

ORDINANCE NO. 21-XX

AN ORDINANCE IN AMENDMENT OF CHAPTER 7 OF THE CODE OF ORDINANCES, TOWN OF NORTH KINGSTOWN, ENTITLED, "HARBORS, WHARVES AND PUBLIC WATERS"

The Town Council of the Town of North Kingstown hereby ordains:

SECTION 1. That Section 7-1(b) of the Code of Ordinances, Town of North Kingstown, entitled, "Definitions" is hereby amended as follows:

Sec. 7-1. - Purpose and definitions.

(b) **Definitions.** The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Harbor management commission means that commission created and appointed by the town council to be the local advisory body to regulate the public state owned waters and harbor areas of the town.

Mooring means any object or device, including a piling, to which a vessel may be secured other than a wharf, dock, slip, pier or aid to navigation.

Mooring field means an area containing five or more moorings and designated for a relatively high density of moorings. Each mooring field will be designated by a name as shown on the harbor management map. A boundary shall be defined in state plane coordinates which serves as the perimeter of the mooring field.

Outhaul means a recreational boating facility that consists of a non-single point anchoring device for the purpose of securing a boat in tidal waters and retrieving it from shore.

Public waters means the public state owned waters bordering within the confines of the town, as delineated on the harbor management map of the town.

SECTION 2. That Article III of the Code of Ordinances, Town of North Kingstown, entitled, "Vessels, Anchorages, and Moorings" is hereby amended as follows:

ARTICLE III. - VESSELS, ANCHORAGES, OUTHAULS AND MOORINGS

SECTION 3. That Section 7-81 of the Code of Ordinances, Town of North Kingstown, entitled, "Designation of fairways; mooring, anchoring and swimming in fairways; swimming area" is hereby amended as follows:

(d) Swimming is prohibited in all designated channels, and fairways and mooring areas.

(g) Recreational Swimming prohibited: No person shall swim from any town-owned dock, launch ramp or wharf nor shall recreational swimming be permitted from any vessel moored within a CRMC approved mooring field or secured to any town-owned dock or wharf.

SECTION 4. That Division 2 of the Code of Ordinances, Town of North Kingstown, entitled, “Anchorages and Moorings” is hereby amended as follows:

DIVISION 2. – ANCHORAGES, **OUTHAULS** AND MOORINGS

- (e) A vessel may anchor on its own anchor in the **state owned** coastal waters **of bordering** North Kingstown for a period not to exceed 72 hours, except in prohibited areas. Prohibited areas are: inside Wickford Harbor Breakwater, federal navigation channels, navigation fairways, mooring fields, swimming areas, rights-of-way, ingress and egress areas, and launching ramp areas. No vessel anchored under such conditions shall be left unattended overnight. In an emergency and/or storm, the vessel operator shall contact the harbormaster. Fines for failure to obey will be \$50.00 first offense, \$100.00 second offense, \$200.00 third offense.

SECTION 5. That Section 7-107 of the Code of Ordinances, Town of North Kingstown, entitled, “Mooring permit issuance; waiting list; renewal; restrictions” is hereby amended as follows:

- (c) In the assignment of initial mooring space and the reallocation of existing mooring space, the North Kingstown Harbor Division shall maintain a ratio of no more than three residents to every one non-resident. In the **assignment of moorings located within a federal navigation project (mooring area), case of federal mooring areas, moorings permits** shall be allocated on an open to all on an equal basis (first come, first served) with no preference for residents.

SECTION 6. That Section 7-116 of the Code of Ordinances, Town of North Kingstown, entitled, “Harbor management commission” is hereby amended as follows:

- (a) *Created.* A harbor management commission shall be created to be the local advisory body authorized to recommend policy for the **public state owned coastal** waters and harbor areas **of contiguous with** the town, consistent with the harbor management plan. The harbor management commission shall adopt rules of procedure and operation for its meetings and is authorized to:
- (1) Recommend to the town council the adoption of rules, regulations, fees, penalties and other amendments to the harbor management plan and its subsequent ordinances which may be necessary to fulfill the goals and objectives of the harbor management plan and meet the requirements of its ordinances.
 - (2) Recommend additional duties and responsibilities for the harbor division, as detailed in the harbor management plan.
 - (3) Review and suggest revisions as necessary to the harbor management plan and its subsequent ordinances for town council and coastal resources management council approval. The harbor management plan and its ordinances shall be reviewed at least once every five years.
- (g) *Powers and duties.* The commission shall be the local advisory body to the town council, authorized to recommend policy for the **state owned** coastal waters and harbor areas **contiguous with** of the town consistent with the harbor management plan and any subsequent ordinances. The commission shall adopt rules of procedure and operation for its meetings and is authorized to:
- (1) Recommend to the town council the adoption of rules, regulations, fees, penalties and other amendments to the harbor management plan and its subsequent ordinances that may be necessary to fulfill the goals and objectives of the harbor management plan and meet the requirements of its ordinances.

- (2) Recommend additional duties and responsibilities for the harbor division.
- (3) Review and revise as necessary the harbor management plan and its subsequent ordinances for town council and coastal resource management council approval. The harbor management plan and its ordinances shall be reviewed and revised at least once every five years.

SECTION 7. That Section 7-128 of the Code of Ordinances, Town of North Kingstown, entitled, “Liability” is hereby amended as follows:

Persons using the **state owned** coastal waters and harbor areas **bordering of** the town shall assume all risk of personal injury and damage or loss to such persons' property. The town assumes no risk on account of accident, fire, theft, vandalism or acts of God.

SECTION 8. This Ordinance shall take effect upon passage and all Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

First Read at the Town Council Meeting of February 22, 2021 and referred to the Town Council Meeting of March 29, 2021 for Second Reading and Consideration of Adoption.

Jeannette Alyward
Town Clerk