



Board of Selectmen

Public Hearing Notice

June 23, 2014

The Provincetown Board of Selectmen will hold a Public Hearing on Monday, June 23, 2014, at 6:00 P.M., in the Judge Welsh Room at Town Hall, 260 Commercial Street, Provincetown, MA 02657 to consider the following changes to Chapter 2 and/or 3 of the Harbor Regulations and appendix B for rates.

Harbor Regulations Chapter 2- Moorings

~~**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.~~

2-2-14 Resident: Any registered voter in the Town of Provincetown.

2-2-15 Non-Resident Taxpayer: any natural person owning real estate in the Town of Provincetown but who is not a Resident.

2-2-16 Occupant: any natural person who lives in the Town of Provincetown six months of the calendar year or more but who is not a Resident or Non-Resident Taxpayer. To establish occupant status, an applicant must furnish: 1) written proof of occupancy, such as: a written lease, electric bill, or insurance policy of a period of six months or more for a property located in the Town of Provincetown or , a valid Massachusetts Driver's License or any other ID issued by the Massachusetts Registry of Motor Vehicles; and (2) the applicant must certify, under the pains and penalties of perjury that he/she lives in Provincetown for at least six months of the calendar year.

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). New mooring permit applicants will be assessed a one-hour harbormaster service fee for processing and physical location verification of mooring tackle in the harbor. 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

2-8-3 Anchorage is available in all areas with the exception of the private mooring fields, Rental Zones, sensitive aquatic sites as the term is defined by the Army Corp of Engineers, and the Fairway, which are 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 Chart as maintained and updated at the Harbormaster's Office. Map ("Plan of Provincetown Harbor, Mass.," 41/27/91, 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

2-9-1 Mooring permit numbers will be the same as the shot number on the Plan of Provincetown Harbor (C12-648) if one exists or in the Provincetown Mooring Chart as maintained and updated at the Harbormaster's Office. 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.

Harbor Regulations Chapter 3 Provincetown Harbor

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 pursuant to 3-2-.3 (b). ²⁶

a) No vessel over 17 feet may be stored on public beaches from ~~May 15th to October 15th~~ April 15th to November 15th. No vessel with an enclosed cabin may be stored on public beaches for more than 7 days per calendar year.

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 pursuant to 3-2-.3 (b). ²⁶

3-2-3 Dinghies and vessels routinely (more than seven consecutive days) stored above the mean-high waterline along the beaches must first obtain a permit from the Harbormaster. The Harbormaster shall issue a beached boat ID permit upon formal application and payment of all fees. Permit stickers must be affixed to the vessel as required. Effective January 1, 2015 new beached boat permits are valid from April 15th through December 31st November 15th of the year issued. All beached boats must be removed by the permit expiration date. Boats left on public beaches after the expiration date are subject to removal pursuant to 3-2-3(b).

- a) Dinghies and vessels stored on the beach shall not impede the use of the Town Landings or private property at any time.
- b) Any dinghy or vessel routinely (more than seven consecutive days) stored on the beach which is not permitted, or in the consideration of the Harbormaster, possess 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 or vessel removed and stored, which is not claimed within 15 days is subject to disposal by the Harbormaster. Removal fees are \$50 (fifty) per vessel plus towing, disposal or other costs incurred. Storage fees are \$25 (twenty five) per day
- c) A waiver may be issued by the Harbormaster only if you have a boat on a mooring after November 15th. A permit or waiver to have a boat on the beach excludes work like sanding, grinding, fiber glassing or mixing chemicals.

3-4-6 Insurance Requirements

- a) Effective January 1, 2015, the owner of any Vessel entering or being used in the waters of Provincetown Harbor shall maintain liability insurance in the amounts specified herein. Said insurance shall be maintained in full force and effect from the date upon which the Vessel first enters the Harbor and as long as the vessel remains in the Harbor. Proof of such liability insurance shall be provided to the Harbormaster upon the date of first entry and every year thereafter on or before January 2. The Town of Provincetown shall be named as certificate holder on any applicable insurance policy.
- b) The requirements of Section 3-4-6 shall not apply to Transient Vessels as defined in Section 3-1-6 of the Provincetown Harbor Regulations, to vessels on MacMillan Pier where 1-7-7 is applicable, or to any vessel operated by the West End Racing Club (WERC) in connection with its children's swimming and sailing instruction program.
- c) The Vessel owner shall provide proof of liability insurance of at least the following limits:
 - 1) Recreational vessels smaller than 20 feet in length and not motorized or any size Vessel having only an outboard motor of less than 25 hp Not Required
 - 2) Recreational vessels 20 feet in length or larger, or any size Vessel with an inboard motor, so-called I/O or outboard motor of 25 hp or more \$300,000 per occurrence
 - 3) Commercial Vessels \$500,000 per occurrence
- d) Any Vessel failing to meet the insurance requirements of this section must provide a bond in the amounts listed above or shall be considered unsafe, unfit and/or a hazard to navigation and subject to removal by the Harbormaster.

Appendix B

Beached Boat ID Permit \$10 ~~\$20~~ without current mooring permit
No charge \$10 with current mooring permit

All Rental Moorings regardless of water depth 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).

Individual Mooring Permits Residential

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 \$200.00

Holding Moorings \$100.00

The Mooring Fee shall increase for each subsequent permit year commencing with Permit year beginning January 1, 2015 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 year. "Adjustment-Month CPI" means the CPI published for the December immediately prior to the commencement of the then current Permit 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, (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, the Town shall reasonably select another nationally recognized alternate index or method to compute such annual fee adjustment.

Mooring Permit Late Fee ~~\$100.00~~ \$50.00 if renewed in July of the permit year and \$100 if renewed in August of the permit year. After August 30th, the mooring reverts to the Town of Provincetown for possible reassignment.

Comments may be submitted in writing by June 17, 2014, to mtimmons@provincetown-ma.gov, the Selectmen, Provincetown Town Hall, 260 Commercial Street, Provincetown, MA 02657 or in person at the hearing.

Tom Donegan Chair
Board of Selectmen

Posted by the Assistant Town Clerk: www.provincetown-ma.gov, 5/28/14 4:45 pm dv
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