

THE CITY OF WARWICK
STATE OF RHODE ISLAND

CHAPTER 24
HARBORS

No..... Date.....

Approved.....Mayor

AN ORDINANCE AMENDING THE CITY OF WARWICK CODE OF ORDINANCES
RELATIVE TO EMPLOYING HARBORMASTERS AND THE DESCRIPTION OF
PUMP-OUT LOCATIONS

Be it ordained by the City of Warwick:

Section I: Sections 24-5 and 24-6 of the City of Warwick Code of Ordinances are hereby amended as follows:

Sec. 24-5. Administration and enforcement; harbor management commission.

The city may regulate uses and activities within the tidal waters of the state that are within the corporate boundaries of the city consistent with the authorities granted the city by G.L. 1956, § 46-4-1 et seq., to minimize user conflicts and to maximize the efficient use of both the water space and the city-owned waterfront. In order to regulate the uses and activities within the city's tidal waters, enforcement of the provisions of this chapter shall be completed as follows:

- (1) *Department of parks and recreation.* The department of parks and recreation shall be the local regulatory body for the waters of the city. The department shall enforce this chapter promulgated by the city council and may adopt any rules and regulations, subject to CRMC approval, for the implementation of this chapter and perform all acts necessary and consistent with the purpose of this chapter. The department shall operate the harbor management fund in accordance with this chapter. In addition to the duties and responsibilities delegated to the department by this chapter, the department is hereby authorized and empowered to develop, operate and administer parks and shoreline recreational facilities, waterfront business facilities, harbors and coves; to carry on a general beach and bathhouse business; to purchase, construct, maintain and operate or lease thereon buildings, wharves, piers, walks, parking facilities and swimming pools; to furnish business buildings and accommodations on or near the waterfront for lease or hire; to furnish bathing accommodations and facilities to the public and to make reasonable rules and regulations for the use of same; and to charge suitable fees and/or rents therefor, as may be adopted from time to time by the city council.

1 (2) *Harbormasters.*

- 2 a. *Chief harbormaster.* There shall be a chief harbormaster for the city, who
3 shall be appointed by the mayor and who shall serve at the pleasure of the
4 mayor. The chief harbormaster shall report to the director of parks and
5 recreation and shall have the power and duties delegated to him/her by the
6 director.
- 7 b. *Assistant chief harbormaster:* There shall be an assistant chief harbormaster
8 who will act in the chief harbormaster's stead. The assistant chief
9 harbormaster will act at the discretion of the chief harbormaster and the
10 director of parks and recreation, and will fulfill the duties of the chief
11 harbormaster in his/her absence.
- 12 c. *Other harbormasters:* There shall be a harbormaster for each cove or harbor
13 within the city and other harbormasters as needed, who shall be appointed
14 by the mayor and who shall serve at the pleasure of the mayor. The
15 harbormaster(s) shall work for the chief harbormaster and shall have the
16 power and duties delegated to them by the director.
- 17 d. *Compensation:* The chief harbormaster and the harbormaster(s) shall
18 ~~receive an annual stipend~~ be employees of the City and, at the discretion of
19 the Mayor, shall be either part-time or full-time employees, and shall be
20 compensated ~~for expenses incurred in the performance of their duties in the~~
21 manner of City employees. All compensation shall be included in the
22 department's budget, and acted upon by the city council.

23 (3) *Harbor management commission.* There is hereby created a harbor management
24 commission, which shall consist of seven members. The commission shall consist
25 of one representative from each of the following groups: the recreational boating
26 community, the commercial fishing industry, the commercial mooring operators
27 and the environmental community. In addition, there shall be on the commission
28 three citizens at large who are not affiliated with any of the above groups.

- 29 a. *Term of office.* Members shall be appointed by the mayor for five-year
30 terms.
- 31 b. *Vacancies.* All members shall serve until their successors are duly
32 appointed. If a vacancy occurs, the mayor shall appoint a member to fill the
33 remainder of the unexpired term.
- 34 c. *Chairperson.* The chairperson, vice-chairperson and secretary shall be
35 elected by the members of the commission. Meetings shall be called by the
36 director or at the request of three members of the commission. The
37 chairperson shall conduct the meetings of the commission. In the absence
38 of the chairperson, the vice-chairperson shall assume those responsibilities.
39 The secretary shall keep minutes of all meetings.
- 40 d. *Powers and duties.* The commission shall be the primary advisory group for
41 the management of the waters of the city. The commission shall adopt rules
42 of procedure and operation for its meetings and is authorized to:
- 43 1. Recommend to the department of parks and recreation for adoption
44 rules, fees and penalties for activities which may be necessary to
45 fulfill the goals of the city harbor management plan and the
46 requirements of this chapter;

2. Assist in preparing an annual budget and capital improvement program in cooperation with the department and in accordance with the provisions of the city to expend monies in the harbor management fund;
 3. Sit as a board of appeals to hear any person aggrieved by any decision, act or failure to act by the department of parks and recreation or the chief harbormaster in the enforcement of this chapter and any rules and regulations adopted by the city pursuant to this chapter; and
 4. Review and revise as necessary the harbor management plan for city council and CRMC approval. The plan shall be reviewed and revised at least once every five years.
- e. *Ex officio members.* There may be one nonvoting ex officio member from the Cranston, East Greenwich and North Kingstown harbor commissions on the Warwick commission, enabling the commission to coordinate issues of mutual concern.
- f. *Compensation of members.* Commission members may be compensated for their time and for expenses incurred in the performance of their duties.

Sec. 24-6. – Regulated activities.

(a) *Moorings.* The size, type, location and use of all anchorages and moorings within and on the public water within the city are hereby regulated. A permit from the department of parks and recreation is required for all moorings within and on the public waters within the city except those installed by the city. No permit for a mooring shall be issued unless the mooring shall conform to the requirements of this chapter and the mooring is set in the place assigned by the department. The department of parks and recreation shall determine whether the applicant has complied with the requirements of this section.

(1) *Mooring standards.*

a. General standards.

1. All moorings installed after the effective date of this chapter and any existing mooring that must be replaced for any reason shall conform to the requirements of the following table:

MOORING SIZES BASED ON 20-FOOT WATER DEPTH

Registered Boat Length (feet)	Mushroom Anchor Size (pounds)	Heavy Chain Size (inches)	Light Chain Size (inches)	Pennant Size (inches)	(Nylon) Length to Eye
Up to 20	150	5/8	3/8	5/8	
21 to 25	200	3/4	3/8	3/4	
26 to 30	250	3/4	7/16	3/4	3 times
31 to 35	350	3/4	1/2	7/8	bow height
36 to 40	500	3/4	1/2	1	above water

41 to 45	800	1	5/8	1 1/4	
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2. Any boat with a registered length over 45 feet shall comply with the standards set when the permit is issued.
 3. The total scope of the chain shall be 2½ times the depth of the water at high tide. The heavy chain shall be 1½ times the water depth.
 4. As a minimum, commercial moorings shall be capable of handling a registered boat length of 25 feet.
- b. All transient rental moorings shall consist of a 500-pound mushroom anchor and one-inch heavy chain and one-half-inch light chain. The weight of the anchor shall be clearly painted on the mooring ball. All commercial moorings shall have specially designated mooring buoys.
 - c. The maximum length of the pennant shall be 2½ times the distance from the bow chock to the water plus the distance from the bow chock to the mooring cleat or post.
 - d. All pennant lines running through a chock or any other object where chafing may occur shall have adequate chafe guards. A second pennant shall be fastened to moorings made of cable or chain and used in case of heavy weather. All pennant lines shall be the responsibility of the boat owner.
 - e. All shackles, swivels and other hardware used in the mooring hookup shall be proportional in size to the chain used.
 - f. All shackles shall be properly seized.
 - g. It is recommended that the pennant be spliced or shackled into the bitter end of the top chain below the buoy so the strain is not carried by the buoy.
 - h. The department may approve installation of other types of moorings if they are deemed equivalent to these standards.
 - i. The chief harbormaster shall have full authority and discretion to specify one-inch size heavy chain for moorings in locations deemed by him to be in nonsheltered waters under his jurisdiction.
- (2) *Numbering and description of moorings.* Each mooring shall be issued a registration number. The mooring buoy or float must be white and legibly marked in black block letters at least four inches in height with its assigned number.
- a. Each mooring shall have a city of Warwick "registration sticker" attached to the mooring ball by May 15. Said sticker shall be issued by the harbormaster's office to mooring holders that have filed an application, are current in their inspections, and have paid the necessary fees.
 - b. Any mooring ball that does not have the registration sticker attached by May 15 shall be deemed an illegal mooring and subject to removal by the harbormaster and/or his agents at the owner's expense as outlined in the ordinance.

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- (3) *Winter mooring spars.* Winter mooring spars shall be readily visible in a vertical position above the water at all times and shall be removed not later than June 1 of the next succeeding year. Winter spars shall not be set until, on, or after October 1 of each calendar year.
 - (4) *Occupation of mooring areas.* No vessel shall occupy a mooring other than the one for which it is registered. The chief harbormaster shall have authority to move any vessel violating the provisions of this chapter, and such movement shall be at the owner's expense and risk. At no time shall any vessel be tied to a mooring inconsistent with the mooring tackle standards attached hereto.
 - (5) *Illegal moorings.* Any mooring located on or maintained in the public waters within the city which does not have a valid permit and/or valid "registration sticker" or does not comply with the provisions of this chapter shall be deemed an illegal mooring and shall be removed at the owner's expense.
 - a. *Notice to remove; removal by city.* The director or his/her agents shall cause illegal moorings to be removed by notifying, in writing, and by certified mail, the person who has built, deposited, owns, maintains or uses the illegal mooring to remove such mooring within 30 days. If the illegal mooring is not removed within 30 days of the notice, or if no such person is known to the director upon whom notice can be served, the director may remove the illegal mooring, or cause the same to be done, in such manner and to such place as the director shall deem best.
 - b. *Liability for payment of costs.* The owner (or such other person) of the illegal mooring removed by the director, harbormaster or his staff, or his agent, in accordance with this chapter, shall be liable to pay the cost and expense of such removal and storage, or to repay the same when paid out by the city. This expense may be recovered by the city solicitor against such persons.

Upon mooring removal, the city and/or its agents shall hold said mooring for 30 days for the owner to reclaim it. If the owner does reclaim the tackle, the city and/or its agents shall be compensated for the removal of the illegal mooring. If the owner does not reclaim it in the 30 days, the city and/or its agents may sell unclaimed tackle. The money received shall go to the city and/or its agents for costs incurred in the removal and storage of said tackle.
 - (6) *Guest anchorage.* A boat may anchor on its own anchor up to 48 hours in the public waters of the city. Written consent of the chief harbormaster is necessary for extended visits of more than 48 hours. No vessel will be allowed to anchor in the city waters utilizing his/her own ground tackle and be left unattended. The owner or operator and party may go ashore, but shall not leave the area. They shall be available to tend to the vessel in the event of heavy weather. When anchoring in a combination mooring and anchoring area, it shall be the anchored vessel's responsibility to remain clear of all moored vessels, including a change of wind or tide situation.

- 1 (7) *Emergency anchorages.* Within close proximity to all fueling stations
2 within the coves of the city, there shall be an emergency mooring. This
3 mooring shall be supplied and maintained by the proprietor of said fueling
4 station. The mooring shall meet the requirements of transient rental
5 moorings and shall consist of an 18-inch white cylindrical float with red
6 lettering to read "Emergency Use Only." The exact location of such
7 emergency mooring shall be determined and approved by the chief
8 harbormaster. It shall be a violation of this chapter for anyone to use such
9 emergency moorings other than in a genuine emergency situation.
- 10 (8) *Mooring setback.* All moorings shall be set back a minimum of 25 feet from
11 a channel, fairway or existing structure, and the boat shall swing clear of the
12 channel, fairway or existing structure.
- 13 (9) *Hazardous mooring.* Any mooring determined by the department to
14 interfere with the safe movement of boats within waters of the city may be
15 removed in accordance with subsection (a)(5) of this section.
- 16 (b) *Transient berthing space.* Berthing space for transient boats may be designated by
17 the city. Such transient berthing space shall not be occupied for more than a one-
18 hour interval without the written consent of the department. The department shall
19 mark such areas with signs which shall designate the area shortterm berthing and
20 shall contain the warning "TOW ZONE: HOUR LIMIT." Any vessel violating the
21 conditions of said berthing shall be subject to removal at the owner's expense and
22 shall be subject to the issuance of a notice to move. Said notice shall include the
23 time issued, the time at which the vessel was first observed at the berth, the state
24 registration number of the vessel, and the name and signature of the chief
25 harbormaster issuing the notice. Said notice shall give the owner or operator of the
26 vessel one hour from the time of issuance to move said vessel and shall advise the
27 owner that he/she has violated an ordinance of the city and is subject to the penalties
28 of that ordinance.
- 29 (c) *Boat speed.* A speed maximum limit of five miles per hour and no wake zones are
30 established for boats operating within the areas designated on the cove maps
31 (figures 5 and 9) which are part of the Harbor Management Plan.
- 32 (d) *Littering and dumping.* No person shall throw, dispose or deposit, or cause to be
33 thrown, disposed or deposited, bottles, glass, crockery, cans, scrap metal, junk,
34 paper, garbage, refuse or debris of any nature, or any noxious substance, in or upon
35 any of the waters within the city.
- 36 (e) *Operation on the waters.*
- 37 (1) No person shall operate any motorboat or vessel or manipulate any water
38 skis, surfboard, sailboard, or similar device in a reckless manner so as to
39 endanger the life, limb or property of another.
- 40 (2) No person shall operate any motorboat or vessel or manipulate any water
41 skis or similar device while intoxicated or under the influence of any
42 narcotic drug, barbiturate or marijuana. A person arrested and charged with
43 operating any motorboat or vessel, or manipulating any water skis,
44 surfboard or similar device, while under the influence of intoxicating liquor
45 or narcotic or habit-forming drugs shall have the right to be examined at
46 his/her own expense immediately after his/her arrest by a physician selected

1 by him/her, and the officer so arresting or so charging such person shall
2 immediately inform such person of his/her right and afford him/her a
3 reasonable opportunity to exercise the same, and at the trial of such person
4 the prosecution must prove that he/she was so informed and was afforded
5 such opportunity.

6 (3) Waterskiing, surfboarding, sailboarding, personal watercraft or similar
7 activities are prohibited in Greenwich Cove, Apponaug Cove, Warwick
8 Cove, Potowomut Cove and Pawtuxet Cove, in any designated mooring
9 areas and may not operate within 200 feet of swimmers, divers, shore, or
10 moored vessels, except at headway speed.

11 (4) Waterskiing, surfboarding, sailboarding or similar activities are prohibited
12 from one hour after sunset to one hour before sunrise.

13 (5) When towing a person or persons on water skis, surfboards, sailboards or
14 similar devices, there must be one person, in addition to the operator of the
15 boat, who is at least 12 years of age to observe the progress of the person(s)
16 being towed. In addition, there shall be one life preserver, life belt, or ring
17 buoy for each person on the boat and for each person being towed. The
18 provisions of this section do not apply to a performer engaged in a
19 professional exhibition or a person or persons engaged in any activity
20 authorized under G.L. 1956, § 46-22-13, as amended.

21 (6) No person shall operate or manipulate any vessel, tow rope or other device
22 by which the direction or location of water skis or a surfboard, sailboard,
23 or similar device may be affected or controlled in such a way as to cause
24 the water skis, surfboard or similar device, or any person thereon, to collide
25 with or strike against any object or person.

26 (f) *Abandoned vessels or harbor structures.* No person shall deposit or abandon a
27 vessel or structure upon a beach, upon a public right-of-way or in the waters of the
28 city. Any person violating this section shall be subject to punishment in accordance
29 with the provisions in section 24-9. When any vessel or structure is deposited or
30 abandoned in the waters of the city, the director is authorized and empowered to
31 remove the same or cause the same to be removed.

32 (1) *Notice to remove.* If the person who owns, has an interest in, or exercises
33 any control over the vessel or structure is known, the director shall give
34 written notice by certified mail to said person to remove the vessel or
35 structure within a specified time.

36 (2) *Removal by city.* If the vessel or structure is not removed within the time
37 specified in the notice and in a manner and to a place satisfactory to the
38 director, or if no such person is known to the director upon whom the notice
39 can be served, the director may proceed to remove or cause the vessel or
40 structure to be removed in a manner and to a place the director shall deem
41 best.

42 (3) *Liability for payment of costs.* The owner (or such other person notified) of
43 a vessel or structure removed by the director in accordance with this chapter
44 shall be liable to pay the cost and expenses of the removal and storage, or
45 to repay the same when paid by the city. The expenses may be recovered in
46 an action brought by the city solicitor against the owner(s). If the owner(s)

1 are unknown or the vessel or structure is unclaimed within 90 days of the
2 removal, the city may sell the vessel or structure. The proceeds from the
3 sale shall be used to defray the cost the city incurred in the removal and
4 storage of the vessel or structure and in the administration of this chapter.

5 (g) *Pump-out facilities.* No person shall operate a marine toilet at any time so as to
6 cause or permit to pass or to be discharged any sewage into the waters ~~of the city,~~
7 ~~excluding Greenwich Bay, Narragansett Bay and the Providence River~~ enclosed by
8 the City of Warwick Harbor boundary.

9 (h) *Towing.* Any time the chief harbormaster or the director directs that a vessel be
10 towed pursuant to this chapter or any rules and regulations of the commission, there
11 shall be a fee for said towing. Said fee shall be set annually by the director of parks
12 and recreation.

13 (i) *Operation of unnumbered motorboats prohibited.* Every motorboat on, in, or within
14 the waters of the city shall be numbered. No person shall operate or give permission
15 for the operation of any motorboat on such waters unless the motorboat is numbered
16 in accordance with state law, or in accordance with applicable federal law, or in
17 accordance with a federally approved numbering system of another state, and
18 unless the certificate of number awarded to such motorboat is in full force and effect
19 and the identifying number set forth in the certificate of number is displayed on
20 each side of the bow of such motorboat.

21 (j) *Obedience to orders of enforcement officers.* It shall be a violation of this chapter
22 for any person to refuse to move or stop on oral command or order of the chief
23 harbormaster, harbormaster(s) or police officer operating from a patrol boat
24 identified as such and exercising the duties lawfully assigned to him/her.

25 (k) *Boat standards.* Every vessel entering the waters of the city shall be equipped as
26 required by G.L. 1956, § 46-22-5, as amended.

27 (l) *Rafting.* Rafting on a single mooring will only be allowed if it does not interfere
28 with adjacent single moorings or anchorages. Boats in a raft shall be manned at all
29 times.

30 (m) *Rights-of-way to the waters.*

31 (1) No person or persons shall block, barricade or in any way impede the public
32 use of or access to designated public rights-of-way to the waters of the city.

33 (2) No person or persons shall store a vessel, vehicle or structure upon a
34 designated public right-of-way to the waters of the city.

35 (3) Any person violating this section shall be subject to punishment in
36 accordance with section 24-9.

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39 Section II: This Ordinance shall take effect upon passage and publication as provided by law.
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42 SPONSORED BY: COUNCILMAN LADOUCEUR
43 ON BEHALF OF MAYOR PICOZZI
44 COUNCILWOMAN TRAVIS

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46 COMMITTEE: ORDINANCE