TOWN OF NORWELL
345 Main Street
Norwell, Ma. 02061

Article XX
Mooring By-Law

(VOTED AT ATM 5/15/2007 - ARTICLE NO. 47)

Section 1: AUTHORITY

This By-Law is adopted by the Town under its police powers to protect public health and welfare and its powers under M.G.L. Chapter 90B, Section 15; Chapter 91, Section 10A; Chapter 102, Section 19-28; Chapter 43B, Section 13; Chapter 40, Section 21D and 57; Chapter 60B, Section 4; 310 C.M.R. 9.07; and all other applicable laws and regulations.

Section 2: PURPOSE

The purpose of this Bylaw is to protect the public peace, good order and general welfare; to preserve and protect the waters of the North River within the jurisdiction of the Town of Norwell; to promote, preserve and protect the exercise and enjoyment of the public rights of fishing, fowling and navigation; and to so regulate the use of the waters of the North River within the jurisdiction of the Town of Norwell as to protect and promote the public health, safety, convenience and enjoyment thereof.

Section 3: DEFINITIONS

In construing this by-law, the following words shall have the meaning herein given, unless a contrary intent clearly appears:

“ Berth”- means any space wherein a boat is confined by a mooring, wet slip, pier, dock, float, or any other type of docking facility.

“Boat or Vessel”- includes every description of watercraft, used or capable of being used as a means of transportation on the water, including seaplanes, amphibious vehicles, and any other variable use craft when navigating, moored, or berthed on the water, excluding canoes, kayaks, and boats twelve (12) feet in length and under.

“ Boatyard”- means a facility whose function is the construction, repair, or maintenance of boats, which may include provisions for boat storage and docking while awaiting service

“ Harbormaster”- shall mean any Harbormaster and any assistant Harbormasters duly appointed by the Norwell Board of Selectmen from time to time, and in the absence of any such appointment, the powers an authority of the Harbormaster shall be vested in the Norwell Board of Selectmen.

“ Marina”- means a berthing area which docking facilities under common ownership or control and which berths for ten or more vessels, including commercial marinas, boats, boat basins, and yacht clubs. A marina may be an independent facility or may be associated with a boatyard.
“Mooring”- means a place where buoyant vessels, lobster-cars, floats, of rafts are secured to the bottom of the water body and the mooring tackle, including the block, chain, buoy, pennant, and any other equipment, used to secure the vessel by permit from the Harbormaster.

“Mooring Permit”- means written authorization issued by the Town of Norwell to place a mooring within the North River or to berth a boat upon a wet slip, pier, dock, or float within the North River

“North River”- the waters within the North River lying within the Town of Norwell, as defined in N.O.A.A. map dated February 1979.

“Persons”- shall include individuals, corporations, societies, associations, and partnerships.

Section 4: MOORING PERMITS

(a)- No person shall place any block, chain, pennant or other mooring device within the North River, or moor or berth any vessel upon any wet slip, pier, dock or float within the North River, without first obtaining a Mooring Permit from the Harbormaster.

(b)- A mooring permit must be obtained for each mooring placed and for each boat moored or berthed within the North River for each calendar year, and a fee set by the Selectmen shall be paid for said permit to the Harbormaster on a form prescribed by the Selectmen. The application shall set forth the name and address of the owner, the size and type of the boat to be moored or berthed, the size and type of the mooring, and if the mooring is already in the water, the location thereof with sufficient details to enable the Harbormaster to locate it. No mooring shall be rented, except be an operator of a private, public, or commercial marina upon such terms, conditions, and regulations established by the Harbormaster. The Harbormaster shall not issue Mooring Permits to persons who have delinquent excise taxes.

(c)- The Harbormaster shall prepare regulations governing the use of moorings, applications for Mooring Permits, and the size and specifications for moorings, their hardware and pennants. All such regulations shall be submitted for approval. Upon approval, the regulations shall be published once in a newspaper of general circulation in the Town and shall be posted for seven (7) consecutive days at the Harbormaster’s office and at the Town Clerk’s office and shall become effective upon expiration of said seven (7) days. Copies of such regulations shall be available upon request at the Town Clerk’s office and at the Harbormaster’s office. Such regulations may be amended from time to time in the same manor.

(d)- Any hazard to navigation or property, or any mooring placed or boat berthed within the limits of the North River in violation of the foregoing provisions, may be removed by the Harbormaster at the expense of the owner.

Section 5: PENALTIES

(a)- Whoever violates any provision of this Chapter or any rule or regulation adopted under Section 4 hereof, and whoever fails the lawful and reasonable orders of the Harbormaster, or resists him/her in the execution of his/hers duties, shall be fined up to $50.00 for each violation and/or may have their mooring privileges revoked. This Chapter shall be enforced by the Harbormaster or by the Board of Selectmen.
(b)- As an alternative to initiating criminal proceedings as described above, the Harbormaster or the Board of Selectmen may dispose of a violation of this bylaw and any rule or regulation promulgated hereunder, as a non-criminal disposition and subject to a penalty of $50.00 for each such violation pursuant to the provisions of M.G.L. Chapter 40, Section 21D,

(c)- A violation of each specific bylaw, rule or regulation shall be deemed a separate offense, and each day on which a violation occurs shall be deemed a separate offense and subject to the penalties stated therein.