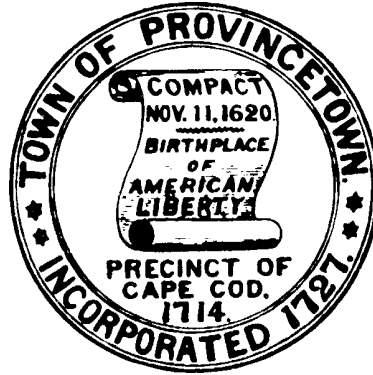


Town of Provincetown Massachusetts



Harbor Regulations Mooring Rules and Regulations

Approved January 1, 1997
Amended March 26, 2004
Amended March 13, 2006
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HARBOR REGULATIONS****TABLE OF CONTENTS**

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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, 2/24/2021

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

Provincetown Public Pier Corporation

Purpose and Authorities: The Provincetown Public Pier Corporation ("PPPC" or "Pier Corp") was established by Chapter 13 of the Acts of 2000 (The Act) for the purpose of bringing sound market-based management practices to MacMillan Pier operations. Section 3(b) The Act of Chapter 13 authorizes the Board of Selectmen to lease MacMillan Pier to the PPPC for a period not to exceed 20 years. Section 4 of Chapter 13 authorizes the Board of Selectmen to appoint 5 volunteers to serve up to two consecutive 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, or real estate. Section 5(b) of The Act authorizes the PPPC to adopt rules and regulations including Chapter 1 of these Provincetown Harbor Regulations. The Provincetown General By-laws authorizes the Pier Corp to issue licenses and permits for the use of town-owned dock space and to determine the terms and conditions of all permits and licenses for the use of the pier and pier facilities.

In order to effect enforcement of PPPC regulations, a general by-law amendment will be placed on the April 7, 2004 Special 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 Accordingly, Harbor Regulations Chapter 1, MacMillan Pier will be superseded by these regulations upon passage.

Article 1. Definitions

1-1-1. “PPPC” or “Pier Corp” shall mean the Provincetown Public Pier Corporation established by Chapter 13 of the Acts of 2000.

1-1-2. “Pier” shall mean MacMillan Pier, owned by the Town of Provincetown, Massachusetts and leased to the Provincetown Public Pier Corporation.

1-1-3. “The Act” shall mean Chapter 13 of the Acts of 2000, as amended by Chapter 260 of the Acts of 2002.

1-1-4. “Lease” shall mean the Lease agreement between the PPPC and the Town of Provincetown dated March 29, 2005, by which the town authorizes PPPC to direct and manage operations and maintenance of the Pier.

1-1-5. “Harbormaster” shall be that person appointed by the Town Manager 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 with the exception of authorities described in MGL Chapter 91, Section 10C as they relate to the permitting and assignment of dock space at MacMillan Pier.

1-1-6. “Pier Manager” shall be that person employed by the PPPC to manage day-to-day operations of the pier or other person temporarily authorized by the PPPC to act on its behalf and on behalf of the Town with respect to the allocation, assignment, and permitting of dock space to commercial vessels as described in MGL Chapter 91, Section 10C.

1-1-7. “Provincetown-Based” shall mean a vessel with a registered home port or hailing port of Provincetown, which uses Provincetown as its primary base of operations, and whose owner is a Resident, Non-Resident Taxpayer, or Occupant of Provincetown, and which holds a valid mooring permit issued by the Town of Provincetown. In the case of a vessel owned by a trust, organization, corporation, partnership, association, company, or other entity, the principal, beneficiary, and/or owner of said organization listed on the articles of incorporation or business registration must be a Resident, Non-Resident Taxpayer, or Occupant of the Town of Provincetown.

- A) Resident shall mean any registered voter in the Town of Provincetown.
- B) Non-Resident Taxpayer shall mean any natural person or a trust, organization, corporation, partnership, association, company or entity owning real estate in the Town of Provincetown but who is not a Resident.
- C) Occupant shall mean 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.¹³

1-1-8. Non-Resident shall mean a person or vessel whose owner is not a resident, Non-Resident Taxpayer, or Occupant of the Town.

1-1-9. "Town" shall mean the Town of Provincetown, Massachusetts.

1-1-10. "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.

1-1-11. "Commercial Fishing Vessel" means a vessel actively engaged in catching, taking, or harvesting of fish or shellfish, or an activity that can reasonably be expected to result in the catching, taking, or harvesting of fish or shellfish, on a commercial basis. For purposes of these regulations, a commercial fishing vessel is further defined as a vessel:

- A) Engaged exclusively in commercial fishing, fishing charter-for-hire, or aquaculture support activities; and,
- B) Registered with federal or state authorities as a commercial fishing vessel or charter boat; and,
- C) Insured with a marine insurance company approved by the Pier Corporation as a commercial vessel or commercial fishing vessel operating in New England coastal waters, with endorsements for paid crew, should that be applicable; and, with minimum insurance limits for P&I coverage as specified in these regulations.
- D) In the case of a vessel engaged in commercial fishing operations, the vessel must hold a valid and current limited access fishing permit issued by federal or state authorities.
- E) In the case of a vessel engaged in fishing charter operations, the vessel must:
 - 1) hold valid and current state or federal limited access and/or open access fishing permits,
 - 2) be registered, permitted, and insured as a charter boat for carrying passengers for hire and
 - 3) have as the master of said vessel someone who holds an appropriate US Coast Guard mariner's licenses/endorsements permitting the carrying of passengers for hire.
- F) In the case of an aquaculture vessel, the vessel must be owned by a person or corporation:

- 1) who has been issued an aquaculture grant by the towns of Provincetown or Truro,
- 2) who holds relevant permits and licenses issued by the MA Division of Marine Fisheries; and
- 3) the vessel must be used exclusively for working said grants and licenses.

1-1-12. “Commercial Fisherman” is a person or legal entity who owns or leases and operates a commercial fishing vessel, as defined herein:

- 1) is actively engaged in Commercial fishing operations,
- 2) holds applicable commercial fishing licenses or shellfish grants/permits

1-1-13. “Other Commercial Vessels” shall mean commercial vessels which fail to qualify as commercial fishing vessels as defined in 1-1-11 (e.g. vessels engaged in commercial fishing operations holding open access fishing licenses or permits).

1-1-14. “Charter boat” shall mean any vessel-for-hire that is properly licensed and insured to carry passengers for hire, and which is actively engaged in the transportation of passengers, recreational or commercial fishing, or commercial marine services to other vessels or passengers.

1-1-15. “Actively Engaged” shall mean the person or vessel is engaged in relevant commercial activities for the majority of the days of a fishing/commercial season or year. Relevant commercial activities shall include, but not necessarily be limited to, vessel operations, maintenance of vessel or its gear, and marketing or administration of the business.

1-1-16. “Recreational Vessel” shall mean a vessel that is registered and insured for pleasure or recreational use and is engaged in recreational fishing, commercial fishing with open fishing permits or licenses, water sports, or other non-commercial marine outings or activities.

1-1-17. “Live-aboard” shall be a person or persons using a vessel as habitation or overnight accommodation for more than 7 nights in a calendar year.³

1-1-18. “Holding Mooring” is a deep-water single-vessel, non-rental, non-recreational mooring used to hold a vessel for marine repair and service, or for use of commercial tenants of MacMillan Pier.⁴

1-1-19. “Float Space” means the floats on the west side of the pier and the one float space (1E) on the east side of the pier used for purposes authorized in Chapter 91 Waterways License No. 8621.

1-1-20. “Float Space License” shall mean the license issued annually by the Pier Corp for the use of float spaces on the easterly and westerly sides of the pier shown in the Ch. 91 License No. 8621. The terms of use of a Float Space shall be those outlined in License No. 8621, and by the Agreement included in the MacMillan Pier Float Space License Application.

1-1-21. “Float Space Licensee” shall refer to the primary float space license holder, who is either listed in or is the legal successor to the individuals or business entities listed in Special Condition 6 of Chapter 91 License No. 8621. To qualify for a float space license, the licensee must be actively engaged in businesses permitted by the Chapter 91 License No. 8621.

1-1-22. “Float Space Sub-licensee” means a person or corporation who sub-leases or otherwise contracts with a Float Space Licensee for the use of any part of a float space and who agrees to be bound by the terms of the Agreement in the Float Space License Application.

1-1-23. “Assigned Vessel” means a vessel authorized by a primary float space licensee and the Pier Corp for overnight berthing on a float space.

1-1-24. With reference to a vessel holding or requesting a dock permit, or otherwise engaged in business with the PPPC, the term “Good Standing” shall mean:

- A) All outstanding invoices for dockage permits have been paid in-full by December 31st of each permit year;
- B) All other invoices are no more than 90 days in arrears.
- C) All paperwork and documentation required for any renewal applications are up-to-date and filed with the Pier Corp office by the required renewal application deadlines as provided in Appendix B or elsewhere herein.
- D) The owner and crew of the vessel have obeyed all rules and regulations of the Pier and the Town, and abided by the Terms and Conditions of their dockage agreement.

1-1-25. “Small-Boat Commercial Fishing Vessels” are those vessels:

- A) Manufactured and State-registered or Federally-documented for use in commercial fishing,
- B) Less than 100 feet in length, and
- C) Used by the commercial fisherman solely or engaging in the business or occupation of commercial fishing. (This definition is not intended to limit participation in the Blessing of the Fleet or other local maritime events). Small-boat commercial fishing vessels shall be subject to inspection by the Pier Corporation at any time for the purpose of confirming that such vessels are commercial fishing vessels as defined herein.

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, permits, 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. 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.

1-2-3. The Pier shall normally be open for use by tenants, licensees, passenger ferries, transient vessels, and the general public on a twenty-four-hour-a-day basis, unless the PPPC, Harbormaster, Town Manager, or public safety officials determines that, for the purposes of maintaining public safety or security of the premises, more limited hours of operation are necessary. In such instances, the Pier may be closed without notice to the public.

1-2-4. 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 of the same.

1-2-5. The form, size, and location of any signage 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

Article 3. *Use of Pier*

1-3-1. In accordance with the terms of the Chapter 91 Lic. No. 8621 (and any amendments thereto) issued by the Commonwealth to the Town, MacMillan Pier is primarily for the general use and benefit of commercial fishing vessels and commercial passenger vessels, and for 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 or permit from the PPPC and be subject to the rules, terms and conditions, or contracts attached to the approved license and/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. As a matter of policy, the requirements of the enabling legislation, the terms of the Lease, and the Chapter 91 license, define MacMillan Pier as first and foremost a commercial pier. Dockage is provided primarily to commercial vessels. The fixed finger piers and floating docks on the east side of the pier are for the primary use of commercial fishing, fishing charter and aquaculture support vessels. To the extent that dock space remains available after all commercial vessels have been accommodated, dock permits may be issued to recreational vessels for no more than 25% of floating dock space.

1-3-3. The decks, floats, structures, wave attenuator, 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.

1-3-4. Repair of traps, nets, gear, bait or other equipment or supplies undertaken for a period of more than 48 hours is prohibited except with the written permission of the Pier Manager. Any such activities must be undertaken only in areas designated by the Pier Manager. Tenants shall be required to clean up and remove any debris on completion of said activity. Fees may be charged for any time longer than 48 hours.

1-3-5. No fishing gear or other equipment or supplies may be stored on Pier¹¹ except in designated areas as provided in Appendix C and with the written permission of the Pier Manager. Storage is subject to storage charges as provided in Appendix A.

1-3-6. The processing of catch or culling of shellfish is not permitted on the pier, float spaces, or floating docks. The submergence of bait or shellfish in cages or floats is not permitted in the vicinity of the Pier.

1-3-7. Berthing assignments for vessels shall be under the direct supervision and control of the Pier Manager. Annual berthing of vessels and placement of floats shall be by license or permit from the PPPC. Berthing of transient 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

1-3-8. 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, subject to payment of fees listed in Appendix A. Vehicles supporting vessels shall be permitted and operated 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.

1-3-9. Vessels desiring use of Pier berthing space for an extended time period and not otherwise licensed for such shall obtain, in advance, the permission of the Pier Manager. Accommodation of such vessels is subject to fees outlined in Appendix A. Such vessels may be required to move to make way for other vessels needing use of the Pier. Vessels subleasing berths on float spaces are subject to permit fees described in Appendix A.

1-3-10. All vessels using the Pier shall be maintained in a safe, sound, and seaworthy condition and must be capable of getting underway under their own power at all times except in cases of temporary incapacity or during emergency repairs. Vessels intending to decommission their main propulsion engines for any reason shall inform the Pier Manager at least 24 hours in advance. Likewise, vessels which become incapable of getting underway on their own power for a period greater than 24 hours shall immediately notify the Pier Manager. Docking and berthing privileges

may be denied to any vessel which in the opinion of the Pier Manager and the harbormaster is not in a safe, sound, and seaworthy condition or which poses a hazard to the safety of the Pier, vessels, the public, or the marine environment. Any such vessel tied to the Pier may be directed to leave the Pier by the Pier Manager or Harbormaster.

1-3-11. Fueling of vessels at the Pier shall be prohibited, except by properly licensed fuel tanker operators. The transfer of fuel from one container to another container is prohibited.

1-3-12. 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 vessels or pier operations are not adversely affected.

1-3-13. 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.

1-3-14. 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 or Harbormaster. Upon order of the Harbormaster/Pier Manager, all vessels must be moved within 30 minutes.²

1-3-15. All vessel owners must notify the Pier Manager when vacating their assigned berth for a period of more than 24 hours or at the end of 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

1-3-16. 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.

1-3-17. 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

1-3-18. Tenants using electrical service will be responsible for electrical charges as listed in Appendix A. PPPC reserves the right to require vessels using the Pier electrical outlets to be equipped with metered shore power cords or electrical meters permanently installed aboard the vessel capable of measuring electrical usage of the vessel. Vessel owners agree to provide Pier Corp personnel access to the power

cord meters or to the vessel to read meters on schedules established by the Pier Manager. Pier Corp reserves the right to monitor individual electrical usage and adjust published rates for higher than average consumption.¹¹

1-3-19. No boat shall be left in dead storage or inactive at the pier- or town-owned float spaces for a period of more than 30 days without written permission of the Pier Manager.

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. 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 Harbormaster. These uses shall not obstruct the operation and movement or safety of vessels, vehicles, or pedestrians utilizing the Pier.

1-4-4. Dogs must be leashed 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.

1-4-5. Dogs are not allowed to be aboard vessels unattended for more than 30 minutes 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 offense.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 or otherwise permitted by the Pier Manager and as specified in section 1-5-6 of these regulations. No vehicles shall be left on the Pier longer than 36 hours.¹¹ Any vehicle parked on the pier for more than 36 hours without the written authorization of the Pier Manager may be towed at the owner's expense.

1-5-2. Pier Corp reserves the right to limit or restrict vehicular traffic on the pier during specific times or for specific purposes. The Pier Manager, Harbormaster, 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, security of the pier, or vessels berthed at the pier. Sections of the Pier may be closed to vehicular and public access for properly licensed short-term community events.

1-5-3. Vehicles greater than 50 feet in length or more than 32,000 pounds gross weight must seek permission from the Pier Manager before proceeding onto the pier. No person using the Pier shall cause the posted 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 violating these rules will be subject to ticketing and towing without notice at the vehicle owner's expense.

- A) Pier Permit Parking Area: The spaces designated by "Pier Permit Parking Only" signs shall be primarily used by MacMillan Pier commercial fishing and business tenants who hold valid parking permits. These parking spaces are for the general use of all pier tenants' vehicles displaying a valid parking permit. No spaces are reserved.
- 1) Pier Corp's Chapter 91 license restricts pier parking to commercial vehicles only who are engaged in loading or unloading activities, servicing or maintenance of vessels, and accessory uses to commercial operations.
 - 2) No overnight parking is permitted without the permission of the Pier Manager.
 - 3) Parking permits will be issued only to year-round tenants with accounts in good standing and no past due balances.
 - 4) The permit sticker must be permanently affixed and clearly visible on the driver's side of the vehicle's windshield while using these spaces. Only one parking permit will be issued per tenant. Should a tenant need to use a vehicle other than the one to which a permit sticker has been attached, they may apply to the Pier Manager for a temporary permit.
 - 5) Pier parking time limits or other restrictions may be established and enforced at the discretion of the Pier Manager to accommodate pier operations or other special circumstances.
 - 6) Unless otherwise permitted by the Pier Corp board, parking permits will only be issued to vehicles with Massachusetts commercial license plates. The fee for parking tags are shown in Appendix A.
- B) Harbormaster Office Parking: The spaces designated by the "Harbormaster/Police Parking Only" signs shall be used only by vehicles identified as PPC, Harbormaster, Police Department, or Fire Department/Rescue Squad vehicles.

- C) West Side 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 Off-Loading Spaces (Loading Zones), shall be reserved for vehicles actively engaged in off-loading or loading of seafood. Any other uses must be approved in advance by the Pier Manager and will be secondary to uses by the commercial fishing fleet.
- E) Box Trucks: Parking of box/refrigerated trucks is limited to the area designated for this vehicle type by the Pier Manager. Tenant-owned box trucks and refrigerated trucks not displaying a permanently affixed parking permit shall require a temporary parking permit to park on the pier. Long term parking of box/refrigerated trucks is prohibited. Temporary permits may be issued by Pier Corp personnel for a period not to exceed one working day. There is limit of one temporary permit per company at any given time.
- F) 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
- G) Licensed passengers-for-hire taxis and livery vehicles must have a current permit. Permits are available at the Harbormaster's Office upon completion of application and payment of fee.¹¹
- H) 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.

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 PPC 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 without a security detail of Harbormasters or Police Officers to be provided 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 may issue new dockage permits/licenses to passenger vessels engaged in a wide range of commercial water transportation services, tourism attractions, or maritime excursions on a seasonal or short-term basis. The terms of all such permits shall be determined by PPPC.

1-6-4. 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.

1-6-5. Commercial vessels embarking passengers directly from MacMillan Wharf or passengers who traverse any part of MacMillan Wharf in the process of boarding the vessel may be subject to the Excursion Vessel Embarkation Fee listed in Appendix A at the discretion of PPPC.

1-6-6. Use of float spaces shall be limited to activities permitted in Ch. 91 License No. 8621 and the terms of the Agreement including in the MacMillan Pier Float Space License Application. In addition,

- A) All vessels berthing overnight on a float space shall be listed on the Float Space License Application and must hold a valid Assigned Vessel Permit issued by the Pier Corporation.
- B) Assigned Vessel Permits will be issued without charge to any vessels owned or leased for the full term of the Float Space Permit by the Float Space Licensee.
- C) Assigned Vessel Permits will be issued to vessels not owned or leased by the primary licensee only on the request of the Float Space Licensee and with the approval of Pier Corp. Assigned Vessels not owned or leased by the Float Space Licensee shall be subject to the permit fees listed in Appendix A.

Article 7. *Dockage of Commercial Fishing and other Vessels on East Side Docks*

1-7-1. In accordance with the provisions of the Act and the Lease, PPPC seeks to foster and support a sustainable commercial fishing fleet in Provincetown. To that end, the floating dock marina and the fixed finger piers located on the eastern side of MacMillan Pier are dedicated primarily for use by commercial fishing vessels in accordance with Massachusetts Department of Environmental Protection "Chapter 91" License #8621, as may be amended.

1-7-2. All commercial fishing vessels wishing to regularly utilize berths on the east-side docks shall obtain in advance from the PPPC an annual or semi-annual dockage permit. Dock permits are issued to specific vessels. The permit shall entitle the vessel to the use of, and access to, the berthing dock spaces on the east side of

the pier in common with other permit holders, subject to the rules, regulations and permit terms of the Pier.

1-7-3. Should the owner of any permitted vessel wish to transfer the privileges of their permit to another vessel owned by that person, they must first receive authorization for the transfer from the PPPC board. Transfers of permits between different categories of vessels may be denied if, in the opinion of the board, the transfer is not equitable to other tenants or persons on any wait list or is otherwise not in the best interests of the PPPC.

1-7-4. By accepting a dockage permit, the permit holder agrees that the fees due for such permits and other goods or services provided by Pier Corp are for necessities subject to a maritime lien enforceable pursuant to Federal Law. (i.e., 46 USC Chapter 313). Additional commercial fishing vessels' permit requirements and terms are listed on the application for commercial fishing vessel berth. Rates for these permits and other goods and services provided by Pier Corp are outlined in Appendix A.

1-7-5. Dock permits may not be issued for periods in excess of 12 months. Permits may be issued for shorter periods of time at the discretion of the Pier Corp board. The term of permits and their expiry dates are at the discretion of the Pier Corp board. As a general rule, annual dockage permits will be valid from April 1st of the permit year through March 30th of the following year. Semi-annual dockage permits will normally be valid from April 1st through October 15th of the permit year (in-season permits) and from October 16th of the permit year through March 30th of the following year (post-season permits).

1-7-6. The owner of any vessel wishing to apply for a dock permit must file a new or renewal application at a time and in a form approved for that purpose by the Pier Corporation. The applicant must provide information specified in the application form in sufficient detail to permit the Pier Manager to determine the eligibility and priority of the applicant for a dock assignment. Failure to provide complete and accurate information as required on the application at the time an application is filed may result in the application being denied.

1-7-7. New applications for dock space may be submitted at any time. Applications received after January 15th of any year will be automatically assigned to a waitlist. Should there be no available dock space at the time of application, the applicant will be asked to submit an application for listing on one of the wait lists. Rules and procedures for the administration of these wait lists and the assignment of dock space from the wait lists are provided in Appendix B.

1-7-8. Dock permits may be renewed annually by the submission of a renewal application. Notices of renewal will be mailed or emailed to existing tenants by December 1st and renewal application forms are due no later than January 15th of the following year. Failure to submit a complete application by this date may result in the application being denied.

1-7-9. Renewal dock permit applications for Provincetown-Based Commercial Fishing Vessels, Non-Resident Commercial Fishing Vessels, and Provincetown-

Based Other Commercial Vessels with open access fishing permits who are actively engaged in commercial fishing during the year prior to the application being submitted shall have priority over new applicants provided the vessel's owner maintains:

- A) the vessel's status as a commercial fishing vessel or as a Provincetown-based other commercial vessel actively engaged in fishing during the prior year;
- B) the vessel's accounts in good standing with the Pier Corp;
- C) the completed renewal application is filed in a timely manner (i.e. meets required deadlines); and,
- D) all required documentation and forms required by the application process are up-to-date and on file with the Pier Corp Office at the time the renewal application is filed.

1-7-10. Vessels filing renewal dock permit applications which are classified as Non-Resident Other Commercial Vessels and all Recreational Vessels will not have priority over new applicants classified as Provincetown-based Commercial Fishing Vessels, Non-Resident Commercial Fishing Vessels, and Provincetown-based Other Commercial Vessels actively engaged in fishing activities.

1-7-11. Applications that are denied or not accepted may be placed on a wait list and will be eligible for reconsideration when space for the vessel becomes available.

1-7-12. Persons owning more than one vessel may apply for multiple slips, but each vessel must have a separate application, and each vessel's application shall be considered on its own merits. Persons owning more than one vessel applying for berthing at the fixed finger piers may be required to raft their vessels in a single berth.

1-7-13. It shall be PPPC policy that berthing at the east-side docks shall be leased first to "commercial fishing vessels," as defined in these regulations. In the allocation of dock space both the Act, and the Lease require that Provincetown-based commercial fishing vessels, as defined herein, be given first preference in the allocation of dock space. PPPC interprets these requirements to mean that preference in dockage assignments on the floating docks and fixed finger piers shall be in the following order:

- A) Provincetown-based Commercial Fishing Vessels;
- B) Non-Resident Commercial Fishing Vessels;
- C) Provincetown-based Other Commercial Vessels (e.g. commercial fishing vessels with open access fishing licenses);
- D) Non-Resident Other Commercial Vessels;
- E) Recreational Vessels owned by Provincetown residents, non-resident taxpayers and occupants; and then,
- F) Non-Resident Recreational Vessels.

1-7-14. Assignments for dock space on east-side docks shall be made each year using the priority listed above. Once all renewal applications in each category above are accepted, the Pier Manager will then draw applicants from the corresponding wait list.

1-7-15. When dock space is not immediately available, vessels desiring a berth on the floating docks or fixed finger piers may apply to be placed on a wait list. Wait lists will be maintained for vessels in each of the following categories:

- A) Provincetown-based Commercial Fishing Vessels;
- B) Non-Resident Commercial Fishing Vessels;
- C) Provincetown-based Other Commercial Vessels (e.g. commercial fishing vessels with open access fishing licenses);
- D) Non-Resident Other Commercial Vessels;
- E) Recreational Vessels owned by Provincetown residents, non-resident taxpayers and occupants; and then,
- F) Non-Resident Recreational Vessels.

Rules for the new dock permit applications and administration of wait lists are provided in Appendix B.

1-7-16. Past due dock permit fees not paid by the December 31st of the permit year may prevent the vessel from being issued a permit renewal and tying to the Pier.

1-7-17. Any vessel docking at MacMillan Pier after the docking permit has expired may be charged dock fees at the transient vessel rates shown in Appendix A and/or may be fined an additional \$50.00 on a non-criminal disposition citation or any other applicable law for every 24-hour period the vessel is tied to the pier after the expiration of the dock permit.

1-7-18. Commercial fishing vessels not having a valid annual, or semi-annual dockage permit, shall be assessed the transient vessel fee shown in Appendix A. The Pier Manager shall collect fees for the use of the Pier by transient commercial fishing vessels.

1-7-19. Commercial fishermen shall dock only small-boat commercial fishing vessels at the floating docks.

1-7-20. Bow pulpits that cannot be retracted or raised shall not be permitted on the floating docks.

1-7-21. Stern platforms extending aft of the vessel's transom shall be included in measurements of length overall ("LOA"), unless such platforms are raised at all time the vessel is berthed at the pier.

1-7-22. No vessel with an LOA exceeding 45 feet shall be docked at the floating docks without written permission of the Pier Manager. Commercial fishing vessels with LOA greater than 45 feet may apply for berthing at the fixed finger piers.

1-7-23. When berthing spaces on the fixed finger piers is limited for any reason the Pier Manager may require vessels to raft in a single berth either on a temporary or permanent basis.

1-7-24. All vessels assigned to and transient vessels tying to MacMillan Pier must have proof of P&I insurance issued by a marine insurance company approved by the Pier Corp. Minimum P&I coverage required is \$300,000.

1-7-25. All vessels with dock permits shall maintain a permitted Holding Mooring in the harbor appropriate for the size vessel and suitable for securing the vessel in any weather conditions known to exist during the period of the dock permit. By accepting a dockage permit, or by docking at the Pier, the vessel owner certifies that the Holding Mooring has been inspected and is properly equipped to holding the vessel in the event that the Harbormaster orders an emergency removal of vessels of the docks.

1-7-26. Removal of Vessels. All vessels shall be removed from the Pier upon order of the Harbormaster. The Pier Manager may request the Harbormaster to issue such an order. In the event the Harbormaster refuses the Pier Manager's request the Pier Manager will immediately notify both the PPPC and the Town Manager explaining the circumstances of the request. Vessels ordered removed from the Pier shall not return unless and until authorized by the Harbormaster and the Pier Manager.

- A) The Harbormaster may remove any vessel that is docked at the Pier in violation of with these Regulations or whenever the Harbormaster determines that removal of the vessel from the Pier is necessary to protect public safety or to prevent harm to the Pier; the vessel or its crew; or other vessels or the marine environment; or, at the request of the Pier Manager, or for non-payment of a permit holder's account, or on expiration of a permit holders docking permit.
- B) Prior to removing a vessel from the Pier, the Harbormaster will attempt to notify the permit holder and/or his designated representative and request that they remove the vessel from the Pier. The Harbormaster shall only be required to give as much advance warning as is reasonable under the circumstances and the permit holder acknowledges that there may be circumstances where no notice is required.
- C) By accepting a dockage permit or by docking at the Town's Pier, the vessel owner agrees that should the owner or his designated representatives fail to abide by the Harbormaster's order in a timely manner or otherwise be unable to comply with the order, the owner authorizes to Harbormaster to remove, or have removed by a commercial towing operator, the vessel from the pier to the permit holder's Holding Mooring. If there is no Holding Mooring or if the Harbormaster determines that the designated Holding Mooring is unsuitable, lacks a current mooring inspection, or is not adequately equipped to properly secure the vessel, the vessel may be moved to

the Town's Holding Mooring. Use of the Town's Holding Mooring shall be subject to a fee of \$100.00 per day. The Harbormaster may, at his/her discretion, engage the services of a commercial towing operator to assist in moving and securing the vessel to a town mooring.

- D) By accepting a dockage permit or by docking at the Town's Pier, the vessel owner agrees to indemnify, defend, and hold harmless the PPC, the Town of Provincetown, the Harbormaster, and all other Boards, Departments, officers, employees, agents, and representatives of the PPC and the Town of Provincetown, from any and all claims by any person for any injury or death to persons, or loss or damage to or diminution in value of any property occurring as a result of the removal and/or relocation of a vessel in accordance with these Regulations.
- E) In addition to any other remedies available at law, including, but not limited to, the enforcement or a maritime lien, all costs incurred by the Harbormaster or the Pier Corp in removing a vessel from the Pier, including any towing and storage costs, along with any fees assessed for use of the Town's Holding Mooring shall be immediately added to the permit holder's account and will be considered part of the permit holder's outstanding balance for purposes of renewal applications and maritime liens.
- F) No vessel removed from the Pier shall be permitted to return until all outstanding balances are paid in full, unless otherwise agreed by the Pier Manager.
- G) Vessels removed from the Pier by or on behalf of the Harbormaster, may be subject to the loss of their dock permit for a period up to five (5) years.

1-7-27. Owners of vessels berthed at or otherwise using the pier are responsible for removal of any gear, trash and general cleanup of the area around their vessels. Vessel owners are liable for any property damage to the pier, the berthing facilities or the equipment on the pier due to negligence, carelessness, inattention or mis-use of the pier facilities by the owners or their crew members.

1-7-28. Permit Holders and Licensees 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

1-7-29. Permit Holders with berths on the fixed finger piers or floating docks may not 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 a tenant's berth may be ordered to vacate the berth at the request of the Pier Manager or Harbormaster. If the vessel is not removed immediately, it will be subject to transient

rates outlined in Appendix A, and may be charged ticketing or towing charges payable by the owner of the vessel.³

1-7-30. Vessels/owners cited for violation of federal, state, or local laws or regulations, Pier rules or regulations, or the Terms and Conditions for Dock Permits three or more times in any three-year period may have their docking permit revoked immediately without refund at the discretion of the Pier Manager. Vessels whose permits have been revoked may re-apply for dock space no sooner than one year following the date of the revocation. Provided their application meets Pier Corp requirements for new applicants, the applicant will be considered as a new applicant and will be placed on the waiting list for dock space assignment should no dock space be immediately available.

Article 8. *Off-Loading/Handling of Seafood*

1-8-1. All persons engaging in seafood off-loading operations on MacMillan Pier shall assure the cleanliness of areas used for off-loading at the end of each operating period and as health standards may require, and/or as may be required by the Pier Manager, Harbormaster, or their delegates from time-to-time. In addition to other measures used to assure conformance with these requirements, off-loading 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.

1-8-2. Licensees shall be subject to fines, suspension, or revocation of their licenses for violations of these regulations, Federal, State, and local by-laws, regulations and lawful orders of the Harbormaster or his delegates.

1-8-3. Culling or processing of catch is prohibited in all dock areas.

1-8-4. The submergence, re-submergence, storage, or maintenance of shellfish in cages is prohibited in the vicinity of the Pier.

1-8-5. 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 may not be offloaded to vehicles subleased by the vessel owner from a third party. This off-loading may take place adjacent to the east-facing finger piers or at an area designated by the Pier Manager.

1-8-6. Vessels listed on float space licenses may off-load catch into their own vehicles or into a vehicle which is rented or leased to them. This off-loading may take place at an area adjacent to their float space.

1-8-7. Seafood off-loading on MacMillan Pier is restricted to Pier off-loading spaces, the area adjacent to the east-facing finger piers, the approach pier as detailed in Section 1-8-5, or an area temporarily designated by the Pier Manager or Harbormaster due to special circumstances such as weather or safety concerns.

1-8-8. All persons or vessels off-loading seafood on the Pier must hold a permit issued by PPC and all necessary permits and/or licenses required by state or federal authorities.

1-8-9. Feeding of seals or other marine mammals from the pier or docks is prohibited.

Article 9. *Pollution Prevention*

1-9-1. Stationary 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 or their delegates.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 or shellfish 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. 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.

1-9-5. 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 fourth slip from the Pier.

1-9-6. 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.

1-9-7. Washing of boats or docks or pier decks is permitted provided persons undertaking such activities use bio-degradable soaps and adhere to guidance provided in the Massachusetts Clean Marina Guide, a publication of the Massachusetts Office of Coastal Zone Management.

Article 10. *Fees*

1-10-1. Fees for uses permitted on the Pier shall be as established from time to time in accordance with Act. Unless otherwise provided by law or by-law, the PPPC shall establish all fees under this Chapter. Fees for use of the pier and for goods or services provided by PPPC are listed in Appendix A of these Regulations.

1-10-2. Transient vessels, including charter fishing and small-boat excursion operations, shall purchase an annual permit prior to the pick-up and discharge of passengers for hire from any dock or float space on the Pier, or from any dock requiring passengers to use the Pier to access the vessel. The scheduling of transient charter fishing passenger embarkation and disembarkation from MacMillan Pier transportation dock or other docks will be at the discretion of the Pier Manager.

Article 11. *Penalties and Enforcement*¹³

1-11-1. The PPPC may deny, revoke, or refuse to renew any dockage permit, parking permit, license, sub-lessee, or contract for any of the following reasons:

- A) if the application is incomplete;
- B) if the applicant provides incorrect, inaccurate, or false information in their application or to Pier Corp staff or directors during the process of evaluation of their application;
- C) if the applicant's vessel is not properly registered, licensed, and / or covered by adequate marine insurance;
- D) if the applicant's fees for dock permit or float space license or other fees for the prior year has not been paid in full by December 31st of the permit year;
- E) if any of the applicant's other pier related accounts have an outstanding balance more than 90 days in arrears;
- F) if, in the opinion of PPPC, the applicant has failed to meet the qualifications for the various vessel categories set forth in these Regulations;
- G) if the applicant is or has been within the last 12 months in violation of these Regulations,
- H) if the applicant fails to satisfy the PPPC that issuance of the permit is consistent with the purpose of these Regulations;
- I) if PPPC believes the issuance of the permit is contrary to the statutory or legal obligations of PPPC;
- J) if PPPC has evidence the applicant has acted or is acting in violation of federal or state laws or regulations regarding maritime safety, fishing permits, quota, season limits, or the handling, processing or sale of catch;
- K) if PPPC believes the issuance of the permit is not in the best interests of PPPC, its tenants, customers or other permit holders, town or the general public.

1-11-2. The PPPC may suspend or revoke any permit issued pursuant to these Regulations 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 holder is unfit to conduct business at the Pier.

1-11-3. No permit will be denied, suspended, or revoked until after the PPPC holds a hearing, notice of which shall be given to the applicant or permit holder at least seven days prior thereto. Unless waived in writing or by email addressed to the Chair of PPPC by the applicant or permit holder, such notice shall be deemed given upon mailing same, by certified mail, return receipt requested, to the address listed on the permit application. The PPPC may waive the hearing requirement if it finds that immediate action is required to protect public health and safety or to prevent

damage to the Pier or any vessel docked thereto. In such a case, a hearing shall be held within seven days after the notice of the PPPC's action.

1-11-4. These Regulations may be enforced by the Harbormaster or the Harbormaster's staff and/or any Town of Provincetown police officer or agent. Whoever violates any provision of this Regulation may be penalized by a non-criminal disposition process as provided in G.L. c. 40 §21D and the Town's non-criminal disposition by-law. If non-criminal disposition is elected, then unless a specific penalty is specified, any person who violates any provision of the Regulation shall be subject to a penalty in the amount of three hundred dollars (\$300.00) per day for each day of violation, commencing ten days following the day of receipt of the written notice from the Harbormaster. Each day, or portion thereof, shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

1-11-5. The PPPC and/or 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.¹³

1-11-6. Permit holders, tenants, 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.

1-11-7. In addition to any penalties set forth in these regulations, permit holders, tenants, licensees, transient vessels, and other users of MacMillan Pier are subject to any applicable local, state, and/or federal laws and regulations and any penalties provided under those laws and regulations. If the Pier Corp is required to participate in enforcement or other actions taken pursuant to local, state, and/or federal laws and regulations, the license or permit holder shall be responsible for the costs of the Pier Corp's participation, including any legal fees incurred.

Article 12. *Dinghy Dock*

1-12-1. The skiff-dinghy dock shall be made available only to vessels which are less than 16 feet in length, do not have a steering wheel, and are used to access a properly registered vessel on an 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 Harbormaster, 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. Town residents without a mooring may purchase the resident dinghy dock permit for an additional charge as outlined in Appendix A.

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 their 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 PPC 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 20 minutes, unless otherwise authorized by the Pier Manager or Harbormaster or their delegates. There shall be no commercial use, including the pick-up and disembarkation of charter fishing boat passengers, of the courtesy float unless the use has been authorized by the Pier Manager.³ The use of the courtesy float for local fishermen/shell fishermen to off-load fish/shellfish or gear is permitted with the permission of the Harbormaster or Pier Manager.⁸

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.

1-13-2. Use of this area is primarily for the use of Pier tenants and is regulated by the Pier Manager.³

1-13-3. 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

1-13-4. 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 9:00 AM and 4:30 PM between May 15th and September 15th.³

1-13-5. Use of potable water in this area, from any faucet located on Town property, is prohibited.³

Article 14. *Live-Aboards Berthed at the Pier*

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-aboards.³

1-14-2. Live-a-board vessels berthed at the Pier must have holding tanks or other suitable means of containing sewage and other black-water waste, and must abide by laws and regulations regarding the Cape Cod Bay No Discharge Zone.

1-14-3. MacMillan Pier and the Harbormaster's Office are not to be considered a mail-drop or message center without prior approval of the Harbormaster or Pier Manager. When an emergency arises, staff will try to contact 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.

Adopted April 5, 2004

- 1) Revised October 21, 2004
- 2) Revised March 31, 2005
- 3) Revised March 9, 2006
- 4) Revised March 22, 2007
- 5) Revised November 12, 2007
- 6) Revised November 29, 2007
- 7) Revised February 28, 2008
- 8) Revised March 12, 2009
- 9) Revised March 25, 2010
- 10) Adopted March 25, 2010
- 11) Revised March 17, 2011
- 12) Adopted March 17, 2011
- 13) Revised April 24, 2014

Chapter 2 MOORING RULES AND REGULATIONS

Approved and Amended by the Provincetown Board of Selectmen.

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 Harbormaster, 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, adaptable or capable of being navigated, towed, or operated on water from place to place for the transportation of merchandise, people or inhabitant²⁰, 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 or commercial tenants of MacMillan Pier.19

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 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. Moorings must be inspected bi-annually, proof of inspection is required and may be provided by affidavit signed by mooring holder.

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:* Any registered voter in the Town of Provincetown.²⁶

2-2-15. *Non-Resident Taxpayer:* Any natural person owning real estate in the Town of Provincetown but who is not a Resident.²⁶

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.²⁶

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 ground tackle, 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.¹⁵

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) and proof of inspection (or

signed affidavit). The Harbormaster shall issue or deny a request for a permit within fifteen (15) business days of receipt of application.

2-3-3. 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 has not provided proof of inspection, is not properly marked with permit number on a white float with a blue stripe in accordance with Federal regulations.¹⁶

2-3-4. 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.¹⁶

2-3-5. 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.¹³

2-3-6. 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 that vessel is described on a mooring 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.¹¹

2-3-7. 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.²⁰

2-3-8. Mooring permit fees shall be as set forth in Appendix A. 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.¹⁵

2-3-9. 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.

2-3-10. Any applications for any new or amended rental mooring fields must first be reviewed by the Harbor Planning 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 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.

2-3-11. 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.²⁰

2-3-12. 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.

2-3-13. Moorings shall only be placed in locations approved by the Harbormaster.

2-3-14. 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.¹⁵

2-3-15. 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.¹⁵

2-3-16. 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.¹⁵

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 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 the 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.¹⁸

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 fifteen (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.¹⁶

2-4-4. Mooring weights and specifications are recommended minimums as follows:^{13,18}

Boat			Heavy	Light	
Length	Block or Pennant	Block/Stone	Chain	Chain	
Up to	Stone Wgt	Dimensions	Diameter	Diameter	Nylon
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. 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.¹¹

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.¹⁶

2-4-6. Anyone who moors in Provincetown Harbor does so at their own risk. The Town of Provincetown, the Provincetown Public Pier Corporation, their officers and employees, are not responsible for any damages or liability from public use of the Harbor or moorings.¹⁶

Article 5. Water Quality

2-5-1. No person will intentionally 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 his or her mooring permit revoked thereafter.¹⁸

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 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 five (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 will all regulations concerning moorings within fifteen (15) days, the mooring and gear will be considered abandoned.¹⁶

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.

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

2-8-2. number of rental moorings may be decreased by the Harbormaster following conference with the Board of Selectmen, the Harbor Committee, the Board of Health and Mooring permit holder(s).

2-8-3. 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 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.¹⁶

2-8-4. 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 Corps of Engineers, and the Fairway, which are at the discretion of the Harbormaster.²⁶

2-8-5. 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.²⁶ 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 deems it 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.¹⁶

2-8-6. An area seaward of the West End Racing Club (WERC), as outlined on the Harbormaster mooring charts, is designated for 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.¹⁷

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, or in the Provincetown Mooring Chart as maintained and updated at the Harbormaster's Office.²⁶ 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 (1) 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 on 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 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 ten (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.¹⁶

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.¹⁰

- 1) Amended December 28, 1992
- 2) Added December 28, 1992
- 3) Amended December 26, 1995
- 4) Deleted December 26, 1995
- 5) Amended December 30, 1996
- 6) Added January 22, 1996
- 7) Added August 12, 1996
- 8) Amended December 11, 2000
- 9) Amended December 16, 2002
- 10) Amended December 26, 2002
- 11) Amended March 24, 2003
- 12) Adopted April 5, 2004
- 13) Revised October 21, 2004
- 14) Revised March 31, 2005
- 15) Revised March 9, 2006
- 16) Amended March 13, 2006
- 17) Added March 13, 2006
- 18) Revised March 22, 2007
- 19) Revised November 12, 2007
- 20) Revised November 29, 2007
- 21) Effective 2008 mooring season
- 22) Revised February 28, 2008
- 23) Revised March 12, 2009
- 24) Revised March 25, 2010
- 25) Revised March 17, 2011
- 26) Revised June 22, 2015
- 27) Revised March 14, 2016

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.¹⁶

3-1-3. *Dinghy storage areas:* Public beach areas located landward of the mean-high waterline as designated by the Provincetown Harbor Plan.¹⁶

3-1-4. *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 inhabitant, or for any other purpose.²⁰

3-1-5. *Dinghy:* A small, low-powered vessel used exclusively to access another vessel within the Harbor.¹⁶

3-1-6. *Personal Watercraft (PWC):* A vessel propelled by a water-jet pump or other machinery as its primary source of propulsion and 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.

3-1-7. *Primary No-Wake Zone:* Primarily defined by the inner Harbor breakwater and extending westward in a line to the southernmost 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

3-1-8. 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 five hundred (500) yards.²⁷

3-1-9. *Transient Vessel:* Vessels, primarily intended for cruising or fishing, with a home port other than Provincetown, which are visiting Provincetown Harbor for fewer than six (6) days.¹⁶

3-1-10. *Live-aboards:* Vessels mooring, anchoring or berthing within the Harbor for a period of seven (7) days or more, which are regularly used for the overnight accommodation of one (1) or more persons.¹⁶

3-1-11. *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

3-1-12. *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.¹⁶

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, pursuant to 3-2-3(b).²⁸

A) No vessel over 17 feet may be stored on public beaches from April 15th to November 15th.²⁸ No vessel with an enclosed cabin may be stored on public beaches for more than 7 days per calendar year.¹²

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's 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 owner²⁶, pursuant to 3-2-3(b).²⁸

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 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. Boats left on public beaches after the expiration date are subject to removal pursuant to 3-2-3(b).²⁸

- 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, pose a hazard to other vessels or to property, or to the resource area, may be tagged, ticketed and/or removed and stored or disposed of at the owner's expense. Vessels or other objects that have been tagged may be removed from the beach by the Harbormaster after fifteen (15) days. If the owner is known for any dinghy or vessel removed and stored, a certified letter will be sent to

the address on the permit form at the time of storage. Any dinghy or vessel which is not claimed within twenty-one (21) days is subject to disposal by the Harbormaster. Removal fees are \$50 per vessel plus towing, disposal or other costs incurred. Storage fees are \$25 per seven (7) days for vessels under 20 feet. Storage fees are \$100 per seven days for vessels 20 feet and over.²⁷

3-2-4. A waiver may be issued by the Harbormaster only if you have a boat on the 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.²⁸

Article 3. West End Ramp and Trailer Parking Area¹⁹

3-3-1. Parking for trailers without boats is allowed for up to 24 hours in the designated area next to the launching ramp. No vessels or floats may be stored in this area without prior authorization of the Harbormaster. Violators shall be subject to ticketing and/or towing. Violators of this provision of the regulations may be penalized by a non-criminal disposition as provided under Massachusetts General Laws, Chapter 40, Section 21D issued by a Harbormaster or Police Officer. Each day on which a violation exists shall be deemed a separate offense.

3-3-2. Anyone who uses the West End Launching Ramp or trailer parking area does so at his or her own risk. The Town of Provincetown, the Provincetown Public Pier Corporation, their officers and employees, are not responsible for any damages or liability from public use of the facilities.

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).¹⁶

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 water craft 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

3-4-5. Taking of shellfish or finfish by mechanical means including, but not limited to, trawls, drags, rakes and hydraulic gear with the assistance of machinery is prohibited within Provincetown Harbor. This does not include the use of manual rakes or other hand operated devices for the collection of shellfish or baitfish with or without the use of scuba gear.⁵

Article 5. *Enforcement*

3-5-1. All vessels and persons in Provincetown Harbor 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 Massachusetts Department of Environmental Protection, and the Town of Provincetown.²³

Article 6. *Live-Aboards*

3-6-1. The Harbormaster shall have the authority to determine if a vessel meets the definition of a live-aboard. The activities aboard vessels and houseboats used to live-aboard are 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 shore-side waste removal system, a live-aboard 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 vessel’s 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 A.
- C) No special parking privileges are provided to occupants of live-aboard vessels or houseboats.

23 Amended 12/16/02

27 Added 3/13/06

28 Revised June 22, 2015

APPENDIX A

Appendix A (“MacMillan Pier Vehicle Restrictions: Barnstable Probate & Family Court Docket No. 894: Preliminary Injunction modified on June 29, 1984, as further modified on September 26, 1990”) was removed in its entirety in prior revisions. This revision updates the Harbor Regulations document by replacing the empty Appendix A with what was previously Appendix B “Fee Schedules.”

FEE SCHEDULES

East-Side Fixed Finger Pier Dockage (50 ft. minimum)

Annual Dockage Permit Fee		
Year	Fee (Docked)	Fee (Rafted)
2021	\$65 per ft. LOA	\$42.25 per ft. LOA
2022	\$75 per ft. LOA	\$48.75 per ft. LOA
2023	\$85 per ft. LOA	\$55.25 per ft. LOA

Semi-Annual Seasonal Dockage Permit Fee <i>(Short-Term Tenant)</i>		
Year	In-Season (04/01-09/30)	Off-Season (10/01-03/30)
2021	\$45 per ft. LOA	\$35 per ft. LOA
2022	\$55 per ft. LOA	\$45 per ft. LOA
2023	\$65 per ft. LOA	\$55 per ft. LOA

Short-Term Transient Commercial Fishing Vessels <i>See Note 1.</i>		
Year	Fee (Docked)	Rafted (Fee) (See Note 3)
2021	\$2.50 per ft. LOA per day	\$1.65
2022	\$2.70 per ft. LOA per day	\$1.75
2023	\$2.90 per ft. LOA per day	\$1.90

Notes

- 1) Transient Commercial Fishing Vessels are billed at stated rate per day until the cumulative charges in any single calendar year equals the amount charged for an annual dock permit for a vessel of comparable size. Once a transient fishing vessel has paid an amount equivalent of the cost of an annual permit, there will be no additional charge. Berthing assignment of transient vessels is at the discretion of the Pier Manager and may in certain circumstances necessitate rafting with annually permitted vessels.
- 2) Minimum charge on fixed finger piers is 50 ft. LOA.

- 3) No discount for rafting unless approved by Pier Manager. Exceptions will only be for situations where multiple vessels are owned by same person and the operator commits to always raft. the vessels together regardless of any open space available.
- 4) Dock permit provides access to a berthing space but does not guarantee a specific berth at the docks, nor does it eliminate the potential for rafting of vessels in a single berth, if required. Berth assignments (including rafting) will be at the discretion of the Pier Manager and will be normally done on a first come, first serve basis.
- 5) Vessels with a LOA of less than 45 ft. will normally be assigned to the floating docks. In years where all space on the floating docks is taken, vessels of LOA greater than 42 ft. may be offered space on the fixed finger piers. Vessels moved from floating dock berths will be exempt from the 50 ft. minimum charge for the first 3 years on the fixed finger docks.
- 6) Permits for the fixed finger berths will be offered on a year-round and seasonal basis.

East-Side Floating Docks

(40 ft. minimum, 45 ft. maximum)

Annual Dockage Permit Fee – Commercial Fishing / Other Commercial Vessels (Full-Time Tenant)	
Year	Fee
2021	\$95 per ft. LOA
2022	\$110 per ft. LOA
2023	\$120 per ft. LOA

Semi-Annual Seasonal Dockage Permit Fee (Seasonal Short-Term Tenant)				
Year	In-Season (04/01-09/30)	Off-Season (10/01-012/31)	Recreational Vessels (05/01-10/15)	Transient Vessels (40 ft. minimum)
2021	\$75 per ft. LOA	\$35 per ft. LOA	\$195 per ft. LOA	\$4.00 per ft. LOA per day
2022	\$85 per ft. LOA	\$45 per ft. LOA	\$225 per ft. LOA	\$4.50 per ft. LOA per day
2023	\$95 per ft. LOA	\$55 per ft. LOA	\$250 per ft. LOA	\$5.00 per ft. LOA per day

Annual Temporary Docking Permit Fee See Note 6.	
Year	Fee
2021	\$400

Notes

- 1) Minimum charge at floating docks will be 40 ft. (LOA)
- 2) The maximum vessel size on the floating docks is 45 ft. LOA.
- 3) Vessels with a beam greater than 15 ft. will be charged at 125% of the standard rate.
- 4) Vessels qualifying for a dock permit will be assigned a specific slip on the floating docks at the discretion of the Pier Manager. Every effort will be made to make slip assignments on an

annual basis, but circumstances may require the Pier Manager to relocate a vessel during the year. Slip assignments may change from year-to-year.

- 5) Vessels under 20 ft. LOA may share a slip at the discretion of the Pier Manager. The cost for each vessel in a shared slip will be based on a 20 ft. minimum at a rate 60% of the full rate.
- 6) Temporary dock permits allow vessels berthed at a mooring in Provincetown Harbor to come to the pier docks on a temporary basis for loading/off-loading, vessel maintenance, gear swap-out, etc. Prior arrangements with the Pier Manager are required for the temporary use of the pier. Slip assignment will be at the discretion of the Pier Manager and must be vacated immediately on the order of the Pier Manager or Harbormaster. Permit holders are entitled to all privileges afforded tenants of the pier except for the issuance of parking permits.

Annual Float Space License Fee	
Year	Fee per Season (04/01-09/30)
2021	\$11,500
2022	\$13,500
2023	\$15,000

Large Vessel Surcharge (Float Spaces)	
Year	Fee per Season
2021	\$80 per passenger
2022	\$90 per passenger
2023	\$95 per passenger

Notes

- 1) Charged to vessels of rated capacity >50 passengers as shown on the USCG inspection Certificate of Inspection.

Float Space 10W Fee	
Year	Fee per Season
2021	\$12,000
2022	\$13,500
2023	\$15,000

Passenger Ferry Services Berthing Fee	
Year	Fee per Season
2021	Per contracts with ferry companies. Contracts will be renegotiated during CY 2021.

Notes

- 1) 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.

Transient Dockage Fee	
<i>Vessels other than commercial fishing vessels.</i>	
Vessel	Fee
Non-Commercial / Research Vessels	\$3.00 per ft. LOA per day
Private Recreational Vessels	\$5.00 per ft. LOA per day
Small Vessels at Floating Docks	\$4.00 per ft. LOA per day
Historic / Educational Vessels (require approval and agreement from the Pier Corp.)	Per Agreement.

Passenger Embarkation Fee	
Year	Marine Excursion and Charter Trips departing from MacMillan Pier
2021	\$1.00 per passenger
2022	\$1.25 per passenger
2023	\$2.00 per passenger

Electricity Usage Fee		
Type	Daily Fee	Monthly Fee
30-amp	\$30.00	\$110.00
50-amp	\$40.00	\$175.00
Meter Service	Billed per KWh at 125% of rate charged to PPPC.	

Notes

- 1) Tenants holding annual and seasonal dockage permits may request access to electrical pedestals at any time during the year.
- 2) Billing for electricity usage will be based on a daily rate, a fixed rate per calendar month, or on a metered basis.
- 3) Vessels plugging into dock electrical pedestals who have not previously arranged for electrical service with the Pier Office may be charged twice the daily usage rates.
- 4) Electrical cords with meters can be purchased commercially. Pier Corp will provide information on sourcing metered cords on request. Maintenance and security of metered cords are the responsibility of the vessel owner.
- 5) Vessels requiring 50-amp service may install electrical meters onboard the vessels.
- 6) Vessel owners shall provide Pier Corporation staff access to metered cords / electrical meters on request to determine electrical usage.
- 7) Metered electric usage fees may be adjusted at any time and will be indexed to the cost of electricity paid by Pier Corp.

Water Fee	
Location / Type	Fee per Vessel
Floating Docks and Fixed Finger Piers	\$150 per year
West Side Floats – small vessels (<60 ft. LOA) (unless billed directly by the Town)	\$200 per year
West Side Floats – large vessels (>60 ft. LOA) (unless billed directly by the Town)	\$300 per year
Transient Vessels	\$15 per Day

Ice Fee		
Location / Type	Per Tote	Per Ton
Tenants and holders of temporary dock permits	\$10	\$95
Transient fishing / other vessels	\$15	\$110
General Public	\$20	--

Loading and Off-Loading Permit Fees			
Type	Yearly	Quarterly	Daily
Vessel Off-Loading (Commercial Vessels without annual or seasonal dockage permits)	\$900	\$350	\$100
Commercial Seafood Dealer Loading	\$700	\$300	\$100

Contracted Fork Lift Use Fee <i>Dock permit holders only.</i>	
Situation	Fee
With one or two staff, as needed	\$175 per hour

Assigned Vessel Permit Fee <i>Vessels of Float Space Sub-licensees; may require dockage agreement.</i>	
Year	Fee
2021	\$1500
2022	\$1750
2023	\$1825

Transient Marine Excursion / Charter Boat Permits

Non-Pier Tenant Vessels without annual or seasonal dockage permits who embark or and/or discharge passengers and/or crew from MacMillan Pier. This rate includes embarkation fees.

Year	Fee
2021	\$1500
2022	\$1750
2023	\$1825

Dinghy Dock Permits / Use Fee

Type	2021 Fee	2022 Fee
Town Resident with mooring permit	\$120 per year	\$125 per year
Town Resident without mooring permit	\$220 per year	\$225 per year
Non-Residents and Dinghies servicing houseboats	\$325 (May-Oct)	\$335 (May-Oct)

Beached Boat ID Permit Fee

Boats must be off beach by November 1st.

Type	2021 Fee
With Mooring Permit	\$10 per year
Without Mooring Permit	\$20 per year

Kayak Rack ID Permit Fee

Limited space—issued on first come, first served basis. All Kayaks need to be removed from racks by end of the Season or will be considered abandoned.

Type	2021 Fee
Each Kayak	\$100 per year

Event Fees		
Size	Schedule	2021 Fee
One-Day Large Event, >=50 people	Carnival and July 4 th Weeks (excludes the actual day of July 4th.)	\$4000
	High Season (06/15-09/15)	\$2500
	Shoulder Season (05/15-06/15 & 09/15-11/15)	\$1200
Small Event, <50 people	Fee as negotiated with Pier Manager.	
One-Day Pavilion Event*	Carnival and July 4 th Weeks	\$1200*
	High Season (06/15-09/15)	\$700*
	Shoulder Season (05/15-06/15 & 09/15-11/15)	\$300*
* Additional fee of \$10 per person per Event		

Trap Shed Rental Fee

One unit; each shed has two units. 10% discount for reservations made and deposits received by January 31st.

Period	2021 Fee
High Season (06/15-09/15)	\$550 per week
Shoulder Season (05/15-06/15 and 09/15-10/01)	\$400 per week
Off Season (04/01-05/15 and 10/01-11/15)	\$300 per week
Seasonal (05/01-11/01)	\$5500 per season

Deck Use – Short Term Use of Deck Space (Tenants Only)

Short-term use of the Pier deck by current tenants is at discretion of the Pier Manager. Arrangements for storage of fishing gear or other use of the deck must be approved by the Pier Manager in advance. For special circumstances these fees may be waived at the discretion of the Pier Manager.

Size	2021 Fee
Small Space (<=100 sq. ft.)	\$10 per day
Medium Space (>100 sq. ft and <= 200 sq. ft.)	\$20 per day
Large Space (> 200 sq. ft.)	\$30 per day

Pier Parking Fee (Annual Tenants Only)

Parking stickers valid only on vehicles with commercial license plates as required by Ch. 91 license, and are valid for the term of dockage permit and available on a first come, first served basis.

Type	2021 Fee
Permanent Parking Sticker (limit one per annual tenant vessel)	\$50 per year
Temporary Parking Tag (tenants only)	\$15 per day
Large Space (> 200 sq. ft.)	\$30 per day

Taxi, Livery, and Pedi-Cab Fee

Type	2021 Fee
Taxi and Livery	\$200 per Season
Pedi-Cab	\$75 per Season

Commercial Contractor Active Parking / Pier Use Fee

Permits are only valid when involved with contracted work related to tenants or the Pier itself. All commercial contractors bringing vehicles onto the Pier are required to have a permit affixed to their vehicle. Fuel trucks servicing tenants of the Pier are exempt from this permit requirement but should notify Pier Office prior to deliveries.

Type	2021 Daily Fee	2021 Weekly Fee
Vans and Small Trucks	\$15 per day	\$50 per week
Large Trucks and Trailers > 50 ft.	\$20 per day	\$60 per week
Cranes and Heavy Equipment	\$65 per day	\$100 per week

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, Amended March 14, 2016)

Individual Mooring Permits	
Vessel Length	Residential
Equal to or less than 16ft.	\$50
Greater than 16ft.	\$100
Greater than 20ft.	\$150
Greater than 30ft.	\$250
Greater than 40ft.	\$300
Holding Moorings	\$100

Rental Moorings	
Mooring above the mean low water line	\$100.00
Mooring below the mean low water line	\$180.00

Additional Fees	
Mooring Permit Late Fee	\$50 if renewed in July. \$100 if renewed in August. After August 30 th , mooring reverts to Town.
Mooring Waiting List Fee	\$10.00
Charge for use of Staff/Patrol Boat	\$25 per 30 minutes.
Boat Storage Fee	\$25/week for vessels equal to or under 20ft. \$100/week for vessels over 20ft.

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.

APPENDIX B

Appendix B (“Fee Schedules”) has been moved to the previously empty Appendix A. This revision updates the Harbor Regulations document by replacing the now empty Appendix B with what was previously Appendix C “Wait List Rules and Procedures.”

WAIT LIST RULES AND PROCEDURES

The Pier Corp will provide public notice at least 14 days prior to the date and time when initial applications for Wait Lists are to be accepted by the following means:

- Advertisements placed in at least two local newspapers
- A notice displayed in the Pier Corp office
- A notice on the PPPC page of the Town’s website

Applications for Wait Lists will be accepted anytime thereafter.

- 1) When no vacancies exist for berthing assignments on the East-Side docks, vessels seeking a dock permit should file a Wait List Application in person or by registered mail with the Pier Corp office on a form approved by the Pier Manager. Wait List Application forms and classification guidelines are available from the Pier Corp Office on MacMillan Wharf or by calling (508) 487-7030.

The application form shall include, at a minimum, the following information:

- a) Name, residential mailing address, email address, telephone/mobile phone number of the applicant.
- b) Same information as in (a) above for a secondary contact for use if attempts to contact with the applicant are unsuccessful
- c) Details on the vessel to occupy the berth, including:
 - Name of vessel
 - Registration number
 - Length overall, beam, and draft of the vessel
- d) Desired berthing (fixed finger piers or floating docks)
- e) Classification of the vessel (e.g. commercial fishing vessel, charter boat, etc. See Harbor Regulations Chapter 1 Article 1, Definitions.)

Note

The applicant should be prepared at the time of application to provide to Pier Corp staff documentation establishing the residency of the vessel’s owner and information supporting requested vessel classification (e.g. government issued identification showing residency, vessel

registration documents, fishing permits, other relevant licenses and permits, etc.). See Harbor Regulations Chapter 1 Article 1 for classification requirements.

- 2) On receipt of the wait list application, the Pier Corp staff will verify the information provided on the application is complete and accurate, verify that the applicant qualifies for the vessel classification requested on the application, and then note on the application:
 - a) the initials of the person receiving the application,
 - b) the date and time of receipt,
 - c) the wait list to which the application will posted.

Pier Corp staff will provide a copy of the processed wait list application to the applicant. The Pier Manager will review each wait list application for completeness and accuracy prior to its posting on a wait list.

- 3) It is the applicant's responsibility to notify the Pier Corp of any changes in the information provided on the wait list application. Failure to do so may result in non-receipt of the annual notice of wait list renewal (see below) or notification of availability of dock space. The Pier Corp is not liable for lost or mis-directed mail or email, and it is the applicant's responsibility to contact the Marina if they have not received the annual renewal by January 15th.
- 4) Fees for wait list application and annual renewal are listed in Appendix A.
- 5) Wait list applications must be renewed annually. Notice of renewal and request for the renewal fee will be emailed to applicants at the email address provided on the application prior to January 1st of each year. Payments of the renewal fee may be made by check payable to "Provincetown Pier Corporation" or by credit card by calling the Pier Corp Office at (508) 487-7030. Failure to respond to renewal request and to submit payment of renewal fee by February 1st will result in removal of the vessel from the wait list. No appeals will be granted upon removal for non-payment.
- 6) Wait list applications are to be made by an individual for the specific vessel which is owned or leased by the applicant and is listed on the application form. Applications are not transferrable from one individual to another, and do not convey should title to the vessel be transferred. The applicant may change the vessel identified on their wait list initial application or a subsequent renewal without loss of position on the wait list, provided the classification of the vessel and the type of berth have not changed.
- 7) Upon approval of the wait list application and receipt of the application fee, the applicant's name, the name of the vessel, and the date and time of receipt of the application will be entered on one of the following wait lists:
 - a) Provincetown-based Commercial Fishing Vessels
 - b) Non-Resident Commercial Fishing Vessels

- c) Provincetown-based Other Commercial Vessels
 - d) Non-Resident Other Commercial Vessels
 - e) Provincetown-based Recreational Vessels
 - f) Non-Resident Recreational Vessels
- 8) When a berth vacancy occurs, the Pier Manager will select names from the wait lists in the order they appear in paragraph 7 above, beginning with the wait list for Provincetown-based Commercial Fishing Vessels. Should there be no names on that wait list, the Pier Manager will move to the next list, and so on, until an applicant is selected.

The Pier Manager will notify the person selected, initially by phone and email, of the availability of dock space. If the Pier Manager is unable to contact the applicant directly within 24 hours, the Pier Manager shall attempt to contact the second contact person listed on the wait list application. Once contacted, the applicant will then have 7 days in which to file an application for a dock permit

If the applicant and the second contact person cannot be contacted via phone or email, the Pier Manager shall send a registered letter via USPS overnight or one-day service to the address shown on the wait list application notifying the applicant of dock availability and requesting an application be filed. Should the applicant fail to respond within 10 days of mailing the notification, the person will be removed from the wait list and the next applicant will be nominated for the vacant slip.

- 9) Wait lists are available for public viewing and/or distribution by contacting the Pier Corp office.
- 10) The Pier Manager will provide a copy of the current wait lists to the Town Manager on or about January 1st and July 1st of each year.

APPENDIX C

Appendix C (“Wait List Rules and Procedures”) has been moved and is now Appendix B. This revision updates the Harbor Regulations document by replacing the now empty Appendix C with a new appendix “Map.”

MAP

[SEE NEXT PAGE]

