

CITY OF NEWPORT

ORDINANCE

OF THE

COUNCIL

NO. 2014-006

AN ORDINANCE IN AMENDMENT OF TITLE 12 OF THE CODIFIED ORDINANCES OF THE CITY OF NEWPORT, RHODE ISLAND, REVISION OF 1994, AS AMENDED, ENTITLED, STREETS, SIDEWALK & PUBLIC PLACES.

BE IT ORDAINED by the City of Newport:

SECTION 1. Title 12 of the Codified Ordinances of the City of Newport, Revision of 1994, as amended, entitled, Streets, Sidewalks & Public Places, is hereby further amended by **DELETING CHAPTER 12.28, entitled, "City Harbor," in its entirety and ADDING IN LIEU THEREOF the following:**

CHAPTER 12.28. CITY HARBOR

Section 12.28.010. Authority and Purpose

- A. Pursuant to § 46-4-6.6 of the General Laws of Rhode Island authority is granted to the city council of the city of Newport to regulate by ordinance the speed, management, and control of all vessels and the size, type, location, and use of all anchorages and moorings, within the public waters within the confines of the city including, without limiting the generality of the foregoing, the authority and power to prohibit waterskiing on any of the public waters, to designate upon a map of the public waters within the city the places where permanent or temporary moorings or anchorages may be maintained, to assign moorings, to remove moorings, to collect a fee for the use of moorings, to provide for minimum mooring specifications, to provide regulations for houseboats that are not self-propelled, to provide regulations for regattas, races, marine parades, tournaments, and exhibitions, to provide for the removal of wrecks or derelicts or abandoned boats or docks, and to impose penalties for violators of the ordinances.
- B. The purpose of this chapter is to also provide consistency with the authority granted the city under § 46-4-6.6 of the General Laws of Rhode Island and with the goals, policies, and regulations of the Newport Comprehensive Harbor Management Plan, the Rhode Island Coastal Resources Management Program, the Rhode Island Department of Environmental Management, and the United States Army Corps of Engineers.

Section 12.28.020. Definitions

ACOE: Army Corps Of Engineers

Anchoring: To temporarily secure a vessel to the bottom by dropping an anchor of appropriate size for the vessel.

Channel: The navigational portion of a waterway reserved for unobstructed movement of vessels.

**CITY OF NEWPORT
ORDINANCE
OF THE
COUNCIL**

NO. 2014-006

(Page 2)

Commercial Mooring: A mooring type designation used in previous revisions of this ordinance. This term has been replaced with the term "Rental Mooring" to clarify that this does not refer to the type of vessel accommodated.

Commercial Vessel: A vessel that is to be used to generate financial or any other compensation

Dinghy: A vessel of a maximum length of fourteen (14) feet and is a tender to a larger vessel that is moored or anchored in a Newport harbor or coastal water area.

Dinghy Dock: Floating docks designated for in-water, short- and long-term dinghy tie-up; and, when and where designated, for on-dock long-term dinghy storage.

Documented Vessel: A vessel holding a current U.S. Coast Guard Certificate of Documentation and appropriate State Registration or Title and displaying state decals showing that they have complied with state requirements.

Floating Business: A building constructed on a raft, barge or hull that is represented as or principally used as a place of business, including but not limited to hotels, restaurants, marinas or marina-related businesses. (RI CRMP Section 300.5). Specifically excluded by this definition are Water Dependent Businesses as defined in this ordinance.

Houseboat: A building constructed on a raft, barge, or hull that is used primarily for single or multiple-family habitation; if used for transportation this use is secondary. (RI CRMP Section 300.5)

Length Overall (LOA): The extreme length of a vessel measured from stem to stern and including bowsprits, boomkins, rudder posts, swim platforms, davits or other extensions from the hull.

Loading Dock: A dock designated for pick-up and drop-off by recreational vessels and also for use by harbor and yacht club launches servicing the mooring areas.

Mooring Permit: A permit granted by the City of Newport to a natural person to keep approved mooring tackle in an authorized location designated by the Harbormaster for a period of one year.

Mooring Tackle: Hardware such as a mushroom anchor, chain, swivels, shackles, bridle, float, pickup whip, pennant, etc., used to permanently moor a vessel.

Newport Inner Harbor: The waters defined by ACOE coordinates as referenced in Section 12.28.030.

These waters are approximately bounded by a line from the light on the northern tip of Ft. Adams to the southern point of Goat Island, then extending northerly along the easterly shore of Goat Island, then from the northern point of Goat Island on a northerly heading to the Pell Bridge and easterly along the south side of the Pell Bridge to the Newport shore, then following the shoreline to the starting point.

Newport Outer Harbor: The waters defined by ACOE coordinates as referenced in Section 12.28.030.

These waters are approximately bounded by the inner harbor boundary line from the light on the northern tip of Ft. Adams to the south tip of Goat Island, then extending northerly along the westerly shore of Goat Island, then by the inner harbor boundary line from the northern point of Goat Island to the Pell Bridge, then westerly along the south side of the Pell Bridge to the southeast corner of the easterly suspension cable anchor pier, then to red nun R12A, to red bell buoy R12, and to the starting point, skirting the west side of anchorage D.

Nonresident: means any individual who does not meet the definition of a resident.

North Shore Coastal Area: All waters bordering the city from the shore to a distance of five hundred (500) feet seaward from the eastern end of the Pell Bridge to the Middletown town

**CITY OF NEWPORT
ORDINANCE
OF THE
COUNCIL**

NO. 2014-006

(Page 3)

line in Coddington Cove.

Private Mooring: Any mooring registered to an individual and used exclusively for recreational purposes. He or she must own a fifty (50%) percent or greater interest in the vessel registered to use the mooring or a fifty-one (51%) interest or greater in the entity that owns the vessel that is registered to the mooring. A mooring space permitted by the City to an individual and used exclusively for the vessel named on the permit or for a guest as allowed in the *Regulations for Mooring Use* section of this ordinance (12.28.070). The permit holder shall not sublet or otherwise charge any rent, fee or other form of compensation for the use of the mooring. No private mooring, itself, is to be used to generate any financial or other compensation to the permit holder. Corporations, trusts, businesses, LLCs, partnerships, and yacht clubs will not be accepted for private mooring space permit applications

Qualified Inspector: A person approved as an inspector of tackle by the Harbormaster.

Rafting: Two (2) or more vessels, excluding dinghies or other tenders, attached to each other while moored or at anchor.

Recreational Vessel: Any vessel designed for self-propelled navigation on the water and used primarily for pleasure.

Registered Vessel: A vessel holding a State Registration or Title and displaying state required numbering / decals showing that they have complied with state requirements.

Rental Mooring: A mooring space permitted by the City to an individual, company or other entity that is to be used to generate financial or any other compensation to the permit holder or to be used by multiple vessels without restriction other than maximum LOA.

Resident: An individual whose primary residence is in the City of Newport and who claims no other property as their legal residence. The only accepted proof of residency is appearance on the City of Newport Voter List maintained by the City Canvassing Authority or a current Rhode Island driver's license showing a Newport, RI residence. A post office box is not a legal address for this purpose.

RI CRMC: Rhode Island Coastal Resources Management Council

RI CRMP: Rhode Island Coastal Resources Management Program

Riparian Mooring: A private mooring space permitted to a riparian property owner in the South or North Shore Coastal areas only. Multifamily, time-share, condominium and/or commercial properties shall be entitled to one (1) such mooring space per collective property.

Riparian Property Owner: The individual or association that holds deed to the entire property.

Seasonal Rental Mooring: A category of rental mooring rented to a vessel by contract for the boating season.

South Shore Coastal Area: All waters bordering the city from the shore to a distance of five hundred (500) feet seaward from the light on the northern tip of Ft. Adams, along the westerly side of Ft. Adams and the coastal shoreline to the Middletown town line at the east end of Easton's Beach.

Transient Rental Mooring: A category of rental mooring rented for less than thirty days (30) by a vessel that is typically kept at another location.

Vessel: A ship, boat, or any type of craft, capable of being used as a means of transportation on water which is documented or registered with the proper authorities, when required. (Specifically excluded by this definition are floating homes, floating businesses, and seaplanes.)

Vessel Ownership: Individuals, corporations, trusts, businesses, and partnerships will be accepted as vessel owners. Chartering of a vessel does not constitute ownership.

**CITY OF NEWPORT
ORDINANCE
OF THE
COUNCIL**

NO. 2014-006

(Page 4)

Section 12.28.030. Jurisdiction Boundaries

The coastal waters and harbor areas of the City of Newport under the jurisdiction of this ordinance include those coastal waters and harbor areas within the jurisdiction of the corporate boundaries of the City of Newport herein designated as Newport Inner Harbor, Newport Outer Harbor, North Shore and South Shore coastal areas or jointly designated as the waters of the City. A chart, duly adopted by the council of the city of Newport, Rhode Island, delineating boundaries of these areas is annexed hereto and is made a part hereof. Copies of said chart are available to interested parties at the Harbormaster office and on the city website (www.cityofnewport.com).

Section 12.28.040. Navigation Channels

- A. A chart, duly adopted by the council of the city of Newport, Rhode Island, delineating boundaries of *navigational* channels in Newport coastal waters and harbor areas is annexed hereto and is made a part hereof. Copies of said chart are available to interested parties at the Harbormaster's office and on the city website (www.cityofnewport.com).
- B. The following channels are designated as open channels:
1. From the north face of Goat Island Causeway, a channel one hundred fifty (150 feet from the shoreline, extending northerly to the Pell Bridge;
 2. A channel one hundred fifty (150) feet in width extending from the north face of Goat Island Causeway, along the northerly edge of Goat Island; and
 3. A channel one hundred fifty (150) feet in width from the shoreline, extending westerly from Ida Lewis Causeway and following the shoreline in a southwesterly and then a northerly direction to the point of Fort Adams.
 4. An open channel shall be maintained around the inner harbor mooring field as shown on the approved City harbor maps.
- C. Open channel areas shall be designated as such on the harbor map of the city.
- D. No anchoring, mooring, building or obstruction of any kind shall be permitted in open channel areas. Moorings which are in place in the open channel areas prior to the enactment of this section shall be permitted to remain in place for the duration of their effective lives. No new moorings shall be replaced in open channel areas.

Section 12.28.050. Vessel Operation and Use

- A. All vessels and dinghies within the waters of the City of Newport shall be operated and equipped in accordance with the Code of Federal Regulations and the boating laws of the State of Rhode Island.

**CITY OF NEWPORT
ORDINANCE
OF THE
COUNCIL**

NO. 2014-006

(Page 5)

- B. It shall be a violation of this ordinance for any person to refuse to move, slow to headway speed, or stop when directed by the Harbormaster or Assistant Harbormasters operating from a patrol boat identified as such and exercising the duties lawfully assigned to the Harbormaster or his office.

Section 12.28.051. Speed Limits

- A. Every person operating a vessel or dinghy within the waters of the city shall navigate in a careful and prudent manner, so as not to endanger the life, limb, or property of another and not to interfere with or damage other vessels or property.
- B. Vessel and dinghy speed shall not exceed five miles per hour, nor create a wake, within the waters of the City of Newport.

Section 12.28.052. Noise Restrictions

- A. Use of generators on open decks is prohibited between the hours of 10 PM and 7 AM.
- B. The owner or operator of a vessel is responsible for the conduct and actions of its crew and guests and unreasonable noise, playing of musical instruments and loud television, radio or stereo is prohibited between the hours of 10 PM and 7 AM.

Section 12.28.053. Restricted Vessel Use

No water skiing shall take place within the Newport Inner Harbor area.

Section 12.28.054. Wrecked, Derelict, and Abandoned Vessels

- A. No derelict, abandoned, or wrecked vessels or dinghies shall be allowed in or upon the waters or shores of the city.
- B. Vessels or dinghies docked, moored or anchored in the waters of the City, not properly registered or documented shall be deemed derelict.
- C. The Harbormaster is authorized to determine whether any vessel or dinghy is a wreck, derelict or abandoned and, if so determined, shall take steps for its removal, as follows:
- To the extent possible, notify the owners or other responsible party as soon as possible of the determination.
 - If the owner or responsible party fails to remove the vessel or dinghy within forty-eight (48) hours of notice from the Harbormaster, or fails to make acceptable arrangements with the Harbormaster, the owner, operator, and responsible parties shall be subject to a daily fine.
 - After the owner or responsible party has been issued a violation notice, and in addition to the penalties above, the Harbormaster may choose to remove, or cause to be removed, the vessel or dinghy. The city shall recover the costs incurred by the Harbormaster from the owner, operator or responsible party.

**CITY OF NEWPORT
ORDINANCE
OF THE
COUNCIL**

NO. 2014-006

(Page 6)

Notwithstanding the foregoing, if the Harbormaster determines that any vessel or dinghy is likely to damage private or public property, or is a hazard to navigation, the Harbormaster may immediately cause the vessel or dinghy to be removed without written notification. The cost of removal shall be billed to the owner, operator or other responsible party.

Section 12.28.055. Use of Vessels as Abodes or Floating Businesses

Houseboats and floating businesses:

- A. Are prohibited from mooring or anchoring unless within the boundaries of a marina.
- B. Shall tie into marina holding tank pump out facilities where available or, if not available, shall conform to RI DEM waste discharge laws.

Section 12.28.060. Anchoring Regulations

A. Transient Anchorage Areas

A chart, duly adopted by the council of the city of Newport, Rhode Island, delineating boundaries of transient anchorage areas (Outer Anchorage and Inner Harbor Anchorage) in the waters of the City is annexed hereto and is made a part hereof. Copies of said chart are available to interested parties at the Harbormaster's office and on the city website (www.cityofnewport.com).

B. General Regulations

- 1. Anchoring is not permitted in mooring areas.
- 2. Anchorage areas are for transient anchoring only. No vessel shall remain in the anchorage areas, defined in 12.28.060(A), longer than 14 consecutive days and must vacate the anchorage areas for a minimum of 4 days between visits. No vessel will be permitted to anchor in an anchorage area on a permanent basis.
- 3. All vessels entering Newport harbor areas shall be anchored according to the directions of the Harbormaster.
- 4. All vessels lying in a Newport harbor anchorage area not anchored according to the directions of the Harbormaster, and not having sufficient crew to move them, shall be moved under the direction of the Harbormaster at the expense of the owners or masters of such vessels.
- 5. No vessel shall extend beyond the anchorage areas into designated channels.
- 6. The owner or operator and party of an anchored vessel may go ashore, but shall not leave the City. They shall be available to tend to the vessel in the event of heavy weather or anchoring failure. It is the sole responsibility of the vessel owner or operator to tend to their vessel. If the vessel requires tending by the Harbormaster, or under the direction of the Harbormaster, the expense shall be borne by the owner or operator of the vessel.
- 7. Rafting shall only be allowed if it does not interfere with adjacent anchored vessels.
- 8. Each vessel in a raft on anchor shall be occupied at all times by a person aged 16 years or older.

**CITY OF NEWPORT
ORDINANCE
OF THE
COUNCIL**

NO. 2014-006

(Page 7)

9. Rafting is not permitted when Coast Guard small craft advisories or other severe weather warnings are in effect; rafted vessels must separate when these conditions are announced or at the request of the Harbormaster.
10. Vessels over 65 feet in length overall (LOA) are not permitted to anchor in the Inner Harbor Anchorage.
11. Permanent ground tackle or mooring tackle shall not be permitted in the anchorage areas.

12.28.070 Mooring Regulations

A. Mooring Areas

A chart, duly adopted by the council of the city of Newport, Rhode Island, delineating boundaries of mooring areas in the waters of the City is annexed hereto and is made a part hereof. Copies of said chart are available to interested parties at the Harbormaster's office and on the city website (www.cityofnewport.com).

B. Regulations for Mooring Use

1. The individual holding a private mooring permit must have at least a fifty (50%) percent ownership interest in the vessel registered to use the mooring and a minimum ownership interest of fifty-one (51%) percent in any legal entity which is the owner of the vessel registered to use the mooring. It is the sole responsibility of the mooring permit holder to provide acceptable vessel ownership documentation.
2. The temporary guest use of a private mooring by a vessel other than the vessel registered to the mooring space is authorized for a period of up to seven (7) consecutive nights upon the prior written request of the individual holding the mooring space permit to the Harbormaster and the approval of the Harbormaster. This temporary use of the mooring is limited to a total of fourteen (14) nights in any one year. The written request must include the mooring number, the dates for the temporary use, the name, type, and size of the visiting vessel (LOA) and its owner's name, address, telephone number and point of contact. Upon written request by the mooring owner, the Harbormaster may, for good cause, allow temporary guest use of a mooring for a period greater than seven nights.
3. No moored vessel shall extend beyond the mooring areas into designated channels.
4. Rafting on a single mooring shall only be allowed if it does not interfere with adjacent single moorings.
5. The length overall (LOA) of each vessel in a raft shall not exceed the vessel length designated on the mooring permit.

**CITY OF NEWPORT
ORDINANCE
OF THE
COUNCIL**

**NO. 2014-006
(Page 8)**

6. The owner or operator and party of a rafted vessel may go ashore, but shall not leave the City. They shall be available to tend to the vessel in the event of heavy weather. It is the sole responsibility of the vessel owner or operator to tend to their vessel. If the vessel requires tending by the Harbormaster, or under the direction of the Harbormaster, the expense shall be borne by the owner or operator of the vessel.
7. Vessels in an overnight raft shall be occupied.
8. Each vessel in a raft of more than two (2) vessels shall be occupied at all times by a person aged 16 years or older.
9. Rafting is not permitted when Coast Guard small craft advisories or other severe weather warnings are in effect, unless specifically authorized by the Harbormaster. Rafted vessels must separate when these conditions are announced or at the request of the Harbormaster.

Section 12.28.071. Mooring Permit Classifications and Quotas

A. Newport Harbor Private Moorings

It is the City's goal to issue and maintain private mooring permits in a manner resulting in a 3:1 ratio of residents (3) to non-residents (1). The ratio would apply to each harbor mooring area and to the harbor as a whole. If at any time in excess of 25% mooring holders are non-residents, no new non-resident permits will be issued until the 3:1 ratio is reached. If the percentages have not been exceeded, new moorings permits will be issued at the ratio of three (3) resident permits to one (1) non-resident permit.

B. Newport Harbor Rental Moorings

1. Permits for rental mooring spaces shall be limited to the Newport inner harbor mooring areas.
2. Permits issued to a business, trust, corporation, partnership, or Yacht Club shall fall under this category.
3. It is the City's goal to allow only a maximum of 25% of the total mooring spaces subject to permits as available for rental mooring permits in each designated harbor mooring area and in the harbor as a whole. New rental mooring permits will not be issued if any of these percentages has been exceeded.
4. No individual or company shall own permits for more than fifty (50) percent of the total allowable rental mooring permits.
5. Forty (40) of the rental mooring permits shall be designated and permitted as transient rental moorings.

C. North and South Shore Coastal Area Mooring

1. Moorings shall not be permitted in the waters off Easton's Beach from the Middletown town line to and inclusive of the waters off Bailey's Beach.
2. Permits and yearly renewals for mooring spaces in North Shore Coastal Area will be issued only to riparian property owners and only as permits for private mooring spaces.
3. Permits and yearly renewals for mooring permits in the South Shore Coastal Area, except the Green Bridge Cove Area, will be issued only to Newport residents or riparian property owners and only as permits for private mooring spaces.

**CITY OF NEWPORT
ORDINANCE
OF THE
COUNCIL
NO. 2014-006**

(Page 9)

4. Green Bridge Cove Area mooring permits and yearly renewals will be issued only to an individual holding a valid Rhode Island commercial fishing license, for use only by their commercial fishing vessel, or to a riparian property owner. These permits will be issued only as permits for private mooring spaces.
4. Riparian property owners in the North and South Shore Coastal Areas will be allowed one (1) riparian private mooring space permit per property with the mooring to be located as directed by the Harbormaster in those waters immediately adjacent to their upland residential waterfront property. A written request for additional riparian private mooring permits by an individual property owner may be submitted to the Harbormaster. Action on the request will be taken based upon availability of space immediately adjacent to their upland residential waterfront property.
5. All applicants shall be required to submit evidence of a suitable means of access to the specific area requested before a mooring space permit will be issued.
6. All mooring locations, the total number of mooring spaces, and vessel size restrictions for North and South Shore Coastal mooring areas shall be determined by the Harbormaster.

D. Sail Newport Mooring

1. Moorings permitted for use by Sail Newport owned vessels are located in the designated area off the easterly shore of Fort Adams.
2. All mooring locations, the total number of mooring spaces, and vessel size restrictions shall be determined by the Harbormaster.

Section 12.28.072. Requests for Mooring Permit and Permit Changes

A. Request for a New Permit

1. All requests for a new mooring permit shall be made by mailing the permit application containing all information required thereon, along with the appropriate registration fee, to the Harbor Division, City Hall, 43 Broadway, Newport, RI 02840.
2. Permit applications are available from the Harbormaster's Office at Perrotti Park and online at the City of Newport website (www.cityofnewport.com).
3. A separate permit application and registration fee is required for each mooring space.

B. Relocation Request

1. A request for relocation of an existing permitted mooring, in the same mooring area, must be submitted in writing to the Harbormaster.
2. The reasons for a mooring relocation within the same mooring area must be clearly stated in the request.
3. Action on the relocation request will be taken by the Harbormaster based upon availability of space, the requirements of this ordinance, and the type and size characteristics of the vessel.
4. A new mooring permit application and placement on the waiting list is required for relocation to another mooring area.

C. Transfer of Permit

1. No mooring permit shall be transferable, except within the immediate family. Immediate family

**CITY OF NEWPORT
ORDINANCE
OF THE
COUNCIL**

NO. 2014-006

(Page 10)

shall include only brother, sister, children, father, mother, grandchildren, and spouse. Such transfers shall be strictly limited to a one-time basis starting with those individuals holding a valid permit on the date that the Newport City Council approves these ordinances. No immediate family member to whom a mooring is thereafter transferred shall then be allowed to transfer that mooring under any circumstance.

2. Private mooring permits (that have not been transferred) of a deceased permit holder without prior arrangements for transfer may be transferred within the immediate family as previously defined, by providing a written request from the duly appointed personal representative or by agreement of all heirs at law and proof of immediate family relationship to the Harbor Division when submitting the next annual permit renewal form. Such request must be made within one year of the death of the permit holder or the permit will be forfeited and become null and void.
3. Requests for transfer of a mooring permit must be made in writing to the Harbor Division, City Hall, 43 Broadway, Newport, RI 02840. Proof of immediate family relationship must be included with the request for the transfer of a private mooring permit.

Section 12.28.073. Permit Waiting List

A. Permit Waiting List Establishment

1. The Harbormaster will maintain a separate waiting list of applicants for each mooring area.
2. Each waiting list will be maintained in chronological order of receipt of properly completed applications and appropriate registration fees.
3. Permit waiting lists will be updated a minimum of twice a year.
4. Permit waiting lists will be available for viewing online at the City of Newport website (www.cityofnewport.com).

B. Waiting List Annual Renewal/Removal

1. During the month of January the Harbor Division will mail permit applications to all applicants on the waiting lists at the address on file with the Harbor Division.
2. It is the sole responsibility of the applicant to notify the Harbor Division of any change of address.
3. The due date for the return of the application and annual waiting list fee to the Harbor Division, without penalty, is March 15th, or with a postmark no later than March 15th.
4. Applications will be accepted after March 15th, but before April 15th, or with a postmark no later than April 15th, if accompanied by the annual waiting list fee and the additional late fee.
5. Applications received after April 15th or with a postmark later than April 15th shall be returned and the applicant removed from the waiting list.
6. An appeal of the removal from the list must be made in writing to the Newport Municipal Court, City Hall, 43 Broadway, Newport, RI 02840 with a postmark no later than fifteen (15) days after the date of the removal letter.

Section 12.28.074. Permit (Mooring Space) Assignment and Renewal

A. New Permit Assignment

**CITY OF NEWPORT
ORDINANCE
OF THE
COUNCIL**

NO. 2014-006

(Page 11)

1. In May of each year the Harbormaster will determine the number and size of all mooring space permits available for issue.
2. The Harbor Division will mail a letter to applicants near the top of appropriate waiting lists informing them of the possible availability of mooring spaces and requesting proof of current residency. This notification does not guaranty the granting or issuance of a mooring permit.
3. This letter will be mailed to the address on file with the Harbor Division. It is the sole responsibility of the applicant to notify the Harbor Division of any change of address.
4. The applicant must respond, in writing, with a postmark no later than thirty (30) days after the date of this letter. An applicant that does not respond to the letter within this time period will be dropped from the waiting list.
5. From the responses, the Harbormaster will offer mooring permits, via mailing by certified mail, based on the applicant's position on the waiting list, quota requirements, and the suitability of the available mooring spaces for the vessel size requested.
6. The applicant must accept or decline the mooring permit by responding to the Harbor Division, in writing, with a postmark no later than thirty (30) days after the date of the certified mail. The acceptance shall include a completed permit registration form.
7. Liability insurance shall be required for all vessels for which a permit for a private or a seasonal rental mooring is issued. Insurance information must be provided on the permit registration form.
8. An applicant that declines the mooring permit or does not respond to the registered letter within this time period will be dropped from the waiting list.
9. The applicant must set the mooring tackle and provide vessel documentation within one year of acceptance of the mooring permit. The Harbormaster may extend this time period in the case of a documented hardship relating to the construction or delivery of a vessel or installation of mooring tackle.
10. No private mooring permit shall be assigned for use by any vessel that is assigned to another private mooring permit in the harbor or coastal waters of the City.
11. When a location becomes available during the season, the Harbormaster may offer it to an appropriate individual based on the current waiting list using the same process as detailed in this section.

B. Annual Mooring Permit Renewal

1. The Harbor Division will, during the month of January of each year, mail permit registration forms to all persons who held mooring permits at the end of the prior season, at the address listed on their last registration form or correspondence.
2. It shall be the responsibility of the registered permit holder to notify the Harbormaster in writing of any change of address.
3. It is the responsibility of the permit holder to contact the Harbor Division if a mooring permit registration form is not received.
4. No private mooring permit shall be renewed for use by any vessel that has been assigned to another private mooring permit in the harbor or coastal waters of the city.
5. The due date for the return of the permit registration form and annual fee to the Harbor Division is March 15th, or with a postmark no later than March 15th.

**CITY OF NEWPORT
ORDINANCE
OF THE
COUNCIL**

NO. 2014-006

(Page 12)

6. Liability insurance shall be required for all vessels for which a permit for a private or a seasonal rental mooring is issued. Insurance information must be provided annually on the permit registration form.
 7. A copy of current vessel registration or current vessel documentation showing the required minimum ownership interest by the permit holder must accompany a private permit registration form. If the permit holder does not have proper vessel ownership documentation, he or she must return the form, accompanied by the appropriate non-refundable fee, but surrender the use of the mooring until proper documentation is produced. The permit holder may, in lieu of surrender, use the mooring for a vessel chartered by written agreement to the mooring permit holder. If, after one year he or she has not submitted proper vessel ownership documentation, the mooring shall be forfeited. A documented hardship relating to the construction or delivery of a vessel or installation of mooring tackle will be automatically eligible for a six month extension.
 8. Within one week after March 15th, the Harbor Division shall send a late notice by U.S. mail.
 9. Late permit registration forms will be accepted after March 15th, but before April 15th, or with a postmark no later than April 15th, if accompanied by the annual fee and the additional late fee.
 10. Permit registration forms received after April 15th or with a postmark later than April 15th shall be returned by certified mail along with a mooring permit forfeiture notice.
 11. Permit holders who have not responded by April 15th shall receive a forfeiture notice by certified mail.
 12. An appeal of the mooring permit forfeiture must be made in writing to the Newport Municipal Court, City Hall, 43 Broadway, Newport, RI 02840 with a postmark no later than fifteen (15) days after the date of the forfeiture notice.
- C.
1. An applicant for a private mooring permit or a private mooring permit holder seeking a permit renewal shall provide such documentation and information, under oath, as may be reasonably requested by the Harbormaster to document the applicant's required ownership interest in the vessel registered to use the mooring. From time to time thereafter, a private mooring holder shall provide the Harbormaster with such additional documentation and information concerning the vessel as may be reasonably requested.
 2. Any mooring permit issued or renewed based on false information provided by the applicant or permit holder shall be subject to immediate revocation by the Harbormaster.

12.28.075. Mooring Surrender for a Season to the City

- A. A permit holder may choose to surrender the use of a private mooring for a full boating season by so notifying the Harbormaster and the fee for such season shall be waived provided such notice has been provided to the Harbormaster no later than April 15th.
- B. The city will then designate the mooring as a City Seasonal Rental Mooring for that season only.
- C. Use of the mooring shall revert to the permit holder at the close of the boating season, subject to the renewal requirements of this chapter. The permit holder must cause the ground tackle to be inspected prior to surrendering the mooring control to the city.

**CITY OF NEWPORT
ORDINANCE
OF THE
COUNCIL**

NO. 2014-006

(Page 13)

12.28.076. Forfeiture of Mooring Permit

Any permit holder shall be deemed to have forfeited his or her registered mooring space by reason of the following:

- Removal of tackle and notification to the Harbormaster that the space is available
- Failure to set the mooring tackle and provide documentation showing vessel ownership within one year of acceptance of a new mooring permit. In the case of a documented hardship relating to the construction or delivery of a vessel or installation of mooring tackle the Harbormaster may extend this time period.
- Failure to renew the permit for such space by April 15th of any year.
- Failure to replace any piece of mooring tackle not complying with the mooring tackle requirements
- Failure to maintain a safe mooring
- Failure to resurface or replace the mooring ball within fifteen (15) days after being advised by the Harbormaster that the mooring is down. In unusual circumstances this period can be extended by the Harbormaster.
- Renting a private mooring or receiving any form of remuneration for its use.
- Not displaying the mooring number on the mooring ball.
- Failure to comply with any of the requirements of this chapter.
- Failure to provide the Harbormaster with requested documentation and information concerning vessels registered to use a mooring.
- All persons shall be notified by certified mail when they have forfeited their mooring permits.

12.28.077. Mooring Tackle Requirements

Although the City sets the following minimum standards for mooring hardware and mooring inspections for all moorings in the waters of the City, owners of moorings shall be solely responsible for the safety and reliability of their moorings. Heavier tackle and more frequent inspections than the required minimum are strongly recommended in all cases. This is especially so where moorings are in exposed locations or are holding vessels of greater than average displacement.

A. Mooring Tackle Hardware

1. Mooring tackle for all mooring classifications shall meet the following minimum requirements:

**CITY OF NEWPORT
ORDINANCE
OF THE
COUNCIL**

NO. 2014-006

(Page 14)

Registered Boat Length Feet	Mushroom Anchor Pounds	Bottom Chain	Top Chain	Pennants	
				Nylon/Dacron Line	Stainless Steel Wire
Under 16	75	3/8	3/8	1/2	1/4
16-19	150	3/8	3/8	1/2	1/4
20-22	200	1/2	3/8	5/8	1/4
23-25	250	1/2	3/8	3/4	1/4
26-30	300	5/8	3/8	3/4	1/4
31-35	400	5/8	3/8	3/4	3/8
36-40	500	3/4	1/2	7/8	3/8
41-50	600	3/4	1/2	1	1/2
51-65	750	1	1/2	1 1/4	1/2

2. Mooring pennants of appropriately sized high strength line may be used if approved by the Harbormaster and documented by the Harbor office.
3. Boat length over sixty-five (65) feet shall comply with the Harbormaster's directions.
4. The maximum length of the pennant shall be two and one-half times the distance from the bow chock to the water, plus the distance from the bow chock to the mooring cleat or post.
5. All pennant lines running through a chock, or any other object where chafing may occur, shall have adequate chafe guards.
6. A second pennant made of line, cable, or chain of minimum size required by the above shall be fastened to moorings in cases of heavy weather. "Y" pennants shall be acceptable.
7. The total scope of the chain shall be two and one-half times the depth of the water at high tide. This scope shall be considered as a total of fifty (50) feet in the Newport Inner Harbor. The bottom and top chain shall each consist of approximately fifty (50) percent of the scope.
8. All shackles, swivels, and other hardware used in the mooring hookup shall be proportional in size to the chain used.
9. All shackles shall be properly seized.
10. Whenever possible, the pennant shall be spliced or shackled into the bitter end of the top chain below the buoy so the strain is not carried by the buoy.
11. Only mushroom anchors and pyramid-type anchors shall be acceptable on permanent moorings and the anchor shall be tagged with the city mooring number.
12. Mooring balls shall be white with a blue horizontal stripe (as per federal regulations) with numerals a minimum of three inches high identifying the city mooring number. Said numerals

**CITY OF NEWPORT
ORDINANCE
OF THE
COUNCIL
NO. 2014-006**

(Page 15)

shall appear on no fewer than two locations on the mooring ball. No other markings shall be on the mooring ball.

13. Private mooring balls shall have black numerals with blue bottom paint.
14. Rental mooring balls shall have red bottom paint and/or red numerals.
15. 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 1st of the next succeeding year. Winter mooring spars shall have the city mooring number visible at all times. Winter spars shall not be set until on or after the first day of October of each calendar year.

B. Mooring Tackle Placement and Inspection Requirements

1. Location of mooring tackle placement will be at the direction and approval of the Harbormaster.
2. No mooring tackle shall be placed in the waters of the City without approval and inspection by of the Harbormaster.
3. Mooring tackle may not be moved from the assigned mooring location to another mooring location except under the approval and direction of the Harbormaster. Any registered permit holder desiring to move any tackle shall make application to the Harbormaster, who shall determine whether such application shall be approved or rejected. The moving of any tackle shall be at the expense of the permit holder.
4. The registered permit holder shall be required to maintain his/her mooring tackle in safe condition. Any chain, shackle, swivel or other tackle that has become warped or worn by one-third its normal diameter shall be replaced.
5. The Harbormaster and his designated agents may inspect any mooring tackle at any time to determine compliance with this section.
6. All mooring tackle must be inspected every three years by an inspector qualified by the Harbormaster.

C. Qualification of Inspectors

1. The Harbormaster shall have final qualification authority. Minimum requirements for qualification are:
 - Must hold an active certificate as a certified SCUBA diver.
 - Must furnish proof of liability insurance, to the satisfaction of the Harbormaster, of not less than one million dollars. Once appointed, a qualified mooring inspector must maintain said liability insurance and provide proof annually to the Harbormaster.
 - Must be familiar with the minimum mooring and mooring tackle specifications of this chapter.

D. Removal of Tackle

1. Any registered permit holder who owns his or her tackle and is forfeiting his/her mooring space may sell the tackle occupying such space to the next person assigned the same.
2. If such tackle is not sold it shall be removed by the permit holder. The removal of any tackle shall be at the expense of the permit holder.
3. Failure of the permit holder to remove such tackle shall constitute the abandonment thereof, and such tackle may be removed by the Harbormaster at the expense of the permit holder.

**CITY OF NEWPORT
ORDINANCE
OF THE
COUNCIL**

NO. 2014-006

(Page 16)

Section 12.28.080. Seasonal Dry Storage Areas

- A. Designated Seasonal Dry Storage Areas are the public access areas abutting the harbor at the following locations: Battery Street, Cherry Street, Chestnut Street, Cypress Street, King Park Beach, Pine Street, Poplar Street, Walnut Street, Willow Street.
- B. General Regulations
1. Storage areas shall be kept clear of all obstructions that may impede access to the water.
 2. Dinghies and other vessels less than fourteen (14) feet and/or otherwise approved by the Harbormaster that are kept in designated waterfront storage areas must be registered annually with the City of Newport and display current valid registration stickers.
 3. Registration stickers are valid from April 1 through November 30, for a \$40 annual fee for residents (\$60 for non-residents). All dinghies and vessels must be cleared from the designated storage areas no later than November 30 of each year.
 4. The City will require and maintain on file, the sticker registration number, a photo and a description of the dinghy/vessel, and the name, address and phone number of the owner.
 5. Storage capacity, at each storage area, will be determined by the Harbormaster.
 6. Any dinghy/vessel using the designated waterfront storage area and not properly registered with the City will be removed by the Harbormaster and subject to a fine and recovery fee.

Section 12.28.090. Private Piers and Floating Dock

- A. The owner of any pier, dock or wharf abutting public waters is required to install a minimum of one ladder capable of supporting a minimum of three hundred (300) pounds, which ladder shall extend a minimum of three feet below the water (if possible) and include handrails extending ~~one meter~~ three feet above the top surface of the pier, dock or wharf.
- B. Additional ladders must be installed at intervals of every one hundred (100) feet along each pier, dock or wharf.
- C. Floating docks shall have the same requirements as fixed docks. Floating docks with finger piers are required to have one ladder for each "U" configuration.
- D. All safety ladders shall be painted safety orange or safety yellow and have a three-inch band of reflective tape, twelve (12) inches from the top of each ladder.

Section 12.28.100. City Piers and Docks

- A. General Rules
1. Swimming and/or fishing are not allowed from any public floating dock.
 2. Swimming and/or fishing are not allowed from any public pier that is so posted.

**CITY OF NEWPORT
ORDINANCE
OF THE
COUNCIL
NO. 2014-006**

(Page 17)

3. Loading dock use is limited to the posted time restrictions and the vessel must be attended at all times.
4. A loading dock shall not be used as a dinghy dock.
5. A loading dock is not to be used by commercial vessels without prior authorization from the Newport Harbormaster.
6. The judgment of suitability and adequate water depth for use by any vessel is the responsibility of the operator of the vessel.

B. Perrotti Park Marine Terminal and Transient Dock

1. Operated by the city of Newport for marine transportation and related marine uses.
2. Vessel access is restricted to:
 - Vessels engaged in approved ferry service, cruise ship service, and harbor shuttle service
 - Harbormaster and emergency vessels
 - Daily/hourly vessel dock rental under the direction of the Harbormaster.
 - Dingy dockage on the north side of the floating transient dock
 - Vessel loading/ unloading

C. Long Wharf Sea Wall

1. No person shall moor or tie up a boat at or along the sea wall at Long Wharf without being provided permission to do so by the Harbormaster and complying with all rules and regulations governing Newport Harbor.
2. All boats moored or tied up at or along the sea wall in violation of this section shall be removed at the direction of the Harbormaster. Those boats not having crew to move them may be moved by the Harbormaster, and the expense thereof shall be paid by the owner of the boat so moved.
3. Whoever violates this section ~~shall forfeit his or her space and, in addition,~~ shall be subject to the penalties enumerated in Rhode Island General Laws § 46-4-6.6 or fined in an amount within the jurisdiction of the Newport Municipal Court.

D. Ann Street Pier

1. Transient dockage for vessels up to 40 ft in length overall (LOA), limited to a maximum of 48 hours.
2. Daily dinghy dockage. NO overnight dinghy dockage.
3. Loading dock for harbor shuttles.

E. King Park Stone Pier

1. Vessel access is limited to the floating dock area for use as daily and overnight dinghy dockage and as a loading dock.
2. Overnight dinghy dockage is limited to dinghies less than fourteen (14) feet and/or other vessels approved by the Harbormaster.
3. Capacity for overnight dockage will be determined by the Harbormaster.

**CITY OF NEWPORT
ORDINANCE
OF THE
COUNCIL**

NO. 2014-006

(Page 18)

E. King Park Stone Pier

4. Vessel access is limited to the floating dock area for use as daily and overnight dinghy dockage and as a loading dock.
5. Overnight dinghy dockage is limited to dinghies less than fourteen (14) feet and/or other vessels approved by the Harbormaster.
6. Capacity for overnight dockage will be determined by the Harbormaster.

F. Van Zandt Pier

All vessel access is prohibited, including dinghies.

G. Elm Street Pier

Vessel access is limited to the floating dock area for use as a loading dock only.

Section 12.28.110. Other Regulated Activities

A. Marine Events

For purposes of safety and prevention of conflicts, organizers of regattas, marine parades, and other in-water events in waters of the City must notify the Harbormaster. Organizers must provide dates, times, locations, and copies of appropriate Coast Guard permit.

B. Dredging (Deposit dredged material in city)

No materials dredged from Newport Harbor or any body of water shall be deposited anywhere in the city unless the City Council first gives its approval to such disposal.

Section 12.28.120. Littering and Water Pollution

A. The anti-littering ordinance for the city shall apply to Newport Harbor.

B. The Harbormaster shall have the authority to stop and board to make periodic color dye flush tests of vessels subject to § 46-12-39.1, of the General Laws of Rhode Island and shall check such vessels moored or anchored in his/her jurisdiction for no discharge certificate decals, as required.

C. Any vessel not in compliance with § 46-12-39.1 may be denied a mooring permit or anchorage, shall be subject to prosecution in the municipal court, and shall be subject to forfeiture of his/her mooring permit if not in compliance within thirty (30) days of inspection.

Section 12.28.130. Swimming

Swimming is not permitted in navigation channels.

Section 12.28.140. Business use of City owned facilities

A. The City Council shall have the authority to issue a yearly City of Newport Business License for use of City Waterfront Facilities.

**CITY OF NEWPORT
ORDINANCE
OF THE
COUNCIL**

NO. 2014-006

(Page 19)

B. Minimum requirements for approval are:

- Must maintain liability insurance, to the satisfaction of the Harbormaster, of not less than one million dollars and provide proof of said insurance annually to the Harbormaster.
- Must maintain Harbormaster approved operational schedules to ensure proper service to vessels in harbor/users of services and any required scheduling of city dock usage.
 - A satisfactory yearly review of compliance with the agreed schedule is required for continued use of city facilities/docks and authority to continue service to vessels in harbor/users of services.

Section 12.28.150. Administration & Enforcement

A. Administration

1. Unless otherwise specifically provided herein, the requirements of this chapter shall be enforced by the Harbormaster. A ticket system may be in effect for violations.

B. Harbormaster Authority and Duties

1. Pursuant to the provisions of Title 46-4-6.6 of the General Laws of Rhode Island, the city manager is authorized to appoint a Harbormaster/harbor coordinator. Whenever the title "Harbormaster" is used in these Codified Ordinances, it shall include the title "harbor coordinator" and shall be deemed to refer to the Harbormaster/harbor coordinator provided for herein. In addition to the duties specified in this chapter or otherwise provided by law, the Harbormaster shall perform such additional duties as may be prescribed for such office.
2. The Harbormaster shall have all the powers and rights of arrest and detention as are vested in police officers under the laws of the state and the ordinances of the city.
3. Any permit holder who places or installs unauthorized mooring tackle or installs, moves or places mooring tackle in a location not approved by the Harbormaster is subject to immediate revocation and forfeiture of the mooring permit.
4. Any person or entity who installs or places mooring tackle in any unauthorized location within Newport Harbor and/or coastal areas without a mooring permit shall be subject to prosecution in the Municipal Court and may be fined an amount within the jurisdiction of the Municipal Court.
5. It is the intent of the requirements of this chapter for private mooring permit holders that the permit holder or members of his/her immediate household be the primary users of the vessel registered to the mooring. Any actions of private mooring permit holders intended to circumvent this intent or the requirements of this chapter shall be grounds for immediate revocation of the mooring permit and may be subject to any other penalties authorized herein. Such actions shall include but not be limited to the following:
 - a. A private mooring permit holder acting as a "straw" or registered owner of the vessel registered to the mooring for the purposes of allowing a former owner or any other person or entity to use the mooring while retaining de facto or undisclosed ownership of the vessel.

**CITY OF NEWPORT
ORDINANCE
OF THE
COUNCIL**

NO. 2014-006

(Page 20)

- b. The charging and/or receipt by the private mooring permit holder, directly or indirectly of any rent, fee or other form of compensation for the use of the mooring.

Section 12.28.160. Appeals

Any person aggrieved by any decision of the Harbormaster may file an appeal with respect thereto with the Newport Municipal Court by delivering such appeal in writing to the Municipal Court, Newport City Hall, 43 Broadway, Newport, RI 02840, within fifteen (15) days of the ruling of the Harbormaster. Such appeal shall state with specificity the nature of the ruling and the reason why the appellant is aggrieved thereby.

Section 12.28.170. Seaplanes

- A. Newport Inner Harbor shall be off limits for any landing and taking off of seaplanes.
- B. Seaplanes may land and take off in the Outer Harbor area. Seaplanes may taxi in and out of Newport Harbor.

Section 12.28.180. Liability

Persons using the waters of the city shall assume all risk of personal injury and damage or loss to their property. The city assumes no risk on account of accident, fire, theft, vandalism or acts of God.

Section 12.28.190. Severability

If any provisions of this ordinance are held invalid or inoperative, the remainder shall continue in full force and effect as though such invalid or inoperative provisions had not been made.

Section 12.28.200. Fees & Fines

A. Fees

Fees are nonrefundable.

1. New Mooring Permit Application Fee - \$25.00 (to be applied to the first year permit fee once a mooring has been assigned).
2. Mooring Waiting List Annual Renewal Fee - \$10.00
3. Newport Harbor Private Mooring Permit Annual Fee
 - Resident: Fifty-two cents per pound of required mooring weight, but not less than one hundred thirty dollars (\$130.00).
 - Nonresident: one dollar and four cents per pound of required mooring weight, but not less than two hundred sixty dollars (\$260.00).
4. Newport Harbor Rental Mooring Permit Annual Fee - One dollar and thirty cents per pound of required mooring weight, but not less than three hundred twenty-five dollars (\$325.00).
5. South Shore Coastal Area Mooring Permit Annual Fee - ½ of the Newport Harbor Private Mooring Permit Annual Fee.

**CITY OF NEWPORT
ORDINANCE
OF THE
COUNCIL**

NO. 2014-006

(Page 21)

6. Mooring Permit Late Fee - \$100.00
7. Seasonal Dry Storage Annual (April 1 through November 30 or part thereof) Fee
 - Resident: \$40.00
 - Nonresident: \$60.00
8. Long Wharf Sea Wall Permit Annual Fee - \$75.00
9. Sail Newport Mooring Permit Annual Fee – Equal to the Resident Newport Harbor Private Mooring Permit Annual Fee

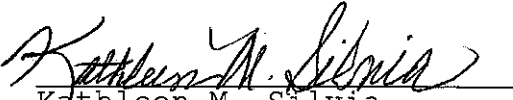
B. Fines and Penalties

1. Derelict, abandoned, or wrecked vessel, failure to remove the vessel within forty-eight (48) hours of notice from the Harbormaster -A daily fine not to exceed three hundred dollars (\$300.00) per day.
2. Any person violating the provisions and requirements of this chapter may be subject to prosecution before the Newport municipal court and fined an amount within the jurisdiction of said court.
3. Any person violating the provisions and requirements of this chapter may also be subject to the penalties specifically provided for herein in addition to any authorized fine.

SECTION 2. This ordinance shall become effective upon its passage and any ordinance, or parts of ordinances, inconsistent herewith are hereby repealed.

IN COUNCIL

READ AND PASSED
February 26, 2014


Kathleen M. Silvia
City Clerk