

FIRST READING

ORDINANCE NO. 2024-22

**AN ORDINANCE IN AMENDMENT TO
THE ORDINANCES OF THE TOWN OF BRISTOL**

IT IS HEREBY ORDAINED by the Town Council of Bristol, Rhode Island, that Chapter 8, Boats, Docks, and Waterways, is hereby amended as follows:

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Sec. 8-55. - Transient anchoring and anchorages.

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, shellfish transplant beds, mooring fields, swimming areas, rights-of-way ingress and egress areas, and launching ramp areas. No vessel anchored under such conditions shall be left unattended. Owners and/or 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. Further, all vessels in the designated anchorages must have a person on board between the hours of 1:00 a.m. and 6:00 a.m. If the vessel is anchored in Bristol Harbor, it must check in with the Harbormaster and provide the Harbormaster with the vessel name, the vessel owner's name, a cell phone number to contact in case of emergencies, and an email for contact.

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Sec. 8-57. - Mooring inspections.

- (a) All new moorings in the coastal waters and harbor areas of the town must have the chain, tackle and anchor inspected by the harbormaster or his designee prior to setting the mooring.
- (b) Every permit holder shall be required to maintain his mooring in safe condition. Any chain, shackle, swivel or other tackle which has become warped or worn by one-third its normal diameter shall be replaced. Failure to maintain a safe mooring shall be cause for revocation of the mooring permit and shall be deemed a violation of this article. The harbormaster or his designee may inspect any moorings at any time to determine compliance with this section.
- (c) All moorings shall be inspected every other year. Odd permit numbers, shall be inspected on odd years and even permit numbers on even years, and the results of such inspection shall be reported to the harbormaster by July 1. A qualified inspector

shall perform mooring inspections. The mooring inspection should be completed pursuant to the Mooring Guidelines provided by the Harbormaster or any other method approved by the harbor commission. Such inspection shall determine compliance with the mooring and mooring tackle standards of the mooring regulations of this article.(d) Any mooring or component of a mooring reported not in compliance with the mooring regulations shall be replaced, or repaired and re-inspected within 15 days of such notice. After a mooring and/or its mooring tackle has been deemed to violate any requirements of the mooring regulations of this article, a second mooring inspection must be completed to determine if the violation has been corrected and meets the standards detailed in the mooring regulations of this article. The results of such second mooring inspection must be reported to the harbormaster. Failure to correct the violation shall cause the mooring to be deemed not safe and shall be cause for the revocation of the mooring permit, a violation of this article, and subject to the removal of the mooring from the coastal waters and harbor areas of the town, in accordance with any provision of this article at the risk and expense of the mooring owner.

- (e) Any mooring found off position, washed ashore or sunk (mooring ball) shall be inspected by a qualified inspector before it is deemed serviceable or reset. All costs of any mooring inspection required under the provisions of this article shall be the responsibility of the mooring owner.
- (f) No boat may be placed on a mooring that does not comply with section 8-57(c). Failure to comply with mooring inspection requirements will result in forfeiture of the mooring permit.

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Sec. 8-60. - Mooring permits

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(h) Permit renewals—Mooring.

- (1) Permits shall be renewed annually.
- (2) Applications for renewals of a valid mooring permit shall be submitted to the harbormaster on the online marine database and website maintained by the harbormaster.
- (3) The Harbormaster shall email notification for the renewal of permits by January 1 of each year to those persons who held valid mooring permits the previous year, to the email address listed on the mooring database.
- (4) A renewal application, accompanied by the appropriate fee and a current boat's registration or documentation, excluding commercial moorings, must be uploaded

the online marine database by February 1. After February 1 a late fee of \$50.00 will be applied for applications received through February 15. After February 15 the mooring permit is forfeited, and if a mooring permit is reinstated, an additional fee of \$100 shall be applied. A forfeiture letter will be sent to the mooring permit holder via certified mail with an appeal form to the Harbor Commission according to section 8-67(a). The mooring shall then be removed by the harbormaster at the owner's expense.

(5) It shall be the responsibility of the mooring permit holder to make sure that the Harbormaster has the correct email for the permit holder in the online marine database at all times, and to notify the Harbormaster of any change of email address.

(6) If a mooring permit holder has not received an email to renew a permit, it is their responsibility to contact the harbormaster's office.

(7) Upon receipt of the complete renewal application and fee, the harbormaster's office shall forward to the permit holder a mooring and boat sticker which shall be affixed to the mooring buoy and stern of the boat assigned to the mooring permit so that it is visible at all times.

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Sec. 8-64. – Permitting of slips at town docks.

(a) Permit required for use of slips at town docks. No vessel shall use a slip at a town dock until a permit has been issued for the use of such slip by the harbormaster. To be eligible for a dock permit, an applicant must, be a resident of the Town of Bristol, and own a boat for which the dock permit is being sought.

(1) All requests for dock permits shall be submitted to the harbormaster on the application forms provided by the harbormaster.

(2) An application shall be accompanied by the appropriate fee and shall be received in the office of the harbormaster.

(3) A complete and accurate dock permit application must be submitted before the harbormaster can act to approve or deny such application.

(4) The harbormaster shall determine if a dock permit can be issued only after all provisions of the harbor management plan, this chapter and all applicable regulations are met; provided that dock space is available.

(5) Applications by a Bristol resident for annual commercial dock permits, other than permit renewals, shall be submitted to the harbormaster, in person, by January 1 of each year. Applications shall be accompanied by the appropriate fee, proof of Bristol residency, current commercial license or business certificate and proof of

commercial sales from said license or business certificate for a minimum of 20 days during the previous season. In addition, applications for commercial marine business owner dock permits shall be accompanied by proof of a Bristol-based marine business ownership.

- (6) Application for an annual commercial marine business, which is based in Bristol and the owner lives elsewhere, the dock permit application must be presented, in person, to the harbor commission for the initial approval. The applications must be complete and accurate, and include all the support documents defined in section 8-64(a)(5), before the harbor commission can act to approve or deny such application. After approval by the harbor commission, the application shall be submitted to the harbormaster.

(b) Permit renewals—Docks.

- (1) Recreational dock permits shall be valid seasonally from April 15 to November 15 of each year. Recreational dock permits must be renewed on or before February 1 of each year.
- (2) Applications for renewals of a valid recreational dock permit shall be submitted to the harbormaster on the application forms provided by the harbormaster.
- (3) The harbormaster shall email a notice for the renewal of recreational dock permits by the first week in January of each year to those persons who held valid recreational dock permits the previous year, to the email address listed on their last recreational dock permit.
- (4) A renewal application for a recreational dock permit, accompanied by the appropriate fee, current boat registration or documentation, vehicle registration, boat insurance and proof of residency, must be uploaded into the online marine database system by February 1. After February 1 a late fee of \$50.00 will be applied until the February 15 deadline. After February 15 the dock permit is forfeited and if a dock permit is reinstated, an additional fee of \$100 shall be applied. A forfeiture letter will be sent to the dock permit holder via certified mail with an appeal form to the harbor commission according to section 8-67(a).
- (5) It shall be the responsibility of the permit holder to make sure that the Harbormaster has the correct email for the permit holder in the online marine database at all times, and to notify the harbormaster of any change of email address or vessel size related to any dock permit.
- (6) Commercial Marine Business dock permits shall be valid annually from June 1 through May 31. Commercial dock permits must be renewed in full on or before March 1. A renewal application for a commercial dock permit, accompanied by the appropriate fee, proof of marine business ownership, current boat registration or documentation, vehicle registration, and boat insurance. must be uploaded into the online mooring system by March 1. After March 1 a late fee of \$50.00 will be applied until the March 15 deadline and if a dock permit is reinstated, an additional

fee of \$100 shall be applied. After March 15 the dock permit is forfeited. A forfeiture letter will be sent to the dock permit holder via certified mail with an appeal form to the harbor commission according to section 8-67(a).

- (7) It shall be the responsibility of any commercial fishing boat permit holder to make sure that the Harbormaster has the correct email for the permit holder in the online marine database at all times, and to notify the harbormaster of any change of email address or vessel size related to any dock permit.
 - (8) The harbormaster shall email a notice for the renewal of commercial fishing boat dock permits by January 1 of each year to those persons who held valid commercial fishing boat dock permits on December 15 of the previous year, to the email address listed on the last commercial dock permit.
 - (9) A renewal application for a commercial fishing dock permit accompanied by a nonrefundable deposit of \$100.00 must be filed, in person, on the application forms provided by the Harbormaster, at the Harbormaster's office by March 1. The balance of payment shall be due by June 1, along with proof of Bristol residency, current commercial fishing license or business certificate, proof of marine business ownership and proof of commercial sales from said license or business certificate for a minimum of 20 days during the previous season. If the renewal application and payment are not completed by June 1, the commercial dock permit is forfeited. On or about June 2 notice of forfeiture accompanied by an appeals form will be sent to the commercial dock permit holder via certified mail according to section 8-67(a).
 - (10) Any commercial dock permit holder who wishes to convert a slip to recreational dock permit, must apply for a recreational dock permit in accordance with this section.
- (c) Transfer of dock permits is prohibited. No dock permit shall be sold, assigned or otherwise transferred by a permit holder.
- (d) Failure to renew an existing dock slip permit. Failure to renew an existing dock slip permit by March 1 for recreational and June 1 for commercial permits shall result in the permit holder's abandonment of all his privileges in the previously permitted dock slip. Upon being notified by certified letter from the harbormaster, the permit holder shall remove the vessel from the dock slip. If the permit holder does not remove the vessel within ten days of the written request, the harbormaster may remove vessel at the permit holder's expense.
- (e) Forfeiture of dock slip. A town dock permit shall be deemed forfeited by reason of anyone of the following:
- (1) Failure to comply with any of the requirements of this chapter or the dock slip rules and regulations as established by the harbor commission and approved by the town council.

(2) Removal of vessel by vessel owner and notification to the harbormaster that the vessel has been removed and the dock slip forfeited.

(3) Failure to notify the harbormaster of a change in the vessel's size.

(f) Available spaces. As of April 1 of each year, the harbormaster shall determine the number of dock permits available. At Rockwell Dock, allocation of dock slips shall be equally divided (50 percent/50 percent) between commercial (i.e. fishermen and marine business owners) and recreational boaters. A maximum of ten commercial dock slips shall be designated as commercial marine business owner dock slips and the balance of the commercial dock slips shall be designated as commercial fishermen dock slips. Any unused commercial slips may be allocated to resident recreational boaters for that year. Commercial boats shall not be allowed in recreational slips.

(g) Waiting list.

(1) The harbormaster shall maintain a waiting list of all applications for private and commercial dock permits. When an appropriate dock slip is not available, the applicant shall be placed on the waiting list upon receipt of a completed application and fee made in accordance with this chapter in the order in which they are received by the harbormaster. The harbormaster shall email the notification for the annual waiting list renewal by the first week in February. The annual waiting list fee must be received by March 15. If the annual fee is not received by the March 15 deadline the person will be removed from the waiting list. The waiting list fee shall be paid online using the online marine database system. The waiting list can be accessed on the Town Website on the Harbor Department page. It shall be the responsibility of any waiting list applicant to make sure that the Harbormaster has the correct email for the applicant in the online marine database at all times, and to notify the harbormaster of any change of email address or vessel size related to any dock permit

(2) A one-year grace period may be requested by an individual who has been notified by the harbormaster's office that there is a dock slip available. The harbormaster's office shall offer the available slip to the next appropriate applicant on the waiting list for the year grace period only. To request a one-year grace period, a dock permit holder must notify the harbormaster's office in writing by February 28.

(h) Occupancy of a dock slip. No vessel shall occupy a dock slip other than the one for which it has been permitted. The harbormaster shall have the authority to remove, move or cause to be moved any vessel, for justifiable cause, at the expense and risk of the vessel owner. Dock permit holders must notify the harbormaster in writing if the dock slip will be vacant for a period greater than 14 consecutive days. **If a vessel is going to be out of the slip for 56 consecutive days, then the Harbormaster shall place the permit holder into a one-year grace period and failure to register and place the vessel back into the slip during the next season shall result in forfeiture of the dock.** Nothing is allowed to be stored on town docks unless it is stored in a manner approved by the harbormaster.

- (i) Access to permitted dock slips. Church Street Marina will be an electronic keyless entry. The Gate will automatically lock at 9:00 p.m. to 6:00 a.m. daily, unless otherwise deemed necessary by the Harbormaster. The gate will unlock daily from 6:00 a.m. to 9:00 p.m. for public access. One key fob per slip holder shall be issued by the Harbormaster for each slip holder. Rockwell Dock will have the same keyless entry system installed during the future capital improvement project. No unauthorized persons shall be allowed through the secured gates.
- (j) Winter dock permits. Except for holders of valid commercial dock permits, applications for winter dock permits for the period from November 15 to April 1 are required and shall be submitted to the harbormaster on forms provided by the harbormaster. The application shall be accompanied by the appropriate fee defined in section 11-1 of the Town Code. All other requirements of section 8-64 of this chapter apply for submitting the application. Using a vessel during the winter dock permit period as a residence is prohibited.

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Sec. 8-66. - Additional requirements for commercial mooring permits.

- (a) Commercial mooring permit holders must submit to the harbormaster a breakdown by mooring with the following information:
 - (1) Vessel name, registration number, length, breadth, draft, type and color;
 - (2) Name and phone number of boat owner;
 - (3) Type of MSD, if any;
 - (4) Mooring classification, actual mooring weight.
- (b) Upon initial submission of the above information to the harbormaster, each commercial mooring permit holder must submit an annual report with the information required above and shall prepare and submit a plan that details the use and layout of those commercial moorings permitted within a town mooring field by April 1 of each year. For moorings that are rented after April 1, the commercial mooring permit holder must notify the harbormaster within one week of assigning the rental and supply the information requested above.
- (c) Failure to notify the Harbormaster on renter of commercial mooring will result in forfeiture of the mooring.

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Sec. 8-70. - Permitting of dinghy spaces.

- (a) Definition. For this section a dinghy includes with limitation all non-motorized smallcraft, such as a rowboat, paddlecraft, kayak, or sailboard.
- (b) Permit required for dinghy space at any public shoreline right-of-way designated by the Harbormaster. No dinghy shall be placed at these designated areas until a permit has been issued for the use of such space by the harbormaster. Available space on the dinghy racks shall be permitted on a first come, first serve basis. Rental fees shall be established by the town council.
 - (1) All requests for a dinghy space permit shall be submitted to the harbormaster on the application forms provided by the harbormaster and shall be accompanied by a photo of the dinghy and the appropriate fees.
 - (2) A complete and accurate dinghy space permit application must be submitted before the harbormaster can act to approve or deny such application.
 - (3) The harbormaster shall determine if a dinghy space permit can be issued only after all provisions of this chapter and all applicable regulations are met; provided that dinghy space is available.
- (c) Preference to Bristol residents. In the assignment of initial dinghy space and the reallocation of existing dinghy space, Bristol residents shall be given priority over nonresidents. However, a nonresident shall not lose priority to a resident more than three times before such nonresident is given first priority to an appropriate dinghy space.
- (d) Dinghy stickers. Dinghy stickers supplied by the harbor department, after the dinghy space permit has been issued or renewed, are required on the dinghy's upper right corner of the transom, or at the stern end of the starboard side for paddlecraft.
- (e) Placement of dinghies. Dinghies shall be kept only on the town dinghy racks at the above designated areas of town property from April 1 to November 15 of each year. Between November 16 and March 31 dinghy storage at these locations is prohibited. Dinghy placement is prohibited on any other areas of the public shoreline right-of-ways designated by the Harbormaster mentioned above.
 - (1) Dinghies must be stored in the numbered space assigned by the harbor department.
 - (2) Modifications to the town dinghy racks by a permit holder are prohibited.
 - (3) All dinghies must be secured with chain or cable and locks.
- (f) Size of dinghies allowed. The maximum size of dinghies allowed shall be 13 feet long and 58-inch beam. By special permission from the harbor department, paddlecraft up to 16 feet long and three feet beam may be kept on special paddlecraft racks, if available.
- (g) Motors. Motors shall not be allowed to be kept on dinghies, or on town dinghy racks.

(h) Dinghies in violation. Any violation of these regulations shall result in the removal of the dinghy in question to the public works yard and a charge of the designated removal and storage fee.

(i) Liability. The Town of Bristol is not liable for any loss, or damage to, any dinghy.

(j) Permit renewals—Dinghy spaces

(1) Dinghy space permits shall be renewed annually.

(2) Dinghy space permits shall be valid seasonally from April 1 to November 15 of each year and must be renewed on or before February 1.

(3) Applications for renewals of a valid dinghy space permit shall be submitted to the harbormaster on the application forms provided by the harbormaster.

(4) The harbormaster shall email a notice for the renewal of dinghy space permits by January 1 of each year to those persons who held valid dinghy space permits the previous year, to the email address listed on their last dinghy space permit. It shall be the responsibility of any dinghy space permit holder to make sure that the Harbormaster has the correct email for the permit holder in the online marine database at all times, and to notify the harbormaster of any change of email address or vessel size or type.

(5) A renewal application for a dinghy space permit, accompanied by the appropriate fee must be received by February 1 at the harbormaster's office. After February 1 the designated late fee will be applied. If a renewal application has not been received by February 15 the dinghy space permit is forfeited. A forfeiture letter will be sent to the dinghy space permit holder via certified mail with an appeal form to the harbor commission according to section 8-67(a).

(6) It shall be the responsibility of the permit holder to notify the harbormaster of any change of email address or dinghy size related to any dinghy space permit.

(k) Transfer of dinghy space permits is prohibited. No dinghy space permit shall be sold, assigned or otherwise transferred by a permit holder.

(l) Failure to renew an existing dinghy space permit. Failure to renew an existing dinghy space permit by February 15 shall result in the permit holder's abandonment of all his privileges in the previously permitted dinghy space. Upon being notified by certified letter from the harbormaster, the permit holder shall remove the dinghy from the space. If the permit holder does not remove the dinghy within ten days of the written request, they will be in violation of this section and the harbormaster may remove the dinghy

(m) Forfeiture of dinghy space permit. A dinghy space permit shall be deemed forfeited by reason of any one of the following:

- (1) Failure to comply with any of the requirements of this chapter or the dinghy space rules and regulations as established by the harbor commission and approved by the town council.
 - (2) Removal of dinghy by owner and notification to the harbormaster that the dinghy has been removed and the dinghy space forfeited.
 - (3) Failure to notify the harbormaster of a change in the dinghy's size.
 - (4) Failure to use the space for 60 days.
- (n) Available dinghy rack spaces. As of May 1 of each year, the harbormaster shall determine the number of dinghy rack spaces available.
- (o) Waiting list.
- (1) The harbormaster shall maintain a waiting list of all applications for dinghy space permits. When an appropriate dinghy space is not available, the applicant shall be placed on the waiting list upon receipt of a completed application and fee made in accordance with this chapter in the order in which they are received by the harbormaster. The harbormaster shall mail the forms for the annual waiting list renewal by the first week in January. The annual waiting list fee \$10.00 must be received by March 15. If the annual fee is not received by the March 15 deadline the person will be removed from the waiting list. The waiting list is on the Towns Webpage on the Harbor Department page.
 - (2) A one-year grace period may be requested by an individual who has been notified by the harbormaster's office that there is a dinghy space available. The harbormaster's office shall offer the available dinghy space to the next appropriate applicant on the waiting list for the year grace period only. To request a one-year grace period, a dinghy space holder must notify the harbormaster's office in writing by February 1.

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Sec. 8-71. Insurance requirement for Town marina.

Vessels shall not be permitted to dock at the Town marina unless covered by liability insurance. Vessel operators shall present proof of insurance to the Harbormaster or his/her designee prior to docking at the Town marina. Such insurance shall be a comprehensive general liability policy with policy limits of not less than \$250,000.00 per occurrence, naming the Town of Bristol as additional insured by endorsement, and shall be maintained continuously during all time periods for which marina usage is requested. The Harbormaster or his/her designee shall refuse to permit any vessel that is not covered by insurance to dock at the Town marina. Commercial fishing vessels shall be exempt from the insurance requirement; however, commercial fishing vessels lacking insurance coverage shall be required to dock at an area designated by the Harbormaster.

Sec. 8-72. Parking Permits for Dock Holders.

One parking permit shall be issued for each slip holder. One additional parking permit shall be issued to a commercial fishing slip holder upon providing proof to the Harbormaster that the Harbormaster deems sufficient to establish employment of one or more deck hand(s). No overnight parking, defined as between the hours of 11:00 p.m. and 4:00 a.m., shall be permitted in the Marina (whether for Prudence Ferry, Church, State Street dock, or Thames Street) unless it is pursuant to a specially issued parking permit, as designated as determined by the Harbormaster, issued for a boat equipped with sleeping accommodations, and in any case not between November 15 and April 15. Any misuse of the parking provided by permit issued hereunder shall result in forfeiture of the dock slip.

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Sec. 8-73. Dock User Agreement.

A dock user agreement in a form approved by the Harbormaster shall be signed annually, when picking up her or his annual permit, by the slip holder to ensure that all applicable rules are being followed. There may be changes to this document annually by the Harbormaster. This will be signed by the permit holder when picking up permits.

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Sec. 8-74. Dock/Mooring Forfeiture.

During non-renewal periods defined as April 1 to December 31, a ticket may be issued for any ordinance violation under this chapter. The penalty for a first violation shall be \$150; for a second violation, \$300; and for a third and any subsequent violation, \$500, with each day being deemed a separate occurrence.

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Sec. 8-75. Standard of Review for Forfeiture Appeals.

For any forfeiture of a dock or mooring pursuant to this chapter based on failure to comply with the provisions of this chapter, where the person subject to the forfeiture appeals the forfeiture to the Harbor Commission, the Harbor Commission shall only reverse the forfeiture if it finds that the person's failure to comply with the requirements of this chapter is not in consequence of his or her own carelessness, ignorance, inattention, or willful disregard of the requirements of this chapter, but, instead, is in consequence of some unexpected or unavoidable hindrance or accident that would cause a reasonably prudent person to have the same failure to comply under such circumstances. In the event that any forfeiture shall be reversed by the Harbor Commission, an additional fee of \$100 shall be applied in addition to any late fee, for the first instance. For the reversal of any forfeiture for a second year within a ten-year period, an additional fee of \$500 shall be applied in addition to any late fee. For the reversal of any forfeiture for a third or more year within a ten-year period, an additional fee of \$100 shall apply in addition to any late fee.

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Secs. 8-76– 8-90. Reserved.

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This ordinance shall take place upon its passage.

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