie-up in the area marked with a yellow stripe that shall be reserved for said commercial dinghy dock permit holders. For those desiring to tie up for more than 7 hours, Permits are available from the Pier Manager

1-12-3 Skiffs and dinghies may tie-up around the clock for the season at the skiff-dinghy dock upon receipt of a seasonal skiff-dinghy permit and sticker from the Pier Manager after paying the appropriate fee. The sticker must be placed on the inside stern portside of the vessel so as to be seen from the dock. These transient or permitted vessels may not tie-up in the area marked with a yellow stripe which shall be reserved for said commercial dinghy dock permit holders. Seasonal dinghy permits expire on December 31st, of the year issued.

1-12-4 Vessels holding a "commercial use" permit for the dinghy dock must use only the portion of the floats painted with a yellow stripe. This area and these permits allow tie-up for the immediate embarkation and debarkation of passengers and gear. All use is on first come first served basis and must at no time exceed 15 minutes of tie-up time. Use of this dock for solicitation of customers, collection of fees from customers, and tie-up of unattended vessels is prohibited.

1-12-5 All vessels using the skiff-dinghy dock must be tied by the bow and shall provide adequate fenders on both sides to avoid damage to other vessels, the dock and MacMillan Pier. All individuals who tie their vessel to this facility do so at their own risk. Any damages caused by this vessel shall be the responsibility of the vessel owner. In severe weather conditions the vessel owners must remove their vessels from the dock. The Town of Provincetown or PPPC shall not be held responsible for any damages or loss of property.

1-12-6 No gear, skiffs, debris or equipment shall be left on the deck of the skiff-dinghy dock. Violations of any of these rules will subject the violator to ticketing, removal and storage fees and loss of permit and docking privileges.

1-12-7 Any dinghy owner wishing to lock the vessel to the dock shall provide a key to the Pier Manager. The Pier Manager is authorized to remove any lock deemed necessary at any time.³

1-12-8 The courtesy float shall be available for use by boaters for a maximum tie-up time of 15 minutes. There shall be no commercial use of the courtesy float unless the use has been authorized by the Board of Selectmen.³

Article 13 Timber Grounding Frames

1-13-1 The structure and area adjacent to the east side of the pier, at the shoreline,

referred to as the “timber grounding frames” is subject to all general by-laws and regulations of the Pier. Use of this area is primarily for the use of pier tenants, and is regulated by the Pier Manager.³

1-13-2 Any vessel wishing to use this area must first obtain written permission and schedule use of the space, Fees apply for transient use and maximum transient tie-up in this area is three days. Fees for this area are the same as transient rates for dock space.³

1-13-3 Parking is prohibited on the approach pier adjacent to this area except for loading and unloading of equipment, which shall be limited to a maximum of 15 minutes. Parking is prohibited in this area between the hours of 9 a.m. and 4:30 p.m. between May 15 and September 15.³

1-13-4 Use of potable water, in this area, from any faucet located on Town property is prohibited.³

Article 14 Live-a-boards

1-14-1 Licensees whose vessel berth is located on or attached to MacMillan Pier who allow themselves, crew or other persons to live-a-board the vessel may be subject to additional charges for potable water and will be subject to all regulations in Article 14 regarding live-a-boards.³

1-14-2 Live-a-board vessels must have holding tanks or other suitable means of containing septage or human urine and feces.³

1-14-3 MacMillan Pier and the Harbormasters office is not to be considered a mail drop or message center without prior approval of the Harbormaster or Pier Manager. When an emergency arises we will try to make contact with the affected parties but will not be held responsible for missed messages or deliveries.³

Article 15 Miscellaneous

1-15-1 If any provision of these regulations 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.

1-15-2 All signs to be posted on MacMillan Pier, booths or buildings, facilities or attached to the pier shall be approved in advance by the Pier Manager.²

Adopted April 5, 2004

1) Revised October 21, 2004

2) Revised March 31, 2005

3) Revised March 9, 2006

4) Revised March 22, 2007

Chapter 2
MOORING RULES AND REGULATIONS
Approved and Amended by the Provincetown Board of Selectman
Adopted 12/12/91
Amended 12/28/92, 12/13/93, 12/12/94, 12/26/95, 12/30/96, 3/13/06
Effective 1/1/97

Article 1. Authorization

2-1-1 These rules and regulations are adopted by the Provincetown Harbormaster, pursuant to Chapter 91, Section 10A, of the Massachusetts General Laws and 310 CMR Department of Environmental Protection, Sections 9.07 and 9.39; and approved by the Provincetown Board of Selectmen. Further, these rules and regulations as part of the Mooring Plan are adopted by the Board of Selectmen pursuant to Provincetown Charter, Chapter 4, Section 4-2-1 and 4-3-2, whereby the Board of Selectmen is the primary policy making, planning, and goal setting agency of the Town.

Article 2. Definitions

2-2-1 Provincetown Harbor: The waters extending from the shores of Provincetown to a line drawn from Long Point to the Provincetown/Truro line.

2-2-2 Harbormaster: All duties, responsibilities and references to the term Harbormaster described herein shall be duly delegated to the Marine Superintendent, and shall, for the purposes of enforcement under Article 6 only, also include assistant harbormasters duly appointed by the Town Manager.

2-2-3 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 or habitation²³ merchandise, people, or for any other purpose.

2-2-4 Vessel Owner: The person listed as owner on the Certificate of Registration or the Documentation Certificate.

2-2-5 Vessel of Record: The vessel identified on the Mooring Permit application.

2-2-6 Mooring: A semi-permanent anchorage installation, consisting of a heavy anchor or block, a mooring buoy, and pennant.

2-2-7 Individual Mooring: A single non-rental mooring used by a person for a specific vessel as identified on the approved permit.

2-2-8 Holding Mooring: A single, non-rental, non-recreational mooring used to hold a vessel for marine repair and service.

2-2-9 Rental Mooring: A mooring for which any type of fee is charged including moorings offered by marinas and yacht clubs for transient or seasonal rental and moorings offered by hotels, motels, inns, and guest houses as part of their facilities. This includes

²³ Amended 3/24/03

moorings which hold vessels which are for sale or rent.

2-2-10 Mooring Permit: Written authorization by the Harbormaster to place mooring equipment within Provincetown Harbor on a temporary annual basis. All mooring permits expire on December 31st of the given calendar year.

2-2-11 Anchor: To hold a vessel in place by lowering a heavy weight into the water by chain, cable or rope.

2-2-12 Anchorage Area: Area designated for anchoring.

2-2-13 Person: 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.

2-2-14 Resident: Resident real estate tax payers, year round tenants, non-seasonal tenants (6 months or more of the calendar year) of residential dwellings located within the Town of Provincetown. Proof of Residency: Current real estate tax bill, non-seasonal lease or valid Massachusetts Operators License or any other ID issued by the Massachusetts Motor Vehicle Registration, both listing a residential dwelling within the Town of Provincetown. The address of a Post Office Box is not acceptable as proof of residency.

Article 3. Mooring Permits and Fees

2-3-1 Any person wishing to moor a vessel or raft in Provincetown Harbor must first obtain a mooring permit from the Harbormaster before any groundtackle, including the block, is installed. Moorings that are established or placed without such authorization may be subject to immediate removal, dropping, ticketing or tagging by the Harbormaster at the owner's expense. Any person who is improperly using a mooring or is using an unauthorized mooring shall be subject to ticketing.³

2-3-2 No mooring permit may be issued until the applicant files the designated application with the Harbormaster, completed in full, along with the appropriate fee and proof of payment of vessel excise tax (if applicable). The Harbormaster shall issue or deny a request for a permit within fifteen (15) business days of receipt of application. The Harbormaster shall keep detailed description of all moorings, their locations, holder's name and address, business and home phone numbers, date mooring was set, and name, length, and type of vessel to be attached thereto. The Harbormaster may revoke or suspend any mooring permit that is not properly marked with permit number on a white float with a blue stripe in accordance with Federal regulations.²⁶

2-3-3 Mooring applications will be accepted anytime of the year however those received after June 30th will be subject to a late-fee surcharge. Complete mooring renewal applications must be received by June 30th of the given calendar year. Those renewals which are not received by this date will be considered abandoned and the space may become available for another permittee. For an Individual mooring application to be considered complete it must include all applicable items stated in section 2-3-2. For rental mooring applications of 1 to 19 moorings the applicant must also include a copy of an Army Corps of Engineers approval as described in section 2-3-8. For a rental mooring field (20 or more) application to be considered complete it must include the following: facility

descriptions as specified in section 2-7-1, a plan as described in section 2-7-2, and a valid copy of an Army Corps of Engineers approval as described in section 2-3-8. Fees for rental mooring applications must be received prior to the placement or use of any mooring gear in the harbor.²⁶

2-3-4 With the exception of holding and rental moorings, one permit per vessel will be issued to the owner of the vessel. At the harbormaster's discretion, one in-shore and one off-shore mooring may be issued in areas of extreme tidal ranges where the owner will pay the same fee for each mooring separately.¹

2-3-5 No individual mooring permit shall be sold, transferred, swapped, reassigned, or rented. No person shall cause any vessel to be attached to said mooring unless said vessel is described in the aforesaid application, except for the circumstances described in Sections 2-3-13 and 2-3-14 of these regulations. Furthermore, the Harbormaster may permit in writing the use of a mooring by another vessel. No rafting of vessels, floats or rafts is allowed in restricted areas without advance permission of the Harbormaster.^{2.5}

2-3-6 Upon the death of a mooring permit holder, the permit may be transferred to the holder's spouse, domestic partner, or other immediate family member so long as all of the conditions in Chapter 2 of the Provincetown Mooring Rules and Regulations are followed.⁶

2-3-7 Mooring permit fees shall be as set forth in Appendix B. Individual Mooring Permit fees may be waived for non-profit organizations. Such waiver requests must be reviewed by the Harbor Committee who will make their recommendation to the Board of Selectmen.³

2-3-8 Rental moorings must have an Army Corps of Engineers Permit as well as the local permit to be valid. Applicants for any type of rental mooring permit must submit proof of a current permit from the Army Corps of Engineers, or proof that the rental mooring applicant has submitted all the correct information as required by the Army Corps of Engineers to show they are in substantial compliance with the federal application process. Failure to comply with the above will result in denial of the application. A rental mooring application may be given conditional approval subject to the condition that the applicant will not place any mooring gear in the harbor until approval has been received by the Army Corps of Engineers.

2-3-9 Any applications for any new or amended rental mooring fields must first be reviewed by the Harbor Committee (HPC). The HPC will determine whether the rental mooring field is providing adequate services as described in section 2-7-1 and determine whether the application is consistent with the Municipal Harbor Plan and its planning to date. The HPC will seek input from other boards and committees as well as the general public through a public hearing and will make its recommendation to the Board of Selectmen and the Harbormaster. The Harbormaster shall not act on any new or amended

Amended 12/30/96

Amended 12/28/92

rental mooring field application until it has been approved by the HPC and Board of Selectmen. Rental mooring field applicants who have previously received approval from the Board of Selectmen need only seek the approval of the Harbormaster as long as the mooring field has not substantially changed in location nor increased in size.

2-3-10 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. Individuals removing their mooring buoys shall have their mooring clearly marked with their identification number at all time using a method that is legible and permanent.⁶

2-3-11 An identification sticker bearing the mooring permit number will be issued to each registered individual mooring holder upon issuance of the mooring permit. This sticker **MUST** be attached to the outside of the hull of the vessel of record, aft on the port side.

2-3-12 Moorings shall only be placed in locations approved by the Harbormaster. No movement of moorings will be allowed without the previously obtained written permission of the Harbormaster. Failure to abide by this regulation may result in the loss of mooring location, removal at the owner's expense or ticketing.³

2-3-13 Individuals who own more than one vessel and more than one mooring who wish to rotate their vessels on their moorings may do so provided that all vessels and moorings have Individual Mooring Permits and that approval is granted by the Harbormaster.³

2-3-14 Individuals who require a dinghy to access their primary mooring may place this dinghy on said mooring provided that it has been listed on the mooring permit. The dinghy owner shall place the mooring permit number on the stern in two-inch high letters.³

Article 4. Mooring Equipment

2-4-1 Any mooring may be inspected and its owner may be ordered by the Harbormaster to remove, relocate, or replace it, whenever, in the judgment of the Harbormaster, the safety of other vessels or the optimum use of the area requires such action. The expense of such removal shall be the responsibility of the owner. Except in emergency situations, an owner shall have at least fifteen (15) days to relocate or remove a mooring when so ordered by the Harbormaster.

2-4-2 All mooring equipment may be inspected by the Harbormaster prior to installation. The Harbormaster may reject any equipment that he/she deems inadequate for the vessel and/or location. All moorings must be maintained on a yearly basis. An underwater inspection of existing moorings will be required every two years at the mooring holder's expense. Those moorings with odd permit numbers will be inspected in odd-numbered years; those with even permit numbers will be inspected in even-numbered

Amended 12/26/95

Amended 12/28/92

Added 12/28/92

Added 12/28/92

years. The inspection must be performed by a qualified diver from a list approved by the Town. The inspection must be on file prior to renewal of the mooring permit for the following calendar year; otherwise, it may be grounds for non-renewal. The Harbormaster shall order mooring holders upon the recommendation of the inspecting diver to have said mooring lifted at holder's expense for visual examination by Harbormaster to determine its condition. Mooring tackle determined by the Harbormaster not to be serviceable or not in conformance with Mooring Ground Tackle Regulations established herein will result in the removal by the Harbormaster of the vessel-of-record assigned to the mooring. Mooring equipment which is visible at low tide shall be inspected by the Harbormaster.⁴

2-4-3 The Harbormaster may periodically inspect all moorings in Provincetown Harbor to enforce all regulations. If equipment is defective and/or there is a violation of the regulations, laws, or by-laws, the Harbormaster shall notify the holder in writing. Said holder shall correct said defective condition within a reasonable time, such time not to exceed fifteen (15) days. After such time the Harbormaster may lift the mooring and drop the pennant and chain at the holder's expense and may revoke or suspend the mooring permit. If an emergency exists, the Harbormaster may do so immediately. If the owner is unknown and/or the mooring does not have a valid mooring permit number on it the Harbormaster shall attach a warning buoy to the mooring. If the owner does not comply with all regulations concerning moorings within 15 days the mooring and gear shall be considered abandoned. The Harbormaster may charge fees for the use of personnel/patrol boats to verify compliance of mooring regulations.²⁶

2-4-4 Mooring weights and specifications are recommended minimums as follows:^{1,4}

| Boat | | | Heavy | Light | |
|--------------|------------------|-------------------|-----------------|-----------------|--------------|
| Length | Block or | Block/Stone | Chain | Chain | Pennant |
| <u>Up to</u> | <u>Stone Wgt</u> | <u>Dimensions</u> | <u>Diameter</u> | <u>Diameter</u> | <u>Nylon</u> |
| 12 ft | 200 lb | 18 x 18 x 6" | 3/8" | 1/4" | 5/16" |
| 16 ft | 300 lb | 20 x 20 x 8" | 3/8" | 5/16" | 3/8" |
| 18 ft | 800 lb | 30 x 30 x 8" | 1/2" | 3/8" | 7/16" |
| 25 ft | 1,000 lb | 40 x 40 x 8" | 5/8" | 3/8" | 1/2" |
| 35 ft | 2,000 lb | 48 x 48 x 8" | 3/4" | 1/2" | 5/8" |
| 45 ft | 4,000 lb | 60 x 60 x 12" | 3/4" | 1/2" | 3/4" |
| 55 ft | 6,000 lb | 72 x 72 x 12" | 3/4" | 9/16" | 1" |

Mushrooms must not be used. Pennants must have a thimble spliced where rope and chain connect. Pennants must have chafing gear where pennant passes through the chocks. Stone weight is approximately 170 lbs. per cubic foot. Reinforced cement concrete weighs approximately 160 lbs. per cubic foot. Heavy chain - depth at low water plus five feet.

Amended 12/26/95, 12/30/96

Light chain - maximum length, depth at M.H.W. plus ten feet. Pennant length - 2 1/2 x bow free board. Chain floatation - styrofoam. Mooring number must be on the float. Vessels having high freeboard or windage may be required to have larger moorings than proscribed above. Determination is to be made by the Harbormaster.²⁴

2-4-5 Any abandoned (not renewed by June 30th) mooring tackle, including blocks, found in the harbor will be the property of the Town of Provincetown and must be reported to the Harbormaster for disposition.²⁶

2-4-6 Anyone who moors in Provincetown Harbor does so at their own risk. The Town of Provincetown, Provincetown Public Pier Corporation and their officers and employees are not responsible for any damages or liability from public use of the harbor or moorings.²⁶

Article 5. Water Quality

2-5-1 No person will intentionally²⁵ discharge or spill oil, sewage, gray water, holding tank wastes, spirits, flammable liquids, contaminated bilge wastes, kitchen wastes, garbage, litter, or other refuse into Provincetown Harbor. Any person caught or observed discharging such wastes into Town waters WILL BE PROSECUTED TO THE FULL EXTENT OF THE LAW. Such person shall be fined upon the first offense and shall have its mooring permit revoked thereafter.³

2-5-2 It shall be the responsibility of the holders of rental moorings to inform all vessels of pumpout requirements in Provincetown and of procedures for obtaining them.

2-5-3 The Harbormaster may place dye tabs in any vessel at any time he deems necessary.

Article 6. Enforcement

2-6-1 Improper use of a mooring permit, failure to remedy any defective condition, or other violation of any provision of these regulations may cause cancellation of the mooring permit and may be penalized by a non-criminal disposition as provided under Massachusetts General Laws, Chapter 40, Section 21D. Each day on which a violation exists shall be deemed a separate offense and be subject to a fine of \$50.00 for each offense.

2-6-2 The Harbormaster shall give a fifteen (15) day notice in writing to the holder of

²⁴ Amended 3-24-03, Amended 12/28/92

²⁶ Amended 3/13/06

²⁵ Amended 3-24-03, 2 Amended 12/11/2000

Amended 12/28/92, 12/26/95

Amended 12/26/95

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 responsibility of the holder of said mooring permit to immediately remove said mooring and gear. If the holder should fail to remove said mooring within thirty (30) days, said mooring and gear shall become the property of the Town of Provincetown.

2-6-3 The owner of a mooring who places it without authorization is subject to ticketing and/or removal by the Harbormaster at the expense of the mooring owner. If the owner is known they shall be given 5 days written notice to remove the unauthorized mooring. If they do not remove it within this time the mooring gear and buoy shall become the property of the Town of Provincetown. If the owner is unknown the Harbormaster shall attach a warning buoy to the mooring. If the owner does not comply with all regulations concerning moorings within 15 days the mooring and gear will be considered abandoned.²⁶

Article 7. *Rental Moorings*

2-7-1 Holders of rental mooring permits for mooring fields of twenty (20) moorings or greater shall provide adequate services including access to boat pump-out facilities, trash and other waste disposal, potable water supply, dinghy tie-up space, restrooms, and showers.

2-7-2 They shall also be required to have a sequential numbering system which is clearly delineated on a plan which is to be included in their application.

2-7-3 [Deleted]

Article 8. *Zones and Anchorage Area*

2-8-1 Rental mooring zones shall be restricted to the following areas as shown on a map dated November 27, 1991 entitled "Plan of Provincetown Harbor, Mass. (C12-648)," which is on file with the Town Clerk's Office:

Upon a showing that rental moorings are negatively contributing to water quality and/or public safety, the total number of rental moorings may be decreased by the Harbormaster following conference with the Board of Selectmen, Harbor Committee, Board of Health and Mooring permit holder(s).

2-8-2 The Restricted Zone shall be the area from a line drawn from the East end of the Breakwater to The Ice House beach access steps, and the west end of the breakwater extending to the southernmost bulkhead of the Provincetown Inn shoreward

²⁶ Amended 3/13/06
Amended 12/26/95

Added 12/28/92,

Deleted 12/26/95

Amended 12/26/95

Amended 12/26/95

to the Historic Mean High Water. No rafting, no floating dry docks, no rafts and no barges are allowed in this area except for those permitted prior to January 1, 1995 without the written permission of the Harbormaster.²⁶

2-8-3 Anchorage its available in all areas with the exception of the Rental Zones, and the Fairway at the discretion of the Harbormaster.

2-8-4 No new moorings will be allowed in the Fairway as posted in the Coast Guard's "Local Notice to Mariners" (12/1/81) and as noted in the Provincetown Mooring Map ("Plan of Provincetown Harbor, Mass.," 11/27/91, C12-648). Renewal of moorings in the Fairway will be subject to the discretion of the Harbormaster and may be prohibited if the U.S. Coast Guard objects, if it is a hazard to navigation. Anchoring in the Fairway is prohibited. No new moorings will be allowed in the 100 foot wide fairway from the West End Boat Ramp seaward for 1000 feet.²⁶

2-8-5 An area seaward of the West End Racing Club (WERC) as outlined on the Harbormaster mooring charts is designated for use by WERC for children swimming and sailing instruction and mooring club owned vessels under non-profit status conferred by 2-3-7. All pre-existing moorings inside this zone are grandfathered until such time as the permit holders give up or abandon their moorings.²⁷

Article 9. Allocation of Moorings

2-9-1 Mooring permit numbers will be the same as the shot number on the Plan of Provincetown Harbor (C12-648) if one exists. Otherwise, the Harbormaster will continue the numbers as used for the shots and may reissue a shot number if a mooring is considered abandoned or if the mooring must be relocated.

2-9-2 The Harbormaster will first offer a mooring to be renewed by the prior mooring holder. If a mooring permit is not renewed per section 2-3-3, or if it is abandoned, the space may be offered to another permittee. If a mooring holder has renewed his mooring but does not have his own vessel on the mooring for a period of one year, the mooring location reverts to the Town of Provincetown and the provisions of section 2-6-2 apply. Extensions may be granted at the discretion of the Harbormaster.

2-9-3 In areas where no additional spaces are available for individual or holding moorings, applications shall be placed upon a waiting list maintained at the office of the Harbormaster. The waiting list shall be a public document and shall be posted. The waiting list shall include all applicants in chronological order by date of original application and will include a description of the physical characteristics of the applicant's vessel, contact information and receipt of annual fee. The person at the top of the waiting list shall have priority to obtain the next available location if the vessel is not too large for the space available. The person may waive the right to the next available location if it is not in a

²⁶ Amended 3/13/06

²⁷ Added 3/13/06

convenient location, without losing his or her place at the top of the waiting list. In the event of a waiver, the next person on the list shall be offered the location, and if that person waives the right to the location, the next successive person shall be offered the location, etc., all subject to the size of the vessel, until someone in succession on the list takes it and registers a mooring there. Notice to the person entitled to the next available mooring shall be in writing. If that person does not accept and submit an application for the mooring within 10 days, the offer will be considered waived. Applicants shall annually renew waiting list applications and pay the annual fee by March 30th to remain on the waiting list.²⁶

Article 10. *Miscellaneous*

2-10-1 If any provision of these regulations 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.

2-10-2 These Regulations may be amended by the Board of Selectmen following a public hearing. The Harbor Committee may make recommendations to the Board of Selectmen for amendments. The Board of Selectmen must hold their public hearing with due published notice.¹⁹

26 Amended 3/13/06
Amended 12/26/95
19 Amended 12/26/02

Chapter 3
PROVINCETOWN HARBOR
Approved and Amended by the Provincetown Board of Selectman

Adopted 12/13/93 Amended 5/23/94, 12/26/95, 1/22/95, 9/12/96, 12/30/96, 3/13/06
Effective 1/1/97

Article 1. Definitions:

3-1-1 Private Beaches: Beach property, located landward of the mean-high water line, owned by a private party.

3-1-2 Public Beaches: Beach property, located landward of the mean low water shoreline, which is owned by the Town of Provincetown or that which is owned by the State of Massachusetts and under the control of the Town of Provincetown.²⁶

a) Dinghy storage areas: Public beach areas located landward of the mean-high waterline as designated by the Provincetown Harbor Plan.²⁷

3-1-3 Vessel: Includes ships of all kinds, barges, sailing vessels, watercraft and powerboats of any type or kind by whatsoever means propelled, every structure designed, adaptable or capable of being navigated, towed, or operated on water from place to place for the transportation of merchandise, people or habitant²⁰, or for any other purpose.

3-1-3 a) Dinghy: A small, low-powered vessel used exclusively to access another vessel within the harbor.²⁷

3-1-4 Personal Watercraft (PWC): Personal Watercraft ("PWC"): A vessel propelled by a water-jet pump or other machinery as its primary source of propulsion that is designed to be operated by a person sitting, standing or kneeling on the vessel rather than being operated in the conventional manner by a person sitting or standing inside the vessel.

3-1-5 Primary No Wake Zone Primarily defined by the inner harbor breakwater and extending westward in a line to the southern most bulkhead of the Provincetown Inn and extending eastward to the Ice House beach access steps. East of Ice House / Howland Street the zone is 1000' feet from the water's edge.²⁷

a) Large Vessel No Wake Area The area within the primary fairway between the Long Point green buoy(G3) and the west end of the inner harbor breakwater (R4) extending southward from the breakwater for 500 (five hundred) yards.²⁷

3-1-6 Transient Vessel Vessels, primarily intended for cruising or fishing, with a home port other than Provincetown, which are visiting Provincetown Harbor for fewer than 6 (six) days.²⁷

²⁶ Amended 3/13/06

²⁷ Added 3/13/06

Added 8/12/96

3-1-7 Live-a-boards Vessels mooring, anchoring or berthing within the harbor for a period of 7 (seven) days or more, which are regularly used for overnight accommodation of 1 (one) or more persons.²⁷

3-1-8 Houseboat Any floating craft which is not a registered or documented vessel, is restricted in its ability to maneuver under its own propulsion, and/or for which the primary purpose is as a domicile or to provide overnight accommodations.²⁷

3-1-9 Resource Area Any and all portions of Provincetown Harbor as defined by the Provincetown Harbor Plan, including the tidal areas and beaches up to the Historic High Water Line.²⁷

Article 2. Beaches:

3-2-1 Vessels, including their lines and anchors, shall not be located on public beaches unless they receive written authorization and appropriate permits from the Harbormaster. The owner of any unauthorized vessel which is located on a public beach shall be subject to ticketing and/or removal and storage at the expense of the owner.²⁶

3-2-2 Vessels, including their lines and anchors, shall not be located on private beaches or private property without written authorization from the property owner, a copy of which shall be provided to the Harbormaster Office. The owner of any unauthorized vessel which is located on a private beach shall be subject to ticketing and/or removal and storage at the expense of the vessel owner.²⁶

3-2-3 Dinghies routinely stored above the mean-high waterline along the beaches must first obtain a permit from the Harbormaster. The Harbormaster shall issue a beach dinghy permit upon formal application and payment of all fees. Permit stickers must be affixed to the vessel as required. Permits are valid through December 31st of the year issued.

a) Dinghies stored on the beach shall not impede the use of the Town Landings or private property at any time.

b) Any dinghy routinely stored on the beach which is not permitted, or in the consideration of the Harbormaster, poses a hazard to other vessels, property, or the resource area, may be ticketed and or removed and stored or disposed of at the owner's expense. Any dinghy removed and stored, which is not claimed within 30 days is subject to disposal by the Harbormaster. Removal fees are \$50 (fifty) per vessel. Storage fees are \$5 (five) per day.²⁷

Article 3. Deleted²⁸

These regulations are located in Chapter 1, Article 12 of Pier Regulations.

²⁷ Added 3/13/06

²⁶ Amended 3/13/06

²⁸ Deleted 3/13/06

Article 4. Provincetown Harbor:

3-4-1: The owner of any vessel which is in the waters of Provincetown Harbor and is determined by the Harbormaster to be unsafe, unfit or a hazard to navigation shall be ordered to remove said vessel from the harbor. Failure to remove the vessel in a timely manner shall subject the owner to ticketing and/or removal and storage charges.

3-4-2: Absolutely no wake is allowed in the anchorage or active mooring areas. Speed is not to exceed 5 miles per hour, or the minimum speed required for steerage, whichever is less. These areas include the restricted zone as defined in section 3-1-5. No vessel transiting between Long Point and the inner harbor breakwater shall endanger another with its wake.²⁶

a) Vessels that are rated by the USCG at 50 (fifty) tons or more shall reduce speed to NO WAKE a distance of not less than 500 (five hundred) yards south of the breakwater (R4).²⁷

3-4-3 The Harbormaster shall survey all vessels located within Provincetown Harbor on or about the first day of July and on or about the first day of August. The Harbormaster shall then report each vessel's registration number and estimated length and age to the Board of Assessors not later than December first of each year.

3-4-4 Personal Watercraft, for consistency with PWC Marked Channel General By-law, to read as follows: "The operation of personal watercraft shall be prohibited *on the tidal waters of Provincetown Harbor and any adjoining river, inlet, cove, pond, embayment or harbor westerly of a line running from the Provincetown/Truro town line to Long Point Light, with the exception of a marked channel in which personal watercraft may pass through Provincetown Harbor operating at headway speed. Said marked channel shall begin at the Good Templar Landing thence to Long Point Buoy marker #3 within Provincetown Harbor, as shown on a plan on file in the office of the Town Clerk. No personal watercraft shall be launched from any location in Provincetown Harbor except the boat launching ramp at the Good Templar Landing, and any personal watercraft using said boat launching ramp shall be registered with the Provincetown harbormaster.* The rental of personal watercraft shall be prohibited in Provincetown Harbor except for such businesses providing qualified escorts *in said marked channel.* The purpose of these escorts is to ensure that all state and local regulations concerning the operation of these watercraft are observed. A "qualified escort" is an individual designated by the manager of a personal watercraft rental business to observe and supervise renters of personal watercraft. These escorts shall have experience in safe operation of personal watercraft and knowledge of all state and local regulations pertinent to the operation of personal watercraft."²⁶

Article 5. Enforcement:

3-5-1: All vessels and persons in Provincetown Harbor shall be governed by the

²⁶ Amended 3/13/06

²⁷ Added 3/13/06

Added 1/22/96

Rules and Regulations contained herein and all other applicable laws, by-laws, rules and regulations and orders of the court, in any, concerning the operation of vessels and the use of piers, including, without limitation, those promulgated by the United States Coast Guard, the Environmental Protection Agency, the Massachusetts Department of Environmental Protection, and the Town of Provincetown.”²³

Article 6 Live-a-boards²⁷

3-6-1 the Harbormaster shall have the authority to determine if a vessel meets the definition of a live-a-board. The activities aboard vessels and houseboats used to live-a-board is regulated for the safety and enjoyment of all persons using the harbor and to protect the environmental health of the resource area.

a) Unless otherwise connected to a shoreside waste removal system, a live-a-board vessel must have a holding tank of not less than 10-gallon capacity. The waste system must be equipped with a Y-valve that can be secured such that overboard discharge outlets are closed. The Harbormaster may, with the permission of the vessel owner, place wire-ties on the Y-valve to close overboard outlets and inspect the Y-valve periodically to assure the wire-ties have not been removed. The Harbormaster may, with the permission of the vessel owner, place dye tabs into the holding tank as a means of monitoring the vessels overboard discharge.

b) Taking on of potable water by these vessels at MacMillan Pier and the courtesy float is under the direction of the Harbormaster and shall be charged at the rate specified in Appendix B.

c) No special parking privileges are provided to occupants of live-a-board vessels or houseboats.

23 Amended 12/16/02

27 Added 3/13/06

Appendix A
MacMILLAN PIER VEHICLE RESTRICTIONS

July 9, 1984

Notice is hereby given of a modification of Preliminary Injunction by Judge Shirley R. Lewis of the Barnstable Probate Court in the Commonwealth of Massachusetts, on June 29, 1984 for MacMillan Pier in the Town of Provincetown, as follows:

MODIFICATION OF PRELIMINARY INJUNCTION

After hearing, the Court finds that the Preliminary Injunction shall be modified as follows:

General Conditions:

Annual inspections of MacMillan Pier shall be conducted by a structural engineer, registered in Massachusetts as a professional engineer, during the spring of each year.

A report of this inspection shall be made and copies of same shall be provided to the Town of Provincetown and shall be made available at Town Hall for inspections at reasonable times and to the Barnstable Probate Court not later than the end of June of the year of inspection.

Should the Town, at any time, determine that conditions exist which, in the interest of public safety, should be known sooner than provided above, it is the responsibility of the Town to make same known to the Court without delay.

The conditions set forth in these recommendations shall not affect or prejudice the right of the Town to administer, bid, or lease MacMillan Pier or parts thereof or float spaces or adjacent water rights.

Building Structures:

Use of all buildings and structures on MacMillan Pier shall be in conformance with the Massachusetts Building Code.

The second floor of the Town owned concrete block building on MacMillan Pier may be used for loadings of up to seventy-five pounds per square foot.

Vehicular Use:

Vehicular use is permitted on MacMillan Pier as follows:

For purposes of structural safety, vehicles of rating greater than H2 [vehicles with any single axle load greater than 6.4 tons (12,800 pounds) and/or a maximum gross vehicle weight of greater than 8.0 tons (16,000 pounds)] shall be limited as follows:

Not more than one such vehicle is to be in motion at any time.

Not more than two such vehicles shall be parked at either of two existing loading areas at any time.

No fuel or ice truck or other vehicle rated greater than H2 shall stop or park within 50 feet of designated loading spaces at the two existing loading areas or within 50 feet of another vehicle rated greater than H2.

One box-trailer, or storage, not larger than the box-trailer portion of the standard H20-44 "semi-trailer" type of truck may remain on the pier adjacent and directly to the South of the building located on the East end of the "Tee" of the pier.

Vessel Use:

Vessel use is permitted at MacMillan Pier as follows:

Except in strong winds, as defined below, a total of 50 vessels may berth at MacMillan Pier, directly or to vessels which are berthed at the pier. If any vessels of overall length greater than 55 feet are among those berthed, the maximum number of vessels allowed shall be 40.

For purposes of this requirement, a vessel shall be any watercraft, scow, barge, float, etc. with length overall greater than 15 feet and freeboard greater than 12 inches.

The motor vessel Provincetown II shall be allowed to berth, subject to lease agreements, at the West end of the "Tee" of the pier without being included in the vessel totals above. At any other berthing location, the Provincetown II shall be included in the vessel totals above.

When the wind direction is such that the wind is coming from any point of the sector (Magnetic, Ref. NOAA Chart 13249, 10th edition, 3/1/80) bounded by the bearings South-Southwest and Southwest, and when wind speeds exceed 31 miles per hour (i.e., exceeds Force 6, Beaufort "strong breeze"), all vessels will be prohibited from berthing at all portions of MacMillan Pier except the roadway or causeway, so called, which connects the "Tee" and building pier sections of MacMillan Pier with the pier's landfall on the shore. This requirement shall apply except for the purpose of offloading and onloading when permitted

by the Harbormaster and except for vessels judged to be disabled by the Harbormaster.

Miscellaneous:

When the weather is forecast for winds in excess of 31 miles per hour and forecast as set forth above, the owners or captains of all "Provincetown-based vessels" using MacMillan Pier shall make available to the Harbormaster the names of at least two qualified persons who can be contacted in the event of need to move the vessels. The persons concerned shall have the responsibility to move the subject vessels within 30 minutes of an order to do so by the Harbormaster. All non-Provincetown based vessels shall maintain aboard at all times while berthed, directly or indirectly, at MacMillan Pier, sufficient qualified personnel to move said vessels within at least 15 minutes of an order by the Harbormaster to do so.

For the purpose of these conditions for use, "Provincetown-based vessel" shall be defined as follows: A Provincetown-based vessel is defined as a vessel whose owner's domicile or legal residence is in Provincetown or Truro. In the case of a vessel owned by a trust, corporation, partnership, association, company or other business organization, a Provincetown-based vessel shall be defined as one whose owner's principal office is in Provincetown or Truro.

In the event of pack ice, as determined by the Harbormaster, vessels will be permitted to berth at MacMillan Pier regardless of wind direction or speed subject to the approval of the Harbormaster.

June 29, 1984

Shirley R. Lewis
Justice
Probate and Family Court

**Appendix B
HARBOR FEE SCHEDULES***

Fixed Pier Dock Fees (commercial fishing vessels)²

Effective March 31, 2005

Add an annual Consumer Price Index (CPI) to fees for Commercial Fishing Fixed Pier and Floating Dock Dockage Permits, and Float Space License commencing with the established fees dated March 31, 2005, which are³

Includes offloading and parking permit

| | |
|-----------------------|--|
| Annual Dockage Permit | \$36.00 per foot |
| Rafted Annual Vessel | \$20.00 per foot of smaller second vessel in assigned berth. |

Transient Rates²

| | |
|----------------------------|--------------------------|
| Transient commercial | \$ 1.00 per foot per day |
| Transient (non-commercial) | \$ 2.00 per foot per day |
| Transient on a float | \$ 3.00 per foot per day |

Commercial Off-Season Transient Rates²

Available from October 1 to April 1 paid in advance does not include offloading or parking permits

| | |
|----------------------------|------------------------------------|
| Semi-Annual Dockage Permit | \$21.00 per foot Oct. 1 to April 1 |
| Short Term Transient | \$4.00 per foot per week |

Floating Dock Fees² *Effective*

March 31, 2005

| | |
|----------------------------------|------------------------------|
| Annual Commercial Dockage Permit | \$50.00 per foot |
| Seasonal Recreational Permit | \$100.00 per foot per season |

Permit fee requires 40-foot minimum payment. Two small boats can split one berth rate when assigned by Pier Manager.

| | |
|------------------------------------|---------------------------|
| Overnight Transient floating docks | \$2.00 per foot per night |
|------------------------------------|---------------------------|

Available from October 1 to April 1, paid in advance

| | |
|----------------------|--------------------------|
| Short-term transient | \$4.00 per foot per week |
|----------------------|--------------------------|

Bulk Ice Rates²

Permitted commercial fishers bulk rates become effective with installation of delivery equipment anticipated May 2005, other rates effective March 31, 2005.

Commercial Fishing vessels with annual offloading permits

| | |
|----------------------------|-------------------|
| By the ton | \$60 per ton |
| By the half ton | \$40 per half ton |
| Resident fleet by the tote | \$5 per tote |

Without annual offloading permit

| | |
|------------------------------|-------------------|
| By the ton | \$80 per ton |
| By the half ton | \$50 per half ton |
| Large ice chest (95-320 qt.) | \$15 |

| | |
|---------------------------------|----------------------|
| Medium ice chest (up to 94 qt.) | \$10 |
| Water | \$10 per 100 gallons |

Offloading Permits³

| | | |
|---|--------------|--------------------|
| Commercial vessels without annual dock permit | \$200 annual | \$100 quarter year |
| Commercial Dealer- one truck | \$500 annual | \$300 quarter year |
| | | \$50 per day |
| Commercial vessel- one day offloading permit | \$25 per day | |

The Permit or License Fee shall increase for each subsequent permit year commencing with Permit/License year beginning April 1, 2006 and shall be increased over the Permit Fee for the preceding year by the percentage that the Adjustment-Month CPI has increased over the Base-Month CPI, provided, however, that in no event shall the Permit or License Fee for any permit year be less than the Fee for the preceding Permit/License year. "Adjustment-Month CPI" means the CPI published for the December immediately prior to the commencement of the then current Permit/License year. "Base-Month CPI" means the CPI published for the December immediately prior to the date then current calendar year. "CPI" means the Consumer Price Index of the United States Bureau of Labor Statistics Wage Earners and Clerical Workers, U.S. City Average, less fuel and food, all items, (on the 1982-84=100 standard). If the publication of the CPI is transferred to any other governmental department or is discontinued or is not available for the applicable month, PPC shall reasonably select another nationally recognized alternate index or method to compute such annual fee adjustment.³

Casual Commercial Fishing Support Services²

| | |
|---|------------------|
| Short-term use of deck other than tenants | |
| Small space | \$100 per month |
| Medium space | \$500 per month |
| Large space | \$1000 per month |
| Harbormaster Service Fee | \$25 per ½ Hour |

Float Space Licenses

*Effective November 6, 2003**

| | |
|---|--------------------------------------|
| Base Annual Float Fee: | \$8,000 per float |
| Additional Fee: | |
| Boat with rated capacity greater than 50 passengers based on U.S. Coast Guard Certificate of Inspection | \$75 per passenger |
| Float Space 10W base float fee | \$4000 <i>Adopted March 31, 2005</i> |

Fish & Farmer's Market²

| | |
|-------------------------------|--|
| One day vendor rate | \$20 per space per day |
| Seasonal farm vendor rate | \$200 per space per season |
| Resident Fleet Seafood Vendor | Resident vessels in good standing- no charge |
| Non-profits and entertainers | No charge with approval of market manager |

Additional requirements are posted on Market website:
www.fishandfarmersmarket.com

* Pursuant to Chapter 13 of the Acts of 2000 and Lease between the Provincetown Public Pier Corporation and the Town of Provincetown.

Berthing Fee for Boston to Provincetown Ferry Service

Ten year lease executed in 2003 with Bay State Cruise Company beginning at \$32,000.00 plus consumer price index (CPI) annual fee increase. Lease negotiated by Provincetown Public Pier Corporation pursuant to Chapter 13 of the Acts of 2000 and interim agreement between the Provincetown Public Pier Corporation and the Town of Provincetown.

Dinghy Dock Seasonal Permits

| | |
|--------------|-------|
| Resident | \$100 |
| Non-Resident | \$200 |

Event Fees

| | |
|------------------------|---|
| 1 Day Non-Profit Event | \$1000 July-August \$750 Shoulder Season Events over 500 persons Add an additional \$100 |
|------------------------|---|

| | |
|------------------|---|
| 1 Day For Profit | \$5000 July-August \$2500 Shoulder Season Events over 800 persons Add\$ 100 per 100 additional guests based upon actual attendance |
|------------------|---|

| | |
|---|--|
| Historic or Educational Vessels Locally Based Non-Profit | \$400/week July-August \$200/week Shoulder Season |
|---|--|

| | |
|--|--|
| Historic or Educational Vessels No-Profit | \$600/week July-August \$300/week Shoulder Season |
|--|--|

| | |
|---|--|
| Historic or Educational Vessels For Profit | \$1500/week July-Aug \$750/week Shoulder Season |
|---|--|

Adopted April 5, 2004

- 1) Revised October 21, 2004
- 2) Revised March 31, 2005
- 3) Revised March 9, 2006
- 4) Revised March 22, 2007

Mooring Permits

(Effective: January 1, 1994, Amended December 11, 2000, Amended March 24, 2003, Amended December 29, 2003, Amended March 25, 2004, Amended January 1, 2007)

| Individual Mooring Permits | <u>Residential</u> |
|--|--------------------|
| Location/Vessel Length | |
| Vessels Equal to and less than 16 feet | \$50.00 |
| Vessels greater than 16 feet | \$100.00 |
| Vessels greater than 20 feet | \$125.00 |
| Vessels greater than 30 feet | \$175.00 |
| Vessels greater than 40 feet | \$20000 |
| Holding Moorings | \$100.00 |

Additional Fees: ²⁶

| | |
|--------------------------------------|------------------------|
| Mooring Permit Late Fee | \$25.00 |
| Mooring Waiting List Fee | \$10.00 |
| Charges for use of Staff/Patrol Boat | \$25.00 per 30 Minutes |
| Beached Boat ID | No Charge |
| Boat Storage Fees | \$5 per Day |

Provincetown residents aged 65 years and older shall only be required to pay 50% of the fee for an individual mooring permit.

**Residency requirements for the Residential Rates are limited to those defined in Article 2. Definitions: 2-2-14.*

RENTAL MOORINGS

| |
|---|
| Mooring above the mean low water line: \$100.00. Moorings below the mean low water line: \$150.00. (Per \$100 rental mooring regardless of water depth. |
|---|

²⁶ Amended 3/13/06