



**Town of Essex Police Department Harbor  
Division**



**HARBOR REGULATIONS**

1. The following Harbor Rules and Regulations will become effective February 1, 2018. Upon this date, all other previously existing Harbor Rules and Regulations will be abolished.
2. The Harbormaster, under the provisions of Massachusetts General Laws, Chapter 102, Section 17 thru 28, shall control the mooring of all vessels in the waterways of Essex.
3. No person shall establish a mooring or moor a vessel in the waterways of Essex until a mooring permit has been issued by the Harbormaster.
4. Application Process – Existing Permit Holders: All persons who have had an active Mooring Permit during the previous year, and who are current with the previous year's fees, will be mailed a Mooring Permit Renewal Form from the Harbormaster, no later than the last week in February of the coming season. This renewal form must be received by the Harbormaster's office with the payment of the Annual Mooring Permit Fee, no later than April 1<sup>st</sup> of the coming season. Late submittal of renewal forms and payments received after April 1<sup>st</sup>, but no later than April 15<sup>th</sup>. will result in a \$200.00 late fee (in addition to the Annual Mooring Permit Fee charged to the mooring holder if they want to still renew their Mooring Permit. No payments will be accepted after April 15<sup>th</sup>. Any existing permit holder who has not submitted a completed renewal application and paid all applicable fees by April 15<sup>th</sup>, will be removed from the existing permit holder list, the mooring location will be available to Waiting List applicants, and all existing mooring gear must be removed forthwith by the owner, or the Harbormaster will remove it at the owner's expense.
5. Pursuant to the Town of Essex Bylaw 4-4A. 6 the fee for a mooring permit is \$6.00 per foot, per vessel, per year, with a minimum total fee of \$90.00. For the purposes of fee calculation, the vessel length will be rounded to the nearest whole foot. Manufacturer's specifications may be used in determining L.O.A. For example, if the registration says that the length of the vessel is 20 feet and 9 inches, the total footage charge will be rounded to 21 feet. If there is a discrepancy, or the Harbormaster determines that the length of any vessel may not be correctly reported to the Harbormaster, the Harbormaster will conduct a measurement from the most forward point of the bow (including the pulpit), to the most aft point where the outboard motor bolts on (including an outboard bracket). If the vessel has an inboard motor, the aft measurement will be to the farthest point from the bow to the transom. The fee for being maintained on the "waiting list" for a mooring permit is \$10.00 per year.
6. Application Process – New Applicants: Any person who is interested in obtaining a new mooring, must completely fill out a Mooring Permit Application and mail or turn it in to the

Harbormaster's office. If no new moorings are available, the Applicant will be placed on the Waiting List, subject to payment of a Waiting List Fee of \$10.00. Applicants will be placed on the Waiting List in the order in which their original applications were received.

7. Waiting List Procedures-New Waiting List applicants: All persons wanting to join the "Mooring Waiting List", must complete an updated Waiting List application and pay the fee of \$10.00 to be submitted with the completed application. Applications for new people wanting to get on the Waiting List may be picked up at the Harbormaster's office. In addition, Waiting List applications may be printed from the Harbormaster's web page online. This page is located on the town website at [www.essexma.org](http://www.essexma.org), by navigating to the Harbormaster link. If applications are mailed in, it is recommended that you contact the Harbormaster's office after mailing it in to ensure that we are in receipt of the application and payment. The Harbormaster will not be responsible for any applications lost in the mail. The application shall require such information as the Harbormaster considers necessary. If a person on the Waiting List is offered a Mud Mooring, that person may either accept the Mud Mooring, or they may refuse the Mud Mooring and maintain their current status on the Waiting List until a deep water mooring becomes available. If that person accepts the Mud Mooring, that person may choose to stay on the Waiting List until a deep water mooring becomes available, provided that they continue to pay the annual Waiting List fee, complete the yearly Waiting List application, and continue to file the renewal application and fee for the mud mooring.
8. Waiting List Procedures – Existing Wait List Applicants: Applicants on the Waiting List from the previous year, and who were current with associated fees, will be mailed a Waiting List Renewal Form by the Harbormaster's office not later than the last day of February for the upcoming season. This renewal form and a \$10.00 Waiting List application fee must be received by the Harbormaster's office, no later than April 30th of the coming season. Late submittal of renewal forms and payments received after April 30<sup>th</sup> but no later than May 15<sup>th</sup>, will result in a \$25.00 late fee (in addition to the yearly waiting list fees) charged to the Applicant if they want to still renew their place on the Waiting List. No payments will be accepted after May 15<sup>th</sup>. Any existing Waiting List applicant who has not submitted a completed renewal application and paid all applicable fees by May 15<sup>th</sup>, will be removed from the Waiting List, will lose their place in line, and must re-apply as a new applicant if they wish to be added back to the end of the Waiting List. If a person on the Waiting List is offered a Mud Mooring, that person may either accept the Mud Mooring, or they may refuse the Mud Mooring and maintain their current status on the Waiting List until a deep water mooring becomes available. If that person accepts the Mud Mooring, that person may choose to stay on the Waiting List until a deep water mooring becomes available, provided that they continue to pay the annual Waiting List fee, complete the yearly Waiting List application, and continue to file the renewal application and fee for the mud mooring.
9. New Mooring Assignments: When the Harbormaster determines that a mooring location is available for assignment in Essex waters, he shall notify the person on the Mooring Waiting List with the oldest date of original application, that a mooring is available for a given size boat. If the person so notified wishes to accept the mooring assignment to place a boat of the proper

size and draft in the location designated by the Harbormaster, they must complete a Mooring Acceptance Form, along with all information required by the Harbormaster, including but not limited to proof of ownership and registration of the vessel to be moored, and pay the annual mooring fee within 7 days of being notified that the mooring is available. The mooring permit will only be granted for a vessel registered in the name of an individual on the Waiting List if said person is current on payment of all fees (including the Waiting List fee) and meets all other qualifications for obtaining a mooring permit. Failure to accept the mooring and pay the annual mooring permit fee within said 7 days or rejection of the application for any reason will result in the applicant being passed-over for the next person on the Waiting List.

10. Declining a Mooring Assignment: A person on the waiting list chosen for assignment of a mooring may decline to accept the mooring location available for any reason, and that person may retain their original position on the Waiting List, provided that they respond to the Harbormaster, in writing, within 7 days of being notified that the mooring is available and they continue to pay applicable Waiting List Fees. Any person on the Waiting List who does not respond to the Harbormaster's notification of mooring availability within said 7 days, will be removed from the Waiting List, will lose their place in line and must re-apply as a new applicant if they wish to be added back to the end of the Waiting List. If a person is offered a "mud mooring" and they decline, they may remain on the Waiting List provided that they keep current with all fees and application. A mud mooring is defined as a mooring which at any part of the tide, is or may be without any water.
11. Notwithstanding the provisions of these Regulations concerning the mailing of applications, existing permit holders and Waiting List applicants shall be solely responsible for the Harbormaster's receipt of applications and payments in a timely manner. Late submissions will not be excused and the Harbormaster will not be responsible if an applicant does not receive an application form from the Harbormaster's office or the Harbormaster does not timely receive the application.
12. Mooring permits will be effective April 1st in the year of issue and will be valid until December 31st. All mooring buoys must be in place and properly marked with 1) the letter identifying the mooring and mooring number, and 2) the assignee's last name, no later than June 1st, or within 15 days of issuance of the permit. All markings on primary buoy must be minimum 2 inches. Moorings or mooring marker buoys not placed in a timely manner may be assigned to another location. If moorings and/or mooring marker buoys are not placed by June 1st or within 15 days of issuance of a permit (for permits issued after June 1), the permit will be revoked and the mooring may be reassigned as set forth in these regulations. All pick up buoys must also be marked accordingly and be legible at all times. If a mooring buoy is illegible, or is missing any part of the identifying information, the owner will be contacted by phone or mail and directed to make the repairs within 10 days of notification. If after being notified, the mooring buoy has not been corrected, the Harbormaster may assess a \$25.00 fine for every day that the buoy is not properly marked, starting after the 10 day repair period. If after 20 days the correction has not been made, the Harbormaster may revoke the mooring permit.

13. No mooring permit will be issued if the Personal Property Boat Tax has not been paid. Pursuant to Section 4-13 of the Town of Essex Bylaws, or if there are any outstanding fees, or fines for violations of the Harbor Rules and Regulations.
14. Mooring areas are designated as follows:
  - A – Castle Neck River (back side of Crane Beach) B - North Easterly of Dilly Island
  - C - Westerly of Corn Island. D – Hog Island/Dean’s Creek
  - E – Cross Island side Easterly to Black Rock
  - F – Between Corn and Cross Island Westerly G - Westerly of Conomo Point
  - H – Clammer’s Beach I – Joe’s Creek
  - J – Lufkin’s Creek K – Eben Creek
  - L – Billy Point
  - M – Dock’s, Marina’s Harbor area
15. All vessels in Essex waters are required to be properly registered or documented according to the laws of the Commonwealth and the United States.
16. It is expressly prohibited to store, abandon, anchor, or keep any dock, boat, vessel or craft including, but not limited to, houseboats or house floats on any part of the marsh, protected grasses, flats or beach area within the town of Essex, or any areas which are deemed sensitive by the Harbormaster, Board of Selectmen or Conservation Commission. No Dinghy, Kayak, skiff, or any other vessel may be kept, stored, or left on the shoreline in the Town of Essex. In addition, it is expressly prohibited to anchor in any location which in the opinion of the Harbormaster or his staff would impair or impede any vessel from safe passage, or may pose a dangerous situation for other boaters at any time. Violators may be ordered to immediately move the vessel from that location. Failure to do so may result in the Harbormaster removing the vessel at the owner’s expense.
17. Upon acceptance of a mooring assignment, all moorings and block and tackle must be approved by the Harbormaster prior to being set in the designated location. Mooring block and tackle must be made available upon request by the Harbormasters office for inspection prior to placement in accordance with the directions of the Harbormaster. Failure to adhere to the provisions of this section will result in forfeiture of the mooring location. The following may not be used for moorings: engine blocks, cement building blocks, granite, or any material or object deemed unfit by the Harbormaster.

18. It is expressly prohibited that the sale of a boat or real estate shall not include the sale or transfer of the mooring gear/location. The mooring permit holder must notify the Harbormaster in writing immediately upon the sale of their boat.
19. No person may loan, rent, donate, sell, or lease their assigned mooring to another person or to a group. The owner of a mooring or holder of a mooring permit shall notify the Harbormaster immediately if the assigned vessel will be absent from the mooring for any extended period of time greater than 30 days, or if the mooring is not in its assigned location for any reason. Upon the sale or other disposition of a permitted vessel, the mooring permit holder will have one (1) year from the date of sale to replace it with another vessel, or the mooring location will be forfeited.
20. No mooring or device used for that purpose shall be placed in Essex waters without first obtaining permission from the Harbormaster and completing the required applications.
21. No boat shall be moored in Essex waters without an approved mooring permit and permit decal. The decal shall be placed on the exterior of the boat's transom (starboard side) or as close as possible. If the design of the vessel prohibits the displaying of the sticker on that side, the Harbormaster may direct the owner to display the sticker in an alternative location that is easily visible from the stern. This does not apply to transient boats moored on transient moorings.
22. No vessel will be permitted to anchor in a mooring area, or other area on a permanent basis so as to avoid obtaining a mooring. The Harbormaster in his sole discretion will determine remediation if necessary.
23. Mooring buoys shall be the Massachusetts regulation buoy: large white ball with blue horizontal stripe. It is mandatory that the buoy is clearly marked with the assigned letter indicating the designated mooring area, the mooring number, and the owner's last name in minimum 2 inch block letters. Violators will be contacted by the Harbormaster's office by phone or mail, and ordered to make immediate corrections to their gear. 23. Mooring buoys which do not display the designated area letter, the mooring number, or the owner's last name, or which appear to be abandoned or not maintained will be disposed of by the Harbormaster, and if the owner can be identified, the owner will be charged for all associated costs.
24. Any In Haul/Out Haul or similar devices used to retrieve a vessel from land shall be considered moorings and required to be marked accordingly, appropriately weighted, and identified as is required with other moorings in Essex waters. The locations of these In/Out Haul devices may be assigned at the discretion of the Harbormaster. A vessel may be exempt provided that the owner produces documentation that he/she owns the land on which the vessel kept and the In/Out Haul is completely affixed on the owned land. It is the sole responsibility of the vessel owner to provide proof of ownership of their land.
25. A mooring permit authorizes an owner of a specific vessel to moor this vessel in a specified area as designated by the Harbormaster. The Harbormaster has the sole authority to determine the placement of a mooring.
26. The Harbormaster may have to remediate issues that arise from time to time, depending on the circumstances that are out of the ordinary, or which need special attention. The Harbormaster in his sole discretion will determine any remediation that may be necessary.
27. Dinghies, Kayaks, or any craft or vessel are expressly prohibited from being stored, tied up to, or kept at any Town dock unless a permit from the Harbormaster has been granted and the appropriate sticker is affixed to the vessel. Failure to do so, may result in the Harbormaster

removing and storing the craft at the owner's expense. The exception to this rule is at the Town Landing where the public is allowed for no more than one half hour tie up in the transient area.

28. Dinghies, Kayaks, or any other service vessel which is kept, stored, or held in a public dinghy rack, or public location, must be registered with the Harbormasters Department, and the owner must pay a \$50.00 per year registration fee after filling out a registration form at the Harbormasters office. These vessels will be provided a registration sticker which must be affixed to either the inside transom, or in a conspicuous place which can easily be observed on the inner part of the craft. Any craft which does not have a registration sticker assigned by the Harbormaster will face a \$25.00 fine per day for every day the craft does not have the appropriate sticker, and the Harbormaster may have the craft removed at the owner's expense not including any outstanding fines.
29. Any person who has a vessel or craft permitted with the Essex Harbormaster Department, or who is active on the Mooring List, or Waiting List, must provide an up to date contact phone and mailing address to the Harbormasters office every year.- Any notices given pursuant to these Regulations shall be sent only to the address on file with the Harbormaster's Office.
30. No vessel may be left at the Town Landing dock for more than 30 minutes
31. Violations and Penalties: The Harbormaster may enforce these regulations or enjoin violations thereof through any lawful process, and the election of one remedy shall not preclude enforcement through any other lawful means. Without limiting the generality of the foregoing sentence, these regulations may be enforced as follows:
  - A. Permits and Waiting List: The Harbormaster may suspend or revoke any permit or authorization issued pursuant to these Regulations, including removal of an individual from the Waiting List, for any violation of the Regulations, or any other applicable federal, state or local law, or based on any conduct inconsistent with the purpose of these Regulations or which demonstrate that the permit or approval holder is unfit to hold the permit or approval at issue.
  - B. Removal of Vessels: The Harbormaster may order the removal of any vessel, mooring or items of personal property for any violation of these Regulations or any other applicable law, or when public safety so requires. The failure to comply with such order may result in removal of the vessel, mooring, or items of personal property by the Harbormaster at the owner's expense.
  - C. Non-Criminal Disposition: These Regulations may be enforced by the Harbormaster or his staff and/or any Town of Essex police officers or agents. Whoever violates any provision of these Regulations may be penalized by a noncriminal disposition process as provided in G.L. c.40, §21D and the Town's non-criminal disposition by-law. If noncriminal disposition is elected, then, unless a specific penalty is specified, any person who violates any provision of this regulation shall be subject to a penalty in the amount of twenty-five dollars (\$25.00) for a first offense; fifty dollars (\$50.00) for a second offense and one hundred dollars (\$100) for a third or subsequent offense. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.
  - D. Criminal Disposition: Whoever violates any provision of this regulation may be penalized by indictment or on complaint brought in the district court, as may be provided by law and as the district court may see fit to impose.