TOWN OF CHINCOTEAGUE, INC.

Commercial Use of Town Facilities

Form must be executed and submitted prior to the commercial use of any Town facility.

Submit to the Town of Chincoteague, 6150 Community Dr., Chincoteague, VA, (757) 336-6519

Business Name: _____

Authorized Agent: _____

Title: _____

Address: _____

_____

Phone: Home/Business (_____)_____

Cell (_____)_____

E-mail Address _____

Facility to be used: _____

Purpose _____

_____

_____

Applicant Signature: _____ Date _____

Town of Chincoteague
Signature for Approval:_____Date _____

TOWN OF CHINCOTEAGUE, INC.
Commercial Use of Town Facilities Continued

CONDITIONS OF THIS AUTHORIZATION

The above named person/organization accepts full responsibility for any damages or other adverse impact to Town facilities sustained as a result of the person's/organization's utilization of said facilities for any commercial purpose.

The above named person/organization also hereby releases and promises to indemnify, defend and hold harmless the Town of Chincoteague, Inc., its employees, agents, volunteers and officers from responsibility for any and all associated losses, claim of loss, injury, damage or expenses, to include attorney's fees, resulting from the named person's/organization's utilization of any Town facility.

The holder must acquire all permits or licenses of State or local government, as applicable, necessary to provide the services described above, and, must operate in compliance with all applicable Federal, State, and local laws and regulations, including, without limitation, all applicable facility policies, procedures and regulations. It is further agreed that said facility shall be utilized in a manner consistent with its intended purpose. Users of water access facilities should be fully familiar with Chapter 70 – Water Access Facilities of the Town Code (attached as appropriate).

The holder acknowledges that this authorization grants non-exclusive use of public facility areas. The holder shall ensure that the rights and privileges of other public facility visitors are recognized.

This authorization may be terminated upon breach of any of the conditions herein or upon five (5) days written notice at the discretion of the Town Manager.

The Town has the right to revoke this Commercial use authorization agreement should any resultant activity, to include but not limited to parking, unloading/loading, instruction or embarkation, become a conflict of the main use of said facilities.

The holder shall not modify Town facilities in any manner.

Business transactions will occur off site through advance reservations and payments.

The holder will have no fixed facilities on Town property and will leave the area/site in the same condition as prior to use.

It is understood and agreed that the business provider is not an agent or employee of the town and there is no joint venture or other business relationship between the business provider and the Town except for the limited privilege granted hereunder.

Initial_____

Chapter 70

WATER ACCESS FACILITIES*

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Article II. WATER ACCESS FACILITIES

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***Charter reference**—Public wharves, harbors, etc., ch. 2, § 1(9).

Cross references—Buildings and building regulations, ch. 14; environment, ch. 22; floods, ch. 30; parks and recreation, ch. 42; vegetation, ch. 66; zoning, app. A; marina, commercial or club type, app. A, § 2.96; marina, private noncommercial, app. A, § 2.97.

State law references—Removal, repair, etc., of wharves, piers, etc., Code of Virginia, § 15.2-909; regulation of lakes, pools, etc., Code of Virginia, § 15.2-1110; local regulation of vessels, Code of Virginia, § 29.1-744 et seq.; port management, Code of Virginia, § 62.1-163.

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Article III. Use of Other Town Water Related Facilities

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ARTICLE I. IN GENERAL

Secs. 70-1—70-25. Reserved.

ARTICLE II. CURTIS MERRITT HARBOR OF REFUGE

DIVISION 1. GENERALLY

Sec. 70-26. 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:

Boat means any motor boat, vessel, watercraft, or personal watercraft of any kind, however propelled.

Committee means the Curtis Merritt Harbor of Refuge Committee.

Federal project means a project for improvement of the harbor and the modification of harbor lines by the Department of the Army and in proximity thereto.

Harbor or *Curtis Merritt Harbor* means the Curtis Merritt Harbor of Refuge.
(Code 1977, §§ 9-2, 9-3)

Working watermen means anyone that earns fifty one percent (51%) of their gross annual income working on the water.

Cross reference—Definitions generally, § 1-2.
(Amended 08/07/06)

Sec. 70-27. Purpose.

The purpose of this article is to establish an advisory Committee for the Curtis Merritt Harbor of Refuge and establish provisions for the operation and maintenance of the Harbor.
(Code 1977, § 9-1) ***(Amended 05/05/03, 08/07/06)***

Sec. 70-28. Penalties.

Any person violating any of the sections of this article shall, upon conviction, be guilty of a Class 2 misdemeanor.
(Code 1977, § 9-7)
(Amended 08/07/06)

Sec. 70-29. Damage to docks, wharves or launching ramps.

It shall be unlawful for anyone, intentionally or negligently, to damage the public docks, wharves or launching ramps owned by the town.
(Code 1977, § 9-4)
(Amended 08/07/06)

Sec. 70-30. Nondiscrimination.

There shall be no discrimination in the use of or access to the benefits of all the harbor regardless of race, age, creed, handicapping conditions, color, national origin, religion, sex, political affiliation or beliefs.
(Code 1977, § 9-6)
(Amended 08/07/06)

Secs. 70-31—70-55. Reserved.

DIVISION 2. COMMITTEE*

Sec. 70-56. Established; general authority.

There is hereby established a committee to be known as the Curtis Merritt Harbor of Refuge Committee to act as an advisory committee to the Town Council as to the operation and maintenance of the Harbor and recommending rules, regulations, future projects, and other matters relative to the Harbor to the Town Council from time to time.
(Code 1977, § 9-2(1)) ***Amended 05/05/03, 08/07/06, 03/04/13)***

Sec. 70-57. Membership.

(a) The committee shall consist of four members, and all four members shall be residents of the town. The members shall be as follows:

(1) Two shall be members of the town council.

(2) One shall be a member of the working waterman's association.

(3) One shall be a recreational fisherman.
(Amended 08/07/06, 03/04/13)

(b) All members shall be appointed by the council. All members shall be appointed for a term of two years or until replaced by the town as herein provided. All members of the committee shall serve as such without compensation.
(Amended 08/07/06, 03/04/13)

(c) The harbor master shall be secretary of the committee. The Council shall elect a chairman every other year following Council elections.
(Code 1977, § 9-2(2); Ord. of 10-21-1993) ***(Amended 05/05/03, 08/07/06, 03/04/13)***
***Cross reference—**Boards and commissions, § 2-106 et seq.

Sec. 70-58. Meetings.

The committee shall meet at least four times a year at a time and place of its choosing and shall maintain accurate records of the meeting's.
(Code 1977, § 9-2(3)) ***(Amended 05/05/03, 08/07/06, 03/04/13)***

Sec. 70-59. Quorum; majority rule.

Three voting members of the committee shall constitute a quorum for all meetings. All matters shall be decided by majority vote of those present and voting.
(Code 1977, § 9-2(4))
(Amended 08/07/06)

Sec. 70-60. Vacancies.

If a vacancy occurs in the term of any committee member, the town shall have the right to appoint a person to fill such vacancy, as described in this division, for the remainder of such unexpired term.
(Code 1977, § 9-2(5))

Sec. 70-61. Removal of members.

The town reserves the right to remove any committee member with or without cause.
(Code 1977, § 9-2(6))
(Amended 08/07/06)

Sec. 70-63. General authority.

(a) The Harbor Master is the Town's designated agent in the supervision of the harbor and the enforcement of this article and has the authority to direct and control the movement and stoppage of all boats, vehicles and trailers using the harbor facilities, including the parking area, ramp, dock, boat slips and water within the confines of the harbor. The Harbor Master shall have the further authority to restrict or prohibit any activities within the facility that in any way adversely affect the intended uses of the facility. The failure of any person to reasonably submit to such direction and control shall constitute a violation hereof.
(Amended 08/07/06, 03/04/13)

(b) Nothing contained in this section is intended to preclude the town police department or other police officers from enforcing federal, as applicable, state and local statutes, ordinances and regulations, including the provisions of this article within the harbor.
(Code 1977, § 9-5)
(Amended 08/07/06)

Secs. 70-64—70-90. Reserved.

DIVISION 3. USE OF HARBORS, WHARVES, BOAT SLIPS, LAND

Sec. 70-91. Mooring Permit required for use or occupancy.

(a) It shall be unlawful for any person to use, occupy or moor a boat to any part of the Curtis Merritt Harbor of Refuge without first having obtained a Mooring Permit or the authority of the harbor master as provided in this article, for such use, occupation docking, or mooring.
(Amended 08/07/06, 03/04/13)

(b) All Mooring Permits for the use or occupancy of boat slips, wharfage or land within the harbor shall be in writing on forms authorized by the town ~~council~~ and submitted to and approved by the Harbor Master or his designated representative.
(Amended 08/07/06, 03/04/13)

(c) All fees for Mooring Permit shall become due and payable on each June 1st at the town office. All fees are non-refundable, except as may be provided for in the Mooring Permit agreement.
(Amended 08/07/06, 03/04/13)

(d) No Mooring Permit (Holder) shall assign the Mooring Permit to another person and any such assignment shall immediately terminate said Mooring Permit, without refund of any portion of the Mooring Permit payment. Fees for such mooring permits shall be established by the Town Council from time to time. ***(Amended 08/07/06, 03/04/13)***

(e) No boat shall be moored in any slip for a period in excess of 24 hours by any Holder except such boat that is listed on the Holder agreement when executed or subsequently added thereto. No more than one (1) boat shall be so listed at any given time. The presence of any unlisted boat in any such slip for a period of ten (10) days shall result in a determination that such slip Holder has been assigned or unauthorized assignment exists and such Mooring Permit Holder shall terminate immediately, absent proof to the reasonable satisfaction of the Harbor Master that such assignment has not occurred.
(Amended 08/07/06, 03/04/13)

(f) All fees charged for use and occupancy of boat slips, wharfage, and other uses of the harbor facilities shall be established by the town council from time to time and shall be posted in the office of the Harbor Master, unless otherwise expressly provided for herein.
(Code 1977, § 9-3(A)) ***(Amended 05/05/03, 08/07/0, 03/04/136)***

(g) All fees and charges collected by the town from the use of the harbor shall be segregated or earmarked from the general fund and used for improvements, repairs and upkeep of the harbor and its facilities, upon recommendations made to the Council by the committee. ***(Amended 08/07/06, 03/04/13)***

(h) The following priorities shall control the Issuance of the Mooring Permit of slips at the harbor:

(1) Present Mooring Permit holders that requested a smaller slip and holds a larger slip have the first opportunity to change to a smaller slip if available.

(2) Working watermen (100%) of the Islands District.

(3) Other boat owners of the Islands District.

(4) Working watermen (100%) of Accomack County.

(5) Accomack County residents.

(6) All others.

(Amended 08/07/0, 03/04/136)

Sec. 70-92. Permits required for erection of structures.

It shall be unlawful to erect any type of structure including mooring poles in the waters of the harbor or on the property within the harbor facility without first securing a permit from the Harbor Master. All buildings, structures, docks, poles, walkways or projections in the harbor waters or facility, in conflict with and not conforming to specifications and requirements of the Harbor Master, shall be removed at the permit Holder's expense. Any authorized structure or appurtenance shall be installed at the expense of the person causing the

construction thereof. The structure or appurtenance shall, at the option of the permit Holder's, become the property of the town at the expiration of the permit Holder's Mooring Permit, or the Harbor Master may require that any such structure be removed.
(Code 1977, § 9-3(B)) ***(Amended 08/07/06, 03/04/13)***

Sec. 70-93. Damage to docks, wharves or launching ramps.

It shall be unlawful for anyone intentionally or negligently, to damage the public docks, wharves, bulkheads, or launching ramps owned by the town situated at the harbor.
(Adopted 08/07/06)

Sec. 70-93. Dumping; disposal of wrecks.

(a) It shall be unlawful to deposit or cause or permit to be deposited, in any of the waters of the harbor, or along the shores thereof or in any of the streams or ditches emptying therein or on any of the land adjacent or contiguous to the harbor, etc., any refuse, offal, waste matter or other substance or material, whether earth, oil, liquid, animal, fish or vegetable matter, or other matter that may adversely affect the sanitary, clean and safe condition of the water in the harbor or that may diminish the depth thereof.
(Amended 08/07/06)

(b) It shall be unlawful to intentionally or negligently permit or cause to be sunk any boat in the waters of the harbor, or to intentionally or negligently permit or cause any loose timber or log to be set adrift in the harbor. Whenever a boat is wrecked and/or sunk in any of the waters of the harbor, accidentally or otherwise, it shall be the duty of the owner or person then in possession of such wrecked or sunken boat to immediately mark it with buoys and lights at night and to maintain such warning devices until the wrecked or sunken boat is removed which shall be done within the time frame designated by the committee. The neglect or failure of the owner person then in possession to so mark the wrecked or sunken boat shall constitute a violation hereof. It shall be the duty of the owner or person then in possession of such wrecked or sunken boat to commence the immediate removal of the boat and remove same within the Harbor Master's designated removal period. Failure to do so shall constitute a violation hereof. Further, the failure of the owner or person then in possession to mark with required warning devices and/or remove such wrecked or sunken boat within the period prescribed by the Harbor Master shall constitute a material breach of any Mooring Permit with such person and authorize the Harbor Master to cancel such Mooring Permit. In the event any such owner or person in possession does not timely remove such wrecked or sunken boat, the committee may proceed to do so after five (5) days written notice to such owner or person in possession, and at the owner's and/or person in possession's cost.
(Code 1977, § 9-3(C)) ***(Amended 08/07/06, 03/04/13)***

Sec. 70-95. Boat ramp and land area usage.

(a) The use of the boat ramps and adjacent parking areas of the harbor facility are for the pleasure of all users. No unloading, loading or storage of seafood products or byproducts, nets, poles, dredges or culling of products is permitted except in designated loading and unloading areas as hereinafter provided. At the discretion of the harbor master, a temporary variance may be granted when an emergency exists or there is other just cause therefore.
(Amended 08/07/06)

(b) Overnight habitation of vessels, boats, parked vans, automobiles, trucks, mobile homes, camper trailers or other recreational vehicles or apparatus, including tents, at the harbor facility, is prohibited except by special authority given by the harbor master for critical emergency situations.
(Code 1977, § 9-3(D)) ***(Amended 05/05/03, 08/07/06)***

(c) Persons utilizing a boat ramp at the harbor shall launch or recover any boat as promptly as possible giving consideration to the safety of persons and property, and shall not unnecessarily impede the use of such ramp by other users.
(Adopted 08/07/06)

Sec. 70-96. Designated loading and unloading areas.

(a) The Harbor Master shall designate a specified wharfage area for the loading and unloading of both commercial and pleasure boats which areas shall be designated and with appropriate signage.
(Amended 08/07/06, 03/04/13)

(b) Except in an emergency, it shall be unlawful to use the loading and unloading wharfage area for the mooring of boats. In an emergency, the mooring shall be as approved by the Harbor Master or his designated agent.
(Amended 10/03/05, 08/07/06, 03/04/13)

(c) Wharfage for inbound or outbound cargo placed on the loading and unloading area shall be limited to 24 hours without charge. Wharfage for all boats shall be limited to eight hours without charge.
(Amended 05/05/03, 10/03/05, 08/07/06)

(d) Under no circumstances shall any cargo remain on the loading and unloading area in excess of the free time, except on the express authorization of the harbor committee or harbor master. The loading and unloading area or any other upland area of the harbor facility shall not be utilized for storage purposes. Cargo equipment of whatever kind placed thereon shall remain thereon at the risk of the consignee or owner and shall be removed within a reasonable length of time, which shall not exceed 24 hours except on the express authorization of the harbor committee or harbor master.
(Code 1977, § 9-3(E)) ***(Amended 08/07/06)***

Sec. 70-97. Use of harbor for anchoring or mooring.

(a) No boat shall be moored or anchored inside the harbor without the permission of the harbor master, at such points as shall be designated.
(Amended 08/07/06, 03/04/13)

(b) No boat shall operate or be moored or anchored in such a manner as to obstruct the passage, approaches, berthing offloading, or loading, or use of the launching ramp by other boats at the harbor.
(Amended 08/07/06)

(c) No person operating any boat shall utilize in any way any bulkhead, dock or slip space within the harbor except that portion which is by the harbor master. ***(Amended 08/07/06, 03/04/13, 03/04/13)***

Sec. 70-98. Speed limit.

All boats entering, leaving, or navigating in the harbor shall be operated in such a manner so as not to create a swell sufficient to cause damage to the other boats moored, anchored, offloading, loading or utilizing the boat ramps at the harbor.
(Code 1977, § 9-3(G)) ***(Amended 08/07/06)***

Sec. 70-99. Dock boxes.

Dock boxes may be provided and utilized by each Mooring Permit Holder at the harbor, provided that the design, materials, colors, and location are approved in writing by the harbor master.
(Code 1977, § 9-3(H)) ***(Amended 08/07/06, 03/04/13)***

Sec. 70-100. Storage.

Crab traps, lobster pots, fish nets, baskets, fish boxes and all other types of gear shall not be stored on the docks or upland areas except area that may be designated by the harbor master. Boats shall not be stored on the docks, adjacent waterways or upland areas of the harbor.
(Code 1977, § 9-3(I)) ***(Amended 08/07/06, 03/04/13)***

Sec. 70-101. Fuel.

No fuel, either diesel or gasoline, shall be stored on the docks or upland areas of the harbor. Fuels shall only be sold at the harbor by licensed fuel dealers. Transportation of fuels by a Mooring Permit Holder is permitted,

providing the containers are safe and properly secured on the holder's vehicle. All such containers and vehicles must be approved by the harbor master.
(Code 1977, § 9-3(J)) ***(Amended 08/07/06, 03/04/13)***

Sec. 70-102. Oversized vessels.

Boats longer than 15 percent of the length of the harbor slip requested will not be permitted unless special permission is granted by the committee.
(Code 1977, § 9-3(K)) ***(Amended 08/07/06)***

Sec. 70-103. Trespassing.

No person shall enter the harbor between the hours of 10:00 p.m. and 6:00 a.m., except for Mooring Permit Holders and their guests and other duly authorized persons. Any such entry shall constitute a criminal trespass.
(Code 1977, § 9-3(L)) ***(Amended 08/07/06, 03/04/13)***

Sec. 70-104. Prohibited conduct.

Within the harbor, the upland area adjacent thereto, and the spoil site, the following conduct is expressly prohibited:

(a) crabbing

(b) swimming

(c) fishing

(d) camping

(e) bathing

(f) overhaul or repair of boats

(g) discharge of firearms

(h) reserved

(i) parking, except as expressly permitted by appropriate signage or the harbor master
(Code 1977, § 9-3(M)) ***(Amended 08/07/06)***

Sec. 70_105. Other rules and regulations.

In addition to all other rules or regulations pertaining to the use of the harbor, the following additional rules and regulations shall be in effect:

a. Overnight parking is prohibited without a current ramp user fee sticker and then only if the vessel is under way.
b. Two (2) hour parking if not under way on boat or vessel.

(Adopted 08/07/06, 03/04/13)

Sec. 70_106. Abusive language.

While utilizing the harbor, including while on any boat moored thereto or while in the act of mooring, embarking, disembarking, launching or recovering any boat any person shall refrain from making any loud and disturbing noises not reasonably necessary for utilizing said facility, and further shall not use any abusive and/or obscene language that reasonably disturbs the peace and tranquility of others on or near said facility.
(Adopted 08/07/06)

Sec. 70_107 to 109. Reserved.

ARTICLE III. USE OF OTHER TOWN WATER RELATED FACILITIES

DIVISION 1. GENERALLY

Sec. 70_110. 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:

Boat means any motor boat, vessel, watercraft, or personal watercraft of any kind, however propelled.

Person means any natural person, corporation, partnership, limited liability company, or other legal entity.

Town or Town Council means the governing body of the Town of Chincoteague.
(Adopted 08/07/06)

Sec. 70_111. Purpose and authority.

The purpose of this article is to provide for the operation of all other water related facilities owned or controlled by the Town of Chincoteague, specifically including but not limited to the town dock (excluding any leased portion thereof), Chincoteague Veterans Memorial Park, eastside boating facility, Fir Landing, and Robert N. Reed, Sr. Downtown Waterfront Park.
(Adopted 08/07/06)

Sec. 70_112. Penalties.

Any person violating any of the provisions of this article shall, upon conviction, be guilty of a Class 2 misdemeanor.
(Adopted 08/07/06)

Sec. 70_113. Nondiscrimination.

There shall be no discrimination in the use of or access to the benefits of any such facility, regardless of race, age, creed, handicapping conditions, color, national origin, religion, sex, political affiliation or beliefs.
(Adopted 08/07/06)

Sec. 70_114. Reserved.

DIVISION 2. PROVISIONS REGULATING THE USE OF SUCH OTHER FACILITIES

Sec. 70_115 General authority.

(a) The harbor master and his duly designated agents, in the supervision of the other town water related facilities and the enforcement of this article, shall have the authority to direct and control the movement and stoppage of all boats, vehicles and trailers using the other town water related facilities, including the parking area, ramp, dock, boat slips and waters within the confines of the other town water related facilities. The harbor master shall have the further authority to restrict or prohibit any activities within the facility that in any way adversely affect the intended uses of the facility. The failure of any person to reasonably submit to such directions and control shall constitute a violation hereof.
(Adopted 08/07/06)

(b) Nothing contained in this section is intended to preclude the police department or other police officers from enforcing federal, state and local statutes, ordinances and regulations, including the provisions of this article within the other town water related facilities.
(Adopted 08/07/06)

Sec. 70_116. General.

It shall be unlawful for any person to use, occupy, moor, load, offload, launch, or recover any boat except as permitted herein.
(Adopted 08/07/06)

Sec. 70_117. Required license.

No person shall use for the launching and/or recovery of any boat any ramp constituting a part of any such facility without having paid any required license fee as established by the town council from time to time.
(Adopted 08/07/06)

Sec. 70_118. Damage to docks, wharves or launching ramps.

It shall be unlawful for any person to intentionally or negligently damage any public dock, wharf, bulkhead, or launching ramp constituting a part of any such facility.
(Adopted 08/07/06)

Sec. 70_119. Boat ramp and land area usage.

(a) The use of the boat ramp and adjacent parking areas of any such facility, are for the pleasure of all users. No unloading, loading or storage of seafood products or byproducts, nets, poles, dredges or culling of products is permitted except in designated loading and unloading areas as hereinafter provided. At the discretion of the harbor master, a temporary variance may be granted when an emergency exists or there is other just cause therefore.
(Adopted 08/07/06)

(b) Overnight habitation of boats, parked vans, automobiles, trucks, mobile homes, camper trailers or other recreational vehicles or apparatus, including tents, at any such facility, is prohibited except that slip holders and their guests may utilize overnight accommodations on boats designed for such overnight use, after obtaining the lease from the town.
(Adopted 08/07/06)

(c) Persons utilizing a boat ramp at any such facility shall launch or recover any boat as promptly as possible giving consideration to the safety of persons and property, and shall not unnecessarily impede the use of any such ramp by other users.
(Adopted 08/07/06)

Sec. 70_120. Dumping disposal of wrecks.

(a) It shall be unlawful to deposit or cause or permit to be deposited, in any of the waters of any such facility, or along the shores thereof or in any of the streams or ditches emptying therein or on any of the land adjacent or contiguous to any such facility, any refuse, offal, waste matter or other substance or material, whether earth, oil, liquid, animal, fish or vegetable matter, or other matter that may adversely affect the sanitary, clean and safe condition of the waters in any such facility or that may diminish the depth thereof.
(Adopted 08/07/06)

(b) It shall be unlawful to intentionally or negligently permit or cause to be sunk any boat in the waters of any such facility, or to intentionally or negligently permit or cause any loose timber or log to be set adrift in any such facility. Whenever a boat is wrecked and/or sunk in any of the waters of any such facility, accidentally or otherwise, it shall be the duty of the owner or person then in possession of such wrecked or sunken boat to immediately mark it with buoys and a lights at night and to maintain such warning devices until the wrecked or sunken boat is removed which shall be done within the time frame designated by the harbor master. The neglect or failure of the owner or person then in possession to so mark the wrecked or sunken boat shall constitute a violation hereof. It shall be the duty of the owner or person then in possession of such wrecked or sunken boat to commence the immediate removal

of the boat and remove same within the harbor master's designated removal period. Failure to do so shall constitute a violation hereof. Further the failure of the owner or person then in possession to mark with required warning devices and/or remove such wrecked or sunken boat within the period prescribed by the harbor master shall constitute a material breach of any lease, with such person and authorize the harbor master to cancel such license. In the event any such owner or person in possession does not timely remove such wrecked or sunken boat, the harbor master may proceed to do so after five (5) days written notice to such owner or person in possession, and at the owner's and/or person in possession's cost.
(Adopted 08/07/06)

Sec. 70_121. Use of facility for anchoring or mooring.

(a) No boat shall be moored to or anchored inside any such facility without the permission of the harbor master and at such points as may be designated, or unless otherwise permitted.
(Adopted 08/07/06)

(b) No boat shall be operated or moored or anchored in such a manner as to obstruct the passage, approach, berthing, offloading, loading, launching or recovery of other boats at any such facility.
(Adopted 08/07/06)

(c) No person operating any boat shall utilize in any way any bulkhead, dock, or slip space within any such facility except that portion which is leased by such person from the town, where applicable, or without the express permission of the harbor master, or as otherwise permitted.
(Adopted 08/07/06)

Sec. 70_122. Prohibited conduct.

Within any such facility, and/or the upland area adjacent thereto, the following conduct is expressly prohibited:

(a) swimming

(b) camping

(c) fireworks

(d) overhaul of boats except for the express written authority of the Harbor Master

(e) discharge of firearms

(f) parking, except as expressly permitted by appropriate signage.

In addition to any other rule or regulation pertaining to the use of the other town water related facilities, the following additional rules and regulations shall be in effect:

(a) Overnight parking is prohibited without a current ramp user fee sticker and then only if the vessel is under way.
(b) Two (2) hour parking if not under way on boat or vessel.

(Adopted 08/07/06, 03/04/13)

Sec. 70_123. Other rules and regulations.

In addition to all other rules or regulations pertaining to the use of the other town water related facilities, excepting the town dock, the following additional rules and regulations shall be in effect:

(a) The loading dock area may be used up to four (4) hours free of charge.

(b) Beyond four (4) hours, boats may remain at the dock for reasons of mechanical failures, inclement weather or any other situation as deemed appropriate by the harbor master or his duly appointed agent.

(c) The fee for said mooring shall be set by Council each year.
(Adopted 08/07/06, 03/04/13)

Sec. 70_124. Provisions regulating boat wakes in and adjacent to any such facility.

All boats entering, leaving, or navigating in or within 100 feet of any such facility shall be operated in such a manner so as not to create a swell sufficient to cause damage to the other boats moored, anchored, offloading, loading, or utilizing the boat ramps at such facility.
(Adopted 08/07/06)

Sec. 70_125. Abusive language.

While utilizing any such facility, including while on any boat moored thereto or while in the act of mooring, embarking, disembarking, launching or recovering any boat any person shall refrain from making any loud and disturbing noises not reasonably necessary for utilizing said facility, and further shall not use any abusive and/or obscene language that reasonably disturbs the peace and tranquility of others on or near said facility.
(Adopted 08/07/06)

Sec. 70_126. Special provisions applicable to the town dock.

(a) No commercial boat shall offload any cargo except that a boat less than 24 feet in length may offload seafood products providing that said offloading does not exceed ½ hour daily.
(Adopted 08/07/06)

(b) A boat may moor at the town dock between the hours of 8:00 a.m. to 12:00 noon to take on fuel and secure stores for a period not to exceed 1 hour daily and provided that there are no more than two such boats so moored at a time.
(Adopted 08/07/06)

(c) In the case of an emergency the United States Coast Guard may moor a boat at the town dock during the course of said emergency after contacting and securing the approval of the harbor master.
(Adopted 08/07/06)

(d) The harbor master may permit a boat to moor for an appropriate period of time to correct any mechanical problems.
(Adopted 08/07/06)

(e) In the case of inclement weather, the harbor master may moor up to two boats at the town dock during the period of such weather conditions.
(Adopted 08/07/06)

(f) Under no circumstances shall the use of the boat ramp at the town dock be impeded.
(Adopted 08/07/06)