

CHAPTER 2019-49

No. 459 **AN ORDINANCE IN AMENDMENT OF CHAPTER 11 OF THE CODE OF ORDINANCES OF THE CITY OF PROVIDENCE ENTITLED "HARBOR AND PORT," AMENDING SECTION 11-1.1, "HARBOR MOORINGS AND ANCHORAGES"**

Approved October 22, 2019

Be it ordained by the City of Providence:

SECTION 1. Chapter 11, "Harbor and Port," Section 11-1.1 is hereby amended as follows:
Sec. 11-1.1. - Harbor moorings and anchorages.

(a) *Harbor moorings and anchorages program.* There is hereby established a mooring and anchorages program for the harbor of the city, as defined in section 11-1 (a) above, to be administered and supervised by the harbormaster.

(b) *Definitions.* For purposes of this section, the following definitions shall apply:

Allocation date means March 1 of each calendar year. The harbormaster may extend the allocation date if, and only if, any unallocated mooring permits remain as of the allocation date.

Anchorage or transient anchorage means that location and mooring tackle within the harbor available for use by transient boaters to moor vessels for up to three (3) consecutive days at a time.

Applicant means a person, whether an individual, partnership or corporation, seeking to obtain usage of a mooring or anchorage pursuant to this chapter. An applicant must own fifty (50) percent or greater of the vessel which would have use of the mooring or anchorage.

Application deadline means February 1 of each year.

Moor means to secure a vessel to the bottom of a waterbody by the use of mooring tackle. *Mooring or permanent mooring* means that location within the harbor duly permitted by the city, by and through the harbormaster, and registered to the applicant.

Mooring permit means the official permit issued by the harbormaster to allow the use of a mooring in the harbor.

Mooring tackle means all hardware used to secure a vessel at a mooring.

Outhaul means a non-single-point anchoring device, for the purpose of securing a boat in tidal waters and retrieving it from shore.

Resident means any permanent, full-time inhabitant of the city. In order to enable the city to comply with state law governing assignment of moorings to residents and non-residents, proof of residence shall be required at the time of application for a mooring permit and shall be established by presentation of a driver's license or equivalent identification.

Vessel means every description of watercraft used or capable of being used as a means of transportation on water.

(c) *Allocation of moorings.* Moorings shall be allocated by the harbormaster through the allocation of mooring permits.

(1) The deadline for the harbormaster to allocate mooring permits each year is on the allocation date. Each permit will be valid for a three (3) year period from the allocation date, provided that:

a. Moorings may be occupied only during the period March 1 through November 30 of any calendar year.

(2) All persons wishing to apply for a mooring permit shall file an application, on a form approved by the harbor management commission, and obtained from the harbormaster. Applications shall be filed by no later than the application deadline for the allocation date of any calendar year, and at any time after the allocation date only when unallocated mooring permits remain.

(3) All applications must be accompanied by a non-refundable application fee of twenty-five dollars (\$25.00), payable to the City of Providence. The harbormaster shall not accept an application unless payment is rendered at the time the application is submitted.

(4) In the event the applications for mooring permits as of the application deadline, as defined in subsection 11-1.1 (c)(2) exceed the number of moorings available, then mooring permits shall be assigned by a lottery system, operated by the harbormaster in accordance with the following guidelines.

a. Between the application deadline and the allocation date, the harbormaster will conduct a lottery by which numbers will be randomly drawn to assign each applicant a position on a list. Moorings will be allocated according to the applicants' randomly drawn numbers, beginning with number one (I). After all available mooring are allocated, a wait list will be developed following the same randomly drawn numbers.

b. The lottery shall be held at a publicly noticed meeting of the harbor management commission. Notice shall be posted in accordance with the Open Meetings Act, including but not limited to posting in the office of the clerk and on the website of the secretary of state.

c. Moorings shall be allocated to both residents and non-residents of the city. In accordance with the regulations of the State Coastal Resources Management Council ("CRMC"), the ratio of resident permit holders to non-resident permit holders may not exceed 3: 1.

d. Permits may not be transferred. If a permit holder does not wish to maintain a permit for the full three-year period, the permittee shall return the permit to the harbormaster, who shall re-assign the permit to the next on the wait list. Should there be no wait list remaining, a special lottery will be held to re-assign the permit.

(5) All permit holders must re-apply for a new three-year permit. Each year, the mooring allocation process set forth in this ordinance shall be repeated for any moorings unallocated from the prior year and any moorings whose three-year permit has expired.

(d) *Forfeiture of mooring space.* Any permit holder shall be deemed to have forfeited his mooring space by reason of anyone (I) of the following:

(1) Failure to comply with any of the requirements of this section 11-1.1; or

(2) Failure to respond to the harbormaster's notice that the mooring does not comply with the mooring tackle standards set forth in the harbor management plan, and any applicable state or federal regulations; or

(3) The mooring has been displaced or moved from its permitted location without approval, or

(4) Failure to display the mooring sticker on the mooring buoy, or

(5) Failure to resurface, repair or replace mooring tackle within sixty (60) days after being advised to do so by the harbormaster.

(e) *Occupancy of mooring.* No vessel shall occupy a mooring other than the one (I) for which it has been permitted. The harbormaster shall have the authority to move or cause to be moved any vessel violating the provisions of this section, at the expense and risk of the vessel owner.

(f) *Temporary guest use.* The holder of a mooring permit may allow temporary guest use of a mooring by a vessel other than the one (I) permitted, provided that the following conditions are met:

(I) The mooring owner, or his agent, must notify the harbormaster upon the vessel's arrival at the mooring.

(2) No guest may use a mooring for more than fourteen (14) days.

(g) *Transient anchorages.* The harbormaster shall assign city-owned transient anchorages to vessels on a first to arrive basis. The maximum length of stay on a transient anchorage is three (3) consecutive days.

(h) *Outhauls.* Any outhauls shall be subject to the regulatory jurisdiction of the CRMC.

(I) *Fees.* The following fees shall apply:

(1) Application fee pursuant to section 11-11.1 (c) above \$25.00

(2) Annual fee for three-year mooring permit 350.00

(3) Fee for use of a city-owned transient anchorage 75.00
per day (24-hour period)

All fees shall be payable to the City of Providence, and shall be submitted to the harbormaster. The mooring permit fee shall not be pro-rated if a permittee returns the permit to the harbormaster prior to the expiration of the permit, or vacates, abandons, or fails to utilize a mooring. Annual payment is due on or before issuance of a mooring permit.

(j) *Fines.* In addition to any other penalties provided for by law, the following violations shall be subject to fines for each day the violation occurs and continues:

(1) Unauthorized use of a city-owned transient mooring (per day) \$150.00

(2) Unauthorized use of a permitted annual-use "permanent" mooring (per day)
150.00

Fines shall be assessed by the harbormaster, and shall be paid to the City of Providence.



(k) *Establishment of fund.* All fees and fines due and payable under this section 11-1.1 shall be placed in a separate fund in the city treasury, which is hereby established. The fund shall be used for the implementation, operation and maintenance of the moorings and anchorages programs established by this section 11-1.1, subject to the supervision and approval of the harbor management commission. All expenditures and accountings shall be made in accordance with the provisions of the City's Home Rule Charter and Code of Ordinances.

SECTION 2. This Ordinance shall take effect upon passage.

IN CITY COUNCIL
OCT 3 2019
FIRST READING
READ AND PASSED

 CLERK

IN CITY
COUNCIL
OCT 17 2019
FINAL READING
READ AND PASSED

 PRESIDENT
 CLERK

I HEREBY APPROVE.


Mayor
Date: 10/22/19