

MOORING REGULATIONS

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MOORING REGULATIONS

§ 1 Authority and Enforcement

A. Authority

The regulations set forth herein at Sections 1 through 18 (“Mooring Regulations”) are adopted by the Harbormaster pursuant to Massachusetts General Laws, Chapters 40, 60B, 90B, 91 and 102, Commonwealth of Massachusetts Regulations Chapter 310, Article 15 of the Town of Hingham Harbor By-law, and all other applicable legal authority.

The Harbormaster may interpret these regulations and issue additional terms, conditions, and/or restrictions not set forth in these regulations.

B. Enforcement

The Harbormaster, Deputy Harbormaster, and Assistant Harbormasters have the authority to enforce all regulations set forth herein, and all applicable rules, regulations or laws of which are incorporated here by reference in these Mooring Regulations or Town By-Laws to the full extent permitted by law.

§2 Definition of Terms

The following terms, for the purposes of these regulations, shall have the following meanings:

Adrift. The word “*adrift*” shall mean without being fast to a stationary object and not operating under power or sail.

Aground. The word “*aground*” shall mean stuck on the bottom.

Anchor. The word “*anchor*” shall mean to hold a vessel in place by lowering a heavy weight into the water by cable, chain, line or other method.

Awash. The word “*awash*” shall mean a semi-submerged vessel or object.

Back River Mooring Area. The term “*Back River Mooring Area*” shall mean the water of the Back River inward of an imaginary line drawn from the Eastern most portion of the Tern Harbor Marina due South to Hingham. This excludes the waters south of the Philip G. Murray, Sr. Bridge

Boat. The word “*boat*” shall mean a small vessel propelled by any means on water including but not limited to oars, sails, or an engine.

Berth. The word “*berth*” shall mean any space wherein a vessel is confined by wet slip, float, mooring, or other type of docking facility.

Boating season. The term “*boating season*” shall mean the period from May 1 to the following October 1.

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Channel. The word “*channel*” shall mean a navigable route for the passage of vessels, established by customary use or under the authority of federal, state or municipal law.

Charter Boat. The word “*charter boat*” shall mean any charter boat embarking passengers for hire.

Dingy Dock. The term “*dingy dock*” shall mean the town floats reserved for the annual keeping of dingies for access to moorings.

Dredging Season. The term “*dredging season*” shall mean the time period from October 1, until February 15 the next year or a different time period specified by the US Army Corps of Engineers.

Emergency Situation. The term “*emergency situation*” shall mean a serious, unexpected, and often dangerous situation requiring immediate action. This determination shall be at the sole discretion of the Harbormaster.

Harbormaster. The word “*harbormaster*” shall mean the harbormaster, deputy harbormaster, and assistant harbormasters duly appointed by the Town of Hingham Board of Selectmen.

Heavy chain. The term “*heavy chain*”, which may also be termed “*bottom chain*”, shall mean the chain connecting the anchor to the swivel or buoy if a swivel is not used. The heavy chain may be a larger size or equal to the size of the light chain but in no case should it be a smaller size than the light chain.

Hewitt’s Cove Mooring Area. The term “*Hewitt’s Cove Mooring Area*” shall mean the water of the Back River inward of an imaginary line drawn from the Northern most portion of the Bouve property due West to Weymouth. This excludes the Back River Mooring Area.

Hingham Harbor. The term “*Hingham Harbor*” shall mean the waters of the sea lying within the limits of the Town of Hingham.

Hingham Waterways. The term “*Hingham Waterways*” shall mean the navigable bodies of water within the limits of the Town of Hingham including, without limitation, the ponds, rivers, streams, seas, and oceans.

Immediate Family. The term “*Immediate Family*” shall mean spouse or child.

Inner Harbor. The term “*Inner Harbor*” shall mean the waters that lie South of a line drawn from Broad Cove to the southern most tip of Ragged Island, and then continuous due east to Worlds End.

Inner Harbor Mooring Area. The term “*Inner Harbor Mooring Area*” shall mean the water South of the imaginary line drawn from the point of the Causeway Road peninsula just south of Ragged and Sara Island straight across to Worlds End. This does not include the Inner Harbor Mooring Basin.

Inner Harbor Mooring Basin. The term “*Inner Harbor Mooring Basin*” shall mean the water within the dredged mooring basin in the Inner Harbor.

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Length. The word “*length*” shall mean the straight line measurement of the overall length from the foremost part of the vessel to the aftermost part of the vessel, measured parallel to the centerline, exclusive of bow sprits, bumpkins, rudders, outboard motor brackets, and similar fittings or attachments.

Light chain. The term “*light chain*”, which may also be termed “top chain”, shall mean the chain connecting the swivel to the pennant. The light chain may be a smaller size or equal to the size of the heavy chain but in no case should it be a larger size than the heavy chain.

Marina. The word “*marina*” shall mean a berthing area with docking facilities under common ownership or control and with berths for ten or more vessels, including commercial marinas, boating facilities, and yacht clubs. A marina may be an independent facility or may be associated with a boatyard.

Moor. The word “*moor*” shall mean the securing or making fast of a boat, raft, or float by means of cables, anchors, lines, chains, or other device or contrivances, to the ocean bottom, the shore, or a dock, slip, pier, or marina; meaning and intending that this phrase applies to boats, rafts or floats which are secured to the ocean bottom, as well as to boats, rafts, or floats secured to a dock or slip in a marina.

Moored float permit. The term “*moored float permit*” shall mean a permit issued by the Harbormaster for the temporary securing or making fast of a float, raft, or dock (excluding a mooring) by semi-permanent anchorage installation, comprising ground tackle such as an anchor and chain.

Mooring. The word “*mooring*” shall mean a temporary, semi-permanent, or permanent anchorage installation, comprising an anchor, chain, and mooring buoy, or their equivalents.

Mooring location. The term “*mooring location*” shall mean the location of a mooring assigned by the Harbormaster to a permit owner.

Mooring service provider. The term “*mooring service provider*” shall mean any qualified person that is authorized by the Harbormaster by permit to install, service and inspect moorings in the Hingham Waterways.

Mooring buoy. The term “*mooring buoy*” shall mean a white buoy with a blue band marking a mooring, except as otherwise approved by the Harbormaster.

Mooring/docking permit. The term “*mooring/docking permit*”, which may also be termed “mooring permit” or “docking permit” shall mean the annual written authority signed by the Harbormaster authorizing the permit owner to moor the prescribed vessel in Hingham Waterways.

Outer Harbor Mooring Area. The term “*Outer Harbor Mooring Area*” shall mean the water North of the imaginary line drawn from the point of the Causeway Road peninsula just south of Ragged and Sara Island straight across to Worlds End.

Pennant. The word “*pennant*” shall mean a line or chain by which a vessel is made fast to a mooring buoy.

Permit owner. The term “*permit owner*” shall mean a person to whom a Hingham mooring/docking permit has been issued.

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Person. The word “*person*” shall mean and include an individual; a receiver; a trustee; a partnership; joint venture; a firm; an unincorporated association; a syndicate; a trust; a corporation; or any other entity having legal personality.

Primarily moored. The term “*primarily moored*” shall mean where a vessel’s main berth is located.

Qualified person. The term “*qualified person*” shall mean any person with the appropriate training and experience to install, service, and inspect moorings to ensure that they meet the town regulations.

Rafting. The word “*rafting*” shall mean the making fast of two or more vessels to each other while at least one is moored or anchored.

Scuba. The word “*scuba*” shall mean self-contained underwater breathing apparatus comprising a diving apparatus with compressed air tanks for breathing underwater.

Stray vessel. The term “*stray vessel*” shall mean a vessel which is in a deteriorated or un-seaworthy condition, sunken or likely to sink, awash, aground, adrift and likely to damage piers, wharves, floats or other vessels, constitutes a menace to navigation, or is secured to a mooring or pier without proper authorization.

Third Party User. The term “third party user” mean a person with whom the Harbormaster authorizes, other than the permit owner, to use a mooring location and/or the associated mooring gear.

Town Landing. The term “*town landing*” which may also be termed “*town pier*”, shall mean the town owned landing located on Victory Wharf in the Inner Harbor.

Town Landing Docks. The term “*town landing docks*” which may also be termed “*town pier*”, shall mean each and every dock secured to the town landing.

Transient permit. The term “*transient permit*” shall mean the written authority by the Harbormaster authorizing the temporary (less than fourteen (14) days) to moor the prescribed vessel in Hingham Waterways.

Vessel. The word “*vessel*” shall mean, inclusively, to the extent permitted by law, watercraft of every description, including but not limited to ships of all kinds, barges, sailing vessels, craft and powerboats of any type or kind by whatever means propelled, every object 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 (except a seaplane), or other artificial contrivance, used or capable of being used as a means of transportation on water, and as otherwise construed under Massachusetts and/or federal law.

Worlds End Mooring Area. The term “*Worlds End Mooring Area*” shall mean the water of the Weir River starting at the tip of the Worlds End Peninsula, on the eastern side of Worlds End between Worlds End Reservation and Planters Hill.

Winter buoy. The term “*winter buoy*” shall mean a buoy approved for winter use by the Harbormaster.

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§ 3 Applicability

These regulations apply to all –

- (i) Moorings in the Hingham Waterways.
- (ii) Vessels or other objects anchored or moored in the Hingham Waterways.

§ 4 Mooring/docking permits

A. All Vessels Required to Have a Permit

- (i) No person shall moor, anchor or set any mooring or vessel within the limits of Hingham Waterways without first obtaining a mooring/docking permit or a transient permit from the Harbormaster except as otherwise provided in these Moorings Regulations.
- (ii) All vessels moored for two consecutive weeks (14 days) or more or primarily moored in the Town of Hingham shall obtain a mooring/docking permit from the Harbormaster.
- (iii) No person shall use a float, raft or dock attached to ground tackle in the Hingham Waterways without first paying any applicable permit fee and obtaining a Moored Float Permit from the Harbormaster.
- (iv) Except in an emergency, no person, including, but not limited to, a person acting as master, owner, or custodian, shall moor or anchor any vessel, raft, or float overnight within the limits of the Hingham Waterways, or in any waters under the jurisdiction of the Harbormaster, without first obtaining written permission from the Harbormaster.
- (v) Mooring/docking permits are issued annually and the decal shall be properly affixed to the port side, aft end beneath the gunwale prior to its placement in the Hingham Waterways. Such permits will expire on December 31 of the calendar year they were issued.

B. Assignment List

- (i) The Harbormaster will maintain an assignment list for mooring areas. All new applicants must submit a request for an assignment list position as set forth by the Harbormaster. All people who wish to be on the assignment list for a mooring location must re-apply each year in order to maintain their position. Mooring locations shall be assigned by the Harbormaster. The following restrictions apply to the assignment list:
 - (1) Assignment list applicants cannot transfer an assignment list position to another person.
 - (2) Only one name can be put on an assignment list position. This name must match the name of the boat owner accepting the mooring/docking permit.

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(3) The type of vessel specified (power/sail) and size (length, draft) can be updated on the assignment list. An applicant's consideration for a mooring location will be based on the information provided at the time of consideration for assignment by the Harbormaster. It is the applicant's responsibility to keep the applicant's contact and vessel information accurate and up to date.

(ii) If, in the opinion of the Harbormaster, there is space for additional mooring location(s) in the Hingham Waterways, the Harbormaster may assign additional mooring locations.

(iii) When a mooring location becomes available, the Harbormaster may offer the mooring location to the first person on the assignment list with a vessel appropriate in size and/or type as determined by the Harbormaster. The Harbormaster may consider other factors as he deems fit, reasonable, and equitable in allocating the available space. The mooring location applicant shall make application with the Harbormaster and meet all of the mooring/docking permit application requirements within the timeframe specified by the Harbormaster.

(iv) To remain on the assignment list from year to year, the applicant shall pay an annual fee to be determined by the Board of Selectmen. Such fee shall be paid by the end of the calendar year to remain on the assignment list for the following calendar year. Failure to do so may result in removal from the assignment list. Assignment list applicants may be notified annually of their need to re-apply. It is the sole responsibility of the person on the assignment list to maintain their status.

C. Obtaining a New Permit

(i) An applicant must submit a request for a mooring/docking permit on a "Mooring/Docking Permit Application" application set forth by the Harbormaster.

(ii) The mooring/docking permit applicant shall –

(1) Ensure that the information on the form is accurate and that all requested information is complete;

(2) If the application is for a mooring location, the applicant must include a description of the mooring gear to be used to moor the vessel, and the applicant's mooring location preference;

(3) Provide copies of vessel registration or documentation, proof of payment of vessel excise tax required under MGL Chapter 60B § 4, and additional reasonable information as the Harbormaster deems necessary; and

(4) Submit the application to the Harbormaster's Office for review with the required annual fee.

(iii) Issuance of a mooring/docking permit shall be denied if the permit owner is delinquent in the payment of vessel excise tax in accordance with the MGL Chapter 60B § 4. If vessel excise tax is paid to another municipality proof of payment is required at time of application. If the vessel is primarily moored in Hingham the excise tax shall be paid to Hingham.

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(iv) Issuance of a mooring/docking permit may be denied if the permit owner is delinquent in the payment of any local taxes, fees, assessments, betterments or any other municipal charges in accordance with applicable laws

D. Renewal of an Existing Permit

(i) A mooring/docking permit owner will be sent annually a “Mooring/Docking Permit Renewal Application” from the Harbormaster. It is the sole responsibility of the permit owner to timely renew the existing permit.

(ii) The mooring/docking permit owner who wishes to renew the permit shall -

(1) Ensure that the information on the application is accurate and that all requested information is complete;

(2) Provide copies of boat registration or documentation, proof of payment of vessel excise tax required under MGL Chapter 60B § 4, and additional reasonable information as the Harbormaster deems necessary; and

(3) Submit the application to the Harbormaster with the required annual before March 1.

(iii) A permit owner who does not wish to renew the permit shall promptly notify the Harbormaster.

(iv) Issuance of a mooring/docking permit shall be denied if the permit owner is delinquent in the payment of boat excise tax in accordance with the MGL Chapter 60B § 4. If boat excise tax is paid to another municipality proof of payment is required at time of application. If the vessel is primarily moored in Hingham the excise tax shall be paid to Hingham.

(v) Issuance of a mooring/docking permit may be denied if the permit owner is delinquent in the payment of any local taxes, fees, assessments, betterments or any other municipal charges in accordance with applicable laws.

(vi) Any person who during the preceding year was a permit owner has priority for a mooring/docking permit at the same location provided that the boat is the same size, (length, draft, and beam) as the previous year.

(vii) In the event that a permit owner of a previous year upgrades in vessel length, or draft, or size which may cause relocation of the permit owner’s mooring, or in the event that a change in vessels causes the Harbormaster to change the permit owner’s location of mooring, the following will be used to determine who has priority to the open location.

A permit owner from the previous year shall have priority over the current assignment list for vessels that require the same type of location (length, or draft, or size, as determined by the Harbormaster) provided the person requesting the mooring location change has been a continuous permit owner for a period of consecutive years which is greater than the number of

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consecutive years than that of the person who is next on the assignment list for the same category.

(viii) Any permit owner who fails to renew a mooring/docking permit by March 1 may forfeit the mooring/docking permit, and if a mooring location was assigned to said permit owner, may forfeit said mooring location. If the mooring location is still available when the applicant submits the Mooring/docking “permit renewal application and required fee(s) and documentation to the Harbormaster, the applicant is eligible for assignment of said mooring location, and may be assessed a late fee for every month the application was late.

E. Mooring Fees

The mooring/docking permit fee, moored float permit fee, assignment list fee, and any transient permit fee, are not refundable and shall be established by the Board of Selectmen prior to the first day of November each year. These fees shall apply to all vessels moored in Hingham Waterways greater than or equal to 13 feet in length unless state law provides for an exemption or the Board of Selectmen have provided for an exemption and such exemption is listed under “Special Situations” of these regulations. The mooring/docking permit fees, moored float permit fees, assignment list fee, and any transient permit fees are for all vessels on moorings, slips, docks, or floats, and apply to both commercial and recreational vessels and facilities. In the Worlds End Mooring Area each mooring/docking permit has a fixed fee per mooring and may be subject to additional fees as deemed appropriate and established by the Board of Selectmen prior to the first day of November each year.

F. Issuance of Mooring/Docking Permit

(i) Upon receipt of a complete mooring/docking permit application and inspection of any mooring gear as the Harbormaster may require, a mooring/docking permit may be issued by the Harbormaster, and additionally, if the mooring/docking permit is for a mooring location, the mooring/docking permit may be issued designating the mooring location if, in the opinion of the Harbormaster, the mooring and gear is sufficient to moor the vessel described in the application and there is available space within the desired location without endangering other vessels or placing any person or property in danger. The Harbormaster may refuse to issue a mooring/docking permit until after full payment has been made of any fee that may be required pursuant to these regulations, Town by-law, state law, and/or other applicable law. The Harbormaster shall refuse to issue a mooring/docking permit until vessel excise tax has been paid as provided in Section 4C.

(ii) The Harbormaster may reassign any vessel to a different mooring location as he deems appropriate.

G. Transfer of Permit

(i) Mooring/docking permits are not transferable and no person shall cause any vessel to be attached to a mooring at an assigned mooring location other than the vessel described in the application for said mooring/docking permit unless authorized by the Harbormaster; provided, however, the Harbormaster may permit the temporary or transient use of a mooring by another vessel, subject to Sections 4A(ii) and 4H.

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(ii) To the full extent permitted by applicable law, regulation, or other legal requirement, in the event of the death of a permit owner the Harbormaster may approve the transfer of the permit(s) that had been issued to the deceased and assign the corresponding mooring location(s) to a member of the deceased's immediate family, if the family member requests the transfer within one (1) year of the event of death and the mooring location has not been reassigned.

H. Transient Permits

A transient permit is required to moor a vessel in the Hingham Waterways without a mooring permit, unless the vessel is moored in the Hingham Waterways for an emergency. No transient permit for a mooring will be issued until the applicant calls or hails the Harbormaster and provides sufficient information necessary to determine whether there is available space to moor the vessel without endangering other vessels. Until the applicant makes full payment of any fee that may be required pursuant to these Moorings Regulations no transient permit will issue. The Harbormaster has the sole authority to create and assign the use of transient mooring locations. Permit owners must provide advance notice to the Harbormaster of the expected duration and dates of any mooring location vacancy expected to exceed twenty-four (24) hours. All mooring locations that are vacant for more than twenty-four (24) hours and associated mooring gear may, at the discretion of the Harbormaster, be used to accommodate transient vessels.

I. Maximum Vessel Length and Number of Vessels

The maximum length of vessels on moorings in the Inner Harbor Mooring Basin shall not exceed thirty (30) feet overall (L.O.A.) except on transient moorings equipped to hold larger vessels or as otherwise authorized by the Harbormaster. A person or entity may have no more than two (2) concurrent mooring/docking permits for mooring locations in the Inner Harbor Mooring Basin.

J. Vessel Sales and Replacement

The Harbormaster must be notified within (30) days and a bill of sale must be provided to the Town of Hingham Assessor's Office within (30) days of the sale of any vessel, or the transfer of any ownership interest therein, assigned to a mooring location on Hingham Waterways. The Permit Owner for said mooring location has one (1) year to replace the vessel, however the Harbormaster can extend the time limit at the Harbormaster's discretion. A replacement vessel must conform to the type and size vessel appropriate for the mooring as determined by the Harbormaster, and said vessel must be approved by the Harbormaster in order to be attached to a mooring at the assigned mooring location. The Harbormaster may, if he deems appropriate, reassign any such replacement vessel to a different mooring location.

K. Third Party User of Mooring

A permit owner may, with the written approval of the Harbormaster, and subject to Section 6, authorize a third party use of said permit owner's mooring location and/or gear. Authorization can be granted for a maximum period of one (1) year after which only the permit owner must use the mooring location or risk loss of his/her mooring/docking permit. The third party will not be allowed to use the same mooring location for more than one boating season.

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L. Abandonment

In the event that a permit owner does not use his mooring location for at least thirty (30) consecutive days in any boating season said mooring location may be deemed abandoned and/or reassigned, unless the permit owner has notified the Harbormaster, in advance, of his intent not to use the mooring location for a period not to exceed one boating season. In such event the Harbormaster may make the mooring location available for transient or third party assignment.

M. Mooring Plans

The Harbormaster shall maintain mooring plans for the Inner Harbor Mooring Area, Outer Harbor Mooring Area, Worlds End Mooring Area, Hewitt's Cove Mooring Area, and Back River Mooring Area. These plans will specify the number of vessels to be moored, vessel sizes, and mooring locations. The Harbormaster may change these plans at the Harbormaster's discretion.

§ 5 Moving, Relocating, Removal of Moorings

(i) Moorings shall not be moved from an approved location without the prior approval of the Harbormaster.

(ii) If for any reason the approved location of a mooring becomes inadequate for the vessel, it shall be the responsibility of the permit owner to move the mooring, within fourteen (14) days, to a new location approved by the Harbormaster.

(iii) In the event that a mooring is moved from its approved location by storm, ice or other cause, it shall be the responsibility of the permit owner to relocate the mooring to the location originally approved, or to another location approved by the Harbormaster. Relocation of the mooring shall be made at the earliest opportunity, but in no case later than fourteen (14) days from the date that the dislocation of the mooring is or could be discovered. Any situation jeopardizing the permit owner's vessel or vessels moored nearby shall be corrected by the permit owner as soon as possible.

(iv) In the event that a mooring permit is not renewed by the deadline specified in Section 4(D)(ii)3, it shall be the responsibility of the Permit Owner to remove the mooring and associated gear. Removal of the mooring shall be made at the earliest opportunity, but in no case later than May 1. If mooring is not removed by May 14 the mooring and associated gear will be immediately removed by the Harbormaster, at the expense of the owner.

(v) The Harbormaster may relocate, remove or cause to be relocated or removed any mooring or vessel whenever, in the Harbormaster's judgment, the safety of other vessels or the maximum use of the area requires such action.

(vi) Should the permit owner or vessel owner fail to relocate said mooring or vessel upon reasonable notice, any expense relating to movement of a mooring or vessel under this Section 5, including but not limited to inspection, removal or relocation and any liability incurred therefore, shall be the sole responsibility of the permit owner of said mooring and/or vessel owner.

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§ 6 Mooring, Mooring Location, and Mooring Equipment Rentals

(i) No person other than the Harbormaster shall offer a mooring location in the Hingham Waterways for rent or lease.

(ii) The Harbormaster may rent/lease moorings and mooring locations as provided in these Moorings Regulations. The Harbormaster may rent/lease mooring equipment. A marina may rent/lease mooring equipment and associated tackle, adjacent to said marina, only with the permission of the Harbormaster, and only for use at mooring locations assigned by the Harbormaster. An approved mooring service provider may rent/lease mooring equipment and associated tackle only with the permission of the Harbormaster, and only for use at mooring locations assigned by the Harbormaster. Any mooring equipment rented or leased pursuant to this Section 6(ii) shall visibly bear the permit owner's last name or a designated mooring number approved by the Harbormaster.

(iii) Violation of this Section 6 may result in the revocation of the mooring/docking permit, removal of the mooring, and non-criminal citation and fines.

§ 7 Mooring and Tackle Specifications

A. Pennant

Pennants shall be of three strand soft lay nylon or braided line or the equivalent, have a hard spliced eye with a hot dip galvanized thimble of appropriate size in the end that attaches directly to the light chain. Pennants shall have a soft spliced eye or clip in the opposite end to attach to the vessel. Pennants shall have installed chafing gear where the pennants go through the chocks. Pennants may have a pickup buoy as long as the pickup buoy line does not exceed three (3) feet. Pennants may have floatation attached. Each pennant shall have no more than two floatation buoys, each not to exceed six (6) inches in length. Pennants shall be inspected routinely and replaced at least every three (3) years or earlier or when there are any signs of wear and tear and/or chafing. Each vessel shall have two (2) pennants secured directly to the chain unless prohibited by design of the boat. No split bridles or pennants are allowed.

B. Mooring Buoy

(i) Except as otherwise approved by the Harbormaster, the mooring buoy shall be white, hard/soft shell, high-density foam filled, with a two (2) inch blue reflective band around the middle. Through the center there shall be a conduit which the light mooring chain shall pass through and attach to the pennant.

(ii) The mooring buoy shall have the owner's last name or permit number painted or affixed above the blue stripe in letters contrasting in color no less than three (3) inches high. If a marina, club or organization is the permit owner it shall have the marina name, club, or organization's name as specified by the Harbormaster. No other numbers, letters, or words shall be adhered to the mooring buoy, except as otherwise approved by the Harbormaster.

Any mooring not properly marked may be removed by the Harbormaster at the owner's expense.

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C. Winter Buoy

Except as otherwise approved by the Harbormaster, the permit owner may use a winter buoy to mark the location of his/her mooring and they shall be-

- (i) White in color with a blue band and marked with the owner's last name or mooring permit number.
- (ii) Upright at an angle of not less than forty-five (45) degrees at any period of tide and have at least twenty (20) inches, but not more than five (5) feet exposed and be at least four (4) inches in diameter.
- (iv) Not be constructed of wood. Commercial made plastic buoys are acceptable or buoys composed of PVC pipe.
- (v) Not be used between June 1 and September 14.
- (v) It is recommended that all moorings not in use and left in the water after October 31 replace the mooring buoy with a winter buoy. No winter buoys shall remain in the waterways after June 1. Upon written order from the Harbormaster the owner of such winter buoys shall have two (2) weeks to remove the buoy. The Harbormaster may remove said buoy and replace it with an appropriate mooring buoy or remove the mooring at the owner's expense. The Harbormaster, Town of Hingham, its agents or employees shall not be liable for any damage or liability directly or indirectly arising out of such removal or replacement.

D. Mooring Tackle

All chain and associated eye bolts, swivels, shackles, thimbles shall be at least grade 30 (conforming to ASTM A413) hot dipped galvanized and stronger, if necessary. All shackle pins and swivels shall be welded or moused by either coated wire or tie wrap. Chain and associated eye bolts, swivels, shackles, and thimbles shall be replaced when the wear factor has reached 20 percent from its original manufacturer's size. The permit owner is responsible for the mooring anchor, tackle, and pennants whether solely owned or rented.

E. Anchors and Mooring Blocks

- (i) The minimum mushroom size for mushroom anchors is as set forth in Section 7F; Mooring Gear Specifications.
- (ii) Granite blocks shall be thru bolted with a 1¼ eyebolt. Concrete blocks, Dor-Mor, helical and Hazlett or similar band system moorings may be permitted if approved by the Harbormaster based on feasibility, location, water depth, navigation, ground composition, swing radii, environmental impact, and other pertinent factors.

MOORING REGULATIONS

F. Mooring Specifications

Minimum Mooring Gear Specification							
Vessel Length	Mushroom	Granite Block	Pyramid	Heavy Chain	Light Chain	Pennant	Mooring Ball
Up to 15'	150	500	200	½	3/8	7/16	18"
16'-20'	200	500	250	5/8	1/2	5/8	18"
21'-24'	250	1000	300	5/8	½	5/8	18"
25'-27'	300	2000	400	¾	½	3/4	18"
28'-30'	400	3000	500	¾	½	3/4	18"
31'-34'	500	3500	600	¾	5/8	¾	24"
35'-40'	600	4500	800	¾	5/8	1	24"
41'-50'	800	5000	1000	¾	5/8	1 1/8	24"
Over 50'	Check with Mooring Service Provider and Seek Harbormaster Approval						
Units: Lengths are in diameter inches and dry weights are in pounds							
<p>a)</p> <p>b) Swivels shall be one size larger than the light chain to which they are connected.</p> <p>c)</p> <p>d) Except for areas with a Mooring Plan, pennants shall not exceed 2.5 times the height from the water to the chock.</p> <p>e) Except for areas with a Mooring Plan, the chain lengths shall be two (2) times the depth of the water if less than ten (10) feet at MLLW and 2.5 times the depth of the water if greater than or equal to 10 feet of water depth at MLLW.</p>							

Areas with mooring plan have specific mooring coordinates, chain length, and pennant length for each mooring location. These moorings shall be maintained by an authorized Mooring Service Provider at the Permit Owner's expense.

a. Inner Harbor Mooring Area

- i. Pennants shall not exceed five (5) feet in length from the mooring ball to the bow chock, plus the distance from bow chock to the point of attachment on the vessel.
- ii. Total length of mooring gear shall not exceed thirty-five (35) feet of which twenty (20) feet will consist of heavy chain and (ten) 10 feet will consist of light chain.
- iii. Incorporated herein by reference are the "Inner Harbor Mooring Area Specifications" which provide mooring location coordinates.

b. Outer Harbor Mooring Area

MOORING REGULATIONS

- i. Incorporated herein by reference are the “Outer Harbor Mooring Area Specifications” which provide mooring location coordinates, chain, and pennant length.
- c. World’s End Mooring Area
 - i. Pennants shall not exceed five (5) feet in length from the mooring ball to the bow chock, plus the distance from bow chock to the point of attachment on the vessel.
 - ii. Total length of mooring gear shall not exceed thirty-five (35) feet of which twenty (20) feet will consist of heavy chain and (ten) 10 feet will consist of light chain.
 - iii. Mooring Ball size shall be no less than twenty-four (24) inches.
 - iv. Incorporated herein by reference are the “Worlds End Mooring Area Specifications” which provide mooring location coordinates.
- d. Hewitt’s Cove Mooring Area
 - i. Incorporated herein by reference are the “Hewitt’s Cove Mooring Area Specifications” for chain and pennant length specifications.

G. Minimum Mooring Gear

(i) The mooring specifications outlined above are minimum standards and are not designed to meet severe conditions. If severe weather is predicted, the permit owner should take additional measures, including the removal of the vessel from the water. The permit owner can exceed these specifications except where it would be unsafe or hazardous to do so.

(ii) Each permit owner is encouraged to contact their own specialist in such matters for advice as may relate to the particulars of their vessel. The permit owner may then contact the Harbormaster to discuss what they feel is an appropriate set-up if it is precluded by these Regulations and the Harbormaster may make an exception if deemed appropriate in his discretion.

(iii) In the event that additional or different mooring specifications are required pursuant to other applicable law, regulation, or other legal requirement, the vessel owner is solely responsible for ensuring compliance with said requirements.

(iv) Notwithstanding any of the provisions set forth in these Moorings Regulations, the Harbormaster and the Town of Hingham are not responsible for and shall not be held liable for any damage arising out of or in connection with any mooring compliant with the specifications set forth herein. Nothing in these Moorings Regulations shall be construed as a basis for imposing liability on the Harbormaster or the Town of Hingham.

§ 8 Mooring Inspection

A. Inspection

All moorings shall be inspected and approved by a qualified mooring service provider before being placed in service on Hingham Waterways.

MOORING REGULATIONS

(i) Permit owners shall annually inspect the mooring, tackle, including pennants and buoys, and, if the gear is found defective, shall correct the defective condition immediately.

(ii) The Harbormaster shall require permit owners to have their mooring lifted at the permit owner's expense once every three (3) years for visual examination to determine its condition.

(iii) In lieu of lifting moorings, replacements may be made at the permit owner's expense. Upon prior approval from the Harbormaster, a permit owner may be permitted to have an underwater visual inspection by a PADI (or equivalent) certified diver who has sufficient training and experience to inspect the tackle. The diver shall report the mooring condition to the mooring service provider that will make a formal report to the Harbormaster.

(iv) The Harbormaster may, at any time, inspect any mooring; and may remove or cause to be removed any mooring that fails to meet the provisions of these regulations, Town by-laws, state or federal law or any other applicable laws or regulations.

B. Qualified Mooring Service Provider

(i) Must be able to supply, service, and/or repair all types of moorings on Hingham Waterways for which it was qualified and shall pull any mooring that it was hired to service for inspection by the Harbormaster upon his request at no expense to the Town of Hingham.

(ii) Must be able to install or replace all moorings in their original location or on a site assigned by the Harbormaster.

(iii) Mooring Service Providers must certify that mooring tackle and equipment complies with all Town of Hingham regulations including labeling mooring buoy with Permit Owner's identification should it be necessary. The Mooring Service Provider shall provide to the Harbormaster a completed mooring inspection report for each inspection or provide the required information through a reporting means approved by the Harbormaster.

(iv) A permit may be issued to a Mooring Service Provider after the applicant registers (with a mooring service provider registration form approved by the Harbormaster), and is approved by the Harbormaster as complying with the mooring service provider standards set forth by the Board of Selectmen, and upon payment of a fee set by the Board of Selectmen. The mooring service provider must maintain and show proof of liability insurance upon request of the Harbormaster in the amount of one (1) million dollars, and display said permit onboard the vessel from which the mooring service provider conducts work in Hingham Waterways.

(v) The Harbormaster retains authority to manage all mooring activities, including issuing permits, inspections, and the collection of mooring/docking permit fees.

(vi) Mooring service providers shall adhere to all Town of Hingham regulations and By-laws.

(vii) No law enforcement authority of any kind is authorized by the approval of a mooring service provider.

MOORING REGULATIONS

(viii) Mooring service providers, with the approval of the mooring/docking permit owner, may inspect the mooring by hoisting it from the water or by using an approved certified diver in accordance with Section 8A(iii).

(ix) When acquiring GPS positions, the antenna must be located directly above the mooring as it is placed if possible. If the antenna is not located directly above the mooring appropriate off sets must be used. Survey grade differentially corrected systems should be used and must be used in all mooring areas as the Harbormaster may require. These units must qualify as sub-meter accurate.

(x) Mooring service provider permits shall be valid for a one-year period unless sooner suspended or revoked for failure to adhere to the Mooring Regulations set by the Harbormaster and all other Town of Hingham regulations, By-laws, Massachusetts General Laws and regulations, and/or other applicable law.

C. Mooring Inspection Guidelines:

(i) Any chain showing more than 20% wear from the size specified in these regulations must be replaced. Any mooring chain that meets the 20% guideline but shows excessive or uneven wear in the opinion of the mooring service provider shall require another inspection within one year.

(ii) Any chain which has deformed (stretched or bent) links must be replaced.

(iii) Swivels must be replaced when ring or shackle pin is 20% worn from its original manufactures size. Swivels are only to be used between heavy and light chains.

(iv) Shackles must be replaced when worn 20% from its original manufactures size. All shackles must be welded or moused with coated wire or tie wrap. Stainless steel is not preferred.

(v) Wear on mushroom anchor eyes and shafts must not exceed 20% from its original manufactures size.

(vi) Mooring pennants with obvious chafing, stretching, or un-laying shall be replaced.

(vii) The mooring buoy shall have only the Permit Owner's last name or permit number, except as otherwise approved by the Harbormaster. If a marina, club or organization is the Permit Owner it shall have the marina, club, or organization's name or a number approved by the Harbormaster.

(viii) The Harbormaster shall assign all mooring locations.

(ix) Mooring inspections shall comply with all provisions of these Regulations.

(x) The use of U.S. made chain and hardware is required.

§ 9 Anchoring

MOORING REGULATIONS

No vessel may anchor on Hingham Waterways overnight without permission from the Harbormaster, except in an emergency situation.

§ 10 Town Floats

A. Tying of Vessels

Any person using the town floats shall tie their vessels as directed by the Harbormaster and shall move from the float when so directed by the Harbormaster.

B. General Use

Town Landing Docks may only be used for the prompt loading and unloading of passengers or supplies. For example, temporarily casting off from the dock and then returning to the dock within an hour with the intent to obtain extended dockage during a busy time will be considered unauthorized use of the float. The maximum time period for tying up a vessel is 30 minutes unless the vessel owner has written permission from the Harbormaster. No swimming shall be permitted from floats, piers or launching ramp. The Harbormaster may authorize the temporary dockage of vessels at his discretion.

C. Charter/Party Boat Use

No person operating a charter or party boat will cause a charter or party boat to arrive at the Town Pier Docks until just before loading time or to discharge passengers unless otherwise authorized. Any person operating a charter or party boat shall leave the Town Landing Dock immediately after loading or discharging passengers, unless otherwise authorized to remain.

MOORING REGULATIONS

§ 11 Marinas

A. Required Information

All marinas are required to provide the Harbormaster with information to assist with the issuance of mooring/docking permits or other law enforcement responsibilities. This required information shall be provided before the issuance of any mooring/docking permits for vessels moored at that marina. As soon as a marina accepts registrations or renewals for moorings/slips the marina shall notify the Harbormaster and shall do so on a continuous basis. This information shall include the vessel owner's full name and address, all pertinent vessel information, slip and/or mooring number, and any other information deemed necessary by the Harbormaster. Moorings may be assigned only by the Harbormaster as provided in Section 4 of these Moorings Regulations.

B. Assignment List

Assignment lists for marina slips may be maintained by the marina. The assignment list for marina slips shall be made available to the Harbormaster upon his request. The assignment list for moorings shall be maintained by the Harbormaster as provided in Section 4B of these Moorings Regulations.

C. Transient Permits

No transient permit will be issued until the marina provides the Harbormaster with a Transient Mooring/Slip Authorization form set forth by the Harbormaster. The form can be faxed, emailed or dropped off at the Harbormaster Office and will allow a vessel to moor at a slip in Hingham Waterways from 1-14 days, upon obtaining a transient permit under Section 4H. Vessels being launched from a marina may occupy a slip for up to seven (7) days without a transient permit in order for the vessel owner move their vessel to its primary mooring location. The Harbormaster has the sole authority to assign transient mooring locations.

D. Posting of these Regulations

All marinas shall post Sections 4 and 11 of these Moorings Regulations in a common space to be viewed by the public and make it known to the vessel owners that they are required to obtain a mooring/docking permit from the Harbormaster prior to placing their vessel on a mooring or slip.

E. Violation

Failure by a marina to comply with this section 11 or any of the regulations or By-Laws of the Town of Hingham, or any other applicable laws or regulations, shall constitute a violation by the marina and may result in enforcement actions as outlined in these regulations or as otherwise authorized by applicable law.

§ 12 Stray Vessels

Any stray vessel shall be considered a public nuisance and shall be delivered to the possession of the Harbormaster until claimed by said vessel's owner or disposed of according to law. The owner shall pay

MOORING REGULATIONS

all expenses incurred in connection therewith including charges for raising and storing. Removal of and any other conduct in connection with any stray vessel by the Harbormaster shall be without liability to the Harbormaster, the Town of Hingham, its officers, agents or employees. The Harbormaster may order the owner of any stray vessel to properly moor or remove any such vessel and failure to do so shall be a violation of this section 12. For purposes of this section 12, the registered owner or title holder, and any person commanding said vessel at the time just prior to it becoming “stray,” shall be presumed to be the owner of said vessel.

§ 13 Obstructing Navigation

No person shall place or maintain any obstruction to navigation, including a lobster pot or buoy attached thereto, or anchor any vessel, within a channel or any approaches thereto.

§ 14 Special Situations

Floats constructed to hold a house, building, shack, or provide living quarters will not be permitted in Hingham Harbor. Any of these floating structures present prior to January 1, 2011 may be permitted as long as it's owner obtains a Moored Float Permit.

§ 15 Worlds End Mooring Area

A. Purpose and Expectations

The Worlds End Mooring Area is designed to allow the public access for purposes of recreation and enjoyment, provided that no vessel may:

- (i) Moor for more than 14 consecutive days without prior Harbormaster written permission.;
- (ii) Discharge any waste as this area is within a Federal No Discharge Area;
- (iii) Disturb the peace or cause disruption of this protected Area of Critical Environmental Concern; or
- (iv) Violate any other parts of these Regulations, Town by-laws, state or federal law or any other applicable laws or regulations.

B. Assignment List

The assignment list will be managed as outlined in Section 4B of these regulations.

C. All Moorings Required to have a Permit

(i) All new applicants for moorings will be subject to the assignment list established in Section 4B of these regulations. A person may have no more than one (1) mooring/docking permits for mooring locations in the Worlds End Mooring Area.

(ii) The issuance of new mooring/docking permits will follow Section 4C of these regulations.

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(iii) Mooring/docking permit renewals will follow Section 4D of these regulations.

(iii) The Permit Owner shall pay excise tax to the town/city where their vessel is primarily moored. Upon proof of payment to the town/city where their vessel is primarily moored they will be exempt from paying excise tax to Hingham.

D. Renting

The fee will be per boat and a reasonable number of vessels may be rafted taking into consideration the vessel types, weather and other factors, subject to the Harbormaster's exercise of discretion. No person, marina, or entity other than the Harbormaster may offer a mooring location for rent or lease in the Worlds End Mooring Area.

E. Rafting

Rafting is permitted in this mooring area only when secured to a mooring and safe conditions allow, provided that the vessels:

- (i) Are properly secured and fended;
- (ii) Take appropriate measures to avoid contact with other moored vessels;
- (iii) Do not impede or interfere with the navigation of vessels through the mooring area; and
- (iv) No more than three (3) vessels shall be rafted to a mooring without prior Harbormaster written permission.

F. Anchoring

Anchoring in the World's End Mooring Area is subject to the following restrictions:

- (i) No anchoring without prior Harbormaster written permission, exception to section 9;
- (ii) No rafting while at anchor without prior Harbormaster written permission;
- (iii) No interference with moored vessels or navigation of vessels.

§ 16 Dredging of the Inner Harbor Mooring Basin

A. Purpose and Expectations

The Town dredges the Inner Harbor Mooring Basin every ten (10) years. To facilitate dredging all permit holders are encouraged to schedule a haul-out date and remove their mooring well in advance of the dredging season, deadlines listed below.

Town Landing Docks will be removed prior to the Dredging Season by a date determined by the Harbormaster.

MOORING REGULATIONS

Dredging will restrict the ability of mariners to use the Inner Harbor and its entrance channel. All mariners should plan accordingly.

No vessels, moorings, or floats will return to the Inner Harbor Mooring Basin without the express written authorization of the Harbormaster. Issuance of a Mooring permit is not sufficient written authorization.

In a dredging season, the following restrictions apply:

- (i) Floats located at Barnes Wharf and/or Old Steam Boat Wharf shall be removed prior to the dredging season by a date determined by the Harbormaster;
- (ii) Vessels, moorings, and other objects shall be removed prior to the Dredging Season at a date determined by the Harbormaster; and
- (iii) Moorings in the Outer Harbor along the federal channel leading to the Inner Harbor may be removed at the Harbormasters discretion to allow safe passage of the dredge, scow(s), tug, and other equipment.

B. Penalties

Whoever violates this section or provision of these Moorings Regulations shall be liable for a penalty to be determined by the Board of Selectmen in an amount not to exceed three hundred (300) dollars per day for each violation to the full extent permissible by law, and/or as otherwise authorized by law and/or immediate removal of the dock, mooring, or vessel at the owner's expense. Each day of violation shall constitute a separate offence.

Additionally, the Harbormaster may, at the expense of the permit owner, master or owners thereof, cause the removal of any vessel, mooring, float, dock or other object, which lies in the Inner Harbor Mooring Basin and is not moved when directed by him, and upon the neglect or refusal of such master or owners on demand to pay such expense, he may recover the same from them in contract, to the use of the Harbormaster where the harbor is situated. Each day of violation shall constitute a separate offence.

C. Enforcement

Violations resulting from a vessel, mooring, float, dock or other object left in the Inner Harbor Mooring Basin or affecting the dredging operations will be assessed against the Permit Owner or person controlling such property at the time of the violation, regardless of such person's legal status as owner or otherwise. Nothing in the Mooring Regulations shall prohibit the Harbormaster or his designee from assessing penalties, the Harbormaster or his designee shall follow the procedure set forth in M.G.L. c. 40, section 21D.

§ 17 Penalties and Review of Local Decision

The owner of any vessel, mooring or other object not properly moored or not properly permitted, and anyone found in violation of these rules and regulations, shall be subject to a non-criminal citation and fee to be set by the Selectmen for each offence, removal of the mooring, removal of the vessel, or all three, and any other fines or penalties authorized by applicable law.

Any applicant aggrieved by a refusal to permit a mooring, float, raft or small structure accessory to a residence or by any condition or restriction imposed relative thereto, may request a review in writing to

MOORING REGULATIONS

the Department of Environmental Protection within 30 days after receiving notice of such refusal or of the imposition of such condition or restriction. The failure of the Harbormaster to act upon a complete application within a reasonable time shall be deemed by the Department of Environmental Protection to be a denial of a permit. A copy of the request shall be sent at the same time to the Harbormaster.

§ 18 Conformance with Existing Regulations and Disclaimer

(i) Upon the written request of a vessel owner, the Harbormaster has the authority to make exceptions to the Section 7 mooring and tackle specifications in the Harbormaster's discretion.

(ii) Nothing in the above regulations shall be construed as altering in any way the content and meaning of provisions of Article 15 of the Town of Hingham By-laws, or applicable provisions of Massachusetts General Laws or the Code of Massachusetts Regulations.

(iv) Headings and subheadings are placeholders only. They do not affect or alter the meaning of the subject paragraph or any other paragraph in these regulations.

(iv) These Moorings Regulations are not an assurance of a safe mooring due to variations in weather, individual boater use, and other factors over which the Harbormaster has no control. The responsibility and liability for safety of persons and property rest on the individual vessel owners and Permit Owners. It shall be the responsibility of the vessel owners and Permit Owners to ensure compliance with all applicable laws and regulations, including these Moorings Regulations. Specifications and actions of the Harbormaster and/or Town of Hingham are not to be considered assurances of safety.

(v) The Town of Hingham and Harbormaster assume no liability in allowing "rafting" to take place.

(vi) Nothing contained herein shall be construed to conflict with the jurisdiction of the United States Government with respect to the enforcement of navigation, shipping, anchorage, and associated laws of the United States, or any lawful regulation of the Division of Waterways of the Department of Environmental Protection, or the Environmental Police or any of the laws of the Commonwealth of Massachusetts. In the case of concurrent laws or regulations, the stricter, more restrictive, provision shall apply.

(vii) The invalidity of any section or provision of these Moorings Regulations shall not invalidate any other section or provision thereof.

Nothing in these regulations shall restrict any action by the Harbormaster or Assistant Harbormaster if in his/her judgement such action is necessary to protect life or property.

(viii) Whoever violates any section or provision of these Moorings Regulations, shall be liable for a penalty to be determined by the Board of Selectmen in an amount not to exceed fifty (50) dollars per day for each violation to the full extent permissible by law, and/or as otherwise authorized by law. Each day of violation shall constitute a separate offence.

MOORING REGULATIONS

By Authority of the Harbormaster and the Board of Selectmen of the Town of Hingham these regulation have been adopted replacing any prior regulations and shall take effect on _____ Two Thousand and Twenty.

By: Kenneth R. Corson III, Esq.

Its: Harbormaster

By: Karen Johnson
Its: Chairman Board of Selectman

By: Mary Power
Its: Selectman

By: Joe Fisher
Its: Selectman