

2015 -- H 5847

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

RELATING TO WATERS AND NAVIGATION - HARBORS AND HARBOR LINES

Introduced By: Representatives Slater, O'Brien, Carnevale, Trillo, and Palangio

Date Introduced: March 12, 2015

Referred To: House Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 46-4 of the General Laws entitled "Harbors and Harbor Lines" is
2 hereby amended by adding thereto the following sections:

3 **46-4-9. Regulation of moorings.** – (a) When determining the percentage of mooring
4 space to be allocated to individuals by any city or town, priority shall be granted to persons
5 applying for mooring space within any city or town as follows:

6 (1) First priority shall be granted to residents of the municipality which has jurisdiction
7 over the mooring;

8 (2) Second priority shall be granted to residents of the state who are not residents of the
9 municipality which has jurisdiction over the mooring;

10 (3) Third priority shall be granted to out-of-state residents.

11 (b) The following conditions shall be satisfied in order to be granted a mooring:

12 (1) The mooring applicant shall provide sufficient proof of residence; and

13 (2) The vessel shall be registered at the address provided; and

14 (3) The vessel shall have a current valid registration pursuant to the state of Rhode Island;

15 and

16 (4) The vessel using any mooring shall be registered by the applicant having use of the
17 mooring.

18 (c) No mooring shall be awarded to any one person for a period exceeding three (3)
19 years.

1 (d) No person awarded use of a mooring shall:

2 (1) Pass its assignment to another person or entity; or

3 (2) Sell or rent the use of said mooring for any period of time.

4 (e) All issued moorings when unused shall be available for temporary rental by the local
5 harbor master at a nightly, weekly, monthly, or seasonal rate, and all monies shall be delivered to
6 the city or town which has jurisdiction over the mooring.

7 **46-4-10. Annual mooring fee schedule – State marine safety patrol.** – (a) The mooring
8 fee schedule contained in subsection (b) of this section shall apply to all moorings under the
9 jurisdiction of Rhode Island municipalities, and all fees collected by cities and towns for
10 moorings shall remain the property of the respective city or town.

11 Fees collected pursuant to the fee schedule contained in subsection (b) of this section
12 shall be collected by the state, and shall be used to create a department of state marine safety
13 patrol. The state marine safety patrol shall have law enforcement jurisdiction to patrol the open
14 bay and all waters within three (3) miles of the Rhode Island coastline.

15 The state marine safety patrol shall have full police powers and its officers shall be
16 graduates of either a municipal or state police training academy. Provided further, any state
17 marine safety patrol officer shall have seamanship training and a minimum of one hundred fifty
18 (150) hours of boat operation experience. State marine safety patrol officers shall be authorized to
19 issue fines and/or citations, and any funds generated therefrom shall be applied to support the
20 operations of the state marine patrol.

21 (b) Fee schedule. - Fees collected hereunder shall be collected by the state shall be per
22 year and based on the weight of the mooring.

23 (1) Moorings for vessels from two hundred fifty pounds (250 lbs.) to four hundred
24 ninety-nine pounds (499 lbs.) shall be one hundred dollars (\$100) per mooring;

25 (2) Moorings for vessels from five hundred pounds (500 lbs.) to seven hundred forty-nine
26 pounds (749 lbs.) shall be one hundred fifty dollars (\$150) per mooring;

27 (3) Moorings for all vessels from seven hundred fifty pounds (750 lbs.) to nine hundred
28 ninety-nine pounds (999 lbs.) shall be two hundred fifty dollars (\$250) per mooring; and

29 (4) Moorings for all vessels over one thousand pounds (1,000 lbs.) and above shall be
30 three hundred fifty dollars (\$350) per mooring.

31 **46-4-11. Mooring allocation master plan.** – (a) All cities and towns shall have a master
32 plan for its mooring allocation assignment. Cities and towns shall only award a mooring to
33 persons and commercial entities within the waters of that city or town.

34 (b) Moorings shall be awarded as follows: For every six (6) private moorings there shall

1 be four (4) commercial moorings. This formula shall be adapted to each city's and town's master
2 plan. Once that allocation has been accomplished, the city or town may award to entities outside
3 their jurisdiction. Riparian landowners shall be given priority to allocations of mooring both
4 privately or commercially. Out-of-state persons seeking a mooring assignment will be awarded
5 first to out-of-state persons who own property in the city or town in which they seek a mooring
6 assignment and second to out-of-state persons that do not own property in the city or town in
7 which the request for mooring has been made. Moorings issued under this section do not
8 constitute ownership of the mooring.

9 (c) Expenses to install, maintain or repair any mooring will be the responsibility of the
10 person or entity possessing said mooring assignment and must be done in accordance with that
11 city or town's master harbor plan.

12 **46-4-12. Scope of chapter.** – The specifications as stated in this chapter shall supersede
13 only in those areas mentioned within this chapter and will supersede those areas that may
14 presently be in each city's and town's master harbor plan where they do not conform and/or
15 conflict.

16 **46-4-13. Master harbor plan review.** – (a) A copy of each city's and town's master
17 harbor plan shall be made available each year along with a list of private mooring assignments.
18 The list shall include the name, address, and registration of each assignee in the case of private
19 assignment and only the name, address and number of mooring assigned to each commercial
20 entity. A copy of this report shall also be sent to the head officer of Rhode Island marine safety
21 patrol for yearly review.

22 (b) The marine safety patrol shall also be permitted to operate in all state bodies or waters
23 and shall operate from May 15 to October 15 each year. The head marine patrol officer shall be
24 appointed by the governor and the term shall be for two (2) years. The head marine safety patrol
25 officer may be re-appointed for up to five (5) two (2) year terms. Funding for this shall come
26 from all fees and fines generated pursuant to this chapter which shall be deposited into a fund to
27 be known as the Rhode Island marine patrol fund.

28 (c) All moorings presently assigned to individuals or commercial entities shall be given
29 priority to getting mooring assignments providing they comply with the provisions of this
30 chapter.

31 (d) All mooring assignments will only be assigned for a period of three (3) years and
32 assignees will be given priority to renew providing they meet provisions of this chapter.

33 **46-4-14. Variance.** – Any city or town that does not have enough private party requests
34 to adhere the specifications in this chapter may make a request to the office of marine safety

1 [patrol for a variance.](#)

2 **46-4-15. Rules and regulations.** – [The head marine safety patrol officer shall be](#)
3 [permitted to promulgate rules and regulations necessary to carry out the provisions of this](#)
4 [chapter.](#)

5 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO WATERS AND NAVIGATION - HARBORS AND HARBOR LINES

- 1 This act would establish an order of priority for persons applying for moorings, create a
- 2 fee schedule for moorings and establish a marine safety patrol division of law enforcement.
- 3 This act would take effect upon passage.

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