

Select Board Authority: Town Charter C3-7 (H)

272-1 Vessels on Town Property

A. Purpose:

To establish a regulation in order to effectively utilize public access to the water over town land by controlling the size and types of vessels placed upon these ways. This regulation also limits the timeframe in which vessels will be permitted to remain in the areas, requiring annual removal.

B. Definitions:

Vessel: For purposes of this regulation, a vessel is watercraft of every description used or capable of being used as a means of transportation upon the water. (See MGL Chapter 90B & 323 CMR 2.02)

Structure: Structure means any man-made object which is intended to remain in place in, on, over, or within the tidelands or other waterways and would require a local permit from the Conservation Commission and/or DEP Chapter 91. Structures include any types of anchoring system that is put in place by the altering, digging, and/or burying of poles, posts, rods, pipes, anchors, concrete or similar attachments into the ground or shore of the Town.

C. Regulation:

1. Only non-motorized vessels may be placed on town land with public access to water and landings between April 16 and November 14 of each calendar year.
2. No vessel greater than 12 feet in length overall and no vessel greater than 5 feet in beam may be placed on any town way to water or landing.
3. Vessels may only be placed so as not to cause damage to town property or the environment. No new structure may be erected or placed without prior authorization from the Harbormasters Office. Any object or item that is used to secure a vessel must be removed each year by November 15th and may not be put back in place until April 16th. This includes existing structures in existence on the date these regulations are adopted.
4. New and replacement structures shall be auger style screw in ground anchors only.
5. The town may require the use of dinghy racks or rails where available and appropriate. The town may charge a reasonable fee for use of town provided dinghy racks as determined by the Select Board. Dinghy rack stickers will be issued by the Harbormaster.
6. All vessels stored along the shores of town owned property shall display the owners name and phone number in a clearly visible location attached to the vessel. Identification stickers may be available from the Harbormasters Department for this purpose.
7. Vessels may not be placed on resource areas as defined by the Conservation Commission Regulations such as Coastal Dunes, Coastal Banks, Inland Banks or Salt Marshes. Vessels shall not be secured to trees or other vegetation.

8. The Town of Falmouth assumes no responsibility for the loss and/or damage to any vessel placed on town property. Any vessel so placed on Town property is done so at the owner's risk and any liability incurred therefore shall be at the owner's expense.
9. Unless a vessel owner secures written permission of the Harbormaster for a proven need, no vessel shall be stored or placed on town property between November 15 and April 15 annually. Any vessel placed or remaining on town property between November 16 and April 14 shall be considered abandoned under this regulation and disposed of in the best interest of the town and disposed of at the owner's expense.
10. The owner of any vessel or structure in violation of this regulation may be fined \$50.00 per day. Each day constitutes a separate offense. Any vessel or structure in violation of this regulation may be removed by the Harbormasters Department. Vessels or structures removed by the Harbormaster's Department shall be considered derelicts/abandoned and will be disposed of in the best interest of the town and at the owner's expense.