

City of Pittsfield
HARBORMASTER RULES AND REGULATIONS on docks

Definitions

Dock: Any permanently fixed or floating structure extending from the upland into the water, capable of use for vessel mooring and other water-dependent recreational activities.

Regualtions

MA DEP remains the approving authority for dock permits under the provisions of MGL Ch. 91, the MA DEP Waterways Licensing Program, and 310 CMR 9.00.

No dock associated with a residential property may berth more than four motor propelled watercraft of 10 hp or greater.

No shoreline property will be allowed more than 1 dock per 100 feet of shoreline.

No dock shall extend more than 50 feet from shoreline.

No dock shall exceed the minimum size necessary to achieve the intended water-related purpose.

All provisions of MGL Ch. 91, the MA DEP Waterways Licensing Program, and 310 CMR 9.00 must be met.

All docks must be equipped with reflectors or other acceptable reflectorized markings on all sides of the dock visible from the water.

All docks must be a minimum of 25 feet from an adjoining property line. Docks proposed to be closer than 25 feet will require an administrative sign off by the Harbormaster.

Docks constructed on property zoned residential may not be used for a commercial enterprise.

All docks shall be kept in good repair and free from defects which might cause a hazard to persons or watercraft.

Enforcement

MA DEP remains the enforcement authority under the provisions of MGL Ch. 91, the MA DEP Waterways Licensing Program, and 310 CMR 9.00.

The Harbormaster has the authority to establish additional rules and regulations governing docks, and shall be the enforcing authority of these rules and regulations.

Penalties

Violation of these rules and regulations can result in a fine of \$100.00.

Authority

The Harbormaster, with the approval of the Mayor, may from time to time promulgate Rules and Regulations relating to matters within his powers and jurisdiction under Chapter 102 of the M.G.L., Section 19 through 26, under Chapter 90B and Chapter 91 of the M.G.L., and all other applicable laws and rules and regulations.

HARBORMASTER RULES AND REGULATIONS on bottom anchored lake moorings and floating rafts

Definitions

Floating Raft: Any free-floating structure capable of supporting one or more persons anchored to the bottom of a water body and not connected to the shore.

Moorings: Any place where vessels are secured other than a dock, raft or pier; The equipment and/or process used to secure a vessel, other than by anchoring, consisting of a block or anchor placed on the bed of a body of water, to which is affixed a buoy or float.

Please also refer to City Code ordinance Section 14-2.1, Bottom-anchored lake moorings, for additional information regarding bottom anchored lake moorings and floating rafts. The Code directly follows these rules / regulations.

Regulations

Floating Raft

No raft may exceed 150 square feet in area.

The placement of the anchor(s) for a raft shall not be more than 100 feet from the shoreline.

The swing circle for a raft shall not be less than 25 feet from a licensed dock or other conforming structure, or from the shoreline. The swing circle is defined as the perimeter of the area to which any portion of the moored raft will extend under the influence of wind and other conditions.

All sides of a floating raft must be equipped with reflective material.

Moorings

The swing circle for a moored boat shall not be less than 25 feet from a licensed dock or other conforming structure, or from the shoreline. The swing circle is defined as the perimeter of the area to which any portion of the moored boat or dock will extend under the influence of wind and other conditions.

The placement of the anchor(s) for a mooring shall not be more than 100 feet from the shoreline.

No mooring will be placed adjacent to (in front of) land owned by another without the landowner's permission.

No more than two (2) moorings will be placed adjacent to one (1) parcel of land.

All chain or line floatation buoys shall be clearly visible at all times and marked with the owner's name.

All mooring blocks or bottom anchors will be of sufficient size and shape to hold the vessel fast, as determined by the Harbormaster. All chains or lines from the mooring block or bottom anchor to the floatation buoy will be two feet longer than the depth of water at the location.

All sides of a mooring must be equipped with reflective material.

Procedure for Application

Applications are available through the Harbormaster office. Harbormaster shall act on applications for such permits within a period of fifteen days from receipt. Fee is \$50 per mooring or floating raft. Such permits shall be valid only until the end of the calendar year in which issued and shall not be transferable to another person, except to a person within the immediate family of the permitted upon approval of the harbormaster.

Appeal Process

Any person aggrieved by a refusal to permit such temporary raft and mooring, or by any condition or restriction imposed relative to such mooring, may appeal to the MA DEP Division of Waterways within thirty days after receiving notice of such refusal or of the imposition of such condition or restriction.

MA DEP shall review the circumstances resulting in such appeal and shall render a ruling either confirming the action of a Harbormaster, setting such action aside, or amending such action and imposing its own conditions and restrictions as deemed necessary.

Enforcement

The Harbormaster has the authority to establish additional rules and regulations governing bottom anchored lake moorings and floating rafts, and shall be the enforcing authority of the rules and regulations.

Penalties

Floats or rafts held by anchors or bottom moorings installed without permission from a Harbormaster and/or MA DEP shall be considered a public nuisance and may be removed by the Harbormaster at the expense of the owner in the event he fails to remove same after notice in writing from the Harbormaster.

Authority

The Harbormaster, with the approval of the Mayor, may from time to time promulgate Rules and Regulations relating to matters within his powers and jurisdiction under Chapter 102 of the M.G.L., Section 19 through 26, under Chapter 90B and Chapter 91 of the M.G.L., and all other applicable laws and rules and regulations.

Effective Date: September 1, 2008

Harbormaster: _____


James McGrath

Mayor: _____


James M. Ruberto

Pittsfield City Code

Sec. 14-2.1. Bottom-anchored lake moorings.

No person shall place, permit to be placed, or otherwise install moorings floats, or rafts held by bottom anchor or any ramps associated therewith located within any submerged lands lying below the highwater mark of any great pond or nontidal river or stream on which public funds have been expended for stream clearance, channel improvement, or any form of flood control either upstream or downstream within the river basin, except for any stream which is not normally navigable during any season by any vessel including canoe, kayak, raft, or rowboat, or any filled lands lying below the natural highwater mark of great ponds; except that such person shall have obtained a permit from the harbormaster. Said permit shall be issued by the harbormaster only after written application and payment of a permit fee of \$50.00 for moorings occupying less than 2,000 square feet of water surface and \$200.00 for moorings occupying or delineating greater than 2,000 square feet of water surface.

Such permit may not authorize the placement of moorings, floats, or rafts held by piling or other means not bottom-anchored. Nor shall such permit be issued for any bottom-anchored mooring or arrangement of floats or buoys that, in and of itself, occupies or delineates more than 2,000 square feet of water surface area or constitutes a marina except that a public hearing shall have been held with notice published, at the expense of the applicant, at least seven days in advance of the hearing, and the harbormaster has set forth the reasons for issuing such a permit in a written statement which includes findings to the effect that the project will serve a public purpose and will not unreasonably interfere with the public rights of navigation, fishing, and fowling.

Such permit shall be valid only until the end of the calendar year in which issued and shall not be transferable to another person, except to a person within the immediate family of the permittee upon approval of the harbormaster.

(Ord. No. 742, § 1, 1-11-1994; revised 2/23/09, Order no. 1024)