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2023 APR -3 P 1:26

CITY OF AMESBURY, MA

**CITY OF AMESBURY  
IN THE YEAR TWO THOUSAND TWENTY-THREE**

SPONSORED BY: *Kassandra Gove* **BILL No. 2023-037**  
**Kassandra Gove, Mayor**

**An Ordinance** to adopt a Schedule of Fees for the Harbormaster’s Office, which is a function of the Amesbury Police Department.

**Summary:** The intention of this ordinance is to adopt a Harbormaster’s Office Schedule of Fees to help fund City services. Well-designed charges and fees service reimburse the City for the costs of particularized services and promote service efficiency. It is expected that these fees will be periodically reviewed and updated.

**Be it Ordained by the City Council of the City of Amesbury assembled, and by the authority of the same as follows:**

1. That various fees be adopted in accordance with the attached Schedule of Fees and the same is hereby adopted.
2. That the Amesbury Code of Ordinances Chapter 326 Lakes, Rivers and Ponds is hereby amended inserting new Section 326-20, entitled Harbormaster Schedule of Fees as follows:

Type	Fee
Clean Water Surcharge	\$10 for boats greater than 19’ (added to the Waterways Permit Fee)
Residential Ramp/Slip (Dock Permit)	\$100 for the season (includes both lakes and rivers)
Commercial Ramp/Slip Fee	\$1700 per season
Mooring Permit	\$100 per season
Waterways Permit Fee	\$5 x LOA along with proof of excise tax payment
Late Fee	\$75 per Fee (30 + days overdue)
Failure to pay	Failure to pay the above within 60 days of due date shall be grounds for the Harbormaster to refuse to allow the vessel to moor, dock, or otherwise be situated within the waters of Amesbury.

3. This Ordinance shall become effective upon passage.



**MEMORANDUM**

**TO:** Amesbury City Council  
**FROM:** Kassandra Gove, Mayor   
**DATE:** April 3, 2023  
**RE:** Schedule of Fees for the Harbormaster's Office

The City of Amesbury commissioned a Comprehensive Review of Municipal Fees by the Edward J. Collins, Jr. Center for Public Management. The report dated November 2021 provided the following recommendation based on municipal comparisons between Gloucester, Newburyport, Salisbury, and Winthrop. The Edward J. Collins, Jr. Center for Public Management recommends that the City of Amesbury should consider the creation of fees for the following areas:

- Clean Water Surcharge
- Residential & Commercial Ramps/Slips
- Dinghy Docking
- Mooring & Transient Recreational Docking
- Use of Waterways

At the recommendation of Chief Bailey, we are proposing the following Harbormaster Schedule of Fees with the intention of helping to support City services, including the Amesbury Harbormaster's Office.

**Schedule of Fees for the Harbormaster's Office (proposed)**

Type	Fee
Clean Water Surcharge	\$10 for boats greater than 19' (added to the Waterways Permit Fee)
Residential Ramp/Slip (Dock Permit)	\$100 for the season (includes both lakes and rivers)
Commercial Ramp/Slip Fee	\$1700 per season
Mooring Permit	\$100 per season

Waterways Permit Fee	\$5 x LOA along with proof of excise tax payment
Late Fee	\$75 per Fee (30 + days overdue)
Failure to pay	Failure to pay the above within 60 days of due date shall be grounds for the Harbormaster to refuse to allow the vessel to moor, dock, or otherwise be situated within the waters of Amesbury.

Projected revenues from the proposed Schedule of Fees are based on the following:

- There are 462 boats registered in Amesbury with over 65% of those being greater than 19' (Average boat length is 22 feet).
- There are 52 docks and 38 moorings (accounting for only about ½ on the lakes).
- There are 4 commercial marina's, 3 of which use the public ramp.
- The City currently invoices \$26,990 in excise tax, and receives an approximate 50% remittance.

<b>Type</b>	<b>Projected Revenue</b>
Clean Water Surcharge	\$3,003.00
Residential Ramp/Slip (Dock Permit)	\$5200.00 with an additional \$4000 for ramp usage fee
Commercial Ramp/Slip Fee	\$5100.00
Mooring Permit	\$3,800.00
Waterways Permit Fee	\$55,440 (Average length 22' = \$120.00 x 462 boats) \$11,716 (increase to 100% remittance of excise tax due to new requirement)
Late Fee	\$1000.00
<b>TOTAL</b>	<b>\$89,259.00</b>

# COMPREHENSIVE REVIEW OF MUNICIPAL FEES

## CITY OF AMESBURY, MASSACHUSETTS

EDWARD J. COLLINS, JR. CENTER FOR PUBLIC MANAGEMENT

NOVEMBER 2021

**Edward J. Collins, Jr. Center for Public Management**

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**McCORMACK GRADUATE SCHOOL OF POLICY AND GLOBAL STUDIES**

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## Harbormaster

The City of Amesbury’s Harbormaster Office is a function of the municipal Police Department. In the Project Team’s meeting with Acting Chief Craig Bailey, he felt the greatest opportunity for public safety to begin to generate revenue was through the implementation of a series of fees associated with use of the City’s waterways. Since two of the comparable municipalities used for the fee comparisons are landlocked and have no such comparable office, the municipal comparison was made between Gloucester, Newburyport, Salisbury, and Winthrop.

In the last several years, the City of Newburyport updated their Harbormaster fees in order to pay down expenses related to the construction of a new Harbormaster’s Office as well as simplify their fee structure. Newburyport’s revamp put a particular emphasis on fees related to docking on the waterfront, commercial vessels, moorings, annual waterway and annual mooring permits, and dinghy docking permits. These seem to form the crux of revenue to be generated by Newburyport’s Harbormaster fees.

Below is a fee schedule, partially consolidated in order to streamline the presentation of fees. While not all fees are ubiquitous across municipalities, major fees associated with Harbormaster services are featured. Based on the research, the City of Amesbury should consider the creation and/or updating of fees for the following areas:

- **Clean Water Surcharge**
- **Residential & Commercial Ramps/Slips**
- **Dinghy Docking**
- **Mooring & Transient Recreational Docking**
- **Use of Waterways**

Harbormaster Permit Type	Gloucester	Newburyport	Salisbury	Winthrop
Annual Clean Water Surcharge	N/A	\$10 if 19' LOA+	\$10 if 20' LOA +	N/A
Residential Ramp/Slip	\$8/day; \$75/season	\$10/day; \$100/season	\$4 x LOA; \$5 x LOA after July 1	\$5/day; \$105/season
Commercial Ramp/Slip	\$35/day; \$350/season	\$1,700/season	N/A	\$500 per season; Commercial Fisherman \$5.50 per month per foot fee for full summer, \$6.25 per month per foot fee for mid/half summer
Dinghies	\$100 if less than 12' LOA	\$250	\$20 x LOA, min. \$500	\$350 summer; \$150 winter
Excursion/Charter/Shuttle	N/A	N/A	N/A	\$1.50 per FT per use fee
House Boat Pump Out	N/A	N/A	\$300 per season, two pump outs per month	N/A
Late Fee for Renewals	N/A	\$25	N/A	N/A
Lost Decal/Sticker	\$10	N/A	N/A	\$50
Marina Permit Fee	N/A	N/A	\$25 small; \$75 large	\$105/FT May 1 - Oct 31

Harbormaster Permit Type	Gloucester	Newburyport	Salisbury	Winthrop
<b>Mooring Permit Fee</b>	\$8/FT for residents; \$10/FT for nonresidents; \$200 for transients	\$4 x LOA if under 17'; \$5 x LOA if over 17' (\$50 per night up to three nights if transient)	Minimum \$25 or \$1 x LOA	\$35/day; \$400/month; \$1,200/3 months; \$1,500/season
<b>Transient Recreational Docking</b>	\$40 per day	PER DAY: \$10 per three hours if under 20' LOA; \$20 per three hours if 20' - 40' LOA; \$30 per three hours if 41' - 60' LOA (no more than nine hours per day). OVERNIGHT: \$3 weekday/\$4 weekend/holiday/ special event if under 50' LOA; \$4 weekday/\$5 weekend/holiday/ special event if 51' - 100' LOA; \$5 weekday/\$6 weekend/holiday/ special event if over 101' LOA	\$50 (12' LOA or less); \$100 (12.1'-14' LOA); \$150 (14.1'LOA+); \$30 per night	\$2.50 per FT per four hours (\$10 min.)
<b>Use of Hoist Fee - Non Members</b>	N/A	N/A	\$50 per use; \$300 per season	\$100 per use
<b>Violation</b>	\$50	N/A	N/A	\$75
<b>Wait List Fee</b>	N/A	N/A	\$3/year	N/A
<b>Waterways Permit Fee</b>	\$10	\$5 x LOA	\$4 x LOA; \$5 x LOA after July 1	\$200 resident; \$250 non-resident
<b>Winter Season</b>	N/A	N/A	N/A	\$60 per FT

## Inspectional Services

The City of Amesbury's Inspectional Services Department handles permits related to Building, Electric, Plumbing & Gas, and also handles permitting for the Health Department.

There are a variety of ways in which the comparable municipalities charged fees, and as a result, it was difficult to draw exacting comparisons between all municipalities. Some municipalities charged or assessed fees based on different criteria, and are harder to compare in a direct fashion, with an emphasis on Building, Electric, Gas, and Plumbing. As a result, the Project Team broke out fees based on different municipalities and created a series of fee structures and types worth highlighting, with the aim of offering a series of options for consideration.

Because of the variation in type and the manner in which fees were assessed in comparable municipalities, the Project Team divided Building, Electric, Plumbing, and Gas fees into two types of fees: "baseline," which were the foundational format by which municipalities assessed fees, and "fees of note," which were more unique to individual municipalities. Some of these fees of note will be highlighted on a case-by-case basis for consideration.

Harbormaster Permit Type	Amesbury	Gloucester	Salisbury	Winthrop	Newburyport
Annual Clean Water Surcharge		N/A	\$10 if 20' LOA +	N/A	\$10 if 19' LOA+
Residential Ramp/Slip		\$8/day; \$75/season	\$4 x LOA; \$5 x LOA after July 1	\$5/day; \$105/season	\$10/day; \$100/season
Commercial Ramp/Slip		\$35/day; \$350/season	N/A	\$500 per season; Commercial Fisherman \$5.50 per month per foot fee for full summer, \$6.25 per month per foot fee for mid/half summer	\$1,700
Dinghies		\$100 if less than 12' LOA	\$20 x LOA, min. \$500	\$350 summer; \$150 winter	\$250
Excursion/Charter/Shuttle		N/A	N/A	\$1.50 per FT per use fee	N/A
House Boat Pump Out		N/A	\$300 per season, two pump outs per month	N/A	N/A
Late Fee for Renewals		N/A	N/A	N/A	\$25
Lost Decal/Sticker		\$10	N/A	\$50	N/A
Marina Permit Fee		N/A	\$25 small; \$75 large	\$105/FT May 1 - Oct 31	N/A
Mooring Permit Fee		\$8/FT for residents; \$10/FT for nonresidents; \$200 for transients	Minimum \$25 or \$1 x LOA	\$35/day; \$400/month; \$1,200/3 months; \$1,500/season	\$4 x LOA if under 17'; \$5 x LOA if over 17' (\$50 per night up to three nights if transient)
Transient Recreational Docking		\$40 per day	\$50 (12' LOA or less); \$100 (12.1'-14' LOA); \$150 (14.1' LOA+); \$30 per night	\$2.50 per FT per four hours (\$10 min.)	PER DAY: \$10 per three hours if under 20' LOA; \$20 per three hours if 20' - 40' LOA; \$30 per three hours if 41' - 60' LOA (no more than nine hours per day). OVERNIGHT: \$3 weekday/\$4 weekend/holiday/special event if under 50' LOA; \$4 weekday/\$5 weekend/holiday/special event if 51' - 100' LOA; \$5 weekday/\$6 weekend/holiday/special event if over 101' LOA;
Use of Hoist Fee - Non Members		N/A	\$50 per use; \$300 per season	\$100 per use	N/A
Violation		\$50	N/A	\$75	N/A
Wait List Fee		N/A	\$3/year	N/A	N/A
Waterways Permit Fee		\$10	\$4 x LOA; \$5 x LOA after July 1	\$200 resident; \$250 non-resident	\$5 x LOA
Winter Season		N/A	N/A	\$60 per FT	N/A

[HISTORY: Adopted by the Town of Amesbury as Art. 36 of the 1990 Bylaws; amended 5-14-2002 by Bill No. 2002-025. Subsequent amendments noted where applicable.]

## GENERAL REFERENCES

Wetlands protection — See Ch. 460.

### § 326-1 Use of cutting devices.

The use of gas-powered augers, chain saws or similar cutting devices on Lake Attitash, Lake Gardner, the Powow River, the Back River and pond ice is prohibited except between the hours of 9:00 a.m. and 4:00 p.m.

### § 326-2 Use of motorized vehicles and personal watercraft.

- A. The use of trucks, campers, trailers, automobiles, ski mobiles, or other motorized vehicles on Lake Attitash, Lake Gardner, the Powow River, the Back River and pond ice is prohibited.
- B. The operation of jet skis, surf skis, wet bikes, or other so-called personal watercraft in or upon that portion of Lake Attitash, Lake Gardner, the nontidal sections of the Powow River, the Back River and ponds over which the Town of Amesbury has jurisdiction is prohibited.<sup>[1]</sup>

[1] *Editor's Note: Original § 36.3, which immediately followed this section, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

### § 326-3 Vessel identification and certification.

- A. Number. All motorboats shall be identified as required by CMR 323.2.03 as follows: the first part of the number shall be an abbreviation in capital letters of the Commonwealth of Massachusetts "MS." The remainder of the boat number shall consist of not more than four Arabic numerals and not more than two capital letters, in sequence, separated by a hyphen or equivalent. Since the letters "I," "O" and "Q" may be mistaken for Arabic numerals, all letter sequences using "I," "O" and "Q" shall be omitted. The bow number shall be spaced: MS 9999 ZZ. Objectionable words formed by the use of two or three letters may not be used.
- B. Motorboats owned by a dealer or manufacturer and which are being used for purposes other than testing or demonstrating shall have permanent numbers.
- C. Decal. In addition to displaying the identification number of a vessel as required by MGL c. 90B, § 3, the owner of a vessel shall display at the end of such number the then current registration decal of the Division of Law Enforcement on port (left) of the vessel within six inches of the final identification number or letter, as the case may be. For example, MS 9999 ZZ □, with the □ being the decal.

### § 326-4 Certificate to be carried.

Motorboat operators shall always carry the certificate on the motorboat when in use.

### § 326-5 Equipment.

- A. Motorboats shall be provided with the following: anchor, line, bailer, and paddle.
- B. Motorboats shall be provided with lighting, signaling and fire-extinguishing and -control devices as defined below.
  - (1) Motorboats subject to the provisions of this Subsection B shall be divided into four classes as follows:
    - (a) Class A: less than 16 feet in length.
    - (b) Class 1: 16 feet or over and less than 26 feet in length.
    - (c) Class 2: 26 feet or over and less than 40 feet in length.
    - (d) Class 3: 40 feet or over.
  - (2) Every motorboat in all weathers from sunset to sunrise shall carry and exhibit the following lights when underway, and during such time no other lights which may be mistaken for those prescribed shall be exhibited.
    - (a) Every motorboat of Classes A and 1 shall carry the following lights:
      - [1] First. A bright white light aft to show all around the horizon.
      - [2] Second. A combined lantern in the fore part of the vessel and lower than the white light aft, showing green to starboard and red to port, so fixed as to throw the light from right ahead to two points abaft the beam on their respective sides.
    - (b) Every motorboat of Classes 2 and 3 shall carry the following lights:
      - [1] First. A bright light in the fore part of the vessel as near the stern as practicable, so constructed as to show an unbroken light over an arc of the horizon of 20 points of the compass, so fixed as to throw the light 10 points on each side of the vessel, namely, from right ahead to two points abaft the beam on each side.
      - [2] Second. A bright white light aft to show all around the horizon and higher than the white light forward.

- [3] Third. On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side. On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw light from right ahead to two points abaft the beam on the port side. Said lights shall be fitted with inboard screens so set as to prevent these lights from being seen across the bow.
- (c) Motorboats of Classes A and 1 when propelled by sail alone shall carry the combined lantern, but not the white light aft, prescribed by Subsection B(2)(a) of this section. Motorboats of Classes 2 and 3, when so propelled, shall carry the colored lights, suitably screened, but not the white lights prescribed by Subsection B(2)(b) of this section. A motorboat of Class A, 1, 2 or 3 of Subsection B(1) of this section when propelled by sail alone, if not otherwise required or authorized by this section to carry one or more lights visible from aft, shall carry at her stern a white light so constructed that it shall show an unbroken light over an arc of the horizon of 12 points of the compass, so fixed as to show the light six points from right aft on each side of the vessel. Such light shall be carried as nearly as practicable on the same level as the side lights. In a small motorboat propelled by sail alone, if it is not possible on account of bad weather or other sufficient cause for this light to be fixed, an electric torch or lighted lantern shall be kept at hand ready for use and shall, on the approach of an overtaking vessel, be shown in sufficient time to prevent collision.
- (d) Every white light prescribed by this section shall be of such character as to be visible at a distance of at least two miles. Every colored light prescribed by this section shall be of such character as to be visible at a distance of at least one mile. The word "visible" in this subsection, when applied to lights, shall mean visible on a dark night with clear atmosphere.
- (e) When propelled by sail and machinery, every motorboat shall carry the lights required by this section for a motorboat propelled by machinery alone.
- (3) Every motorboat of Class 1, 2 or 3 shall be provided with an efficient whistle or other sound-producing mechanical appliance.
- (4) Every motorboat of Class 2 or 3 shall be provided with an efficient bell.
- (5) Lifesaving devices.
  - (a) Every vessel shall carry one Coast Guard approved personal flotation device (PFD) for each person on board, in good and serviceable condition in a readily accessible location.
  - (b) Every motorboat shall carry at least one personal flotation device (PFD) for each person aboard as additionally defined below:
    - [1] Every Class A motorboat shall carry at least one personal flotation device of Type I, Type II, or Type III for each person on board.
    - [2] Every motorboat of Class 1, 2, and 3 shall carry at least one personal flotation device of Type I, II or III for each person aboard, plus one Type IV as a throwable device.
  - (c) Such devices shall be clearly labeled or imprinted as such and placed so as to be readily accessible in the motorboat and maintained in good and serviceable condition and appropriate size for whom it is intended. Devices designed to be thrown, such as a ring buoy or buoyant cushion, shall be readily available on the motorboat. Devices which use kapok or fibrous glass for flotation material shall have such material encased in plastic covers. Every motorboat carrying passengers for hire shall carry at least one Coast Guard approved life preserver or Type I personal flotation device for each person on board so placed as to be readily accessible for use.
- (6) Every motorboat shall be provided with such number (as specified in this subsection), size and type of fire extinguisher capable of promptly and effectually extinguishing gasoline, as may be prescribed by the regulations of the Director of the Division of Law Enforcement, which fire extinguishers shall be at all times kept in condition for immediate and effective use and shall be so placed as to be readily accessible. Fire extinguishers shall be provided as follows:<sup>[1]</sup>

**Minimum Number of B-1 Hand Portable Fire Extinguishers Required\***

Class of Motorboat	Length (feet)	Fixed Fire Extinguishing System in Machinery Space		
		No Fixed Fire Extinguishing System in Machinery Space	Foam	Carbon Dioxide
A	Under 16	0		
1	16 and over, but under 26	1		
2	26 and over, but under 40	2		
3	40 and over	3		

  

Classification Type-Size	Fire Extinguisher Classification		
	Foam (gallons)	Carbon Dioxide (pounds)	Dry Chemicals (pounds)
B-1	1 1/4	4	4
B-2	2 1/2	15	12

## Note:

\* One B-2 hand portable fire extinguisher may be substituted for two B-1 hand portable fire extinguishers.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

### § 326-6 Operation.

- A. All motorboats must be operated in such a manner and at such a distance to prevent their wash from being thrown into or causing excessive rocking to other vessels, rafts, or floats.
- B. Water-skiers shall ski at a safe distance to prevent their wash from being thrown into or causing excessive rocking to other vessels, rafts, or floats.
- C. Motorboats shall not be operated:
- (1) Within 150 feet of shoreline which is being used as a swimming area, whether public or private; or
  - (2) Within 75 feet of the seaward boundary of a public bathing beach, if designated by markers, floats or otherwise.
- D. No person shall operate a motorboat, or any other vessel as defined by MGL c. 90B, § 1, as amended, in the waters of the Town of Amesbury in such a manner so that the life and/or safety of any person may be endangered, nor shall any motorboat or vessel be so operated in waters of the Town of Amesbury in such a manner which would endanger any person or any property by the wake or wash of said motorboat or vessel.<sup>[1]</sup>
- [1] *Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
- E. This section shall apply to motorboats, barges, water-skiers, or other devices being towed by power, and the operator of the towing vessel shall be responsible for compliance therewith.

### § 326-7 Guardrails.

A person operating a motorboat underway shall not permit anyone to ride or sit on the gunwales or on the decking of a bow, unless the motorboat is equipped with adequate guardrails to prevent persons from falling overboard. This provision shall not apply so as to prevent persons aboard a motorboat from standing on the decking over the bow in order to secure the motorboat to a mooring buoy or cast off from a buoy or for another necessary purpose.

### § 326-8 Headway speed.

- A. A motorboat shall not be operated at more than headway speed:
- (1) When the operator's vision is obscured under a bridge or by bends or curves or in any other manner.
  - (2) When the motorboat is operated within 150 feet of a marina, boat launching facility, raft or float.
  - (3) When the motorboat is operated within 300 feet of a public bathing beach unless operating in an area designated for waterskiing.
  - (4) When the motorboat is in a channel, unless a duly authorized local, state or federal marine enforcement agency has permitted otherwise and placed markers in the channel indicating the permitted speed.
  - (5) When the motorboat is operated within 150 feet of a swimmer.
- B. Headway speed is the slowest speed at which a motorboat may be operated and maintain steerage way, but not to exceed six miles per hour except in the case of jet ski watercraft, surf jet watercraft, wet bike watercraft and so-called personal watercraft which may need to operate at a speed in excess of six miles per hour to maintain steerage way.

### § 326-9 Aids to navigation.

Vessels shall not be moored to aids to navigation. No person shall willfully destroy, move, injure, deface, or remove any aid to navigation established or placed by any governmental entity.

### § 326-10 Discharge.

The discharge of raw sewage, garbage, rubbish or debris on or into the waters of the Town of Amesbury is prohibited.

### § 326-11 Overloading.

No vessel may be operated in an overloaded condition. "Overloaded condition" means that the number of persons on board and/or the cargo being carried exceeds the manufacturer's recommended limit for such vessel or is excessive given wind, water and weather conditions.

### § 326-12 Jet ski watercraft; personal watercraft.

- A. Any person aboard a jet ski watercraft, surf jet watercraft, wet bike watercraft or other so-called personal watercraft shall wear at all times a Coast Guard approved personal flotation device of Type I, II, or III.
- B. No person shall tow a water-skier or a person in any other manner from a jet ski watercraft, surf jet watercraft, wet bike watercraft or any so-called personal watercraft.
- C. No person shall operate a jet ski watercraft, surf jet watercraft, wet bike watercraft or any so-called personal watercraft during the nighttime.

### § 326-13 Waterskiing.

- A. Any person waterskiing or being towed in any manner shall wear a Coast Guard approved personal flotation device of Type I, II or III, except persons engaged in slalom skiing on a marked course or persons engaged in barefoot, jump or trick skiing who may elect to wear, in lieu of a Coast Guard approved personal flotation device and at their own risk, a wet suit designed specifically for such activity, provided that:
- (1) The device must be marketed by the manufacturer as a water ski wet suit.
  - (2) The device must be constructed of nylon-covered Neoprene or similar material and have either long or short arms and legs.
  - (3) The device must be equipped with additional flotation/padding material of a closed cell nonabsorptive type such as a PVC foam or Ensolite. This flotation/padding must be sewn into the device according to the following:
    - (a) On the front extending from the clavicle to the top of the pelvis vertically and covering the front rib cage and covering as much of the side area as feasible. The maximum gap between padded areas on the side of the suit under the arm is four inches;
    - (b) On the rear of the device padding/flotation material must cover the area from the top of the shoulder blade to the top of the pelvis and span the entire width of the back; and
    - (c) Padding/flotation shall be at least 1/2 inch thick. This thickness excludes any covering material thickness.
  - (4) A Coast Guard approved personal flotation device Type I, II, or III must be carried in the tow boat for each skier electing to wear a water ski wet suit.
- B. No person shall use any water skis, surfboard or similar device on the waters of the City negligently so as to endanger the lives or safety of the public or use any water skis, surfboard or similar device thereon in the nighttime.
- C. No person shall operate any motorboat on the waters of the commonwealth towing a person or persons on water skis, a surfboard or other similar device, unless there is in such motorboat a person who has attained age 12 in addition to the operator in a position to observe the person or persons being towed and unless such motorboat is equipped with a ladder, steps or similar means by which any person being towed can be taken from the water.

### § 326-14 Canoeing or kayaking.

Any person aboard a canoe or kayak between January 1 and May 15 and between September 15 and December 31 shall wear at all times a Coast Guard approved personal flotation device of Type I, II, or III except persons aboard vessels excluded by MGL c. 90B, § 5A.

### § 326-15 Speed limit.

No motorboat shall be operated at any time on the waters of Lake Attitash, Lake Gardner, the Powow River, the Back River, the Merrimack River and ponds over which the Town of Amesbury has jurisdiction at a speed greater than is reasonable and proper, having regard for the lives and safety of the public; the state of visibility; the traffic density; the maneuverability of the vessel; the state of wind, water and current; and the proximity of navigational hazards. Speed by a motorboat in excess of 45 miles per hour shall be presumed to be in excess of a reasonable and proper speed.

### § 326-16 Personal flotation devices for children.

Any person under 12 years of age aboard any vessel on the waters of the commonwealth shall wear at all times a Coast Guard approved personal flotation device of Type I, II or III.

### § 326-17 Safety certificate for minors.

- A. Operation. On every motorboat being operated by a person under the age of 16 years old there shall be a safety certificate issued in the name of such operator. A safety certificate shall be issued to any person under 16 years of age who satisfactorily completes a training course in safe motorboat operation conducted by the United States Coast Guard Auxiliary, the United States Power Squadron (Squadron), the Division of Law Enforcement, a boating safety agency of any state of the United States of America, or such other entity approved in writing by the Director.
- B. Minimum age. No person shall operate a personal watercraft if such person is:
- (1) Under the age of 16.
  - (2) Sixteen or 17 years of age without first having received a safety certificate evidencing satisfactory completion of a training course in safe operation conducted by the United States Coast Guard Auxiliary, the United States Power Squadron, the Division of Law Enforcement, or such other entity approved in writing by the Director of the Division of Law Enforcement.

### § 326-18 Personal watercraft.

- A. Evening operation. No person shall operate a personal watercraft between the hours of sunset and sunrise or when vision is unduly restricted by the weather.
- B. Safe operation. No person shall operate a personal watercraft except in a safe and prudent manner, having due regard for other waterborne traffic, posted speed and wake restrictions, and all other attendant circumstances, so as not to endanger the life, limb or property of any person.

- C. Negligent operation. No person shall operate a personal watercraft in a negligent manner. The following are prohibited as examples of negligent operation:
- (1) Unreasonably jumping, or attempting to jump, the wake of another vessel;
  - (2) Following within 150 feet of a water-skier;
  - (3) Weaving through congested vessel traffic;
  - (4) Speeding in restricted areas;
  - (5) Crossing unreasonably close to another vessel;
  - (6) Operating a personal watercraft in such a manner that it endangers the life, limb or property of any person;
  - (7) Towing a water-skier, any person, or any device in any manner from a personal watercraft; and
  - (8) Operating a personal watercraft during the evening, as defined by Subsection A.
- D. Proximity. No person shall operate a personal watercraft:
- (1) Within 150 feet of shore or a moored vessel except at headway speed;
  - (2) Within 150 feet of a public bathing area;
  - (3) Between 150 and 300 feet of a public bathing area except at headway speed; or
  - (4) Within 150 feet of a swimmer in the water.
- E. Automatic cutoff. Every person operating a personal watercraft equipped by the manufacturer with a lanyard-type engine cutoff switch shall attach said lanyard to his person, clothing, or personal flotation device as is appropriate for the specific craft.

### § 326-19 Violations and penalties.

- A. The enforcement of this chapter shall be under the jurisdiction of the Harbormaster and his assistants and members of the Amesbury Police Department.
- B. Violation of this chapter shall result in a fine as provided in § 1-2 of this Code. Each day a violation of any section of this chapter continues shall constitute a separate offense.<sup>[1]</sup>

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*