

Town of Cohasset

Underwater Installations Bylaw

Chapter __

§ __-1 Jurisdiction.

Pursuant to Chapter 394 of the Acts of 1912 and Chapter 54 of the Acts of 1953, the Town of Cohasset has the authority to enact this Bylaw regulating Cohasset Harbor and cove and area within the territorial limits of the Commonwealth as described in the aforementioned legislation.

§ __-2 Powers and duties.

Pursuant to Chapter 394 of the Acts of 1912 and Chapter 54 of the Acts of 1953, the Harbormaster of Assistant Harbormaster shall enforce this Bylaw.

§ __-3. Purpose; applicability.

A.

It is the intent of this Bylaw to establish requirements for marine activities within Cohasset Harbor and cove and the area as described in Chapter 394 of the Acts of 1912 (the "Regulated Area") in order to ensure safety of persons and property, to promote availability and use of a valuable public resource and to provide for safe navigation.

B.

Requirements governing the safe operation of vessels in the harbor and regulations protecting the environment are also contained herein.

C.

The Bylaw requirements promulgated herein are in addition to the requirements of state and federal law.

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

A.

Preamble. The Regulated area has historically been used for many varieties of education and recreation. The Regulated Area is further environmentally sensitive requiring added protection.

B.

To protect the recreational and education value of the Regulated Area, the installation of anything connected or attached to the ocean floor shall be prohibited in the Regulated Area.

§ __-5. Exemptions.

Commented [AEK1]: I do not love the title, but there is already a General Bylaw titled "Harbor". We could consider amending that but it might get confusing. We discussed not calling it "Shellfish" as we don't want to limit it to just installations related to shellfishing.

Commented [AEK2]: I welcome more language here.

Moorings assigned by the Harbormaster pursuant to G.L. c. 91 do not apply to this Bylaw. Further, piers and floating docks directly attached to piers extending seaward from above the high water line are not subject to this Bylaw.

§ ___-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 Select Board. Waivers will only be granted in unusual circumstances and upon a finding by the Select Board that the requested installation/connection will not impede recreation or navigation and will not lessen the recreational value 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.

B.

Obstructions. Obstructions caused by unpermitted installations/connections/attachments 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.