

A USERS GUIDE TO MOORINGS IN DARTMOUTH

This summary is intended as a basic introduction to the procedures, responsibilities, and policies regarding the application for, assignment to, and maintenance of a recreational mooring site permit in Dartmouth waters. This summary is in no way intended to alter, amend, or be a substitute for a complete reading of the Official Mooring Regulations for the Town of Dartmouth approved December 16, 2003. This summary is only a brief outline of the steps involved, and will hopefully answer many of the most commonly asked questions regarding mooring procedures in Dartmouth. Please note: a waiting list candidate or mooring permit holder in Dartmouth is responsible for understanding and complying with all Regulations posted under the “rules and regs” section on our website at www.dartmouthharbormaster.com.

First and foremost, all recreational mooring site assignments in Dartmouth MUST be made from the official Dartmouth Mooring Waiting list. Not on the list = No site assignment in any part of Dartmouth waters. A completed mooring waiting list application “Form C” must be accompanied by an initial waitlist fee of \$15.00. Thereafter, an annual \$15.00 fee and an updated “Form C” must be received by March 31st of each following year to remain an active candidate upon the waitlist. Although a mailing is annually sent in February with that renewal form to each candidate’s provided address, it is ultimately each waitlist candidate’s responsibility to ensure that annual renewal process is completed by March 31st in order to remain on the waiting list. This official wait list is posted, and frequently updated on the above Harbormaster website. All candidate positions are listed in order, with pertinent vessel information and date/time of entry onto the waitlist posted. Candidates are encouraged to monitor our website for their current status, rather than calling the Harbormaster Office to discuss that information. Waitlist candidates are required to notify the Harbormaster Office of any changes to waitlist information, such as a change of address, phone number, or intended vessel of record for the mooring you seek. As much as we try, we still cannot foresee that you might have moved, and where to. Providing a current e-mail address is encouraged to expedite assignments, and it will not be sold or shared outside of our office. Any seasonal addresses must be also provided with their applicable dates, as we make assignments throughout the calendar year. If we attempt to notify you of a mooring assignment at an inactive postal address, your assignment may be adversely affected. Most importantly, the Harbormaster and staff are *prohibited* from guessing or speculating at how much time before you move up the list. Instead, look at the posted date and time each candidate joined the list.

What each person is technically on the waiting list for is the assignment of the use of a portion of the land beneath the navigable waters of the Commonwealth of Massachusetts. That land beneath Dartmouth waters is legally within the public domain, and is regulated on the local level by the Harbormaster office. Mooring permit holders are granted annually renewable permits of one year duration to maintain their mooring gear on this public land. Mooring permits are renewed each year by March 31st if the requirements of the Dartmouth Mooring Regulations are met by the permit holder. Once a waiting list candidate is notified of a mooring site assignment by this office, you will have 72 hours to respond regarding your acceptance or rejection of that available site. If you do not respond within 72 hours of receipt of our assignment offer, you shall be deemed to have declined that site offer. Each candidate will be allowed ONE site assignment refusal/rejection while retaining their position on the waiting list. If you reject, or do not timely respond to two site assignment offers, you will automatically be moved to the bottom of the waiting list.

Upon acceptance of a mooring site assignment, the new assignee must determine within seven days whether or not they wish to purchase the mooring gear that may exist in their newly assigned site. If gear exists in the newly assigned site, such gear is the personal property of the former site permit holder. The purchase price for existing mooring gear should reflect the value of the gear only. Remember that the mooring site belongs to the Commonwealth. The purchase price for the mooring gear is solely a matter of negotiation between the gear owner and the new assignee. The Harbormaster staff will not intervene in that negotiation, nor will we make any recommendation of one mooring service provider over another. A mooring service provider is an entity which will install, inspect, and service mooring gear for individual site permit

holders. If a purchase of existing gear is not accomplished, the former site permit holder is allowed a reasonable period of time to remove their gear. The new site permittee must purchase appropriate, conforming mooring gear for their site. That new gear must be installed within 14 days by a recognized mooring service provider. Upon either the purchase of existing gear, or the installation of new gear, a mooring service provider must file an inspection or installation report with the Harbormaster. There is a one-time “new gear installation fee” of \$50.00 payable to the Town of Dartmouth if new gear is installed in the assigned site. This \$50.00 fee does not apply to the purchase of existing gear existing in the assigned site. The Dartmouth Mooring Regulations specify the types and minimum sizes of mooring gear that must be deployed specific to various size vessels in different areas of Dartmouth waters.

Once the mooring service provider submits the installation or inspection report to the Harbormaster Office, a mooring site permit registration form and request for appropriate payment will be sent to the new site permittee. After the initial site registration, it will be incumbent upon the site permittee to annually renew that site permit before March 31st of each year. In addition to the annual permit renewal by March 31st of each year, a mooring permit holder is also required to privately contract with a mooring service provider to perform an inspection of their mooring gear once every three years. If a mooring site permittee fails to place their “vessel of record” on the mooring for a period of 2 consecutive years, their mooring permit will be revoked, and the mooring location will revert for assignment to the waiting list. The vessel of record owner is required to file an annual waterways use registration “Form A” and pay the appropriate annual waterways use fee, as determined by length of that vessel and the owner’s residence. The schedule of applicable waterways use fees is listed on the reverse side of the Form A vessel registration form.

A Brief timeline summary:

1. Waiting list candidates must indicate their continued interest in remaining on that list by submitting their \$15.00 fee and an updated Form C renewal by March 31st of each subsequent year.
2. Once an assignment is offered, a candidate must respond within 72 hours of their acceptance of that site. An untimely response will be inferred as a refusal.
3. If the offered site is accepted, the new permittee must decide within 7 days whether or not any gear existing at the site will be purchased. If existing gear is not purchased, then new gear must be scheduled for installation within 14 days.
4. The initial mooring site permit application and \$70.00 fee, together with the new mooring gear installation fee of \$50.00, if applicable, must be paid to the Town of Dartmouth within 30 days of notice thereof.
5. By March 31st of each following year, a completed mooring site permit “Form B” together with the annual permit fee (currently \$70.00) must be received by the Harbormaster Office.
6. A mooring gear inspection must be performed by a recognized mooring service provider at the initial transfer or installation, and at least once every three years thereafter.
7. The permittee’s “vessel of record” must use their mooring. If the permittee’s vessel of record fails to use the mooring for 2 consecutive years, the site reverts for reassignment to the waiting list.
8. By July 1st of each year or within 14 days of launching a vessel to remain in Dartmouth waters, a Form A registration application and appropriate vessel use fee must be submitted to the Dartmouth Collector’s Office.

Some FAQ's About Moorings and the Mooring waiting list in Dartmouth:

Q: Number one most asked question – “How long before I get assigned to a site?”

A: Sorry, the Harbormaster Office is *not allowed* to speculate or guess how long it might take before you are the “next qualified candidate” assigned to a site. We publish the list showing entry dates and times, as well as other relevant information so that you may calculate your own best guess. Availability of sites relies on factors that cannot reasonably be calculated or determined.

Q: “I want a mooring, but not in Padanaram Harbor. Do I still need to get on the Waiting List?”

A: Yes! All mooring site assignments in Dartmouth waters (anywhere from the New Bedford city limits to the municipal boundary with the Town of Westport) must be made from the official waiting list. Padanaram Harbor has greatest demand for assignments, and will likely take longer of a wait. Other areas of Dartmouth may be requested with quicker assignments likely, but all mooring assignments in Dartmouth waters come from that list.

Q: “I’ve submitted my Form C waiting list application with the required \$15.00 fee, what do I do now?”

A: Quite simply, you *wait*. We will notify you at the address and e-mail which you provide to us. Even if you seek assignment to an area that is “open” for new sites, it may take a while for the Harbormaster to select an appropriate position for your gear to be installed. While providing access to the waterways is a top priority for the Harbormaster, it is not his only function. Completing and submitting the waitlist Form C in advance of your anticipated need for the mooring is the best way to ensure a timely assignment. For assignments in Padanaram Harbor, following the progress of the waiting list posted on our website is the best way to determine the likelihood of an imminent Harbor Mooring assignment.

Q: “Someone I know wants to sell me their mooring. Can I buy my mooring from them instead of through the waiting list?”

A: NO! Although you can buy mooring gear through a private sale such as this, the site or place where that gear rests does not belong to the person selling you that gear. If you make such a private purchase, you must remove that mooring gear from Dartmouth waters until you receive a site assignment from the waiting list. In essence, you will have bought a rather gruesome lawn ornament until you receive a mooring site assignment.

Q: “My father/mother/sister/brother has a mooring they are no longer using. May I assume their mooring site without being on the waiting list?”

A: Yes - But! Yes, the holder of a recreational mooring permit may transfer a mooring permit to *an immediate family member only*; But, you must receive the *prior* approval of the Harbormaster.

Q: “I am not using my permitted mooring (Or, I know someone who is not using their permitted mooring,) may that mooring be rented to another?”

A: No! Absolutely, Positively NO Recreational Moorings may be rented. If a recreational mooring is found to have been rented, or attempted to be rented, the mooring permit for that mooring site shall be revoked, and that site shall be made immediately available to the mooring waiting list. Any vessel using, or attempting to use an improperly “rented” mooring shall be removed and stored at the owner’s expense.

Q: “I am not using my permitted mooring (Or, I know someone who is not using their permitted mooring,) may that mooring be used by another?”

A: Yes - But! Yes, the Dartmouth Mooring regulations may allow for the *non-rental permitted use* of a recreational mooring, But there are a few **strict** prerequisites which must be **fully** met to allow for this “permitted use” to occur. The permit for the mooring to be used must be valid with fees and inspections current. The person requesting temporary use (up to one season) of the mooring must be a current candidate on the mooring waiting list. A “request for permitted use” form must be completed and signed by both the mooring permit holder and the person requesting use of the mooring. The Harbormaster must give prior approval to the request for permitted use. The permitted user must pay to the Town of Dartmouth the applicable waterways use fee for his or her vessel. If it is found that *any consideration* is exchanged for the permitted use of the mooring, it is a rental, and the above permit revocation shall be enforced. The period of any permitted use does not count toward the permit holder’s “use” of the mooring by the vessel of record.

Q: “Regulation #9 states that ‘If a permittee fails to place their “vessel of record” on his or her mooring for a period of two (2) consecutive years, the mooring permit will be revoked and the mooring location will be reassigned.’ What does that mean?”

A: There is a considerable list of waiting list candidates seeking assignment to mooring sites. The Waterways Management Commission has determined that any mooring site permittee who is not appropriately using an assigned site with the vessel of record, is depriving another of access to the public waterways. While some other municipalities will reassign mooring sites upon one year of non-use, the Dartmouth Waterways Management Commission recognizes that contingencies do arise in life, and has adopted this two year provision. Only use by the assigned “vessel of record” will be recognized as “use” under this regulation. “Permitted use” by another will not “count” as “use” under this regulation. Attempting to “hold” a mooring site through the registration of a “dinghy” or other vessel will not be allowed. Registration of a significantly smaller craft on a mooring may also result in reassignment of that craft to a smaller mooring site to maximize access to the limited mooring areas. Clarifications of how long a “vessel of record” must be attached to its’ assigned mooring can be addressed directly to the Harbormaster. If a mooring site permittee runs afoul of this two-year use-it-or-lose-it regulation, the site is reassigned to the waiting list, and the former permittee’s gear must be removed at the gear owner’s expense.

Q: “I am done using my mooring, and I want to sell it. What do I do?”

A: As stated above, and in mooring regulation #4, you own the mooring gear which you have been permitted to leave on the public-owned ocean floor. If you are not going to use that site any longer (you have only two years of non-use of your mooring before that site is automatically re-assigned to the waiting list), you should notify the Harbormaster in writing that you are relinquishing your mooring permit and site. The Harbormaster alone may assign your site to the next qualified candidate on the waiting list. Since you have no ownership right or deeded interest in the **site** which your gear occupies, you cannot sell that site. Consider the analogy of a rental apartment. When you give up your lease, you are free to sell your privately owned furniture in that apartment, but the landlord finds a new tenant for the unfurnished apartment. With moorings, you are a “tenant” of a public site. The mooring tackle and your boat are similar to your apartment furniture in that scenario. When your *lease* (in apartment analogy) or mooring permit is terminated, you are responsible to remove your personal property. The new site permittee is not obligated to purchase existing gear, and instead may desire to have new mooring gear installed in their newly assigned site. When you are “done” using the mooring site, if you cannot sell your gear to the next site permittee, you must pay to have it removed. Just as in the apartment analogy, if you do not move your furniture out when you move out, your landlord (the Harbormaster) will have it removed at your expense to make room for the “new tenant.”

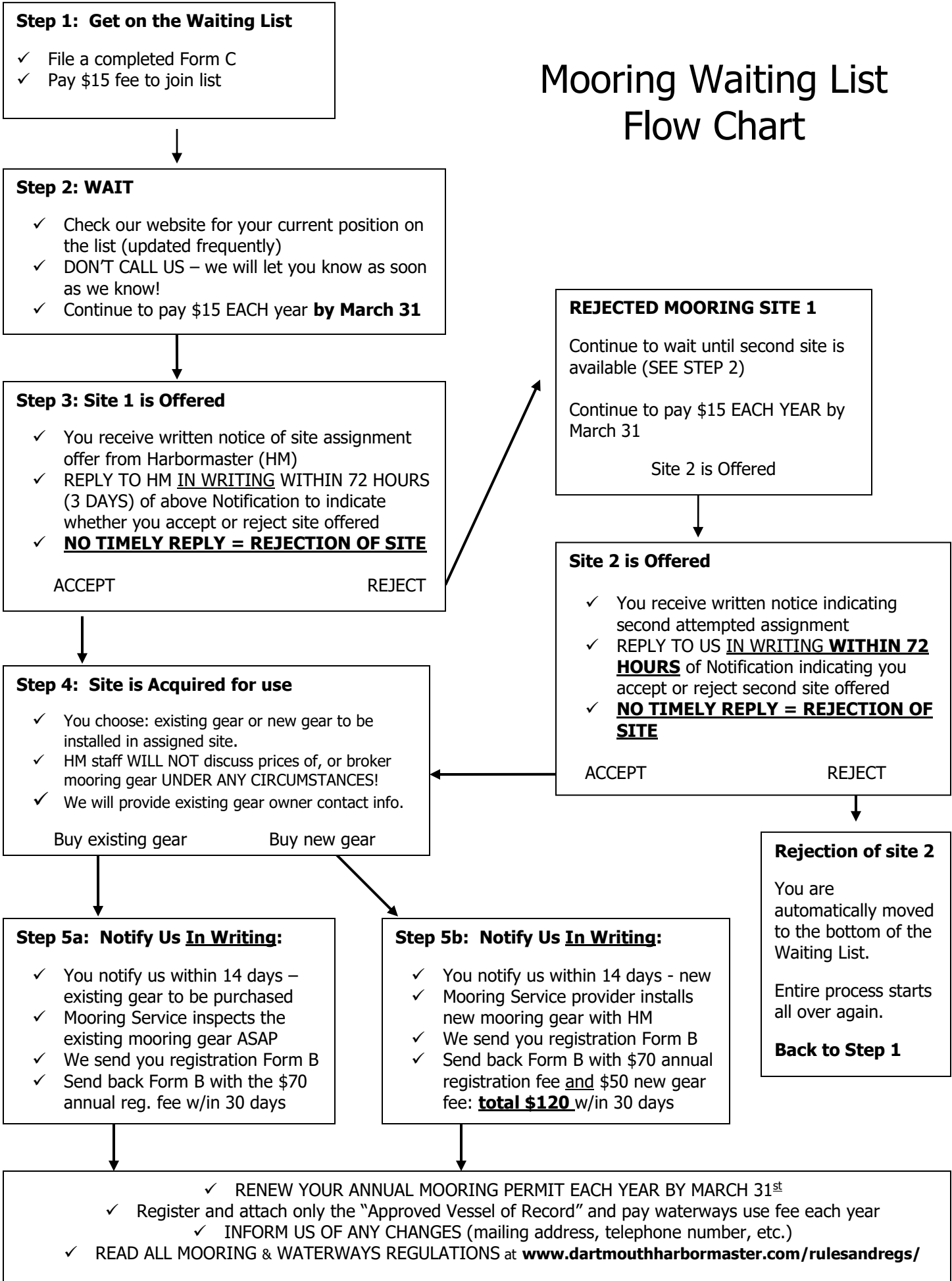
Q: “What does the new mooring grid to be established mean regarding my current or future mooring assignment?”

A: The Waterways Department and the US Army Corps of Engineers are interested in promoting the most efficient, safe use of all available public mooring space. The orderly, economical and efficient arrangement of boat moorings based solely upon similar “vessel of record” characteristics should allow for a greater number of mooring accommodations with safe spacing between each. All mooring permit holders are subject to having their assigned sites adjusted into the new mooring grid once accepted. Those who do not wish to relocate will no longer have an assigned annually-renewable mooring site in Dartmouth.

Q: “This still seems confusing to me. Got anything else to help understand the mooring process in Dartmouth?”

A: Please see the flow chart following this summary. In addition to that, additional specific questions regarding moorings, mooring assignments and the mooring waiting list may be addressed directly to the Dartmouth Harbormaster by e-mailing him at harbormaster@dartmouthharbormaster.com for a personal response to your inquiry. Unfortunately, we cannot address specific mooring questions in any manner other than *in writing* (letter, fax or email).

Mooring Waiting List Flow Chart



Step 1: Get on the Waiting List

- ✓ File a completed Form C
- ✓ Pay \$15 fee to join list

Step 2: WAIT

- ✓ Check our website for your current position on the list (updated frequently)
- ✓ DONT CALL US – we will let you know as soon as we know!
- ✓ Continue to pay \$15 EACH year **by March 31**

Step 3: Site 1 is Offered

- ✓ You receive written notice of site assignment offer from Harbormaster (HM)
- ✓ REPLY TO HM IN WRITING WITHIN 72 HOURS (3 DAYS) of above Notification to indicate whether you accept or reject site offered
- ✓ **NO TIMELY REPLY = REJECTION OF SITE**

ACCEPT REJECT

Step 4: Site is Acquired for use

- ✓ You choose: existing gear or new gear to be installed in assigned site.
- ✓ HM staff WILL NOT discuss prices of, or broker mooring gear UNDER ANY CIRCUMSTANCES!
- ✓ We will provide existing gear owner contact info.

Buy existing gear Buy new gear

Step 5a: Notify Us In Writing:

- ✓ You notify us within 14 days – existing gear to be purchased
- ✓ Mooring Service inspects the existing mooring gear ASAP
- ✓ We send you registration Form B
- ✓ Send back Form B with the \$70 annual reg. fee w/in 30 days

Step 5b: Notify Us In Writing:

- ✓ You notify us within 14 days - new
- ✓ Mooring Service provider installs new mooring gear with HM
- ✓ We send you registration Form B
- ✓ Send back Form B with \$70 annual registration fee and \$50 new gear fee: **total \$120** w/in 30 days

✓ RENEW YOUR ANNUAL MOORING PERMIT EACH YEAR BY MARCH 31st
 ✓ Register and attach only the "Approved Vessel of Record" and pay waterways use fee each year
 ✓ INFORM US OF ANY CHANGES (mailing address, telephone number, etc.)
 ✓ READ ALL MOORING & WATERWAYS REGULATIONS at www.dartmouthharbormaster.com/rulesandregs/

REJECTED MOORING SITE 1

Continue to wait until second site is available (SEE STEP 2)

Continue to pay \$15 EACH YEAR by March 31

Site 2 is Offered

Site 2 is Offered

- ✓ You receive written notice indicating second attempted assignment
- ✓ REPLY TO US IN WRITING WITHIN 72 HOURS of Notification indicating you accept or reject second site offered
- ✓ **NO TIMELY REPLY = REJECTION OF SITE**

ACCEPT REJECT

Rejection of site 2

You are automatically moved to the bottom of the Waiting List.

Entire process starts all over again.

Back to Step 1