

Town of Cohasset
Safe Navigation Bylaw
Chapter __

§ __-1 Jurisdiction.

Pursuant to Chapter 54 of the Acts of 1953, the Town of Cohasset has the authority to enact this Bylaw to provide for regulation and enforcement of rules and regulations for the operation of motor boats in Cohasset harbor and cove within the territorial limits of the Commonwealth, and of the mooring and anchoring of boats, lobster cars or floats therein.

§ __-2 Powers and duties.

Pursuant to Chapter 54 of the Acts of 1953, the Harbormaster, Assistant Harbormaster and police officers of the Town of Cohasset shall enforce this Bylaw.

§ __-3. Purpose; applicability.

A.

It is the intent of this Bylaw to protect and promote safe and unobstructed navigation for motor boats and other watercraft such that operation thereof shall not (i) endanger the safety of the public, (ii) cause detriment or injury to the natural resource, (iii) injure persons or property or the environment, or (iv) increase congestion of said harbor and cove.

B.

It is also the intent of this Bylaw to protect and promote public availability and use of a valuable conservation and recreation resource.

C.

This Bylaw shall apply to the tidal waters and land thereunder of Cohasset harbor and cove within the territorial limits of the Commonwealth, as said harbor and cove appear on the US Coast and Geodetic Survey chart 246 dated March 1948 (25th edition) then in effect upon enactment of Chapter 54 of the Acts of 1953(the “Regulated Area”).

D.

The Bylaw requirements promulgated herein are in addition to the requirements of state and federal law, and with the exception thereof shall apply notwithstanding any other rules or regulations with provisions to the contrary.

§ ___-4. Use Requirements. Interference with navigation, safety and recreation.

A.

Preamble. The Regulated area has been used historically for many varieties of fishing, fowling and navigation and as well as conservation, recreation, education and research.. The Regulated Area is further environmentally sensitive and must be protected given the critical role of eel grass, barrier beaches and salt marsh in protecting against sea level rise and climate change pursuant to Executive Orders 181 and 569. The unique features of the channel and flats severely reduce navigable waters at low tide, further requiring all navigable waters remain unobstructed to avoid further congestion.

B.

To protect and promote safe and unobstructed navigation for motor boats and other watercraft as well as conservation and recreation throughout the Regulated Area, the installation of anything placed in or upon tidal waters or affixed to land thereunder shall be prohibited in the Regulated Area. Additionally, in that portion of the Regulated Area located north and east of the breakwater, persons may not anchor, beach or run aground any boat for the purpose of engaging in commercial activity. Exemptions below are not subject to these regulations.

§ ___-5. Exemptions Within Regulated Area

A.

Moorings located south of the breakwater assigned by the Harbormaster pursuant to G.L. c. 91 for use by boats, lobster cars and floats

B.

Piers and floating docks directly attached to piers that extend seaward from above the high water line

C.

U.S. Government navigational marks

D.

Navigational marks installed by the Cohasset Harbormaster provided said marks do not impede or deter navigation on any tide for any reason other than natural hazard or swimming

E.

Lobster pots or traps and their buoys

F.

Intraday marks or buoys for recreational activities such as skin diving or sailing, provided said marks are removed the same day

§ ___-6. Waiver.

A.

Any person may request a waiver of the provisions of this Bylaw upon the filing of a Request for Waiver with the Town of Cohasset Harbormaster and Select Board. Waivers will only be granted in unusual circumstances and upon a finding by the Select Board, after said board consults with the Cohasset Harbormaster, that the requested installation will not impede or deter navigation or effect the recreation or conservation of the Regulated Area.

B.

Any Request for a Waiver must be in writing and the Select Board shall consider said request at a public meeting within 30 days of the filing of the Request for a Waiver. Any decision by the Select Board will be made within 30 days of the meeting or continued meeting.

§ ___-7. Violations and penalties.

A.

Violations of any of the sections of this Bylaw shall be punished by a fine of not less than \$100 and not more than \$200 per violation in accordance with General Bylaw, Article I, Section 1-6. Each day of violation may constitute a separate offense. Each point of contact, connection, attachment, anchoring or mooring upon the land under tidal waters in violation of this Bylaw may constitute a separate offense.

B.

Obstructions. Obstructions caused by unpermitted installations in the Regulated Area shall be subject to removal by the Harbormaster without notice. Obstructions removed and stored by the Harbormaster shall be at the expense of the owner, said expenses shall include all costs and labor.

§ ___-8. Enactment.

Enactment of this Bylaw is in compliance with Section 2A of Chapter 54 of the Acts of 1953 and pursuant to G.L. c. 88, § 19, a copy of this Bylaw was published at least once prior to enactment. This Bylaw shall be applicable upon the vote of Town Meeting.

§ ___-9. Severability.

If any section, paragraph or part of this Bylaw is for any reason declared invalid or unconstitutional by any court, every other section, paragraph, and part shall continue in full force.