

**Proposed Amendment to New Shoreham General Ordinances
And the New Shoreham Harbor Management Plan
Chapter 9 Marine Activities, Areas and Structures
Section 9-87 “Mooring application process and waiting list procedure”
And Section 9-87(d) “Permit renewal”**

This notice shows 9-87 in its entirety; the changes are in context.

Changes have been proposed to mooring application process and the mooring waiting list procedure. TNS General Ordinances Chapter 9, Section 87 is printed below, with the changes underlined. The New Shoreham Town Council will hold a public hearing and act on the changes on Wednesday, October 18, 2016 at 7:00 p.m., at the Town Hall, Old Town Road.

Sec. 9-87. - Mooring application process and waiting list procedures.

(a) No mooring shall be located in the coastal waters and harbor areas of the town until a permit has been issued for the use of such mooring by the harbormaster. No mooring shall be located nor maintained unless the mooring owner has received a valid mooring permit issued by the harbormaster for the mooring and the mooring conforms to the specifications and standards set forth in this article and permit.

(b) Request for a new mooring permit.

To be eligible for a mooring permit, an applicant must own a vessel for which a mooring permit is being sought; provided, however, that the following shall not be considered vessels for which a mooring permit may be obtained: paddle boards; kayaks; canoes; boats under eleven feet (11') in length; and derelict vessels. Applications for new mooring permits shall be submitted to the harbors department with the appropriate fee by December 15 of each year. Mooring permit applications are available at the harbors department office. A complete and accurate mooring permit application must be provided before the harbors department can act to approve or deny such application. The harbors department shall determine if a new mooring permit can be issued only after all provisions of the harbor management plan and these ordinances are met. If an applicant does not own a vessel, the permit may be held in name only for one year.

(c) If the harbors department issues a mooring permit, the mooring owner for which the permit has been issued must locate and place the mooring at the direction of the harbormaster or assistant in accordance with the harbor management plan and this ordinance.

(d) Permit renewals.

(1) Applications for renewal of a mooring permit will be submitted to the harbors department on the application forms provided by the harbors department by December 15 of each year. To be eligible for a renewal of a mooring permit, an applicant must own a vessel for which the mooring permit renewal is being sought; provided, however, that the following shall not be considered vessels for which a mooring permit may be obtained: paddle boards, kayaks, canoes, boats under eleven feet (11') in length; and derelict vessels. An application shall be accompanied by the appropriate fee and shall be received by

December 15 in the offices of the harbors department. Failure to submit a complete and accurate application by December 15 may result in the loss of mooring permit.

(2) The harbors department shall mail the application forms by October 15 of each year to those persons who held valid mooring permits at the end of the previous calendar year, to the address listed on their last mooring permit. It shall be the responsibility of the mooring permit holder to notify the harbors department of any change in address.

(3) The harbors department shall approve or reject mooring permit applications by March 1.

(e) Relocation of existing permitted mooring.

All requests for relocation of existing permitted moorings must be submitted to the harbors department. Information for such a request must meet the requirements listed for a mooring permit application, as well as show proof of valid mooring permit issued for the previous year. The reasons for a mooring relocation must also accompany the request. Based upon availability of space, the requirements of this article, and the type and size characteristics of vessel, action will be taken on the request. Any request received by the harbors department that is not complete shall be returned to the applicant and no action will be taken on the request.

(f) Failure to renew an existing valid mooring permit.

Failure to renew an existing valid mooring permit in accordance with the provisions of this article by December 15 of any given year shall result in the permitted owner's abandonment of all privileges and interests in the previously permitted mooring space. The harbormaster may remove the now abandoned mooring at the permitted owner's expense. The town, in accordance with any provision of this article, may in turn recover such expenses.

(g) Forfeiture and revocation of mooring permit.

Any permit holder of a mooring located in the coastal waters and harbor areas of the town shall be deemed to have forfeited their mooring space by reason of any of the following:

- (1) Failure to comply with any of the requirements of this article;
- (2) Removal of mooring and mooring tackle by mooring owner and notification to the harbors department that the mooring has been removed;
- (3) Failure to respond to the harbors department notice that the mooring does not comply with the mooring tackle standards set forth in this article, or that the mooring has been displaced, moved or sunk from its permitted location;
- (4) Failure to resurface or replace mooring, tackle, or buoy within 72 hours unless acceptable arrangements have been made with the harbormaster;
- (5) Failure to have permitted vessel using mooring, and visually inspected by the harbors department once between June 1 and October 15 of permitted year;
- (6) Mooring is rented at any time by any entity other than the town harbors department;
- (7) Registration, documentation, and permit stickers are found to be counterfeit or forged;

- (8) Noncompliance with the no-discharge policy;
- (9) Registration and documentation is not in permit holder's name;
- (10) Permit holders whose vessels sink at a mooring must resurface the vessel within 72 hours or make acceptable arrangements with the harbormaster.

(h) Available space.

As of February 1 of each year, the harbors department shall determine the number of mooring spaces available for moorings placement as the sum of all authorized mooring spaces minus the totals of all completed acceptable mooring permit renewal applications. These available mooring spaces shall be made available to those persons whose names appear on the waiting list.

(i) Waiting list procedures.

The harbors department shall maintain waiting lists of all resident and nonresident applications for private mooring permit requests when no mooring space is available within the coastal waters and harbor areas of the town. Applicants must be at least 16 years of age. Placement of applications on such waiting lists will be recorded from complete mooring waiting list/policy applications as the harbors department receives them. Confirmation of waiting list placement will be mailed to the applicant. The harbors department shall update the waiting list as applications are received and make the waiting list available for review at all times. Mooring permits will be issued in the order received based on a ratio of no greater than three residents to one nonresident. All mooring permit applications shall be treated on an open-to-all equal basis except for applications from yacht clubs which shall be limited to a total of 23 moorings. A one-time fee will be charged for all mooring waiting list applications as set forth in the fee structure of the town. Transfers of waiting list applications are not permitted. Waiting list applicants who are in violation or have past violations of ordinances specific to the waters of Block Island are subject to removal from the waiting list.

(j) Mooring permit application requirements.

All applications for private mooring permits shall contain the following information:

- (1) Name, address and telephone (home and office of owner). Corporations (except nonprofit educational corporations incorporated on Block Island), trusts, businesses, and partnerships will not be accepted as applicants unless declared as an applicant for a yacht club mooring or a resident commercial fishing enterprise.
- (2) Vessel name, registration number, length (feet), width (feet), draft (feet), type, and color. Vessel registration must be in waiting list applicant's name.
- (3) Number of sleeping berths, if any, and type of marine sanitation device (MSD), if any.
- (4) Mooring classification, actual-mooring weight.
- (5) Appropriate registration fee. Checks must be signed by permit holder.
- (6) Area(s) where applicant would like to locate mooring, prioritized.

(7) To qualify for a new “yacht club” mooring permit in the Town of New Shoreham, or to renew an existing permit in that category, the organization submitting the application must meet six criteria:

- a) The yacht club must submit a current certificate of good standing from the Rhode Island Secretary of State with its application
- b) The yacht club must have been in existence for at least three years from the date of its legal formation.
- c) The yacht club must have recreational boating as its primary function.
- d) A substantial portion of its members must be owners of cruising or racing vessels that would normally moor or anchor when visiting harbors such as those on Block Island, or hold leases on such vessels.
- e) The organization must file with its application the names and addresses of its officers and directors or members, managers, or partners, as applicable.
- f) The organization must file with its application a list of club members’ vessels authorized to use its Block Island mooring.

(k) Moorings records. The harbors department shall keep a detailed record of all moorings, their location, along with the owner's name, home (and business, if applicable) address, telephone number(s), mooring permit number, date mooring was set, last mooring inspection date, and vessel data as detailed above.

(l) No mooring permit will be issued without proof of the owner's current vessel registration and/or documentation and proof of annual inspection of mooring tackle by a qualified inspector.

(m) Mooring permits will not be issued, transferred, or otherwise recorded under any corporation, business, trust, or partnership. Applications will be issued to the waiting list applicant only.

(n) Mooring permits will include a permanent mooring sticker to be placed on the upper port corner of the stern of the permitted vessel only.

The Town Council will hold a public hearing on the foregoing at the time and place above, when all persons for or against may be heard and the Town Council may act on this proposal and/or amendments hereto.

Attest: Town Clerk Fiona Fitzpatrick

Posted: September 25, 2016
Reposted: October 3, 2016
Hearing: October 19, 2016