

CLARKS COVE LANDING
Proposed Regulations
(June 10, 2010)

SECTION 1. CLARKS COVE LANDING

Sub-Section 1. VEHICLES

No person shall leave any wagon, cart, automobile, trailer, nor other vehicle, nor any boat, or part thereof, nor accessories thereto, nor articles of any kind on any area of the Clarks Cove Landing, nor Rogers or Saint John Streets * for a period of more than twenty-four hours except with the approval of the Harbor Master. [*beyond the posted hours of operation of the facility without prior approval of the harbormaster. Property remaining beyond the posted hours of operation shall be removed at the expense of the property owner at the direction of the Harbormaster or Police.]

Sub-Section 2. PARKING AREA

The Harbor Master hereby is instructed and authorized to maintain, define and post an area of the said Clarks Cove Landing to be used solely for the parking of motor vehicles and trailers used for the conveyance of boats. No such motor vehicle or trailer shall be parked in any area of the said Clarks Cove Landing except the area so reserved, provided, however, that the foregoing shall not preclude the right of any person to park a motor vehicle and/or trailer on any area of the said Landing while actually in the process of removing a boat to or from the water. Annual and daily Town Landing fee is to be posted.

Sub-Section 3. FINES

Whoever violates any of the provisions hereof shall be punished by a fine not exceeding the amount specified by Town parking or other by-law infraction for each offense.

SECTION 2. CLARKS COVE LANDING

Sub-Section 1. USE OF PIER, RAMP OR FLOAT

No person shall use the pier, ramp or float for any purpose unless he first shall have obtained a permit from the Board of Selectmen therefor. The foregoing shall not apply to any bonafide fisherman actually engaged in his occupation as a shellfish fisherman who holds a Commercial Shellfish License issued by the Board of Selectmen as defined by the Rules and Regulations of the Shellfishery of the Town of Dartmouth as adopted by the said Board of Selectmen.

Sub-Section 1A COMMERCIAL FISHING

Notwithstanding the second sentence of Sub-Section 1 hereof, the use of the pier and float for commercial fishing purposes of any kind from June 1st through September 30th hereby is prohibited.

Sub-Section 2. FEE FOR LAUNCHING PERMIT

The Annual fee for the Launching Permit aforesaid shall be (\$____.00) _____ dollars, payable on receipt thereof and each Launching Permit so issued shall be effective for the calendar year during which it has been issued.

CLARKS COVE LANDING (cont'd)

Sub-Section 3. LAUNCHING PERMIT REQUIREMENTS

Each Launching Permit application shall contain on its face the registration number of the motor vehicle or vehicles and the identifying registration number or other means of identification of the boat to which it applies, the name of the person to whom issued and the address of such person.

Sub-Section 4. LAUNCHING PERMIT NUMBERED

Each Launching Permit so issued shall be numbered by the municipality.

Sub-Section 5. ONE LAUNCHING PERMIT PER BOAT

Each Launching Permit shall apply to a single [vehicle and] boat; any person launching more than one boat shall have in his possession a Launching Permit for each boat so launched unless he shall have obtained from the Board of Selectmen a Special Launching Permit therefor as hereinafter defined in Sub-Section 6 hereof.

Sub-Section 6. PROPRIETORS OPERATING BOATYARDS

The proprietor or proprietors operating a boatyard or other establishment for the storage, maintenance, repair, [transport] or manufacture of boats of any kind, if such proprietor or proprietors so elects, may obtain a single Special Launching Permit to launch any number of said boats which have been in the custody and control of such proprietor or proprietors for the purpose of storage, maintenance, repair or manufacture and which have been transported over the public ways to the Clarks Cove Landing to be so launched.

Sub-Section 7. FEE FOR SPECIAL LAUNCHING

The fee for a Special Launching Permit as described in Sub-Section 6 hereof shall be three hundred (\$300) dollars per year, or fifty dollars (\$50) per day payable on receipt thereof and each Annual Special Launching Permit so issued shall be effective for the calendar year during which it shall have been issued, or for the single day issued for daily permits.

Sub-Section 8. LAUNCHING AREA - SIZE

The launching area to which reference is made hereinafter shall include a radius of one hundred feet from the ramp on the shore.

Sub-Section 9. LAUNCHING AREA - DEFINED

The launching area shall be clearly defined by signs, posters, or other means.

CLARKS COVE LANDING (cont'd)

Sub-Section 10. BOAT LAUNCHED FORTHWITH

Any boat brought within the launching area shall be launched forthwith, or it shall be removed in order that another may use the ramp without delay.

Sub-Section 11. LAUNCHING AREA - NO PARKING

No person shall park a motor vehicle or a trailer within the launching area [for longer than 15 minutes].

Sub-Section 12. NO OVERNIGHT PARKING

No person shall park a motor vehicle or a trailer overnight on any area of the Clarks Cove Landing.

Sub-Section 13. TOWN OF DARTMOUTH NOT LIABLE

The Town of Dartmouth shall not be responsible nor held liable for any stolen property, any loss of goods, nor for any acts of damage or vandalism to the property of any person, nor injury to any person.

Sub-Section 14. TIME LIMIT - PIER

No person shall fasten his boat to the pier, nor cause his boat to remain in the vicinity of the pier for a greater period of time than one hour for the purpose of fueling, loading or unloading the same.

Sub-Section 14A. TIME LIMIT - FLOAT

No person shall fasten his boat to any float, nor cause his boat to remain in the vicinity of the launch area to the exclusion of the ramp area's use to another person for a greater period of time than fifteen minutes for the purpose of fueling, loading or unloading the same, nor for the purpose of embarkation or debarkation of one or more passengers therefrom.

Sub-Section 15. PERMIT ON PERSON

Every holder of a Launching Permit or a Special Launching Permit shall have said permit properly displayed on his vehicle while on the premises of Clarks Cove Landing for the purpose of launching a boat. [Failure to properly display a launch/parking permit may cause violation notice/parking ticket to be attached and due.]

Sub-Section 16. AUTHORIZED PERSONS

The Board of Selectmen hereby designates and delegates any police officer, any constable, the Shellfish Constable or any deputy or assistant shellfish constable, The Harbormaster or any Assistant Harbormaster duly appointed, to act as an authorized person for the purpose of carrying out and executing the provisions of the rules contained herein.

CLARKS COVE LANDING (cont'd)

Sub-Section 17. PERMITS DISPLAYED

Every holder of a Launching Permit or a Special Launching Permit shall display his permit forthwith when requested to do so by any authorized person.

Sub-Section 18. REQUEST FROM AUTHORIZED PERSON

Every holder of a Launching Permit or a Special Launching Permit shall comply forthwith with any reasonable request made to him by any authorized person.

Sub-Section 19. REVOCATION OF PERMIT

It shall be sufficient notice of revocation of any Launching Permit to give such notice by mailing same by [first class] certified mail to the address of the holder of such permit as contained in the files of the office of the Board of Selectmen or by serving said notice directly to said holder and removing said permit from any vehicle by any authorized person.

Sub-Section 20. ELIGIBILITY FOR PERMIT

Any person resident within the Commonwealth of Massachusetts, who is not delinquent in any financial obligation to the Commonwealth or any subdivision thereof, shall be eligible to receive a Launching Permit. The term "resident" shall mean any person who actually resides within said Commonwealth. Such person's license to operate motor vehicles issued by the Registry of Motor Vehicles of the Commonwealth of Massachusetts shall be prima facie evidence of such residence.

Sub-Section 21. DIVING OR SWIMMING IN LAUNCHING AREA

No person shall at any time [dive from the pier, nor] swim in any area within one hundred yards of the ramp area.

Sub-Section 22. PARKING WITHOUT PERMIT -

No motor vehicle or trailer shall park in the Clarks Cove Landing without an annual Launching Permit, daily permit or Special Launching Permit. Any motor vehicle or trailer without such a permit parked in the Clarks Cove Landing shall be fined in accordance with the current schedule of town parking violations and may be towed at the expense of the owner.

Sub-Section 23. BOATS THAT DRAW WATER

No boat that draws three feet or more of water shall be launched at the Clarks Cove Landing for the period commencing two hours before and ending two hours after mean low tide.

Sub-Section 24. HOURS OF OCCUPANCY OR USE.

No person, vehicle or vessel may be within the confines of the Rogers Street facility between the hours of _____ p.m. and _____ a.m. for any purpose without prior written permission of the Dartmouth Harbormaster. Vehicles or vessels found within the facility outside of those open hours are subject to removal at the owner's expense. People found within the facility outside of those open hours are subject to prosecution for trespassing.

Sub-Section 25. MONTHS OF OCCUPANCY OR USE.

No person, vehicle or vessel may be within the confines of the Rogers Street facility between November 1st and April 1st of any year for any purpose without prior written permission of the Dartmouth Harbormaster. Vehicles or vessels found within the facility outside of those open hours are subject to removal at the owner's expense. People found within the facility outside of those open hours are subject to prosecution for trespassing.