

# **TOWN OF WINTHROP**

## **WATERWAYS AND PUBLIC LANDING RULES AND REGULATIONS**

Chapter 12.32

### **SECTION 010: PURPOSE**

The purpose of these rules and regulations is to provide rules of conduct that ensure the safety of the public and the protection of property within the area of the Winthrop waterways. Furthermore, these regulations standardize the mooring areas and practices, with the intention of fully utilizing the limited area of the Winthrop waters, while implementing uniform safety practices, and also to provide adequate space for all vessels.

### **SECTION 020: DEFINITIONS**

1. Abandoned Vessel shall mean any craft that has been moored, stranded, wrecked, sunk, or left unattended for longer than 45 days. A vessel on private property with the permission of the owner is not abandoned.
2. Harbormaster shall mean the harbormaster appointed by the Winthrop Town Manager.
3. Winthrop waters shall mean all waters within the boundaries of the town of Winthrop.
4. Mooring areas shall mean those portions of Winthrop waters which shall be designated as such by the Winthrop Harbormaster.
5. Vessel shall include every description of watercraft, including non-displacement craft and seaplanes used or capable of being used as a means of transportation on water. Floats attached to moorings shall be deemed vessels subject to waterway fees.
6. Owner shall mean the person listed as owner on the certificate of registration or the documentation certificate.
7. Mooring shall mean a semi-permanent anchorage installation consisting of an approved mooring system.
8. Mooring Owner shall mean the holder of a mooring space assigned by the Harbormaster.

9. Waterway Usage Decal stickers obtained at Town Hall upon payment of all required fees.
10. Mooring Year shall date annually from April 1st through March 31st and is the period for which a mooring space is assigned. (See section on boats to remain on moorings thru the winter season, Nov. to May).
11. Moored shall mean secured to a mooring, anchor, slip or pier.
12. Mooring registration number is the waterway sticker number.

### **SECTION 030: WINTHROP MOORING AREAS**

Winthrop mooring areas are divided into five areas as designated below and depicted on the accompanying chart entitled *Town of Winthrop Mooring Areas*:

1. AREA A: The cove area, from Shirley Street to a line extending from the terminal end of the town pier to the Northwest corner of Coughlin Park.
2. AREA B: The east boundary of this area is a line from Coughlin Park to Crystal Cove; the West boundary is a line from the N.E. corner of Snake Island to the end of the railroad trestle at Washington Ave.
3. AREA C: The east boundary is a line from the N.E. corner of Snake Island to the end of the railroad trestle adjacent to Washington Ave. The west boundary is the red nuns 2 and 4 off of CPYC.
4. AREA D: From red nuns 2 and 4 off of CPYC to the channel buoys 7 and 8 at Chelsea Point, between Johnson Ave. and the Winthrop Channel.
5. AREA E: From Buoys 9 and 10 to the Belle Isle Bridge.

The eastern portion of Area C is a designated storm mooring area. Storm mooring areas are to be utilized by boats that are normally moored alongside slips or docks and use the moorings infrequently or for storm purposes. All other areas are active mooring areas to be used by boaters actively boating off of their mooring.

Yirrell and Winthrop Beaches are not designated town mooring areas. Permanent moorings are not allowed as these beaches are bathing areas in a surf zone.

Boaters are advised that they must display an anchor light when anchored or moored outside a designated mooring area.

Request to anchor must be made to the harbormaster. Boats at anchor must be manned at all times. The Special Anchorage Area for Winthrop Harbor is the same as Boston; to the west of a line from buoys # 9 & 10 to approx. 500' before the Belle Isle Bridge.

## **SECTION 040: MOORING AND DOCKING REGULATIONS**

1. All yacht clubs, marinas, and any other facility, public or private, that have the potential to have vessels secured to floats, piles, or any structure that may damage and/or break away in a storm with the potential to cause damage to others must have on file and provide to town officials, upon request, the following:
  - A. A safety plan outlining provisions to ensure the safety of all occupants and property.
  - B. An understanding that the facility supports and complies with all State and Federal regulations with respect to discharges into Winthrop waterways.
  - C. Offseason live aboards will provide a plan to deal with discharges when the Town pumpout boat/facility is not available.
  - D. All boat owners must provide contact information, including cell phone and home telephone numbers.
  - E. Facilities, such as yacht clubs and marinas should provide the Harbormaster with the name and telephone numbers of a responsible representative, as well as a backup that can be reached 24 hours a day, 7 days a week.
  - F. All Yacht Clubs, marinas and other facilities that provide slips or docks space (wet or dry) to vessels with persons living on board permanent or temporary, or vessels that have Active marine heads, during the off season November 1 to May 1, are responsible for the disposal of marine sanitation created by their tenants..
2. No mooring shall be placed in the waters of Winthrop unless it is in compliance with these regulations.
3. The town mooring areas are town property; the abandonment of mooring tackle is subject to Town by-laws and ordinance. The gear will be removed at the owner's expense.
4. All vessels moored in Winthrop waterways must be registered in the Commonwealth of Massachusetts or are a U. S. documented vessel and paid excise tax in the Commonwealth and Waterways fees in the Town of Winthrop. Out of state registered vessels are subject to Mass. Boating laws and are allowed to remain 60 days before leaving Commonwealth waters. Vessels intending to visiting for more than two weeks should inform the Harbormaster of their presence in Winthrop waters. All private marinas and yacht clubs must maintain a list of visiting vessels and communicate this information to the Harbormaster.
5. No person shall place or maintain a mooring within the waters of Winthrop without first obtaining a waterway usage sticker from the town.

6. No permit will be issued without prior payment of all appropriate fees or fines by the applicant including, but not limited to, and annual boat excise tax, if applicable. A telephone number and e-mail address will be provided to reach boat owner when necessary.
7. All moorings shall be registered with the harbormaster each year. The registration period for any year shall end at 12:00 noon May 31<sup>st</sup>. Any moorings that are not registered before this time may be removed and the mooring space allocated to the waiting list.
8. The harbormaster shall post a waiting list in the Harbormaster's office. This list shall show the names of persons desiring mooring space, date of application, the area in which such space is desired and the length, beam, draft and displacement of boat for which the mooring space has been requested. All new applications and requests for relocation shall be added to the list in order upon availability.
9. The owner of every vessel, as defined in the General Laws, Chapter 60B, Section 1, habitually moored or docked in waters of the town of Winthrop, shall display an excise sticker on the port transom as proof of payment to the town of the excise tax on boats provided by Chapter 60-B. The vessel shall also display on the port bow, a Town of Winthrop waterway sticker issued annually by the Town. Such decal shall be affixed approximately eighteen (18) inches from the stem and four (4) inches from the gunnel. These stickers shall be displayed so as to be clearly visible for inspection by the harbormaster.
10. The Waterway fee shall be as set by town council, with the exception of boats under 12 feet.
11. Any registered owner shall be deemed to have forfeited his/her registered mooring space by any of the following:
  - A. Removal, of tackle by registered owner, and notification to the harbormaster that the space is available;
  - B. Failure to reregister for such space by May 31<sup>st</sup> of any season;
  - C. Failure to replace any substandard mooring tackle after notification by the harbormaster.
  - D. Failure to buoy or restore mooring within thirty (30) days after being notified by the harbormaster that the mooring is submerged, In the event that a mooring is lost, the owner must report the loss to the harbormaster as soon as possible.
  - E. Failure to comply with the Town of Winthrop's Waterway fee.
  - F. Failure to maintain boat and or mooring tackle; multiple reports to Harbormaster for boat taking on water; rigging failure; boat breaking loose from mooring; boat not able to get underway; boats having the appearance of not being attended to or abandonment.

12. Abandoned or forfeited moorings, or any mooring installed in the waters of Winthrop without permission from the harbormaster shall be considered public nuisances. Such moorings and vessels may be removed by the harbormaster at the risk and expense of the owner, if the owner refuses to remove same within forty-eight (48) hours after written notice from the harbormaster. Said notice shall be secured to the mooring and a copy mailed to the owner's address as recorded on the mooring permit (Waterway fee application form).
13. Mushrooms or approved mooring systems must be used.
14. Scope shall be determined by the harbormaster.
15. Buoys shall be spherical and white with one (1) inch band visible above the tide level at all times. Metal buoys shall not be used. All chain flotation buoys shall be plainly and clearly visible above the tide level at all times. The waterway usage decal issued by the town shall be applied to the mooring buoy.
16. All pennants shall be nylon or equivalent with adequate mooring devices as approved by the harbormaster and shall be designed to eliminate chafing.
17. Winter mooring buoys shall be such that at all tides, they are clearly visible when no boat is secured to the mooring.
18. All Winthrop moorings shall be inspected at least once every five years by the harbormaster or an inspector approved by the town at the mooring owner's tackle shall be replaced accordingly. Failure to correct deficiencies shall be grounds for revocation of the waterway usage decal by the harbormaster.
19. No mooring permit shall be transferrable except within the immediate family. The immediate shall include mother, father, sister, brother, children, spouse, domestic partner or lineal descendants. The harbormaster may permit temporary use or mooring by another boat upon application by the mooring permit holder.
20. Rafting will be allowed provided it does not interfere with adjacent single moorings, anchorages, or introduces loads to moorings greater than original design of tackle. Boats in raft shall be manned at all times.
21. The placement of temporary floats and/or rafts held by anchors or bottom moorings is subject to written approval by the harbormaster.
22. All new, complete moorings placed or replaced in any location in Winthrop on or after the effective date of the boating by-laws shall conform in all respects to the boating by-laws.

23. Moorings Offseason - During the offseason (winter) November 1, to May 1 many boats remain on moorings. These boats are problematic in emergencies when responders are unable to contact the persons responsible for the boat. Boat owners who intend to keep their boats on their moorings in Winthrop Mooring Areas must adhere to the following:

- A. The owner must notify the Harbormaster with
  - i. Name
  - ii. Address
  - iii. Telephone
  - iv. Insurance
  - v. Boat size / Type
  - vi. Gas / Diesel
  - vii. Location
  - viii. Waterway sticker number
- B. The boat must be registered to the mooring (sticker match).
- C. Ground tackle must be maintained with chafing gear.
- D. Boat must be checked by owner or agent once per month and reported to the Harbormaster Department (617-207-9092).

**Violation of the above will be cause of revocation of mooring privileges, and removal of boat from Winthrop waters.**

#### **SECTION 050: WATERWAYS RULES AND REGULATIONS**

1. No vessel shall operate at a speed which shall cause a wash or wake that may endanger other property or life. In no event shall any boat exceed a speed limit of six (6) knots in posted areas.
2. Water skiing is only allowed off of Front Beach (Winthrop Shore Drive) and Yirrel Beach (Shirley Street). Water skiing shall be prohibited within one-hundred-fifty feet of bathers, divers, piers, wharves, floats, moored or other boats, or of any shore. No person shall operate a boat towing a water skier in navigable channels.
3. No person shall operate a motorboat (a boat with machinery) within one hundred and fifty (150) feet of any beach or designated swimming area except at headway speed.
4. Personal watercraft shall not be operated at other than headway speed within one hundred and fifty (150) feet of any moored or anchored boat or vessel, swimming area, dock or float.
5. No person shall operate a vessel or watercraft of any kind in a reckless, careless or negligent manner so as to endanger the life, safety or property of any person.
6. No person shall operate any vessel on the Winthrop waterways while under the influence of intoxicating alcohol, narcotic drug, barbiturate or marijuana .

7. The operator of any vessel on the Winthrop waterways shall provide a Coast Guard approved personal floatation device, types I, II or III for each person aboard such vessel. (CMR 207.15).
8. Airport security buoys – No vessel or watercraft should go between the security buoys and Logan airport. This policy is strictly enforced by Homeland Security and Winthrop harbormasters.
9. The discharge of oil, sewage, garbage, rubbish or other debris from boats on the Winthrop waterways is prohibited.
10. Unmuffled noise from engines, both inboard and outboard, and all amplifying systems, radios and similar devices shall be controlled and reduced to minimum volume when within the vicinity of any pier, floats, anchorage or inhabited areas.
11. All boating accidents occurring in Winthrop waters that meet the following conditions:
  - A. Damage exceeding \$500.00;
  - B. Injury Resulting in:
    - i. Death;
    - ii. Missing Person
    - iii. Medical treatment requiring more than immediate first aidMust be reported to the:
    - a. Winthrop Harbormaster;
    - b. Division of Marine & Recreational Vehicles,  
251 Causeway St.  
Boston, MA 02114  
Tel. 617-626-1610Additionally, the nearest Coast Guard facility must be notified when damages exceed \$1000.00

## **SECTION 060: TOWN PIER AND MARINA**

1. The owner and invitees agree that they will use and occupy the marina at their own risk, and the town shall not be liable to them for injury or death, or loss or damage to the owner's vessel, motor, accessories, including tools and associated equipment, or any loss due to fire, theft, vandalism, collision, marina equipment failure, wind storm, rain hurricane, or other casualty or loss.
2. The boat owner must show proof of adequate insurance with a minimum of \$500,000 liability of whatever necessary kind to cover any loss or damage to the vessel, the entire content thereof, and for personal injury and property damage to any person on the vessel, and it is agreed that the town shall not be liable to the owner or anyone else for any subrogation against the town.

3. The summer season shall commence on May 1, and end on October 31, for dockage. The town shall not be liable for any damage caused by freeze. No vessel will occupy the marina prior to May and all vessels must be removed no later than October 31.
4. The winter season shall commence November 1 and end April 30. The town shall not be liable for any damage caused by freeze.
5. Vessels must occupy only the slip assigned by the harbormaster. Movement to a slip or tie-up space other than that assigned must be with the prior authorization of the harbormaster.
6. The owner shall not assign, sublease or make dockage available to any other vessel, except for the owner's. Proof of the vessel ownership is required at the time of slip payment by either vessel title or Coast Guard documentation papers. Dockage is not transferrable.
7. No person, other than the town or the owner shall work on the vessel at the marina without prior approval of the harbormaster. Approved workers must check in at the harbormaster's office before proceeding to work,
8. No open flames will be permitted on the pier of the marina; i.e. hibachis, grills, etc.
9. No vessel shall be fueled at the pier or in the marina.
10. The owner will check in at the harbormaster's office when the vessel is placed in the slip.
11. The town will have a lien on the vessel, her tackle, apparel, furniture, appurtenances, and contents to secure payment of any debt due the town for the use of the pier, marina, facility or other services.
12. Only vessels in good condition as determined by the harbormaster, and under their own power, shall be permitted to moor to the facility. In the event of an emergency, after reasonable efforts to contact the owner or his/her designee. The town may move said vessel from the dockage space to another berthing or mooring and, in the event of such emergency due to breakdown to the bilge pump, bad lines or similar, the town may affect repairs and charge the owner cost. All power cords must be either a 30 or 50 amp marine grade quality cord.
13. Pets shall be leashed and permitted only if they do not disturb other guests.
14. Noise shall be kept to a minimum at all times.
15. Swimming, diving and fishing shall not be permitted from the floats.

16. The owners and guests shall not store supplies, materials, accessories or debris or walkways or floats and shall not construct any lockers, chests, cabinets or similar structures except with approval of the harbormaster. Hoses and electrical cords when not in use shall not be left on the deck. Nor, shall they be left in any fashion so as to constitute a trip hazard. No dinghies or kayaks are allowed on the floats except in designated dinghy spaces for approved patrons.
17. Shoes must be worn at all times on the pier or marina.
18. There will be no refunds, prorating of slip fees nor shall fees be returned due to the owner purchasing a smaller vessel than the slip was originally issued for.
19. No vessel will be permitted in the marina if bowsprit, booms, or any extensions hang over the floats, so as to endanger persons or town property.
20. Notify the harbormaster's office of any suspected unlicensed or unpermitted vendors/solicitors or strangers on the marina floats. All vendors must display their Town of Winthrop license or permit issued by the Town Manager.
21. The marina gate has a security code that is changed every year. This code is given to and for the use of the owners. Do not give this code to guests at the gate. This is for your security.
22. The owner is required to notify the harbormaster's office if the vessel's slip will be vacant for an extended period of time, greater than 48 hours./
23. These marina rules are terms of the contract and when incorporated into the Winthrop waterway rules and regulations become ordinance and are fineable offences.
24. Upon breach of any of the terms of this agreement by the owner, the town may cancel and terminate this agreement upon 48 hours' notice to the owner. Such notice may be given personally to the owner or the captain of the vessel, by mail to the owner at the billing/ mailing address. Slip fees are not refundable under such termination.

#### **SECTION 070: COMPATIBILITY WITH OTHER GOVERNMENTAL REGULATIONS**

1. Nothing contained herein shall be held or construed to supersede or conflict with or interfere with or limit jurisdiction of the United States Government or limit or conflict with the laws or regulations. In any case, the stricter rule or regulation shall apply.
2. All regulations set forth in Mass General Laws CMR Chapter 60B; Chapter 88, Chapter 90B and Chapter 91 will be enforced by the Winthrop harbormaster.

## **SECTION 080: ENFORCEMENT AND FINES**

1. Violations of these boating rules and regulations shall be subject to a fine of seventy-five dollars (\$75.00) for each violation; and for each similar subsequent violation within a calendar year. Each day of a continuing violation shall be a separate offense.
2. These rules and regulations may be enforced by the harbormaster and assistant or deputy harbormasters, any police officer, or any other agent or person appointed by the Winthrop town manager.
3. Any person aggrieved by any decision of the harbormaster may file an appeal with the Winthrop Town Council by delivering appeal within fifteen (15) days of the ruling of the harbormaster. Such appeal shall state specifically the nature of the ruling and reason why such person is aggrieved.

## **SECTION 090: SEVERABILITY**

In the event any provision, section or clause of these rules and regulations is hereafter found to be invalid, such invalidity shall not affect the validity of the remaining portions of these rules and regulations. Changes may be made from time to time by the Winthrop town council, as they deem necessary.

## **SECTION 100: ABANDONMENT**

Nothing contained herein shall be construed as giving the vessel owner the right of abandonment of any property or vessel to the Town of Winthrop.

