



The Aquinnah Waterways Rules & Regulations

I. Purpose

The Purpose of these regulations is to establish standard policies and practices within Aquinnah waters to provide for the safety of moored and berthed vessels, safety on all Aquinnah waters and to preserve the historic uses of the ponds.

These regulations shall be enforced by the Harbormaster appointed by the Board of Selectmen, the Assistant Harbormasters, and members of the Aquinnah Police Department as appropriate. It shall be the responsibility of all those operating in Aquinnah waters, and those seeking mooring or docking space in Aquinnah to comply with these regulations, which will be strictly enforced for the benefit of all residents and visitors to Aquinnah.

Copies of these regulations are available from the Harbormaster, the Town Clerk and are posted on the Town Website: www.aquinnah-ma.gov

II. Definitions

“Mooring” – as specified in these regulations, means anything attached to the bottom (excluding docks, piers and partial day or emergency anchoring) used to secure a boat.

“Mooring Areas” – shall mean those portions of Aquinnah waters designated as such by the Board of Selectmen and the Harbormaster.

“Mooring Permit” – means a notice from the Harbormaster that the applicant has received permission to place a mooring in a specified area.

“Mooring Permit Holder” – shall mean the holder of a mooring permit and space assigned to him/her by the Harbormaster.

“Private Mooring” – shall mean any mooring placed in Aquinnah waters for owner’s sole private use.

“Mooring Year” – is the period for which a mooring is assigned. The period runs from January 1st to December 31st.

III. General Waterways Rules and Regulations

- A. The Waterways of the Town are Menemsha Pond, Squibnocket Pond, Menemsha Creek or Channel and the West Basin.
- B. No boat shall operate at a speed greater than headway or four (4) knots, or which would cause a wash or wake in the mooring areas, channels, or harbor.
- C. Water skiing is not allowed in Aquinnah portions of Menemsha and Squibnocket Pond; or within 500 feet of bathing areas, moored vessels and shellfish propagation floats.
- D. Personal watercraft or jet ski operation is prohibited except in channels to access

the Vineyard Sound.

E. wind surfing is not allowed in Menemsha Basin, Menemsha Creek, the channel or within 300 feet of the bathing beach.

F. Pollution – The discharge of sewage, garbage, rubbish, or other debris or pollutants is prohibited in Aquinnah waters. Transient Boats shall be required to pump out holding tanks once every seven days or more often as needed. The Harbormaster should be contacted for use of the pump out facilities. The Harbormaster may inspect any vessel in Aquinnah waters at any time to determine compliance with this and all other pollution regulations.

G. Swimming and Diving – No person shall swim, snorkel (skin dive), or scuba dive in the Menemsha Harbor or the Menemsha Channel without permission by the Harbormaster or his/her designee from Memorial Day to Labor Day. The Menemsha Channel shall be defined as the area from Bell Buoy #1 to Buoy #4. The Harbormaster shall keep a list of such permitted persons. A fine on the fee and fine schedule shall punish whoever is found in violation of this ordinance.

H. Fishing – All vessels shall use care and courtesy when transiting Menemsha Channel or operating near boats in which people are fishing. No vessel engaged in fishing or any person fishing from the shore shall obstruct Menemsha Channel or impede its use. Vessels transiting the channel have the right-of-way over any person fishing from the shore.

I. Navigational Aids – No vessel shall tie to any navigation aids.

J. No person shall operate any vessel on the waterways of the Town of Aquinnah or manipulate any water skis, sailboats, surfboards, personal watercraft, jet skis, or similar device thereon in a manner so that the lives or safety of the public might be endangered.

K. The operator of any vessel involved in a boating accident shall report any incident to the Harbormaster, and where damage exceeds \$100.00 or results in death, missing persons or requires medical treatment beyond first-aid to the following State Agency:

Division of Marine and Recreational Vehicles
100 Cambridge Street
Boston, MA 02202

And to the US Coast Guard Station Menemsha if damage exceeds \$200.00

L. The provisions of MGL Chapter 90B, sections 1 through 19, inclusive, as amended, are hereby adopted as additional waterway regulations for the Town of Aquinnah.

M. No overnight anchorage is allowed in Menemsha or Squibnocket Ponds while living abroad.

N. The Board of Selectmen, with the advice of the Harbormaster, has the right to review and respond to hardship cases on written application and at a posted meeting. A “hardship case” is a failure to comply with these regulations, including the applicable deadlines, for a reason that is not self-imposed (Example: illness, tragedy or accident).

IV. General Mooring Regulations

A. No mooring shall be placed in Aquinnah waters unless permitted by the Harbormaster and in compliance with these regulations. Before placing a permitted mooring in the water each year, the mooring tackle must be inspected by the Harbormaster’s department.

- B. A mooring permit for the placement of a mooring at a location established and approved by the Harbormaster must be obtained from the Harbormaster before any ground tackle is installed. Moorings established or placed. Without such authorization will be subject to immediate removal by the Harbormaster at the owner's expense.
- C. All moorings shall be permitted by the Harbormaster annually. Any mooring application renewal not received by January 15th at 5:00 pm is deemed denied*, except as provided in Section III - N (hardship cases). No more than one mooring permit will hereafter be issued to any household. Mooring permit holders with more than one permit as of 2005, which permits are used exclusively for personal, non-commercial purposes, may retain their permits.
- D. No vessel shall occupy a mooring for which it is not permitted without the advance permission of the Harbormaster. The Harbormaster has the authority to remove any vessel violating the provisions of these regulations. Such removal shall be at the owner's risk and expense. At no time should any vessel be tied to a mooring inconsistent with the mooring tackle regulations and the rules of good seamanship.
- E. No mooring, after being set, shall be moved or in any way changed without the prior written approval of the Harbormaster.
- F. No mooring shall be set within the navigation channels, nor shall any part of the vessel moored obstruct said channels. Any vessel not in compliance shall be subject to a fine, in accordance with the fee and fine schedule, and removal by the Harbormaster at the owner's risk and expense.
- G. Mooring permit holders shall not increase the size of a boat on their mooring without advance permission of the Harbormaster.
- H. No mooring permit holder shall permit the temporary use of his/her mooring by another without advance permission of the Harbormaster.
- I. Each mooring shall be removed on or before November 1st of each year. After November 1st, the Harbormaster shall fine the mooring permit holder, in accordance with the fee and fine schedule, and may remove the mooring at the mooring permit holder's risk and expense. Repeated failure to remove a mooring may subject the mooring permit holder to lose the mooring permit.
- J. In an emergency, or a situation requiring immediate attention, the Harbormaster or his designee, may take temporary action deemed necessary regarding the mooring of any vessel.
- K. No rafting of boats on a private mooring is allowed.
- L. No overnight live aboards are allowed on any mooring other than transient Town owned moorings inside or outside the harbor.

V. Enforcement and Fines

- A. Anyone violating any provision of these Waterway Regulations shall be subject to a penalty as set forth in the Fee and Fine Schedule. Each violation of each provision shall constitute a separate offense. For continuing violations, each day or portion thereof during which a violation continues shall constitute a separate offense.
- B. The provisions of M.G.L. Chapter 40, Sec. 21D shall apply to violations of these regulations.
- C. These regulations are to be enforced by the Harbormaster, any Assistant Harbormaster, any Aquinnah police officers or any other persons or agent appointed by

the Board of Selectmen. The Harbormaster has the authority to interpret these regulations where uncertainty exists in order to carry out the purpose of these regulations stated in Section I and elsewhere herein. The Board of Selectmen will support the Harbormaster in such interpretation unless the interpretation is patently unreasonable D. Any person aggrieved by the enforcement of these regulations may bring the matter to the Board of Selectmen.

*The Harbormaster will attempt to contact any prior year applicant who has not responded by January 1st by phone and/or letter/e-mail to ensure they have received their renewal notice and they are aware of the 1/15 deadline. Failure to reach such applicant shall not relieve the applicant of meeting the deadline.