

Town of Eastham

BOATING BYLAW

SECTION I. Definitions

§ 30-1 - Definitions. As used in this bylaw the following terms have the following meanings:

Personal Watercraft - A vessel usually less than 16 feet in length (measured from end to end over the deck excluding shear) which uses an inboard, internal combustion engine powering a water jet pump as its primary source of propulsion. The vessel is intended to be operated by a person or persons sitting, standing or kneeling on the vessel rather than within the confines of the hull. Personal watercraft includes vessels commonly referred as jet ski, waverunner, wavejammer, wetjet, sea-doo, wet bike, and surf jet.

Waterskiing - For the purpose of this bylaw, shall include towing or manipulating a surfboard, inner-tube or other similar watersport device towed or riding the wake behind a motor vessel.

Vessel - includes all types of watercraft including non-displacement craft and seaplanes used or capable of being used as a means of transportation on water.

Hydrofoil – a motorized surfboard designed to lift the vessel above the water surface as it gains speed.

SECTION II – General Regulations

§ 30-2. Applicability. This bylaw is issued under the authority of Massachusetts General Laws Chapter 90B, Section 15. The bylaw is intended to promote the protection of public safety and welfare by encouraging voluntary compliance, and by deterring noncompliance through penalties and fines. This bylaw shall apply to all persons, vessels or objects on or using the waterways of the Town of Eastham.

§ 30-3. Horsepower limit. No motorboat or vessel shall be operated on any pond other than Great Pond that has a total horsepower in excess of three as defined by manufacturer's specification.

§ 30-4. Operation near swimming areas. No motorboat or vessel shall be operated within 150 feet of any swimming area designated by the Board of Selectmen and marked by buoys.

§ 30-5. Operation on freshwater ponds. No person shall operate, or permit to be operated, any motorboat or vessel, except a seaplane, on any freshwater pond in the Town of Eastham which violates any of the following regulations:

- A. No motorboat or vessel shall be operated on, or placed on, any freshwater pond without an annual inspection permit from the Natural Resources Department of Eastham. Said permit shall be kept on board and available for examination.
- B. No motorboat or vessel shall be operated at a speed in excess of 30 miles per hour.

- C. No motorboat or vessel shall be operated by a minor under the age of 16 years without a person 18 years, or over, aboard.
- D. The maximum horsepower for all motorboats and vessels operated on Great Pond is fifty (50) horsepower.
- E. The maximum horsepower for all motorboats and vessels operated on all other freshwater ponds in Eastham other than Great Pond is three (3) horsepower.
- F. No racing-type motorboats or vessels, i.e., hydroplanes, or jet skis, so-called, shall be operated at any time on any freshwater pond within the Town of Eastham. Hydrofoils may only be operated on Great Pond.
- G. Gasoline tanks shall not be filled while a boat or vessel is in the water or within 50 feet of the edge of a freshwater pond.
- H. No motorboat or vessel shall be used for waterskiing except on even-numbered days. Tow lines shall not exceed 75 feet in length and only one skier may be towed per boat. All waterskiing shall be conducted in a counterclockwise direction, and all stops and starts shall be in deep water (five feet or more.)
- I. No waterskiing shall be allowed on any freshwater pond other than Great Pond.
- J. Hours for waterskiing shall be from 7:00 a.m. to ½ hour before sunset.

§ 30-6. Waterskiing on Salt Pond prohibited. Waterskiing on Salt Pond is hereby prohibited.

SECTION III. Personal Watercraft

§ 30-7. Areas in which operation prohibited. Except as provided in § 30-9, the operation of personal watercraft is prohibited in the waters of the Town of Eastham in the following areas:

- A. Within the boundaries of the Cape Cod National Seashore as set forth in Public Law 87-126, 7 August 1961, 75 Stat. 293, and as most recently surveyed by the U.S. Department of Interior.
- B. Tidal waters of Town Cove, Nauset Harbor, Nauset Marsh, Hemenway, Salt Pond, Station Bay and any adjoining rivers, inlets, coves, embayments, ponds or harbors.
- C. Herring River (Bee's River so-called), Hatches Creek, Boat Meadow Creek, or within 100 yards of public beaches or designated town swim areas.

§ 30-8. Operation in prohibited areas by governments or for emergency purposes.

Personal watercraft may be operated within the waters described in § 30-7 as follows:

- A. The personal watercraft is owned or licensed by the United States, the Commonwealth of Massachusetts, or the Town of Eastham and/or County of Barnstable and used solely for official purposes and is clearly identifiable.
- B. The personal watercraft is needed for emergency purposes when there is reasonable belief that such use is necessary to protect persons, animals, or property.

SECTION IV. No Wake Zones

30-9. No Wake Zones

1. Vessels shall operate at only headway speed so as to make no wake in all areas listed below:

- A. Vessels shall make no wake within 150 feet of bathers, swimmers, divers, piers, docks, floats, moored vessels, small boats propelled by means other than machinery, vessels not underway, shorelines used as swimming areas, or the shoreline. Wake is considered a part of the vessel, and vessel owners and operators are responsible for any damage or injury caused by their vessel's wake regardless of whether they are in a designated No Wake Zone.
- B. The number and location of "no wake" zones may be modified at the discretion of the Harbormaster, provided that such action is approved by the Select Board and that a two-week period for public comment is allowed prior to any change(s).

30-10. The following areas are classified as "no wake" zones:

- A. The entrance to Rock Harbor, including the entire inner basin.
- B. Hemenway Landing:
 - In the waterway nine-hundred feet northerly of the Hemenway Town Landing.
 - In the waterway in front of Fort Hill four thousand feet southerly of Hemenway Town Landing.
- C. The entirety of Cable Creek out to and including the Nauset Inlet mooring field, as designated by the Harbormaster.
- D. Herring River (Bee's River so-called), Hatches Creek, Boat Meadow Creek.

§ 30-11 Severability

If any section, paragraph, sentence clause, or phrase of this Bylaw is held invalid or unconstitutional, such portion shall be deemed a separate and distinct provision and such decision shall not affect the validity of the remaining portions of these Bylaw which shall remain in force and effect; and to this end, the provisions of this Bylaw are hereby declared severable.

§ 30 -12. Violations and penalties. In addition to any other legal remedies that may be available, the Harbormaster or other designated enforcing person, may enforce this By-law by Non-Criminal Disposition.

If a Non-Criminal Disposition process, as provided in Massachusetts General Laws, Chapter 40, Section 21D and Section 1-2 of the Town's General Bylaws is selected, then any person who violates the provisions of this bylaw shall be subject to the following enforcement fines and penalties.

The enforcing officer may give a written Warning for the first offense or shall impose the following fines:

First Offense: \$50.00

Second Offense: \$100.00

Third Offense and subsequent offenses: \$300.00

Each day or portion thereof shall constitute a separate offense. If more than one, each provision violated shall constitute a separate offense.

The Town may enforce this Bylaw or enjoin violations thereof through any lawful process, and the election of one remedy by the Town shall not preclude enforcement through any other lawful means

In addition to a fine, violation of any provision of this bylaw may, after a public hearing held by the Select Board, result in loss of any or all of the following Town permits for one year from the date of the violation: Shellfish Permit, Freshwater Launch Permit, Mooring Permit, Vessel Storage Permit.