

(Annotated version)

~~Strikethrough~~— delete (see section 231-6, letter U)

~~Strikethrough~~ & **Bold** – delete & Add (see section 231-7, 3 locations)

Chapter 231. Waterways

[HISTORY: Adopted by the Board of Selectmen of the Town of Dennis 3-16-1982; amended 3-22-1983. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Waterways Commission — See Ch. 5, Art IV.

Selectmen — See Ch. 36, Art. VIII.

Boats — See Ch. 55.

Jet skis — See Ch. 117.

Marina — See Ch. 130.

Waterways bylaws — See Ch. 181.

Wetlands — See Ch. 187.

Beach regulations — See Ch. 200.

Shellfish regulations — See Ch. 222.

§ 231-6. Sesuit Harbor rules and regulations.

For the benefit of all who use these facilities, the following rules and regulations have been established.

A. The word "marina" shall hereinafter refer to the Sesuit Harbor Municipal Marina and any person authorized to represent it, including the Harbormaster and Assistant Harbormasters. The marina encompasses all town-owned property and facilities, including parking areas provided for boating at Sesuit Harbor and use of all harbor waters to Cape Cod Bay, also approaches from the Fairway (one-half-mile) buoy. The word "town" shall hereinafter refer to the Town of Dennis and its authorized representatives. The word "owner" shall refer to the owner of any boat or vessel berthed in or using the marina or the authorized representative of the owner.

B. Space rentals.

(1) Fees charged for space shall be strictly in accordance with published schedules and shall be paid in advance to cover a full season. No refunds will be allowed. For any vacancy of short duration, but exceeding twenty-four (24) hours, the Harbormaster or assistant should be advised in order to permit temporary use of the space for transients. Any transient fees, in accordance with published schedules, will accrue to the town. No refunds to original lessees are contemplated in such instances.

(2) If it is considered by the Harbormaster to be in the best interest of the marina and/or its occupants, this space agreement may be canceled on ten (10) days' notice, with the owner removing his boat forthwith, and proportional reimbursement will be made of the fee.

(3) Space rentals may not be sublet, are nontransferable and may not be assigned to others by the lessee. Transfer of boats between spaces will only be allowed with the prior permission of the Harbormaster or assistant.

(4) No boat may enter any slip or tie up to any buoy or space other than that assigned without permission of the Harbormaster or assistant.

C. To be admitted and to continue as an occupant of the marina, a boat must be registered, identified, marked, equipped, operated and maintained as required by law and the practice of good seamanship.

D. When a boat enters the marina area, it immediately comes under the jurisdiction of the marina and shall be berthed only where assigned and maneuvered as directed.

E. All boats will be secured in their assigned space in a manner acceptable to the Harbormaster or assistant.

F. All persons shall conduct themselves at all times at the marina (as defined in § 231-6A) in a peaceful and orderly manner and shall not threaten or cause, directly or indirectly, any bodily harm to any person or damage to any property in the marina and shall not commit any nuisance or create any hazard which may affect any person or property at the marina.

G. Violations of rules and regulations. Any violation of any of these rules and regulations shall, in addition to any penalties provided by law, be just cause for the cancellation of the lease of any lessee of a slip or mooring and the removal from the marina of any such violator and any boat owned by said violator at the latter's expense. Nothing in this section is intended nor should it be construed to prevent the Harbormaster from pursuing any rights or remedies available under law.

H. Disposal of wastes; overnight occupancy.

(1) Federal, state and town statutes prohibit the discharge of sewage, waste material, oil and fuel, rubbish or refuse of any kind or description into any river, stream, pond or tidal waters of the harbor. Heavy fines and imprisonment are the penalties for violation.

(2) Overnight occupancy of boats is prohibited unless specific prior approval is obtained from the Harbormaster or assistant.

(3) Owners, guests, employees and all persons are to use the marina's shoreside toilets. All garbage and other refuse must be placed in receptacles provided by the marina.

I. Noise shall be kept to a minimum at all times. Consideration for others requires discretion in the operation of engines, generators, radios and television sets in such a manner at such times as to create no nuisance or disturbance.

J. Swimming, diving (skin or scuba) and waterskiing are prohibited in the marina unless specifically authorized in advance by the Harbormaster or assistant. Swimming is authorized in the area adjacent to the Dennis Yacht Club.

K. Fishing; use of walkways; minors.

(1) Fishing from floats and berthed boats within the marina is discouraged.

(2) The cleaning or dragging of fish on floats, walkways and ramps is prohibited.

(3) The use of walkways and floats is restricted to lessees, their guests or authorized personnel. The boarding of any boat without permission is trespassing.

(4) Children shall be accompanied by an adult at all times within the marina.

L. Obstruction of walkways; appurtenances.

(1) Boat owners shall not place supplies, materials, accessories or debris on any float, walkway or ramp and shall not construct or place thereon any lockers, chests, cabinets or containers without the permission of the Harbormaster or assistant.

(2) Boats having tenders on davits, gangways or boarding ladders or steps, extreme overhangs, bow or stern sprits, boomkins, spars, pulpits, etc., shall be secured in such a manner that none of these appurtenances shall create a hazard or block free passage along any float, walkway or waterway.

M. Fueling is prohibited when tied to a slip. Use town landing float or cast off and refuel in open harbor. Smoking is prohibited on any landing or area where refueling is permitted,

N. Dogs and pet animals are permitted in the marina only on a leash or when otherwise confined or restrained.

O. Overnight living in house trailers, campers or other vehicles in any marina parking area is prohibited. Overnight parking of vehicles in such areas while boating is permitted only with the prior permission of the Harbormaster or assistant.

P. Tenders, skiffs, dinghys and other small boats shall be aboard boats or placed where the marina directs. All such small boats shall carry identification numbers, marks or names. They may not be tied up in rentable space nor stored on any float, walkway or ramp or in parking areas.

Q. No part of the marina, ashore or afloat, nor any boat therein shall be used for the conducting or solicitation of business of any kind except for normal operation of commercial fishing, charter fishing, sightseeing or head boats, and no signs or other advertising material will be permitted without permission of the Harbormaster or assistant, who will control size, placement, etc. Nothing in this section shall prohibit an owner from contracting for or using such services as his boat may require from the businesses or resources regularly available in the area or to him privately.

R. Owners using the harbor shall obey all posted speed signs and may be held liable for damage caused by excessive wake or wash or negligent operation. Inland rules of the road shall apply.

S. Sailboats not under auxiliary power are prohibited from using the inner harbor because of lack of maneuvering space due to the large number of boats on swing moorings, in slips and in restricted channels.

T. Boat owners shall not take aboard nor discharge passengers (including boaters, waterskiers, divers or fishermen) at any public bathing area.

~~U. Harbor parking areas shall not be used for beach parking.~~

V. The town assumes no responsibility on account of fire, theft or damage of any nature to any boat or property connected therewith nor for personal injury to any person.

W. Any owner or operator of a boat or vessel within the harbor may be liable for any damage or injury to town property or personnel.

§ 231-7. Parking regulations.

Admission to parking at the town harbor areas as designated shall be governed by the following:

A. Designated areas shall be:

(1) Sesuit Harbor: public access area.

(2) Sesuit Harbor: all other lots.

B. Any person may secure a vehicle pass for the public access area and all other lots for a fee set by the Board of Selectmen, which is valid for a motor vehicle or a motor vehicle and trailer combined.

C. A real estate taxpayer or year-round resident in the Town of Dennis may secure a ~~beach/harbor~~ **harbor** vehicle pass for each motor vehicle registered in his name, his spouse's name or his minor dependent, which is valid in all Sesuit Harbor lots except for the public access area, for a fee set by the Board of Selectmen for a motor vehicle or a motor vehicle and trailer combined.

D. Any vehicle which does not have a vehicle or ~~beach/harbor~~ **harbor** pass shall be charged a harbor parking fee for the use of the above-designated areas as set by the ~~Board of Selectmen~~ **Select Board for a non-criminal disposition of a parking violation fee.**

E. Within the designated parking areas, there will be no parking where posted. Loading or unloading is permitted where posted.

F. All harbor or ~~beach/harbor~~ **harbor** passes or stickers shall be affixed on the front bumper of the vehicle.