

## Chapter 278

### HARBORS AND WATERWAYS

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[**HISTORY:** Adopted by the Town of Nantucket as indicated in article histories. Amendments noted where applicable.]

#### TOWN CODE REFERENCES

Noncriminal disposition of penalties — See Ch. 1, Art. II.

Town wharves and waterways — See Ch. 137.

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#### TOWN REGULATIONS REFERENCES

Administration of Board of Health regulations; definitions — See Ch. 223.

Fishing and shellfishing — See Ch. 260.

Boats used as residences — See Ch. 283, Art. I.

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ARTICLE I  
**Dumping of waste in Island Waterways**

**§ 278-1. Disposal of waste prohibited.**

No person shall dispose of, or if in control of any vehicle, boat or other conveyance, allow to be disposed of, in or on any way to which the public has access, or in or on any stream, pond, creek, waterway, estuary, harbor, beach or foreshore in the Town of Nantucket, any garbage, refuse, bottles, cans, containers, gray water, treated or untreated sewage or other refuse material of any kind or nature.

**§ 278-2. Violations and penalties.**

Any person violating this regulation shall be punished by a fine of not more than three hundred dollars (\$300) for each offense.

ARTICLE II  
**Harbors and Town Pier**

**§ 278-3. DEFINITIONS**

“BERTH” means any space wherein a vessel is confined by wet slip, dry stack, float, mooring, or other type of docking facility.

“COMMERCIAL USE”, a vessel engaged in commercial trade or that carries passengers for hire.

“COMMERCIAL FISHING BOAT”, a vessel which is used to engage in the industry or occupation devoted to the catching, processing, or selling of fish, shellfish, or other aquatic animals.

“DINGHY”, a small self-propelled vessel used for transportation to and from a dock or wharf, and/or between vessels moored in the harbor.

“DINGHY PERMIT”, an annual permit issued by the Town of Nantucket for a Dinghy.

“DIVER”, includes swimmers using fins and/or masks and/or snorkel tubes or self-contained underwater breathing devices and may include those diving without aids, where the circumstances are appropriate.

“GRAY WATER”, in Nantucket waters as defined above, gray water is a vessel’s water/soap discharge, which is derived from galley, bath, showers, dishwashing and laundry equipment.

“IMMEDIATE FAMILY”, parents, grandparents, children, sister, brother, and spouse.

“HARBORMASTER”, officer appointed by the Town to perform the duties of Harbormaster.

“LIVEABOARD”, a liveaboard is a person who sleeps aboard a vessel and the vessel is considered as a residence for any period of time as determined by the Harbormaster.

“MOORING”, a means of temporarily berthing a vessel utilizing a dead weight, mushroom or pyramid type bottom anchor affixed to a chain or other method approved by the Harbormaster, which is affixed to a buoy.

“MOORING PERMIT”, annual permit issued by the Town of Nantucket for the placement and use of a Mooring in Nantucket Waterways pursuant to M.G.L. c.91, s.10A. Mooring Permit does not include the Mooring License Agreement permitting the installation of Rental Moorings.

“NANTUCKET WATERWAYS or WATERWAYS”, includes all of the navigable waters within the boundaries of Nantucket County, which shall include all harbors, rivers, bays or ponds, including waterways which, from time to time, may be temporarily non-navigable by reason of low tides, drought or seasonal weather and water conditions.

“PERSONS”, includes an individual, corporations, societies, associations, partnerships, trusts or other business or corporate entity recognized by law as having the standing of a person.

“RAFT” or “FLOAT”, a non-propelled floating craft, not intended for transportation purposes.

“RENTAL MOORING”, mooring installed and maintained by the Mooring Licensee pursuant to a Mooring License Agreement between the Mooring Licensee and the Town.

“RECREATIONAL VESSEL”, a vessel manufactured or operated primarily for pleasure.

“TOWN”, Town of Nantucket, Massachusetts.

“TOWN PIER”, municipal pier located at 34 Washington Street, to include timber pier and floating dock.

“TRANSIENT”, a vessel visiting Nantucket Waterways for a short period of time not exceeding forty-eight (48) hours.

“VESSEL”, ships and boats of all kinds, including barges, sailing vessels, watercraft and powerboats of any type or kind by whatever 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.

“WAITING LIST”, the official list of names of mooring permit applicants managed by the Town.

“WATER-DEPENDENT USES”, those uses and facilities which require direct access to, or location in, marine or tidal waters and which therefore cannot be located inland, including but not limited to: marinas, recreational uses, navigational and commercial fishing and boating facilities, water-based recreational uses, navigation aids, basins, and channels, industrial uses dependent upon waterborne transportation or requiring large volumes of cooling or process water which cannot reasonably be located or operated at an inland site.

**§ 278-4. General prohibitions and restrictions.**

- A. Except in an emergency, no vessels shall be made fast to any of the Town's wharves, floats or piers without the permission of the Harbormaster.
- B. No person shall leave any vessel, fishing equipment, fish or any other personal property upon Town landing places, floats, wharves or pier for longer than is necessary in the act of loading or unloading the same to and from vessels or vehicles.
- C. The Town shall not be responsible for any loss or damage to vessels at the Town wharves, floats, pier or moorings. Owners will be held responsible for damage caused by them or their vessels to structures and pilings and related facilities owned by the Town.
- D. No warp or line shall be passed across the channels or any dock so as to obstruct or interfere with vessels navigating in the area.
- E. Except in an emergency, no vessel shall fuel at any of the Town's wharves, floats or piers without the permission of the Harbormaster.
- F. Vessels shall not be permitted to tie up or otherwise made fast at the Nantucket Town pier or wharves in Madaket, except as authorized by the Harbormaster.
- G. All vessels using the Town wharves and Waterways shall observe all police, fire, health and sanitary regulations of the Town, and the owners or operators of such vessels shall not permit acts contrary to good order, public safety or public health, including public profanity or obscene language or indecent exposure. Unnecessary noise, loud talking or playing of musical instruments between the hours of 11:00 p.m. and 8:00 a.m. is not permitted. No person upon such vessel shall throw garbage, paper, refuse or debris of any kind into the harbor.
- H. Commercial or business use of any vessel or watercraft docked at any Town-owned dock, pier or wharf is prohibited, except that Charter or commercial fishing boats or other uses defined as "water dependent" as herein defined and provided that such uses and the vessels employed in such uses are first allocated dock space in accordance with these regulations.
- I. No vessel or watercraft of any kind whatsoever which is painted with paints containing butyltin compounds shall be permitted to moor in Town waters or tie up at the Town wharves, whether private or public.
- J. Between October 15 and April 15, all Dinghies not servicing vessels presently moored in the harbor shall be removed from any property where dinghy storage has been permitted.
- K. The Town may remove after October 30, any Dinghy left on any property where storage has been permitted. Following such removal, the Harbormaster shall give notice of the removal as follows:
  - (1) if the owner is known, then by mail, email, or hand-delivery;
  - (2) if the owner is unknown, then by publication in a newspaper of general circulation within the Town;
  - (3) if, after thirty (30) days following the publication or written notice, the owner has failed to claim the Dinghy and reimburse the Town for removal costs, the Dinghy may then, at the discretion of the Harbormaster, be sold at public auction to cover the costs of removal. If

said auction produces surplus proceeds after payment of the costs of removal, said surplus shall be held in a separate account and be paid over to the owner upon proof of ownership.

- L. There shall be no Liveboards at any Town Pier or Wharf. Liveboards shall only be allowed within the Nantucket Boat Basin, or in Nantucket Waterways if the vessel is tied to a Mooring that is authorized by the Town pursuant to these regulations. Vessels used as Liveboards that are anchored are prohibited.
- M. Vessels using Nantucket Waterways for more than forty-eight (48) hours, which are not berthed or trailered, must utilize a Mooring which has been permitted under these regulations or a Rental Mooring. The Harbormaster may, in the event of no suitable berthing space being available, allow transient vessels to anchor in an approved area until such time as a berthing space becomes available.

**§ 278-5. Moorings**

**A. Mooring Equipment**

- (1) All Moorings must be registered and a permit for the Mooring must be approved prior to the placement of the Mooring. No Mooring shall be placed by any person or Mooring Handler unless a Mooring Permit has been issued. The Harbormaster may authorize a temporary Mooring placement on a case by case basis pending issuance of a Mooring permit.
- (2) The location of all Moorings shall be determined from time to time by the Harbormaster. No Mooring shall be located in the main stream, channel or turning basin of any of the harbors of the Town, unless, in the opinion of the Harbormaster, the particular circumstances require it. Moorings shall be located so that vessels lying on them shall not block any channel or approach to wharves or other Moorings in the vicinity or create any other hazard to navigation.
- (3) No vessel shall use a Mooring in Nantucket Waterways unless the Mooring is in good condition and meets the following minimum standards unless otherwise determined by the Harbormaster:

<b>Length of Boat</b>	<b>Mushroom Mooring</b>	<b>Concrete Block Mooring</b>
Under 14'	75 lbs.	Subject to individual approval by the Harbormaster
15' to 18'	150 lbs.	
19' to 22'	200 lbs.	
23' to 26'	300 lbs.	
27' to 32'	500 lbs.	
Over 32'	Subject to individual approval by the Harbormaster	

- (4) No vessel shall use a Mooring unless the chain is in good condition and that the length is at least the vertical height above the sea bottom to four feet (4') above mean high water. Maximum length of chain shall be no more than 2.5 times the maximum depth of the water, except where the Harbormaster determines otherwise. All Mooring chains shall be of a grade suitable for Moorings and meet the following minimum size standards:

<b>Length of Boat</b>	<b>Chain Minimum Size</b>
10' to 23'	1/2"
24' to 32'	5/8"
Over 33'	3/4" - 1" as determined by the Harbormaster

- (5) No vessel shall use a Mooring pennant unless it is in good condition and of a type suitable for Moorings. The length shall be no longer than half the length of the vessel. Pennant line size shall be:

<b>Length of Boat</b>	<b>Line Minimum Size</b>
Up to 10'	7/16"
11' to 23'	1/2"
24' to 32'	5/8"
Over 33'	3/4"

NOTE: The use of synthetic lightweight high-strength pennant lines such as Dyneema and Spectra may be used in lesser dimensional sizes provided that such use provides equal or greater tensile strength than the standard line sizes listed above.

- (6) Moorings shall be inspected by the Harbormaster, or by a designated representative at least once every two (2) years to determine their compliance with the regulations herein. Proof that the Mooring has been inspected is a requirement for a Mooring permit to be issued. If a permit is not issued pending an inspection, and a period of thirty (30) days elapses from the date that the permit is requested to be issued, the Harbormaster shall notify the permit holder by certified mail at the address appearing on the permit application that if the permit holder fails to provide proof of inspection within thirty (30) days, the Mooring permit will be forfeited.
- (7) The Harbormaster may remove, relocate or order the removal of any Mooring not in compliance with these regulations. The expense of such removal or relocation shall be the responsibility of the owner.
- (8) The Harbormaster may order the removal or relocation of any Mooring 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 or relocation shall be the responsibility of the owner. Except when immediate removal is deemed necessary by the Harbormaster, an owner shall have at least fourteen (14) days to relocate or remove a Mooring when so ordered by the Harbormaster.
- (9) All Moorings shall be removed from areas designated by the Harbormaster as shell fishing areas prior to October 15.
- (10) All Mooring buoys shall be white and have a minimum one-inch (1") blue band visible above the water. Buoys shall be marked with the permit number assigned by the Harbormaster. The numbers shall be a minimum of three inches (3") in height and be clearly visible. Mooring buoys shall be of customary shape and materials as determined by the Harbormaster.
- (11) Spar buoys shall be upright at all times and not less than forty degrees (40°) at any period of tide and not less than eighteen inches (18") exposed.

- (12) The Harbormaster may order the removal of any buoy deemed to be inappropriate in form, appearance or construction.
- (13) Helix type or any other permanent Mooring that has not been permitted pursuant to Chapter 91 of the General Laws or received a permit from the U.S. Army Corps of Engineers is prohibited.
- (14) Any existing Helix Mooring not permitted under Subsection A (13) shall be removed.

**B. Mooring Permits**

- (1) To be eligible for a Mooring Permit, any vessel habitually moored in Nantucket Waterways shall have paid any excise tax due pursuant to Chapter 60B of the General Laws. Furthermore, only Massachusetts registered vessels, non-motorized vessels, or vessels with a valid Federal documentation certificate showing the vessels hailing port of Nantucket shall be eligible for a mooring permit.
- (2) All applications for a Mooring space in any Nantucket harbor or waterway shall be submitted to the Town on the Mooring Permit Application form. All information requested on the form must be supplied or the application may be rejected.
- (3) The Mooring Permit decal issued by the Town shall be firmly affixed to boat on the port side of the bow, or in the case of classic-design wooden sail boats, the port side of the mast.
- (4) Only the registered boat, displaying a current and valid mooring permit decal, which is owned by the person to whom the Mooring Permit was issued, shall fasten to the Mooring.
- (5) At the time of the Mooring Permit issuance, if the Mooring Permit holder does not currently own a vessel or is not a person lawfully entitled to possession and use of a vessel for the season for which a Mooring Permit is granted, no Mooring Permit will be issued. The mooring permit holder will have twelve (12) months to acquire a vessel of the same type and size as stated on their Mooring Permit Application. If, at the end of twelve (12) months, the vessel has not been obtained, the Mooring Permit shall be forfeited, and the person will be placed at the bottom of the wait list.
- (6) If an individual holds a valid Mooring Permit and sells his/her rights to the boat with the intention of replacing it with a vessel of the same type and length, he/she will have twelve (12) months to replace the vessel. If, at the end of twelve (12) months, the vessel has not been replaced with a vessel of the same type and length, the Mooring Permit shall be forfeited, and the individual will go to the top of the waiting list for an appropriate mooring location.
- (7) No Mooring Permit shall be transferable to another person, except to a person within the immediate family of the permit holder upon approval of the Harbormaster.
- (8) The sale, rental or subletting of a Mooring Permit issued pursuant to these regulations is prohibited. However, the Harbormaster may permit the time sharing of Moorings in order to maximize the usage of the Mooring fields provided that payment of the Permit fee has been paid by the Mooring Permit holder and the time share vessel is of the same type and approximate length of the vessel shown on the Mooring Permit. Time sharing of a Mooring shall be limited only to registered Mooring Handlers for vessels less than twenty-six feet (26') in length. Vessels engaged in a time share situation shall comply with marking and reporting requirements as determined by the Harbormaster.

- (9) Mooring Permits shall be for a period of one (1) year, or any fraction thereof, terminating on December 31 of each year, unless earlier revoked by the Harbormaster, and shall be renewable annually for one year. All Mooring Permit holders shall ensure annually that their vessel information, contact information, Mooring Handler and other information as required by the Town is current and up to date. Failure to update and/or review the information annually may result in the non-renewal of the Mooring Permit until such information is verified.
- (10) Payment for the annual Mooring Permit shall be paid in full by January 1 of each year.
- (a) If payment is not received by this date, the Town shall:
- [1] Assess a late fee;
  - [2] Send notice of non-payment by first class mail to the address that the permit holder currently has on file advising them that the permit will be forfeited if payment is not received by February 15.
  - [3] If payment is not received by March 15, the Town shall send notice by certified mail advising the Permit holder that their Mooring Permit has been revoked.
  - [4] If the Permit holder responds to the certified mail notice by April 15, the Permit shall be reinstated for a one hundred dollar (\$100) fee and also upon payment of the applicable Mooring Permit fee.
- (b) If no response is received, or full payment of late fees and all Permit fees is not made by April 15, the Permit is forfeited, and the Mooring location will be offered to the next person on the waiting list.
- (11) In areas where no additional Mooring spaces are available, applicants shall be placed on a waiting list maintained by the Town.
- (a) The waiting list shall include the names of applicants waiting for Moorings in chronological order of application, regardless of the applicant's preference for a particular Mooring location. The person at the top of the official waiting list shall have priority to obtain the next available location but may waive the right to the next available location if it is not in a place convenient for him without losing his 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 until someone in succession on the list elects to take the Mooring location. Notice to the person entitled to the next available Mooring shall be in writing or by any reasonable method.
- (b) It shall be the responsibility of wait list applicants to notify the Town of any address or information change. Notification of mooring availability to wait list applicants shall be only to the information supplied to the Town on the Mooring Permit application. The Town is under no obligation to seek out wait list applicants who fail to respond to notice of mooring space availability.
- (12) Dinghies of less than ten feet (10') attached to permitted Moorings shall be required to have a Dinghy Permit. Dinghies less than ten feet (10') are otherwise exempt from the Mooring Permit requirements herein provided that the Mooring is properly permitted and there is a primary vessel regularly attached to the Mooring which bears a valid Mooring



Permit decal. Vessels that are greater than ten feet (10') in length are subject to all Mooring Permit requirements and shall not be fastened to a mooring unless it is properly permitted.

C. Dinghy Permits

- (1) In waterfront areas where the Harbormaster has constructed racks or designated an area for the storage of dinghies, any dinghy in these areas shall have a dinghy permit issued by the Town.
- (2) Dinghy permits shall be issued by the Town only to those persons who have a valid Mooring Permit upon payment of a fee. Only one (1) dinghy permit shall be issued to each mooring.
- (3) Dinghy permits shall be affixed the left (port) side of the dinghy where it is clearly visible.
- (4) Only permitted dinghies shall be stored in dinghy storage racks. If rack space is not available, then dinghies shall be stored neatly in an area designated by the Harbormaster.
- (5) Dinghy storage is prohibited if there is insufficient storage space in the racks or insufficient space in areas so designated as dinghy storage areas. Dinghy's shall be removed from the area by the owner immediately after use. The determination of dinghy storage spaces shall be in the sole determination of the Harbormaster.
- (6) The Harbormaster may remove any permitted dinghy improperly stored or any dinghy not properly displaying a dinghy permit. Disposition of dinghies so removed shall be pursuant to section §278-4 K of these regulations.

D. Liveaboards

- (1) There shall be no Liveaboards at any Town Pier or Wharf. Liveaboards shall only be allowed within the Nantucket Boat Basin, or in Nantucket Waterways if the vessel is tied to a Mooring that is authorized by the Town pursuant to these regulations. Vessels used as Liveaboards that are anchored are prohibited.
- (2) No vessel shall be moored in Nantucket waterways and used as a liveaboard for a period exceeding forty-eight (48) hours unless the owner of the vessel is present during that period of time or there is a person who is licensed as a U.S. Coast Guard Captain with a minimum rating as an Operator of Uninspected Passenger Vessels on board.
- (3) Vessels used as a liveaboard shall be required to complete a registration form listing information as required by the Harbormaster to include at a minimum the vessel owners name, address, vessel type, and identifying information of persons using the vessel as a liveaboard.
- (4) Vessels used as a liveaboard shall have a current boaters insurance policy.
- (5) Vessels used as a liveaboard shall be capable of traveling under its own motorized propulsion to a sewer pump-out station located at the Town Pier or Nantucket Boat Basin.

**§ 278-6. Town Pier**

A. Capacity and Slip Assignments

- (1) The Standing or Fixed Pier has fifty-five (55) slips which can accommodate recreational vessels up to and including thirty feet (30') in length. Three (3) slips are designated for the Town for the pump-out and patrol boats. The Harbormaster may designate additional spaces for Town purposes as needed.

B. Slip Assignments Revocable License

- (1) Slips assignments to vessels will be subject to a revocable license agreement between the Town and the vessel owner. The revocable license agreement shall contain the terms of the agreement for the slip assignment. Failure to comply with the terms of the license agreement shall result in the termination of the license and forfeiture of the slip without refund.
- (2) Only persons who are at least eighteen (18) years of age are eligible to enter the slip lottery and execute a slip license.
- (3) Only vessels with mechanical power, thirty-five feet (35') in length or smaller, and either have a current and valid Massachusetts vessel registration or valid Federal documentation certificate showing the vessels hailing port of Nantucket are eligible for entry into the slip lottery and subsequent awarding of a slip assignment.
- (4) The term of any revocable slip assignment license will be from May 1 through September 30 whether or not the revocable license is automatically renewable from year to year.
- (5) No vessel may be placed in a slip prior to May 1, and no vessel may remain in a slip after September 30 without permission of the Harbormaster. The permission of the Harbormaster notwithstanding, no additional rights or term of occupancy is to be implied as a result of the Harbormaster allowing early arrival or late departure from a licensed slip.

C. Recreational Vessels

- (1) Recreational Vessel slips are divided into two categories: 'A' and 'B'. Thirty-five (35) slips will be designated as category 'A', and thirty-five (35) slips will be designated as category 'B'.
- (2) Category 'A' recreational slip assignments shall be awarded by lottery and be allowed a two (2) year slip license. The category 'A' revocable slip license will be renewable for the second year without participation in the lottery as long as the slip holder remains current with payments and is in compliance with all applicable rules, regulations and by-laws of the Town or unless otherwise cancelled by the Town of Nantucket or the license holder. When a category 'A' slip becomes available, its initial assignment shall be by lottery pursuant to Section §278-6 H.
- (3) Category 'B' recreational slip assignments shall annually be awarded by lottery. The category 'B' revocable slip license will expire each year. They will not be renewable and any previous category 'B' holder must participate in the annual slip lottery.
- (4) Persons who are awarded a recreational 'A' or 'B' slip assignment shall have thirty (30) days after the lottery to make payment and execute a revocable slip assignment license. If no payment is made end/or the revocable slip license is not returned within the thirty (30) days, then the slip assignment shall be forfeited and offered to the next eligible vessel on the lottery waiting list.

- (5) Notwithstanding any other provision herein, the Harbormaster may remove any vessel from eligibility for a revocable slip license if the available slip spaces are insufficient to safely accommodate the size of the vessel.

D. Commercial Use/Commercial Fishing Vessels

- (1) Commercial Use/Fishing Vessels slips are divided into two categories: 'A' and 'B'. Six (6) slips on the floating dock will be designated for each category for vessels less than forty feet (40'). Commercial fishing vessels forty feet (40') and greater and transient fishing vessels will tie-up at the end of the fixed pier and will not participate in the lottery. There is no guarantee of space on the fixed pier for commercial fishing vessels forty feet (40') and greater or transient fishing vessels. Accommodation of space for these vessels will be made upon the determination of availability by the Harbormaster.

- (2) Category "A"

- (a) Six (6) available spaces: Initial Commercial Use/Fishing vessels slip space is drawn at lottery. Once awarded, the revocable slip license will be renewable each year without participation in the lottery as long as the slip holder remains current with payments and is in compliance with all applicable rules, regulations and by-laws or unless otherwise cancelled by the Town of Nantucket or the license holder. When a category 'A' slip becomes available, its initial assignment shall be by lottery pursuant to paragraph 278.6 H.

- (b) Eligibility: Any person wishing to apply for a Category 'A' Commercial Use/Fishing vessel slip and entry into the Commercial Use/Fishing vessel slip lottery must provide sufficient information which proves beyond a reasonable doubt that the applicant spends a major portion of their annual work time in water-based commercial industry and that greater than sixty percent (60%) of their annual income is derived from the commercial business. Proof of eligibility may include, but not necessarily be limited to:

- [1] Coast Guard Licenses and Inspection
- [2] Federal Tax Identification number and tax returns
- [3] State and Federal Commercial Fishing Licenses
- [4] Vessel size and equipment
- [5] Catch reports or fish sale reports
- [6] Other information that the Harbormaster may require

- (3) Category "B"

- (a) Six (6) available spaces: Category 'B' Vessel is drawn in the lottery annually pursuant to the procedures in paragraph 278.6 H. The revocable license is for one year.

- (b) Eligibility: Any person wishing to apply for a Commercial Use/Fishing Vessel slip must provide sufficient information which proves beyond a reasonable doubt that the applicant spends a major portion of their annual work time in water-based commercial industry and that greater than sixty percent (60%) of their annual income is derived from the commercial business. Proof of eligibility may include, but not necessarily

be limited to:

- [1] Coast Guard Licenses and Inspection
  - [2] Federal Tax Identification number and tax returns
  - [3] State and Federal Commercial Fishing Licenses
  - [4] Vessel size and equipment
  - [5] Catch reports or fish sale reports
  - [6] Other information that the Harbormaster may require
- (4) The Town may assess a commercial use user fee for vessels utilizing the Town Pier, Children's Beach ramp and Barrett Pier in Madaket as a primary loading and off-loading point for customers and/or wares. The Town will require that any Commercial users subject to this fee be required to obtain an insurance liability policy naming the Town as an additional insured.

E. Handicap Accessible Slips

- (1) Two (2) slips on the floating pier shall be made available for handicapped persons. Initial handicap slip space is drawn at lottery. Once awarded, the revocable slip license will be renewable each year without participation in the lottery as long as the slip holder remains current with payments and is in compliance with all applicable rules, regulations and by-laws or unless otherwise cancelled by the Town of Nantucket or the license holder. When a handicap slip becomes available, its initial assignment shall be by lottery pursuant to Section §278-6 H.
- (2) For eligibility for a handicap accessible slip requires the applicant be eligible for a State issued handicap parking permit.

F. Slip Assignment Wait List

- (1) For Recreational vessels, a wait list of twenty (20) will be drawn at the annual lottery. For Category B-Commercial Use/Fishing vessels, a waitlist of three (3) will be drawn at the annual slip lottery. For Handicap slips, a waitlist of one (1) will be drawn at the annual slip lottery.

G. Floats and Rafts

- (1) No Raft or Float shall be moored in Nantucket Waterways unless the location of said Float or Raft has been approved by the Harbormaster and a Mooring Permit issued by the Town.
- (2) Any vessel which is tied to a Raft or Float as a moored vessel shall have a Mooring Permit for each individual vessel so tied.
- (3) The Harbormaster shall make the determination of the maximum allowable vessels which may be tied to a Raft or Float. The Harbormaster may fine either the vessels so tied and/or the Raft or Float owner in violation if the number of vessels so approved is exceeded.

## H. Slip Lottery

- (1) The annual lottery will be held in October of each year. The date of the lottery shall be advertised for at least two (2) weeks prior to the lottery date.
- (2) Only a single entry into the lottery for a vessel shall be allowed. Requirements for entry into the slip lottery are:
  - (a) vessel is thirty-five feet (35') in length or less;
  - (b) vessel is mechanically powered, and;
  - (c) vessel has an active Massachusetts vessel registration or is Federally documented with Nantucket listed as the hailing port.
- (3) Vessel registration number shall be entered into the lottery based upon information provided to the Town on the slip lottery assignment application form. Slip applications shall contain such information that the Town may require and be accepted up to forty-eight (48) hours prior to the lottery provided that the new slip lottery application fee has been paid.
- (4) The lottery shall be conducted by placing the vessel number, (or other corresponding unique number) into a bin where they will be randomly drawn by the Harbormaster or their designee. The number drawn shall be publicly announced with the corresponding vessel and owners name. Such information shall be recorded by the Harbormaster at the time of the lottery. Separate lottery draws shall be done for assignment of each class of slip license, (A&B Recreational, Commercial and Handicap).

## § 278-7. Fees

- A. Fees for mooring permit applications, mooring permits, mooring permit wait list, rafts or floats shall be set from time to time by the Select Board.
- B. Fees for Town pier slips and slip applications shall be set from time to time by the Select Board.
  - (1) The minimum slip per-foot charge per season is twenty-two feet (22').
- C. Payment for all mooring fees, commercial "A" and category "A" recreational slips shall be received by January 1. If payment is not received by this date, the Town shall:
  - (1) Assess a late fee;
  - (2) Send notice of non-payment by first class mail to the address that the permit holder currently has on file or by email advising them that their slip will be forfeited if payment is not received by February 1.
  - (3) If payment is not received by February 15, the Town shall send notice by certified mail and email advising the slip holder that their mooring permit or revocable Town Pier Slip License has been revoked.
  - (4) If the mooring permit or slip license holder responds to the certified mail or email notice by March 15, the mooring permit or revocable slip license shall be re-issued for a reissuance fee and also upon payment of the annual applicable fees.

- (5) If no response is received, or full payment of late fees and all Permit fees is not made by April 1, the Permit is forfeited and the mooring or slip location will be offered to the next person on the waiting list.
- (6) Refunds will not be provided.
- D. Fees for other items, including the following, shall be set from time to time by the Select Board:
  - (1) Commercial use vessel fee for Town ramps and piers.
  - (2) Nonresident commercial off-load.
  - (3) Transient rates.
  - (4) Commercial fishing transients.

**§ 278-8. Enforcement**

- A. Enforcement. The Harbormaster, Assistant Harbormasters, Mooring Enforcement Officers and any Police Officer are authorized to enforce these regulations.
- B. Non-Criminal Violation Citation. Officers authorized to enforce these Regulations may use the Standard Town Non-Criminal Violation Notice for violations.
- C. Penalties. Whoever violates any of the provisions of the Regulations shall be punished by a fine amount of one hundred dollars (\$100.00) each day of continual violation constituting a separate offense.

**§ 278-9. Severability**

The provisions of these Regulations are hereby declared to be severable; and if any provision of the Rules and Regulations is invalid, such invalidity shall not affect or impair any other provision hereof.

**SCHEDULE OF FEES**  
**Chapter 278**  
**HARBORS AND WATERWAYS**

**A. Mooring Fees:**

- a. §278-7 A. Mooring permits for vessels, rafts and floats shall be based upon the below table:

Length of Boat	Annual Fee
up to 16'	\$80.00
17' to 23'	\$100.00
24' to 32'	\$200.00
33' to 49'	\$300.00
Over 50'	\$500.00
Commercial Use/Fishing	\$80.00
Livery/Rental	\$200.00
Boat Handler/Repair	\$175.00

- b. §278-7 A. Mooring Permit Application Fee: \$25.00  
c. §278-7 A. Mooring Permit Wait List Fee: \$10.00 annually to remain on list  
d. §278-5 B (10)(a)[4]. Mooring Permit Payment Late Fee: \$25.00  
e. §278-5 B (10)(a)[5]. Mooring Permit Reinstatement Fee: \$100.00

**B. Town Pier Slip Fees (per foot/season rates unless otherwise noted):**

- a. §278-7 B. Recreational "A"- slips \$100.00.  
b. §278-7 B. Handicap slips- \$100.00.  
c. §278-7 B. Recreational "B" slips: \$80.00.  
d. §278-7 B. Commercial Use/Commercial fishing slip: \$150.00.  
e. §278-6 D (4). Commercial Off-Load Fee: \$100.00.  
f. §278-7 B. Transient Rate: \$15.00 per hour or \$75.00 per day.  
g. §278-7 B. Commercial fishing transient 50' or less: .75¢ cents per foot per night.  
h. §278-7 B. Commercial fishing transient 51' or greater: \$1.50 per foot per night, to be capped at \$100 per foot annually.  
i. §278-6 H (6). Slip Lottery Application Fee: \$25.00  
j. §278-7 C (1). Slip License Payment Late Fee: \$25.00  
k. §278-7 C (4). Slip License Reinstatement Fee: \$100.00

**C. Dinghy Permits:**

- a. §278-5 C (2) Dinghy Permit: \$25.00

**D. Town Pier Parking Permits:**

- a. Reserved Town Pier Parking Permit for slip holders: FREE