

# **TIVERTON HARBOR AND COASTAL WATERS MANAGEMENT PLAN**

PREPARED BY: TIVERTON'S HARBOR AND COASTAL  
WATERS MANAGEMENT COMMISSION

**SUBMITTED TO TOWN COUNCIL (insert month/year)**

APPROVED (insert month, day, year)

COASTAL RESOURCES MANAGEMENT COUNCIL

**SIGNATURE PAGE:**

We the Tiverton Harbor and Coastal Waters Management Commission submit to the TOWN COUNCIL the attached revised HARBOR AND COASTAL WATERS MANAGEMENT PLAN AND ORDINANCE. It is now for the council to review this document and upon adoption resubmit it to the RHODE ISLAND COASTAL RESOURCES MANAGEMENT COUNCIL for approval.

This plan and ordinance was first prepared and submitted to the state C.R.M.C. in 1990 again in 1993. On the basis of experience with those earlier documents certain changes in language and administrative procedure are incorporated into the ordinance here presented. These changes represent consensus if not unanimous agreement among the commission members.

The intent of the changes has been to place responsibility, as far as possible, back onto the individual citizen and to minimize the Town's role in setting absolute standards and procedures. The town is made less involved in regulating and inspecting so that it is free to assume a more beneficent and helpful role than is possible under the existing ordinance.

Revised and updated (insert date) by the following Tiverton Harbor and Coastal Waters Management Commission members along with the Tiverton Harbormaster.

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**I. THE PLAN FOR THE HARBOR AND TOWN WATERS**

## **A. INTRODUCTION**

The number of people using Tiverton's coastal waters continues to increase substantially. Most of the new users of the water are recreational boaters and sportsmen. They seek locations to moor or dock their boats, need parking for cars and trailers and look for increased harbor related services. The Tiverton Harbor and Coastal Waters Management Plan, developed by the commission, examines the town's coastal waters and make recommendations for an ordinance (s), rules, and regulation's which is intended to help manage the coastline and water-ways.

## **DEFINITION AND PURPOSE**

Title 46, Section 4 of the General Laws of Rhode Island grants municipalities the authority to establish harbor ordinances which include rules and regulations pertaining to the administration of their harbors. The objectives of the Tiverton Harbor and Coastal Waters Management Plan are:

1. To provide a comprehensive evaluation of the activities occurring within the coastal waters defined within this plan as being under the jurisdiction of the Town of Tiverton
2. To provide guidance for the management and safety of existing and future activities on and in these coastal waters;
3. To provide recommendations concerning the shore side compatibility with the activities occurring on these waters and vice versa;
4. To recommend appropriate policies and ordinances consistent with applicable local, state and federal regulatory requirements that implement portions of the plan;
5. To serve as a frame of reference for local and state decision-makers concerning waterfront development and coastal water programs or projects; and
6. To devise a system for management and control of these coastal waters.

## **METHODOLOGY**

This plan supersedes the 1993 Tiverton Harbor Plan.

The Harbor and Coastal Waters Management Ordinance pursuant to and by the authority of the Tiverton Town Council establishes the rules, regulations, and policies for the administration of the waters defined within the Harbor and Coastal Waters Management Plan by the Town of Tiverton

## **II. BACKGROUND**

### **A. PHYSICAL CHARACTERISTICS OF THE HARBOR AND WATERS**

#### **1. Water Depth**

The water depths in Mount Hope Bay, the Sakonnet River and Nannaquaket Pond are delineated on N.O.A.A. Chart #13221 and # 13226-1-1 (See Appendix A). The depth varies significantly from extremely shallow areas of 1-3 feet in Nannaquaket Pond, area north of Jack's Island and Fogland, to 40-60 feet in parts of the basin in the areas north of the railroad bridge and 75 – 80 feet off Gould Island.

#### **2. Areas subject to extreme fetch and water velocities**

F.E.M.A. maps from **1983** indicate that all the coastal waters of the Town of Tiverton are designated V-zones, except for: (1) an area of water from the Stone Bridge north to a point near the access road north of the Sakonnet Bridge (Routes 138 & 27); and (2) Nannaquaket Pond, which are both designated A-zones (see Appendix C).

#### **3. Shoals and other navigation hazards**

- a. Shoal water exists approximately 100 feet SE of the Pirate Cove Marina breakwater. No buoy marks this shallow.
- b. Rocks are present off Grinnell's Beach. The rocks are not in the navigational channel.
- c. A large rock at the entrance to Nannaquaket Pond is not marked located west as you enter the pond (N41 36.914 W71 12.384).
- d. A large rock exists just west of buoy C13, which is NW of Gould Island (N41 36.978 W71 13.336).
- e. The area SW of Seapowet Point is extremely shallow and cannot be safely navigated during low tides.
- f. Almy Rock is located approximately 200 yards S of Fogland Point - it is not marked (N41 33.337 W71 13.297).
- g. A shallow area extends to 200 yards offshore from the south and east of High Hill Point.

#### **4. Dredged Areas**

Both the channel to The Villages docks and the main channel to Fall River were dredged in 2004 to a depth of Thirty (30) feet. (Appendix D)

#### **5. Navigation Channels and Fairways**

Two federally maintained navigation channels exist in the Mount Hope Bay waters in the Town of Tiverton. One goes directly from the East Passage of Narragansett Bay, through Mount Hope Bay to Fall River. The second extends to the northeast off the main channel at buoy N2, and is located west of Common Fence Point traveling in an easterly direction toward the shore to Tiverton and then turning north, bordering the marine oil terminal facility in this area. There are no other federal navigation projects such as turning basins, anchorages, or special anchorage areas located within the waters of the town.

In 2007 the swinging railroad bridge located north of the Sakonnet Bridge was removed and the waterway leading into the Tiverton basin was dredged to a depth of 35 feet.

There are four fairways running east west from the Tiverton Basin main navigable channel that runs north south to: Directly south of the old rail road bridge east abutment running south to Riverside Marine and AKA Frank Chase pier, Anthony point, Standish Marina, and the Commercial pier north of Stone Bridge. (Appendix E)

### **B. COASTAL WATER TYPE, QUALITY AND RESOURCES**

#### **1. CRMC Water Type Designations**

The RI Coastal Resources Management Council established water type designations of the coastal waters of the state. The waters under the jurisdiction of the Town of Tiverton include designations of Types, 1, 2, 3, 4, 5 and 6 (see Appendix F). The Harbor Commission's goal is to implement policies consistent with the CRMC's goals and highest priority uses for each of these water types as follows:

- For Type 1 Waters: preserve and protect Type 1 waters from activities and uses that have the potential to degrade scenic, wildlife, and plant habitat values, or which may adversely impact water quality or natural shoreline types while providing as much access to the water as possible. All public access points to the water shall be identified and marked with signage at the location.
- For Type 2 Waters: maintain and, where possible, restore the high scenic value, water quality, and natural habitat values of these areas, while providing for low-intensity uses that will not detract from these values.;
- For Type 3 Waters: preserve protect, and where possible, enhance Type 3 areas for high-intensity boating and the services that support this activity. Other activities and alterations will be permitted to the extent that they do not significantly interfere with recreational boating activities or values. Further, the Commission recognizes that the highest priority uses of Type 3 waters and adjoining lands under the CRMC's jurisdiction are (a) marinas, mooring areas, public launching ramps, and other facilities that support recreational boating and enhance public access to tidal waters; and (b) boatyards and other business that service.
- For Type 4 Waters: maintain a balance among the diverse activities that must coexist in Type 4 waters. The changing characteristics of traditional activities and the development of the new water-dependent uses shall, where possible, be accommodated in keeping with the principle that the CRMC shall work to preserve and restore ecological systems.
- For Type 5 Waters: maintain a balance among diverse port-related activities, including recreational boating, commercial fishing, restaurants, and other water-enhanced businesses; to promote the efficient use of space; and to protect the scenic characteristics that make these areas valuable to tourism. Further, the Commission recognizes that the highest priority uses of Type 5 waters and adjoining lands under the CRMC's jurisdiction are (a) berthing, mooring, and servicing of recreational craft, commercial fishing vessels, and ferries; (b) water-dependent and water-enhanced commerce, including business catering to tourists; (c) maintenance of navigational channels and berths, and removal of obstructions to navigation; and (d) activities that maintain or enhance water quality and scenic qualities, including the preservation of historical features. In addition, the CRMC shall suitably modify or prohibit activities that significantly detract from or interfere with these priority uses.
- For Type 6 Waters: encourage and support modernization and increased commercial activity related to shipping and commercial fisheries. Further, the Commission recognizes that the highest priority uses of Type 6 waters and adjacent lands under the CRMC's jurisdiction are: (a) berthing, loading and unloading, and servicing of commercial vessels; (b) construction and

maintenance of port facilities, navigation channels, and berths; and (c) construction and maintenance of facilities required for the support of commercial shipping and fishing activities; (d) maintenance construction and repair for such industries.

### **C. Water Quality**

1. The RI Department of Environmental Management established water quality standards for the waters of the state. Tiverton has coastal waters in three DEM categories: SA, SB, and SB1 (see "Water Quality Definitions)" at Section III, **ISSUES, GOALS AND POLICIES, and APPENDIX O**

#### **2. Coastal Wildlife and/or Conservation Areas**

Spar Island and Monast Island are environmentally fragile properties in Mount Hope Bay within the Town of Tiverton borders as established on November 22, 1971. These islands are covered by Spartina grass species and are surrounded by important shell fishing waters and a winter flounder spawning area. The Town of Tiverton intends to protect Spar Island's environmental fragility as a conservation area.

#### **3. Recreational and Commercial Fishing Areas**

All the waters of Mount Hope Bay, the Sakonnet River and Nannaquaket Pond have traditionally supported fishing and shell fishing activities. Recreational fishermen frequently use the area on the west end of the Stone Bridge abutment, the old Railroad Bridge abutment, Grinnells Beach, Nanaquaket Road Bridge, and Fogland Beach to fish from shore. Occasional fishing for Menhaden continues, but shell fishing has become the most prominent fishery in town waters. Most importantly, the Grinnell's Beach Shellfish Management area is reserved by the State for commercial and residential harvesting of shellfish. There is a anadromous fish run located on Slab Bridge Road which as fed from Nonquit Pond and discharges in the Sakonnet River. No taking of alewives is allowed from this location at this time.

#### **4. Biological Habitats**

While there are currently no known eelgrass beds in Tiverton, a test transplant conducted by Save the Bay in 2001 at Fogland Point was initially very successful. However follow-up transplanting between 2002 – 2004 failed to produce self-sustaining eelgrass beds. Nonetheless, Save the Bay's report "Eelgrass Restoration Site Description and results 2002-2008" states that water quality monitoring will continue at Fogland Point in an attempt to determine why transplanting did not succeed. The report also states that Save the Bay will continue test transplants in the Sakonnet River to try to identify sites where large-scale transplants may be successful.

5. Intertidal flats are located in south east corner of Nannaquakett Pond, South east corner of Winnesmet, Seapowet Creek, Seapowet Point, North side of Fogland Point, and south east High Hill Point. (See Appendix K)

### **D. CURRENT USES**

#### **1. Harbor Structures**

There are various types of structures associated directly with the use of the coastal waters along the shores of the town. Many of these including commercial maritime shipping terminals, recreational boating slips, commercial fishing docks, and private piers, are located within the Tiverton Basin, north along the coastline bordering Mount Hope Bay and south and Nannaquaket Pond and south to High Hill.. The Stone Bridge abutment and the former railroad swing bridge abutment are used for recreational fishing as is the Nannaquaket Road bridge abutments, to Nannaquaket Pond. Additionally, Seapowet Management area is a stated fishing and hunting Management area. See APPENDIX G for list of:

- a. Marina's
- b. Boat yards
- c. Commercial fishing facilities
- d. Docks wharves
- e. Launching ramps
- f. Recreational fishing area's
- g. Breakwaters

#### **2. Federal Navigation Area's (See Appendix H)**

- a. Channels
- b. Turning basins
- c. Anchorages
- d. Special anchorage areas

### 3. Current Moorings and Mooring Areas

The Town of Tiverton has taken on the responsibility of establishing and managing all the mooring areas currently sited in the coastal waters adjacent to the town. At the end of the 2011 boating season, there were 395 permitted and registered moorings within the waters of the town. They were located in ten (10) mooring areas concentrated in the Tiverton Basin (See APPENDIX I). There is approximately 125 boats in excess of 25' in length. There are also 102 commercial moorings which may also have boats in excess of 25' in length. It is the town's objective to ensure that non-residents of Tiverton have access to town moorings. To achieve this objective the town will commit to achieve the CRMC 3:1 ratio of resident to non-resident moorings. This objective may supersede the current waiting list point system.

4. Shoreline Access Points as of 1993's HMP the following areas were listed public right of way. The THC strongly recommends that the town research these rights of way with the help of CRMC.

**Based on the 2010-2011 CRMC Progress Report on Rights of Way to the Tidal Areas of the State, the current status of the potential ROWs reviewed by the CRMC full Council to date is as follows: (See Appendix L Potential / M Known)**

<b>Street Designation</b>	<b>R-O-W Designation No.</b>
Carey Lane	T-1
State Avenue	T-2
Nannaquaket Bridge	T-3
Fogland Road	T-4
Land south of Sakonnet Bridge	T-5
Two Rod Way	T-6
South of Stone Bridge	T-7
Hooper Street	Insufficient Evidence
Riverside Drive	Insufficient Evidence
Ext. of North Court	Insufficient Evidence
Winnisimet Drive	Insufficient Evidence
Seapowet Avenue	Insufficient Evidence
Lenny Street	Research Needed
Willcox Drive	Research Needed
Driftwood Drive	Research Needed
Between Clegg Ave. and Trailer Ave.	Research Needed
Kearns Avenue	Research Needed
Little Harbor Road	Research Needed
Bismark Ave	Research Needed
Depot Drive	Research Needed
Jennifer Lane	Research Needed
Between lots 90-23 and 90-21	Research Needed
Between lots 90-24 and 90-24A	Research Needed
Between lots 90-24A and 90-25A	Research Needed

#### **Summary**

Public 7  
Insufficient Evidence 5  
Research Needed 12

### 5. Other Uses

- **Swimming areas and Public Beaches:**

1. **Fogland Town Beach** - Fogland Beach provides an excellent windsurfing, and swimming area with a beautiful view of the Sakonnet River and Portsmouth shoreline. The cove area to the north of the beach is convenient for nature study. Amenities include changing rooms, showers, and a children's playground. Plenty of parking with a fee to park during seasonal months.



2. **Seapowet Management Area** - Located off Seapowet Avenue, this refuge area includes a variety of coastal habitats. There is a parking area, with no fee, along a cobble beach north of the bridge over the Seapowet River and walking or driving access to Seapowet Point. There is a marsh on the point, popular for shellfishing. The beach is a good spot for walking, fishing, bird watching, swimming, or enjoying the view of the river. There is also a small gravel boat launch ramp south of the bridge that provides access to an extensive salt marsh and tidal creek area.
  3. **Grinnell Town Beach** - Small, family-orientated beach on the Sakonnet River. Easy access to the beach and facilities. Located off Main Road (Route 77), just south of the Stone Bridge Pier, this small crescent of beach has a restroom facility with showers and changing rooms, a children's play area, and a lifeguard in the summer at a designated swimming area. There is a nice view of the Sakonnet River and Gould Island. There is parking for 50 cars and a parking fee in the seasonal months.
- **Windsurfing areas:** There are currently no designated windsurfing areas but the North and South sides of Fogland beach are used extensively for windsurfing as is the Seapowet Management Area.
  - **Aquaculture:** There is currently no Aquaculture located in the town of Tiverton. As aquaculture becomes more popular the town has noted it needs an aquaculture policy consistent with CRMC regulations. This policy will be created by the Harbor Commission and will be placed in APPENDIX Q.

## 6. Shoreline Zoning Districts

The Tiverton waterfront, from Fall River to Little Compton, is divided into a number of zoning districts, each with its own criteria and guidelines for authorized uses and construction. The largest zone, which is the only zone along the shore from Nannaquaket Neck south to the town line and surrounding Nannaquaket Pond, is zoned R60. This designation indicates low density residential, primarily reserved for single-family dwellings with minimum lot sizes of 60,000 square feet. The Zoning Board may grant special exceptions in this zone requested for marinas, yacht clubs, waterfront recreation businesses, storage, repair and sales of boats and marine accessories and the engaging in the operation of commercial docks and piers. Along the shore of the Tiverton Basin, all of the land fronting the water is zoned G.C. - general commercial, and it also contains a certain number of pier mounted waterfront cottages. There are three zoning districts north of the former railroad bridge. These are R15- high density residential, G.I. - general industrial and G.C. - general commercial. R15 is located from the former rail road bridge to Schooner Drive. G.I. is located north of Schooner Drive that includes The Villages of Mount Hope Bay (Established 2001). The bulk of the area north from The Villages of Mount Hope Bay is classified as R15 with the exception of a G.I. zone presently occupied by the marine oil terminal bordering Fall River Tiverton line. (See Appendix N ).

## E. PROJECTIONS OF FUTURE GROWTH

The Town of Tiverton has a long tradition of waterfront related activities and a fair amount of undeveloped interior wet lands. It borders on the industrial community of Fall River and its northern end is 30 minutes drive from Providence and 60 minutes from Boston.

Demographic studies suggest the population of coastal communities may be expected to increase, this increase causing a demand to provide more water-related services and facilities. Lacking any suitable year-round protected mooring ground, other than within the Tiverton Basin, and Nannaquaket Pond the town will have to resist developmental pressure and restrict the number of moorings in its waters to maintain the water quality and remain consistent with our limited shore facilities and public access. It is projected that there will be an increased demand for boat ramps and general waterfront access as well as shore side location for dry-storage boat racks and other related facilities.

If the water quality of Mount Hope Bay continues to improve, facilities may be needed for additional commercial shell fishing including ramps and parking for the fishermen. Vehicle parking problems during the summer has never been effectively addressed. Creative solutions to this problem are needed to

ensure the public enjoyment of the Tiverton waterfront and safety in its most congested areas. Public transportation for visitors should be considered.

The Harbor Commission, at this time, limits the total number of moorings to 425 in the town waters of Tiverton. This will be reviewed annually by the commission.

### **III. ISSUES, GOALS AND POLICIES**

The issues of concern to the citizens of the Town of Tiverton were identified through survey, public workshops and technical advisory input. These issues presented here represent a cross-section of topics that received repeated mention during the data gathering process. From these issues, the town developed the accompanying goals and related policies and then modified them based on public input. All of the items presented in the following section considered the immediate and the long-term factors impacting each issue.

#### **A. WATER QUALITY**

##### **IMPLEMENTATION**

**WQ1** – The Town should review and comment on CRMC permits regarding the impact of proposed development on coastal lands and environments.

**Action Agent:** Harbor Commission, Planning Board, Conservation Commission, and Open Space Commission

**Time Frame:** Ongoing

**WQ2** - The Town should set strict laws to enforce the prohibition of sewage discharge from boaters. Violators should face fines in municipal court and potential loss of mooring or dock privileges for repeat offenders.

**Action Agent:** *Town Council and Harbormaster*

**Time Frame:** *Ongoing.*

**WQ3** – The Town shall continue the educational program for boaters to keep them aware of the “no discharge” zone. Information should be sent to boaters on a yearly basis.

**Action Agent:** *Harbor Commission and Harbormaster*

**Time Frame:** *Ongoing*

**WQ4** - The Town shall require Best Management Practices in all new drainage structures installed in the watershed (i.e. e.g. oil water separators).

**Action Agent:** *Department of Public Works, Planning Board, and Wastewater Management*

**Time Frame:** *Ongoing*

**WQ5** – In new and replacement waterfront development the Town should strongly encourage the use of permeable surfaces for driveways, parking lots, sidewalks, and roads; ensure a vegetated buffer consistent with CRMC guidelines; require sewer connections, if sewer is available; tailor infrastructure to size of development (i.e. road widths, etc).

**Action Agent:** *Planning Board and Economic Development*

**Time Frame:** *Ongoing*

**WQ6** – The Town should continue to actively pursue State and Federal money to acquire waterfront land for conservation and passive recreation purposes.

**Action Agent:** *Planning Board, Open Space Commission and Recreation Department*

**Time Frame:** *Ongoing*

**WQ7** – The Town should recommend that RIDEM deny applications for new or expanded underground storage tanks in the velocity flood plan. The Town should prohibit additional above ground storage tanks of hazardous materials or wastes in the flood plain.

**Action Agent:** *Town Council and Planning Board*

**Time Frame:** *Ongoing*

**WQ8** – The Town should consider the addition of a pump out boat for seasonal operation for all DEM SA quality waters such as Nanaquaket Pond and Fogland. Appendix P list present pump-out locations in all RI waters as listed by the RIDEM.

**Action Agent:** *Harbormaster*

**Time Frame:** *Ongoing*

**WQ9** – The Town will develop a disposal program to address the issue of inorganic materials including waste oil, plastics, trash, paint and varnish. In addition, a disposal site that is convenient to recreational and commercial boaters will also be explored.

**Action Agent:** *Department of Public Works*

**Time Frame:** *3 years.*

**WQ10** – The Town will encourage marinas to develop operations and maintenance programs. Marinas that take advantage of CRMC's O & M certification process can reduce their regulatory requirements with CRMC.

**Action Agent:** *Harbormaster*

**Time Frame:** *Ongoing*

**WQ11** – Wherever significant shallow water habitats are identified the Town will restrict boating activities to decrease turbidity and destruction of such habitats.

**Action Agent:** *Town Council, Harbor Commission, and Harbormaster*

**Time Frame:** *Ongoing*

**WQ12** – The Town shall continue with implementation of the storm water management program, to reduce the discharge of pollutants to all resource areas, including the impaired water bodies to the maximum extent possible.

**Action Agent:** *Planning Department, Department of Public Works, and Wastewater management*

**Time Frame:** *Ongoing*

## **B. MOORINGS**

**Issue:** Concern for the determination of the appropriate location and number of moorings to be allowed within Tiverton coastal waters and the overall impact of the increasing numbers of recreational boats in general.

**Goal:** The town should provide for the efficient utilization and allocation of mooring space consistent within CRMC Guidelines.

**Policy:** The town shall undertake to adopt and implement ordinances that contain comprehensive mooring regulations designed to regulate the distribution of moorings. (See section 14 of the Tiverton Town Ordinance.)

**M1**– In conjunction with the adoption of this plan, the Town will amend the ordinance requiring that all new and significantly expanded mooring fields be sited to ensure that tides and currents aid in flushing the mooring area.

**Action Agent:** *Town Council, Harbor Commission, and Harbormaster*

**Time Frame:** *Ongoing*

**M2** – In conjunction with the adoption of this plan, the Town will amend the ordinance requiring that all new and significantly expanded mooring areas be sited to avoid adverse effects on water quality.

**Action Agent:** *Town Council, Harbor Commission, and Harbormaster*

**Time Frame:** *Ongoing*

**M3**– In conjunction with the adoption of this plan, the Town will amend the ordinances prohibiting swimming and water skiing in all designated channels and fairways.

**Action Agent:** *Town Council, Harbor Commission, and Harbormaster*

**Time Frame:** *Ongoing*

- M4 –** In conjunction with the adoption of this plan, the Town will amend the ordinance to ensure that moorings areas sited so as not to substantially interfere with designated shellfish management areas, traditional fishing grounds, public recreational areas and conservation areas.  
**Action Agent:** *Town Council, Harbor Commission, and Harbormaster*  
**Time Frame:** *Ongoing*
- M5 –** In conjunction with the adoption of this plan, the Town will amend the ordinance to ensure that mooring areas are sited not to significantly affect finfish and or shellfish resources, wetlands, submerged aquatic vegetation and aquatic habitat.  
**Action Agent:** *Town Council, Harbor Commission, and Harbormaster*  
**Time Frame:** *Ongoing*
- M6 –** In conjunction with the adoption of this plan, the Town will amend the ordinance to ensure that mooring areas are adequately serviced and pump out stations/services are accessible.  
**Action Agent:** *Town Council, Harbor Commission, and Harbormaster*  
**Time Frame:** *Ongoing*
- M7 –** In conjunction with the adoption of this plan, the Town will amend the ordinance to ensure that all moorings remain within their assigned mooring areas.  
**Action Agent:** *Town Council, Harbor Commission, and Harbormaster*  
**Time Frame:** *Ongoing*
- M8 –** In conjunction with the adoption of this plan, the Town will amend the ordinance to ensure that no moorings will be sited in Federal Navigation projects or areas..  
**Action Agent:** *Town Council, Harbor Commission, and Harbormaster*  
**Time Frame:** *Completed*

**The Town of Tiverton supports the ACOE “Open to all on Equal Terms” policy as it applies to the allocation of moorings in federal navigation projects**

**US ARMY CORPS OF ENGINEERS  
DEFINITION OF OPEN- TO -ALL ON EQUAL TERMS**

Federal navigation projects must be managed in the general public interest and must be accessible and available to all on equal terms. Any number of approaches may be used to ensure that all citizens desiring mooring or other access to the project are treated impartially; it is not the Federal Government’s intention to prescribe specific procedures.

A management system shall be considered acceptable provided that it:

- a) Makes no arbitrary distinction or requirement of any kind in allocating use of the project and ancillary facilities and services to the public except as may be consistent with the purpose for which the project was constructed.
- b) Does not impose arbitrary fees or arbitrary variations in fees among users. The cost of providing necessary management and ancillary facilities and services may be offset through equitable user fees based on actual costs incurred.
- c) Information pertinent to harbor management – including but not limited to rules and regulations, lists of mooring holders, waiting lists and fee schedules – shall be readily available to the public at all times.

**C. COMMERCIAL FISHING**

- CF1 –** In conjunction with the adoption of this plan, the Town will ensure the continued presence and viability of the existing commercial fishing industry within the town.  
**Action Agent:** *Town Council, Harbor Commission, and Harbormaster*  
**Time Frame:** *Ongoing*

- CF2** – In conjunction with the adoption of this plan, the Town will amend the ordinance to ensure that moorings and/or docking facilities for commercial fishermen are protected and easily accessible.  
**Action Agent:** *Town Council, Harbor Commission, and Harbormaster*  
**Time Frame:** *Completed*
- CF3** – In conjunction with the adoption of this plan, the Town will amend the ordinance to ensure that existing facilities serving the commercial fishing industry are appropriately zoned to ensure that those uses are protected.  
**Action Agent:** *Town Council, Harbor Commission, and Harbormaster*  
**Time Frame:** *Ongoing*
- CF4** – In conjunction with the adoption of this plan, the Town will study the possibilities of obtaining federal or state funds for the acquisition of land to provide adequate shore side facilities for the commercial fishing industry in the town.  
**Action Agent:** *Town Council, Harbor Commission, and Harbormaster*  
**Time Frame:** *Ongoing*

#### **D. PUBLIC ACCESS**

**Issue:** Concern for the preservation of public access to the shore, in all forms. Tiverton has limited public access points to the water. Access points are too often now in private hands inasmuch as the overwhelming amount of coastal property in the town is privately owned and not available for public access. A general concern for access has been stated at public workshops.

**Goal:** The town shall undertake to:

Where feasible, ensure that the public shall have access to the land between the MHW mark and MLW mark of the tidal waters of the town and that this access be consistent with state regulations.

**Policies:**

- The Town shall not allow any “privatization” of existing public access points.
- The Town will actively support efforts to maintain and protect the public access points to the shore. Continued maintenance of the Town’s rights-of-way is an important element of providing access to the shore.
- Where necessary, the Town will support the physical improvements of shoreline access areas on a priority basis to ensure safe access.
- The Town will support and encourage the efforts of the Planning Board in the creation of new access points for all new waterfront development.
- The Town will support the participation of citizens in the physical restoration, upgrading and maintenance of rights of ways.
- The Town will examine the possibilities for the acquisition of or donation of lands adjacent to access points for open space and recreation as monies become available.
- The Town should not abandon any public shoreline access points.
- The Town should explore the potential for additional public shoreline access points, including municipal paper streets, dedicated easements, drainage outfalls, and buried cables.

**Implementation:**

**PA1** – The town should continue their efforts to determine which public access points need improvements. These areas should be prioritized and targeted for improvements to ensure safe access to the shore working with the Department of Community Development to seek funds for such improvements.

**Action Agent** – *Harbor Commission, Town Council, Town Administrator, and Planning Department.*

**Time Frame:** *Ongoing*

**PA2** – The Harbor Commission should coordinate with the Town Administrator on a plan for long-term maintenance of rights-of-way including regular trash removal, periodic mowing and annual brush removal. Also, where needed, signs and or monuments to identify each right-of-way should be erected and illegal “no parking” signs should be removed.

**Action Agent** – Department of Public works, Harbor Commission and Town Administrator  
**Time Frame:** Ongoing

**PA3** – Waterfront development should not restrict or diminish public access. The Town shall require that new or expanded developments provide some form of public access (i.e. downtown harbor boardwalk).

**Action Agent** – Town Council, Planning Board, and Economic Development.

**Time Frame:** Ongoing

**PA4** – The town shall continue to inventory the paper streets, dedicated easements, drainage outfalls, and buried utilities as they may provide opportunities for potential new public shoreline access points.

**Action Agent:** Economic Development, Harbor Commission, Planning Board, Town Council, and Department of Public Works

**Time Frame:** Ongoing.

**PA5** – The town shall continue to identify shoreline public access points for their potential to be officially designated as such by CRMC.

**Action Agent:** Economic Development, Harbor Commission, Planning Board, and Town Council

**Time Frame:** Ongoing.

## **E. VEHICULAR PARKING**

**Issue:** A subject of continual complaint: Distinct from but related to public water access is the very clear and ongoing concern for the problems related to public parking in the vicinity of the shoreline.

Riverside Drive and Main Road south to Grinnell's Beach are the two main roads most affected by seasonal parking problems. During warm weather and the boating season, increased numbers of out-of-town residents use the facilities of the Standish Marine and Boatyard, Tiverton Yacht Club, Riverside Marina and Grinnell's Public Beach. Due to the limited and already restricted amount of on-site parking near all of these locations, seasonal users seek out additional parking wherever they can, on or adjacent to the local streets. This seasonal situation impacts the ability of local property owners or their guests to park on town streets, in front of or adjacent to their property.

**Goal:** To provide adequate parking for residents, their guests and coastal visitors including parking for boat trailers.

**Policy:** The town shall undertake to:

1. Draft an ordinance and/or establish an appropriate parking plan during the warm weather and boating season along Riverside Drive, south along Main street to Grinnell's beach, and other area's of concern which addresses the issue of resident, guest and transient parking.
2. Adopt a new harbor and coastal waters ordinance that REQUIRES commercial marine operators to comply with the parking requirements of the RI CRMC, Section 300.4.
3. Investigate and pursue the acquisition of land in the general vicinity of near-shore roads to serve as a seasonal parking lot for coastal-water users.
4. Amend or adopt appropriate parking ordinances to control parking along roadways.
5. Investigate with the RI DOT acquisition of land that will be vacated for the construction of the new Sakonnet River Bridge for additional boating season parking.
6. Investigate permit parking along the above mentioned congested streets during the boating season.

## **F. WATERFRONT DEVELOPMENT**

**Issue:** There is the concern that growth along the water be carefully controlled. The citizens of Tiverton do not want to see their waterfront cut off to citizens or commercialized as has happened to Newport, turned into row-after-row of condominiums or transformed by industry.

**Goal:** To manage the shore front property of the town in a manner that preserves the character, water quality, air quality, and the natural attributes of the land/water interface and yet enhances marine-related and marine dependent activities.

**Policy:** The town shall undertake to:

1. Establish a waterfront area plan which maximizes the public use of the water front in a safe and efficient manner.
2. Ensure that new zoning law requests for variances, special exceptions and/or regulations related to waterfront development be submitted to the Harbor Commission for advisory comments on the potential coastal impacts of such zoning.
3. Ensure that a party applying to RI CRMC for an assent, must provide the Harbor Commission with a current copy of the application for review addressing at least each of the considerations listed below to ensure that the planned construction or repair will have no substantial adverse impact on the Tiverton waterfront. After consideration of the CRMC application with or without testimony and opinions at an open meeting or a public hearing, the Harbor Commission will deliberate and make a recommendation for approval or disapproval of the application to the Tiverton Building Inspector. The Tiverton Town Administrator who will forward comments, local approval or disapproval to CRMC.

The considerations mentioned above shall include: shoreline erosion, water quality, navigation, harbor traffic, moorings access and density, shoreline access, automobile parking, automobile traffic and pedestrian marine- related safety.

The Harbor Commission may require expert testimony when the issues transcend in-house knowledge or skill in order to ensure that there will be no substantial adverse impact by the project on the waterfront of the Town of Tiverton.

#### **G. FAIRWAYS**

**Issue:** The town needs to have specific, designated local navigational areas, free of obstructions for the safe passage of vessels to and from commercial and recreational docks, wharves and moorings.

**Goal:** To establish and lay out fairways that shall be kept clear of obstruction in order to provide safe passage for vessels to and from shore facilities and moorings.

**Policy:** Tiverton Fairways are established to allow for safe passage of all watercraft from their docks, quays and moorings to and from the main channel.

1. The fairways described herein are depicted on the Tiverton Harbor Chart and included in the Tiverton Harbor and Coastal Management Plan (See APPENDIX I1 & I2)
2. Approach to Riverside Marine under the existing Sakonnet River Bridge. Approach to Frank Chase Dock - no boat moorings will be placed or boats anchored between the main channel and a line that bears 120 degrees from each end of the longitudinal line of the dock. Approach to the Anthony Point, proposed future Northrop Marina project, no boat moorings will be placed or boats allowed anchoring in the fairway of this complex.
4. No moorings shall be placed in fairways established for Standish Marinas and Sakonnet Lobster Company in the Tiverton Basin. These fairways are approaches traditionally established for these marinas and allow safe passage to and from their docks and slips.
5. No moorings shall be placed with 100 feet of the seawall of any active dock or quay in the Tiverton Basin.
6. All moorings in the Town of Tiverton will be placed to allow safe passage between the mooring rows.
7. No mooring will be place without approval of the Towns Harbormaster.
8. No moorings will be placed in any fairway within Tiverton waters.

#### **H. COORDINATION OF JURISDICTIONAL RESPONSIBILITIES**

**Issue:** Need for the definition of boundaries between Portsmouth, Tiverton and the other nearby towns, as they relate to the limits of authority for Harbor officials.

**Goal:** To maintain constant communication with the Town of Portsmouth for the purposes of coordinating jurisdictional responsibilities on the water bodies shared by both towns. Also to maintain familiarity and communications with other nearby cities and towns, including Fall River, Little Compton, Bristol and Warren concerning development of harbor plans, ordinances and water activities that may impact or interact with those in the waters of the Town of Tiverton.

**Policy:** The town shall undertake to:

1. Obtain copies of appropriate harbor plans, ordinances or other documents relating to the waters and waterfront activities of the nearby communities.

2. Participate, when possible, in public meetings that occur in the cities and towns that are adjacent to Tiverton pertaining to the waters and waterfront of these towns.
3. Ensure that the Tiverton Harbormaster's Department maintains effective communications with the harbormasters of adjacent cities and towns.

#### **I. PAYING FOR HARBOR AND COASTAL WATERS MANAGEMENT**

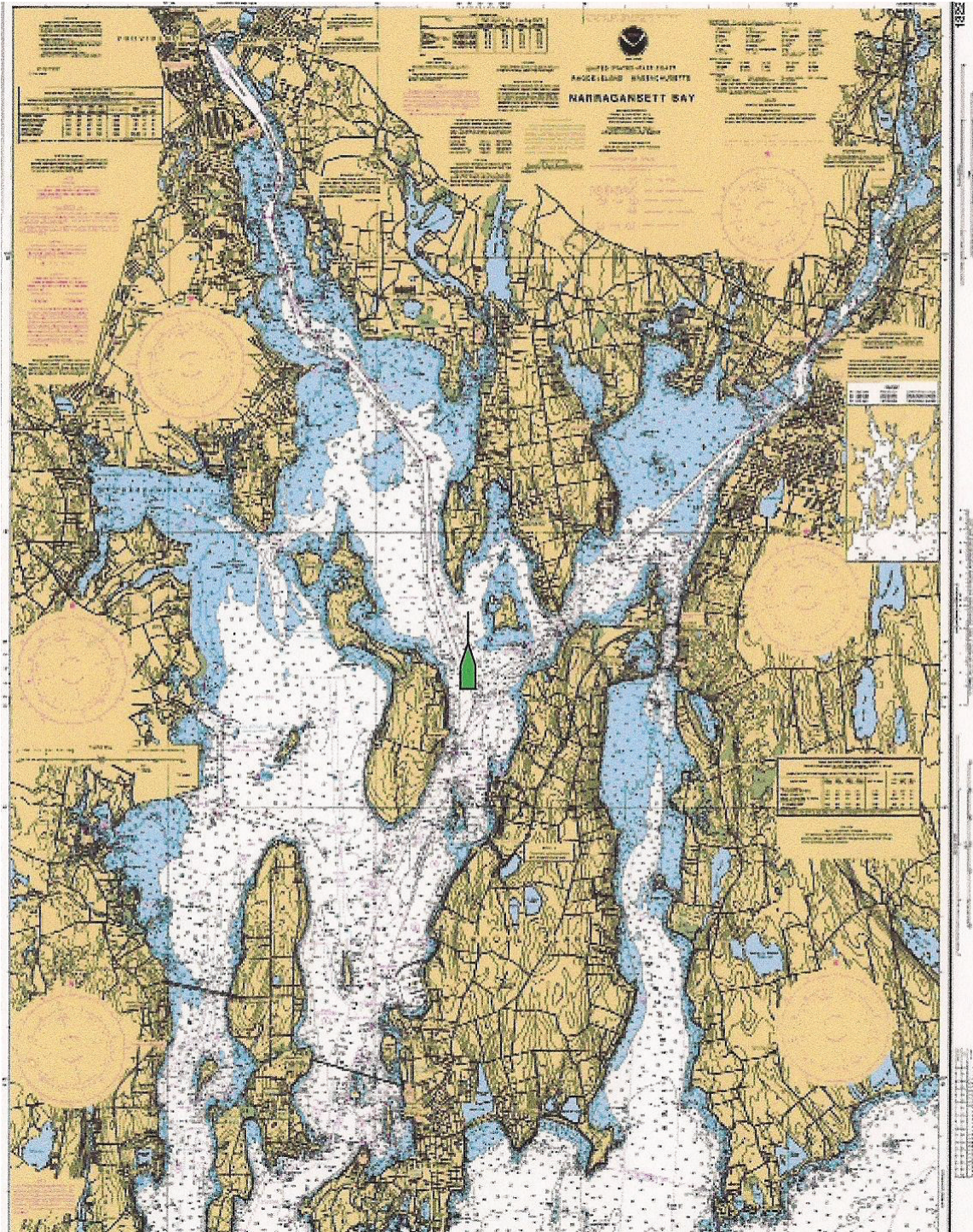
**Issue:** For many years, Tiverton has been able to utilize the services of volunteers for enforcing the rules and regulations regarding the coastal waters and for performing the administrative tasks that are required of the harbormaster and staff. When there was less activity on the water of this town, this was reasonable. Conditions have changed over the years, and now the congestion of boats in the Tiverton Basin, the increasing number of water skiers in town waters, and the diversity of consuming commitments has impacted the nature and intensity of the harbormaster's task, the size of his/her staff and the administrative duties.

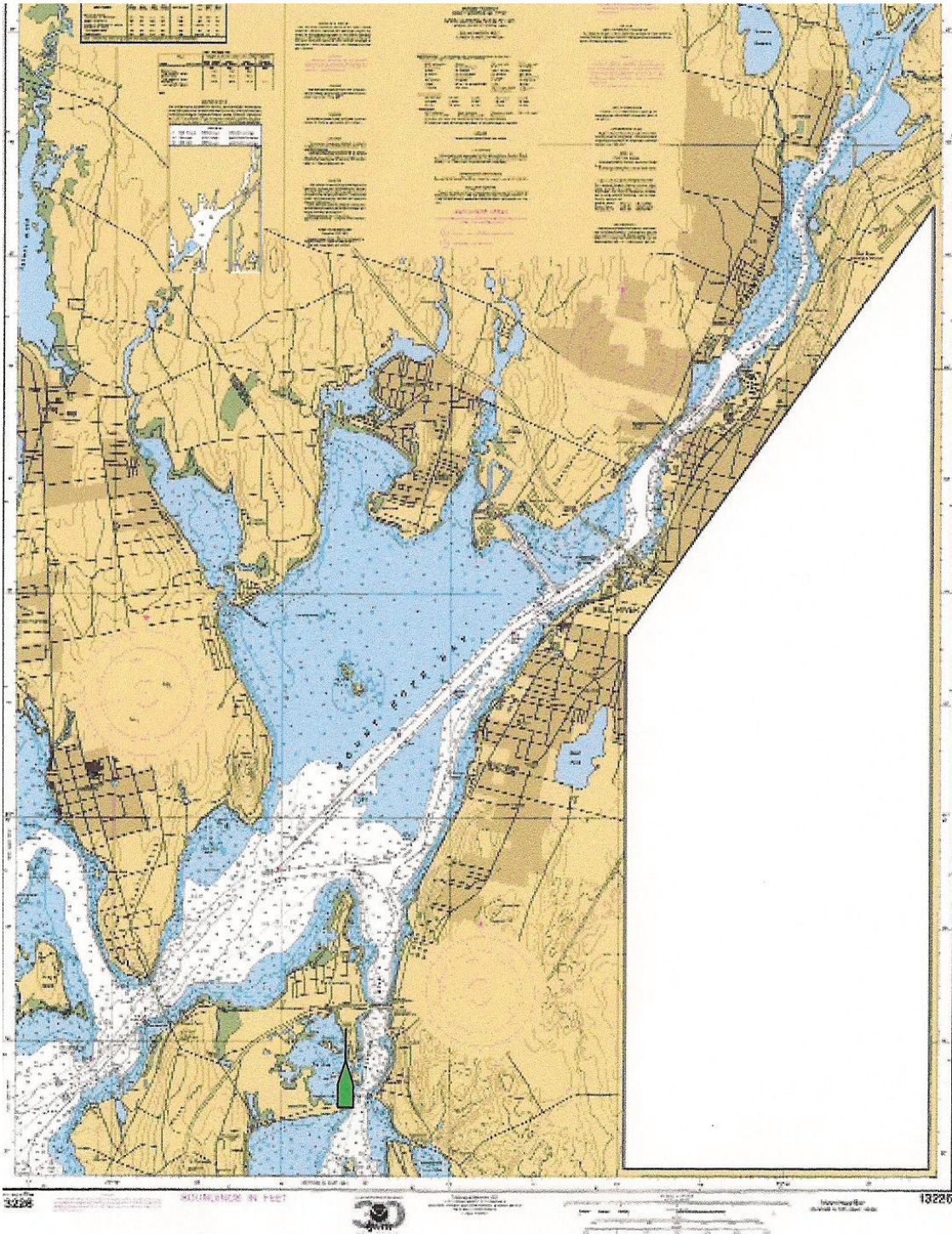
**Goal:** To provide sufficient funding for managing the coastal waters of the Town of Tiverton and the activities that occurs on and in those waters. To increase the size of staff in the Harbormasters Department to include one or more paid Assistant Harbormasters.

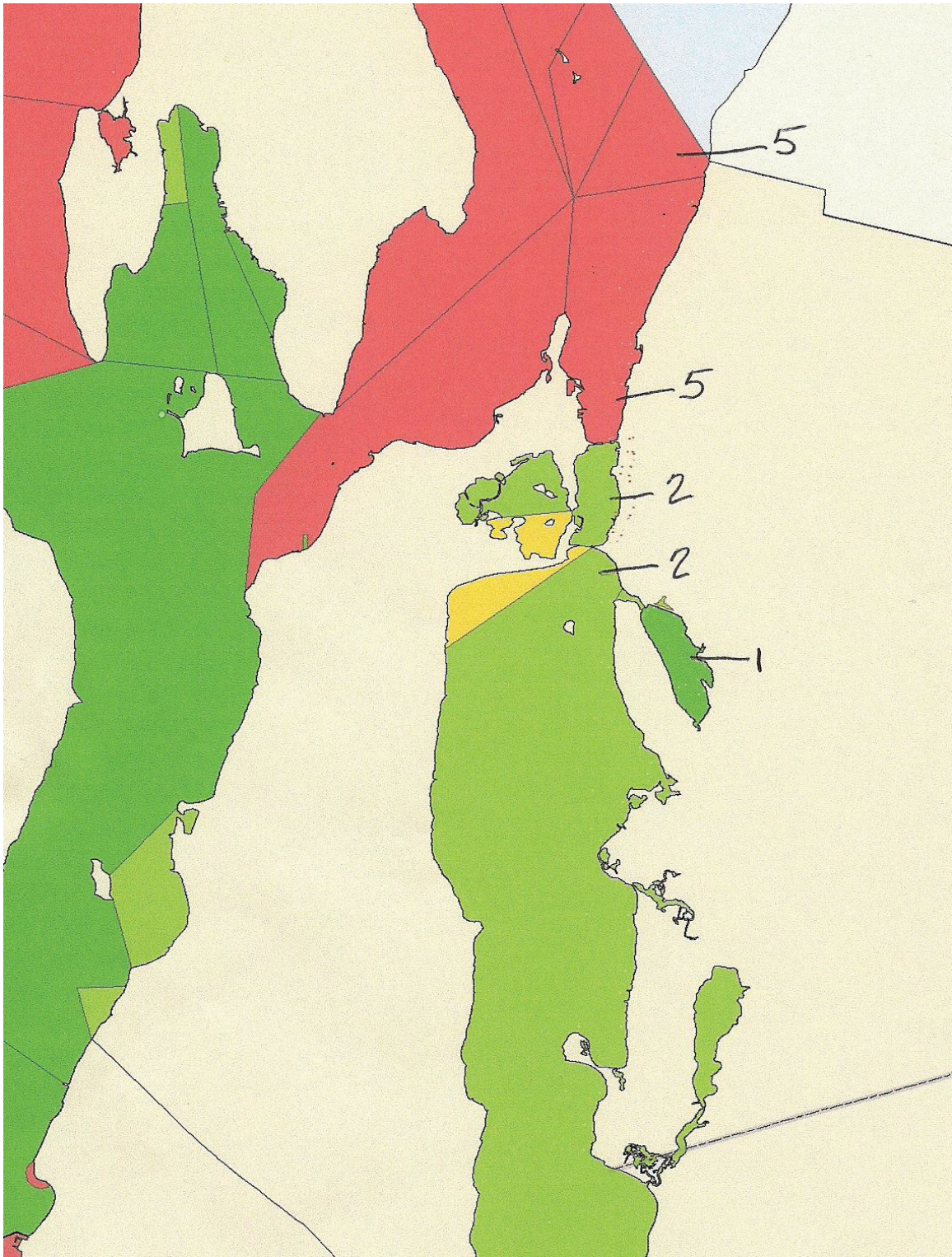
**Policy:** The Town shall undertake to:

1. Ensure that the budget pays all of the Harbor and Coastal Waters Management Commission and the Harbormaster's Department expenses and costs which are to be 100% defrayed by the user fees payable to the towns general fund. Budget expenses are not intended to include extra-ordinary projects such as capital improvements.
2. In the interest of safety and security of the town the Harbor Patrol boat is expected to be patrolling the Tiverton town waters a minimum of 16 hours a week between Memorial Day through Labor Day. A minimum of 5 hours a week all other times that the Harbor Patrol boat is in the water. The Town of Tiverton will provide the necessary funds to support expenses of this policy.



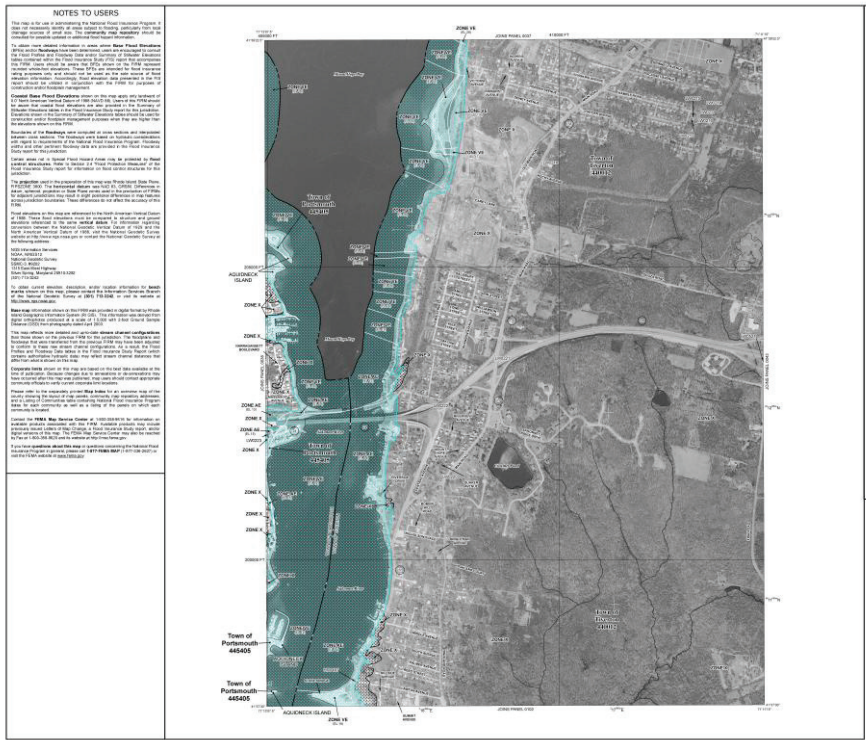
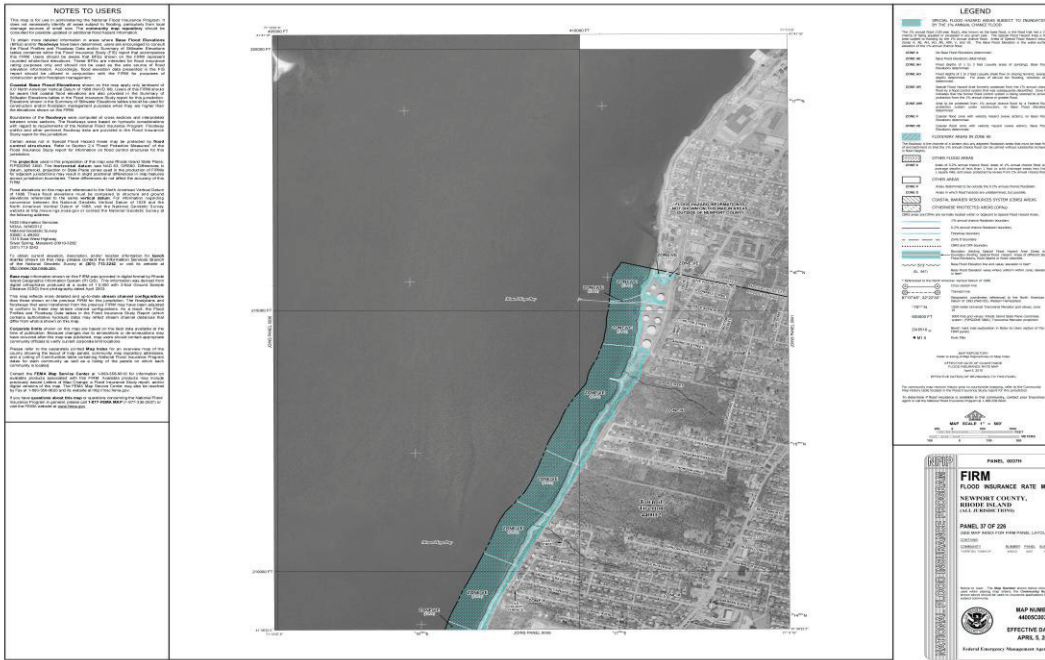






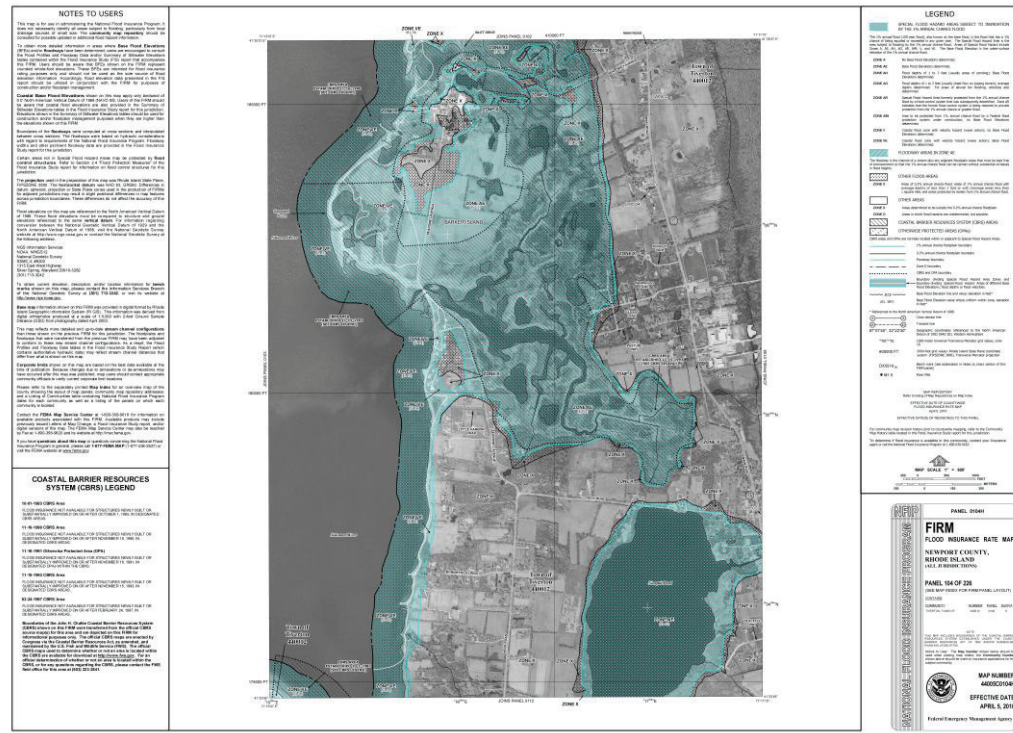
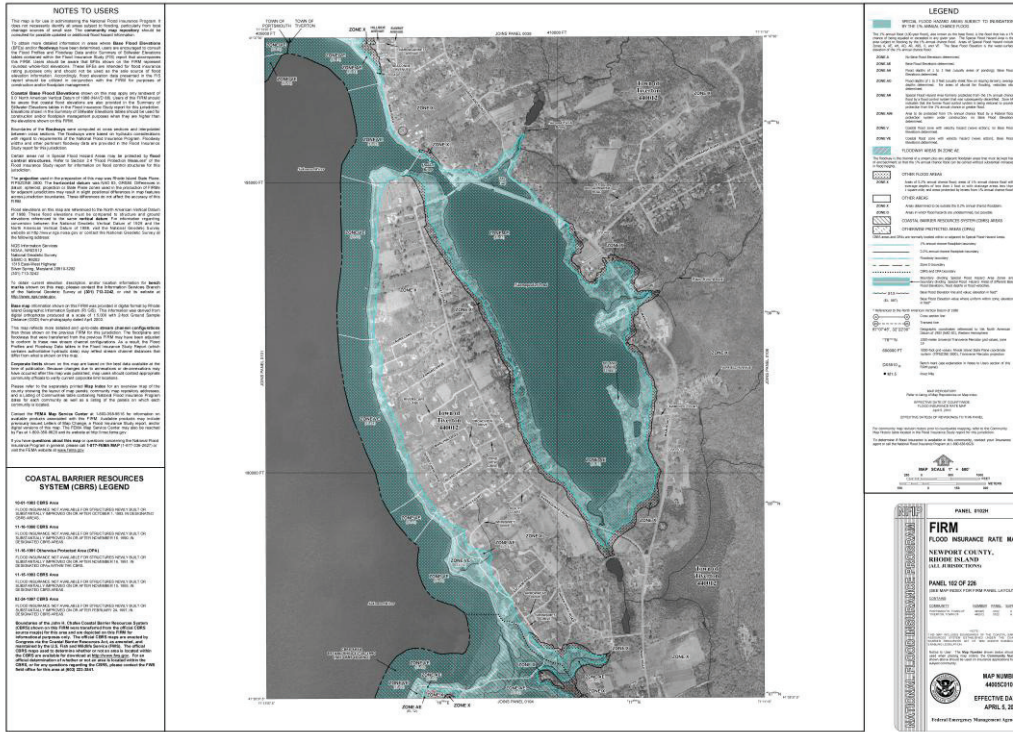
# APPENDIX C1

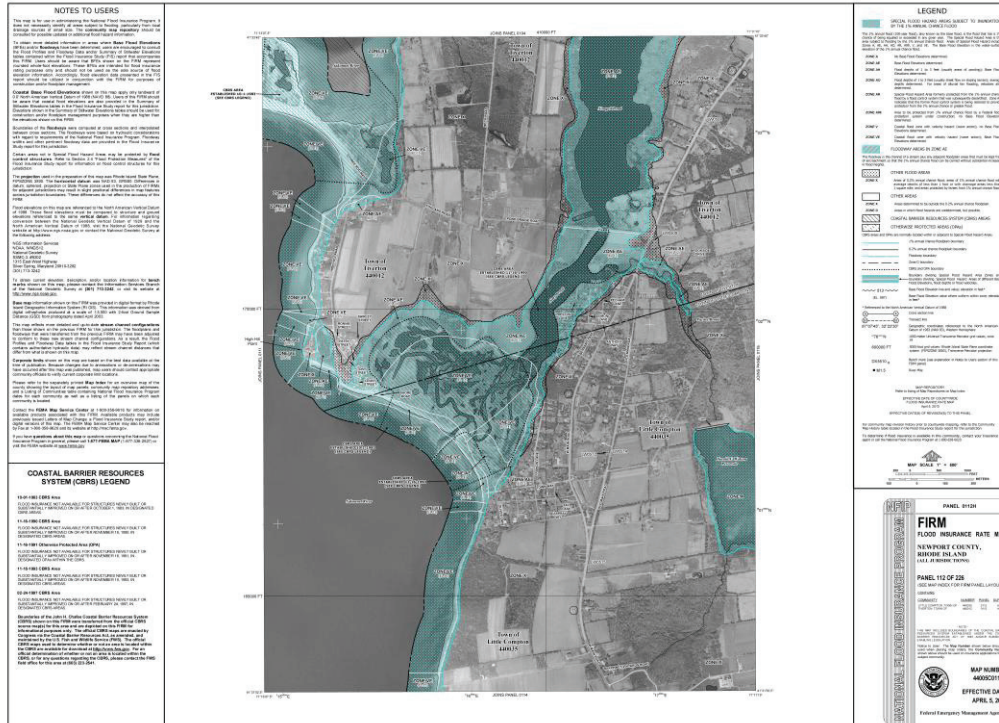
# FEMA ZONES



# APPENDIX C2

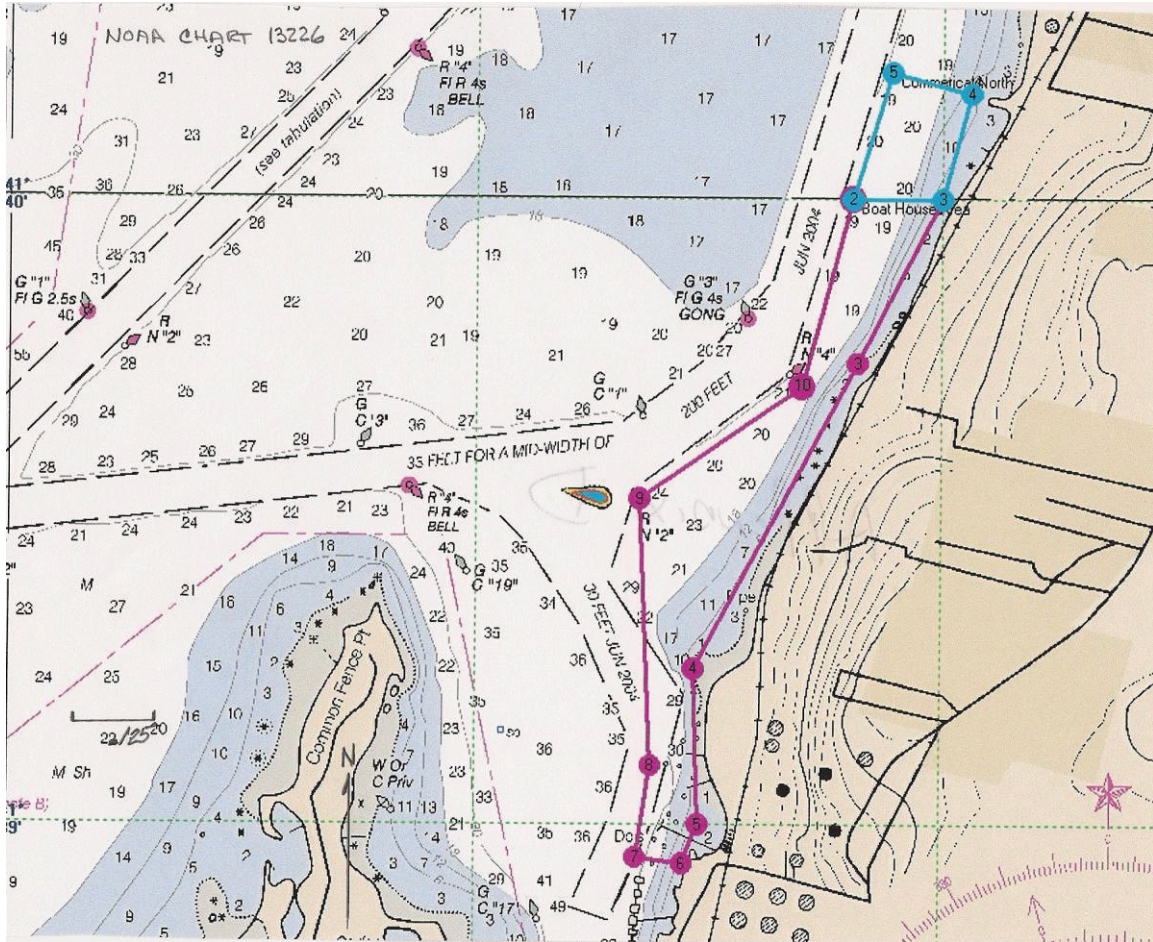
# FEMA ZONES





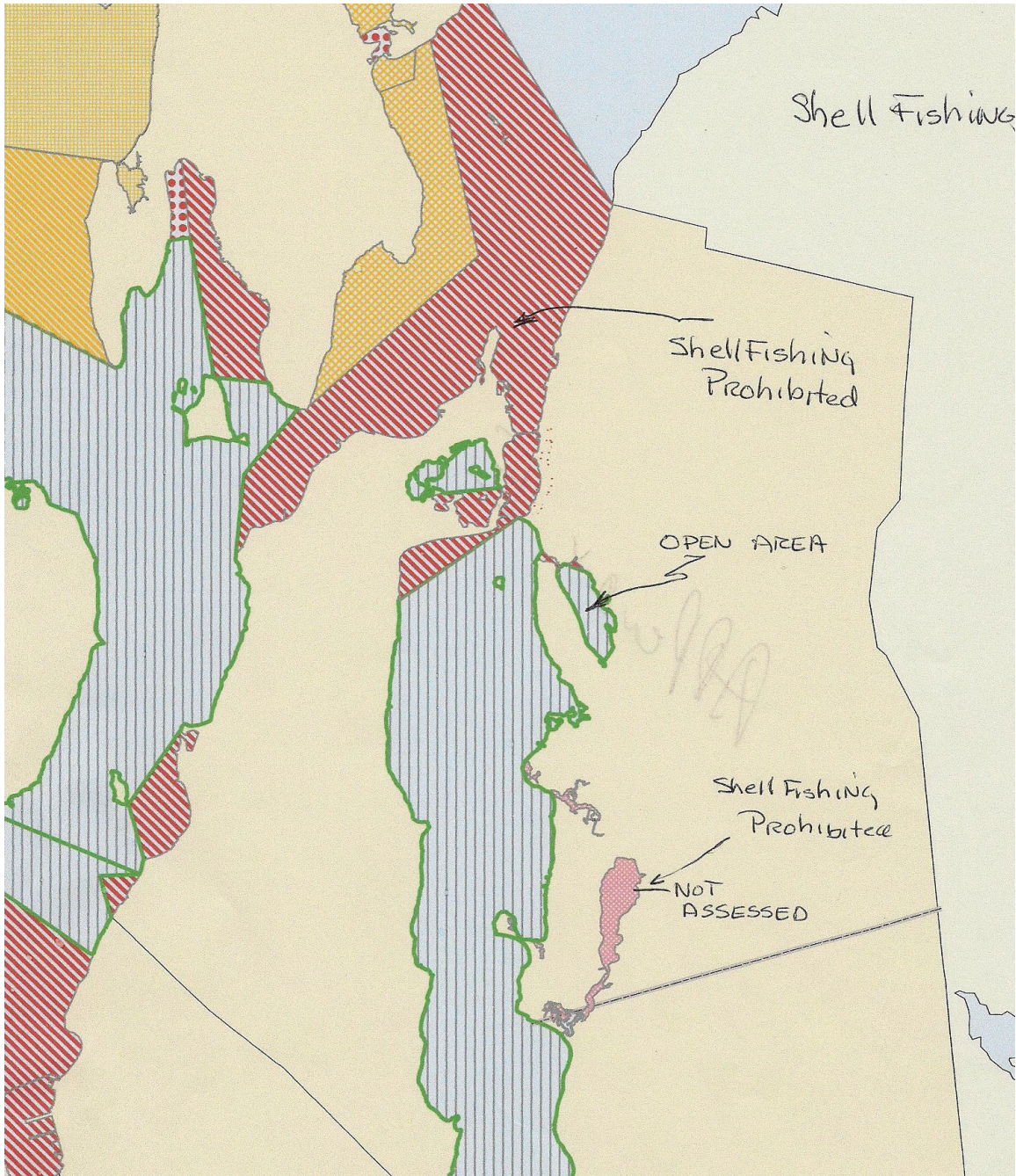
APPENDIX D

SHOAL / DREDGED AREA

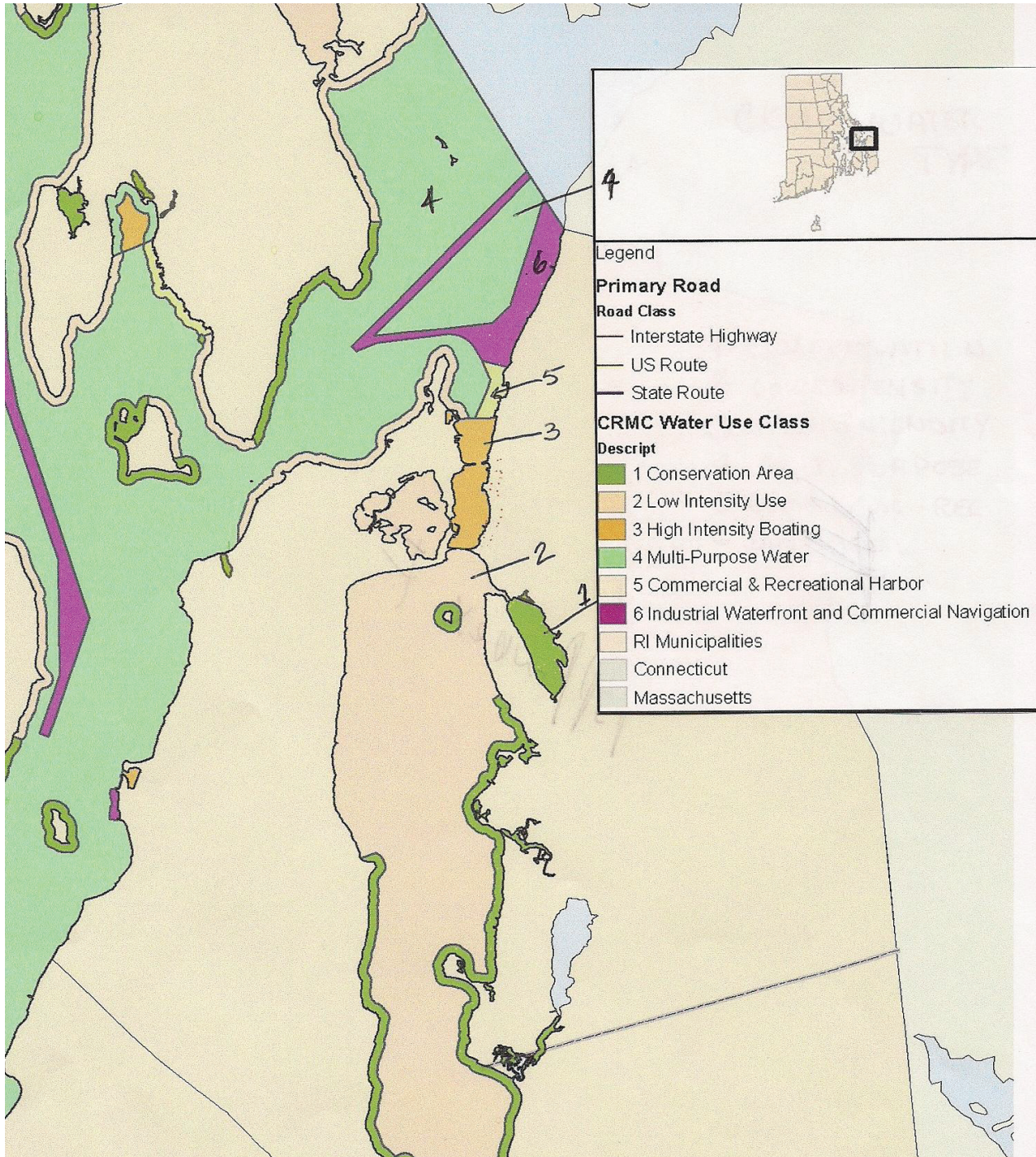


APPENDIX E

SHELL FISHING AREAS









**APPENDIX G****HARBOR STRUCTURES**

	NAME	LAT/LON POSITION	TYPE	DESCRIPTION
1	OIL DOCK	41 40.406N-71 11.903W	DOCK-PRIVATE	COMMERCIAL OIL DOCK
2	STONE DOCK	41 40.157N-71 11.894W	DOCK-PRIVATE	
2A	DOCK	41 39.505N-71 12.273W	DOCK-PRIVATE	HOUSE 2ND FR END OF OLD COLONY TERRACE
3	SMALL DINKY DOCK	41 38.949N-71 12.515W	DOCK-PRIVATE	STARWOODS
4	DOCK	41 38.907N-71 12.559W	DOCK-PRIVATE	
5	DOCK	41 38.840N-71 12.594W	DOCK-PUBLIC	BY RESTURANT
6	DOCK	41 38.496N-71 12.659W	DOCK-PRIVATE	2ND HOUSE FR NORTH ON RIVERSIDE DRIVE
7	DOCK	41 38.464N-71 12.666W	DOCK-PRIVATE	6TH HOUSE FR NORTH ON RIVERSIDE DR
8	DOCK	41 38.461N-71 12.677W	DOCK-PRIVATE	8TH HOUSE FR NORTH ON RIVERSIDE DR
9	DOCK	41 38.437N-71 12.687W	DOCK-PRIVATE	9TH HOUSE FR NORTH ON RIVERSIDE DR
10	DOCK	41 38.413N-71 12.689W	DOCK-PRIVATE	11TH HOUSE FR NORTH ON RIVERSIDE DR
11	DOCK	41 38.407N-71 12.690W	DOCK-PRIVATE	12TH HOUSE FR NORTH ON RIVERSIDE DR
12	DOCK	41 38.395N-71 12.695W	DOCK-PRIVATE	13TH HOUSE FR NORTH ON RIVERSIDE DR
13	DOCK	41 38.377N-71 12.701W	DOCK-PRIVATE	14TH HOUSE FR NORTH ON RIVERSIDE DR
14	DOCK	41 38.332N-71 12.712W	MARINA	RIVERSIDE MARINE DOCK APOX. 13 SLIPS
15	DOCK	41 38.279N-71 12.701W	STONE DOCK	CHASE DOCK, SLIPS ALL TAKEN TO BUILD NEW BRIDGE
16	STONE WAFT	41 38.266N-71 12.680W	STONE WAFT	ACROSS FROM QUAKER AVE AND RIVERSIDE DRIVE
17	DOCK	41 38.241N-71 12.695W	DOCK-PRIVATE	1ST HOUSE SOUTH OF QUAKER AVE
18	DOCK	41 38.234N-71 12.691W	DOCK-PRIVATE	2RD HOUSE SOUTH OF QUAKER AVE.
19	DOCK	41 38.216N-71 12.697W	DOCK-PRIVATE	4TH HOUSE SOUTH OF QUAKER AVE
20	DOCK	41 38.204N-71 12.694W	DOCK-PRIVATE	5TH HOUSE SOUTH OF QUAKER AVE
21	DOCK	41 38.185N-71 12.700W	DOCK-PRIVATE	C. SMITHS
22	DOCK	41 38.135N-71 12.741W	MARINA	QUALTY MARINE MANY SLIPS NORTH END
23	DOCK AND WAFT	41 38.088N-71 12.752W	MARINA	QUALTY MARINE, BULKHEAD, SOUTH END
24	DOCK	41 38.052N-71 12.739W	MARINA	TIVERTON YACHT CLUB APOX 15 SLIPS
25	DOCK	41 37.998N-71 12.700W	DOCK-PRIVATE	3RD HOUSE SOUTH OF TYC DOCK
26	DOCK	41 37.991N-71 12.700W	DOCK-PRIVATE	4TH HOUSE SOUTH OF TYC DOCK RIVERSIDE DR
27	DOCK	41 37.972N-71 12.697W	DOCK-PRIVATE	6TH HOUSE SOUTH OF TYC DOCK RIVERSIDE DR
28	DOCK	41 37.957N-71 12.691W	DOCK-PRIVATE	7TH HOUSE SOUTH OF TYC DOCK RIVERSIDE DR
29	DOCK	41 37.949N-71 12.683W	DOCK-PRIVATE	BETWEEN 8TH AND 9TH HOUSE S OF TYC ON RIVERSIDE DR
30	DOCK	41 37.928N-71 12.678W	DOCK-PRIVATE	1ST HOUSE ON MAIN RD SOUTH OF RIVERSIDE DR
31	DOCK	41 37.916N-71 12.679W	DOCK-PRIVATE	2RD DOCK ON MAIN RD SOUTH OF RIVERSIDE DR
32	DOCK	41 37.875N-71 12.665W	BULKHEAD	BULKHEAD BEHIND 3RD HOUSE ON MAIN RD S OF RIVERSIDE DRIVE
33	DOCK	41 37.828N-71 12.678W	DOCK-PRIVATE	NORTH OF STANDISH NO HOUSE ON MAIN RD.
34	DOCK-MARINA	41 37.797N-71 12.710W	MARINA	STANDISH MARINA NORTH END
35	DOCK-MARINA	41 37.757N-71 12.735W	MARINA	STANDISH MARINA SOUTH END
36	BREAKWATER WITH	41 37.750N-71 12.741W	BREAKWATER	PRIVATE BREAKWATER SOUTH OF STANDISH

	LIGHT			
37	DOCK	41 37.716N-71 12.732W	DOCK-PRIVATE	1ST DOCK SOUTH OF STANDISH BREAKWATER
38	DOCK	41 37.701N-71 12.754W	DOCK-PRIVATE	BEHIND THE NORTH END OF OLD P.O. MAIN RD.
39	DOCK	41 37.687N-71 12.771W	DOCK-PRIVATE	BEHIND SOUTH END OF OLD P.O. MAIN RD
40	DOCK	41 37.674N-71 12.780W	DOCK-PRIVATE	NEXT HOUSE SOUTH ON MAIN ST
41	DOCK	41 37.663N-71 12.783W	DOCK-PRIVATE	NEXT HOUSE SOUTH ON MAIN ST
42	DOCK	41 37.654N-71 12.790W	DOCK-PRIVATE	NEXT HOUSE SOUTH ON MAIN ST OPPOSITE DRIVEWAY FOR ICE CO
43	DOCK	41 37.647N-71 12.802W	DOCK-PRIVATE	BEHIND HOUSE NORTH OF COMMERCIAL FISHERIES PIER
44	DOCK	41 37.634N-71 12.817W	DOCK-PRIVATE	PRIVATE COMMERCIAL FISHERIES DOCK
45	DOCK	41 37.548N-71 12.875W	DOCK	TOWN DINKY DOCK UNDER REPAIR DUE TO EROSION OF ABUTMENT
46	DOCK	41 37.168N-71 12.591W	DOCK-PRIVATE	JUST NORTH OF 1ST HOUSE ON MAIN RD SOUTH OF GRINNELL'S BEACH
47	DOCK	41 37.134N-71 12.504W	DOCK-PRIVATE	1ST HOUSE NORTH OF FISH MARKET ON MAIN RD
48	BULKHEAD & RAMP	41 37.090N-71 12.428W	BULKHEAD	OLD MANCHESTERS SEAFOOD
49	DOCK	41 36.962N-71 12.031W	DOCK-PRIVATE	EVELYN'S RESTRANT
50	DOCK	41 36.711N-71 11.888W	DOCK-PRIVATE	DON'S MARINE
51	DOCK	41 36.628N-71 11.780W	DOCK-PRIVATE	1ST DOCK SOUTH OF DON'S (CENTER HOUSE OF 3 LOWER ROAD)
52	DOCK	41 36.475N-71 11.723W	BULKHEAD	BULKHEAD AND RAMP SOUTH IN COVE EAST SIDE OF POND
53	DOCK	41 36.476N-71 11.765W	DOCK-PRIVATE	4TH HOUSE NORTH AS DELANO'S ISL RD TURNS NORTH
54	DOCK	41 36.495N-71 11.792W	DOCK-PRIVATE	7TH HOUSE DELANO'S ISL RD EAST SIDE OF PT
55	DOCK	41 36.500N-71 11.802W	DOCK-PRIVATE	8TH HOUSE DELANO'S ISL RD EAST SIDE OF PT
56	DOCK	41 36.512N-71 11.823W	DOCK-PRIVATE	NORTH END OF DELANO'S ISL RD
57	DOCK	41 36.311N-71 12.053W	DOCK-PRIVATE	WEST SIDE OF POND, HOUSE OPERSET NORTH CT RD
57A	DOCK	41 36.328N-71 12.065W	DOCK-PRIVATE	BETWEEN #57 AND #58 NORTH OF 57
58	DOCK	41 36.386N-71 12.092W	DOCK-PRIVATE	WEST SIDE OF POND, 2ND HOUSE ON NANNAQUAKET RD
58A	DOCK	41 36.353N-71 12.087W	DOCK-PRIVATE	BETWEEN #57 AND #58 SOUTH OF 58
59	DOCK AND SEAPLANE RAMP	41 36.556N-71 12.166W	DOCK-PRIVATE	WEST SIDE OF POND,
60	DOCK	41 36.920N-71 12.416W	DOCK-PRIVATE	LAST HOUSE NORTH NANNAQUAKET RD WEST SIDE OF POND
61	DOCK	41 37.124N-71 12.590W	DOCK-PRIVATE	NEW DOCK AND HOUSE SOUTH SIDE OF NANNAQUAKET GUT
62	DOCK-STONE	41 36.926N-71 12.723W	DOCK-PRIVATE	NANNAQUAKET NECK WEST SIDE BEHIND TENNIS COURT
63	DOCK	41 36.789N-71 12.745W	DOCK-PRIVATE	HOUSE BY WATER WEST SIDE OF NANNAQUAKET NECK
64	DOCK	41 36.731N-71 12.753W	DOCK-PRIVATE	DOCK WITH BOAT HOUSE
65	STONE DOCK	41 36.568N-71 12.729W	DOCK-PRIVATE	END OF LAURA LANE
66	DOCK	41 36.550N-71 12.734W	DOCK-PRIVATE	WOOD DOCK SAME HOUSE AS ABOVE
67	DOCK	41 36.523N-71 12.627W	DOCK-PRIVATE	HOUSE BETWEEN LAURA LN AND LEONARD DR
68	DOCK	41 36.471N-71 12.714W	DOCK-PRIVATE	HOUSE END OF LEONARD DR WITH ASFALT DRIVEWAY
69	DOCK	41 36.434N-71 12.698W	DOCK-PRIVATE	HOUSE END OF LEONARD DR WITH WHITE DRIVEWAY
70	DOCK	41 36.340N-71 12.643W	DOCK-PRIVATE	HOUSE END OF RIVERSCAPE DR SOUTH OF CKT
71	DOCK	41 36.290N-71 12.619W	DOCK-PRIVATE	1ST HOUSE ON NORTH END OF SUNSET VEIW DR

72	DOCK	41 36.204N-71 12.573W	DOCK-PRIVATE	4TH HOUSE FR NORTH ON SUNSET VIEW DR
73	STONE DOCK	41 35.390N-71 12.654W	DOCK-PRIVATE	STONE DOCK/JETTY NORTH OF LARGE BREAKWATER BEHIND
74	BREAKWATER	41 35.384N-71 12.698W	BREAKWATER	DURFEE HOUSE OFF SEAPOWER AVE
75	DOCK	41 34.079N-71 12.548W	DOCK-PRIVATE	LARGE STONE DOCK END OF BONNIEFIELD DR OFF NECK RD
76	DOCK	41 34.018N-71 12.620W	DOCK-PRIVATE	LARGE STONE DOCK AT END OF DRIVE WAY WITH 3 HOUSES OFF OF NECK RD JUST SOUTH OF BONNIEFIELD DR

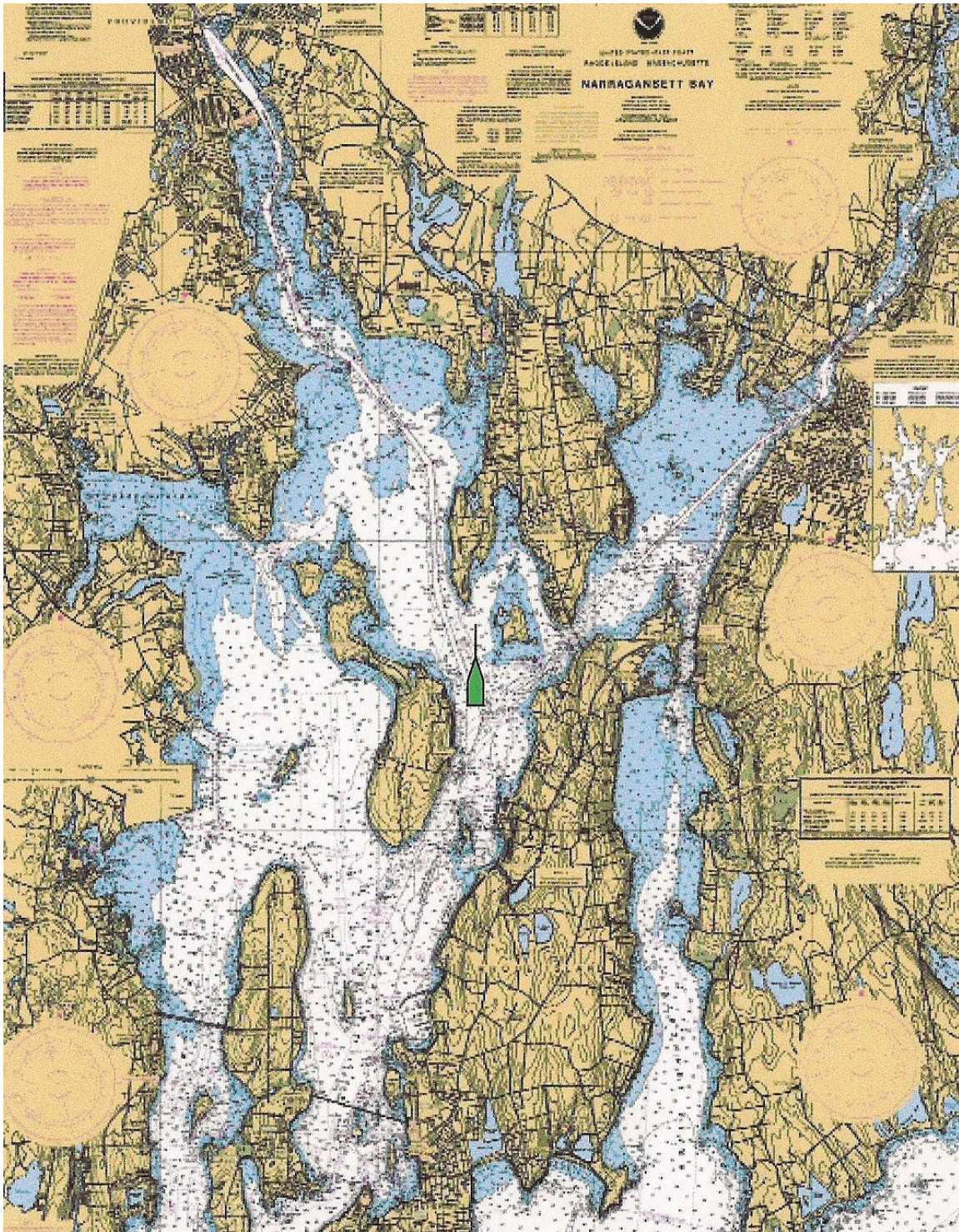
## APPENDIX G1

## HARBOR STRUCTURES

	NAME	POSITION LAT-LON	TYPE	DESCRIPTION
1	STATE AVE.	41 40.508N~071 11.733W	ROW~ACCESS	
2	HOOPER ST. AT BAY ST. TRAIL	41 40.253N~071 11.792W	ROW~ACCESS	
3	SCHOONER DR AT END	41 38.840N~071 12.559W	ROW~ACCESS DOCK	
4	RIVERSIDE DR NORTH OF R/R	41 38.388N~071 12.668W	ROW~ACCESS	
	BETWEEN 1ST AND 2ND HOUSE			
5	R/R BRIDGE ABUTMENT	41 38.340N~071 12.752W	ROW-FISHING ACCESS	
6	RIVERSIDE MARINE RAMP	41 38.337N~071 12.685W	PRIVATE RAMP	
7	UNDER RT24 SAKONNET	41 38.320N~071 12.667W	ACCESS~RAMP	
	BRIDGE		ROW-SAND	
8	RAMP QUALTY YACHTS	41 38.151N~071 12.699W	PRIVATE RAMP	
9	RAMP AT OLD MANCHESTERS	41 37.099N~071 12.433W	PRIVATE RAMP	
10	NANNAQUAKET BRIDGE	41 37.051N~071 12.448W	ROW-FISHING ACCESS	STATE FISHING AREA WEST SIDE OF BRIDGE WITH PARKING AREA
11	NANNAQUAKET BRIDGE IN POND EAST SIDE	41 37.089N~071 12.353W	ROW~ACCESS	
12	STONE BRIDGE ABUTMENT	41 37.534N~071 12.951W	FISHING-ROW ACCESS-DOCK	CLOSED FOR REPAIRS UNDERMINE OF NORTH SIDE
13	GRINNELL'S BEACH	41 37.514N~071 12.888W	SWIMMING	TOWN BEACH PARKING BY PERMIT
14	RAMP INLET DRIVE JACK'S ISL	41 35.649N~071 12.373W	RAMP-ACCESS	VERY LIMITED PARKING
15	STATE FISHING AREA	41 34.978N~071 12.735W	ROW-ACCESS	SEAPOWET STATE FISHING AREA PARKING, ROCKY BEACH, ROW
16	NORTH SIDE SEAPOWET BRIDGE	41 34.015N~071 12.581W	ROW-ACCESS	OFF OF SEAPOWET AVE. KAYAK LAUNCH AREA
17	FOGLAND NORTH SIDE AT END OF 5 ROD WAY	41 33.722N~071 12.036W	ROW-ACCESS	WIND SURF AREA LONG SAND BAR, NEED 4 WHEEL DRIVE AT END OF 5 ROD WAY
18	FOGLAND NORTH SIDE	41 33.492N~071 12.797W	ROW-ACCESS	SAND DUNE AREA WITH PLAYGROUND ABREAST OF TOWN BEACH
19	FOGLAND SOUTH SIDE	41 33.480N~071 12.711W	SWIMMING	TOWN BEACH PARKING BY PERMIT WIND SURFING AND PICNIC TABLES
20	RAMP END OF FOGLAND ROAD	41 33.289N~071 12.802W	RAMP-ACCESS	PAVED RAMP
21	END OF SHORE ROAD	41 32.731N~071 12.702W	ROW-ACCESS	NO PARKING 4 WHEEL DRIVE NEEDED

APPENDIX H

FEDERAL NAVIGATION AREAS



**APPENDIX I2.1**

**MOORING AREAS**

(4) Zone TB This area is divided into **4 areas**, TB/N – **North**, TB/SA – **South of Anthony Point**, TB/SS – **South of Standish Marina**, TB/SE-**South End**, and are known as “Tiverton Basin” area of the Sakonnet River. These areas are set to have access fairways between them. The westerly boundary is the edge of the navigation channel. The northern limit is south of the Sakonnet River bridge at approx. (N41°38.267’), and the southern limit is a line approx. 50ft north of the “Old Stone Bridge” foundation(N41°37.558’). This area is designated High Intensity Boating type 6 by CRMC. This area is DEM Estuary Water Quality Standards Category SB waters and also Estuary Water Quality Assessment category 2 waters. This area is limited to 158 moorings including riparian moorings. The total size of this zone is approx. 1,938,440 Square Feet or approx. 44.5 acres and approx 2 miles long not including 4 fairways. The individual areas are listed below.

TB/N	261,380 Sq.Ft.	6 acres	approx .4 miles long
TB/SA	1,193,544 Sq.Ft.	27.4 acres	approx .9 miles long
TB/SS	326,700 Sq.Ft.	7.5 acres	approx .4 miles long
TB/SE	156,816 Sq.Ft.	3.6 acres	approx .3 miles long

	Latitude	Longitude	Map color code
TB/N – North	N 41°38.266’	W 71°12.729’	Yellow
	N 41°38.267’	W 71°12.781’	
	N 41°38.148’	W 71°12.838’	
	N 41°38.150’	W 71°12.750’	
	N 41°38.199’	W 71°12.728’	
	N 41°38.251’	W 71°12.718’	
TB/SA - South of Anthony Point	N 41°38.266’	W 71°12.729’	Red
	N 41°38.080’	W 71°12.768’	
	N 41°38.097’	W 71°12.854’	
	N 41°37.797’	W 71°12.904’	
	N 41°37.775’	W 71°12.757’	
	N 41°37.834’	W 71°12.723’	
	N 41°37.903’	W 71°12.716’	
	N 41°37.979’	W 71°12.743’	
TB/SS - South of Standish	N 41°38.037’	W 71°12.759’	Lt. Yellow
	N 41°38.080’	W 71°12.768’	
	N 41°37.747’	W 71°12.771’	
	N 41°37.770’	W 71°12.907’	
	N 41°37.670’	W 71°12.930’	
TB/SE-South End	N 41°37.660’	W 71°12.825’	Blue
	N 41°37.747’	W 71°12.771’	
	N 41°37.620’	W 71°12.849’	
	N 41°37.644’	W 71°12.935’	
	N 41°37.558’	W 71°12.960’	
	N 41°37.570’	W 71°12.887’	
	N 41°37.620’	W 71°12.849’	



APPENDIX I2.2





**APPENDIX I3.1.1**

**MOORING AREAS**

(5) Zone NN This area, “**Nannaquaket Neck**”, is the area on the west side of Nannaquaket Neck with a north line at approx. (N41°37.106’) running east west to approx. 100’ from the MHW line on the east side of the Sakonnet River, south to an east west line at approx. (41°35.773’). The western boundary is a line with in the north south parameter out to approx. 500” from the MHW line on the east side of the Sakonnet River. This area is designated Conservation Area type 1 by CRMC. This area is DEM Estuary Water Quality Standards Category SA waters and also Estuary Water Quality Assessment category 2 waters. The zone is predominately an area of residential waterfront homes. In order to maintain privacy of the homeowners and to maintain water quality in this area, a limit of 50 moorings, excluding riparian moorings is established. All applicants must demonstrate access, parking, and dinghy storage for this area. The size of this zone is approx. 8,319,960 Square Feet or 191 acres and Approx. 3.8 miles long.

Latitude	Longitude	Map color code
N 41°37.108’	W 71°12.769’	Lt. Blue
N 41°37.106’	W 71°12.874’	
N 41°36.626’	W 71°12.844’	
N 41°36.199’	W 71°12.916’	
N 41°35.776’	W 71°12.930’	
N 41°35.773’	W 71°12.402’	
N 41°35.824’	W 71°12.318’	
N 41°35.926’	W 71°12.482’	
N 41°36.154’	W 71°12.588’	
N 41°36.425’	W 71°12.745’	
N 41°36.631’	W 71°12.756’	
N 41°36.819’	W 71°12.764’	
N 41°37.108’	W 71°12.769’	

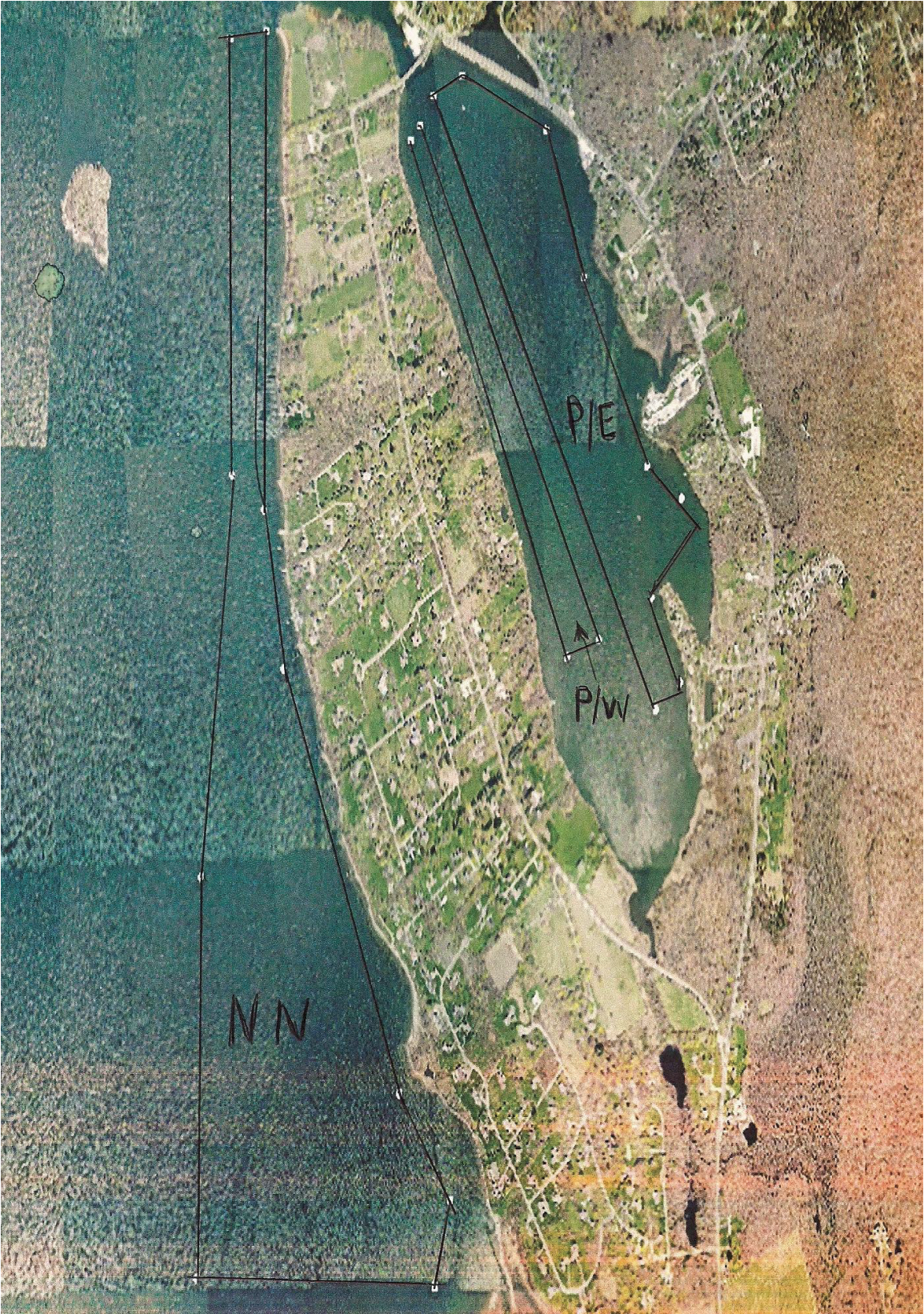
6) Zone P This area, “**Nannaquaket Pond**”, is divided into **2 areas**, P/E-**Pond Eastern half** of Nannaquaket Pond, P/W-**Pond Western third** of Nannaquaket Pond, with a 200ft fairway down the center running northwest to southeast. The P/E starts at the Nannaquaket bridge abutment to Lawrence Court and is limited to 34 moorings. The P/W area runs along the western shore and is mainly used by riparian property owners, and is limited to 20 moorings. These area is designated Conservation Area type 1 by CRMC. This area is DEM Estuary Water Quality Standards Category SA waters and also Estuary Water Quality Assessment category 1 waters. The waters of Nannaquaket Pond offers the only substantially protected mooring area in the town and are also an important source for shellfishing activities. Because of the sensitive environmental nature of Zone P and substantial land support areas, this zone shall be limited to riparian owned moorings and applicants demonstrating access and off street parking. Dingy storage shall not be on town or state property without permit. The Nannaquaket Pond area is used as a harbor of refuge, a shellfish area, and for other water related recreational activities. The total size of this zone is approx. 4,552,020 Square Feet or approx. 104.5 acres and approx 2.1 miles long. The individual areas are listed below.

P/E	3,497,868 Sq.Ft.	80.3 acres	approx 2.1 miles long
P/W	1,054,152 Sq.Ft.	24.2 acres	approx 1.6 miles long

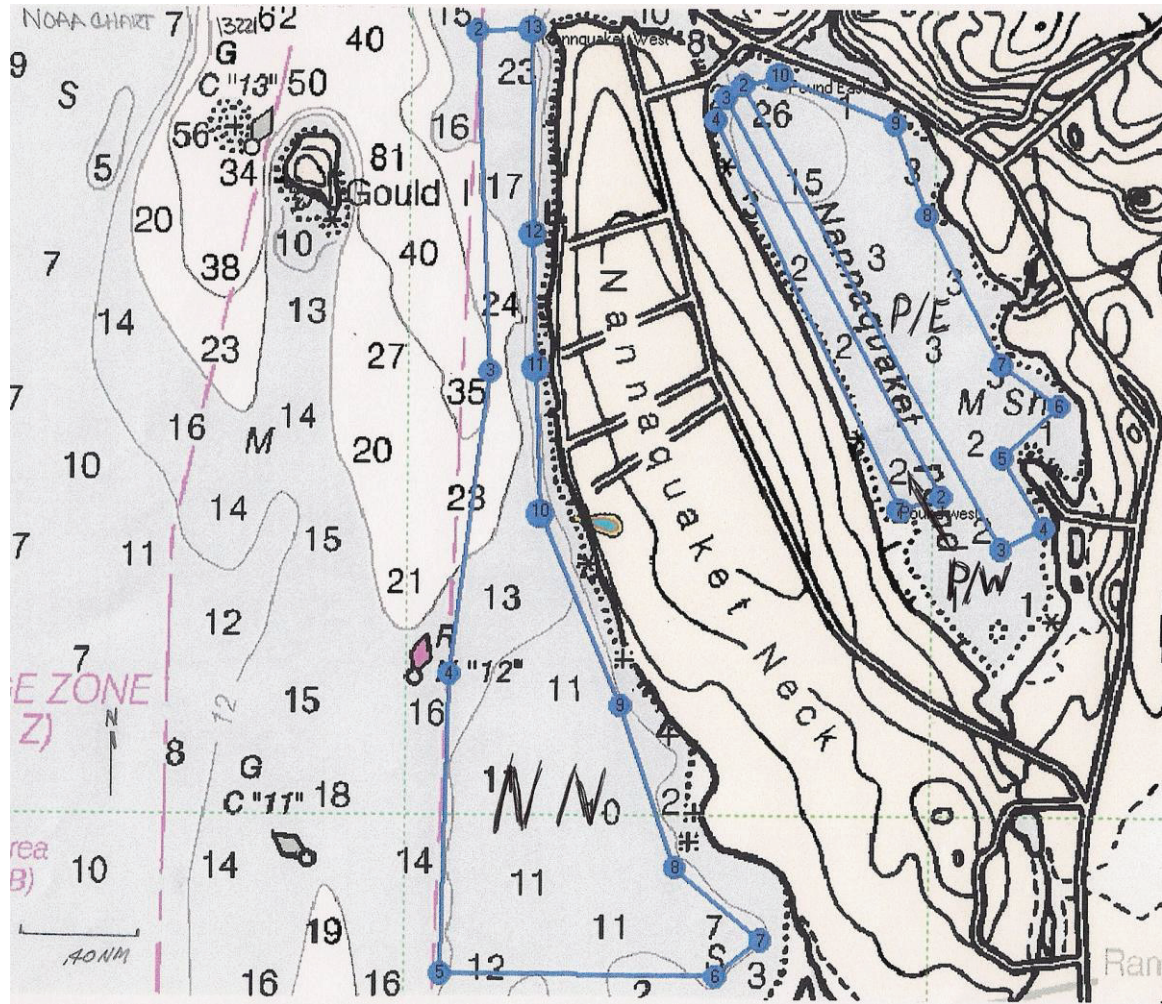
## APPENDIX I3.1.2

	Latitude	Longitude	Map color code
P/E-Pond Eastern half	N 41°37.042'	W 71°12.299'	Lt. Blue
	N 41°37.030'	W 71°12.367'	
	N 41°36.377'	W 71°11.869'	
	N 41°36.407'	W 71°11.787'	
	N 41°36.506'	W 71°11.868'	
	N 41°36.580'	W 71°11.761'	
	N 41°36.638'	W 71°11.870'	
	N 41°36.848'	W 71°12.015'	
	N 41°36.977'	W 71°12.078'	
	N 41°37.042'	W 71°12.299'	
P/W-Pond Western third	N 41°36.432'	W 71°12.058'	Lt. Blue
	N 41°36.451'	W 71°11.938'	
	N 41°37.013'	W 71°12.400'	
	N 41°36.981'	W 71°12.418'	
	N 41°36.432'	W 71°12.058'	

APPENDIX I3.2



APPENDIX I3.3




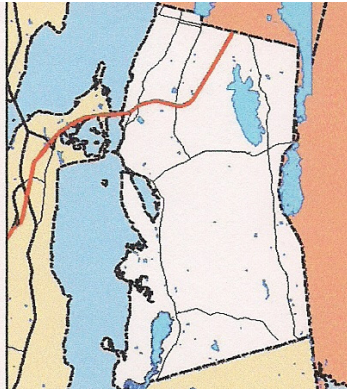
## APPENDIX 15

## MOORING AREAS


- (10) **Conservation Zones** Conservation zones are those waters exclusively designated for the protection of water quality, wildlife, and plant habitat values. Moorings and fixed structures are prohibited except in the case of riparian owners whose property is adjacent to the conservation zone.
- (11) **Grinnell's Beach Zone** This zone consist of those waters on the south side of the old Stone Bridge abutment , following MHW line south to the Nannaquaket Bridge and extend out into the Sakonnet River to the eastern edge of the navigation channel. The area contains a town beach and state shellfishing management area. No moorings are to be in this zone other than those of riparian owners.
- (12) **Commercial Zone** This zone in north Tiverton should be used for commercial fisheries, commercial shipping, boat repair, port facilities, and other commercial water dependant activities. Moorings in this area should only be available to commercial applicants and riparian owners.

**Note:** All GPS coordinates are taken by Garmin Model 2006C using the year 2009 Garmin Bluechart mapping software and verified by P – Sea Fox mapping software using the most recent NOAA raster charts. At the time the GPS readings were taken it was noted that the GPS indicated accuracy within 1.8 meters or less than 5.9 feet. All readings were taken in the following format – hddd° mm.mmm. The Harbormaster maintains the list of mooring and their locations.

# APPENDIX J1.1

<p><b>Property Information</b></p> <p>Property ID Location Owner</p>	 <p><b>MAP FOR REFERENCE ONLY NOT A LEGAL DOCUMENT</b></p> <p><small>This data set/map is for planning purposes only and should not be used for larger scale analysis. The Town of Tiverton shall not be held liable for any use of the data or images shown on this map, nor is any warranty of accuracy expressed. All uses of this data set/map are subject to field verification.</small></p>	
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## Zoning

 Watershed Protection Overlay District



### Zoning Districts

-  GENERAL COMMERCIAL - GC
-  HIGHWAY COMMERCIAL - HC
-  VILLAGE COMMERCIAL - VC
-  INDUSTRIAL - I
-  WATERFRONT - W
-  RESIDENTIAL 30 - R-30
-  RESIDENTIAL 40 - R-40
-  RESIDENTIAL 60 - R-60
-  RESIDENTIAL 80 - R-80
-  OPEN SPACE - OS
-  pond

## Natural Resources





 Lakes and Ponds

## Administrative & Political Boundaries



-  MA Towns
-  RI Towns

## Transportation

### Major Roads

-  Interstate Highway
-  Other Freeway/Expressway
-  Principal Arterial
-  Minor Arterial

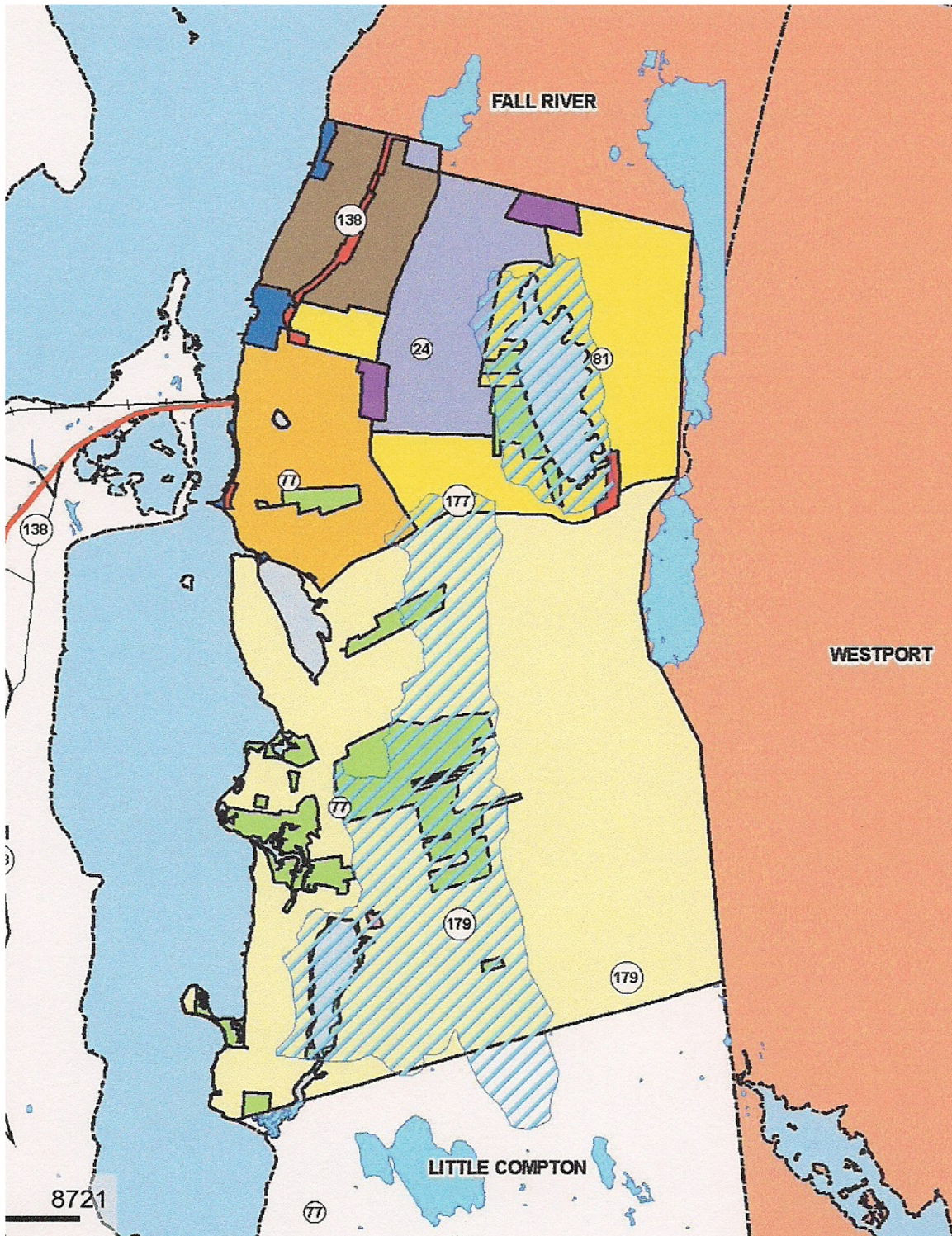
### Minor Roads

-  Collector
-  Other Roads

 Rail Roads



APPENDIX J1.2



**APPENDIX K**

**DEM WETLANDS**



## APPENDIX L

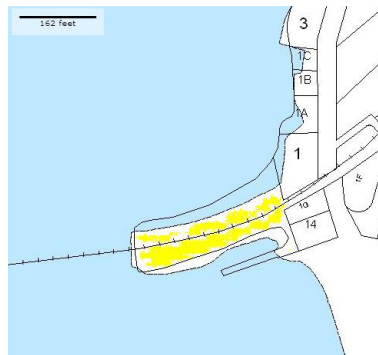
### POTENTIAL RIGHTS OF WAY SHORELINE ACCESS POINTS

In February 2012, the Harbor Commission visually inspected the following Potential Right of Way access points and provided a report and update as to their status.

1. **Hooper Street** – Hooper Street also ends on a bluff a few hundred yards from the water. There is an access path to the water but parking is limited as it is a neighborhood setting. The area along the water is industrial in nature with a large storage tank near the water. Listed as Insufficient Evidence for R-O-W designation.



2. **Riverside Drive** – This access point is the extension of land from the old Railroad Bridge. Fishermen utilize this overgrown path to get to the water. There is little parking in the area but after the state installs the boat ramp to the south there may be parking access.



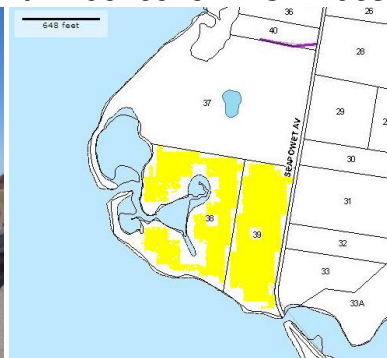
3. **Ext. of North Court** - This shoreline access is located on a hard to find street in a nicer housing development. There is a round turnaround at the access and parking for 2/3 cars. The access has an easy access to the water and nice view. A hand painted sign has been placed at the access point saying "Private Property". Listed as Insufficient Evidence for R-O-W designation.



4. **Winnisimet Drive** - Wimmisimet is located in a neighborhood of expensive homes. The only opening along Wimmisimet drive to the water had a sign that read “private, no trespassing, and no parking”. It appeared by the number of dinghy's on the shore that this area was used by Wimmisimet residents who did not have a home on the water. Listed as Insufficient Evidence for R-O-W designation.



5. **Seapowet Ave** – The Seapowet shoreline access offers plenty of parking and while having a rocky beach and bottom, offers access to one of the few free beaches in the area. These lots are owned By the State of Rhode Island lots 91-38 and 91-39. Listed as Insufficient Evidence for R-O-W designation.

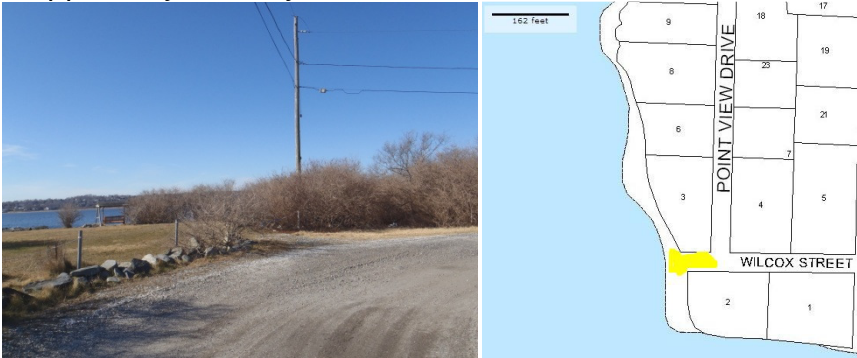


6. **Lenny Street** (South end) - Lenny Street is in a group of tightly congested smaller homes at the end of High Hill Road located on a bluff looking South down the Sakonnet River. There is an open bluff of approx.. 1/4 acre overlooking the

Sakonnet but there is no parking in the area. Lenny Street is near the South Western corner of the property recently purchased by the Tiverton Land Trust.



- 7. Wilcox Drive (West End)-** Wilcox Drive is a short sandy road at the Southern end of Fogland point. There does not appear to be access to the West at the end of this drive but there is a small grassy bluff to the South West of Wilcox that is apparently used by one of the homeowners in the area.



- 8. Driftwood Drive (Southwest end) -** A large new home was built on the small lot at the end of Driftwood Drive approx. 10 years ago. If there was a shore access at that time, there is no evidence of it now.



- 9. Between Clegg Avenue and Trailer Avenue -** This location was difficult to find at Clegg Ave. stopped several times and eventually appeared not to go all the way to the water. What was Clegg Ave became Last Street and there does appear to be an overgrown access to the water. Street are narrow and winding in this area and parking would definitely be an issue.



10. **Kearns Avenue (Bottom)** - Owned by the Town of Tiverton lot 24-12. No sign of an access point in this area.



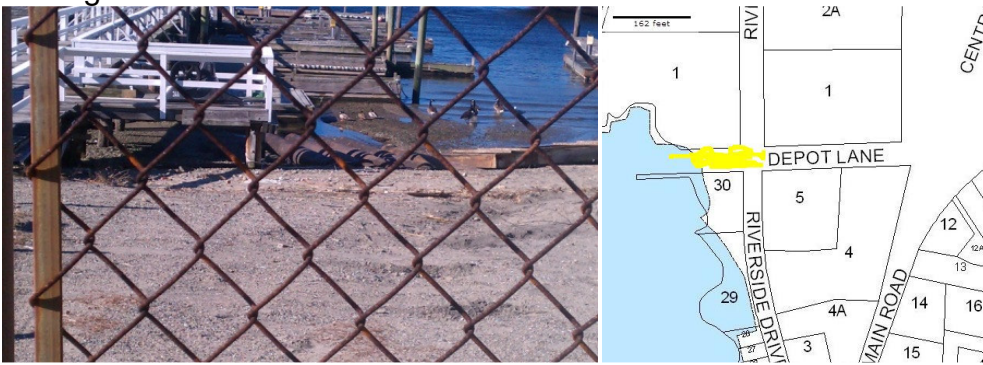
11. **Little Harbor Road** - No sign of an access point in this area.



12. **Bismark Avenue** - It does appear there was an access point to the water at one point. Gates and no trespassing signs are up and there is little parking available. Lot 24-4 is listed as owned by the Town of Tiverton on the town property viewer.



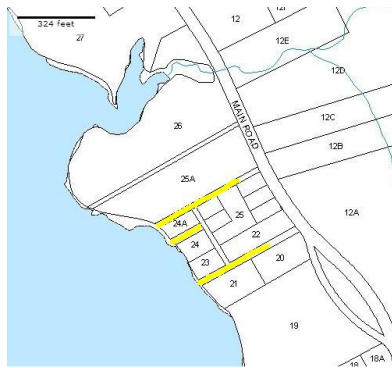
13. **Depot Drive near Tiverton Yacht Club** - Could find no additional water access point in the area around the Tiverton Yacht Club. But did find street drains leading to the water.



14. **Jennifer Lane (Heading South)** - A locked chain link gate in a long line of fence indicates there is a shoreline access point at this location. There is no parking in the immediate area and the path to the water would be extremely steep and dangerous. This land is owned by the Town of Tiverton lot 73-16. Better access to this lot should be looked into as this would be public access to the center of the Tiverton basin.



15. **Between lots 90-23 and 90-21 in Nanaquaket Pond / Between lots 90-24 and 90-24a in Nanaquaket Pond** - These lots were identified as between 2529 and 2549 Main Road and between 2521 and 2523 Main Road. All properties were located in a small cluster of houses located closely together. There was no indication that there was or had been shoreline access at these locations.



16. **Pond / Between lots 90-25a and 90-26 in Nanaquaket Pond** – This appears to be the access road into Don’s Marine. There is a gate in place to limit access.



It should be noted that all of these shoreline access points are not designated as public rights of ways by CRMC and further investigation is needed. A plan will be put in place to indentify points of public access to the shoreline.

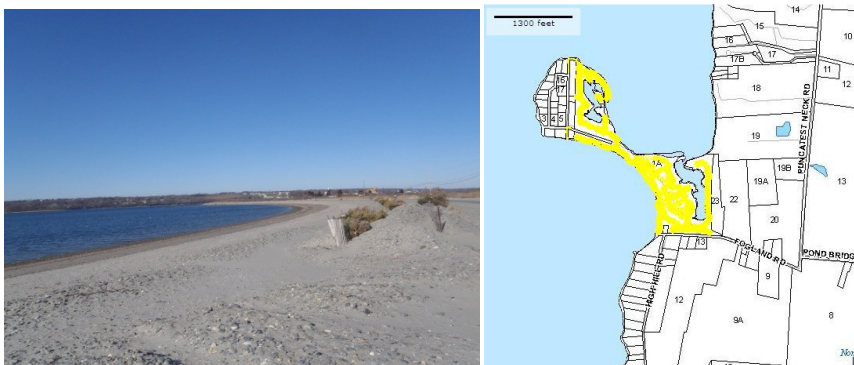




is rocky and appears to be somewhat slippery. Launch even a kayak at this spot would be risky.



- Fogland Road – T4** Fogland Road provides access both to Fogland beach, a larger section of water front that is not part of the beach, and a boat ramp. This road is on a narrow strip of land that provides access to the homes located on Fogland. Access to the water is found on both sides of Fogland road. This area is popular with swimmers, windsurfers and fishermen. Ample parking is available.



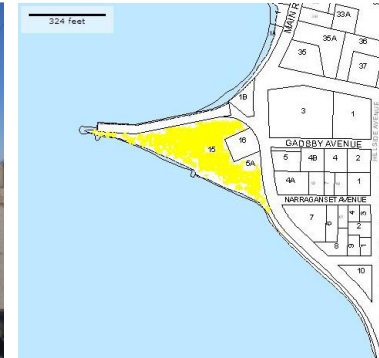
- Land south of Sakonnet Bridge – T5** This area is currently part of construction are for the new Sakonnet Bridge. It is not clear if this access point will remain after the new bridge is constructed as the new bridge is located much closer to an industrial waterfront building.



6. **Two Rod Way – T6** Two Rod Way is an unmarked road of Seapowet Ave. It is a rough one lane road of a couple hundred yards with big seasonal puddles. The shore line access is in good shape and there is parking for 3 or 4 vehicles.



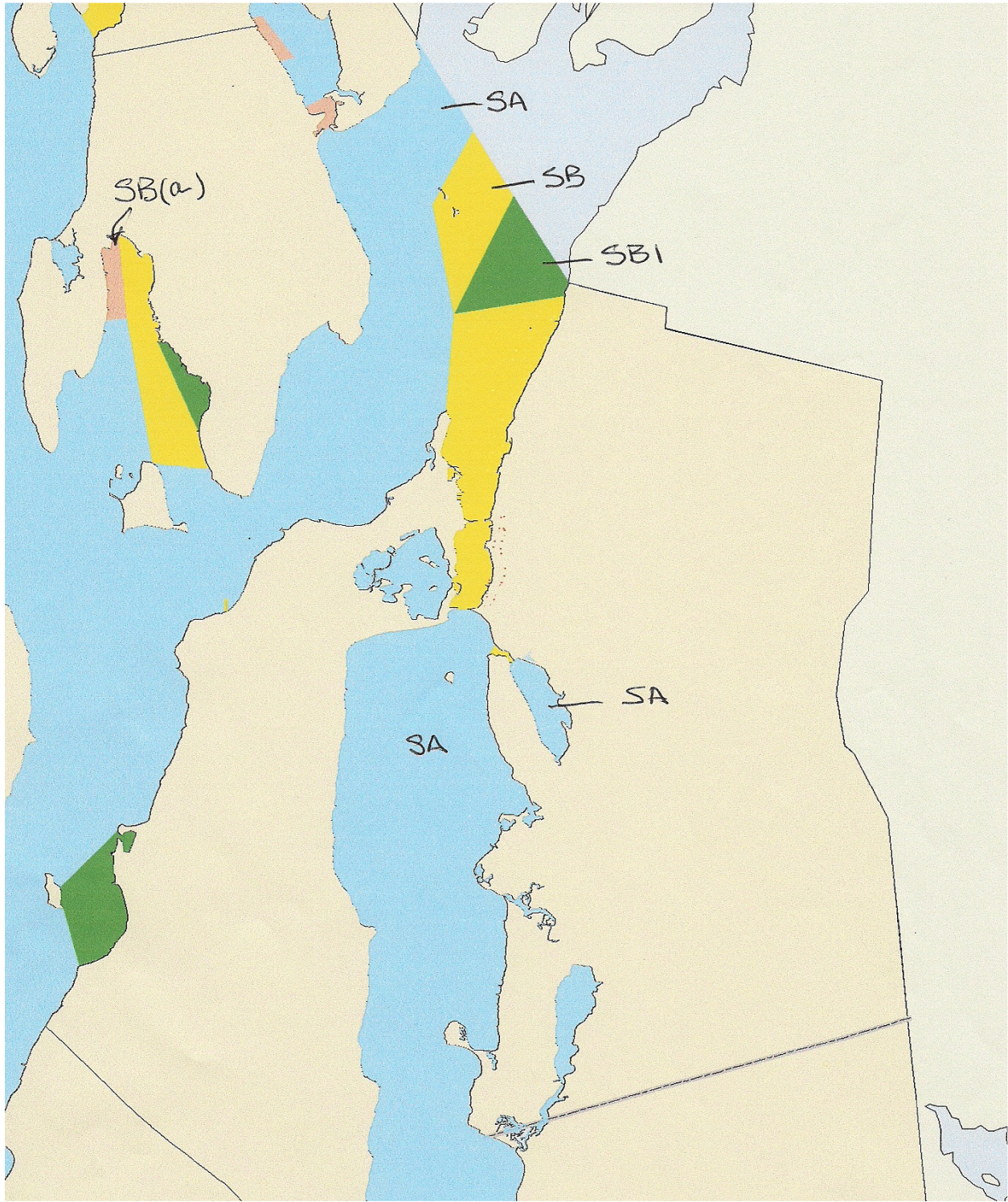
7. **South of Stone Bridge – T7** This shoreline access point is the paved entrance to Grinnells Town Beach. There is ample parking and admission is free other than in the summer months.



It should be noted that none of the public shoreline rights of ways were designated as such. Signs need to be in place to identify the public points of shore line access.

**APPENDIX N**

**DEM WATER QUALITY STANDARDS**



**APPENDIX O**

**State Plane Conversion Table**

**Conversions using <http://www.earthpoint.us/StatePlane.aspx>  
All coordinates contained in the HMP starting North to South**

**Zone is defined as the area in a mooring field as detailed in Appendix I**

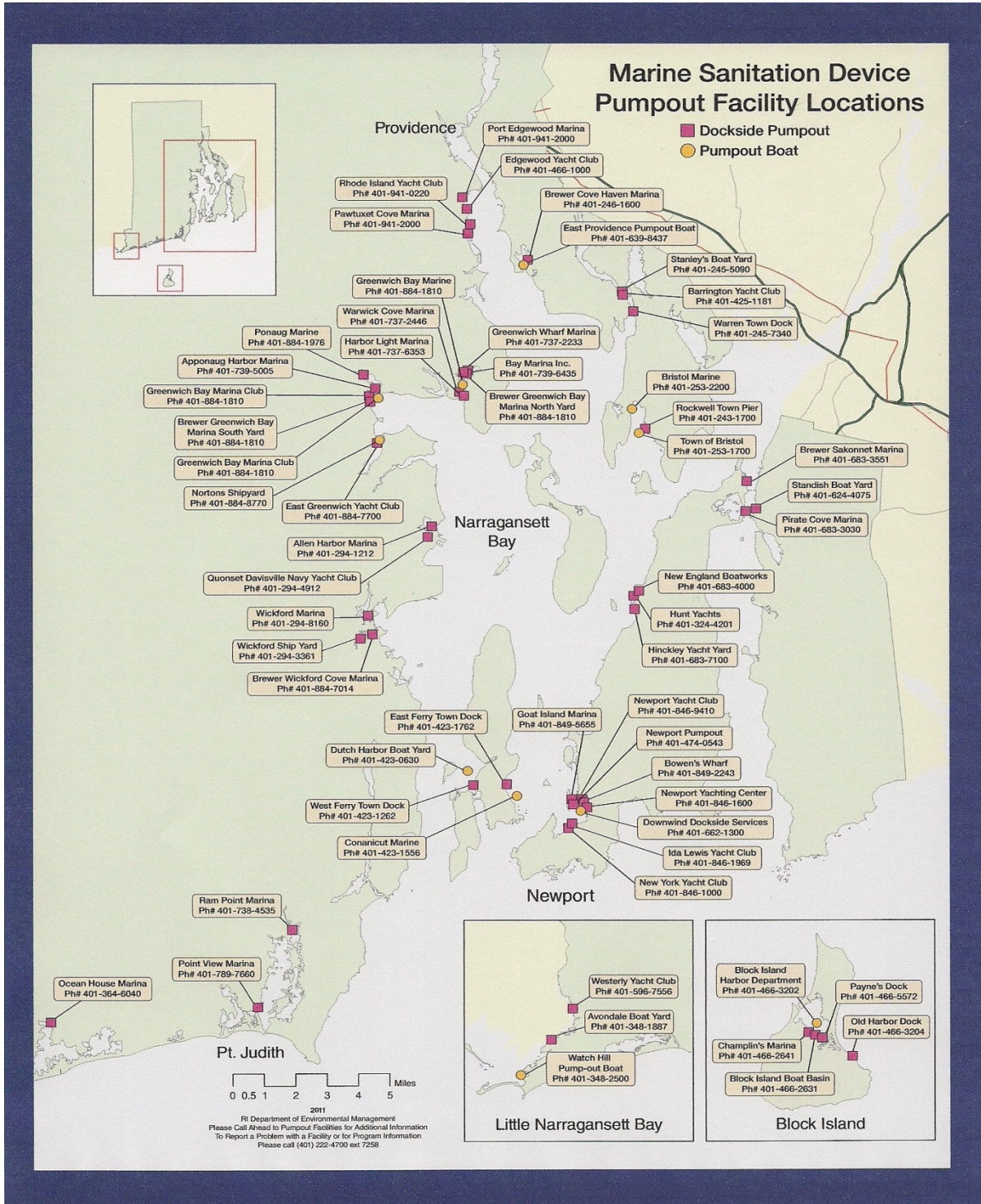
<b>GPS Lat Lon</b>		<b>to</b>	<b>RI State Plane</b>		<b>Mooring, Zone</b>	
N 41° 40.406'	W 71° 11.903'		3800	410486.014ftUSE	215159.600ftUSN	
N 41° 40.203'	W 71° 12.110'		3800	409547.727ftUSE	213923.466ftUSN	Commercial
N 41° 40.169'	W 71° 11.940'		3800	410322.566ftUSE	213719.669ftUSN	Commercial
N 41° 40.157'	W 71° 11.894'		3800	410532.290ftUSE	213647.524ftUSN	
N 41° 40.000'	W 71° 12.193'		3800	409174.022ftUSE	212689.308ftUSN	Commercial, North
N 41° 40.000'	W 71° 12.000'		3800	410052.919ftUSE	212692.351ftUSN	Commercial, North
N 41° 39.737'	W 71° 12.182'		3800	409229.617ftUSE	211092.238ftUSN	North
N 41° 39.700'	W 71° 12.300'		3800	408692.993ftUSE	210865.686ftUSN	North
N 41° 39.520'	W 71° 12.648'		3800	407111.792ftUSE	209767.146ftUSN	North
N 41° 39.505'	W 71° 12.273'		3800	408820.017ftUSE	209681.841ftUSN	
N 41° 39.249'	W 71° 12.530'		3800	407654.774ftUSE	208123.130ftUSN	North
N 41° 39.094'	W 71° 12.621'		3800	407243.454ftUSE	207180.395ftUSN	North
N 41° 39.000'	W 71° 12.518'		3800	407714.542ftUSE	206611.100ftUSN	North
N 41° 38.949'	W 71° 12.515'		3800	407729.254ftUSE	206301.416ftUSN	
N 41° 38.947'	W 71° 12.652'		3800	407105.245ftUSE	206287.169ftUSN	North
N 41° 38.937'	W 71° 12.552'		3800	407560.961ftUSE	206227.969ftUSN	North
N 41° 38.907'	W 71° 12.559'		3800	407529.689ftUSE	206045.667ftUSN	
N 41° 38.840'	W 71° 12.594'		3800	407371.628ftUSE	205638.229ftUSN	
N 41° 38.792'	W 71° 12.710'		3800	406844.195ftUSE	205344.946ftUSN	North/Southern end
N 41° 38.779'	W 71° 12.622'		3800	407245.326ftUSE	205267.339ftUSN	North/Southern end
N 41° 38.496'	W 71° 12.659'		3800	407082.541ftUSE	203548.074ftUSN	
N 41° 38.464'	W 71° 12.666'		3800	407051.303ftUSE	203353.626ftUSN	
N 41° 38.461'	W 71° 12.677'		3800	407001.251ftUSE	203335.239ftUSN	
N 41° 38.437'	W 71° 12.687'		3800	406956.182ftUSE	203189.331ftUSN	
N 41° 38.413'	W 71° 12.689'		3800	406947.558ftUSE	203043.546ftUSN	
N 41° 38.407'	W 71° 12.690'		3800	406943.125ftUSE	203007.092ftUSN	
N 41° 38.395'	W 71° 12.695'		3800	406920.590ftUSE	202934.138ftUSN	
N 41° 38.377'	W 71° 12.701'		3800	406893.621ftUSE	202824.730ftUSN	
N 41° 38.367'	W 71° 12.718'		3800	406816.375ftUSE	202763.740ftUSN	North/Southern end
N 41° 38.355'	W 71° 12.756'		3800	406643.498ftUSE	202690.284ftUSN	North/Southern end
N 41° 38.332'	W 71° 12.712'		3800	406844.420ftUSE	202551.271ftUSN	
N 41° 38.279'	W 71° 12.701'		3800	406844.420ftUSE	202551.271ftUSN	
N 41° 38.267'	W 71° 12.781'		3800	406531.382ftUSE	202155.469ftUSN	
N 41° 38.266'	W 71° 12.729'		3800	406768.309ftUSE	202150.185ftUSN	Tiverton Basin, TB/N
N 41° 38.266'	W 71° 12.680'		3800	406991.549ftUSE	202150.932ftUSN	Tiverton Basin, TB/N
N 41° 38.251'	W 71° 12.718'		3800	406818.728ftUSE	202059.256ftUSN	Tiverton Basin, TB/N
N 41° 38.241'	W 71° 12.695'		3800	406923.718ftUSE	201998.875ftUSN	
N 41° 38.234'	W 71° 12.691'		3800	406942.084ftUSE	201956.424ftUSN	
N 41° 38.216'	W 71° 12.697'		3800	406915.114ftUSE	201847.016ftUSN	
N 41° 38.204'	W 71° 12.694'		3800	406929.025ftUSE	201774.184ftUSN	
N 41° 38.199'	W 71° 12.728'		3800	406774.223ftUSE	201743.301ftUSN	Tiverton Basin, TB/N
N 41° 38.185'	W 71° 12.700'		3800	406902.075ftUSE	201658.703ftUSN	
N 41° 38.150'	W 71° 12.750'		3800	406674.984ftUSE	201445.383ftUSN	Tiverton Basin, TB/N
N 41° 38.148'	W 71° 12.838'		3800	406274.092ftUSE	201431.903ftUSN	Tiverton Basin, TB/N
N 41° 38.135'	W 71° 12.741'		3800	406716.292ftUSE	201354.422ftUSN	
N 41° 38.097'	W 71° 12.854'		3800	406202.222ftUSE	201121.932ftUSN	Tiverton Basin, TB/SA
N 41° 38.088'	W 71° 12.752'		3800	406667.127ftUSE	201068.818ftUSN	
N 41° 38.080'	W 71° 12.768'		3800	406594.391ftUSE	201019.990ftUSN	Tiverton Basin, TB/SA
N 41° 38.052'	W 71° 12.739'		3800	406727.086ftUSE	200850.383ftUSN	
N 41° 38.037'	W 71° 12.759'		3800	406636.266ftUSE	200758.982ftUSN	Tiverton Basin, TB/SA
N 41° 37.998'	W 71° 12.700'		3800	406905.872ftUSE	200523.027ftUSN	

N 41° 37.991'	W 71° 12.700'	3800	406906.014ftUSE	200480.515ftUSN	
N 41° 37.979'	W 71° 12.743'	3800	406710.340ftUSE	200406.983ftUSN	Tiverton Basin, TB/SA
N 41° 37.972'	W 71° 12.697'	3800	406920.069ftUSE	200365.171ftUSN	
N 41° 37.957'	W 71° 12.691'	3800	406947.711ftUSE	200274.166ftUSN	
N 41° 37.949'	W 71° 12.683'	3800	406984.324ftUSE	200225.703ftUSN	
N 41° 37.928'	W 71° 12.678'	3800	407007.532ftUSE	200098.243ftUSN	
N 41° 37.916'	W 71° 12.679'	3800	407003.220ftUSE	200025.350ftUSN	
N 41° 37.903'	W 71° 12.716'	3800	406834.900ftUSE	199945.836ftUSN	Tiverton Basin, TB/SA
N 41° 37.875'	W 71° 12.665'	3800	407067.842ftUSE	199776.566ftUSN	
N 41° 37.834'	W 71° 12.723'	3800	406804.405ftUSE	199526.684ftUSN	Tiverton Basin, TB/SA
N 41° 37.828'	W 71° 12.678'	3800	407009.565ftUSE	199490.930ftUSN	
N 41° 37.797'	W 71° 12.904'	3800	405980.436ftUSE	199299.239ftUSN	Tiverton Basin, TB/SA
N 41° 37.797'	W 71° 12.710'	3800	406864.389ftUSE	199302.176ftUSN	
N 41° 37.775'	W 71° 12.757'	3800	406650.681ftUSE	199167.852ftUSN	Tiverton Basin, TB/SA
N 41° 37.770'	W 71° 12.907'	3800	405967.308ftUSE	199135.219ftUSN	Tiverton Basin, TB/SS
N 41° 37.757'	W 71° 12.735'	3800	406751.288ftUSE	199058.870ftUSN	
N 41° 37.750'	W 71° 12.741'	3800	406724.091ftUSE	199016.267ftUSN	
N 41° 37.747'	W 71° 12.771'	3800	406587.456ftUSE	198997.592ftUSN	Tiverton Basin, TB/SS
N 41° 37.716'	W 71° 12.732'	3800	406765.788ftUSE	198809.918ftUSN	
N 41° 37.701'	W 71° 12.754'	3800	406665.848ftUSE	198718.487ftUSN	
N 41° 37.687'	W 71° 12.771'	3800	406588.669ftUSE	198633.205ftUSN	
N 41° 37.674'	W 71° 12.780'	3800	406547.923ftUSE	198554.118ftUSN	
N 41° 37.670'	W 71° 12.930'	3800	405864.513ftUSE	198527.561ftUSN	Tiverton Basin, TB/SS
N 41° 37.663'	W 71° 12.783'	3800	406534.475ftUSE	198487.268ftUSN	
N 41° 37.660'	W 71° 12.825'	3800	406343.158ftUSE	198468.413ftUSN	Tiverton Basin, TB/SS
N 41° 37.654'	W 71° 12.790'	3800	406502.760ftUSE	198432.504ftUSN	
N 41° 37.647'	W 71° 12.802'	3800	406448.222ftUSE	198389.810ftUSN	
N 41° 37.644'	W 71° 12.935'	3800	405842.250ftUSE	198369.584ftUSN	Tiverton Basin, TB/SE
N 41° 37.634'	W 71° 12.817'	3800	406380.135ftUSE	198310.632ftUSN	
N 41° 37.620'	W 71° 12.849'	3800	406234.604ftUSE	198225.125ftUSN	Tiverton Basin, TB/SE
N 41° 37.570'	W 71° 12.887'	3800	406062.455ftUSE	197920.896ftUSN	Tiverton Basin, TB/SE
N 41° 37.558'	W 71° 12.960'	3800	405730.054ftUSE	197846.920ftUSN	Tiverton Basin, TB/SE
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N 41° 37.124'	W 71° 12.590'	3800	407424.913ftUSE	195216.798ftUSN	
N 41° 37.108'	W 71° 12.769'	3800	406609.489ftUSE	195116.899ftUSN	Nanaquaket Neck
N 41° 37.106'	W 71° 12.874'	3800	406131.017ftUSE	195103.164ftUSN	Nanaquaket Neck
N 41° 37.090'	W 71° 12.428'	3800	408163.888ftUSE	195012.807ftUSN	
N 41° 37.042'	W 71° 12.299'	3800	408752.775ftUSE	194723.301ftUSN	Nanaquaket Pond, P/E
N 41° 37.030'	W 71° 12.367'	3800	408443.124ftUSE	194649.366ftUSN	Nanaquaket Pond, P/E
N 41° 37.013'	W 71° 12.400'	3800	408293.082ftUSE	194545.611ftUSN	Nanaquaket Pond, P/W
N 41° 36.981'	W 71° 12.418'	3800	408211.709ftUSE	194350.992ftUSN	Nanaquaket Pond, P/W
N 41° 36.977'	W 71° 12.078'	3800	409761.314ftUSE	194332.014ftUSN	Nanaquaket Pond, P/E
N 41° 36.978'	W 71° 13.336'	3800	404028.062ftUSE	194318.933ftUSN	
N 41° 36.962'	W 71° 12.031'	3800	409975.829ftUSE	194241.660ftUSN	
N 41° 36.926'	W 71° 12.723'	3800	406822.813ftUSE	194012.291ftUSN	
N 41° 36.920'	W 71° 12.416'	3800	408222.083ftUSE	193980.563ftUSN	
N 41° 36.914'	W 71° 12.384'	3800	408368.046ftUSE	193944.621ftUSN	
N 41° 36.848'	W 71° 12.015'	3800	410051.154ftUSE	193549.578ftUSN	Nanaquaket Pond, P/E
N 41° 36.819'	W 71° 12.764'	3800	406638.120ftUSE	193361.845ftUSN	Nanaquaket Neck
N 41° 36.789'	W 71° 12.745'	3800	406725.322ftUSE	193179.940ftUSN	
N 41° 36.731'	W 71° 12.753'	3800	406690.034ftUSE	192827.578ftUSN	
N 41° 36.711'	W 71° 11.888'	3800	410632.876ftUSE	192719.580ftUSN	
N 41° 36.638'	W 71° 11.870'	3800	410716.468ftUSE	192276.531ftUSN	Nanaquaket Pond, P/E
N 41° 36.631'	W 71° 12.756'	3800	406678.384ftUSE	192220.222ftUSN	Nanaquaket Neck
N 41° 36.628'	W 71° 11.780'	3800	411126.886ftUSE	192217.240ftUSN	
N 41° 36.626'	W 71° 12.844'	3800	406277.396ftUSE	192188.524ftUSN	Nanaquaket Neck
N 41° 36.580'	W 71° 11.761'	3800	411214.511ftUSE	191926.036ftUSN	Nanaquaket Pond, P/E
N 41° 36.568'	W 71° 12.729'	3800	406802.722ftUSE	191838.026ftUSN	
N 41° 36.556'	W 71° 12.166'	3800	409369.070ftUSE	191773.850ftUSN	
N 41° 36.550'	W 71° 12.734'	3800	406780.297ftUSE	191728.634ftUSN	
N 41° 36.523'	W 71° 12.627'	3800	407268.545ftUSE	191566.292ftUSN	
N 41° 36.512'	W 71° 11.823'	3800	410933.372ftUSE	191512.070ftUSN	
N 41° 36.506'	W 71° 11.868'	3800	410728.392ftUSE	191474.912ftUSN	Nanaquaket Pond, P/E
N 41° 36.500'	W 71° 11.802'	3800	411029.346ftUSE	191439.529ftUSN	

N 41° 36.495'	W 71° 11.792'	3800	411075.033ftUSE	191409.324ftUSN	
N 41° 36.476'	W 71° 11.765'	3800	411198.505ftUSE	191294.368ftUSN	
N 41° 36.475'	W 71° 11.723'	3800	411389.962ftUSE	191288.970ftUSN	
N 41° 36.471'	W 71° 12.714'	3800	406873.057ftUSE	191249.163ftUSN	
N 41° 36.451'	W 71° 11.938'	3800	410410.499ftUSE	191139.776ftUSN	Nanaquaket Pond, P/W
N 41° 36.434'	W 71° 12.698'	3800	406946.736ftUSE	191024.702ftUSN	
N 41° 36.432'	W 71° 12.058'	3800	409863.934ftUSE	191022.485ftUSN	Nanaquaket Pond, P/W
N 41° 36.425'	W 71° 12.745'	3800	406732.690ftUSE	190969.329ftUSN	Nanaquaket Neck
N 41° 36.407'	W 71° 11.787'	3800	411099.703ftUSE	190874.971ftUSN	Nanaquaket Pond, P/E
N 41° 36.386'	W 71° 12.092'	3800	409709.927ftUSE	190742.586ftUSN	
N 41° 36.377'	W 71° 11.869'	3800	410726.577ftUSE	190691.466ftUSN	Nanaquaket Pond, P/E
N 41° 36.353'	W 71° 12.087'	3800	409733.411ftUSE	190542.253ftUSN	
N 41° 36.340'	W 71° 12.643'	3800	407199.343ftUSE	190454.670ftUSN	
N 41° 36.311'	W 71° 12.053'	3800	409889.272ftUSE	190287.719ftUSN	
N 41° 36.328'	W 71° 12.065'	3800	409834.216ftUSE	190390.772ftUSN	
N 41° 36.290'	W 71° 12.619'	3800	407309.759ftUSE	190151.382ftUSN	
N 41° 36.204'	W 71° 12.573'	3800	407521.195ftUSE	189629.800ftUSN	
N 41° 36.199'	W 71° 12.916'	3800	405957.790ftUSE	189594.224ftUSN	Nanaquaket Neck
N 41° 36.154'	W 71° 12.588'	3800	407453.841ftUSE	189325.915ftUSN	Nanaquaket Neck
N 41° 35.926'	W 71° 12.482'	3800	407941.715ftUSE	187942.879ftUSN	Nanaquaket Neck
N 41° 35.824'	W 71° 12.318'	3800	408691.449ftUSE	187325.964ftUSN	Nanaquaket Neck
N 41° 35.776'	W 71° 12.930'	3800	405902.442ftUSE	187025.094ftUSN	Nanaquaket Neck
N 41° 35.773'	W 71° 12.402'	3800	408309.565ftUSE	187014.932ftUSN	Nanaquaket Neck
N 41° 35.633'	W 71° 12.936'	3800	405877.951ftUSE	186156.552ftUSN	Seapowet
N 41° 35.546'	W 71° 12.630'	3800	407274.776ftUSE	185632.831ftUSN	Seapowet
N 41° 35.390'	W 71° 12.654'	3800	407168.531ftUSE	184685.063ftUSN	
N 41° 35.384'	W 71° 12.698'	3800	406968.044ftUSE	184647.953ftUSN	
N 41° 35.340'	W 71° 13.950'	3800	401260.645ftUSE	184362.357ftUSN	Seapowet
N 41° 35.247'	W 71° 12.857'	3800	406245.871ftUSE	183813.530ftUSN	Seapowet
N 41° 34.675'	W 71° 13.001'	3800	405600.711ftUSE	180337.566ftUSN	Fogland Beach North, F/N
N 41° 34.668'	W 71° 12.579'	3800	407525.224ftUSE	180301.448ftUSN	Fogland Beach North, F/N
N 41° 34.551'	W 71° 12.569'	3800	407573.217ftUSE	179591.052ftUSN	Fogland Beach North, F/N
N 41° 34.235'	W 71° 12.610'	3800	407392.688ftUSE	177671.334ftUSN	Fogland Beach North, F/N
N 41° 34.079'	W 71° 12.548'	3800	407678.638ftUSE	176724.887ftUSN	
N 41° 34.070'	W 71° 12.660'	3800	407168.010ftUSE	176668.514ftUSN	Fogland Beach North, F/N
N 41° 34.018'	W 71° 12.620'	3800	407351.502ftUSE	176353.326ftUSN	
N 41° 33.804'	W 71° 12.660'	3800	407173.416ftUSE	175053.080ftUSN	Fogland Beach North, F/N
N 41° 33.804'	W 71° 13.080'	3800	405257.737ftUSE	175046.747ftUSN	Fogland Beach North, F/N
N 41° 33.746'	W 71° 12.849'	3800	406312.526ftUSE	174697.974ftUSN	Fogland Beach North, F/N
N 41° 33.337'	W 71° 13.297'	3800	404277.112ftUSE	172207.421ftUSN	
N 41° 33.310'	W 71° 13.220'	3800	404628.892ftUSE	172044.583ftUSN	Fogland Beach South, F/S
N 41° 33.279'	W 71° 12.874'	3800	406207.869ftUSE	171861.482ftUSN	Fogland Beach South, F/S
N 41° 33.050'	W 71° 13.028'	3800	405509.913ftUSE	170468.443ftUSN	Fogland Beach South, F/S
N 41° 32.855'	W 71° 13.260'	3800	404455.349ftUSE	169280.758ftUSN	Fogland Beach South, F/S
N 41° 32.850'	W 71° 13.036'	3800	405477.392ftUSE	169253.715ftUSN	Fogland Beach South, F/S

# Appendix P

## RI waters Pump-out locations





APPENDIX Q

AQUACULTURE POLICY

**In Development**

## Chapter 14

### BOATS AND WATERWAYS\*

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\* **Cross References:** Beach regulations generally, § 50-1; parks and recreation, ch. 54.  
**State Law References:** Waters and navigation, G.L. 1956, title 46.

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**ARTICLE I.**

**IN GENERAL**

**Secs. 14-1--14-25. Reserved.**

**ARTICLE II.**

**HARBOR MANAGEMENT**

**DIVISION 1.**

**GENERALLY**

**Sec. 14-26. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Abode* means the principal, non-water dependent use of a structure or vessel as a dwelling or home.

*Anchoring* means securing a vessel temporarily to the bottom of the water column by dropping an anchor or other ground tackle from that vessel.

*Boat* means, for the purposes of the mooring aspects of this article, a vessel registered to occupy a specific mooring or slip within the waters of the town or to a transient vessel that may be anchored within the waters of the town from time to time.

*Channel* means any designated water area preserved for passage of vessels.

*Commercial mooring* means any mooring which is rented or leased.

*Commercial vessel* means any type of vessel used primarily for any type of commercial venture including, but not limited to, fishing, towage, salvage, the carrying of passengers for hire or the transport of cargo.

*Fairway* means any water area reserved for the unobstructed movement of a vessel to or from a channel and within the harbor.

*Illegal Mooring* means a Mooring placed in town waters without authorization of the Harbormaster. A Mooring and or its tackle not properly identified (mooring # and weight) or maintained will also be classified as an “Illegal Mooring”.

*Mooring* means a semi permanent **single point** anchorage installation. **Mooring should be limited to one vessel per mooring. This does not apply to dinghy’s and or tenders that are used for transportation from shore to and from the moored vessel and transients with occupants aboard.**

*Mooring location* means a site within the town waters authorized by the harbormaster for the placement of a mooring.

*Mooring permit* means the license granted on an annual basis by the Tiverton Harbor and Coastal Waters Management Commission to place a mooring in the waters of the town.

***Outhaul*: Defined as a non-single-point anchoring device, for the purpose of securing a boat in tidal waters and retrieving it from shore**

*Private mooring* means any mooring registered to a boat owner of record and used exclusively for his recreational purposes.

*Pulley lines* (Outhauls): means for dinghies, tenders, shallow-draft sailboats and work skiffs and shall not considered as moorings for riparian owners and others with access. Resident riparian owners and non-riparian town residents will not be charged for the permit. Non-residents will be charged a non-resident fee. All pulley lines must be registered each year. Nonresident mooring holders may use pulley lines only for dinghies or tenders with the appropriate permit and fee. They must have written authorized access for their use from the riparian property owner.

*Resident* means any person who is an elector, real estate taxpayer or resident of the town in accordance with this Code.

*Riparian moorings* means the riparian owner shall be allowed a minimum of one mooring. However, riparian owners may be granted up to four moorings. These moorings may only be used by immediate family members (father, mother and their legal children). The following guidelines shall apply for each additional mooring requested:

- (1) Each field of an individual single point mooring shall equal a circular area with a 50-foot diameter or the length of the vessel plus three times the water depth, whichever is greater. **The Harbor Commission reserves the right to amend this definition, as situation (s) dictate**

- (2) Single-point mooring areas shall be contained within a ten-foot setback from and within the applicant riparian lines and far enough offshore to keep noise disturbance to other shore owners and other vessels within reasonable limits.
- (3) Riparian mooring owners are subject to all relevant mooring regulations.

*Riparian owner* means the owner of land located on the bank or shore of a natural watercourse, lake or tidewater.

***Riparian Rights: The rights associated with coastal waterfront property ownership regarding access to tidal waters.***

*T.H.C.W.M.C.* means Tiverton Harbor and Coastal Waters Management Commission; also known as the commission.

*Transient anchorage* means any area reserved for the exclusive short term use of commercial and recreational vessels and any vessels seeking shelter.

*Transient mooring* means a mooring reserved and designated by a commercial mooring operator or the town for short-term use (no more than seven consecutive days) by a person who does not usually lease or maintain a mooring within the town waters.

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

(Code 1967, § 13-9)

**Cross References:** Definitions generally, § 1-2.

**Secs. 14-27--14-40. Reserved.**

## **DIVISION 2.**

### **HARBORMASTER\***

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\* **Cross References:** Officers and employees, § 2-41 et seq.

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#### **Sec. 14-41. Responsibilities; authority.**

The harbormaster will be viewed as the enforcement arm of the T.H.C.W.M.C. and will act to enforce decisions made by the commission and report to the commission at each monthly meeting.

(Code 1967, § 13-71)

#### **Sec. 14-42. Appointment; compensation.**

The harbormaster is a salaried, year round, and council annually appointed position. Recommendations for harbormaster shall be submitted to the council by October of each year by the T.H.C.W.M.C. When a new harbormaster is to be appointed, the selection process shall comply with the provisions of the Town Charter concerning the hiring of municipal employees.

The Chairman or a member of The Commission, as designated by the Chairman of the Harbor Commission, shall be invited to the Harbormaster interview. After the Personnel Board has chosen their top three applicants The Commission shall make a written recommendation and with appropriate commentary designed to assist the Town Council with their choice for Harbormaster. The harbormaster is responsible for implementing and enforcing T.H.C.W.M.C.'s decisions and policies. Salary for the harbormaster shall be part of the annual budget request for the harbormaster's office. The term of the harbormaster appointment shall be on a calendar year from January 1 to December 31. **The Town Administrator is required to solicit on an annual basis a review from the Harbor Commission concerning the current Harbor Master before the Town Council re-appoints him/her to the position.**

(Code 1967, § 13-7-2; Ord. of 3-13-00)

**Sec. 14-43. Enforcement authority; responsibilities.**

The harbormaster shall have the authority to enforce the Tiverton Harbor and Coastal Waters Management Plan Articles, regulations and decisions of the T.H.C.W.M.C. and any laws/ordinances passed by the council, the state and the U.S. government consistent with the authority contained under such ordinances and laws. He will be expected to develop good working relationships with other town departments and promote community goodwill and boating safety with other neighboring cities and towns. He is responsible for the inspection and maintenance of all equipment used by his staff. Further, the harbormaster is responsible for all recordkeeping and cash handling in accordance with federal, state and town procedures.

(Code 1967, § 13-7-3)

**Sec. 14-44. Additional duties.**

The harbormaster shall supervise the activity of an assistant harbormaster as well as others which he may recruit to assist him. He will assist the T.H.C.W.M.C. in the development of new water related facilities and advise concerning the effective overall management of the coastal waters of the town. The harbormaster will prepare an annual budget for his staff and equipment to be reviewed by the commission at least two months prior to discussions with the budget committee of the town.

(Code 1967, § 13-7-4)

**Sec. 14-45. Patrol boat operator qualification review**

The Towns Harbor Patrol Boat will not be used by anyone without the operator first meeting the following qualifications. Also the operator must show competency to the Harbormaster at the Harbormaster's convenience. Any trainees (Harbor Patrol, Fire, or Police Department) must be in the presence of Harbormaster or his approved designee while at the helm. Fire department personnel that have been approved can operate the vessel alone. All trainees must satisfactorily, to the harbormaster or his designee, demonstrate the Following abilities

- Knowledge of Tiverton Harbor Management Plan and Municipal Code
- Ability to handle stressful situations
- Get underway
- Approach vessels and objects
- Operate under normal conditions

- Radio communications including Security (SAY-CURE-IT-TAY)
  - Dock vessel
  - Secure and make fast
  - Complete reports and logs
  - Tow with a Hauser and also from the Hip (setup lines for proper towing )
  - Be able to direct and stop boaters and write citations without feeling intimidation
  - Ability to use S.T.A.R. (Stop, Think, Act, Review) to assess the every situation
- The following certifications are required
    - Rhode Island Boating Safety Training at the minimum (not an on line course)
    - C.P.R.
    - First Aid
- The following certifications are encouraged but not required
    - U.S.C.G. Masters or O.U.P.V. 6 Pack
    - U.S.C.G. Towing Endorsement
    - A.E.D.
    - O2 Administration
    - E.M.T.
    - Paramedic
    - Hazmat
    - S.C.U.B.A.

**Secs. 14-46--14-60. Reserved.**

### **DIVISION 3.**

#### **TIVERTON HARBOR AND COASTAL WATERS MANAGEMENT COMMISSION\***

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\* **Charter References:** Tiverton harbor and coastal waters management commission, § 1008.  
**Cross References:** Boards, commissions and committees, § 2-56 et seq.

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**Sec. 14-61. Creation; scope of responsibility and authority.**

There is hereby created a harbor and coastal waters management commission. The commission has the responsibility and the authority to make recommendations to the council, and other local boards and commissions as may be appropriate, on all issues relating to the planning and management of the coastal waters of the town. These shall include, but not necessarily be limited to, fees, operating budgets, staffing limits, coastal area construction and development projects and regulation. The commission shall also, with the approval of the council, have the authority to adopt any additional regulations which may be necessary to fulfill the goals of this article.

(Code 1967, § 13-6-1)



**Sec. 14-62. Composition; primary duty.**

The T.H.C.W.M.C. shall consist of 9 members, appointed by the council, chosen from a list of interested parties maintained by the town clerk after duly publicizing the availability of these positions. The commission shall examine the state of the waters of the town and make recommendations so that this article can manage them into the future.

(Code 1967, § 13-6-2)

**Sec. 14-63. Representation of area interests.**

The membership of the T.H.C.W.M.C. shall represent specific areas of interest within the town. There shall be one member representing each of the following special interests:

Recreational boaters, commercial boaters, recreational fishermen, commercial fishermen, riparian property owners, conservationists, council, town planning board and ~~three members representing~~ taxpayers at large.

(Code 1967, § 13-6-3)

**Sec. 14-64. Terms; vacancies; meetings.**

Commission members shall be appointed for overlapping two-year terms so that four members will be replaced one year and five the following year. In the event of resignation during a term, the council shall appoint a new member of the same interest group to fill the remainder of the term. A chairperson, vice-chairperson and secretary shall be elected by the members of the commission. The commission shall meet at the request of the chairperson, council or harbormaster.

(Code 1967, § 13-6-4)

**Sec. 14-65. Sitting as board of appeals; appeal procedure.**

The commission, with council approval, shall sit as the board of appeals to hear the appeal of any person aggrieved by any decision, act or failure to act of the harbormaster or any member of the staff of the harbormaster department, except those violations requiring immediate adjudication at the state level, such as, but not limited to, speeding. Application to have the commission hold a hearing regarding an appeal must be made within 30 days of the matter which precipitated the appeal. An appeal to the council regarding a decision by the commission must be made within 20 days of the commission decision. All applications for appeals must be made to the town clerk.

(Code 1967, § 13-6-5)

**Sec. 14-66. Public hearings.**

The commission shall also conduct public hearings on proposed changes to this article or rules and regulations.

(Code 1967, § 13-6-6)

**Sec. 14-67. Functions and goals.**

The commission shall:

- (1) Manage the waters of the town by establishing regulations that balance the diverse uses of the waters and waterfront and minimize user conflicts.

- (2) Maintain and improve public access to the waters of the town.
- (3) Remain consistent with the goals and regulations of the state coastal resources management program, the state department of environmental management and the United States Army Corps of Engineers.
- (4) Maintain compliance with the town comprehensive plan.
- (5) Provide a mechanism to ensure the funding of administrative and operational costs of this article is provided by user fees shared by the town, private and commercial mooring owners, and other groups of individuals as may be identified by the commission.

Nothing in this section is intended to abridge the rights of riparian owners.  
(Code 1967, § 13-8)

**Sec. 14-68. Areas under article jurisdiction.**

The waters of the town included under the jurisdiction of this article are those waters on the easterly side of Mount Hope Bay and the Sakonnet River contained within the following boundaries:

- (1) *Northern boundary.* Rhode Island/Massachusetts state line, which follows a line running approximately NNW/SSE from the Warren/Swansea border, across Mt. Hope Bay to the Tiverton/Fall River border.
- (2) *Easterly boundary.* The MHW line of the shoreline of the town, extending from the Rhode Island/Massachusetts border in a SSW direction and terminating at the town/Little Compton town line.
- (3) *Southern boundary.* An extension of the town/Little Compton town line in a westerly direction to a midpoint in the Sakonnet River between the MHW lines of the town and Portsmouth.
- (4) *Western boundary.* A line following the mid-point in the Sakonnet River between the MHW lines of the town and the nearest opposite shore from the southerly boundary, north to the intersection of this line with the Fall River shipping channel and then following the eastern edge of the channel north to its intersection with the Rhode Island/Massachusetts state line.

(Code 1967, § 13-10)

**Sec. 14-69. Transmission of opinions on areas of jurisdiction.**

(a) The commission, upon receipt of all public notices of applications before the Coastal Resources Management Council which affect the area under the jurisdiction of the Tiverton Harbor Management Plan shall immediately forward a copy of the notice to the building official, planning board, zoning board, conservation commission and council with the

request that they review the application and immediately transmit their opinion to the Coastal Resources Management Council within the time period provided for such comment.

(b) The building official, planning board and zoning board of review shall notify the commission of all applications before them which might affect areas under the jurisdiction of the approved harbor management plan and request input from the commission as to these applications.

**Secs. 14-70--14-100. Reserved.**

## **DIVISION 4.**

### **MOORINGS**

#### **Subdivision I.**

##### **In General**

#### **Sec. 14-101. Assignment authority.**

Mooring locations are assigned by the town. The authority to assign moorings and to create this division derives from the state coastal resources management commission and the council. Responsibility for the assignment of mooring locations and the issuance of permits to place mooring tackle lies with the commission and is carried out in their behalf by the harbormaster. Mooring assignments are a privilege/property right that can only be revoked by the Harbormaster only after due process. All moorings and their associated vessels must remain within the CRMC approved perimeter of the mooring area within which they are located.  
(Code 1967, § 13-11-1)

#### **Sec. 14-102. Initial application for location.**

Initial applications for a mooring location may be obtained on-line, or from the Clerk's office, and from the harbormaster.. Locations for such new applications will be assigned as space becomes available and is decided by the harbormaster. A waiting list of applicants for mooring locations is kept on-line and on file in town hall and may be viewed by anyone during town hall office hours. The list shall contain the date of initial application.  
(Code 1967, § 13-11-2)

#### **Sec. 14-103. Renewal of existing permits.**

The Harbormaster will send out renewal forms by December 15th every year. The holder of a current permit to place ground tackle may renew that permit by submitting a renewal to the harbormaster at the office of the town clerk, town hall or by U.S. mail. All requests are time-stamped by the town staff as they are received with the appropriate user-fee payment made out to the town. Renewals must be received no later than May 1st of each year. The nonreceipt, by May 1st of a renewal application for a given mooring location shall be construed to free that location for reassignment.  
(Code 1967, § 13-11-3; Ord. of 3-13-00)

**Sec. 14-104. Federal and state-assigned locations.**

Mooring locations previously assigned by federal or state authority will be honored if permits are renewed annually as described in section 14-103. Documentation of the federal or state assignment of a mooring location must be on file in the town mooring records.  
(Code 1967, § 13-11-4)

**Sec. 14-105. Mooring list; annual update; appeals.**

The mooring list is updated annually by May 1 of each year. Decisions of the harbormaster may be appealed to the commission. Applicants for such an appeal must request the placement of their name on the agenda for the next available monthly meeting of the commission. Any such appeal shall be filed with the town clerk within 30 days of the decision's having been made public.  
(Code 1967, § 13-11-5)

**Sec. 14-106. Contents of application for mooring locations.**

Applications for mooring locations should contain the following information:

- (1) Name, address and telephone numbers, and e-mail address if available, of the applicant.
- (2) Name of vessel, type, color, LOA, displacement beam draft, registration number/documentation.
- (3) Type and weight of mooring, chain and other tackle.
- (4) Name of individual and/or company placing and inspecting the ground tackle (if owner, so indicate).
- (5) Type of head, if any, on board.
- (6) Access to mooring (nonriparian owners must provide a document from the owner of shore property being used for access to the mooring). Authorized local access and a legal parking area is required.
- (7) Priority of applicant according to the schedule set forth in section 14-107.

(Code 1967, § 13-11-6)

**Sec. 14-107. Priority of mooring location assignments.**

The system for mooring assignments' priority shall be as follows:

- (1) Owner of riparian right--mooring abuts frontage . . . . . exempt
- (2) Town resident commercial vessel mooring . . . . . 6 points
- (3) Town resident recreational vessel mooring . . . . . 5 points

- (4) Town resident with commercial rental mooring . . . . . 4 points
- (5) Town resident, supplemental mooring (family) . . . . . 3 points
- (6) Nonresident commercial vessel mooring . . . . . 2 points
- (7) Nonresident recreational vessel mooring . . . . . 1 point

It is the towns objective to ensure that non-residents of Tiverton have access to moorings within the town of Tiverton. To achieve this objective the town will commit to achieve the CRMC recommended 3:1 ratio of resident to non-resident moorings. This objective may supersede the current point system.

(Code 1967, § 13-11-7)

**Sec. 14-108. Applications for private moorings; required contents.**

Applications for private moorings must include evidence of ownership or lease of the vessel to be moored. Further, a state license or federal documentation papers must be on file for each vessel. Only the indicated vessel may be moored on the designated tackle. As is customary in this region, short term exceptions to this rule may be arranged with the harbormaster on a case-by-case basis. Private moorings which are rented to vessels other than that for which they are designated will be regarded as commercial moorings, subject to all fees and limitations that are placed on such moorings in town waters. Such moorings may be removed as needed to restore the balance of commercial/private moorings. This ratio is set at three commercial moorings to every ten privately owned moorings per mooring area. Privately owned moorings improperly converted to commercial use may be removed by the harbormaster.

(Code 1967, § 13-11-8)

**Sec. 14-109. Mooring floats.**

Mooring floats shall indicate the mooring number and weight of the anchor. Commercial moorings will contain the mooring number only. Letters will be three inches or greater.

(Code 1967, § 13-11-9)

**Sec. 14-110. Mooring specifications.**

No mooring shall be composed of discarded cement. The scope of chain and the size of chain shall be consonant with the standards set forth in Chapman's text on seamanship. Otherwise, the responsibility for the correct mooring-to-vessel match regarding mooring weight and tackle and for the integrity of the mooring lines belongs primarily to the mooring owner and, as to matters strictly within the confines or purview of the vessel, to its owner. The commission recommends that any cement moorings be of a type certified as made specifically for saltwater marine moorings and that mooring weight be a foremost consideration so as to offset the possible loss of appropriate scope in crowded locations. At the option of the harbormaster, the tackle owner may be required to use two moorings in tandem in order to diminish swinging room.

(Code 1967, § 13-11-10)

**Sec. 14-111. Commercial moorings.**

Commercial moorings are owned by businesses or clubs and are intended for leasing to transient or seasonal renters, or in the case of boatyards, for vessels awaiting repair. The owner of the commercial mooring may charge a currently required user fee for boats utilizing this tackle. All operators of commercial moorings must comply with all state regulations concerning provision of parking for cars and sanitary facilities as well as pump-out stations.  
(Code 1967, § 13-11-11)

**Sec. 14-112. Commercial mooring operators.**

Commercial mooring operators are responsible for obtaining mooring permits using the methods described in this division. All rules and deadlines that apply to private moorings also apply for commercial mooring purposes. The mooring owner is at all times responsible for a seamanlike match of displacement and length over all (LOA) to tackle specifications. Applications for new commercial moorings must be made through the harbormaster using the procedures described in this division.  
(Code 1967, § 13-11-12)

**Sec. 14-113. Relocation of mooring ground tackle.**

Relocation of mooring ground tackle will be permitted. A mooring permitholder who desires a new location for ground tackle shall file an application in accordance with the procedures described in this division. Reasons for requesting a move of tackle must be specified. Priority will be given to such moves in the annual reassignment. Such reassignment of moorings will be limited only by space availability. The harbormaster may also make mooring reassignments as necessary in order to carry out mooring policy and procedures.  
(Code 1967, § 13-11-13)

**Sec. 14-114. Illegal moorings.**

Illegal moorings will be tagged by the Harbormaster. It is the owner's responsibility to contact the Harbormaster and to repair or remove the mooring. If the mooring is properly labeled then the Harbormaster will try to contact the owner first by telephone and then by mail using the information provided on the renewal or application. If after 60 days the owner has not been identified or defects not been corrected a private contractor will note the GPS coordinates of the mooring and remove the float from the chain dropping the chain to the bottom. The float will then be turned over to the Harbormaster with the GPS coordinates of the remaining tackle. If the owner is not identified and all fees not paid by May 1 of the following year the private contractor shall have the float and shall retrieve the remaining tackle, within 30 days of notification, as that mooring will be listed as abandoned. Please note that it is the owner's responsibility to retrieve the dropped chain, using the original contractor and paying normal contractor rates, and not the responsibility of The Town or Harbormaster as the mooring was illegal. The GPS location of the removed mooring and tackle will then be offered to the next person on the waiting list.  
(Code 1967, § 13-11-14)

**Sec. 14-115. Transfer of permits.**

~~Subject to review and approval by the commission, commercial mooring permits may be transferred to successor businesses or clubs. The standard for review shall be the ability of the proposed transferee to comply with sections of this article pertinent to commercial operators.~~

~~Private mooring permits shall be transferred, upon request, to immediate family members defined as the mooring owner's spouse and/or legal children.~~

(1) At such time as an existing mooring becomes available for sale, the owner shall notify the harbormaster and provide proof of inspection within the last year. The harbormaster shall assign the space to the person next on the waiting list whose boat fits the mooring. The mooring owner may then sell the mooring gear in its location to this person; or, remove the mooring within ten days at the mooring owner's expense.

(2) Notwithstanding the above provision, a private mooring may transfer to an immediate family member (brother, sister, mother, father, spouse, children or grandchildren) upon written notice to the harbormaster which shall include the name and address change. Such transfers shall be strictly limited to a one time basis to those individuals holding a valid permit on the date that the CRMC approves the Town of Tiverton Harbor Management Plan and Harbor Ordinances. No immediate family member to whom a private mooring is transferred shall then be allowed to transfer that private mooring under any circumstance. Thereafter, all private moorings that are forfeited by or not renewed by a holder of a valid mooring permit shall be made available to individuals on the waiting list.

(Code 1967, § 13-11-15)

**Sec. 114-116. Authorized mooring contractors.**

A list of town authorized mooring contractors will be kept and updated by the harbormaster and will be available to all mooring holders upon request. To be on this list the contractor must have a \$1,000,000.00 insurance binder for the Town of Tiverton. The contractor must also agree to abide by the Towns Rules and Regulations. After service or installation of a mooring the contractor must send all information regarding the mooring to the harbormaster. Minimum information to send if available is as follow:

- 1) MOORING NUMBER
- 2) INSPECTION DATE: \_\_\_\_\_
- 3) NAME OF INSPECTOR AND/OR COMPANY
- 4) ADDRESS OF INSPECTOR
- 5) MOORING OWNER NAME
- 6) MOORING OWNER ADDRESS
- 7) MOORING OWNER HOME PHONE
- 8) MOORING OWNER EMERGENCY NUMBER
- 9) GPS POSITION
- 10) OVERALL MOORING CONDITION
- 11) MOORING ANCHOR CONDITION
- 12) MOORING ANCHOR WEIGHT TYPE
- 13) LOWER CHAIN CONDITION
- 14) LOWER CHAIN SIZE and LENGTH
- 15) UPPER CHAIN CONDITION
- 16) UPPER CHAIN SIZE and LENGTH
- 17) FLOAT and PENNANT CONDITION
- 18) FLOAT and PENNANT SIZE and LENGTH
- 19) SHACKLES/SWIVELS/TOP GEAR

## 20) SHACKLES/SWIVELS/TOP GEAR SIZE and QUANTITY

### **Sec. 14-117. Outhauls / Pulleys**

Outhauls are subject to the regulatory jurisdiction of the Harbormaster. The town authorizes the Harbormaster to administer an annual permit for a outhaul as long as it meets the following requirements:

- a. except as provided below, an outhaul(s) is/are to be permitted to the contiguous waterfront property owner; and,
- b. up to two (2) outhauls may be allowed per waterfront property; and,
- c. outhauls are not permitted on properties which contain a recreational boating facility; and,
- d. that permits are issued only consistent with the RICRMP, including the provisions of 300.18; and,
- e. the town acknowledges that the CRMC retains the authority to revoke any permits issued by the town if it finds that such permit conflicts with the RICRMP; and,
- f. 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; and,
- g. 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, and, the contiguous property owner(s) agree in writing to such, however, such “grandfathering” is extinguished whenever a recreational boating facility is approved at the location.

### **Sec. 14-118. Mooring area and Restrictions**

The Harbormaster will ensure that all moorings remain within their assigned mooring areas. Moorings that have migrated outside their assigned mooring areas will be moved, at the owner’s expense, to within its designated mooring area. The Harbormaster will ensure that all mooring holders have a registered or documented vessel associated with their mooring. The vessel must be in the mooring holder or an immediate family members name. If no vessel is associated with the mooring then the mooring owner will be required to give up their mooring location to the next person on the waiting list.

### **Secs. 14-119--14-130. Reserved.**

## **Subdivision II.**

### **Water Zones**

#### **Sec. 14-131. Purpose of division.**

The waters of the town shall be divided into zones for the purposes of managing the activities that occur in and on those waters.  
(Code 1967, § 13-12-1)

#### **Sec. 14-132. Mooring zones; generally.**



(a) *Basis of location.* Mooring zones are those waters of the town authorized for the placement of vessel moorings. Where possible, mooring zones shall not be located closer than 100 feet from the MHW along the shoreline and they shall be limited based upon the following:

- (1) The state department of environmental management water quality criteria, implementing the Interstate Shellfish Sanitation Conference formula.
- (2) The Coastal Resource Management Program, water type classifications.
- (3) The input of the citizens of the town.
- (4) The availability of parking and access.

(b) *Support data for determining the number of boats to be permitted in zones.* Support data shall be as follows:

- (1) The DEM Division of Water Resources has indicated that when determining the allowable number of boats in the Tiverton Basin and north to the Rhode Island/Massachusetts state line, all of the SB and SC waters can be included in the volume portion of the I.S.S.C. formula. This is a large volume of water, most of which is not suitable for the mooring of recreational or small commercial fishing boats. Therefore, when determining the appropriate number of boats allowed within a specified mooring area in the waters of the town, in order to ensure compliance with water quality guidelines, only the actual amount of water area included in the mooring zone was used in the I.S.S.C. formula.
- (2) For the purposes of this article, all boat limits given in this section include those boats owned by riparian property owners, except where noted.
- (3) It is the intent of this article to ensure that the number of boats in any of the mooring zones located south of the Stone Bridge remain below the levels authorized in order to permit the direct harvesting of shellfish. Should the number of boats ever exceed this criteria, the commission will immediately instruct the harbormaster to reduce the number of moorings in the impacted area to the level required to maintain safe shellfishing.

(Code 1967, § 13-12-2(A), (B))

### **Sec. 14-133. Description of zones.**

The following is a description of the water zones:

- (1) **Zone C** This is the **Commercial area** from the Mass./R.I. State Line (N41° 40.500') heading south to (N41° 40.000') and approx. 150' from the MHW line of the Sakonnet River heading west to approx. 600' from the MHW line. This area is designated Industrial Waterfront and Commercial Navigation Channel type 6 by CRMC. This area is DEM Estuary Water Quality Standards Category SB waters and also Estuary Water Quality Assessment category 5

waters. Commercial Moorings limited to 20 in this area. The size of this zone is 2,461,140 Square Feet or 56.5 acres and Approx. 1.5 miles long.

**(Note. Petroleum-carrying vessels or barges shall use a floating oil barrier when anchored or moored in town waters.)**

(2) Zone N This is the **North area** from the south end of Zone C (N41° 40.000') heading south to (N41° 39.250') and approx. 150' from the NHW line west to 400' from MHW line. This area is designated Industrial Waterfront and Commercial Navigation Channel type 6 by CRMC. This area is DEM Estuary Water Quality Standards Category SB waters and also Estuary Water Quality Assessment category 5 waters. The zone is predominately an area of residential waterfront homes. In order to maintain privacy of the homeowners and to provide a safe distance between boats this area, a limit of 75 moorings, excluding riparian moorings is established. The size of this zone is 3,698,244 Square Feet or 84.9 acres and Approx. 2.2 miles long.

(3) Zone NS This is the **North /Southern End** area starts south of the Starwoods dock (N41° 39.100) and runs south to (N41° 38.355), which is approx. 100' from the north side of the old railroad bridge abutment and 100' from the MHW line of the Sakonnet River heading west to approx. 400' from the MHW line. This area is designated Commercial and Recreational Harbor Type 5 by CRMC. This area is DEM Estuary Water Quality Standards Category SB waters and also Estuary Water Quality Assessment category 5 waters. This zone is predominately an area of residential waterfront homes. This area has a limit of 40 moorings excluding riparian moorings. The size of this zone is 1,515,888 Square Feet or 34.8 acres and Approx. 1.8 miles long.

(4) Zone TB This area is divided into **4 areas**, TB/N – **North**, TB/SA – **South of Anthony Point**, TB/SS – **South of Standish Marina**, TB/SE-**South End**, and are known as “Tiverton Basin” area of the Sakonnet River. These areas are set to have access fairways between them. The westerly boundary is the edge of the navigation channel. The northern limit is south of the Sakonnet River bridge at approx. (N41° 32.260), and the southern limit is a line approx. 50ft north of the “Old Stone Bridge” foundation. This area is designated High Intensity Boating type 6 by CRMC. This area is DEM Estuary Water Quality Standards Category SB waters and also Estuary Water Quality Assessment category 2 waters. This area is limited to 158 moorings including riparian moorings. The total size of this zone is approx. 1,818,630 Square Feet or approx. 44.9 acres and approx 2.1 miles long. The individual areas are listed below.

TB/N	274,428 Sq.Ft.	6.3 acres	approx .4 miles long
TB/SA	1,171,764 Sq.Ft.	26.9 acres	approx .9 miles long
TB/SS	357,192 Sq.Ft.	8.2 acres	approx .3 miles long
TB/SE	152,460 Sq.Ft.	3.5 acres	approx .5 miles long

(5) Zone NN This area, “**Nannaquaket Neck**”, is the area on the west side of Nannaquaket Neck with a north line at approx. (N41° 37.108) running east west to approx. 100' from the MHW line on the east side of the Sakonnet River, south to an east west line at approx. (41° 35.925). The western boundary is a line with in the north south parameter out to approx. 500” from the MHW line on the east side of the Sakonnet River. This area is designated Conservation Area type 1 by CRMC. This area is DEM Estuary Water Quality Standards Category SA waters

and also Estuary Water Quality Assessment category 2 waters. The zone is predominately an area of residential waterfront homes. In order to maintain privacy of the homeowners and to maintain water quality in this area, a limit of 50 moorings, excluding riparian moorings is established. All applicants must demonstrate access, parking, and dinghy storage for this area. The size of this zone is 8,102,160 Square Feet or 186 acres and Approx. 3.7 miles long.

(6) Zone P This area, “**Nannaquaket Pond**”, is divided into **2 areas**, **P/E-Pond Eastern half** of Nannaquaket Pond, **P/W-Pond Western third** of Nannaquaket Pond, with a 200ft fairway down the center running northwest to southeast. The P/E starts at the Nannaquaket bridge abutment (N41° 37.045) to Lawrence Court (41° 36.400) is limited to 34 moorings. The P/W area runs along the western shore and is mainly used by riparian property owners, and is limited to 20 moorings. This area is designated Conservation Area type 1 by CRMC. This area is DEM Estuary Water Quality Standards Category SA waters and also Estuary Water Quality Assessment category 1 waters. The waters of Nannaquaket Pond offers the only substantially protected mooring area in the town and are also an important source for shellfishing activities. Because of the sensitive environmental nature of Zone P and substantial land support areas, this zone shall be limited to riparian owned moorings and applicants demonstrating access and off street parking. Dingy storage shall not be on town or state property without permit. The Nannaquaket Pond area is used as a harbor of refuge, a shellfish area, and for other water related recreational activities. The total size of this zone is approx. 4,229,676 Square Feet or approx. 44.9 acres and approx 2.1 miles long. The individual areas are listed below.

NP/E	3,449,952 Sq.Ft.	79.2 acres	approx 1.2 miles long
NP/W	779,724 Sq.Ft.	17.9 acres	approx 1.6 miles long

(7) Zone S The **Sapowet** area is a rectangle north of Sapowet Point and South of Jacks Island. This area is used by riparian mooring holders and is limited to 15 moorings. This area is low intensity boating and shellfish area and designated Conservation area type 1 by CRMC. This area is DEM Estuary Water Quality Standards Category SA waters and also Estuary Water Quality Assessment category 2 waters. The size of this zone is 2,073,456 Square Feet or 47.6 acres and Approx. 1.1 miles long.

(8) Zone FN The **Fogland Beach North / Wilcox Hill** area is a rectangle with the north end running east west (N41° 36.670) between 100ft and 600ft from the east side of the Sakonnet River. Then south to an east west line (N41° 33.800). This area is low intensity boating and shellfish area and designated Conservation area type 1 by CRMC. This area is DEM Estuary Water Quality Standards Category SA waters and also Estuary Water Quality Assessment category 2 waters. It is located relatively close to one of the access points to moorings in Tiverton. Because of the high water quality of the zone it will be limited to 52 moorings, excluding riparian mooring owners. It should also be noted that occasionally this area experiences rough weather and moorings placed in this area should be gauged appropriately. All applicants must demonstrate access, parking, and dinghy storage for this area. The size of this zone is 11,064,240 Square Feet or 254 acres and Approx. 2.8 miles long.

(9) Zone FS The **Fogland Beach South / High Hill** area is bound north by an east west line just north of the Fogland Boat Ramp and running south between 100ft and 500ft of the east side of the Sakonnet River to a point just north of the Tiverton-Little Compton line (41° 32.825).

Because of the high water quality of the zone it will be limited to 25 moorings, excluding riparian mooring owners. It should also be noted that occasionally this area experiences rough weather and moorings placed in this area should be gauged appropriately. All applicants must demonstrate access, parking, and dinghy storage for this area. The size of this zone is 2,609,244 Square Feet or 59.9 acres and Approx. 1.5 miles long.

(10) Conservation Zones Conservation zones are those waters exclusively designated for the protection of water quality, wildlife, and plant habitat values. Moorings and fixed structures are prohibited except in the case of riparian owners whose property is adjacent to the conservation zone.

(11) Grinnell's Beach Zone This zone consist of those waters on the south side of the old Stone Bridge abutment , following MHW line south to the Nannaquaket Bridge and extend out into the Sakonnet River to the eastern edge of the navigation channel. The area contains a town beach and state shellfishing management area. No moorings are to be in this zone other than those of riparian owners.

(12) Commercial Zone This zone in north Tiverton should be used for commercial fisheries, commercial shipping, boat repair, port facilities, and other commercial water dependant activities. Moorings in this area should only be available to commercial applicants and riparian owners.

(Code 1967, § 13-12-2(C)--(N))

**Secs. 14-134--14-150. Reserved.**

### **Subdivision III.**

#### **Transient Anchorage and Dockage**

##### **Sec. 14-151. Permitted; limitations.**

Transient anchorage is permitted in all the waters of the town, except navigation channels and fairways, on a space-available basis and for up to 48 hours. The consent of the harbormaster is required for visits in excess of 48 hours. Anchored vessels may not be left unattended. The owner, operator, crew and/or guests shall be available to tend to the vessel in the event of heavy weather. If anchored in a mooring zone, it shall be the vessel captain's responsibility to remain clear of all moored vessels.

(Code 1967, § 13-13-1)

##### **Sec. 14-152. Designation of dockage space.**

In accordance with the town harbor and coastal waters management plan, dockage space for transient boats may be designated by the commission should a town dock be developed.

Rules and regulations for such dockage may be established by the commission.

(Code 1967, § 13-13-2)

**Secs. 14-153--14-170. Reserved.**

### **Subdivision IV.**

## **Mooring Placement/Occupation**

### **Sec. 14-171. Approval required; removal.**

No mooring shall be placed in the waters of the town without approval. Illegal moorings will be removed at the owner's expense.

(Code 1967, § 13-14-1)

### **Sec. 14-172. Extension into designated fairway.**

No vessel moored or anchored shall extend into a designated fairway.

(Code 1967, § 13-14-2)

### **Sec. 14-173. Occupation of private mooring.**

No boat shall occupy a private mooring other than the one for which it is registered. The harbormaster may permit the temporary use of a mooring by another boat upon application by the registered permit holder.

(Code 1967, § 13-14-3)

### **Sec. 14-174. Mooring inspection.**

(a) Every permit holder is expected to maintain his mooring tackle in safe condition. Failure to maintain a safe mooring shall be cause for revocation of the mooring permit.

(b) All moorings should be inspected on a bi-annual basis. Bi-annual inspections must be performed by a qualified commercial authority on the Town of Tiverton's mooring contractors list. Inspections shall be on a year corresponding with the odd/even number of the year and the mooring number.

(Code 1967, § 13-14-4)

### **Sec. 14-175. Mooring numbering.**

Each mooring in the waters of the town will be assigned a number by the harbormaster or his designee. The number will be displayed in contrasting color in two places on each mooring buoy or pickup float in block letters at least three inches in height. Weight of ground tackle will be indicated on the float or ball.

(Code 1967, § 13-14-5)

### **Sec. 14-176. Mooring fees.**

(a) Fees, to accompany application for a mooring permit, are to be established by the council upon recommendation of the commission. Such fees are required to be submitted with the applications for the mooring permit issuance or renewal. No mooring shall be placed in the waters of the town without approval. Illegal moorings will be removed as per section 14-114 of this code.

(b) The commission shall annually recommend separate fees for resident and nonresident users of recreational and commercial moorings. It is the intent of this article that funds derived from these fees defray the expenses budgeted by the town for the operation of the

harbormaster and the commission. Additional funds made available by the state for operation of the harbor are proposed by the state vessel licensing procedure.

(c) All fees and state funds shall be directed to the town's general fund and allocations shall be made through the budget process of the town.  
(Code 1967, § 13-14-6)

**Sec. 14-177. Minimum mooring specifications (steel anchors).**

The following are mushroom anchor and tackle specifications deemed to be the minimum recommended for holding in the town's mooring areas. Exceeding these minimum values is always recommended. For concrete note the holding power is inferior to a mushroom, because of this take the concrete weight and divide by 8 to find its steel equivalent weight.

TABLE INSET:

Boat Length (in feet)	Anchor Weight (in pounds)	Chain Diameter (in inches)	Pennant Size (in inches)
Under 16	75	3/8	1/2
16--19	150	3/8	1/2
20--22	200	1/2	5/8
23--25	250	1/2	5/8
26--30	300	1/2	3/4
31--35	400	5/8	3/4
36--40	500	3/4	7/8
41--50	600	3/4	1
51--65	750	1	1 1/4

Boats greater than 65 feet in length shall comply with the harbormaster's directions.  
(Code 1967, § 13-14-7)

**Secs. 14-178--14-190. Reserved.**

**Subdivision V.**

**Other Regulated Activities**

**Sec. 14-191. Vessel speed.**

No vessel shall operate within designated mooring areas, designated area North of the Tiverton Basin, and the Tiverton Basin at a speed which may cause a wash or wake likely to cause property damage or endanger people. In no event shall any boat exceed the speed limit of five miles per hour in any of the mooring areas listed in this section.  
(Code 1967, § 13-15-1)

**Sec. 14-192. Skiing, paragliding, surfboarding, wind-surfing, jet skis.**

No person shall operate or manipulate any vessel, tow rope or other device by which the direction or location of water skis, surfboard or similar device or any person thereon is deemed to be at risk to collide with or strike against any object or person. Under no circumstances will water-skiing, paragliding or jet skiing be permitted in the Tiverton Basin **any mooring area** or within 300 feet of the town beaches.

(Code 1967, § 13-15-2)

**Sec. 14-193. Swimming.**

Diving and/or swimming off all bridges is prohibited. Swimming in all channels, fairways, and within mooring areas is prohibited. The area west of Seapowet and Fogland Points present dangerous swimming conditions.

(Code 1967, § 13-15-3)

**Sec. 14-194. Discharge of refuse.**

It shall be a violation of this article to willfully discharge any refuse or waste matter, petroleum product or byproduct, paint, varnish, chemicals, dead animals, dead fish or other debris into harbor waters. Rhode Island is a NO DISCHARGE state.

(Code 1967, § 13-15-4)

**Cross References:** Solid waste management, ch. 66.

**Sec. 14-195. Marine toilet and sewage discharge.**

Discharge of sewage or other contaminants from marine toilets or land-based outlets is prohibited in Rhode Island waters. In order to provide an acceptable method of sewage disposal from vessels, all commercial boatyards and marinas with five or more slips or moorings, or combination thereof, will have in place an effective and functional method of pumping out sewage stored on vessels. A plan for such a facility must be on file in the town hall and be in compliance with all current state regulations for such facilities. Fines for illegal sewage disposal into town waters will be established by the council and enforced by the town police department with the assistance of the harbormaster's staff. Periodic inspections of pump-out facilities will be conducted by the harbormaster's staff and faults shall be repaired within 14 days of a citation.

- (a) The town may provide a pump-out vessel for mooring holders and transient boaters. If a town pump-out vessel is provided an additional fee will be added to the Mooring fee for all Mooring holders that have any type of MSD on their vessel. Transient boaters will be charged the state maximum fee allowed for this service. Commercial boatyards and marinas with five or more moorings will not be charged this fee because these operators are required to have a pump-out facility. Persons occupying commercial moorings may elect to use this service as a transient boater and pay the appropriate fee. If a town pump-out vessel is provided, the service will be approximately 6-12hrs a week weather permitting. Max pump-out will be 30gals per day per vessel.

(Code 1967, § 13-15-5)

**Cross References:** Solid waste management, ch. 66.

**Sec. 14-196. Abandoned vessels.**

When, in the opinion of the harbormaster, a vessel has been abandoned in the waters of the town, the harbormaster may take custody and control of such vessel and remove it, store it or otherwise dispose of it, all at the expense and sole risk of the vessel owner. Reasonable notice of such disposal shall be publicly given. The harbormaster shall assume all of the duties and powers of the commissioner of wrecks and shipwrecked goods, as delineated in G.L. 1956, §§ 46-10-1--46-10-13.

(Code 1967, § 13-15-6)

**Cross References:** Junked, abandoned and inoperable vehicles, § 38-26 et seq.

**Sec. 14-197. Lines, rigging and halyards.**

Any unattended vessel at anchor or moored within the waters of the town shall have all lines, rigging and halyards secured according to sound seamanship practices so as to avoid coming loose and/or creating a noisy disturbance under ordinary circumstances.  
(Code 1967, § 13-15-7)

**Sec. 14-198. Town boating facilities.**

Upon the establishment of a town boat ramp, dock, commercial fishing pier, or other public boating facility, this article authorizes the commission to establish rules, regulations and fees for the use of such facilities with the approval of the council and in compliance with appropriate state and federal law.  
(Code 1967, § 13-15-8)

**Sec. 14-199. Special events.**

The commission, with the approval of the council, may authorize, in accordance with all appropriate state and federal guidelines, certain special events, such as swimming races, regattas or other marine and maritime activities, that may from time to time be held on or in the waters under the jurisdiction of the town.  
(Code 1967, § 13-15-9)

**Sec. 14-200. Shallow water activities**

Wherever significant shallow water habitats are identified by the Council or Commission, the Harbormaster will restrict activities within that area to protect it's fragile shallow water habitat.

**Secs. 14-201--14-215. Reserved.**

**ARTICLE III.**

**REGULATION OF BOATS\***

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\* **State Law References:** Regulation of boats, G.L. 1956, § 46-22-1 et seq.

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**DIVISION 1.**

**GENERALLY**

**Sec. 14-216. Declaration of town policy.**

It is the policy of the town to promote safety for person and property in and connected with the use, operation and equipment of vessels, and to promote uniformity of laws relating thereto as in G.L. 1956, § 43-22-1 et seq.  
(Code 1967, ch. 13, art. III, § 1)

**Sec. 14-217. Definitions.**



The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Director* means the town harbormaster.

*Motorboat* means any vessel whether or not the vessel is propelled by machinery. For purposes of this article, motorboat shall not include houseboats, any ferry, canoes and rowboats, without engines, 12 feet in length or less.

*Operate* means to navigate or otherwise use a motorboat or a vessel.

*Owner* means a person, other than a lien holder, having the property in or title to a motorboat. The term includes a person entitled to the use or possession of a motorboat subject to an interest in another person, reserved or created by agreement and securing payment or performances of an obligation, but the term excludes the lessee under a lease not intended as security.

*Personal watercraft* means a small class A vessel less than 16 feet in length which uses an outboard motor or an inboard motor powering a water jet pump as its primary source for motive power; and which is designed to be operated by a person sitting, standing, or kneeling on, or being towed behind the vessel, rather than the conventional manner of sitting or standing inside of the vessel.

*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.

*Waters of the town* means any waters within the territorial limits of the town.  
(Code 1967, ch. 13, art. III, § 2)

**Cross References:** Definitions generally, § 1-2.

#### **Sec. 14-218. Enforcement of article.**

The town harbormaster, assistant harbormaster, harbor patrol officers, and police officers accompanied by harbor patrol officers are authorized by the council to stop and board any vessel subject to this article, and make arrests under the provisions of this article and shall have the power to:

- (1) Enforce all laws, rules and regulations pertaining to town ordinances and state laws.
- (2) Execute all warrants and search warrants for the violation of ordinance laws, rules and regulations relating to town ordinances.
- (3) To arrest any person, without a warrant and with probable cause, any person violating any ordinance, law, rule or regulation relating to this article.

(Code 1967, ch. 13, art. III, § 14)

**Sec. 14-219. Prosecution of violations.**

The town harbormaster, assistant harbormaster and police officers may, by virtue of their respective offices, make complaints of any violations of this article, and they shall not be required, either jointly or individually, to give recognizance or to furnish surety for costs or be liable for costs of those complaints.

(Code 1967, ch. 13, art. III, § 15)

**Sec. 14-220. Penalty for violation of article.**

In addition to any other penalties specified in this article:

(1) Any person who violates any provisions of sections 14-221 through 14-225 and 14-230 through 14-233 or who violates any rule or regulation made under the provisions of this article shall be guilty of a misdemeanor and shall be subject to a fine not to exceed \$100.00 for each violation.

(2) Any person found guilty shall be responsible for court costs.

(Code 1967, ch. 13, art. III, § 18)

**Sec. 14-221. Operation of unnumbered motorboats.**

Every motorboat on the waters of this state shall be numbered. No person shall operate or give permission for the operation of any motorboat on those waters unless the motorboat is numbered in accordance with this article, or in accordance with applicable federal law, or in accordance with a federally approved numbering system of another state, and unless:

(1) The certificate of number awarded to the motorboat is in full force and effect; and

(2) The identifying number set forth in the certificate of number is displayed on each side of the bow of the motorboat.

(Code 1967, ch. 13, art. III, § 3)

**Sec. 14-222. Vessel classification and required equipment.**

(a) Motorboats subject to the provisions of this article shall be divided into four classes as follows:

(1) Class A, less than 16 feet in length;

(2) Class 1, 16 feet or over and less than 26 feet in length;

(3) Class 2, 26 feet or over and less than 40 feet in length; and

(4) Class 3, 40 feet or over and not more than 65 feet in length.

(b) Every motorboat, in all weathers, from sunset to sunrise, shall carry and exhibit the following lights when underway, and during that time no other lights which may be mistaken for those prescribed shall be exhibited:

- (1) Every motorboat of classes A and 1 shall carry the following lights:
  - a. A bright white light aft to show all around the horizon.
  - b. A combined lantern in the fore part of the vessel and lower than the white light aft, showing green to starboard and red to port, so fixed as to throw the light from right ahead to two points abaft the beam of their respective sides.
- (2) Every motorboat of classes 2 and 3 shall carry the following lights:
  - a. A bright white light in the fore part of the vessel, as near the stem as practicable, so constructed as to show an unbroken light over an arc of the horizon of 20 points of the compass, so fixed as to throw the light ten points on each side of the vessel; namely, from right ahead to two points abaft the beam on either side.
  - b. A bright white light aft to show all around the horizon and higher than the white light forward.
  - c. On the starboard side, green lights so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side. On the port side, a red light so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the port side. The side lights shall be fitted with inboard screen of sufficient height so set as to prevent these lights from being seen across the bow.
- (3) Motorboats of classes A and 1, when propelled by sail alone, shall carry the combined lantern, but not the white light aft, prescribed by this section. Motorboats of classes 2 and 3, when so propelled, shall carry the colored side lights, suitably screened, but not the white lights prescribed in this section. Motorboats of all classes, when so propelled, shall carry, ready at hand, a lantern or flashlight showing the white light which shall be exhibited in sufficient time to avert collision.
- (4) Every white light prescribed by this section shall be of such character as to be visible at a distance of at least two miles. Every colored light prescribed by this section shall be of such character as to be visible at a distance of one mile. The word "visible" in this subsection, when applied to lights, shall mean visible on a dark night with clear atmosphere.
- (5) When propelled by sail and machinery, any motorboat shall carry the lights required by this section for a motorboat propelled by machinery only.

(c) Any vessel may carry and exhibit the lights required by the federal regulations for preventing collisions at sea, 1948, Federal Act of October 11, 1951 (33 USC 143-147d), as amended (released by Pub. L. 88-131, 3, Sept. 24, 1963; for present similar provisions see 33 USC 200 et seq.) in lieu of the lights required by subsection (b) of this section.

(d) Every motorboat in class 1, 2 or 3 shall be provided with an efficient whistle or other sound-producing mechanical appliance.

(e) Every motorboat shall be provided with an efficient auditory and visual coast guard approved distress signals for both night and day use.

(f) Every vessel shall carry at least one life preserver, or life belt, or ring buoy, or other device of the sort prescribed by the regulations of the U.S. Coast Guard, for each person on board, so placed as to be readily accessible; provided, however, that every motorboat carrying passengers for hire shall carry, so placed as to be readily accessible, at least one life preserver of the sort prescribed by the regulations of the U.S. Coast Guard, for each person on board.

(g) Every motorboat shall be provided with such number, size and type of fire extinguishers, capable of promptly and effectually extinguishing burning fuel, as may be prescribed by the regulations of the U.S. Coast Guard, which fire extinguishers shall be at all times kept in condition for immediate and effective use and shall be so placed as to be readily accessible.

(h) The provisions of subsections (d), (e) and (g) of this section shall not apply to motorboats/vessels while competing in any race conducted pursuant to section 14-233 or, if the boats be designed and intended solely for racing, while engaged in such navigation as is incidental solely for racing, while engaged in such navigation as is incidental to the tuning up of the boats and engines for the race.

(i) Every vessel shall have the carburetor or carburetors of every engine therein, except outboard motors, using gasoline as fuel, equipped with such efficient flame arrestor, backfire trap, or other similar device as may be prescribed by the regulations of the U.S. Coast Guard.

(j) Every vessel, except open boats, using as fuel any liquid of a volatile nature, shall be provided with such means as may be prescribed by the regulations of the U.S. Coast Guard, for properly and efficiently ventilating the bilges of the engine and fuel tank compartments so as to remove any explosive or flammable gases.

(k) No person shall operate or give permission for the operation of a vessel, which is not equipped as required by this section, or a modification of this section.  
(Code 1967, ch. 13, art. III, § 4)

**Sec. 14-223. Identification numbers, registration fees and exemptions.**

Identification numbers, registration fees and exemptions shall be in accordance with the state General Laws, as amended, and United States Coast Guard Regulations, as amended. (Code 1967, ch. 13, art. III, § 5)

**Sec. 14-224. Boat liveries.**

(a) The owner of a boat livery shall cause to be kept a record of the name and address of the person hiring any vessel which is designed or permitted by him to be operated as a motorboat; the identification number thereof; and the departure date and time, and the expected time of return. The record shall be preserved for at least six months.

(b) Neither the owner of the boat livery nor his agent or employee shall permit any motorboat or any vessel designed or permitted by him to be operated as a motorboat to depart from his premises, unless it shall have been provided, either by owner or renter, with the equipment required in section 14-222 and any rules and regulations made pursuant thereto. (Code 1967, RI GL 46-22-06, ch. 13, art. III, § 6)

**Sec. 14-225. Muffling devices.**

The exhaust of every internal combustion engine used on any vessel shall be effectively muffled by equipment so constructed and used as to muffle the noise of the exhaust in a reasonable manner. Outboard motors shall be equipped with underwater exhausts of standard manufacture as furnished by marine supply dealers. The use of cutouts is prohibited, except for motorboats competing in a regatta or boat race as approved in section 14-233, and for such motorboats while on approved trial-runs or during a period not to exceed 48 hours immediately preceding the regatta or race and for the motorboats, while competing in official trials for speed records, during a period not to exceed 48 hours immediately following the approved regatta or race.

(Code 1967, ch. 13, art. III, § 7)

**Cross References:** Noise, § 38-101 et seq.

**Sec. 14-226. Prohibited operations.**

(a) No person shall operate any motorboat or vessel, or manipulate any water skis, surfboard or similar device in a reckless manner so as to endanger the life, limb or property of another.

(b) No person shall operate any motorboat or vessel or manipulate any water skis, surfboard or similar device while intoxicated or under the influence of any narcotic drug, barbiturate or marijuana. A person arrested and charged with operating any motorboat or vessel, or manipulating any water skis, surfboard, or similar device, while under the influence of intoxicating liquor or narcotic or habit-forming drugs, shall have the right to be examined at his own expense immediately after his arrest, by a physician selected by him, and the officer so arresting or so charging that person shall immediately inform that person of this right and afford him a reasonable opportunity to exercise this right, and at the trial of that person the prosecution must prove that he was so informed and was afforded the opportunity.

(c) No person shall operate a motorboat or vessel within a water area, which has been clearly marked, in accordance with, and authorized by, the town ordinances, laws of the state and the Coast Guard of the United States, by buoys or some other distinguishing device as a bathing,

swimming or otherwise restricted area; provided, however, that this section shall not apply in the case of an emergency, or to patrol or rescue craft. The town is hereby authorized to establish maximum speeds for boats in the harbors and waterways at five miles per hour, no wake. Any such speed limits duly established by the town, state or the United States Coast Guard, pursuant hereto, shall have the full force and effect of law, and a violation of such limits shall be a misdemeanor in accordance with the penalties enumerated in section 14-229.

(d) No person shall operate any motorboat, vessel or seaplane in a manner which shall unreasonably or unnecessarily interfere with any other motorboat, vessel, or seaplane, or with the free and proper navigation of the waterways of the state. Anchoring under bridges or in heavily traveled channels shall constitute interference if unreasonable under the prevailing circumstances.

(e) No motorboat, vessel or seaplane shall be docked or made fast to any pier, wharf or other shore structure without the consent of the owner of such structure, except in the case of an emergency.

(Code 1967, ch. 13, art. III, § 8)

**Sec. 14-227. Flotation devices for children.**

Any child twelve years of age or under on the waters of this state shall require that the child wear a personal flotation device approved by the United States Coast Guard.

(Code 1967, ch. 13, art. III, § 9.A)

**Sec. 14-228. Speeding; penalties for violation of section.**

(a) No person shall operate any motorboat or vessel in any harbor or inlet or any pond or other confined body of water in this town in excess of 45 miles per hour during the hours from sunrise to sunset and 25 miles per hour during periods of darkness or other periods of restricted visibility; provided, however, nothing in this section shall prohibit the posting of lesser speed limits where deemed necessary by the appropriate state or local authority.

(b) Violations of this section shall be as follows:

(1) The first violation if no greater than ten miles per hour over the speed limit shall be a civil offense which shall require payment of a \$25.00 assessment fee and may be required to attend a boating safety course.

(2) Any violation in excess of ten miles per hour over the speed limit shall be deemed a misdemeanor with fines as follows:

a. First offense, \$50.00;

b. Second offense, \$75.00;

c. Third offense, \$100.00; and

d. The violator may also be required to attend a boating safety course.

- (3) State, federal, local law enforcement rescue agencies and good samaritans may exceed this speed limit when responding to an emergency or law enforcement action, provided that this speed does not endanger any person not involved in this action.

(c) The operation of personal watercrafts use, speed, age of operator, and area of operation shall be regulated by the town, the state department of environmental management and the United States Coast Guard.

(d) Previous violations will not be considered after a period of 36 months without a violation.

(Code 1967, ch. 13, art. III, § 9.B)

#### **Sec. 14-229. Wake.**

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Excessive wake* means the after wave created by the passage of a motorboat or vessel through the water above headway speed or above the posted speed limit, whichever is lower.

*Headway speed* means the speed necessary to allow steerage of a vessel or motorboat.

(b) *Exceeding speed limits; creation of wake; penalties for violation of section.* No person shall operate a motorboat or vessel adjacent to or within designated town moorings or harbor areas in excess posted speed limits. In no event shall the vessel exceed the posted speed limits so as to create an excessive wake. The operator and owner of any vessel or motorboat shall be responsible for any damage or injury that may result from the vessel's wake.

- (1) The first violation, if no damage or personal injury is caused, shall be deemed to be a civil offense which shall require payment of a \$25.00 assessment fee and may be required attendance at a safety boating course. In the event of damage or personal injury, the first violation may be deemed to be a misdemeanor. Fines other than a civil offense are as follows:

- a. First offense, \$25.00;
- b. Second offense, \$50.00; and
- c. Third offense, \$100.00.

- (2) State, federal, local law enforcement rescue agencies and good Samaritans may exceed this wake limit when responding the emergency or law enforcement action; provided, however, that this speed does not endanger any person not involved in this action.

(Code 1967, ch. 13, art. III, §§ 9.C, 9.D)

**Sec. 14-230. Collisions, accidents and casualties.**

It shall be the duty of the operator of any motorboat or vessel involved in a collision, accident, or other casualty, so far as he can do so without serious danger to his own vessel, crew and passengers, if any, to render to other persons affected by the collision, accident or other casualty, such assistance as may be practicable and as may be necessary in order to save them from or minimize any danger caused by the collision, accident or other casualty. He shall also give his name, address and identification of his vessel in writing to any person injured and to the owner of any property damaged in the collision, accident or other casualty. Vessel owners whose vessel is involved in an accident, casualty, vandalism, or theft exceeding \$2,000 must make written reports to the DEM of damages or losses within five days of the incident. Report forms are available with the harbormaster or by contacting DEM's Division of Law Enforcement Office at **401-222-2284** or on the Internet at:

**[www.dem.ri.gov/programs/bnatres/enforce/pdfs/boatacc.pdf](http://www.dem.ri.gov/programs/bnatres/enforce/pdfs/boatacc.pdf)**

(Code 1967, ch. 13, art. III, § 10)

**Sec. 14-231. Transmittal of information.**

In accordance with any request duly made by an authorized official or agency of the United States, any information compiled or otherwise available to the town harbormaster, pursuant to section 14-237 or section 14-238, shall be transmitted to that official or agency of the United States.

(Code 1967, ch. 13, art. III, § 11)

**Sec. 14-232. Water skis and surfboards.**

(a) No person shall operate a vessel on any waters of this town for towing a person on water skis or a surfboard or similar devices unless there is in the vessel a person at least 12 years of age, in addition to the operator, in a position to observe the progress of the person being towed. There shall be aboard the vessel, in addition to those required for the persons aboard the vessel, at least one life preserver or ring buoy for the person being towed. The person being towed shall also be required to wear an appropriate U.S.C.G. approved lifejacket.

(b) No person shall operate a vessel on any waters of this town towing a person on water skis, a surfboard, or similar device, nor shall any person engage in water skiing, surfboarding, or similar activity at any time between the hours from one-half hour after sunset to one-half hour before sunrise.

(c) The provisions of subsections (a) and (b) of this section do not apply to a performer engaged in a profession exhibition or a person engaged in an activity authorized under section 14-233.

(d) No person shall operate or manipulate a vessel, tow rope, or other device by which the direction or location of water skis, a surfboard or similar device may be affected or controlled in such a way as to cause the water skis, surfboard or similar devices or any person thereon to collide with or strike against any object or person.

(Code 1967, ch. 13, art. III, § 12)

**Sec. 14-233. Owner's civil liability.**



The owner of a vessel shall be liable for any injury or damage occasioned by the negligent operation of the vessel, whether the negligence consists of a violation of the provisions of the ordinances of the town, or neglecting to observe such ordinary care and such operation as the rules of the common law required. The owner shall not be liable, however, unless the vessel is being used with his express or implied consent.

(Code 1967, ch. 13, art. III, § 13)

**Sec. 14-234. Refusal to stop on order or command.**

It shall be a misdemeanor, punishable by a fine of not more than \$200.00 for any person to refuse to move or stop on oral command of the harbormaster, assistant harbormaster, harbor patrol officer or town police officers operating from a patrol boat identified as such and exercising the duties lawfully assigned to him.

(Code 1967, ch. 13, art. III, § 16)

**Sec. 14-235. Funds.**

All monies collected under the provisions of this article shall be paid into the town treasury.

(Code 1967, ch. 13, art. III, § 17)

**Sec. 14-236. Reporting of accidents, casualty, vandalism and thefts.**

The operator or owner of a vessel on the waters of this state, involved or whose vessel is involved, in an accident, casualty, vandalism or theft in excess of \$500.00, or other casualty which results in death or injury to a person, shall report the same, and immediately give notice of the incident to the town police department or state police. If the local or state police are notified, it shall be the duty of the officer receiving the notice to immediately give notice of the incident to the state department of environmental management. If the state department of environmental management is notified, it shall be the duty of the employee of the department receiving the notice to give notice of the incident to the state and local police of the town wherein the incident occurred within 24 hours in the following circumstances: Thefts in excess of \$100.00, or any accident which results in bodily injury or death to a person. In order to allow more complete investigations of theft, all motorboats manufactured after 1971, required to apply for numbering, shall provide to the state department of environmental management, at the time of the next annual application, the full hull identification number of the vessel. Homemade vessels may apply to the state department of environmental management for identification numbers.

(Code 1967, ch. 13, art. III, § 20)

**Sec. 14-237. Owner required to make written reports.**

The owner of a vessel involved in an accident, casualty, vandalism or theft in excess of \$500.00 shall, within five days after the incident, forward a written report of the incident to the state department of environmental management, on forms provided by the department.

(Code 1967, ch. 13, art. III, § 21)

**Sec. 14-238. Scuba divers, skin diving or snorkeling; warning flags; penalty for violation of section.**

(a) Any person scuba diving, skin diving, or snorkeling in an area where power or motorboats may be operated shall place a warning flag on a buoy at a place of his submergence.

The flag shall be at least 12 inches by 12 inches with a white stripe running from the diagonal corners which stripe shall be one-quarter as wide as the flag, or conspicuously flown upon a boat which he is then using in the area, in which case the flag shall be at least 18 inches by 18 inches and with a white stripe running from one upper corner to a diagonal lower corner, which strip shall be one-quarter as wide as the flag itself. The flag shall be in place only while diving operations are in progress, and, during the hours between sunset and sunrise, the flag shall be illuminated by a light shining on the flag. Motorboats shall not be operated within 50 feet of any flag. No person shall be in violation of this section if he travels within 50 feet of a scuba diver or snorkeler who is in fact obstructing navigation on a navigable fairway.

(b) Any person violating the provisions of this section may be deemed guilty of a misdemeanor and may be subject to a fine of not more than \$100.00.

(c) However, any person using the scuba diving, snorkel diving, or skin diving flag with the intention of obstructing navigation may be guilty of a misdemeanor, and may also be subject to a fine of not more than \$100.00.

(Code 1967, ch. 13, art. III, § 22)

#### **Sec. 14-239 Certificate of boating safety education**

1) (a) 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 this state unless the person shall have successfully completed a boating safety education program as approved by the director of the department of environmental management.

(b) The content of acceptable boating safety education programs shall meet the minimum standards and guidelines and be approved by the National Association of State Boating Law Administrators (NASBLA). Acceptable programs shall include those NASBLA approved courses offered by the state, the United States Coast Guard Auxiliary, the United States Power Squadrons or any other course approved by the director.

(c) Instructors shall meet the minimum requirements as established by NASBLA and shall be certified by the state.

(d) Upon completion of a boating safety course, a written test shall be administered under the direct supervision of a certified instructor. The test shall include at least twenty-five (25) questions, scored on a one hundred percent (100%) scale, and have a passing grade of seventy percent (70%) or better. Test results shall be maintained by the department of environmental management, division of enforcement.

(e) The department shall issue a durable certificate of completion that meets the NASBLA guidelines. The certificate of completion shall be presented upon request of any authorized law enforcement officer to show proof of compliance.

(f) A challenge exam, meeting the standards of subsection (d) proctored and administered by a certified instructor, shall be made available to those individuals that wish to review the requirements of this section. The exam may be administered to a candidate two (2) times. Failure of the examination on the second attempt will require the candidate to retake and/or complete the same and/or a different boating safety education program as provided for in this section.

(g) Any person having in his or her possession a certificate of completion of any boating safety course approved by NASBLA shall be considered to be in compliance with this chapter and can request that a certificate be issued by the department.

(2) The following persons shall be exempt from the educational provisions of this chapter provided that they can provide proof of exemption:

(i) A person who operates a vessel under training, directly supervised by a person on board the vessel who is eighteen (18) years of age or older and meets the requirements of subsection (a);

(ii) A person who holds a valid commercial vessel operator's license issued by the United States Coast Guard, a state, or a province;

(iii) Non-residents temporarily using the waters of this state who meet the requirements of their state of legal residence.

(3) New residents of this state will be given sixty (60) days to meet the requirements of this chapter.

(4) Boat liveryes that rent out boats or vessels fitted with propulsion machinery greater than ten (10) horse power shall require all renters who do not comply with this section to watch a short instructional video approved by the director on boating safety for the type of craft rented, and pass a written examination.

(h) Any person operating a personal watercraft as defined in § 46-22-2(6) on the waters of this state shall have successfully completed a boating safety education program as approved by the director of the department of environmental management.

(i) Any person who violates any provision of this section shall be sanctioned as follows:

(1) For a first offense a \$50.00 fine and completion of an approved boating safety course;

(2) For a second offense a \$100.00 fine and completion of an approved boating safety course.

**Secs. 14-240--14-255. Reserved.**

## **DIVISION 2.**

### **PERSONAL WATERCRAFT SAFETY**

#### **Sec. 14-256. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Headway speed* means the slowest speed at which a personal watercraft can be operated and maintain steerage way.

*Operator* means a person who operates or who has charge of the navigation or use of a watercraft.

*Personal watercraft* means a vessel which uses an inboard motor powering a water jet pump as its primary source of motive power and which is designed to be operated by a person sitting, standing or kneeling on the vessel, rather than the conventional method of sitting or standing inside the vessel.

(Code 1967, ch. 13, art. IV, § 1)

**Cross References:** Definitions generally, § 1-2.

**Sec. 14-257. Enforcement of division.**

The town harbormaster, assistant harbormaster, harbor patrol officers, and police officers are empowered to enforce the provisions of this division.

(Code 1967, ch. 13, art. IV, § 3)

**Sec. 14-258. Penalty for violation of division.**

Any person who violates any provisions of this division and is prosecuted under this division or who violates any rule or regulation promulgated under this division, may be guilty of a misdemeanor and punished in accordance with section 1-7.

(Code 1967, ch. 13, art. IV, § 4)

**Sec. 14-259. Regulations.**

(a) A person may not operate a personal watercraft at any time between hours from one-half hour after sunset to one-half hour before sunrise.

(b) A personal watercraft must at all times be 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 vessel traffic, or jumping the wake of another vessel unreasonably, shall constitute reckless operation of a vessel and are prohibited.

(c) No person under the age of 16 shall operate a personal watercraft on the waters of the town unless an adult accompanies him or unless he has passed the state department of environmental management or the United States Coast Guard approved safety courses.

(d) It is unlawful for the owner of any personal watercraft or any person having charge over or control of a personal watercraft to authorize or knowingly permit the watercraft to be operated by a person under 16 years of age in violation of this section, unless the provisions of subsection (c) of this section are met.

(e) A person may not operate a personal watercraft within 200 feet of swimmers, divers, shore or moored vessels, except at headway speed.

(f) Personal watercraft, 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, not in excess of headway speed.

(g) No person shall operate a personal watercraft unless he and any passenger is wearing a personal flotation device which is approved by the United States Coast Guard.

(h) No person shall operate any personal watercraft in a reckless manner so as to endanger the life, limb or property of another.

(i) No person shall operate any personal watercraft unless it is numbered in accordance with G.L. 1956, § 46-22-4.

(j) No person shall operate a personal watercraft unless the personal watercraft is equipped by the manufacturer with a lanyard-type engine cutoff switch which must be attached to the operator of the personal watercraft.

(Code 1967, ch. 13, art. IV, § 2)