

TOWN OF HINGHAM
OFFICE OF THE HARBORMASTER
DEPARTMENT OF POLICE



MOORING REGULATIONS

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MOORING REGULATIONS

§ 1 Authority and Enforcement

A. Authority

These regulations are adopted by the Harbormaster pursuant to Massachusetts General Laws, Chapters 90B, 91 and 102, Commonwealth of Massachusetts Regulations Chapter 310, Section 9.07 and Article 15 of the Town of Hingham Harbor By-laws.

B. Enforcement

The Harbormaster, Deputy Harbormaster and Assistant Harbormasters have the authority to enforce all regulations set forth herein.

§2 Definition of Terms

The following words, for the purposes of these regulations, shall have the following meanings unless another meaning is clearly apparent from the way in which the word is used:

Adrift. The word “adrift” shall mean without being fast to a stationary object.

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.

Anchorage areas. The words “anchorage areas” shall mean areas designated for anchoring.

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

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 words “boating season” shall mean the period from January 1 to the following December 31.

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.

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

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

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.

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.

Mooring. The word “mooring” shall mean a semi-permanent anchorage installation, consisting of an anchor, chain, mooring buoy, and pennant.

Mooring tackle. The word “mooring tackle” shall mean the anchor(s), chain(s), shackle(s), pennant(s), and so forth, used to secure a vessel.

Mooring buoy. The words “mooring buoy” shall mean a white buoy with a blue band marking a mooring.

Mooring permit. The words “mooring permit” shall mean annual written authority signed by the Harbormaster.

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

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Permit owner. The word “permit” shall mean a person to whom a Hingham mooring permit has been issued.

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

Pier. The word “pier” shall mean any structure built out into the water for use as a landing place.

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

Stray Vessel. The word “stray vessel” shall mean a vessel which is in a deteriorated or unseaworthy condition, sunken or likely to sink, aground, adrift and likely to damage piers, wharves, floats or other vessels, to constitute a menace to navigation, or secured to a mooring or pier without proper authorization, in violation of these regulations or awash.

Vessel. The word “vessel” shall mean ships of all kinds, 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 except a seaplane on the water used or capable of being used as a means of transportation on water.

Wharf. The word “wharf” shall mean any structure generally parallel to the shore for use as a landing place.

Winter buoy. The words “winter buoy” shall mean a winter mooring marker.

§ 3 Applicability

These regulations apply to all –

- (i) Moorings tackle in the waters of the Town of Hingham including fresh water ponds

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(ii) Vessels or other objects anchored or moored on the waters of the Town of Hingham, including fresh water ponds.

§ 4 Mooring Permits

A. All Vessels Required to have a Permit

(i) No person shall moor, anchor or set any mooring, vessel or float within the limits of Hingham's Waterways without first obtaining a mooring permit from the Harbormaster.

(ii) All vessels berthed for two consecutive weeks (14 days) or more on the waters of Hingham shall obtain a mooring permit from the Harbormaster.

(iii) Other objects, including, but not limited to floats or rafts attached to ground tackle shall obtain an independent mooring permit.

(iv) Mooring Permits are issued annually and expire on December 31st of the calendar year they were issued.

B. Waiting List

(i) The Town Clerk will maintain a waiting list for the Inner Harbor Mooring Basin and Worlds End Basin.

(ii) If in the opinion of the Harbormaster, there is space for additional boat/boats in these locations the Harbormaster will request the waiting list from the Town Clerk.

(iii) Applicants shall be issued permits on a first come, first served basis, taking into account availability of space, vessel size and such other factors as the Harbormaster deems fit and reasonable and equitable in the allocating available space. The potential permit holder shall make application with the Harbormaster and meet all of the mooring permit application requirements within the application timeframe as specified by the Harbormaster.

(iv) In order to remain on the waiting list from year to year, the applicant shall pay an annual fee to be determined by the Board of Selectmen and do so by the second

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Wednesday of December of each year. Failure to do so will result in removal from waiting list.

C. Obtaining a New Permit

(i) The applicant must submit their mooring request on the Mooring Permit Application as set forth by the Harbormaster.

(ii) The applicant who wishes to be a mooring permit holder shall –

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

(2) A description of the mooring gear to be used to moor the vessel, the applicant's mooring location preference and further reasonable information as the Harbormaster deems necessary;

(2) Provide copies of boat registration or documentation as requested; and

(3) Return the form to the Harbormaster's Office for review with the required annual fee.

(iii) Issuance of a mooring permit may be denied if the permit holder is delinquent in the payment of any local taxes, fees, assessments, betterments or any other municipal charges in accordance with the MGL Chapter 60B § 4.

D. Renewal of an existing permit

(i) A mooring permit holder will receive annually a "Mooring Permit Renewal" form from the Office of the Harbormaster.

(ii) The mooring permit holder who wishes to renew the permit shall -

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

(2) Provide copies of boat registration or documentation as requested; and

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- (3) Return the form to the Town Clerk with the required annual fee before March 1.
- (iii) A permit holder who does not wish to renew the permit should so indicate on the renewal form and return the form to the Harbormaster's Office.
- (iv) Renewal of a mooring permit may be denied if the permit holder is delinquent in the payment of any local taxes, fees, assessments, betterments or any other municipal charges in accordance with the MGL Chapter 40 § 57 and Chapter 60B § 4.
- (v) A person who fails to renew a mooring permit by March 1 shall forfeit the mooring location and the associated mooring permit.

E. Mooring Fees

The following fees shall apply to all vessels greater than or equal to 13 feet, moorings or other objects, both public and private, moored on the waters of the Town of Hingham. The fees are for all vessels on moorings, slips, docks, or floats and apply to both commercial and recreational vessels, and facilities.

(i)	Mooring Permit	\$7.00/foot
(ii)	Waiting List	\$15.00/year
(iii)	Town Transient Mooring	\$1.00/foot/day
(iv)	10A Float Permit	\$1.50 square foot
(v)	Town Dockage	\$1.00/foot/day
(vi)	Late fees	\$25.00/month

Note: All late fees are in addition to the original fee.

F. Issuance of Mooring Permit

- (i) Upon receipt of a complete mooring application and any inspection of the mooring gear as the Harbormaster may require, and upon full payment of any fee that may be required pursuant to these regulations, Town By-law and State Law, a mooring 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.

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

G. Transfer of Permit

(i) No person may transfer his mooring permit and no person shall cause any vessel to be attached to the mooring unless the vessel is described in the aforesaid application; provided, however, the Harbormaster may permit the temporary or transient use of a mooring by another vessel.

(ii) In the event of the death of a mooring permit holder the Harbormaster may assign the mooring permit to a member of the decedent's immediate family, if the family member requests the transfer within one (1) year of the event of death. For purposes of this section "immediate family" shall mean spouse.

H. Transient Permits

No transient mooring permit shall be issued until the applicant calls or hails the Harbormaster and provides the Harbormaster sufficient information as he may determine necessary to enable him to decide whether there is available space within the Inner Harbor Mooring Basin or Worlds End Basin to moor the vessel without endangering other vessels. Until the applicant makes full payment of any fee that may be required pursuant to this regulation no transient mooring permit shall be issued.

I. Maximum Vessel Length

At the discretion of the Harbormaster the maximum length of vessels on moorings in the Inner Harbor Mooring Field shall not exceed thirty (30) feet overall (L.O.A.) except the transient moorings equipped to hold larger vessels.

J. Vessel Sales or Changes in Ownership

The Harbormaster must be notified within (30) days and a bill of sale must be provided to the Town of Hingham Assessors Office within (30) days of the sale of any vessel, or the transfer of any interest therein, assigned to a mooring in the Hingham Waterways. The permit holder has one (1) year to make a replacement, in extenuating circumstances the Harbormaster can extend the time limit. Replacement vessels must conform to the type and size boat that has been approved for the mooring and must be approved by the

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Harbormaster. The Harbormaster may, if he deems appropriate reassign any such replacement vessel to a different mooring.

K. Designated Use of Mooring

A permit holder may, with the written approval of the Harbormaster, authorize a non-permit holder the use of said permit holder's vessel and mooring. Authorization can be granted for a maximum period of one (1) year. The same non-permitted boat will not be allowed to use the same mooring for more than one boating season.

L. Abandonment

In the event that a permit holder shall not use his mooring for thirty (30) days in any boating season it may be deemed abandoned and reassigned, unless the permit holder has notified the Harbormaster, in advance, of his intent not to use the mooring for a period not to exceed one boating season. In such event the Harbormaster may make the mooring available for transient or temporary assignment.

§ 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 is not adequate for the vessel, it shall be the responsibility of the permit holder / owner to move the mooring, within ten (10) 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 holder / owner of the mooring to, at the earliest possible opportunity, but in no case later than fourteen (14) days from the date of the dislocation of the mooring is or could be discovered, relocate the mooring to the location originally approved, or to another location approved by the Harbormaster.

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

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(v) Any expense of such inspection, removal or relocation and any liability incurred therefore shall be the responsibility of the permit holder / owner of said mooring.

§ 6 Rental of moorings

- (i) No person shall rent or lease a mooring.
- (ii) A commercial (lease) mooring shall have permit owners last name or a designated mooring number approved by the Office of the Harbormaster.
- (iii) Violation of this regulation may result in the revocation of the mooring permit, removal of the mooring, and non-criminal citation and fines.

§ 7 Mooring and Tackle Specifications

A. Pennant

Shall be of three strand soft lay nylon or braided line 2-1/2 times the height of the bow of the boat above the water surface, not to exceed 12 feet in length (except as a storm pennant that is 18" longer (recommended)). All pennants shall have a hard spliced eye with a hot dip galvanized thimble in the end that attaches to the mooring chain. Pennant shall have a soft spliced eye in the opposite end to attach to the vessel. Pennant will have installed chafing gear made of leather or vinyl attached to the pennant where pennant goes through the chocks. Pennant may have a pickup buoy as long as pickup buoy line does not exceed 3 feet. Pennants shall be replaced at least every three years or when there are signs of wear and tear and or chafing.

B. Mooring Buoy

- (i) Shall be white in color, hard shell, high-density foam filled, with a 2 inch blue reflective band around the middle. Through the center shall be a pipe for mooring chain to pass through to attach the pennant to the chain.
- (ii) The ball shall have the owner's name. If a commercial business, club or organization holds the mooring it shall have the commercial business name, club, or organization name.

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

C. Winter Buoy

The holder of a mooring permit may use winter buoys to mark the location of his/her mooring and they shall be-

- (i) white in color with a blue band and marked with the owners last name.
- (ii) Be upright at an angle of not less than forty-five (45) degrees at any period of tide and have a minimum of 24 inches exposed not to exceed (5) feet and be at least 4" in diameter.
- (iii) Not be constructed of wood.
- (iv) Not be used between June 1st and September 15th.
- (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.

D. Mooring Tackle

All chain and associated eye bolts, swivels, shackles, thimbles shall be at least grade 30 hot dipped galvanized and shall be strong enough to resist the loads caused by a 60-knot wind. All shackle pins shall be 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 size.

E. Anchors and Mooring Blocks

- (i) Mushroom anchors are the predominant anchor used in Hingham Waterways. The minimum mushroom size can be determined on the Mooring Specifications Chart.
- (ii) Granite blocks are permitted and shall be thru bolted with a 1 ¼ eyebolt. Concrete blocks, Dor-Mor, helical and Hazlett moorings may be permitted at the discretion of the Harbormaster based on feasibility, location, water depth, navigation, ground composition, swing radii, environmental impact, and other pertinent factors.

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F. Mooring Specifications

- (i) Length of chain shall be at least 2.5 times the depth of water at mean high water where the mooring is located.
- (ii) Shackles shall be at same size as the chain or larger.
- (iii) Swivels, if used, shall be one size larger than the chain to which they are connected.
- (iv) Shackles and swivels shall be safety wired or welded to prevent loosening.

Mooring Specifications							
All moored vessels							
Vessel Length	Mushroom	Granite Block	Heavy Chain	Light Chain	Hardware Size	Pennant	Mooring Ball
Up to 15'	100	300	3/8	3/8	3/8	7/16	12"
16'-20'	200	300	1/2	1/2	1/2	1/2	15"
21'-24'	250	1000	1/2	1/2	1/2	5/8	18"
25'-27'	300	2000	5/8	5/8	5/8	3/4	18"
28'-30'	400	3000	5/8	5/8	5/8	3/4	18"
31'-34'	450	3500	3/4	3/4	1	7/8	24"
35'-40'	550	4500	7/8	7/8	1	1	24"
41'-50'	650	6000	1	1	1	1 1/8	24"
Over 50'	Check with Mooring Service Company and Seek Harbormaster Approval						

F. 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 prudent mariner 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 boater is encouraged to contact their own specialist in such matters for advice as may relate to the particulars of their vessels and location. The permit owner may then contact the Harbormaster to discuss what they feel is a more appropriate set-up if it is precluded by these regulations.

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§ 8 Mooring Inspection

A. Inspection

All moorings shall be inspected and approved by a qualified person before being placed in service in the waters of the Town of Hingham.

(i) Holders of mooring permits shall annually inspect moorings and mooring tackle, including pennants and buoys, and, if the gear is found defective, shall correct the defective condition immediately.

(ii) The Harbormaster shall order permit holders to have their mooring lifted at the permit holder'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 holder's expense. The Harbormaster, with prior approval may permit 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 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 or Town By-laws

B. Mooring Inspection Guidelines:

1. Any chain showing more than 20% wear from the size specified in the mooring Regulations must be replaced. If a mooring chain meets the 20% guideline but shows excessive or uneven wear in the opinion of the inspector, he may require another inspection within one year.

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

3. Only double-ring type or double shackle type swivels are permitted and must be replaced when ring or shackle pin is 20% worn. Swivels are only to be used between top and bottom chains.

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4. Shackles must be replaced when worn 20%. All shackles must be seized with coated wire or tie wrap.
5. Mushroom anchor eyes and shafts wear must not exceed 20% of their diameter when new.
6. Mooring pennants with obvious chafing, stretching, or unlaying must be replaced. Approved pennant materials are nylon (strand or double braid), and pro-d (nylon and dacron).
7. Chain and tackle shall be supported by a floating white mooring ball which must be white with blue band and have the permit holder's last name.
8. The Harbormaster shall assign all mooring locations.
9. Mooring inspections shall comply with all provisions contained in § 7 of the Town of Hingham, Mooring Regulations.
10. The use of U.S. made chain and hardware is recommended.

B. Qualified Mooring Service Providers/Inspectors

- (i) Must be able to supply, service, and/or repair all types of moorings in Hingham waters for which he/she has been qualified and shall pull any mooring for inspection by the Harbormaster upon his request at no charge to the Town of Hingham.
- (ii) Must be able to install or replace all moorings in their original field or on a site assigned by the Harbormaster.
- (iii) Inspectors must certify that mooring tackle and equipment complies with all Town of Hingham regulations including labeling mooring ball with permit holder's last name. The inspector shall provide to the Harbormaster a completed mooring inspection form for every inspection.
- (iv) The issuance of a permit to a Mooring Service Provider and Inspector may be issued after the applicant registers and is approved by the Harbormaster. The Qualified Mooring Service Provider/Inspector must maintain and show proof of liability insurance upon

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request of the Harbormaster in the amount of one million dollars, display said permit onboard the vessel conducting work in Hingham's Waterways.

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

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

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

(viii) Mooring service providers/inspectors with the approval of the mooring permit holder may inspect the mooring by hoisting it from the water or by using an approved certified diver.

(ix) Mooring service providers/inspectors shall be permitted for a three year period unless sooner suspended or revoked for failure to adhere to the mooring inspection guidelines set by the Harbormaster's Office and the Town of Hingham Mooring Regulations, Section 15 Harbor By-laws and/or applicable Massachusetts General Laws.

§ 9 Town Floats

A. Tying of Vessels

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

B. General Use

Town floats may only be used for the prompt loading and unloading of passengers or supplies. For example, temporarily casting off from the float and then returning to the float within an hour will be considered unreasonable 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.

C. Charter/Party Boat Use

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No person operating a charter or party boat will cause a charter or party boat to arrive at Town floats until just before loading time or to discharge passengers. Any person operating a charter or party boat shall leave the Town float immediately after loading or discharging passengers.

§ 10 Mooring Float Regulations for Private Use

§ 11 Mooring Float Regulations for Commercial Use

§ 12 Marinas

A. Required Information

All Marinas are required to provide the Harbormaster with information to assist with the issuance of mooring permits or other law enforcement responsibilities. This required information shall be provided before the issuance of any mooring permits for vessels mooring at that facility. This information shall include but is not limited to vessel owner's full name, address, phone number, cellular phone number, all pertinent vessel information, slip and or mooring number, email address, and any other information deemed necessary.

B. Waiting List

Waiting lists for marinas and licensed chapter 91 mooring fields will be maintained by the private facility. The waiting list shall be made available to the Harbormaster upon his request.

C. Transient Permits

No transient mooring permit shall be issued until the Marina provides the Harbormaster with sufficient information as he may determine necessary. The Harbormaster has created a Transient Mooring/ Slip Authorization form for this purpose. It can be faxed or dropped off at the Harbormaster's Office.

D. Violation

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Failure to comply with this section or any of the Harbor Regulations, or the Town of Hingham By-Laws shall constitute a violation by the marina and may result in enforcement actions as outlined in § 16 of these regulations.

§ 13 Stray Vessels

Are declared to be a public nuisance and shall be delivered to the possession of the Harbormaster until claimed by the owner or disposed of according to law. The proper owner shall pay all expenses incurred in connection therewith including charges for raising and storing same. Removal of any stray vessel by the Harbormaster shall be without liability to 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. For purposes of this section notice to 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.

§ 14 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.

§ 15 Special Situations

Floats constructed to hold a house, building, shack, or provide living quarters will not be permitted in the Hingham Waterways. Any of these floating structures present prior to the adoption of these for a 10A Float Permit as outlined in § 10 & § 11.

§ 16 Penalties

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 liable to a non-criminal citation of \$50.00 per offense, removal of the mooring, vessel, or all three.

§ 17 Conformance with Existing Regulations and Disclaimer

(i) 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, State statute, or Code of Massachusetts Regulations.

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(ii) Reasonable attempts have been made in the development of these regulations and specifications believed to be proper. They are not an assurance of a safe mooring because weather, use, and other factors over which the Harbormaster has no control, ultimately the responsibility and liability rest on the individual permit owner. Specifications and actions of the Harbormaster's Office & Town of Hingham are not to be considered assurances of safety.

By Authority of the Harbormaster and Selectmen of the Town of Hingham these regulation have been adopted replacing any prior regulations and shall take effect on the dates listed below.

Kenneth R. Corson III Harbormaster	2010	John A. Riley Selectmen	2010
Laura M. Burns Selectwomen	2010	Bruce Rabuffo Selectmen	2010

The following sections have been modified and/or are new and revised on Date.