

**EXHIBIT 26**

South Kingstown Boats and Waterways Ordinance, Chapter 4

## Chapter 4 - BOATS AND WATERWAYS ORDINANCE

### ARTICLE I. - IN GENERAL

#### Sec. 4-1. - Goals of the ordinance.

The goals of this chapter are:

- (1) To manage all waters and all harbor areas of the Town of South Kingstown, as described herein and hereafter referred to as the town, by establishing regulations that balance and manage the diverse uses of the coastal waters and waterfront in a manner which both protects the resources and minimizes user conflicts.
- (2) To provide a mechanism to ensure that the administration and operational costs of the ordinance and the Harbor Management Plan are shared by the Town of South Kingstown, private and commercial boaters, and other groups or individuals as may be identified in the ordinance.
- (3) To maintain public access opportunities to the waters of the Town of South Kingstown for the benefit of all user groups.
- (4) To maintain consistency with the following: the Town of South Kingstown Comprehensive Plan, 1992 as amended; the regulations of the Rhode Island Coastal Resources Management Council, Rhode Island Department of Environmental Management, and the United States Army Corps of Engineers; and the goals and policies of the State Guide Plan.

(Ord. of 3-9-92; Ord. of 5-9-11)

#### Sec. 4-2. - Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

*Buoy numbers* correspond to the United States Coastal Chart 13219, "Point Judith Harbor," 12th edition dated October 6, 2001, or as amended.

*Motorboat* means any vessel propelled in whole or in part by mechanical means, either inboard or outboard and using a motor powered by gasoline, diesel fuel, naphtha, kerosene, steam or fuel oil or electricity.

*Vessel* means every description of watercraft other than a seaplane on the water, used or capable of being used as a means of transportation on water.

*Water* means and includes all lakes, rivers, streams, ponds or other bodies of water located within or partly within the boundaries of the town.

(Code 1971, § 6-1; Ord. of 11-9-87(1); Ord. of 3-9-92; Ord. of 6-10-02)

**Cross reference**— Definitions and rules of construction generally, § 1-2.

**State Law reference**— Similar definitions, G.L. 1956, § 46-22-2.

Sec. 4-3. - Jurisdiction and authority.

- (1) *Jurisdiction.* All waters and harbor areas of the Town of South Kingstown included under the jurisdiction and authority of this ordinance are those waters and harbor areas within the jurisdiction of the corporate boundaries of the town.
- (2) *Authority.* The South Kingstown Waterfront Advisory Committee shall be the local body designated to oversee the implementation of the Harbor Management Plan and subsequent ordinances, subject to the approval of the Town Council and the Rhode Island Coastal Resources Management Council (CRMC), consistent with the powers, duties, and authorities granted under Chapter 4, Title 46, of the Rhode Island General Laws.
  - a. *Functions of the waterfront advisory committee:*
    1. Review and recommend to the town council the adoption of rules, regulations, fees, penalties, and other amendments to the Harbor Management Plan and its subsequent ordinances which may be necessary to fulfill the goals and objectives of the plan and meet the requirements of its ordinances. The Harbor Management Plan and its ordinances shall be reviewed and revised at least once every three (3) years;
    2. Assist in the preparation of an annual budget in accordance with the provisions of the town to expend monies in the Harbor Management Program;
    3. Upon referral from the town manager, hear appeals of any person aggrieved by a decision of the harbormaster in his/her enforcement of this ordinance in order to provide a recommendation to the town council for their final decision.
  - b. *Ex-officio members of the waterfront advisory committee:*
    1. The harbormaster shall be a non-voting, ex-officio member of the waterfront advisory committee.
    2. To enable the waterfront advisory committee to coordinate issues of mutual concern between adjacent coastal municipalities, there may be one nonvoting, ex-officio member from each of the Harbor Commissions or Waterfront Advisory Committees of Charlestown and Narrangansett.

(Ord. of 3-9-92)

Sec. 4-4. - Operation near public bathing areas.

No vessel, while being operated upon waters within the boundaries of the town, shall pass closer than one hundred (100) feet of an outer marker of a public bathing area on the shores of the waters of the town.

(Code 1971, § 6-2; Ord. of 11-9-87(1); Ord. of 3-9-92)

Sec. 4-5. - Reckless or negligent operation prohibited.

- (1) No person shall operate any vessel in a reckless or negligent manner so as to endanger the life, safety or property of any person.
- (2) No vessel shall be operated in excess of five (5) miles per hour and/or create a wake within the Upper Point Judith Pond from Nun Buoy #26 to Nun Buoy #32. No vessel shall be operated at a speed in excess of steerage speed in the Upper Point Judith Pond, north of Nun Buoy #32.
- (3) No vessel shall be operated in excess of five (5) miles per hour and/or create a wake from the South

Kingstown town line south of Can Buoy #7 to Nun Buoy #24 on town waters in Point Judith Pond, from May 15 to October 1 of each year.

- (4) No vessel shall be operated in excess of five (5) miles per hour and/or create a wake within the area from Hahn Avenue to four hundred (400) feet north of Radial Drive, in the Narrow River.
- (5) No vessel shall be operated in excess of five (5) miles per hour in Green Hill Pond in the channel between Charlestown Bridge and a point approximately one quarter (¼) mile east (north of Sagebed Island).
- (6) The harbormaster shall cause buoys or signs marking the above restrictions to be placed so that they are clearly visible to those operating vessels within the waters wherein the above speed restrictions apply. Such buoys or signs will be maintained in place from May 15 to October 1 of each year.
- (7) No person born on or after January 1, 1986 shall operate a vessel that is fitted with propulsion machinery of more than ten (10) horsepower on the waters of the town unless the person shall have successfully completed a boating safety education program as approved by the director of the Rhode Island Department of Environmental Management. Exceptions and penalties shall be the same as section 46-22-9.8 of the General Laws.

(Code 1971, § 6-3; Ord. of 11-9-87(1); Ord. of 3-9-92; Ord. of 8-11-92; Ord. of 6-10-02; Ord. of 5-9-11)

**State Law reference—** Reckless operation of vessels, G.L. 1956, § 46-22-9)

#### Sec. 4-6. - Passing other vessels.

Vessel operators shall use due and reasonable care in passing close to or near other vessels and shall slow to a reasonable and safe speed when passing rowboats, canoes, sailboats or other vessels not propelled by mechanical means.

(Code 1971, § 6-4; Ord. of 3-9-92)

#### Sec. 4-7. - Obedience to orders of harbormaster and police officers.

Vessel operators shall obey lawful directions given to them by the harbormaster or by any police officer or constable of the town in enforcement of the provisions of this chapter. Such operator shall immediately upon being instructed by any police officer, constable or harbormaster of the town, comply with such lawful directions.

(Code 1971, § 6-5; Ord. of 3-9-92)

#### Sec. 4-8. - Water skiing, swimming and personal water craft (jet skis, etc.).

- (1) No water skiing will be allowed in the Narrows, Upper Point Judith Pond, the Potter's Pond Channel or in designated areas of anchorages or moorings. No water skier or his/her boat shall approach any stationary or moving object closer than two hundred (200) feet, except as may be incidental to starting or finishing a run nor shall any water skier ski within any designated channels.
- (2) No person may operate a personal water craft between the hours of one-half hour after sunset to one-half hour before sunrise.
- (3) Personal water craft must be at all times operated in a reasonable and prudent manner. Maneuvers which unreasonably or unnecessarily endanger life, limb, or property, including, but not limited to weaving

through congested traffic, or jumping the wake of another vessel unreasonably, shall constitute reckless operation of a vessel and are prohibited.

- (4) No person shall operate a personal water craft on the waters of the town unless he or she has passed a boating safety education program as approved by the director of the Rhode Island Department of Environmental Management except as provided for under section 46-22-9.8 (2) of the General Laws.
- (5) It is unlawful for the owner of any personal water craft or any person having charge of or control of a personal water craft to authorize or knowingly permit the same to be operated by a person under sixteen (16) years of age in violation of this section unless the provisions of (3) are met.
- (6) No person shall operate a personal water craft within two hundred (200) feet of swimmers, divers, shore, or moored vessels, except at headway speed.
- (7) Personal water craft, when launched from shore or returning to shore, must proceed directly to the area where operation is allowed in a direction as near perpendicular as possible, and not in excess of headway speed.
- (8) No person shall operate a personal water craft unless he or she and any passenger is wearing a personal flotation device which is approved by the United States Coast Guard.
- (9) No person may operate a personal water craft in a reckless manner as to endanger the life, limb or property of another.
- (10) No person shall operate any personal water craft unless it is numbered in accordance with section 46-22-4 of the General Laws.
- (11) No person shall operate a personal water craft unless the personal water craft is equipped by the manufacturer with a lanyard-type engine cutoff switch which must be attached to the operator of the personal water craft.
- (12) Water skiing and swimming is prohibited in all designated channels, fairways and mooring areas within the town.

(Code 1971, § 6-7; Ord. of 11-9-87(1); Ord. of 3-9-92; Ord. of 6-10-02; Ord. of 5-9-11)

**State Law reference**— Water skiing, G.L. 1956, § 46-22-12; personal water craft, G.L. Tit. 46, Ch. 27.

#### Sec. 4-8.1. - Diving from bridges.

Any person who shall dive or jump into or otherwise enter the water from any bridge, bridge abutment, overpass, or other spanning structure, or shall give the indication of intending to dive, jump, or otherwise enter the water from any bridge, bridge abutment, or other spanning structure within the town shall be in violation of this section and subject to the fines set forth in chapter 1, section 1-9 of this Code.

(Ord. of 9-11-06(1))

#### Sec. 4-8.2. - Throwing debris from bridges.

Any person who shall throw, dispose of or otherwise drop any rubbish debris, trash or object of any type from any bridge, bridge abutment, overpass or other spanning structure within the town shall be in violation of this section and subject to the fines set forth in chapter 1, section 1-9 of this Code.

(Ord. of 9-11-06(1))

Sec. 4-9. - Pollution.

The owners or operators of all vessels operated, moored, docked, or anchored within the waters under the jurisdiction of the harbormaster shall not:

- (1) Permit acts contrary to the public health or sanitary regulations including such laws, ordinances, rules and regulations as shall be promulgated by federal, state or local body in authority;
- (2) Discharge, rubbish, debris, garbage, raw sewage, dead fish or other offal upon or into the waters under jurisdiction of the harbormaster; or
- (3) Dump or pump petroleum products or hazardous materials onto or into the waters under the jurisdiction of the harbormaster.
- (4) Vessel owners shall ensure that sanitary facility pumpouts on their vessels are operational and maintained at all times.

(Code 1971, § 6-8; Ord. of 11-9-87(1); Ord. of 3-9-92; Ord. of 5-9-11)

Sec. 4-10. - Excessive noise.

No operator or owner shall cause or allow excessive noise in the operation of a vessel nor shall such owner or operator allow excessive noise aboard such vessel when anchored, moored or docked. Unmuffled sound from engines, outboards or other machinery is not permitted except by permission of the harbormaster.

(Code 1971, § 6-9; Ord. of 11-9-87(1); Ord. of 3-9-92)

**Cross reference**— Operation of motor vehicles to create unnecessary noise prohibited, § 10-7.

**State Law reference**— Muffling devices, G.L. 1956, § 46-22-8.

Sec. 4-11. - Derelict boats, motors, etc.

- (1) No derelict boats, motors, or piers, wharves or docks shall be allowed in or upon the town's waters or shores.
- (2) No vessel of any kind whatsoever, which is in badly deteriorated condition or which is likely to damage private or public property or which might become a menace to navigation, shall be permitted to moor, anchor or dock in waters under the jurisdiction of the harbormaster. Any vessel which might become a menace to navigation may be ordered moved by the harbormaster.
- (3) The harbormaster and a designated member of the waterfront advisory committee jointly shall determine whether any vessel is of unsightly appearance or in badly deteriorated condition and, if found so to be, shall take proper steps for removal of same. If the owner of any vessel or water craft so determined to be of unsightly appearance or in badly deteriorated condition shall fail to remedy such appearance or condition within a reasonable time, the harbormaster shall notify the owner of record of such vessel or water craft in writing and such owner shall thenceforth be subject to penalties as noted in section 4-19.

(Code 1971, 6-10; Ord. of 11-9-87(1); Ord. of 3-9-92)

**Cross reference**— Junked, dismantled or abandoned vehicles, § 11-16 et seq.

Sec. 4-12. - Use of town-owned floats and docks.

- (1) The maximum period which a boat may tie up to the town floats or docks shall be fifteen (15) minutes unless permission for additional time is obtained from the harbormaster.
- (2) No repairs, other than emergency repairs of a minor nature, are permitted at or on town floats or docks.
- (3) No fishing gear, equipment or any other matter shall be allowed to remain on the town floats or docks except during the actual operation of loading or unloading.
- (4) No fish, bait or other marine life may be kept, cleaned or disposed of on the town floats or docks nor shall the same be disposed of in violation of section 4-9.
- (5) There will be no soliciting from town floats, docks or adjacent waterfront property without permission of the harbormaster and the waterfront advisory committee.
- (6) All persons injuring or damaging a town float or dock, or all persons liable therefor, shall within thirty (30) days reimburse the town in an amount equal to the cost of repairing such damage as determined by the harbormaster and town manager.

(Code 1971, § 6-11; Ord. of 11-9-87(1); Ord. of 3-9-92)

Sec. 4-13. - Obstructing passage of vessels.

- (1) No warps, lines or fishing gear shall be in or passed across any channel or dock so as to obstruct vessels passing along the same.
- (2) Stakes shall not be driven to be used for mooring any vessel or boat, or for tying up any fish, lobster or bait car unless in the judgment of the harbormaster their use would not be an obstruction.
- (3) Moorings shall not be located so that vessels or boats when lying to the same, shall block any channel or approach to any channel, or obstruct the approach to piers, docks or other moorings in the vicinity as indicated in section 4-36.
- (4) All vessels, when moored, shall remain within the perimeter boundary of the mooring field at all times.

(Code 1971, § 6-12; Ord. of 3-9-92; Ord. of 7-14-97; Ord. of 5-9-11)

Sec. 4-14. - Rights-of-way to the water.

- (1) No person shall block, barricade or in any way impede the public use of or access to designated public right-of-way to the water as defined by the RI CRMC or the Town of South Kingstown.
- (2) No person shall store a vessel, vehicle or structure on a designated public right-of-way to the water as defined by the CRMC or the Town of South Kingstown.
- (3) Any person in violation of this section shall be subject to a fine in accordance with section 4-19 of this chapter.
- (4) Any vessel, vehicle, structure or debris in violation of this section shall be subject to removal at the direction of the harbormaster, any assistant harbormaster or any police officer. The cost of such removal shall be the responsibility of the owner of said vessel, vehicle, structure or debris.

(Ord. of 3-9-92; Ord. of 6-10-02)

Sec. 4-15. - Houseboats and floating businesses.

- (1) Houseboats, meaning boats designated primarily for human habitation and which may be used as homes and are not self propelled, and floating businesses will not be permitted to moor, anchor or tie-up within the waters under the jurisdiction of the harbormaster.
- (2) All people who use motor boats or sailboats as residences shall contact the harbormaster within thirty-six (36) hours of mooring to ensure compliance with harbor regulations regarding pollution as outlined in section 4-9 of the current South Kingstown Boats and Waterways Ordinance: The owners or operators of all vessels operated, moored, or anchored within the waters and the jurisdiction of the harbormaster shall not permit acts contrary to the public health or sanitary regulations including such laws, ordinances, rules, and regulations as shall be promulgated by federal, state or local authority.

(Code 1971, § 6-13; Ord. of 3-9-92)

Sec. 4-16. - Regattas, races, etc.

- (1) In addition to the provision of section 46-22-13 of the General Laws of the State of Rhode Island, any regatta, race, marine parade, tournament or exhibition shall be held on waters under the jurisdiction of the harbormaster only after filing notice and a chart of the course with the harbormaster at least ten (10) days in advance.
- (2) Racecourses shall generally be laid out to avoid crossing the main channel of Point Judith Pond as designated by federal buoyage.
- (3) Sailing competition in the Upper Point Judith Pond (the entire area north of Can Buoy # 20) is prohibited.

(Code 1971, § 6-14; Ord. of 3-9-92)

Sec. 4-17. - Required equipment.

Every vessel entering the water and harbor areas of the Town of South Kingstown shall be equipped as required by Title 46-22 (Regulation of Boats) of the General Laws, as amended, and all similar federal laws, rules and regulations. Consistent with Title 46-22 (Regulation of Boats) of the General Laws, as amended, the harbormaster shall have the authority to enforce all provisions of Title 46-22.

(Ord. of 3-9-92)

Sec. 4-18. - Transient anchoring and anchorages.

- (1) A vessel may anchor on its own anchor in the coastal waters and harbor areas of the town except in federal navigation channels, navigation fairways, mooring fields, swimming areas, rights-of-way ingress and egress areas, and launching ramp areas, for a period not to exceed thirty-six (36) hours. Written consent of the harbormaster is required for extended visits of more than thirty-six (36) hours. No vessel anchored under such conditions shall be left unattended. Owners/operators of such vessels may go ashore but must be available to tend the vessel in the event of heavy weather. It shall be the vessel owner's and/or operator's responsibility to remain clear of all moored vessels and other structures.
- (2) Transient anchorages. The following area is established for use as transient anchorage areas:



- a. Smelt Brook Cove.
- b. Gardner to Plato Islands.

(Ord. of 3-9-92)

#### Sec. 4-19. - Penalties.

- (1) Every owner, master, agent or person in charge of any vessel, surfboard, or personal water craft, or any water skier who shall neglect or refuse to obey the directions of the harbormaster or other enforcement agent of a local jurisdiction in matters within their authority to direct and every person who shall resist or oppose such harbormaster or other authority in the execution of his/her duties or shall violate any of the provisions of this chapter or regulations pursuant thereto shall, upon conviction therefor, be fined not exceeding one hundred dollars (\$100.00) for each offense. Each day such neglect or refusal to obey shall continue after notice thereof given by the harbormaster or other authority to any owner, master, agent or other person in charge of a vessel, water craft or mooring shall constitute a separate offense.
- (2) Any person who shall remove from a location assigned by the harbormaster any mooring belonging to another without authority from or under direction of the harbormaster shall, upon conviction thereof, be fined as stated above.
- (3) Any individual violating any provision of this chapter may be cause for the harbormaster's refusal to allow such individual with his/her vessel in the waters under the jurisdiction of the harbormaster for such period of time as may be determined by the harbormaster or the town council together with the necessary court action in cases of violation of state or federal law.

(Code 1971, § 6-15; Ord. of 11-9-87(1); Ord. of 3-9-92)

#### Sec. 4-20. - Complaints.

All complaints for violation of this chapter shall be made to the harbormaster in writing, with a copy sent to the town manager.

(Code 1971, § 6-16; Ord. of 3-9-92)

#### Sec. 4-21. - Payment without personal appearance.

The harbormaster, and assistant harbormaster and any other duly authorized law enforcement officer who charges any person with an offense as set out in this chapter shall issue a summons for said offense, providing the offending person with a form which, when properly executed by the officer and offender, will allow the offender to dispose of the charge without the necessity of personally appearing before the District Court of the State of Rhode Island. This section shall apply to residents and nonresidents.

(Ord. of 5-10-93)

#### Sec. 4-22. - Method of payment.

If the offending party desires to dispose of the charge without personally appearing before the district court he/she may execute the form indicated and return it to the South Kingstown Police Department not later than thirty (30) days from the date of the summons either by mail or by delivering it to the police department together with a certified

check or money order in an amount indicated by the fine schedule on said form.

(Ord. of 5-10-93)

Sec. 4-23. - Violations to which applicable and schedule.

The following violations may be handled administratively through the method as prescribed in this chapter; provided however, this list is not exclusive and jurisdiction may be conferred on the District Court of Rhode Island with regard to other violations.

VOLATIONS SCHEDULE

Section of Ordinance		Fine
<u>4-4</u>	Operation near public bathing areas	\$ 50.00
4-5-1	Reckless or negligent operation	100.00
4-5-2	No wake zone Upper Pond	50.00
4-5-3	No wake zone Potter's Channel/High Pt.	50.00
4-5-4	No wake zone Jerry Brown Farm/ Camp Fuller	50.00
4-5-5	No wake zone Narrow River	50.00
4-5-6	No wake zone Green Hill Pond	50.00

<u>4-6</u>	Passing other vessels (reasonable care)	50.00
<u>4-7</u>	Obedience to orders of harbormaster, etc.	100.00
4-8-1	Water skiing violations	50.00
	<i>Personal water craft (jet skis, etc.):</i>	
4-8-2	Operation at night prohibited	50.00
4-8-3	Prohibited maneuvers	50.00
4-8-4	Operator under <u>16</u> , unsupervised, unqualified	50.00
4-8-5	Owner allowing person under <u>16</u> to operate	50.00
4-8-6	Operation in restricted area	50.00
4-8-7	Operation from shore restrictions	50.00

4-8-8	Personal flotation device to be worn	50.00
4-8-9	Reckless operation	100.00
4-8-10	Numbering in accordance with 46-22-4 GLRI	50.00
4-8-11	Engine cutoff switch required	50.00
<u>4-9</u>	Pollution, discharge or dumping into waters	100.00
<u>4-10</u>	Excessive noise	50.00
<u>4-12</u>	Prohibited use of town floats and docks	50.00
<u>4-13</u>	Obstructing passage of vessels	50.00
<u>4-14</u>	Rights of way to the water	50.00
4-15-1	House boats and floating businesses prohibited	50.00

4-15-2	Pollution control requirements	100.00
<u>4-17</u>	Required equipment	50.00
<u>4-18</u>	Anchorage restriction	50.00

(Ord. of 5-10-93)

Sec. 4-24. - Failure to act.

In the event the offender does not pay the fine as specified in section 4-22, then the offender shall have waived his right to dispose of the offense and a notice shall then be issued against the offender for his personal appearance before the Fourth Division Court on a date set by the chief of police, or his designee, for the disposition of the offense.

(Ord. of 5-10-93)

Secs. 4-25—4-30. - Reserved.

## ARTICLE II. - HARBORMASTER

Sec. 4-31. - Appointment; assistant harbor- master.

The town manager shall appoint upon consideration of a recommendation from the waterfront advisory committee, a harbormaster and assistant harbormasters who shall serve at the pleasure of the town manager. The town manager in his/her capacity as director of public safety may duly appoint the harbormaster to function in the capacity of peace officer to investigate and enforce provisions of state law and the provisions of this ordinance. The harbormaster, when duly appointed by the town manager to serve as a peace officer, shall have the authority upon the approval of the chief of police, to pursue criminal prosecution of any violation of state law or the provisions of this ordinance.

(Code 1971, § 6-17; Ord. of 11-9-87(1); Ord. of 3-9-92)

Sec. 4-32. - Compensation.

The salary of the harbormaster and assistant harbormasters shall be an amount set by the town manager.

(Code 1971, § 6-18; Ord. of 11-9-87(1); Ord. of 3-9-92)

Sec. 4-33. - Authority.

The harbormaster shall have the full power of state and local laws and authority within the jurisdiction fixed by law to enforce regulations and give directions regarding anchorage, management and control of all vessels within the waters of the town.

(Code 1971, § 6-19; Ord. of 3-9-92)

Sec. 4-34. - Removal of vessels.

The harbormaster may remove for cause, from time to time, from any public wharf within the waters of the town, any vessel not engaged in receiving or discharging cargo or any vessel not anchored or moored according to his/her directions in the waters under his/her jurisdiction or any vessel which is unnumbered or unlicensed. The harbormaster may also determine the extent, time, and manner or accommodation respecting the position of vessels which should be extended by the owners or masters thereof to each other and to require such accommodation to be extended. All of the above shall be at the owner's expense.

(Code 1971, § 6-21; Ord. of 11-9-87(1))

Sec. 4-35. - Mooring specifications for South Kingstown tidal waters.

(1) *Mushroom anchor:*

<i>Length of Boat (feet)</i>	<i>Minimum Mushroom (lbs.)</i>
Up to <u>20</u> .....	<u>100</u>
<u>21</u> to 26 .....	150
27 to 36 .....	<u>300</u>
37 to 44 .....	<u>400</u>
45 to 55 .....	<u>500</u>
56 and over .....	(2) <u>500</u> lbs. on bridle or 1500 lbs. Subject to Harbormaster ruling.

(2) *Chain size:*

(a) *Heavy chain:*

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<i>Length of Boat (feet)</i>	<i>Minimum Diameter (inches)</i>
Up to <u>20</u> .....	5/8
<u>21</u> to 26 .....	¾
27 to 36 .....	1
37 to 44 .....	1
45 to 55 .....	1

(b) *Light chain:*

<i>Length of Boat (feet)</i>	<i>Minimum Diameter (inches)</i>
Up to 26 .....	3/8
27 to 36 .....	½
37 to 44 .....	5/8
45 to 55 .....	5/8

(c) *Pennant diameter:*

<i>Length of Boat (feet)</i>	<i>Nylon only— Minimum Diameter (inches)</i>
Up to <u>20</u> .....	5/8

<u>21</u> to 26 .....	$\frac{3}{4}$
27 to 36 .....	$\frac{7}{8}$
37 to 44 .....	1
45 to 55 .....	$1\frac{1}{4}$

(3) *Length of chain:*

- (a) Heavy chain: Shall equal one and one-half (1.5) times the maximum depth of water.
- (b) Light chain: Shall equal the maximum depth of water.

(4) *Length of pennant:* Shall equal two and one-half (2.5) times the distance from the water to the bow chock plus the distance from the bow chock to the mooring cleat or post.

(5) All pennant lines running through a chock or other objects where chafing may occur shall have chafe guards.

(6) The pennant shall attach to the light chain at the base of the buoy.

(7) Buoys shall be attached between the light chain and the pennant, clearly visible above any high tide level at all times. The mooring buoys shall be rigid and spherical or cylindrical, a minimum of eighteen (18) inches in diameter and white with a blue band. Mooring number and weight of the mushroom anchor shall be printed where they will be visible at all times. Numbering and lettering shall be at least three (3) inches high.

(8) All mooring tackle shall also be equipped with a swivel attached between the heavy and light chain. The swivel shall be one size larger than the size of the light chain.

(9) Use of wooden stakes (for example, stakes put in to prevent ice damage to mooring tackle) shall not be permitted during the boating season, June 1 to October 1.

(10) The harbormaster shall determine conformance with mooring specifications. In the event that a vessel is found to be secured to a mooring that does not meet the mooring standards, the harbormaster shall, by written notice, order the owner to comply. If such instances of noncompliance continue for more than three (3) weeks, the harbormaster shall order the boat removed at the owner's expense, and the mooring shall be transferred to the next eligible applicant on the waiting list. However, the boat owner found to be in noncompliance may appeal to the town council consistent with the provisions of section 4-37.

Transition Rule: The specification of section 4-35 shall be effective April 1, 1992. Moorings in existence on that date not in conformance with these specifications excluding section 4-35(7) must be brought into compliance by April, 1994. New moorings must comply before the initial license is issued. The specifications of 4-35(7) must be met by all moorings on or before April 1, 1992.



Sec. 4-36. - Designation of moorings in South Kingstown tidal waters.

- (1) The harbormaster, in coordination with the waterfront advisory commission, shall assign all moorings and designate locations in the tidal waters of the town in accordance with the provisions of this section and the requirements of the boats (G.L. Tit. 46-22, Regulation of Boats). Such moorings shall conform to the specifications contained in section 4-35. Moorings shall be located in the Mooring Fields which are designated as Mooring Fields A—I, a written description and map of these are kept in the town clerk's office.
- (2) Any mooring now in position in the tidal waters of South Kingstown may be ordered moved by the harbormaster, if in his/her judgment such removal may be necessary. In the event the harbormaster discovers an unnumbered mooring, buoy, ball or marker, he/she shall attach thereto a tag ordering the owner thereof to submit to the harbormaster the information concerning the owner thereof. If no response is received within fourteen (14) days, the harbormaster may remove said mooring, buoy, ball or marker.
- (3) Until such time that a mooring holder is required to comply with the specifications found in section 4-35, the harbormaster is empowered to require that tackle be upgraded for public safety protection.
- (4) The harbormaster shall designate upon a map of the tidal waters of the town the locus of each mooring and to such map shall affix or append a list or key designating the name and address of the owner or agent of the owner of each vessel and the size and type thereof. The harbormaster shall file and keep current this map in the town clerk's office and the public safety building. He/she shall also maintain a currently correct copy thereof in a place reasonably accessible to mariners and the waterfront advisory committee for their convenience in consulting same during when the town clerk's office would not normally be open. He/she shall, on or before July 1 of each year, make a complete and accurate revision of both master maps.
- (5) The harbormaster shall keep a detailed description of each mooring including its date of installation and subsequent inspections, its locus keyed on the map, the owner or agent's name, telephone number, home and business address, and the name, length and rig of the vessel.
- (6) The harbormaster shall maintain two (2) mooring assignment waiting lists: a South Kingstown resident mooring assignment waiting list and a nonresident mooring assignment waiting list. A South Kingstown resident shall mean any person who owns property and is a taxpayer in South Kingstown or is a registered South Kingstown voter. All assignments of mooring space shall be made by the harbormaster. At such time as any space becomes available within South Kingstown tidal waters, the harbormaster shall first determine which mooring assignment waiting list is to be used to fill the vacancy. Mooring assignments shall be based on a 3:1 resident to nonresident allocation ratio for available mooring space. The person whose name appears next on the proper list shall be offered the available space. Further, the mooring space shall be assigned to the person who owns the vessel of appropriate size for the time. If the available space is more than adequate for a vessel, the owner of such vessel shall be granted such space, but the assignment shall be considered temporary and the vessel so assigned shall be moved to a more appropriate space at the first available opportunity. If the applicant shall refuse the grant of a mooring space, his/her application shall be placed last on the waiting list. Notwithstanding any of the provisions of the foregoing, the harbormaster shall have the right to relocate vessels which have an assigned mooring space.
- (7) (a) New mooring applications. Every applicant, riparian and non-riparian, for a new mooring permit shall submit a mooring permit waiting list application form. This form shall contain the name, mailing address, resident status, and relevant telephone numbers of the applicant and the desired location of the

proposed mooring. The harbormaster shall notify the town clerk in writing within five (5) days whether, given the availability of space, the applicant may apply on the same schedule and on the same application form as renewal applicants or must be placed on a waiting list. To be placed and kept on the waiting list, applicants must, on an annual basis, fill out a brief waiting-list renewal form and pay any waiting list fees requested.

- (b) Renewal permit applications. Mooring permits must be renewed annually. Every applicant for a mooring permit must show ownership, or the right of exclusive use, of a vessel in need of a mooring. The town clerk shall e-mail, or in the event the applicant does not have e-mail then mail, renewal permit applications in April to existing individual permit holders with a return deadline of June 1. The completed application forms shall contain at least the following information: i) the name, summer and winter mailing address, [and] resident status, and relevant telephone numbers of the applicant; ii) the type of vessel and whether it is recreational or commercial; iii) the length, beam, draft, displacement, sanitation system, and name of the vessel; iv) a copy of the vessel's registration or documentation certificate (and in addition, for leased vessels, a copy of the lease agreement); v) the size, type, proof of inspection, and precise location of the existing mooring; vi) the point of access to the mooring; vii) if applicable, the storage location of the dinghy; and viii) the date the vessel is expected to be on the mooring. With the approval of the waterfront commission and upon public notice to all applicants the town clerk may from time to time amend the mooring permit application.
  - (c) General. A mooring permit may not be held by more than one (1) individual or by more than one (1) association, partnership, or corporation, or any other legal entity at a time. All applications must be accompanied by the appropriate fee and shall be received at the town clerk's office. No mooring shall be granted for any vessel that has another mooring in the harbor or coastal waters of South Kingstown. Organizations applying for moorings to be used by more than one (1) vessel during a season must list the names of all vessels eligible to use the mooring and shall be charged an appropriately higher fee.
  - (d) The harbormaster shall issue licenses properly keyed to the current mooring field map. A mooring license will expire on June 1 in each succeeding year after its issuance. Failure to reapply for a mooring license by June 1 shall void all rights to a mooring space. Incomplete applications will not be accepted. All applications must be accompanied by the appropriate fee. Fees are nonrefundable. Any annual renewal of a mooring permit, if granted, shall be assessed a late fee as determined by town council resolution if the re-registration form is not filed with the town clerk on or before June 1 and July 1 of the respective year.
- (8) The annual license fee for moorings regulated by this section shall be established by resolution by the town council. The town clerk shall collect such fees from each applicant for each license issued under the provisions of subsection (5) of this section.

The waterfront advisory commission shall annually recommend to the town council a proposed schedule of fees as part of its annual budget; and the town council shall establish such rates not later than March 15 each year. The town may charge fees for all mooring permits, outhaul permits and for waiting or relocation list applicants. Higher fees may be charged for non-resident moorings and for other special situations. The town may assess late penalty fees provided these are indicated on, or enclosed with, the appropriate application forms. For billing purposes the town clerk may establish informal classification codes for moorings grouped by different levels of fee.

- (9) If a licensee, or his/her agent, or any other person shall place a mooring or maintain anchorage in the tidal wa South Kingstown elsewhere than designated, the harbormaster may remove, or cause to be removed, the mo vessel, or both at his/her discretion and may charge the expense of so doing to the person so placing the moo maintaining anchorage in a spot other than that designated by the harbormaster.
- (10) Only moorings which were in place as of July 15, 1991, may be eligible for licensing. The approval of additional moorings will only be considered following the adoption of the Harbor Management Plan as approved by the appropriate state agencies. However, waterfront property owners shall be allowed one mooring in reasonable proximity to their property in accordance with all requirements of this chapter.
- (11) A mooring license is not transferable to a new owner except by the process contained in this section. Notwithstanding this provision, a private mooring may transfer to an immediate family member (brother, sister, mother, father, spouse, children or grandchildren) on a one time basis upon written notice to the harbormaster which shall include the name and address change. The immediate family member to whom the mooring license is transferred is prohibited from subsequently transferring that private mooring license under any circumstance. All private mooring licenses that are forfeited by or not renewed by the transferee shall be made available to individuals on the waiting list.
- (12) A mooring space relinquished by failure to apply for a mooring license annually voids all rights to a mooring space.
- (13) A mooring space or any part thereof shall not be sublet or assigned. No person shall cause any vessel to be attached to any mooring unless the vessel is described in the mooring application and the licensee is the registered owner or registered owner has permission from harbormaster to moor a guest for a period not to exceed two (2) weeks per guest vessel.
- (14) If a mooring will be unoccupied for more than thirty (30) consecutive days during the boating season (from June 1 to October 1) without notifying the harbormaster, the mooring shall be considered abandoned. A mooring shall not be considered abandoned provided the mooring owner notifies the harbormaster that he/she will be unable to use the assigned mooring space because of illness, extended vacation, or any other reason deemed acceptable to the harbormaster. The maximum period that a person may hold a mooring space without use shall be one (1) year provided that the license fee is paid.
- (15) All moorings in waters under the town's control shall be inspected at least once every three (3) years by a qualified inspector. If as the result of such inspection the qualified inspector shall determine that any chain, shackle, swivel or other piece of mooring tackle has become warped or worn by one-third of its normal diameter, all such chain, shackle, swivel or other piece of mooring tackle shall be replaced accordingly. Failure to make such replacement shall be grounds for revocation of mooring registration by the harbormaster and such tackle shall be removed by the harbormaster at owner's expense. This inspection proof must accompany mooring application every three (3) years and is at the cost of licensee, not the town.
- (16) A list of qualified inspectors shall be maintained by the waterfront advisory committee, and will be available in the town clerk's office.
- (17) Mooring fields shall be sited so as not to interfere with access to designated shellfish management areas, traditional fishing grounds, and/or public recreational or conservation areas.
- (18) Mooring fields shall not be sited where they may cause significant adverse impacts to shellfish resources, wetlands, submerged aquatic vegetation and/or important aquatic habitats.

- (19) (a) All requests for relocation of existing permitted moorings must be submitted in a written request to the harbormaster. Information for such a request must meet the requirements for a mooring permit application as show proof of a valid mooring permit issued for the previous or current year. The reasons for a mooring must be clearly stated in the request. To be placed and kept on the relocation list, applicants must, on an annual basis, fill out a brief relocation-list renewal form and pay any waiting-list fees requested.
- (b) Action on the relocation request will be taken by the harbormaster based upon policies, written and fully available to the public, established by the waterfront advisory commission, the availability of space, the requirements of this section, and the type and size characteristics of the vessel. The waterfront advisory commission shall maintain a chronological list of all applicants requesting a mooring relocation. The list shall be updated at least twice a year and shall be available to the public at all times.
- (c) Any request received by the harbormaster that is not complete shall be returned to the applicant and no action will be taken on the matter until a completed form is returned.

(Code 1971, § 6-23; Ord. of 11-9-87(1); Ord. of 12-21-87; Ord. of 3-9-92; Ord. of 3-22-93; Ord. of 6-10-02; Ord. of 5-9-11; Ord. of 4-27-15)

Sec. 4-37. - Outhauls in South Kingstown tidal waters.

- (1) Except as provided below, an outhaul(s) may be permitted to the contiguous waterfront property owner.
- (2) One (1) outhaul may be allowed per waterfront property, except on properties that contain a recreational boating facility, in which case no outhaul is permitted on that waterfront property.
- (3) Permits shall be issued only if consistent with the RICRMP, including the provisions of 300.18.
- (4) From November 15 to April 15, when a boat is not being secured by the device on an annual basis, the outhaul cabling system shall be removed.
- (5) Outhauls may be "grandfathered" in their current location upon annual harbormaster documentation that such outhauls have been in continuous use at such location since 2004. Such "grandfathered" rights and approvals shall be extinguished whenever a recreational boating facility is approved at the location.
- (6) The annual license fee for outhauls regulated by this chapter shall be established by resolution of the town council. The harbormaster shall collect such fees from each applicant for each license issued under the provisions of subsection (1) of this section.

(Ord. of 5-9-11)

Sec. 4-38. - Appeal of decision by the harbormaster.

Anyone aggrieved by the action of the harbormaster in his/her enforcement of this chapter, may appeal the harbormaster's decision to the town council, but not before fully informing the town manager of his/her grievance, and obtaining a recommendation from the waterfront advisory committee.

(Code 1971, § 6-24; Ord. of 3-9-92; Ord. of 5-9-11)

Sec. 4-39. - Posting regulations.

The harbormaster will post and maintain on or adjacent to all town floats, docks and launching sites, and other feasible locations an adequate digest of those portions of this chapter relating to the operation of vessels upon the waters under jurisdiction of the harbormaster.

(Code 1971, § 6-25; Ord. of 3-9-92; Ord. of 5-9-11)

Sec. 4-40. - Reporting and review of operation.

The harbormaster shall submit a monthly status report to the waterfront advisory committee and the town manager, and shall make every effort to attend the meetings of the committee.

In addition, the harbormaster shall meet jointly with the town manager and waterfront advisory committee in the month of October each year to review the preceding year's operation.

(Code 1971, § 6-26; Ord. of 3-9-92; Ord. of 5-9-11)