

**TOWN OF BARRINGTON, RI**  
**2019-1**  
AN ORDINANCE IN AMENDMENT TO  
CHAPTER 148 PUBLIC WATERS

The Town Council of Barrington hereby ordains that the Code of the Town of Barrington be amended as follows:

Appendix A

Chapter 148 - Public Waters, Use  
Of  
(Ordinance for the Regulation of Barrington Waters)

**Chapter 148**

**PUBLIC WATERS, USE OF**

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## Chapter 148. Public Waters, Use of

[HISTORY: Adopted by the Town Council of the Town of Barrington 9-2-2008 by Ord. No. 2008-10.<sup>1</sup> Amendments noted where applicable.]

### **RHODE ISLAND GENERAL LAWS (AS AMENDED)**

Power of Town to regulate mooring, vessels, speed, etc. — See §§ 46-4-3 and 46-4-6.1.

Regulation of boats — See § 46-22-1 et seq.

### **GENERAL REFERENCES**

Parks and recreation — See Ch. 134.

Use of public lands — See Ch. 144.

Click this link to [148a Exhibit A Mooring Standards](#)

Click this link to [148b Exhibit B Mooring Fields for Barrington Waters](#)

[1]:

*Editor's Note: This ordinance superseded former Ch. 148, Public Waters, Use of, adopted 1-5-2004 by Ord. No. 2003-20, as amended.*

Article I.  
General Provisions

§ 148-1. Legislative intent.

In order to promote the public welfare by providing for orderly development of the waters of the Town of Barrington, an equitable method of assigning mooring space in such waters and a lessening of congestion and risk of accident and injury to persons and property, the Town Council of the Town of Barrington herewith adopts this chapter.

**§148-2. Definitions.**

In addition to the definitions otherwise herein set forth, any reference pertaining to the following terms shall have the meanings indicated:

**ANCHORING –**

Securing a vessel temporarily to the bottom of a body of water with an anchor(s).

**BARRINGTON BEACH –**

The waters adjacent to the shoreline between Rumstick and Nayatt Points.

**BRIDGE HARBOR (POLICE COVE) –**

That portion of the Barrington River lying between the Route 114 bridge and the bicycle path trestle.

**BARRINGTON HARBOR –**

That portion of the Barrington River lying south of the Route 114 bridge and ending at the Warren River (hereinafter called the Main Harbor).

**BARRINGTON WATERS –**

Any or all waters defined herein.

**BULLOCKS COVE –**

All the waters inside the Cove area on the eastern side of the designated federal channel north to the East Providence - Barrington line.

**DESIGNATED VESSEL TRANSIT AREAS –**

Those areas established and marked to be used by vessels for safely passing under bridges.

**FAIRWAY –**

Any designated water areas reserved for movement of vessels.

**FLOATS –**

Any construction consisting of a wooden (or other material) deck and sides and supported by foam blocks or any inflated system to enable it to float on the water.

- a) **DOCK FLOATS** - Those floating structures attached to the end or sides of fixed docks or piers, usually accessed from the land side by ladder or ramp. Such ramps are considered as part of the float for the purposes of these regulations.
- b) **MOORING FLOATS** - All components of a floating structure approved by the HM to moor vessels. This structure will be treated as a "Mooring" for regulatory purposes but may have additional requirements for inspection procedures.

- c) RECREATIONAL FLOATS - That floating structure used for swimming, diving, seasonal display or other water related activity (other than mooring a vessel) and utilizing a fixed mooring(s).

**HARBOR COMMISSION –**

That body of Barrington residents who have demonstrated an interest in harbor management and who have been appointed to the Commission by the Barrington Town Council.

**HARBORMASTER (hereinafter referred to as “HM”) –**

The person appointed by the Town Manager pursuant to the provisions of Section 2-1-6h of the Charter of the Town of Barrington and pursuant to §148-3 herein.

**HUNDRED ACRE COVE –**

That part of the Barrington River north of the Barrington Veteran’s Memorial bridge.

**MOORING –**

All components of the gear required to secure a vessel or float permanently to the bottom.

**MOORING ASSIGNMENT SUBCOMMITTEE (hereinafter referred to as “MAS”) –**

A body consisting of three (3) members of the Harbor Commission appointed by its Chairman. The HM will serve as an ex officio member of this body. The body will elect one of its members as the Subcommittee Chairman.

**MOORING FIELDS –**

Those portions of the waters defined herein, which shall be designated as such by the Harbor Commission. (See Exhibit B attached.)

**MOORING SPACE –**

That water area assigned to an applicant by the HM.

**PRIVATE –**

Shall mean a mooring space granted to a person(s), meaning an individual or partnership, and used exclusively for his/her or their own purposes.

**COMMERCIAL –**

Shall mean any mooring space granted for the purposes of leasing or renting said mooring for use by a business invitee in connection with the operation of the assignee’s marine related business.

**MOORING SPACE ASSIGNEE –**

That person(s) (or spouse) to whom the mooring space is assigned.

**NON-RESIDENT –**

Anyone not fitting the definition of resident.

**OUTHAULS –**

Any non-single-point anchoring arrangement that consists of a fixed end seaward with a line attached above the water to a pulley and extending to the shore or a

shoreside feature allowing a vessel to be "hailed out" and secured away from the shore and retrieved from the shore.

**PERSONAL WATERCRAFT –**

A small class A vessel less than sixteen (16) feet in length which uses an outboard motor or inboard motor powering a water jet pump as a primary source of motor power and which is designed to be operated by a person sitting, standing or kneeling on or being towed behind the vessel rather than the conventional manner of sitting or standing inside the vessel.

**PUMP OUT PENNANT –**

A small flag flown for the purpose of requesting the pump out service.

**QUALIFIED MOORING INSPECTOR –**

Any person approved by the HM pursuant to the terms of §148-25 below.

**RAFTING –**

Two or more vessels tied together side by side while moored or anchored.

**REGISTERED VESSEL –**

That vessel designated on the annual mooring application by the mooring space assignee, who must be the owner or charterer of the vessel, or otherwise show connection to the owning entity.

**REGISTRATION –**

That contract between the Town of Barrington and the boat owner(s) granting the mooring space assignee the privilege of using a mooring space within Barrington waters for a specified term.

**RESIDENT -**

Means any inhabitant of Barrington. The HM may require proof of residency, which may take the form of a voter registration card, previous year's IRS tax return, paycheck stub, or similar item. A PO Box is not a legal address for this purpose.

**SEASON –**

The period from April 1 through November 30 of any year.

**SMITH'S COVE –**

All the waters north of a line located between the southern tip of Adams Point and the southeasterly section of Rumstick Point.

**STICKER –**

The small, self-adhering label issued by the Town of Barrington and attached to a registered vessel and carrying the same number as that of the mooring space assignee's mooring space.

**TRANSIENT MOORING –**

A mooring available to be assigned by the HM, or his designee, on a temporary basis.

**UPPER BARRINGTON RIVER –**

That portion of the Barrington River lying north of the bicycle path trestle and south of the Barrington Veteran's Memorial bridge.

**VESSEL –**

A boat, ship, or other moving craft designed to float on the water.  
WESTERN BARRINGTON WATERS –  
That stretch of water running northerly from Nayatt Point to Bullocks Cove.

[1]:

*Editor's Note: Exhibit B is included at the end of this chapter.*

## Article II. Harbor Control

### § 148-3. Appointment of Harbormaster.

The Town Manager shall appoint a Harbormaster either singly or in conjunction with any municipality to serve at the pleasure of the Town Manager. The obligation of the Town of Barrington either to pay in full or to contribute proportionately to the salary of a Harbormaster shall be in such an amount as the electors of the Town of Barrington shall fix at the annual Financial Town Meeting.

### § 148-4. Harbor Commission.

There shall be a Harbor Commission consisting of nine residents of the town appointed by the Town Council. Members of said Commission shall respectively serve terms of three years and until their respective successors shall be appointed and qualified. The appointment and tenure of the Harbor Commission shall be consistent with the original ordinance adopted July 13, 1964, and emended on April 12, 1976, wherein the Town Council was to appoint three members whose terms expired in December 1976, three members whose terms expired in December 1977, and three members whose terms expired in December 1978. Annually thereafter and continuing in the month of December, the Council shall appoint members to said Commission to fill the vacancies next occurring. Members shall be eligible for reappointment.

### § 148-5. Power and Authority of Harbormaster.

- A. The HM, or his/her designee, shall have full power and authority within the jurisdiction provided by any applicable federal, state and Town law to enforce statutes, ordinances and regulations relating to the mooring, anchorage, management and control of all vessels within the waters of the Town of Barrington and pursuant to the provisions of Articles **I** and **IV** hereof.
- B. The HM may remove from any wharf in said waters any vessel not engaged in receiving or discharging cargo or passengers or any vessel not anchored or moored according to the regulations relating thereto, and he/she may also determine the emend, time and manner of accommodations respecting the position of vessels which should be extended by the owners or masters thereof to each other and require such accommodation to be extended.
- C. The HM shall annually cause a map to be prepared designating the name and address of the owner of each vessel moored in the waters of the Town of Barrington and shall revise the same as may be necessary from time to time.

- D. The HM shall ensure that all mooring locations are in accordance with the Harbor Management Plan prepared by the Harbor Commission,<sup>[1]</sup> and he/she shall designate the location of new moorings in accordance with said plan.

[1]:

*Editor's Note: The Harbor Management Plan is on file in the Town offices.*

- E. The HM shall assign mooring locations in accordance with the rules and regulations promulgated by the Harbor Commission and approved by the Town Council.
- F. Acting with the Harbor Commission, the HM shall review the applications pending before the Coastal Resources Management Council or the United States Army Corps of Engineers relating to the waters of the Town of Barrington and advise the Town Council as appropriate.
- G. The HM shall serve as an ex officio member of the Harbor Commission and the Mooring Assignment Subcommittee.

### Article III. Rules for Operation of Vessels

#### § 148-6. Adoption of Provisions of Rhode Island General Laws.

The Town Council hereby adopts, as if set forth in full herein, all provisions of § 46-22-1 et seq. of the Rhode Island General Laws (as amended) relating to the operation and equipping of vessels.

#### § 148-7. Speed.

In all mooring fields, no vessel shall be operated at a speed which shall cause a wash or wake which is potentially dangerous to persons or which can cause damage to property. In no event shall the speed exceed five miles per hour in any Barrington waters, except the areas designated within Hundred Acre Cove, Upper Barrington River, Barrington Beach and any other area designated by the HM. The HM shall maintain a list of those designated areas where speeding is allowed.

#### § 148-8. Waterskiing.

No waterskiing, wakeboarding, tubing or the like shall take place within 50 yards of any bathing or mooring area. .

#### § 148-9. Passing by areas where people are fishing.

All vessels shall use care and courtesy when passing under bridges or by vessels where people are fishing.

#### § 148-10. Reporting Accidents.

All accidents in Barrington waters involving any property damage or personal injury shall be reported to the Barrington Police and the HM.



## § 148-11. Anchoring and rafting.

- A. A vessel may anchor on its own anchor in the waters and harbor areas of the Town of Barrington except in federal navigation channels, navigation fairways, mooring fields (not including transient fishermen), swimming areas, rights-of-way/buffer zone ingress and egress areas, and launching ramp areas for a period not to exceed 24 hours. Written consent of the HM is required for extended visits of more than 24 hours. No vessel anchored under such conditions shall be left unattended overnight. Owners and/or operators of such vessels may go ashore but must be available to tend the vessel if necessary. It shall be the vessel owner's and/or operator's responsibility to remain clear of all moored vessels and any structures.  
[Amended 10-1-2012 by Ord. No. 2012-6]
- B. The rafting of two or more boats side by side is not permitted in the Main Harbor without the approval of the HM. Vessels at raft in any Barrington waters shall not be left unattended overnight.

## Article IV. Mooring Regulation

## § 148-12. Approval of moorings required.

No mooring shall be placed in any Barrington waters without the HM having approved the required application. A mooring placed without such approval shall be removed at the expense of the owner and impounded. Any legally moored vessel (except riparian moorings) must be located entirely within the mooring field's perimeter (unless so excepted in writing by the HM with the concurrence of the CRMC) or be subject to forfeiture of the assigned space.

## § 148-13. Registration of mooring space.

- A. **Previously Assigned Vessels.** The HM shall, by January 15 of each year, cause registration forms to be mailed to all persons who were mooring space assignees at the end of the preceding year, at the address then listed on their registrations. Each application for registration shall be accompanied by the annual nonrefundable fee as noted on the registration text and shall be mailed by U.S. Mail, addressed to the Harbormaster, Public Safety Building, 100 Federal Road, Barrington, Rhode Island 02806.

Fee and application must be postmarked by February 15. Within one week after February 15, a second notice shall be sent by U.S. Mail, certified, return receipt requested, to the address on the previous year's registration with a late fee as specified in Chapter **A225**, Fee and Fine Schedule, of the ordinances of the Town of Barrington. Submission of the application, registration fee and the late fee must be postmarked by March 15.

After March 15, person(s) who have not responded shall receive, by U.S. mail, certified, return receipt requested, a forfeiture notice. Persons wishing to have a hearing may do so at the April meeting of the Harbor Commission. March 30 shall be the deadline to appeal mooring loss. After March 30 the mooring tackle may be pulled by the HM, and the assignee shall lose all rights to the former space.

[Amended 10-1-2012 by Ord. No. 2012-6]

- B. Requests for Relocation. A mooring space assignee who desires a different mooring space (for whatever reason) shall file a written request to the HM containing the reason(s) for the desired move.
- C. Initial Requests for Mooring Space. A boat owner wishing to be assigned a mooring space shall tender his/her request for same in writing to the HM, Town of Barrington, on the approved form obtained from the HM's office. The maximum number of moorings an individual can be assigned to will be two in those mooring fields that have a waiting list as of April 1 of that season. There will be no limit elsewhere, subject to available space.
- D. Access. Requests for new mooring space requiring access via private property shall be accompanied by a letter written and signed by the owner of such property containing permission for the access and outlining any limitations imposed by such property owner.

#### § 148-14. Waiting list/relocation list.

- A. The HM shall cause to be posted in his/her office and in the Town Hall two lists. One shall be for those not yet assigned a mooring (and called the "waiting list"), and the other shall be for those assigned mooring holders wishing relocation (and called the "relocation list"). Both shall contain the date of the application and the length, draft, beam and type of the applicant's vessel. These lists shall be updated and posted at least once per year or within 90 days of any change made to either of the lists.
- B. There will be both a waiting list (for those not yet assigned) and a relocation list for each of the mooring fields specified in Exhibit B of Chapter **148**.<sup>[1]</sup> It is not permissible for a mooring space assignee wishing relocation to be relocated to a mooring field other than the one he/she is presently assigned to by utilizing the relocation list. To move to a different mooring field, a mooring space assignee will have to first apply for that specific field (and go on the waiting list for that field if there is presently no space available).

*[1]: Editor's Note: Exhibit B is included at the end of this chapter.*

#### § 148-15. Assignment of mooring space.

All assignments of mooring space shall be made by the HM. When a mooring space becomes available within any of Barrington's waters, the HM shall offer such space to the applicant with the earliest date on the waiting list and with a vessel of appropriate dimensions and type of hull. Those on the relocation list shall be granted priority, within their own mooring field, over those on the list for initial space. All assignments of mooring space are recorded by the HM upon receipt of a completed application form and the pertinent fee. If any applicant shall refuse a grant of suitable mooring space (suitability to be determined by the HM), his/her application shall be removed from the waiting or relocation list. Mooring space rights may only be transferred to the spouse of the assignee, and then only on a one-time basis.

[Amended 10-1-2012 by Ord. No. 2012-6] M

Any temporary assignment to a mooring space, under the provisions of § **148-19A(4)** or **(5)**, of a duration anticipated to be four weeks or longer will require the temporary assignee be issued a temporary occupancy permit and appropriate sticker. The fee to be charged for this permit is listed pursuant to Chapter **A225** of the ordinances of the Town of Barrington.

## § 148-16. Preference to Barrington residents.

In the assignment of initial mooring space, Barrington residents shall be given priority over nonresidents. However, a nonresident shall not lose priority to a resident more than three times before such nonresident is given first priority to an appropriate mooring space, unless the mooring field is within a federal navigation project that the Town of Barrington has agreed in writing to certain covenants thereto, then mooring allocations shall meet the Army Corps of Engineers requirement of open to all on a fair and equitable basis."

## § 148-17. Request for changed mooring space size.

[Amended 10-1-2012 by Ord. No. 2012-6]

- A. If any mooring space assignee wishes to change the location of his/her assignment with his/her currently registered vessel, and the mooring is located in an area with a waiting list, he/she shall notify the Harbor Master, who shall place the request on the relocation list, and the Harbor Master shall reassign the mooring space when a suitable one becomes available.
  
- B. If any mooring space assignee wishes to change the size or type of vessel that is currently registered, he/she shall notify the Harbor Master, who shall determine if the current mooring space is suitable for the new vessel. If the mooring is located in an area with a waiting list, and if the vessel is not suitable for the current mooring assignment space, the request shall be placed on the relocation list, provided that the assignee has been a registered mooring holder in the current mooring area for at least five years.

## § 148-18. Mooring space fees.

As noted above, fees from mooring space assignees are due on or before March 1. Fees from those on the waiting list granted space must be received at the HM's office within 10 days of the date of tendering the assignment of mooring space. Failure to tender this fee within said time span shall be deemed a refusal of the assignment. (See Chapter **A225**, Fee and Fine Schedule, of the ordinances of the Town of Barrington for the current fee structure.)

## § 148-19. Forfeiture of space.

- A. Any mooring space assignee shall be deemed to have forfeited his/her assigned mooring space by reason of the following:
  - 1) Notification to the HM by the mooring space assignee that the mooring space is available to be assigned to another vessel owner.
  
  - 2) Failure to complete the annual registration process by March 15 of any season.
  
  - 3) Failure to replace any piece of mooring tackle found by the qualified inspector not to be in compliance with the mooring standards. (See Exhibit A attached.)<sup>[1]</sup>  
*[1] Editor's Note: Exhibit A is included at the end of this chapter.*
  
  - 4) If the mooring occupied is in a mooring field that has a waiting list as of April 1 of that season, then any failure to have the registered vessel occupy the mooring space for a minimum of 30 days during a season. However, if any mooring space assignee wishes to retain the assigned mooring space even though he/she cannot use it, he/she shall request permission of the HM on or before March 15 of the

season in question, stating, in writing, the time span of the proposed nonuse and the reason(s) therefor. If such reason(s) is/are acceptable to the HM, he may offer to the mooring space assignee a year of grace and then offer that mooring space, for that season only, to an applicant from the appropriate waiting list who owns a vessel of appropriate size and type. This mooring space shall again be made available to the mooring space assignee for the following season, provided that he/she still meets the requirements of those rules and regulations; otherwise, the mooring space will be reassigned by the HM. An award of a year of grace shall be limited to a maximum of once every five years unless granted a year of grace under special circumstances by an appeal to the Harbor Commission. Those not allowed to take a year of grace under these stated conditions shall give up their mooring assignment and shall qualify to apply for a place on the waiting list.  
*[Amended 10-1-2012 by Ord. No. 2012-6]*

- 5) If the mooring occupied is in a mooring field that has a waiting list as of April 1 of that season, then any failure to notify the HM of any proposed nonuse for a duration of two weeks or more. When so advised, the HM may assign a person(s) from the appropriate waiting list to this space. If an appropriate person(s) from the appropriate waiting list is not available, the mooring space assignee may assign his/her space as desired, with the approval of the HM.
- 6) Failure by any mooring space assignee to comply with the sticker requirements set forth in § 148-20 hereof or the mooring inspection procedures set forth in § 148-24 hereof. B.

- B. In the event any mooring space assignee shall be deemed to have forfeited his/her mooring space for any of the reasons set forth, either here in this section or in any other section, then and in such event, the Town of Barrington, by and through its HM, shall have the right to pull such illegal mooring at the expense of the mooring space assignee. The Town shall hold such mooring tackle for a period of 30 days, within which time the mooring space assignee shall have the right to remedy such forfeiture. In the event such forfeiture is not remedied within the thirty-day period, then the Town shall have the right to dispose of such mooring tackle as it deems fit.

## § 148-20. Use of stickers.

Annually, each mooring space assignee will receive a sticker carrying the same number as that of the assigned mooring space. The sticker shall be applied on the upper part of the transom on the starboard side of the registered vessel by May 1 of the current year.

## § 148-21. Mooring tackle standards; movement of mooring tackle.

- A. Mooring tackle standards.

- 1) Specifications for the components of mooring ground tackle are set forth in Exhibit A attached.<sup>[1]</sup> Each mooring space assignee shall be responsible for compliance with these standards; provided, however, that the HM may vary standards in any Barrington waters other than Main Harbor, Smith's Cove or Bullock's Cove in consideration of bottom and tide conditions, surrounding moorings or other obstructions and potential storm conditions.

*[1]:Editor's Note: Exhibit A is included at the end of this chapter.*

- 2) Outhaulsmooring are not covered by these standards and must be individually approved by the HM or his designee before they are placed and are subject to the following CRMC regulations.

Outhauls are subject to the regulatory jurisdiction of the Council. The Council may authorize a municipality to administer an annual permit for such provided said municipality has a Council approved and active harbor management plan and ordinance which contains the following:

- a. municipal documentation that demonstrates that
  - i. except as provided below, an outhaul(s) is/are to be permitted to the contiguous waterfront property owner; and,
  - ii. up to two (2) outhauls may be allowed per waterfront property; and,
  - iii. outhauls are not permitted on properties which contain a recreational boating facility; and,
  - iv. procedures have been adopted to ensure that permits are issued only consistent with the RICRMP, including the provisions of 300.18; and,
  - v. their procedures acknowledge that the CRMC retains the authority to revoke any permits issued by the municipality if it finds that such permit conflicts with the RICRMP; and,
  - vi. from November 15 to April 15, when a boat is not being secured by the device on an annual basis, the outhaul cabling system shall be removed; and, vii. outhauls may be "grandfathered" in their current location upon annual harbormaster documentation that such outhauls have been in continuous use at such location since 2004, and, the contiguous property owner(s) agree in writing to such, however, such "grandfathering" is extinguished whenever a recreational boating facility is approved at the location.

In addition CRMC retains the authority to remove any outhauls allowed by the town if it finds such an outhaul conflicts with Rhode Island Coastal Resources management Program

- 3) At no time shall any vessel be secured within a mooring space using tackle with specifications inconsistent with the mooring standards (Exhibit A), nor shall any vessel moor, even temporarily, in a space too small for safety or too large for efficient utilization, except that it shall be allowable for a mooring space assignee to occupy an undersized mooring space when downsizing a vessel with such time as a suitable relocation space for the new vessel becomes available.

- B. The mooring space assignee is responsible for any costs involved in the movement of the mooring tackle. Prior to any movement of the mooring tackle, the mooring space assignee must submit a request for such movement to the HM.

## § 148-22. Occupation of mooring space.

- A. With the exception of boats so located on one of their assigned commercial moorings by a boatyard, broker or the Barrington Yacht Club for the purposes of hauling, launching, repair or the temporary requirements of transients, no vessel shall occupy a mooring space other than the one to which it is assigned without both the permission of the HM, or his representative, and written permission of the mooring space assignee. Any vessel utilizing the exceptions offered by this section must not exceed the size limits of the ground tackle utilized and must meet all other applicable sections of this chapter. The HM shall have the authority to move, or cause to be moved, any vessel violating the provisions of this or any other section of this chapter, and such movement shall be at the owner's expense and risk.

- B. No mooring space shall be allowed to be rented, for any length of time, by the assigned mooring space holder. With the permission of the HM, mooring space assignees may allow another vessel to utilize his/her space but must not receive any remuneration or other economic gain in return therefor, including the practice of renting out personally owned ground tackle allowed by the Town to be placed in a publicly owned body of water. The only exception to the above will be for those who have been assigned commercial mooring spaces or who have been granted a year of grace by the HM under § **148-19A(4)**. Violation of this section will be cause for forfeiture of the assigned space.
- C. A mooring holder in an area with a waiting list that does not own or charter an appropriately sized vessel for his/her assigned mooring space at the beginning of the season has three options:  
[Added 10-1-2012 by Ord. No. 2012-6]
  - 1) Apply for a year of grace (by March 15) and have an appropriately sized boat to place on the assigned mooring for the following year to meet the thirty-day requirement.
  - 2) Give up the mooring assignment and place his/her name on the waiting list.
  - 3) Let the mooring space run the season without a properly registered vessel occupying the mooring for 30 days and having the mooring space rescinded.

### § 148-23. Relinquishing mooring space.

When a mooring space assignee wishes to relinquish his/her mooring space, he/she shall so advise the HM or his representative. The mooring space shall then be offered by the HM to the owner of a suitable vessel on that mooring field's waiting list as per §§ **148-14** and **148-16**.

### § 148-24. Inspection procedure.

- A. All components of ground tackle used by each mooring space assignee in Barrington waters shall be inspected every second year by a qualified inspector, at the expense of the mooring space assignee. The mooring space assignee will be notified at the time of annual registration as to when the ground tackle is due for inspection. Such inspection shall be made by raising the mooring, or, in cases in which the HM considers the mooring weight to be such as to make raising it impractical, inspection may be made underwater.
- B. After inspection, the qualified inspector will send to the mooring space assignee a certificate of compliance or a notice of noncompliance with the mooring standards. If the result of the inspection is notice of noncompliance, then the qualified inspector must also notify the HM.
- C. The initial inspection shall be done by July 15 of the year inspection is required and the mooring space assignee must submit a copy of the certificate of compliance to the HM by August 1 of the year inspection is required. Failure to comply with either or both of these dates will subject the mooring space assignee to a fee pursuant to Chapter **A225** of the ordinances of the Town of Barrington.  
[Amended 12-7-2009 by Ord. No. 2009-7]
- D. Noncompliance shall mean the wear of any component of the mooring tackle to include the swivel, shackle or chain link by as much as 1/3 its original dimension or apparent fraying or other weakness in the rope pennant. In a case of noncompliance, the mooring

space assignee shall, within 48 hours of his/her receipt of the notice from the qualified inspector, arrange for the repair, re-inspection and certification of compliance to the HM. However, should the inspector find that further use of noncompliant ground tackle presents an imminent danger to the registered vessel or others, the inspector shall notify the HM immediately, and the HM will suspend use of the mooring until proper repairs are completed and certified to him/her. Otherwise, such repairs shall be completed within 14 days, and if they are not, then the qualified inspector should again notify the HM of continuing noncompliance. Failure to do so may cause the HM to order the removal of the mooring space assignee's vessel from that space at the mooring space assignee's expense.

- E. The HM (or his representative) and the qualified inspector shall maintain records of all inspections.

### § 148-25. Qualification of Inspectors.

- A. An individual who, upon application to the HM, demonstrates his/her familiarity with the rules and regulations of the Town relating to mooring tackle inspection and a competency to perform the work will become eligible as a qualified inspector. However, even though selected by the HM, a qualified inspector may have his/her appointment revoked by the HM if it appears that the qualified inspector does not, in fact, demonstrate the needed capabilities.
- B. Any person, prior to being appointed as a Qualified Inspector, will provide and submit to the HM either proof of insurance or a surety bond in the amount of \$1,000,000.

### § 148-26. Visible mooring markers.

Both summer floats and winter stakes will be readily visible above water at all times when in use. The winter stakes will be removed from Barrington waters not later than May 1 of the succeeding year. Assigned Town mooring numbers shall be painted or affixed to both floats and winter stakes.

### § 148-27. Swimming prohibited.

Swimming is prohibited in all navigation fairways and launching areas. In mooring fields and transient anchorage areas, swimming is prohibited with the exception of vessel owners or crews or persons contracted to perform maintenance on the boat or its mooring tackle within a reasonable distance of said boat or mooring, from approved swimming floats and in designated swimming area.

## Article V. Non-mooring Regulations

### § 148-28. Floats.

- A. In order to prevent hazards to navigation and possible damage to the property of others, it is a requirement for all owner of floats to maintain the integrity of the original construction stated in the Town mooring standards or CRMC permit allowing such structures. This includes the security of mechanisms designed to hold said floats in place year round, including freezing ice conditions. In addition, the owners shall permanently fix to the said float their personal identification and street address.

- B. In the event of a breakaway of the float, the owner shall incur liability for any subsequent damage to the property of others by such float. In addition, the owner shall be responsible for any reasonable costs incurred by the Town or others to retrieve, secure and/or return the breakaway float to the owners.

## § 148-29. Outhauls

Outhaul mooring arrangements are not considered moorings, but the HM may authorize an annual permit for such, provided that Barrington has a CRMC-approved and active harbor management plan.

- A. Except as provided below, an outhaul(s) is/are to be permitted to the contiguous waterfront property owner.
- B. Up to two outhauls may be allowed per waterfront property.
- C. Outhauls are not permitted on properties which contain a recreational boating facility.
- D. Permits are to be issued only if they are consistent with the RICRMP, including the provisions of Section 300.18 (must not disturb submerged vegetation or habitat).
- E. Barrington's procedures acknowledge that the CRMC retains the authority to revoke any permits issued by the municipality if it finds that such permit conflicts with the RICRMP.
- F. From November 15 to April 15, when a boat is not being secured by the device on an annual basis, the outhaul cabling system shall be removed.
- G. Outhauls may be "grandfathered" in their current location upon annual HM documentation that such outhauls have been in continuous use at such location since 2004 and the contiguous property owner(s) agree in writing to such; however, such "grandfathering" is extinguished whenever a recreational boating facility is approved at the location.

## § 148-30. Abandoned vessels and boating equipment.

No person shall deposit or abandon a vessel or boating equipment or unattached, floating dock (hereinafter collectively "vessel") upon a beach, public right-of-way, or in the waters of the Town. A vessel shall be deemed abandoned if it poses an immediate danger to navigation or has been left unattended on a beach or public right-of-way for 72 hours or more except for annual boat storage permitted on Barrington Beach between April 1 and December 1. When any such vessel is so deposited or abandoned, the HM is authorized and empowered to remove the same or cause the same to be removed.

- A. Notice of removal of vessel. If the person who owns, has an interest in, or exercises any control over the vessel or otherwise is known, the HM shall give written notice by certified mail to said person to remove the vessel within seven days. Additionally, the HM shall affix a notice to the vessel instructing the owner to move the vessel to a proper mooring (or other) location or remove it within seven days.
- B. Removal of vessel. If the vessel is not removed within the specified time in the notice, and in a manner and to a place satisfactory to the HM, or if no such person is known to the HM upon whom the notice can be served, the HM may proceed to remove or cause the vessel to be removed and disposed of in a manner and a place the HM shall deem



best following the seven-day posting period. At least 14 days prior to disposal of the vessel, the HM shall place a notice in a newspaper of local circulation setting forth the date of disposal if the vessel is not claimed.

- C. Liability. The owner, or other such person, of a vessel removed by the HM in accordance with this chapter shall be liable to pay the cost and expenses of the removal and storage or to repay the same when paid by the Town. The expenses may be recovered in an action brought by the Town Solicitor against the owner(s). If the owner(s) is/are unknown or the vessel is unclaimed within 30 days of removal, the Town may sell the vessel. The proceeds from the sale shall be used to defray the cost the Town incurred in the removal and storage of the vessel and in the administration of this chapter.

## Article VI. Enforcement, Appeals, Fees and Fines

### § 148-31. Enforcement.

- A. Each of the Harbormasters, Assistant Harbormasters and police officers of the Town of Barrington are hereby authorized to enforce the provisions of this chapter and, in the exercise thereof shall have the authority to stop any vessel subject to the provisions of this chapter within the waters subject to the jurisdiction of the Town of Barrington as provided in R.I.G.L. § 12-7-21.
- B. Unless otherwise specified herein, these rules and regulations shall be enforced by the HM or his representative, and in all proceedings of the Harbor Commission having as one of its purposes the function of hearing appeals from the actions of the HM or his representative(s), the enforcement of these rules and regulations shall be conducted in accordance with § 46-22-1 et seq. of the Rhode Island General Laws (as amended); provided, however, that the Harbor Commission shall not be required to cause a verbatim transcript to be made of the proceedings in such cases.

### § 148-32. Appeals.

Any person(s) aggrieved by a decision of the HM may appeal said decision to the Harbor Commission by aching the Town Clerk in writing of the desire to appeal within 15 days of the HM's decision. All decisions of the Harbormaster relating to the location of moorings shall be complied with immediately as a precondition of the right to appeal, except that the HM may, if he/she determines that there is no immediate threat to the safety of persons, property or passage, suspend his/her decision pending appeal.

### § 148-33. Fees.

All fees to be collected hereunder shall be established by the Town Council from time to time, shown in Chapter **A225**, Fee and Fine Schedule, of the ordinances of the Town of Barrington, and shall be posted in the Town Hall.

### § 148-34. Fines.

- A. In addition to those fines set forth in Chapter **A225**, Fees and Fine Schedule, of the ordinances of the Town of Barrington, every owner, master or person in charge of a vessel

who shall neglect or refuse to obey the directions of said HM in matters within the HM's authority to direct and every person(s) who shall resist or oppose such HM in the execution of his/her duties or shall violate any of the provisions of this chapter and all sections therein shall, upon conviction therefore, be fined not exceeding \$100 for each offense. Each day that such neglect or refusal to obey shall continue after notice thereof given by the HM to any owner, master or person in charge of the vessel or mooring shall constitute a separate offense.

- B. Any person who shall remove, from a location assigned under this chapter and all sections therein adopted, any mooring belonging to another shall, upon conviction thereof, be fined not exceeding \$100 for each offense.

## PUBLIC WATERS, USE OF

### Exhibit A

#### Town of Barrington Mooring Standards Minimum Tackle Standards

Boat LOA (Feet)	Concrete Stone Block (a)(b) (Pounds)	Shackle(c) and Heavy Chain (Inches)	Shackle(c) and Light Chain (Inches)	Swivel Pin (Inches)	Pennant Nylon (Inches)	Pennant Braid (Inches)
Under 22	300	1/2	3/8	1/2	5/8	1/2
22 - 28	500	5/8	1/2	3/4	3/4	5/8
29 - 34	750	3/4	1/2	3/4	3/4	5/8
35 - 40	1,000	1	1/2	3/4	7/8	5/8
41 - 45	2,000	1	5/8	7/8	7/8	3/4
Over 45	See Harbormaster					

Mooring tackle must meet or surpass these standards. At the time of inspection, or whenever tackle is raised for any reason, it must be checked and made to conform hereto. (See 5. below).

Mooring and pick up buoys must conform to current Coast Guard regulations as to color which at the present time is a white ball with a blue stripe.

Assigned identification numbers shall be painted, stenciled or stamped so as to be readily and legibly visible during daylight on both mooring buoys and winter stakes.

Multiple weights shall be placed in series with the chain between them corresponding to the standard for heavy chain according to the LOA line above for the size vessel to be moored.

#### NOTES:

- a) Two thirds (2/3) of weight if iron casting or steel; one-half (1/2) of weight for mushroom (only suitable where bottom is soft and there is suitable depth) or equivalent approved in writing by the HM.
- b) In cases of low water depth (under 4 feet at MLW) blocks or other weights must be less than 18 inches tall.
- c) All shackles must be one size larger than the chain and have a stated safe working load (SWL).

## Mooring Tackle Lengths

### DIRECT METHOD:

Chain and pennant lengths indicated are for tackle arrangements in which the pennant fastened to the light chain goes DIRECTLY to the bow cleat through a float allowing most of the light chain to stay on the bottom.

Type	Main Harbor Bullock's Cove Barrington River Hundred Acre Cove Police Cove	Smith's Cove Barrington Beach Western Barr Wtrs
Heavy chain	1X (d)	1.5 X
Light chain	1X	3.5 X
Pennant	1X plus	1 X plus

### BALL METHOD:

These chain and pennant lengths are for tackle arrangements in which the light chain is attached directly to either the bottom eye of a mooring buoy (ball) or goes directly through it and attaches to an eye at the top of the buoy and leads directly to the vessels bow cleat.

Type	Bullock's Cove Barrington River Hundred Acre Cove Police Cove	Smith's Cove Barrington Beach Western Barr Wtrs	Main Harbor
Heavy chain	1.5 X (d)	1.5 X	1 X
Light chain	2 X	3 X	1.5X
Pennant	2 BF(e)	2 BF	5' + BF

Lengths listed are for normal weather conditions and must be increased for anticipated hurricane and other high water conditions. Length of freeboard at bow plus distance from chock to cleat is required at all locations. Note: the ball method is ~~not~~ allowed in the Main Harbor by using a "Barrel" type mooring ball with the light chain and Pennant attached to the ball. Some minimal lengthening of these standards under both methods will be allowed for all areas except the Main Harbor.

### NOTES:

(d) X = Depth at mean high water (MHW).

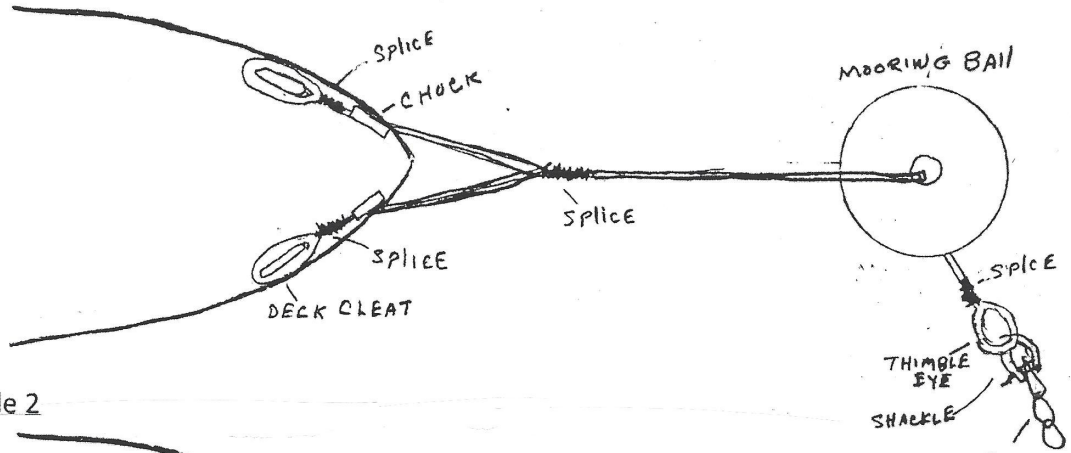
(e) BF = Bow freeboard

## Other Regulations

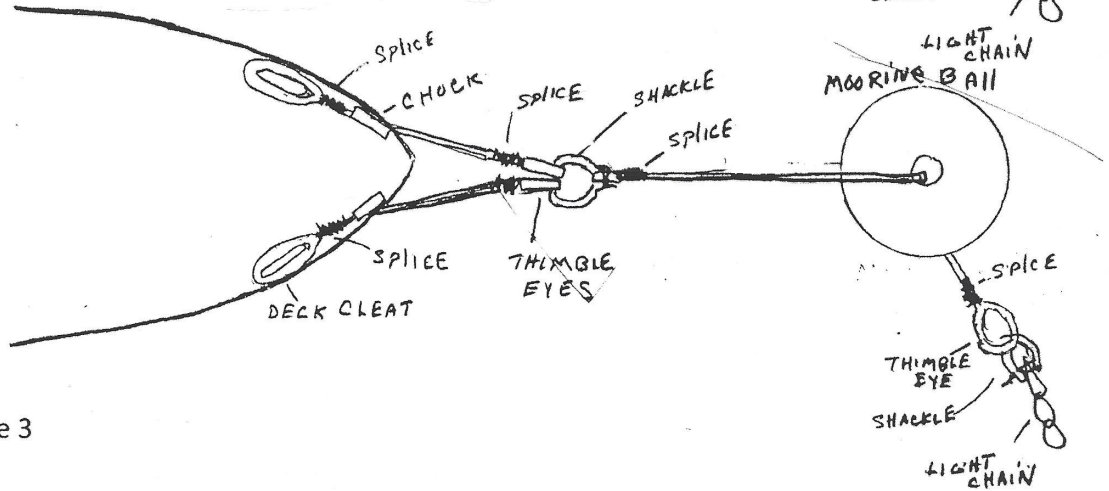
1. For chain connections, shackles must have pins secured with stainless steel wire, double nuts or heavy duty all plastic cable ties.
2. Pennant lines must be spliced with a minimum of four (4) tucks. Thimbles are required at the chain or swivel connection.
3. Pickup or mast buoys must have sufficient buoyancy to be visible under all tide conditions. Line to pennant eye splice shall not be over three (3) feet long or under three-eighths (3/8") inch in diameter.
4. All new moorings must – repeat - **MUST** - be inspected by the Harbormaster or by one (1) of the qualified mooring inspectors prior to submersion.
5. The current Mooring Standards are grandfathered upon the adoption of these new Mooring Standards and the new Mooring Standards will go into effect for each mooring when either; the tackle owner makes repairs or improvements, a bi-annual required mooring inspection requires repairs, or the tackle changes ownership, whichever occurs first.
6. The use of a bridle in place of an uninterrupted rope pennant (as specified above) is permissible using the stated overall thickness and length. However, the only permissible Bridle Configurations are shown below:
7. Examples 1,2and 3 illustrate a “Direct Method”. A “Ball” method is the same, except the bridle (pennant) and light chain attach to the mooring buoy.
8. In Example 3; if a pick-up buoy is utilized, there should be a provision to connect both eyes of the bridle to the buoy.
9. **Note that no other connections of rope or chain are allowed other than described or shown.**

# Allowable Bridle Arrangements

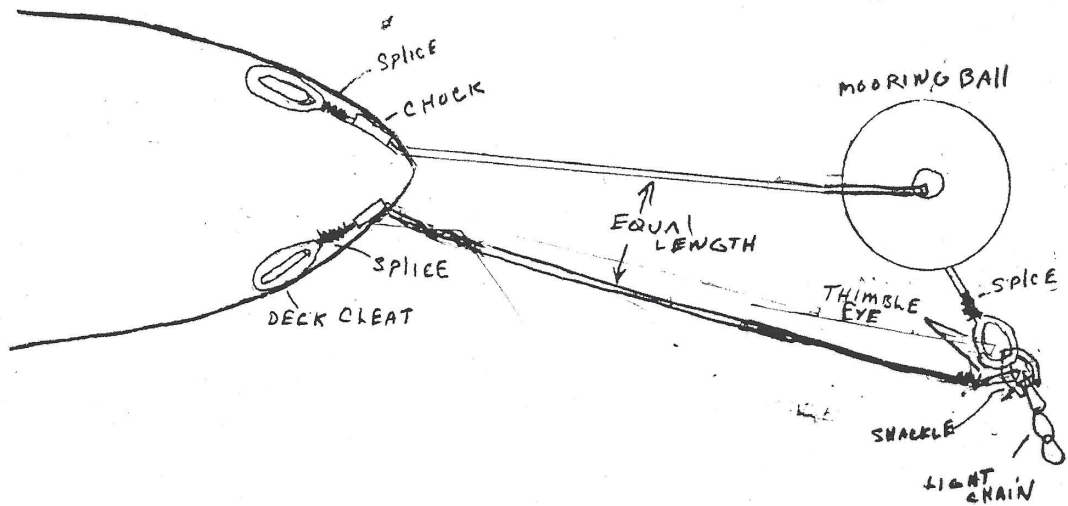
Example 1



Example 2



Example 3



## **PUBLIC WATERS, USE OF**

### **Exhibit B Town of Barrington Mooring Fields for Barrington Waters**

The following areas have been allocated for mooring space. Except for riparian moorings, no mooring shall be placed in areas not specified as mooring fields.

**BARRINGTON BEACH:** No more than four hundred (400) yards off any point on shore between Rumstick Point and Nayatt Point excluding the area designated as a swimming area.

**BULLOCK'S COVE:** All waters within the area designated as such by the Official Zoning Map of the Town of Barrington.

**HUNDRED ACRE COVE:** On the east side from the Massasoit Avenue Bridge north to Acre Avenue, not more than one hundred (100) yards from shore, except individual moorings which have been approved by the Harbormaster and/or the Mooring Assignment Subcommittee.

**MAIN HARBOR:** All waters lying south of the Lance Corporal Victor Patrick Andreozzi and Vietnam Veterans Memorial Bridge.

**POLICE COVE (BRIDGE HARBOR):** All waters between the Lance Corporal Victor Patrick Andreozzi and Vietnam Veterans Memorial Bridge and the East Bay Bike Path trestle, except for a fairway extending from the designated vessel transit area of each bridge east and west twenty (20) yards.

**SMITH'S COVE:** All waters within the area designated as such by the Official Zoning Map of the Town of Barrington.

**UPPER BARRINGTON RIVER:** On the east shore from the peninsula north of Greenbrier Lane to the river inlet directly across from Peck Island, not more than one hundred (100) yards from shore; also north of Brookfield Avenue to the Massasoit Avenue Bridge not more than two hundred yards (200) from shore, except individual moorings which have been approved by the Harbormaster and/or the Mooring Assignment Subcommittee.

**WESTERN BARRINGTON WATERS:** That stretch of water running northerly from Nayatt Point to Bullock's Cove.

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This ordinance shall take effect upon passage.

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Council Member

Filed:

Introduced

Amended:

Adopted: