

Chapter 123

DOCKS, PIERS, BERTHS AND MOORING

[HISTORY: Adopted by the Town Meeting of the Town of Charlton 5-19-2014 by Art. 21. Amendments noted where applicable.]

GENERAL REFERENCES

Penalties — See Ch. 10.

Zoning — See Ch. 200.

Preamble: In order to better control the use of Town-owned land, prevent unauthorized or overburdening use of same, ensure adequate public access, and facilitate the effective management of certain uses of same, the following bylaw has been adopted as to land owned by the Town of Charlton, or in which it has an easement for public access, in or abutting waters owned by the Town of Charlton.

§ 123-1. Authority; rules and regulations; enforcement.

- A. This bylaw is adopted by the Town of Charlton pursuant to the powers provided or reserved to it by the Massachusetts Home Rule Amendment, any applicable Massachusetts General Laws and regulations, and any other applicable legal authority.
- B. Any violation of this bylaw may be enforced by the Chief of Police or by any police officer of the Town of Charlton, including without limitation under the provisions of MGL c. 40, § 21, or through the noncriminal disposition procedure under MGL c. 40, § 21D, as set forth in Chapter 10, Article I, of the Charlton General Bylaws. Such remedies shall not be exclusive but shall instead be in addition to any and all other rights and remedies, whether legal or equitable in nature, which the Town may have as to the subject matter covered by this bylaw.

§ 123-2. Definitions.

The following words, for the purposes of this bylaw, unless another meaning is clearly apparent from the way the word is used, shall have the following meanings:

BERTH — (n.) A place for a vessel to dock or anchor; (v.) to bring a vessel to, or maintain a vessel in, a berth; to dock.

DOCKS/PIERS — (The terms "dock" and "pier" shall be used interchangeably for the purposes of this bylaw.) The entire structure of any pier, wharf walkway, bulkhead, or float, and any part thereof, including pilings, ramps, walkways, float, tie-off pilings, dolphins and/or outhaul posts, that is located on a Town-owned bank, or Town-owned land under a Town-owned water body or waterway.

MOORING — The act or an instance of securing or making fast a vessel to the shore, the bottom or a structure, as by a cable or anchor; a place or structure to which a vessel can be moored; equipment, such as anchors or chains, for holding fast a vessel.

PERSON — Any individual, partnership, association, trust, firm, corporation, limited-liability company or other legal entity, excluding the Town of Charlton or any board, commission, department or agent of same authorized by the Charlton Board of Selectmen, and any other public or quasi-public agency or authority, if any, having the legal right to do anything otherwise proscribed by this bylaw.

PRIVATE DOCK/PIER — A dock/pier (as defined above) for residential use.

VESSEL — Every type of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on the water.

§ 123-3. Moorings and docks.

- A. No dock, pier, mooring, float or other structure or object shall be affixed to, placed or maintained on any Town-owned bank or other Town-owned land, including any such located under a body of water, or any Town-owned easement, by any person other than the Town itself or one of its duly authorized boards, commissions or agencies; provided that:
 - (1) As to any such Town-owned easement, this provision shall apply only to the extent that the Town's easement interest so permits; and
 - (2) Nothing in this bylaw is intended to, nor shall, unreasonably restrict or impair any legal right of any owner of land abutting any such body of water.
- B. Exception. Private docks and moorings will be permitted only on land contiguous to the parcel being served and with the written permission of the land owner. Docks will be placed in such a manner as to allow access to the water for associated uses and vessel berthing, but not in such a manner as to impede the rights of others or cause a safety or navigational hazard. Slalom courses, ski jumps, and navigation aids are exempt as long as they are placed in such a manner as not to impede the rights of others or cause a safety or navigational hazard.

§ 123-4. Inspection.

The Charlton Police may inspect any dock/mooring/berth; and may require removal of any dock/mooring/berth that fails to meet the provisions of this bylaw.

§ 123-5. Moving, relocating or removal.

Any expense of such removal, and any expense incurred by the Town, including reasonable attorney fees, shall be the responsibility of the owner of said dock/mooring/berth.

§ 123-6. Violations and penalties.

- A. The owner of any dock/mooring/berth or other structure or object found in violation of this bylaw, or any rule or regulation adopted hereunder, shall be liable to the following fines:
- (1) First offense: fifty dollars (\$50).
 - (2) Second offense: seventy-five dollars (\$75).
 - (3) Third and each subsequent offense (within a calendar year): one hundred dollars (\$100).
- B. Each day when a violation continues shall constitute a separate offense and shall be subject to a separate, additional fine.

§ 123-7. Severability.

Nothing in this bylaw is intended to, nor shall, contravene or alter in any way any provision of Massachusetts or federal law or regulation. If any provision of this bylaw is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the bylaw shall not be invalidated.