

OLD HARBOR TOWN DOCK POLICY

The Town Dock at Old Harbor is a public facility used by commercial, charter, and transient vessels. The purpose of this policy is to establish a system for the governing and proper use and care of the docks in Old Harbor. This policy, upon its effective date, shall supercede any/all policies or rules previously established by the Town of New Shoreham regarding the use of the Old Harbor Docks. The Town of New Shoreham Harbor Management Plan (HMP) shall take precedence over these policies where applicable. All terms and definitions shall be as outlined in the Town of New Shoreham HMP.

Appeals to a decision or order by the Harbors Department may be submitted in writing to the Harbors Committee for review and recommendation to the Town Council.

A. USE OF PIERS

- 1. No vessel shall berth at any of the Town docks without proper authorization from the Harbors Department.**
- 2. Applications and waiting lists for berths for commercial and charter vessels are available and maintained by the Harbors Department.**
- 3. An assigned berth shall be used only by the vessel assigned to it; however, the harbormaster may permit the temporary use of a berth by another vessel in emergency situations or adverse weather conditions. Use of a berth by a non-registered vessel shall constitute a violation of this article, and may result in revocation of the berthing permit.**
- 4. No more than one berthing permit shall be issued to any one person or corporation.**
- 5. A boat owner, whose application has been approved and accepted, has one year of date of approval to show required paperwork.**
- 6. A boat owner whose application has been approved and has been so notified by registered and regular mail shall pay the required dockage fee and any arrearages owed prior to the issuance of a berthing permit. If such payment is not received within twenty (20) days after applicant's receipt of**

notice of approval of an application, the Town shall deem the approval withdrawn, and consider other applications.

7. A boat owner who holds a berthing permit and who is not in arrears on any payment to the Town and meets all the requirements herein shall have his permit automatically renewed for the following year provided that all documentation requested by the Harbors Department has been provided by May 1st annually. Dockage fees in arrears for 90 days or more after the due date shall be considered cause for revocation of berth permits. Berth holders who have their permits revoked lose all seniority rights and cannot be reinstated in the harbor or be placed on a waiting list for entry into the harbor.
8. **When a vessel is sold, the berth contract does not transfer with the sale of the vessel. The berth contract is valid for the remainder of the contract term and may be renewed by the original vessel owner provided that the new vessel is purchased within one (1) year of the sale of the previously owned vessel and all fees remain paid in full. The sale of the ownership of 50% or more in the ownership of a vessel shall be deemed to be the sale of the vessel with the same prohibition on the transfer of berthing rights as described above. If the vessel is incorporated, the original owner of the vessel or corporation must own 51% or more of the corporation for the vessel to still be subject to the terms of the original berth contract. If the vessel is incorporated, and the original owner of the vessel or corporation owns less than 51% of the corporation then the original berth contract is void.**
9. **The holder of a berthing permit shall be entitled to transfer the berthing permit on one occasion only either during the permit holder's lifetime or upon the permit holder's death to any one of the following relatives of the permit holder: spouse (including common-law spouse), child (including step child), sibling (including step sibling), grandparent or parent (including step parent), or grandchild (including step grandchild).**
 - a. **In no event shall the recipient of a berthing permit transferred pursuant to this subsection (b)(6) be entitled to transfer the berthing permit to any other person either during the permit recipient's lifetime or upon the permit recipient's death.**
 - b. **In order to effectuate the transfer of the berthing permit, the permit holder shall file a notice of transfer with the harbors department. The harbors department shall not accept a notice of transfer and no transfer shall be effective if there are fees owed with respect to the permit to be transferred or if the permit to be transferred is under a notice of revocation.**

10. **The Town practice of permitting a one-time transfer of a berthing permit will expire December 31, 2023.**
11. **Upon death of berthing permit holder, the decedent's estate shall be allowed to hold the permit for the current season and must participate in the yearly renewal process.**
12. **The fee for a berth is dependent upon the length of the boat. For this purpose the length shall be determined by measuring the overall length of the boat (including pulpit, if any). Boat lengths involving fractions of a foot of six (6) inches or more shall be increased to the next highest foot. Fractions under six (6) inches shall be ignored.**
13. **Fees shall be as ordered by the Town Council of the Town of New Shoreham annually.**
14. **The minimum rate for all vessels is based on 20 foot boats. All vessels less than 20 feet in length shall be billed at the 20 foot minimum.**
15. **Residency for Charter and Commercial slip holders: Residency is defined in Chapter 2, Article I, Section 2-2 of the Ordinances of the Town of New Shoreham and Article 3 Section 9-41 of the Harbor Management Plan. A person shall live on Block Island for 9 months out of the year and also be a registered Block Island voter. Fees shall be as ordered by the Town Council of the Town of New Shoreham annually. Slip holder residency will be reviewed annually.**

Subsequent to the approval of this policy, current existing slip holders, where it pertains to resident/non-resident status, will be grandfathered in.
16. **All fees are due to the treasurer by Dec 31st. The Town shall have a lien upon the boat for any monies due for fees which are in default more than 90 days. Said lien may be enforced by sale of boat in accordance with the procedure set forth in Title 34, Chapter 35, of the General Laws of 1956 and any amendments thereto. The owner of the boat or his agent shall be subject to penalties set forth in Title 46, Chapter 22 of the General Laws of 1956, and any amendments thereto. For purposes of Section 9 (e) of said Chapter, a failure to pay all fees when due shall effect an automatic withdrawal of any consent by the Town of New Shoreham.**
17. **Piers are occupied at the sole risk of the users thereof.**

18. **Dumping of garbage, oil, refuse, fish offal, waste, or other substances in public tidewaters of the Town is prohibited by State and Federal Laws and shall be considered cause for revocation of a berthing permit and other penalties prescribed by law.**
19. **No person shall in any manner violate any Town Ordinance within the limits of the piers and harbor.**
20. **No person shall refuse or neglect to obey the directions of any enforcement officer or any other authorized representative of the Town of New Shoreham.**
21. **ALCOHOLIC BEVERAGES: Consumption of alcoholic beverages is prohibited on Old Harbor Docks and all adjacent Town property in accordance to New Shoreham General Ordinances Chapter 10 Sec. 10-9**
22. **OPEN FIRES PROHIBITED ON DOCKED AND MOORED VESSELS: Open fires, wood burning, coal, charcoal, or portable stoves are prohibited on vessels moored anywhere at Old Harbor Docks, and any wooden portions of the docks**
23. **TRASH DISPOSAL (BOAT OWNERS ONLY): Dumpster next to Old Harbor Dock Office.**
24. **PENALTIES:**
 - a. **The Harbors Department shall have the right to terminate a contract and require removal of the berth contract holder's vessel for any violation of these regulations, including, but not limited to, non-payment of fees when due, and violations of these regulations. That person forfeits any and all rights to utilize the Town facility.**
 - b. **Illegally berthed vessels may be removed from the Town facilities at the owner's expense.**

B: CHARTER BOATS

1. **Charter boats shall be defined as any vessel carrying passengers for hire.**
2. **Six (6) slips are provided for charter boats on the South dock.**

3. **Charter vessels shall tie stern to the dock. The Harbormaster or Dockmaster will assign slips and re-assign slips as deemed necessary.**
4. **Charter slips will only be issued for those vessels which are, and will be, actively engaged as charter boats during the year for which the slip is issued.**
5. **Maximum length of charter boats shall be no more than 45 feet overall and 15 ft beam. Three (3) slips shall be designated for boats no more than 30 feet in length and three (3) slips designated for boats up to 45 feet.**
6. **Applicants must provide to the Harbors Department, proof of vessel ownership, copy of current Coast Guard License to carry passengers for hire for applicant and each operator. In the event a permit holder is a corporation, the slip holder must provide a copy of the annual report for their corporation with their permit application or renewal.**
7. **Applicants must meet all State of Rhode Island requirements for licenses for charter boats and provide copies to the Harbors Department annually with the application. This includes, but not limited, to R.I. DEM charter boat licensing and participation in a random drug testing program.**
8. **Applicants must demonstrate that they will be engaged in carrying passengers for hire by certifying that:**
 - a. **That the vessel is documented in Coastwise Trade to carry passengers for hire; or properly registered in the State of Rhode Island.**
 - b. **That the vessel was used for carrying passengers for hire on at least 40 days of the previous year from Memorial Day to Columbus Day.**
 - c. **New applicants must provide documentation of purchase of new vessels and all necessary documentation in compliance with the permit application.**
9. **The season runs May 1st to April 30th. Bills are sent in the month of March of each year. Failure to pay within ninety (90) days may result in revocation of the slip space.**
10. **The Town of New Shoreham reserves the right to use any or all charter slips if deemed necessary by the Harbormaster in emergency situations or for safety purposes.**

11. **Signs shall not be larger than 2 ft. x 3 ft. and shall not be permanently affixed to the dock.**
12. **Dock area for each charter slip shall be kept clean and free of fish debris, scales, etc. No equipment shall be left on the dock overnight other than fish cleaning tables and fresh water hoses.**
13. **A permit for berthing does not otherwise include the right to occupy land on the waterfront in any manner.**

C: WEST DOCK – COMMERCIAL VESSELS

1. **Permits will be issued only for those vessels which are and will be actively engaged as commercial fishing during the year for which the permit is issued. The Harbormaster will assign slips and re-assign slips as deemed necessary.**
2. **Applicants for permits must be holders of a commercial lobster fishing license or a multipurpose license or any other State or Federal Commercial/Fishing License.**
3. **Applicants for permits must demonstrate that they will be engaged in commercial fishing by certifying either:**
 - a. **That the vessel was used for commercial fishing on at least 40 days of the previous year or as regulated by Federal and/or State regulations; or**
 - b. **That the vessel is new or was purchased within 6 months, and that the applicant has the ability to comply with 1, 2, and 3a.**
 - c. **New applicants must provide documentation of purchase of new vessels.**
4. **Annual wharfage fees are due and payable no later than 90 days from billing date. Annual wharfage period is from May 1 to April 30.**
5. **Permit holders must annually provide copies of the following to the Harbors Department:**
 - a. **Vessel registration and documentation.**
 - b. **Commercial lobster or multipurpose license.**
 - c. **Federal or State vessel trip reports for fishing activity**
6. **Maximum length of commercial fishing vessels shall be 50 ft.**

7. **The bait dock shall be used by commercial fishing vessels only. The Harbormaster shall have the discretion to temporarily put non-commercial vessels on the bait dock when deemed necessary for safety.**
8. **Slip holders shall give the Harbormaster notice to the best of their ability prior to any bait boat deliveries so that accommodations can be planned.**
9. **No gear, barrels, nets, equipment, or other material shall be allowed to remain on a pier or on land adjacent to and providing access to the pier for more than 7 days. Plastic 35-gallon to 50 gallon bait barrels are permissible on the bait dock or immediately behind each slip. No gear, barrels, nets, or other equipment/materials shall be allowed to remain on the loading ramp for more than 48 hours.**
10. **Storage of Bait: All bait storage shall be on the bait dock exclusively.**
 - a. **Storage of un-refrigerated bait must be in sound (no leaks) plastic barrels with tight fitting lids.**
 - b. **Barrels must be covered at all times and shall not obstruct passage on the docks.**
 - c. **The owners name or the name of the vessel shall be legibly stenciled on the barrel.**
11. **A permit for berthing space does not include the right to occupy land on the waterfront in any manner.**

D: TRANSIENT VESSELS:

GENERAL: The Town Dock at Old Harbor is a public facility used by commercial, charter, and pleasure boats. Please register at the Dockmaster's Office and remit dockage fees in advance. No reservations are necessary. Space is assigned on a first come, first served basis at the discretion of the Dockmaster. Check out time is 12:00 pm.

SOUTH DOCK:

- **Vessels are berthed stern to the dock.**
- **A large fender board is necessary to keep the stern away from or from going under the dock.**
- **Vessels with outdrives or anything extending beyond the transom may encounter difficulty at the dock.**

EAST DOCK

- **Vessels should tie up on their starboard side, bow pointing north.**
- **Rafting is allowed, but appropriate fenders and lines must be provided.**
- **Raft to vessels of similar size and not to a larger vessel.**

WEST DOCK:

- **Only commercial slip holders are allowed.**
- **Loading ramp use is restricted to commercial & charter boats only.**
- **The Dockmaster may allow use of the loading ramp by other vessels in cases of emergencies.**

SHOWER AND TOILET FACILITIES:

- **Shower and toilet facilities are available to the charter, commercial and transient vessel customers only.**
- **Two (2) free shower tokens per day for mooring and wharfage customers issued upon showing a receipt.**
- **Free outside shower.**

E. OFF SEASON TEMPORARY BERTHING

During the off-season, November 1 to April 30, (as berths become vacant as a result of boats being hauled out for the winter), the Harbormaster may temporarily assign these berths in accordance with the following fee schedule:

- a. Off-season temporary berth contracts shall pay the monthly fee set by the Town of New Shoreham Town Council.
- b. Payment is to be made to the Harbors Department office prior to berthing, or a notice to remove berthed vessel will be issued by the Harbormaster.
- c. The off-season temporary berth contract holder must provide a copy of valid vessel registration and proof of liability insurance before a berthing slip is assigned.
- d. There is no waiting list for temporary off-season berths. Temporary off-season berths shall be assigned on a first come first serve basis, including assignments to noncommercial vessels, in accordance with the availability of space. These assignments shall not contribute toward the port seniority nor change one's relative position on any full time berth waiting list.
- e. Berth assignments are made at the Harbormaster's sole discretion. Offseason temporary berth assignments may be reallocated at the sole discretion of the Harbormaster, including, but not limited to, the maximum utilization of Town infrastructure for the continued flow of commerce.
- f. Upon receipt of notice to move or vacate the berth by the Harbormaster the off-season temporary berth contract holder must comply with the instructions contained within the notice within twenty-four (24) hours.

F: BERTHING PERMIT AND WAITING LIST APPLICATION

- 1. The Harbors Division shall maintain waiting lists commercial and charter boat requests when no berthing space is available. Commercial and charter boat waiting list applications are available from the Harbors Department and must be returned to the Harbors Department completed with: name, address, contact phone number and email of owner and fee for application.**
- 2. To qualify for a charter slip, applicants must provide proof to the Harbors Department of vessel ownership, a photocopy of state registration in applicant's or applicant's corporation name, copy of current Coast Guard License to carry passengers for hire for applicant and each operator, and proof of residency.**
- 3. To qualify for a commercial slip, applicants must be holders of a commercial lobster fishing license, a multipurpose license, or any other State or Federal Commercial/Fishing License. Applicants must provide proof to the Harbors Department of vessel ownership, a photocopy of state registration in applicant's or applicant's corporation name, and proof of residency. Applicants must demonstrate that they will be engaged in commercial fishing by certifying either:**
 - g. That the vessel was used for commercial fishing on at least 40 days of the previous year or as regulated by Federal and/or State regulations; or**
 - h. That the vessel is new or was purchased within 6 months, and that the applicant has the ability to comply with 1, 2, and 3a.**
 - i. New applicants must provide documentation of purchase of new vessels.**
- 4. It shall be the burden of the applicant to notify the Harbormaster's Office of any change of address. Your name will be removed from the list if any notifications are returned in the mail.**

Adopted by the New Shoreham Town Council December 6 2021.