

City of Fall River Massachusetts

Office of the City Clerk

ALISON M. BOUCHARD
CITY CLERK

FEBRUARY 22, 2013
MEETINGS SCHEDULED FOR NEXT WEEK

INÊS LEITE
ASSISTANT CITY CLERK

TUESDAY, FEBRUARY 26, 2013

5:00 P.M. COMMITTEE ON REAL ESTATE

6:00 P.M. COMMITTEE ON FINANCE

1. *Mayor and order re Small Personal Property and Real Estate Residential Tax Exemptions
2. *Discussion re increased water bills due to equipment malfunctions

AGENDA

7:00 P.M. REGULAR MEETING OF THE CITY COUNCIL

PRIORITY MATTERS – None

PRIORITY COMMUNICATIONS

1. Planning Board voted to recommend acceptance of Robb Way
2. Planning Board voted to recommend acceptance of North Underwood Street

COMMITTEE REPORTS – None

ORDINANCES

Second Reading and Enrollment:

3. *Traffic, misc.
4. *Traffic, 30-minute parking on Osborn Street
5. *Harbor Rules and Regulations for Moorings, Mooring Permits and Anchoring

RESOLUTIONS

6. *Com. on Finance meet w/Admin. of Public Utilities & Dir. of Water Division to discuss "water bleeders"
7. *Corporation Counsel draft ordinance to establish Community Preservation Committee
8. *Com. on Ordinances & Legislation review Sec. 66-63 regarding parades and processions
9. *Req. Admin. review Watuppa Water Board bid for "Transmission System Improvements at Watuppa Pond"

CITATIONS

10. Dr. Irving Fradkin – unselfish dedication & retirement from Scholarship America

ORDERS – HEARINGS FOR TONIGHT – None

ORDERS – HEARINGS TO BE SCHEDULED – None

ORDERS – NO HEARING REQUIRED – None

ORDERS – MISCELLANEOUS

11. Police Chief's report on licenses
12. Auto Repair Shop license renewals

COMMUNICATIONS – INVITATIONS – PETITIONS

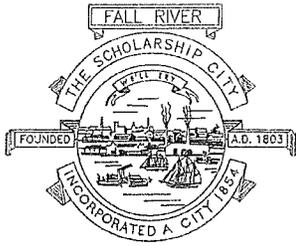
13. *Claims
14. *Street Opening Request – less than 5 years old – William Street
15. Planning Board Minutes – January 14, 2013
16. Zoning Board of Appeals Minutes – November 15, 2012
17. Zoning Board of Appeals Minutes – December 20, 2012

BULLETINS – NEWSLETTERS – NOTICES

18. MA DPU – Public Hearing – February 27, 2013 @ 2 PM – One South Station - Boston, MA

Alison M. Bouchard
City Clerk

Finance # 1



**City of Fall River
Massachusetts
Office of the Mayor**

RECEIVED
2012 JUN -7 P 2:50
CITY CLERK
FALL RIVER, MA

WILLIAM A. FLANAGAN
Mayor

June 7, 2012

The Honorable City Council
City of Fall River
One Government Center
Fall River, MA 02722

Honorable Members of the Council:

At your request, I am placing before you for your consideration the following item:

1. Small Personal Property Account Exemption
2. Real Property Residential Tax Exemption

Should you have any questions or concerns in regard to this matter, please do not hesitate to contact me.

Sincerely,

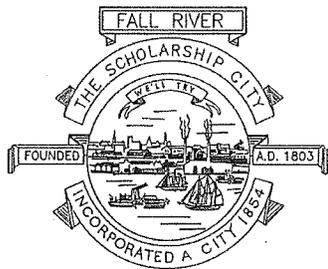
William A. Flanagan
Mayor

**CITY OF FALL RIVER
IN CITY COUNCIL**

JUN 12 2012

*Referred to the p-
Committee on Finance*

*Submitted
6/10/12*



City of Fall River
Massachusetts
Department of Financial Services
TREASURER • COLLECTOR • AUDITOR • ASSESSOR

Board of Assessors

WILLIAM A. FLANAGAN
Mayor

RICHARD GONSALVES, MAA
Administrator of Assessing

To: Shawn Cadime

RE: May 11, 2012 request for Personal Property Tax Exemption.

If the council adopts a \$5,000 value exemption, 779 accounts totaling \$2,436,880 in assessed value would equal \$52,319.81 in actual tax dollars. The tax rate of \$23.54 would not increase.

If the council adopts a \$7,000 value exemption, 956 accounts totaling \$3,507,900 in assessed value would equal \$75,316.33 in actual tax dollars. This would add 2 cents to the tax rate increasing the CIP tax rate to \$23.56.

If the council adopts a \$10,000 value exemption, 1173 accounts totaling \$5,380,260 in assessed value would equal \$115,514.18 in actual tax dollars. This would add 3 cents to the tax rate increasing the CIP tax rate to \$23.57.

According to the tax collector's office, at \$5,000 in value, there are 202 accounts outstanding for FY 2011 with a tax dollar value of \$14,684.51. At \$10,000, 309 accounts would be outstanding at total tax dollar value of \$32,188.63. If the exemption is adopted in the future, the city could minimize its outstanding uncollectable accounts.

If you are considering an exemption for smaller valued personal property tax accounts, it is important to remember that all businesses would still be required to file the annual Form of List.

The Assessing Department would still be required to keep files and maintain these accounts.

Please do not hesitate to contact this office if you have any further questions.

Sincerely,

Richard Gonsalves
Administrator of Assessing



City of Fall River
Massachusetts
Department of Financial Services
TREASURER • COLLECTOR • AUDITOR • ASSESSOR
Board of Assessors

RECEIVED

2012 JUN -7 P 2:50

CITY CLERK _____
FALL RIVER, MA

WILLIAM A. FLANAGAN
Mayor

RICHARD GONSALVES, MAA
Administrator of Assessing

Mr. Cadime,

Please find the enclosed documents containing research outlining the effect of a potential real property residential tax exemption.

- MGL Ch. 59 sect. 5c Exemptions for Residential Real Property. (2 pages)
- List of Communities that have adopted the Residential Exemption. (1 page)
- The 10% Residential Exemption Model. (3 pages)
- The 20% Residential Exemption Model. (3 pages)
- Calculating the Exemption. (1 page)
- Chart depicting properties that do not receive the exemption while receiving a tax increase. (1 Page)

If you have any question regarding the attached information, please do not hesitate to contact the office.

Respectfully,

Richard Gonsalves, MAA
Administrator of Assessing



THE 187TH GENERAL COURT OF
THE COMMONWEALTH OF MASSACHUSETTS

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PART I	ADMINISTRATION OF THE GOVERNMENT (Chapters 1 through 182)	PREV	NEXT
TITLE IX	TAXATION	PREV	NEXT
CHAPTER 59	ASSESSMENT OF LOCAL TAXES	PREV	NEXT
Section 5C	Exemptions for residential real property in cities or towns assessing at full and fair cash valuation	PREV	NEXT

Section 5C. With respect to each parcel of real property classified as Class One, residential, in each city or town certified by the commissioner to be assessing all property at its full and fair cash valuation, and at the option of the board of selectmen or mayor, with the approval of the city council, as the case may be, there shall be an exemption equal to not more than twenty per cent of the average assessed value of all Class One, residential, parcels within such city or town; provided, however, that such an exemption shall be applied only to the principal residence of a taxpayer as used by the taxpayer for income tax purposes. This exemption shall be in addition to any exemption allowable under section five; provided, however, that in no instance shall the taxable valuation of such property after all applicable exemptions be reduced below ten per cent of its full and fair cash valuation, except through the applicability of section eight A of chapter fifty-eight and of clause Eighteenth of section five. Where, under the provisions of section five, the exemption is based upon an amount of tax rather than on valuation, the reduction of taxable valuation for purposes of the preceding sentence shall be computed by dividing the said amount of tax by the residential class tax rate of the city or town and multiplying the result by one thousand dollars. For purposes of this paragraph, "parcel" shall mean a unit of real property as defined by the assessors in accordance with the deed for such property and shall include a condominium unit.

In those cities and towns in which an exemption is made available hereunder, a taxpayer aggrieved by the failure to receive such residential exemption may apply for such residential exemption to the assessors, in writing, on a form approved by the commissioner within three months after the date on which the bill or notice of assessment was sent.

A timely application filed hereunder shall, for the purposes of this chapter, be treated as a timely filed application pursuant to section fifty-nine.

For purposes of this section, with respect to real property owned by a cooperative corporation, as defined in section 4 of chapter 157B, that portion which is occupied by a member pursuant

to a proprietary lease as such member's domicile and is used as such member's principal residence for income tax purposes shall be deemed to be real property owned by such member for purposes of this section, provided that the portion of the real estate is represented by the member's share or shares of stock in the cooperative corporation and the percentage of such portion to the whole is the percentage of such member's shares in the cooperative corporation to the total outstanding stock of the corporation, including shares owned by the corporation. Such portion of such real property shall be eligible for exemption from taxation pursuant to this section if such member meets all requirements for such exemption. Any exemption so provided shall reduce the taxable valuation of the real property owned by the cooperative corporation; provided, however, that the reduction in taxes realized thereby shall be credited by the cooperative corporation against the amount of such taxes otherwise payable by or chargeable to such member. Nothing in this paragraph shall be construed to affect the tax status of any manufactured home or mobile home under this chapter, but shall apply to the land on which such manufactured home or mobile home is located if all other requirements of this paragraph are met. This paragraph shall take effect in a city or town upon its acceptance by the city or town.

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Residential exemption

An option that allows a community to grant an exemption to owner occupied residential properties of up to 20 percent. The exemption shifts a portion of the tax burden, within the residential class, away from lower valued, single family homes to multi-family properties, apartment buildings and non-resident property owners. Boston, Cambridge and Somerville have been granted special legislation to increase the percentage shifted to 30 percent. The legislation is as follows:

**Massachusetts Department of Revenue
Division of Local Services
Municipal Databank/Local Aid Section**

Residential Exemptions Granted

Residential Exemptions	DOR Code	Percent Granted
BARNSTABLE	020	20.0%
BOSTON	035	30.0%
BROOKLINE	046	20.0%
CAMBRIDGE	049	30.0%
CHELSEA	057	20.0%
EVERETT	093	20.0%
MALDEN	165	20.0%
NANTUCKET	197	20.0%
SOMERSET	273	10.0%
SOMERVILLE	274	30.0%
TISBURY	296	20.0%
WALTHAM	308	20.0%
WATERTOWN	314	20.0%
West Barnstable Fire		20.0%

Legislation which allows a community to exceed the residential exemption cap of 20%:

Boston - Chapter 403 of the Acts of 2003

Cambridge - Chapter 90 of the Acts of 2003

Somerville - Chapter 257 of the Acts of 2000

Example using 10% Exemption

Residential Exemption

A municipality can grant a residential exemption up to 20% of the average residential value for each owner-occupied property for real estate tax purposes. This is done by shifting a portion of the tax levy from the owner occupied residential to the non-owner occupied properties and lower valued properties to higher valued properties. Since the tax dollars loss by granting the residential exemption still must be made up by the residential class, the balance of the residential portion of the levy is raised by increasing the tax rate for the entire class. The effect is basically to shift the tax burden from average and lower valued homes to apartments, summer homes and higher value homes.

There are 19,290 residential parcels that could receive the residential exemption. The best estimate at this time is approximately 6,638 parcels would not receive the exemption leaving approximately 12,652 that would qualify.

Since the tax dollars lost by granting the residential exemption must still be made up by the residential class, the balance of the residential portion of the levy is raised by increasing the tax rate for the entire residential class.

The average residential value in Fall River for FY 2012 is \$220,303 dollars.

At 10% the exemption would be \$22,030 dollars of assessment would be exempt for each qualifying parcel.

The current residential factor or shift is 1.70%, current residential tax rate for FY 2012 is \$10.98 per thousand of assessment.

If adopted, the tax rate with the residential exemption at the current shift would be \$11.79 per thousand of assessment.

Once again the effect is basically to shift some of the tax burden from low valued to higher valued property and from the owner-occupied properties to the non-owner properties.

We have calculated the "**Break-Even**" assessment for FY 2012 to be \$320,100. In other words, if the residential exemption is adopted, residential properties assessed higher than the break-even valuation of \$320,100 will experience a tax increase for FY 2012 there is an estimated 598 residential properties out of 12,652 who receive the exemption will experience a tax increase.

Note: There are over 700 post office box addresses in the City of Fall River. If all would qualify after the bills are out based on a average exemption of 22,030 or 560 per bill the overlay fund would have be increase by 145,448 dollars.

RESIDENTIAL EXEMPTION:

In the City of Fall River, the average exemption value based on last year's data would be \$220,303. The estimated number of eligible parcels are 10,888.

Example:

1. \$100,000 assessment with a 10% Residential exemption:

Without the exemption	With the exemption	Savings
	100,000	
	<u>-22,030(exemption value)</u>	
\$100,000/\$1,000= 100	77,970/\$1,000=77.97	\$178.73
<u>x 10.98</u>	<u>x 11.79</u>	
\$ 1,098	\$919.27	

Example:

2. \$150,000 assessment with a 10% Residential exemption:

Without the exemption	With the exemption	Savings
	150,000	
	<u>-22,030(exemption value)</u>	
\$150,000/\$1,000=150	127,970/\$1,000=127.97	\$138.23
<u>x 10.98</u>	<u>x 11.79</u>	
\$1,647	\$1,508.77	

Example:

3. \$200,000 assessment with a 10% Residential exemption:

Without the exemption	With the exemption	Savings
	200,000	
	<u>-22,030(exemption value)</u>	
\$200,000/\$1,000=200	177,970/\$1,000=177.97	\$97.73
<u>x 10.98</u>	<u>x 11.79</u>	
\$2,196	\$2,098.27	

Example:

4. \$250,000 assessment with a 10% Residential exemption:

Without the exemption	With the exemption	Savings
	250,000	
	<u>-22,030(exemption value)</u>	
$\$250,000/\$1,000=250$	$227,970/\$1,000=227.97$	\$57.23
<u>x 10.98</u>	<u>x 11.79</u>	
\$2,745	\$2,687.77	

Example:

5. \$300,000 assessment with a 10% Residential exemption:

Without the exemption	With the exemption	Savings
	300,000	
	<u>-22,030(exemption value)</u>	
$\$300,000/\$1,000=300$	$277,970/\$1,000=277.97$	\$16.73
<u>x 10.98</u>	<u>x 11.79</u>	
\$3,294	\$3,277.27	

Example:

6. \$450,000 assessment with a 10% Residential exemption:

Without the exemption	With the exemption	Increase
	450,000	
	<u>-22,030(exemption value)</u>	
$\$450,000/\$1,000=450$	$427,970/\$1,000=427.97$	\$+104.77
<u>x 10.98</u>	<u>x 11.79</u>	
\$4,941	\$5,045.77	

Example using 20% Exemption

Residential Exemption

A municipality can grant a residential exemption up to 20% of the average residential value for each owner-occupied property for real estate tax purposes. This is done by shifting a portion of the tax levy from the owner occupied residential to the non-owner occupied properties and lower valued properties to higher valued properties. Since the tax dollars lost by granting the residential exemption still must be made up by the residential class, the balance of the residential portion of the levy is raised by increasing the tax rate for the entire class. The effect is basically to shift the tax burden from average and lower valued homes to apartments, summer homes and higher value homes.

There are 19,290 residential parcels that could receive the residential exemption. The best estimate at this time is approximately 6,638 parcels would not receive the exemption leaving approximately 12,652 that would qualify.

Since the tax dollars lost by granting the residential exemption must still be made up by the residential class, the balance of the residential portion of the levy is raised by increasing the tax rate for the entire residential class.

The average residential value in Fall River for FY 2012 is \$220,303 dollars. At 20% the exemption would be \$44,061 dollars of assessment would be exempt for each qualifying parcel.

The current residential factor or shift is 1.70%, current residential tax rate for FY 2012 is \$10.98 per thousand of assessment.

If adopted, the tax rate with the residential exemption at the current shift would be \$12.71 per thousand of assessment.

Once again the effect is basically to shift some of the tax burden from low valued to higher valued property and from the owner-occupied properties to the non-owner properties.

We have calculated the "**Break-Even**" assessment for FY 2012 to be \$320,100. In other words, if the residential exemption is adopted, residential properties assessed higher than the break-even valuation of \$320,500 will experience a tax increase for FY 2012 there is an estimated 598 residential properties out of 12,652 who receive the exemption will experience a tax increase.

Note: There are over 700 post office box addresses in the City of Fall River. If all would qualify after the bills are out based on a average exemption of 44,061 or 560 per bill the overlay fund would have be increase by 392,000 dollars.

RESIDENTIAL EXEMPTION:

In the City of Fall River, the average exemption value based on last year's data would be \$220,303. The estimated number of eligible parcels are 10,888.

Example:

1. \$100,000 assessment with a 20 % Residential exemption:

Without the exemption	With the exemption	Savings
	100,000	
	<u>-44,061(exemption value)</u>	
\$100,000/\$1,000= 100	55,939/\$1,000=55.94	\$387.00
<u>x 10.98</u>	<u>x 12.71</u>	
\$ 1,098	\$711.00	

Example:

2. \$150,000 assessment with a 20% Residential exemption:

Without the exemption	With the exemption	Savings
	150,000	
	<u>-44,061(exemption value)</u>	
\$150,000/\$1,000=150	105,939/\$1,000=105.94	\$300.50
<u>x 10.98</u>	<u>x 12.71</u>	
\$1,647	\$1,346.50	

Example:

3. \$200,000 assessment with a 20% Residential exemption:

Without the exemption	With the exemption	Savings
	200,000	
	<u>-44,061(exemption value)</u>	
\$200,000/\$1,000=200	155,939/\$1,000=155.94	\$214.00
<u>x 10.98</u>	<u>x 12.71</u>	
\$2,196	\$1,982.00	

Example:

4. \$250,000 assessment with a 20% Residential exemption:

Without the exemption	With the exemption	Savings
	250,000	
	<u>-44,061</u> (exemption value)	
\$250,000/\$1,000=250	205,939/\$1,000=205.94	\$172.50
<u>x 10.98</u>	<u>x 12.71</u>	
\$2,745	\$2,617.50	

Example:

5. \$300,000 assessment with a 20% Residential exemption:

Without the exemption	With the exemption	Savings
	300,000	
	<u>-44,061</u> (exemption value)	
\$300,000/\$1,000=300	255,939/\$1,000=255.94	\$41.00
<u>x 10.98</u>	<u>x 12.71</u>	
\$3,294	\$3,253.00	

Example:

6. \$450,000 assessment with a 20% Residential exemption:

Without the exemption	With the exemption	Increase
	450,000	
	<u>-44,601</u> (exemption value)	
\$450,000/\$1,000=450	405,399/\$1,000=405.40	\$211.64
<u>x 10.98</u>	<u>x 12.71</u>	
\$4,941	\$5,152.64	

Calculating the exemption:

1. Taking the total residential value, and dividing it by the total residential parcel count calculating the average residential value for the exemption.
2. The residential exemption equals the average residential value multiplied by the selected residential exemption.
3. The number of eligible parcels equals the total of residential parcels minus the non eligible parcels. (see enclosed spreadsheets).
4. Accepting this exemption, there is a distribution of payment within class, the property valued at \$320,100 (less exemption value of 22,030 at 10%) is where there is no savings. Any property valued above that amount will essentially pay for the exemption tax rate 11.79.
5. Accepting this exemption, there is a distribution of payment within class, the property valued at \$320,100 (less exemption value of 44,061 at 20%) is where there is no savings. Any property valued above that amount will essentially pay for the exemption tax rate 12.71.

Finally the exemption deals with residential property owned and occupied in Fall River. It makes is extremely difficult, to receive an accurate count of first time applicants. The statute reads that, the applicant who did not receive the abatement, can file an application within three (3) months, from the day the tax bills are mailed, and, if successful receive the exemption. The amount would be credited to the overlay account, which if not funded correctly will cause a deficit.

1. At Exemption 10% estimate 598 properties with 22,030 at 11.79 = 259.74 per parcel $259.74 \times 598 = 155,324.52$ added to overlay.
2. At Exemption 20% estimate 598 properties with 44,061 at 12.71 = 560.02 per parcel $\times 598$ added 334,891.96 to overlay.

The following is an example of properties ranging from 100,000 to 400,000 in value that will not receive the exemption and will have tax increase based on the exemption percentage amount.

prop value	taxes 10.98 without exp	taxes @ 10% 11.79 without exempt	tax increase without exempt	taxes @ 20% 12.71 without exempt	tax increase without exempt
100,000	1098	1179	81	1271	173
150,000	1647	1768.5	121.5	1906.5	259.5
200,000	2196	2358	162	2542	346
220,303	2418.93	2597.37	178.45	2800.05	381.12
300,000	3294	3537	243	3813	519
400,000	4392	4716	324	5084	692

City of Fall River, In City Council

(Council President Pereira)

WHEREAS, complaints have been received with regard to water bills, and

WHEREAS, residents have experienced increases in their bills due to equipment malfunctions, now therefore

BE IT RESOLVED, that representatives of the Department of Community Utilities be invited to a future meeting of the Finance Committee to address this matter.

In City Council, February 12, 2013
Adopted

A true copy. Attest:



City Clerk

City of Fall River, *In City Council*

3

BE IT ORDAINED by the City Council of the City of Fall River, as follows:

That Chapter 70 of the Revised Ordinances of the City of Fall River, Massachusetts, 1999, which chapter relates to traffic be amended as follows:

By striking out in Section 70-387, which section relates to handicapped parking the following:

Alden Street, east side, starting at a point 109 feet south of Merino Street,
for a distance of 20 feet southerly
Bay Street, east side, starting at a point 99 feet south of Middle Street,
for a distance of 20 feet southerly
Bedford Street, north side, starting at a point 86 feet east of High Street,
for a distance of 20 feet easterly
Cambridge Street, north side, starting at a point 127 feet west of Oxford Street,
for a distance of 20 feet westerly
Downing Street, south side, starting at a point 93 feet east of Goss Street,
for a distance of 20 feet easterly
French Street, north side, starting at a point 20 feet west of Belmont Street,
for a distance of 25 feet westerly
Gagnon Street, north side, starting at a point 411 feet west of County Street,
for a distance of 20 feet westerly
June Street, west side, starting at a point 289 feet south of Lincoln Avenue,
for a distance of 25 feet southerly
Oliver Street, south side, starting at a point 81 feet east of Broadway,
for a distance of 20 feet easterly
Pearce Street, north side, starting at a point 101 feet east of June Street,
for a distance of 20 feet easterly
St. Mary Street, west side, starting at a point 20 feet north of Norfolk Street,
for a distance of 20 feet northerly
Second Street, west side, starting at a point 160 feet north of Cottage Street,
for a distance of 20 feet northerly
Swindells Street, west side, starting at a point 286 feet north of Pleasant Street,
for a distance of 20 feet northerly
Washington Street, west side, starting at a point 30 feet north of William Street,
for a distance of 20 feet northerly
Whipple Street, west side, starting at a point 218 feet north of Osborn Street,
for a distance of 20 feet northerly

City of Fall River, *In City Council*

BE IT ORDAINED by the City Council of the City of Fall River, as follows:

That Chapter 70 of the Revised Ordinances of the City of Fall River, Massachusetts, 1999, which chapter relates to traffic be amended as follows:

By inserting in Section 70-374 (46), which section relates to thirty (30) minute parking during certain hours, 8:00 a.m. to 5:00 p.m., Monday – Friday, in proper alphabetical order the following:

Osborn Street, north side, starting at a point 20 feet west of South Main Street, for a distance of 45 feet westerly

5

City of Fall River, *In City Council*

BE IT ORDAINED by the City Council of the City of Fall River, as follows:

Section 1:

That Chapter 82 of the Revised Ordinances of the City of Fall River, Massachusetts, 1999, which chapter relates to Waterways, be amended by striking out in its entirety Sec. 82-63 in said chapter.

Section 2:

That Chapter 82 of the Revised Ordinances of the City of Fall River, Massachusetts, 1999, which chapter relates to Waterways, be amended by inserting in said chapter, a new Article IV HARBOR RULES AND REGULATIONS, and inserting under said article, the following new sections to read as follows:

**ARTICLE IV
HARBOR RULES & REGULATIONS FOR
MOORINGS, MOORING PERMITS and ANCHORING**

Sec. 82-64 Definitions.

The following words, terms and phrases, when used in this document, shall have the meaning described to them except where the context clearly indicates a different meaning.

Abandoned Vessel – a vessel in which the owner is unable to be determined or fails to respond to attempts to be identified.

Adrift – not being underway and not being made fast to a stationary object.

Aground – stuck on the bottom of a body of water, not being underway or adrift.

Anchorage Area – areas specifically designed and/or authorized for anchoring of vessels.

Anchoring – to secure a vessel temporary to the bottom of a water body by dropping an anchor or other ground tackle from a vessel

Assistant Harbormaster – a duly appointed person recommended by the Harbormaster and appointed by the Mayor who works under the direction of the Harbormaster.

Battleship Cove Zone A, B, C, D, – mooring plan as set by order.

Berth – any space wherein a vessel is confined by wet slip, float, mooring, or other type of docking facility.

Boat launching ramp – any manmade or natural facility used for the launching or retrieval of boats.

Boatyard – a facility whose function is the construction, repair, or maintenance of vessels which may include provisions for vessel storage and docking while awaiting service.

Channel – any water area reserved for the unobstructed movement of vessels. Or a navigable route for passage of vessels established by customary use or under the authority of Federal, State or Municipal law.

Commercial Mooring – any mooring that the owner of which does not keep his own personal boat attached thereto.

Condemn – the act of officially notifying an owner of a mooring that the mooring tackle is either unsafe, improperly placed at its location or fails to meet Fall River Mooring Rules & Regulations and cannot be used until corrected.

Environmentally Sensitive Resource Area - any area specifically defined by the Department of Coastal Resources in conjunction with the Shellfish Department or Shellfish Warden of a City or Town. The locations of all such areas shall be designated using acceptable scientific criteria. The areas shall be described in writing and defined by using GPS and/or other acceptable method and receive final approval and be filed with the Harbormaster.

Float – a floating dock held in place by mooring tackle

Harbormaster – a person duly appointed by the Mayor as Harbormaster.

Hazard – any object located within navigation channels, obstructing launch ramps or swimming areas, striking adjacent vessels or adjacent mooring tackle, or damaging a resource area such as salt marsh or eelgrass beds.

Impound – the act of seizing a vessel and bringing it to a secure location or facility for violations, unpaid fines or for immediate safety concerns to prevent possible damage to other property.

Length – the straight line measurement of the overall length from foremost part of a vessel to the aftermost part of the vessel, measured parallel to the centerline, exclusive of bow sprints, bumpkins, rudders, outboard motor brackets and similar fittings and attachments.

Marina – a berthing area with docking facilities under common ownership or control and with berths for ten (10) or more vessels, including commercial marinas and boat basins. A marina may be an independent facility or may be associated with a boat yard.

Mean High Water (MHW) – the average height of the high water over a 19 year period.

Moor – to permanently secure a vessel to a fixed object such as a bollard, pier, dock or mooring.

Mooring – a permanently secured anchor system to moor a vessel within a water body duly permitted by the City and registered to the applicant.

Mooring Area – an area designated in these regulations where a mooring can be placed and which no restrictions have been issued.

Mooring Buoy – a white float with a 2” horizontal blue line and designation number marking the ownership and location of a mooring system as well as keeping the top chain of the mooring tackle at the water surface for vessel attachment.

Mooring Tackle – the anchor(s), bottom chain, top chain, shackles, swivels and pendants used to secure a vessel.

Mooring Plan – a diagram of each particular waterfront area set up by the City to show where the Harbormaster may allow seasonal moorings to be placed. The actual mooring location of each mooring shall be determined by the Harbormaster.

No Discharge Zone (Area) – bodies of Water designated by the Commonwealth of Massachusetts Office of Coastal Zone Management (CZM) to which an application has been submitted and approved by the U.S.

Environmental Protection Agency (EPA) where the discharge of all boat sewage, whether treated or not, is prohibited.

No Discharge Compliance Sticker – a numbered and dated sticker placed on a vessel docked, anchored or moored in Fall River waters indicating that the vessel has been inspected and is in compliance of the No Discharge Zone (Area) Rules & Regulations.

No Wake Zone – an area where a vessel may not operate in a manner to cause a wake or in excess of idle speed of 6 mph whether marked or unmarked at bridges, mooring areas, boat ramps and swimming areas.

Ownership of Mooring Site – the land beneath the tidal waters of the City is owned by the Commonwealth of Massachusetts and is held for public trust as part of the public domain; therefore, all mooring permits are of a temporary nature and no person has a property right in any mooring location without an express grant by the Commonwealth or an express act by the legislature.

Other Objects – any floating object including but not limited to a mooring ball, buoy, raft, pontoon, float, floating dock or storage cars for marine products secured by anchors or moorings.

Pennant – a line or chain by which a vessel is made fast to a mooring.

Person – an individual, partnership, co-partnership, joint venture, trust, trustee, firm, corporation, association, or entity.

Pier – any structure built out from land into the water for use as a landing place.

Private Mooring – a mooring for the owner's personal boat. The owner must own 50 percent or greater of the boat which would be placed on the mooring. The owner must provide documentation to the Harbormaster to ensure true ownership and residential address.

Private Recreational Boating Facility – a facility for berthing recreational vessels at which all berths and accessory uses thereto are not available for patronage by the general public or where use of any such berth is available on a long-term basis. Such berths shall not include a berth reserved for the operator of said facility.

Qualified Diver – a person who has received written approval to inspect moorings from the Harbormaster. The Harbormaster's office shall maintain a list of qualified divers. Any person who desires to be on the qualified diver list, must submit the request in writing stating qualifications and proof of liability insurance to the Harbormaster for approval.

Right of Way – an unobstructed path or corridor from a public thoroughfare or facility leading to or along the waters of the City and shoreline areas below the mean high water (MHW) mark.

Reassignment of a Mooring – the act of changing the vessel of record that is to be moored on a specific mooring.

Relocation of a Mooring – the physical moving of the ground tackle to another location designated by the Harbormaster.

Secure Location or Facility – a secure mooring, trailer or dock, or a marina where the Harbormaster may store an impounded, stray or abandoned vessel until legally claimed by the owner.

Special Mooring Permit – a permit issued to an organized marina, sailing club or organization or yacht club in which special conditions apply such as owning all of the moorings in a zone.

Stray Vessel – a vessel which has traveled along a route that was not originally intended, or to move outside or away from a limited area

Temporary Mooring Permit - one day (24 hours) rental of a paid rental mooring by the Harbormaster.

Transfer of Mooring Permit – the transferring of a mooring permit from one person to another.

Vessel – every description of watercraft and power boats other than seaplane used or capable of being used as a means of transportation on the water whether or not powered with propulsion machinery.

Wake – the disturbed wave of water that a vessel leaves astern as it passes by a particular point.

Sec. 82-65 Applicability.

- a. These rules and regulations apply to all moorings, floats, mooring tackle as well as vessels anchored, moored or docked in the City's waters.
- b. These rules and regulations apply to any person, marina or private or public recreational boating facility or yacht club who intends to moor any vessel and other objects in the City's waters.
- c. Nothing contained within these rules and regulations shall replace or circumvent any state law, rule or regulation.

Sec. 82-66 Rules.

- a. No vessel shall exceed headway speed of greater than 6 mph within 150 feet of an anchorage area, mooring field, boat ramp, marina, and "No Wake Buoys".
- b. No vessel shall exceed headway speed of greater than 6 mph within 300 feet of a swimmer.
- c. No person shall operate a vessel while towing water-skiers, aquaplanes, tubes or other similar devices in an anchorage, mooring or boat ramp area except in connection with an authorized and permitted water carnival approved by the Harbormaster or Coast Guard.
- d. No vessel shall operate in the City's waters without an active registration and registration markings. No vessel shall raft with another moored or anchored vessel unless the rafting vessel is the same size or smaller than the moored or anchored vessel, and some person capable of handling the vessels remain on board at all times.
- e. Every vessel which operates in the waters and harbors of the city shall be equipped as required by M.G.L. c. 90B, 323 CMR 2.06 and the Revised Ordinances of the City of Fall River (1999).
- f. Any vessel which is in a deteriorated and unseaworthy condition, sunken, likely to sink or aground, adrift, abandoned and likely to do damage to piers, docks,

wharves, floats or other vessels, or to constitute a menace to navigation, or secure to a mooring of another without proper authorization, or awash, is considered a stray and derelict vessel and a public nuisance.

- g. All stray and derelict vessels shall be impounded by the Harbormaster who may seek the aid of a salvage contractor to assist him, if necessary until claimed by the proper owner or disposed of according to law.
- h. The owner of an impounded vessel shall incur, at his or her own expense, all fees and costs associated with for raising, towing and storing of the vessel.
- i. No person shall place or maintain any type of shellfish, eel or any other type of pot or trap within 150 feet of any mooring, float or boat ramp located in Fall River waters. This does not include State approved aquaculture programs.
- j. No person shall anchor in a mooring area, navigation channel or restricted area. No person shall anchor in Fall River Waters for more than 14 days without the express approval of the Harbormaster. An anchored vessel shall have at least one capable person onboard unless the person has a wearable anchor drag alarm to warn of anchor drift. An anchored vessel shall display a white all around anchor light at night.
- k. The Harbormaster shall develop a detailed mooring identification numbering system to be placed on all mooring balls and winter sticks by all mooring holders so that mooring owners can be easily identified.
- l. The Harbormaster shall keep a detailed list of moorings, their location, holder's name, length and type of vessel, and a record of fees paid.
- m. The Harbormaster shall keep a detailed mooring waiting list of all individuals who desire a mooring permit, including the date of request. All mooring permits shall be issued to the most senior person on the waiting list as long as the vessel is appropriate for the location requested. A person on the waiting list may decline the mooring assignment at which case he shall remain on the mooring list in his original position.
- n. The Harbormaster may inspect any mooring and mooring tackle that he suspects as being in disrepair, defective or inadequate for the vessel attached to it. Upon finding any such condition, the harbor master shall notify the mooring holder in writing. The mooring holder shall correct said disrepair, defective or inadequate condition within a reasonable time but, in any event, not later than 15 days of the date of notification unless the Harbormaster extends the time in writing. If the mooring is in such condition that it constitutes an immediate hazard and may fail at any time, the Harbormaster may condemn the mooring and move the vessel immediately and bring the vessel to a safe location. If a mooring is found to be in disrepair, defective or inadequate and not up to minimum standards for moorings, any cost to repair the defect or inadequacy shall be the responsibility of the mooring holder.

- o. Improper use of a mooring permit, failure to remedy defective or inadequate condition, failure to pay mooring fee may be cause for cancellation of the mooring permit.
- p. Any mooring set without a mooring permit being first obtained shall be removed by the Harbormaster immediately. If a vessel is attached to the mooring it shall be moved to a safe location. All costs associated with said removal shall be the responsibility of the owner of the mooring gear.

Sec. 82-67 Mooring permits.

- a. **Boat Only.** Boats secured to a temporary seasonal mooring shall be “boat only” permits allowing only the boat described on the permit to be so attached. The Harbormaster or Assistant Harbormaster in his absence shall be the only person to authorize a particular boat to be placed on a particular mooring.
- b. **Other Objects.** Other objects, including but not limited to floats and rafts shall obtain an independent permit for the mooring of each object and no other object shall be placed on that mooring without written permission by the Harbormaster.
- c. **Permits and Forms.** The Harbormaster may develop a mooring permit and any additional forms for purposes of implementing the provisions of this article.
- d. **New Permit.** A person granted a mooring shall within 30 days:
 - i. Complete a Fall River mooring permit application provided by the Harbormaster:
 - 1. Provide completed and signed mooring permit applications containing proof of ownership and residential address and vessel information.
 - 2. Provide copy of license and registration or documentation of the vessel.
 - 3. Submit required mooring permit fee.
 - ii. The applicant must present the permit to the Harbormaster who will approve, deny or place the applicant back on the waiting list if no suitable location is available.
 - iii. No mooring may be placed in the water until such time as the applicant has received an approved mooring permit and designated mooring coordinates from the Harbormaster.
 - iv. Mooring permits are seasonal and must be renewed by January 31 of each year.
 - 1. If a mooring fee is not paid by March 31, a \$50 late fee will be assessed.
 - 2. If a mooring fee is not paid by June 30, the mooring permit shall be revoked. The individual may request to be placed on the mooring waiting list for the next available mooring.
- e. **Special Permits.** A special permit may be issued to an organized marina, sailing club, or organization or yacht club which owns all the moorings in a mooring field such as Battleship Cove Community Boating in which one person is in charge of

or responsible for the repair and maintenance of all the moorings, removal of vessels in case of impending storm etc., payment of all moorings, and submits all mooring inspection reports at one time.

f. **Renewal of an Existing Permit.** The mooring permit holder who desires to renew the permit shall:

- i. Ensure that all the information on the form is accurate and that all the requested information is complete. New vessels require notification and approval by the Harbormaster.
- ii. Return the renewal form and mooring permit fee to the Harbormaster by January 31. If the mooring fee is not paid by March 31, a \$50 late fee will be assessed. If a mooring fee is not paid by June 30, the mooring permit shall be revoked.

g. **Revoked or Non-renewal of an Existing Permit.**

- i. A permit holder who does not desire to renew the mooring permit should indicate on the renewal form and sign and return the form to the Harbormaster.
- ii. A permit holder shall remove his vessel from the mooring within 30 days of non-renewal or notice of revocation.
- iii. A permit holder shall remove all mooring tackle from the mooring location within 30 days of revocation or non-renewal, unless the mooring tackle is to be sold to the new permit holder.
- iv. A new permit holder shall not be required to purchase any existing mooring tackle left by the previous owner at a particular mooring location.
- v. If the existing mooring tackle is not sold to the new mooring holder, and the previous permit holder has not removed the mooring gear within the 30 days as required, the Harbormaster shall make a written demand to the previous permit holder by certified mail. If not removed within 15 days of the date of such notice, the Harbormaster shall remove the mooring gear at the full expense of the owner. If the owner fails to claim the mooring gear within 30 days, it becomes the property of the Harbormaster for disposal. The Harbormaster shall immediately remove any non-complying, improperly placed, or off-station mooring that interferes or causes a hazard to navigation or other moored vessels.

h. **Denial of Permit.** Pursuant to Massachusetts General Law Chapter 40, Section 57 and Section 14-4 of the Revised Ordinances of the City of Fall River (1999), a permit issued pursuant to this article may be denied, revoked or suspended if the applicant or permit holder has neglected or refused to pay any local taxes, fees, assessments, betterments, charges or other municipal charges for not less than a twelve month period and that party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.

- i. **Mooring Permit Waiting List.** A current, up-to-date mooring waiting list shall be maintained and published by the Harbormaster for each mooring area in order that persons may know where they stand on the list. A fee shall be charged each year to maintain one's name on the waiting list. Standing on the waiting list shall not be determined by residency. If a person on the waiting list is called to accept a mooring assignment he may refuse and remain in his current position on the list. If for some reason the person is unable to place the approved mooring within the 30 day limit he shall be placed back on the waiting list in the previous position and the next person on the waiting list shall be offered the mooring location.
- j. **Changing the vessel of record.** Any person desiring to place a vessel other than the vessel of record on his assigned mooring shall complete a new mooring permit form along with the required fee and submit it to the Harbormaster for approval. The change will be allowed as long as the vessel will fit on the mooring without causing any interference with any other vessel.
- k. **Change of mooring location.** Any mooring holder wanting to change the location of their mooring must file a mooring change form with the Harbormaster for approval.
 - i. The Harbormaster shall determine if the mooring holder's vessel will fit in the requested location. So long as the change does not pose any danger or restriction to other vessels the Harbor master may allow the change. If the change poses a danger or may interfere with another previously moored vessel, the Harbormaster shall deny such move.
 - ii. In the event two or more mooring holders wish to swap moorings, the same criteria as set forth above shall be the determining factor.

Sec. 82-68 Mooring tackle specifications.

- a. The tackle specifications listed below are minimum standards and are not designed to meet severe conditions. If severe weather is predicted, the prudent mariner should take additional measures such as checking and/or adding lines, additional anchor and may include actual removal of the vessel.
- b. If severe weather is predicted the Harbormaster may order the removal of certain vessels.
- c. Minimum mooring tackle specifications for all shall be as follows:

Vessel Length	Mushroom Anchor	Concrete Block	Bottom Chain	Top Chain	Hardware Size	Mooring Ball	Nylon Pendant Size
Under 20'	200 lbs	400 lbs	5/8"	1/2"	1/2"	18"	5/8"
21' - 25'	300 lbs	600 lbs	3/4"	1/2"	1/2"	18"	5/8"
26' - 30'	500 lbs	1000 lbs	3/4"	5/8"	5/8"	24"	5/8"
31' - 35'	800 lbs	1500 lbs	3/4"	5/8"	5/8"	24"	1"
36' - 40'	1000 lbs	2000 lbs	1"	5/8"	5/8"	24"	1"
41' - 45'	1200 lbs	2400 lbs	1"	5/8"	5/8"	24"	1"
46' - 50'	1800 lbs	3600 lbs	1"	5/8"	5/8"	24"	1 1/4"
51' - 50'	2000 lbs	4000 lbs	1"	5/8"	5/8"	24"	1 1/4"
Floats & Docks	AS SPECIFIED BY HARBORMASTER						

- d. Construction of Mooring Blocks shall be approved by the Harbormaster. Concrete blocks over 1,000 lbs shall have steel rebar reinforcement as approved by the Harbormaster. Concrete weighs approximately 3300 lbs per cubic yard (27cf) or approximately 122 lbs per cubic foot. Mooring eyes shall be 25% heavier than required chain.
- e. Mooring anchors shall not be lifted from the bottom without the express approval of the Harbormaster. Mooring anchors imbed themselves into the waterway bottom over time and raising them will reduce their holding power.
- f. Total Length of Mooring Chain shall be determined by the location of the mooring.
 1. Battleship Cove Zone A, B, C & D – Mooring top chain shall be 1 times the mean high water depth at the location of the mooring plus 10 feet of heavy bottom chain
 2. Regatta North – Mooring chain shall be 1½ times the mean high water depth at the location of the mooring plus 10 feet bottom chain.
 3. All other areas will be as specified by the Harbormaster.
- g. Approximate Weight for Concrete Blocks on Land:
 - 500 lbs = 20" x 20" x 20"
 - 600 lbs = 24" x 24" x 18"
 - 800 lbs = 24" x 24" x 22"
 - 1000 lbs = 24" x 24" x 26"
 - 1200 lbs = 24" x 24" x 30"
 - 1500 lbs = 30" x 30" x 24"
 - 2000 lbs = 30" x 30" x 36"
 - 3600 lbs = 36" x 36" x 40"
 - 4000 lbs = 48" x 48" x 26"
 - 6000 lbs = 48" x 48" x 38"
- h. Mooring Pendants (hawsers) shall:
 1. be three strands or double braided nylon or equivalent;
 2. not float;
 3. be fitted with thimbles of appropriate size where they are attached to chain or metal fittings;
 4. be shackled directly to chain; and
 5. be equipped with adequate chaffing gear where they pass through chocks or hawse holes.
- i. Length of Mooring Pendants (hawsers) shall be a maximum of 2 ½ times the distance from the waterline to the top of the stem, plus the distance to the deck cleat.
- j. Mooring chain shall be hot galvanized grade 43 or equivalent U.S. made chain and hardware is highly recommended.

- k. Shackles shall be the same size of the chain they are connected to or one size larger. In regards to moorings with 1 inch bottom chain, the shackle shall be equal to the larger chain.
- l. Swivels shall be one size larger than the chain they are connected to. Swivel-Shackles combinations are recommended to reduce the total amount of hardware used. The swivel shall be placed either under or on top of the mooring ball.
- m. Shackles and swivels must not be over tightened and shall be safety wired with stainless steel wire to prevent loosening.
- n. Screw anchors shall be installed by a licensed installer certified by the anchor manufacturer and approved by the Harbormaster.
- o. The exact GPS latitude/longitude location of all permanent mooring anchors including blocks shall be assigned by the Harbormaster. It is the responsibility of the permit holder to maintain this position.
- p. No new concrete blocks are permitted in protected areas. Any existing blocks will be replaced with alternative systems through attrition.
- q. All mushroom anchors shall be equipped with an appropriately sized shank weight to assist in the proper "setting" of the mooring.
- r. Mooring buoys shall:
 - 1. Be a white mooring ball with a 2 inch blue horizontal stripe;
 - 2. Be identified by a mooring number determined by the Harbormaster;
 - 3. Float a minimum of 50% above the waterline; and
 - 4. Be installed from April 1 to November 30.
- s. Winter spar (stick) shall:
 - 1. Be white in color with a blue band;
 - 2. Be upright at an angle of not less than 45 degrees at any period of the tide and have a minimum of 18 inches exposed above the waterline;
 - 3. Not be constructed of wood;
 - 4. Be installed between November 30 to April 1;
 - 5. Be identified with the assigned mooring number;
 - 6. May include sailing club or yacht club designation acronym; and
 - 7. Be attached to the mooring tackle by light chain or rope.
- t. Identification of Moorings. The Harbormaster shall assign a mooring number that shall be permanently attached and legibly displayed on the mooring buoy and winter stick in block letters and numbers at least 3

inches in height and must contrast in color with the background. Mooring numbers are permanent for the mooring location.

- u. Mooring Inspection/Installer. All moorings shall be installed or inspected and approved by a Qualified Diver familiar with moorings before being placed in service in the waters of Fall River and every three years thereafter.
 - 1. The mooring inspector/company shall submit to the Harbormaster either proof of insurance or a surety bond in the amount of \$100,000.00
 - 2. The mooring inspector/installer shall complete an approved Harbormaster Mooring Inspection Form indicating:
 - i. The date of inspection;
 - ii. The Pass or Fail condition of each element of the mooring at the time of inspection or installation;
 - iii. Any components that were replaced; and
 - iv. And indication whether any components should be replaced prior to the next scheduled 3 year inspection period.

- v. Mooring Inspection Guidelines
 - 1. Any chain showing more than 33% wear from its original size when installed must be replaced. If a mooring chain meets the 33% guideline but shows excessive or uneven wear in the opinion of the inspector, he may require another inspection within a year.
 - 2. Any mooring chain which has deformed (stretched or bent) links must be replaced.
 - 3. Only double-ring or double shackle type swivels are permitted and must be replaced when ring or shackle pin is 33% worn.
 - 4. Shackles shall be used between heavy bottom chain and top chain and a shackle shall be used at the mooring ball.
 - 5. Shackles must be replaced when worn 33%. All shackles must be seized with stainless steel wire.
 - 6. Mushroom anchor eyes and shafts – wear must not exceed 33% of their diameter when new.
 - 7. Mooring pendants with obvious chaffing, stretching or unlaying must be replaced. Approved pendant materials are nylon (single or double braid) and pro-d (nylon and dacron).
 - 8. Chain and tackle shall be supported by a floating mooring ball (hard plastic ball or inflated ball) in good condition and float a minimum of 50% above the waterline.
 - 9. Concrete or stone mooring blocks shall not be cracked or worn and mooring eye shall not be worn more than 33% of its original size. If the concrete block is worn more than 33% of its original size, the concrete block or an approved alternative shall be removed and replaced.
 - 10. Mooring balls must be white with a 2 inch blue band and have a permit number legibly painted in 3 inch characters.
 - 11. The Harbormaster may inspect any mooring at any time and if found that it fails to meet the provisions of these rules and regulations may order it replaced in a certain time limit or

immediately condemn the mooring and remove any vessel that may be moored and take that vessel to a safe location.

- i. The Harbormaster must then notify the owner of such vessel that the mooring has been condemned and the vessel moved.
- ii. The owner of such mooring must then take immediate steps to bring the mooring up to compliance prior to placing the vessel back on the mooring.
- iii. The mooring holder shall be responsible for any cost incurred by the Harbormaster in the removal of said vessel.
- iv. If the mooring is not brought up to standards within 30 days, the mooring permit may be revoked by the Harbormaster.
- v. In the event a mooring permit is revoked, the owner's name may be placed on the waiting list. The owner shall reapply for a mooring permit.

Sec. 82-69 Moorings and floats – rules and regulations.

- a. Moorings shall not be moved from the approved location without prior written approval from the Harbormaster.
- b. If for any reason the Harbormaster determines that the approved location of a mooring is not adequate for the vessel attached to it, the vessel shall be moved to another location until the mooring is brought up to standards.
- c. In the event that a mooring is moved from its approved location by storm, ice or other cause it shall be the responsibility of the permit holder/owner of the mooring to at the earliest possible opportunity but in no case later than 14 days from the date of the dislocation of the mooring to relocate the mooring to its original location or another location approved by the Harbormaster.
- d. The Harbormaster may relocate, move or cause to be relocated any mooring or vessel whenever in his judgment the safety of other vessels or maximum use of the area requires such action.
- e. Any expense of inspection, removal or relocation and any liability incurred as the result of an improper or unsafe mooring shall be the responsibility of the permit holder/owner of said mooring.
- f. The Harbormaster may install moorings and floats needed to perform his duties such as but not limited to providing a mooring or dock for Harbormaster vessels or providing a safe mooring for impounded vessels.
- g. No mooring may be "picked up," tied to or used by a vessel which is not assigned to that mooring except in an emergency situation. If an emergency exists the owner/operator of the vessel shall notify the

Harbormaster immediately through VHF Chanel 9, 16 or by contacting the Fall River Police Department.

- h. Rental of Moorings
 - a. No person shall rent or lease a mooring unless a "Commercial Mooring Permit" has been issued by the Harbormaster or is owned by the City of Fall River for rental by the Harbormaster.
 - b. Rental fees for the Harbormaster moorings shall be deposited into the Harbormaster Revolving Fund.
 - c. Violations of this regulation may result in the revocation of the mooring permit, removal of the mooring and a non-criminal citation.

- i. One Year Rule
 - a. When a permit holder/owner of a mooring fails to place a vessel on the mooring for a period not to exceed 1 year, the Harbormaster will notify the permit holder by certified mail that the mooring permit will be revoked within 30 days of the date of notification if the permit holder fails to place a vessel on the mooring.
 - b. At the end of the 30 day period, the mooring location will be reassigned to a new permit holder/owner unless the original permit is extended by written approval of the Harbormaster on a case by case basis.
 - c. When a mooring location is reassigned the Harbormaster will drop the mooring chain and store the mooring ball for a period of 90 days at which time the mooring tackle becomes the property of the Harbormaster if not claimed by the permit holder/owner.

- j. Float Regulations
 - a. A mooring permit is required to moor a float at a mooring location in order to accommodate a second boat or for storage of vessels.
 - b. Permits for floats will be issued by the Harbormaster based upon the weight that the mooring may hold.
 - c. The size of the float allowed is to be determined by the Harbormaster.
 - d. Floats will not be allowed in congested areas such as Battleship Cove Zones A, B and C except for winter storage. A float is allowed in Zone D for small sailboat storage for Battleship Cove Community Boating.
 - e. Construction of the float shall be approved by the Harbormaster with particular emphasis on cleats which should be through bolted with backing plates and a safety boarding ladder.

- k. Vacant Moorings
 - a. When a mooring assigned to an individual is not to be used by the mooring permit holder for a period of time greater than 30 days, the owner/permit holder shall notify the Harbormaster by regular mail or email that the mooring will be vacant. If a mooring is vacant for a period of more than 30 days the Harbormaster may allow a vessel

of the proper size to temporarily use the mooring under the conditions outlined below.

- i. The Harbormaster shall have the boat using the mooring fill out a Temporary Use Permit with the name of the vessel, the registration number, captain's name, address and phone number.
- ii. A vessel of a larger size than the mooring is designed for shall not be placed on the mooring.
- iii. The owner of the vessel using the mooring is responsible for leaving the mooring in the same condition as when assigned.
- iv. If during the use by another vessel the mooring is lost, dislocated or damaged, the owner/operator of the vessel using the mooring shall be liable to the permit holder/owner of the mooring for a sum of money sufficient to recover, restore, renew or relocate the mooring to the original approved location and to the condition it was when first used by him/her.
- v. The person using the mooring must submit all pertinent information on the boat involved and contact information to the Harbormaster.
- vi. A person is prohibited from pickup (tie up to) any unused mooring that is not specifically permitted to him or her without first contacting the Harbormaster who may assign a suitable available mooring if available, issue a Temporary Mooring Permit and collect the necessary fee.
- vii. In an emergency situation, the Harbormaster may place a suitable size vessel on any open mooring for a short period of time without notification to the owner.

1. Lost Mooring

1. In the event that a mooring has sunk or is lost, it shall be the responsibility of the permit holder/owner to, at the earliest possible opportunity, locate, mark and properly identify said mooring and return it to its proper location as indicated on the permit.
2. If after 90 days the permit holder/owner fails to locate, mark and properly identify a lost mooring and return it to the proper location, the mooring permit shall be revoked and the location reassigned.
 - a. In the event a lost mooring is found by the Harbormaster and the owner cannot be identified or located, the Harbormaster shall take possession of the mooring and store it for 6 months, after which time the Harbormaster may dispose of the mooring.

Sec. 82-70 Anchoring.

Generally, a vessel may anchor on its own in the coastal waters and harbor area of the City except in federal navigation channels, navigation fairways, mooring fields, swimming areas, rights-of-way and egress areas and launching ramps for a period not to exceed 24 hours, or at the discretion of the Harbormaster. No vessel anchored under such conditions shall be left unattended. Owners and operators of such vessel may go ashore but must be available to tend to the vessel in the event

of heavy weather. It shall be the owner's and operator's responsibility to remain clear of all moored vessels and other structures.

Sec. 82-71 Mooring Fees.

All fees shall be paid as provided in the fee schedule in Appendix A, with the exception of the Battleship Cove Sailing Program, which shall be exempted from all mooring permit fees.

Sec. 82-72 Enforcement.

- a. The Harbor Rules and Regulations contained within may be enforced by the Harbormaster, Assistant Harbormasters and Fall River Police Officers assigned to the water by the Chief of Police.
- b. The Harbormaster or his designee may move to a safe place and impound any vessel in violation of the rules and regulations contained herein for the following violations and reasons and shall not release such vessel until such time that the condition that preceded the removal has been corrected and the fine for any violation has been paid:
 1. Tying up to (picking up) to a mooring that is the property of someone else without the permission of the mooring holder and the Harbormaster and refuses to remove such vessel upon demand.
 2. Any vessel tied up to a public or private dock or float without permission and who refuses to remove such vessel upon demand.
 3. Non-payment of mooring fees.
 4. A vessel on fire or otherwise in danger of sinking, breaking loose from mooring, or in a situation that may cause damage to another vessel or property.
 5. Mooring gear not inspected as required or is in such disrepair that it is in immediate danger of failing.
 6. In case of an approaching storm in which the vessel would be in imminent danger of breaking loose or sinking, and the owner could not be reached or refused to remove such vessel upon demand from the Harbormaster.

Sec. 82-73 Penalty.

- a. The owner of any vessel, mooring or other object not properly moored, not properly permitted, or in violation of any Harbor Rules and Regulations contained herein may result in a non-criminal citation, removal of the mooring, removal and impounding of the vessel or a combination of the same as set forth in the fee schedule located in Appendix A to this Revision.
- b. The Chief of Police may issue Massachusetts Environmental Law Citation Books and authorize such use to the Harbormaster, Assistant Harbormasters, and any police officer assigned to the water to write written warnings, criminal and non-criminal citations for boating law violations.
- c. The Chief of Police may issue Fall River City Ordinance Citation Books and authorize such use to the Harbormaster, Assistant Harbormasters, and any

police officer assigned to the water to write the following violations pursuant to this article.

Ch/Sec.	Description:
10.1	Improper Placement of Mooring
10.2	Improperly Moving of Mooring
10.3	Failure to have Mooring inspected by Qualified Diver
10.4	Failure to Relocate Lost Mooring
10.5	Failure to Meet Mooring Standards
10.6	Improperly Marked Mooring
10.7	Failure to Provide Accurate Mooring Permit Information
10.8	Improper Rafting of Vessel on Mooring
10.9	Illegal use (picking up or tying up to) of a public or private Mooring, Dock or Float without Harbormaster permission
10.10	Failure to Remove Vessel upon Demand
10.11	Failure to Properly Secure Vessel
10.12	Improper anchoring
10.13	Speed greater than headway speed
10.14	No wake violation
10.15	Abandoned vessel
10.16	Unregistered vessel, failure to display certificate number
10.17	Refusing to stop for on oral command of Harbormaster
10.18	Failure to carry or use proper equipment
10.19	Failure to carry vessel registration
10.20	No Discharge violation

- d. Each and every day a violation continues is considered a new and separate violation.

Sec. 82-74 Appeal.

Any person who receives a fine pursuant to this article may appeal in a non-criminal proceeding by making a written request to the Chief of Police or his designee within twenty-one (21) calendar days of the date of issuance of the fine. Failure to timely appeal the administrative citation is deemed a waiver of the right to appeal.

Any person aggrieved by the harbor master's refusal to permit a temporary mooring, may appeal to the division of waterways of the Commonwealth's department of environmental protection within 30 days after notice of refusal.

Sec. 82-75 Conformance with existing regulations.

Nothing in the above regulations shall be construed as conflicting with any state statute or the Code of Massachusetts Regulations.

Section 3:

That Appendix A – Fee Schedule of the Revised Ordinances of the City of Fall River be amended by inserting a new chapter which relates to waterways.

Ch. 82 Waterways

Section 82-71

a) Individual – Non-Commercial Yearly	\$35.00
b) Commercial or Rental Mooring Yearly	\$55.00
c) Temporary Mooring Permit Fee (per day)	\$35.00
d) Late fee after March 31	\$50.00
e) Mooring Waiting List -fee	\$25.00
f) Mooring Transfer Fee	\$25.00

Section 82-73 Penalties

For any violation of article IV	\$50.00
---------------------------------	---------

6

City of Fall River, In City Council

(Councilor Raymond A. Mitchell)

WHEREAS, the City of Fall River uses "water bleeders" in various locations of the city to alleviate dirty water, and

WHEREAS, these are open water pipes that have water running continuously and draining into the sewers, and

WHEREAS, this water must now be treated as sewerage, now therefore

BE IT RESOLVED, that the Administrator of Public Utilities and the Director of the Water Division be invited to a future City Council Committee on Finance meeting to discuss this practice and what it would cost to correct the situation.

City of Fall River, *In City Council*

(Councilor Raymond A. Mitchell)
(President Linda M. Pereira)

WHEREAS, the Community Preservation Act was accepted by a majority of voters during the November 6, 2012 state election, and

WHEREAS, upon acceptance of the Act by voters, a Community Preservation Committee will be established by ordinance, now therefore

BE IT RESOLVED, that Corporation Counsel draft an ordinance to establish the Community Preservation Committee as soon as possible, and

BE IT FURTHER RESOLVED, that Corporation Counsel be invited to the March 5, 2013 City Council Committee on Ordinances and Legislation meeting to discuss this matter further.

City of Fall River, In City Council

8

(Council President Linda M. Pereira)

WHEREAS, streets are closed for parades and processions, and

WHEREAS, at times they are closed for an extensive amount of time, now therefore

BE IT RESOLVED, the City Council Committee on Ordinances and Legislation meet to review section 66-63 regarding parades and processions.

City of Fall River, In City Council

(Council President Linda M. Pereira)

WHEREAS, the Watuppa Water Board has placed an advertisement for bids in the Fall River Herald News for the "Transmission System Improvements at Watuppa Pond", and

WHEREAS, in this advertisement it states "remove and dispose of the cobblestones" and also deliver to the City five pallets of cobblestones and the remainder of cobblestones shall become the property of the contractor, and

WHEREAS, these cobblestones are not the property of the Watuppa Water Board, now therefore

BE IT RESOLVED, that the Administration look into this matter and make any and all corrections applicable.

CC

13

CLAIM FORM
City of Fall River, Massachusetts

13-9

Name: Michelle Martin

Address: 6 Crabapple Dr
Berkley Ma 02775

Phone #: 774 501 7863

Type of Claim: M.G.L. Chapter 84 M.G.L. Chapter 258 Other

Date of Incident: 2-9-13

Time of Incident: 1:00 P.M.

Location of Incident: 131 Canal St.

Provide a detailed description of your claim (attach additional sheets if necessary):

See Attached

RECEIVED

2013 FEB 11 A 9:16
CITY CLERK
FALL RIVER, MA

my 2 copies to Law

IDPW

CC

city clerk.

*You should consult with your own attorney in preparing this Claim Form to understand your legal rights

RECEIVED

CLAIM FORM

City of Fall River, Massachusetts

2013 FEB 15 P 4: 16

Name: Christopher Leocadio

CITY CLERK FALL RIVER, MA #13-10

Address: 100 Liberty St. Fall River MA 02724

Phone #: 508-676-5905

Type of Claim: M.G.L. Chapter 84 M.G.L. Chapter 258 Other

Date of Incident: 2/11/13

Time of Incident: 7:20 PM

Location of Incident: Near 287 Broadway, Fall River, MA

Provide a detailed description of your claim (attach additional sheets if necessary):

Driving home from work late at night did not see pot hole across from reds, near Millenium Pizza on Broadway popped both tires and broke two rims.

wry + 2 copies Law

1 DPW

1 CC

1 City Clerk

* Please consult with your own attorney in preparing this Claim Form to understand your legal rights

* Please file this Claim Form with: City Clerk, One Government Center, 2nd Floor, Fall River, MA 02722

RECEIVED

CLAIM FORM
City of Fall River, Massachusetts

2013 FEB 19 A 10:15
CITY CLERK #13-11
FALL RIVER, MA

Name: Michelle Ciccu

Address: 129 Wilson Road
Fall River MA 02720

Phone #: 508 837-0814

2011 Nissan
maxima

Type of Claim: M.G.L. Chapter 84 M.G.L. Chapter 258 Other

Date of Incident: JANUARY 30, 2013

Time of Incident: flat tire & damage due to pothole

Location of Incident: new 79th

Provide a detailed description of your claim (attach additional sheets if necessary):

I was driving down the new 79th right ^{over davel st.}
after the stop sign and had to
go over a pothole because it was
in my lane and I couldn't switch
to the left lane because there was
a car in that lane so I had no
choice. As soon as I went over
it, I got a flat tire and damaged
the wheel (which was the front passenger)

I am attaching a copy of my bill
for the damages that I had to pay
Thank you Michelle Ciccu

*You should consult with your own attorney in preparing this Claim Form to understand your legal rights

arg v. 2 Copies to Law
ID PW
LCC
city clerk

RECEIVED

CLAIM FORM
City of Fall River, Massachusetts

2013 FEB 19 P 1:11

Name: ALAN SIKORA

CITY CLERK 13-12
FALL RIVER, MA

Address: 378 STAFFORD RD.
FALL RIVER, MA 02721

Phone #: 508-678-6347

Type of Claim: M.G.L. Chapter 84 M.G.L. Chapter 258 Other

Date of Incident: FEBRUARY 9TH 2013

Time of Incident: APPROX 11:30 PM

Location of Incident: STAFFORD RD. FALL RIVER

Provide a detailed description of your claim (attach additional sheets if necessary):

SEE ATTACHED DOCUMENTS

* DESCRIPTION OF CLAIM

* COPY OF KICKED BACK EMAIL TO DPW

* 22 PICTURES WITH MY NAME ON THE BACKS

(BOTH NIGHT OF AND NEXT DAY IN LIGHT)

* ESTIMATE OF DAMAGE

* POLICE REPORT - NEVER PUT MY SONS INFO

ALSO PUT CAR AS 2001 ITS A 2002

THEY SAW MY SON IN CAR AND NEVER ASKED

FOR HIS ID, I OFFERED IT AND THEY

SAID THEY DIDN'T NEED IT.

* SIGNED STATEMENT FROM MY SON THAT HE

WAS IN THE CAR WITH ME.

* ONE DVD WITH SHORT VIDEO CLIP

*You should consult with your own attorney in preparing this Claim Form to understand your legal rights.

orig + 2 copies
LAW

1- DPW

1- City Clerk

1- City Council

Alan Sikora

City Council

#13-13

I was advised by John Friar to submit the following account of the accident which caused damage to my truck:

On February 9th, I was driving west on Indian Town Road in Fall River, when an eastbound water department plow truck approached. I pulled way over to the right, into the snow bank, where my vehicle became stuck. I put my vehicle in park and stepped out to assess the situation. The snow plow truck had also become stuck in the snow as the driver had also pulled to his right. As the snow plow driver attempted to get free of the snow bank, the rear of his truck slid and hit the rear driver's side of my truck.

The repair for the resulting damage is provided in the estimate from Wings Auto. A copy of the police report is also provided.



RECEIVED

2013 FEB 21 A 9:58

CITY CLERK
FALL RIVER, MA

any + 2 Copies to Law
1 Water Dept
1 CC
1 City Clerk

14



City of Fall River Massachusetts

Department of Community Maintenance
CEMETERIES • MUNICIPAL BUILDINGS • ENGINEERING • SANITATION •
PARKS • STREETS & HIGHWAYS • TRAFFIC & PARKING • VEHICLES

Engineering Division

WILLIAM A. FLANAGAN
Mayor

KENNETH C. PACHECO
Director
BYRON R. HOLMES, P.E.
City Engineer

MEMO

To: Fall River City Council
From: Byron Holmes, P.E.
City Engineer
Date: February 7, 2013
Subject: Street Opening Request for Pavement less than 5 years old.
Comments:

RECEIVED
2013 FEB 11 AM 11:18
CITY ENGINEER
FALL RIVER, MA

The New England Gas Company has requested permission to install a new gas main along William Street. This is necessary because the existing main that serves Ships Cove Apartments on Canal Street is located in areas where the new connecting roadway from Broadway Extension to Ponta Del Gada Boulevard will be constructed. A sketch of the Route 79/I-195 project is attached.

The second attached sketch shows the intent of the gas company. The gas main shown within the red dotted areas are to be abandoned. The proposed new gas lines will run along William Street from Broadway to South Main, along Fountain Street from William Street to Ferry Street, and along Ferry Street from Fountain Street to Canal Street. These are shown with green dotted lines. Also included are new regulator systems on South Main Street and Fifth Street, shown as green boxes. Both of these will be underground. The areas will be excavated, new vaults installed, and then backfilled and the area returned to its existing condition.

William Street was repaved in 2011, so is a street under the City's five year moratorium. It can only be excavated with City Council approval. I have met with the gas company and they have agreed that if they are allowed to construct this gas line, they will limit excavation near the north side of the road, which is within the parking areas rather than the travel lanes. They have further agreed that following the work, they will place 4" of hot mix asphalt within the trench. They will then mill the street from the curb line out to one foot beyond the trench, following which they will install new pavement within the milled area. All work is to follow the "Standards Employed by Public Utility Operators When Restoring Municipal Streets" as published by the Commonwealth of Massachusetts Division of Telecommunications and Industry and with the requirements of the Fall River City Council.

This is the same method used along Bradford Street a few years ago. In my opinion, once the gas company does this installation, this is the best way to repair the street.

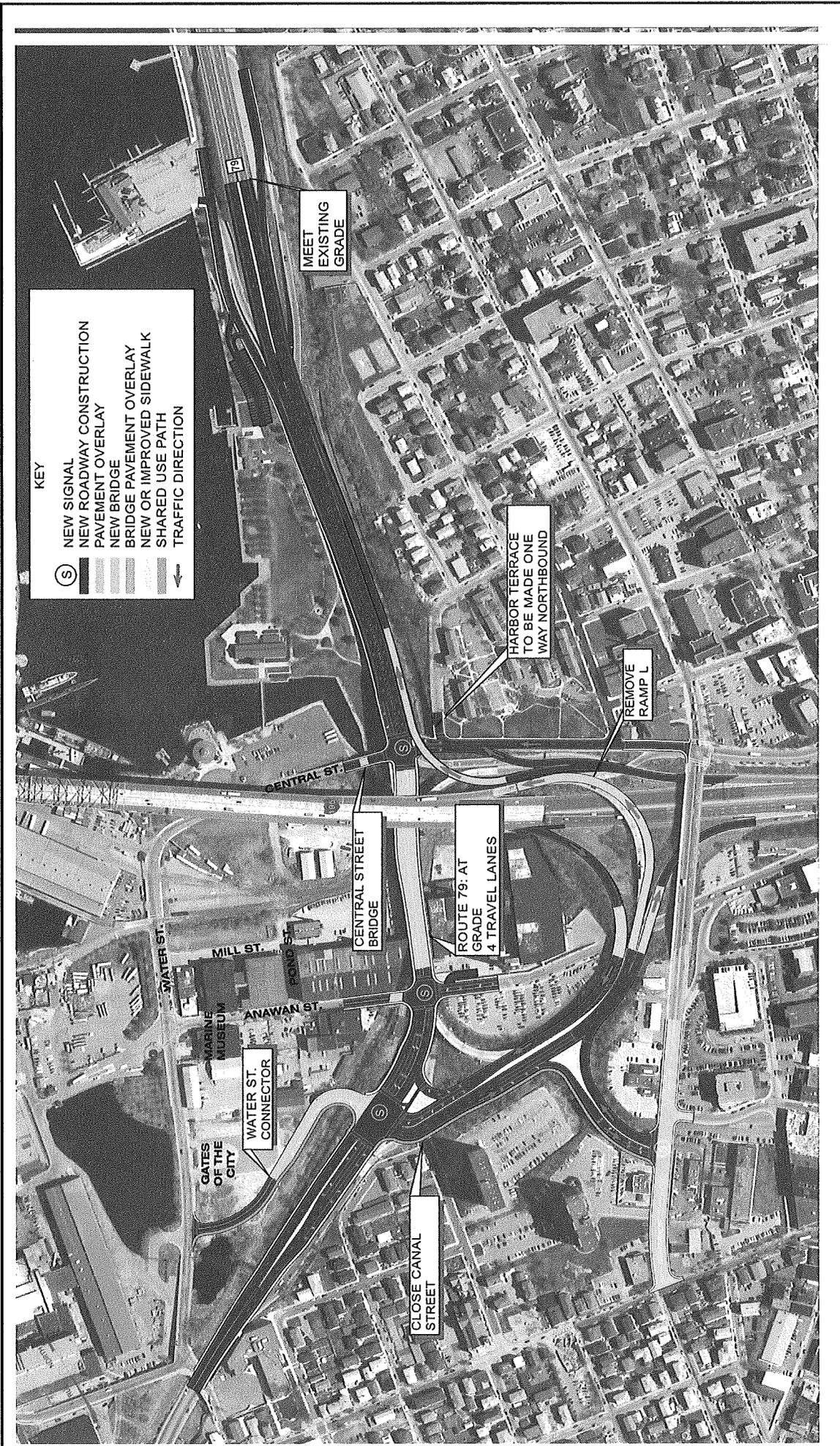


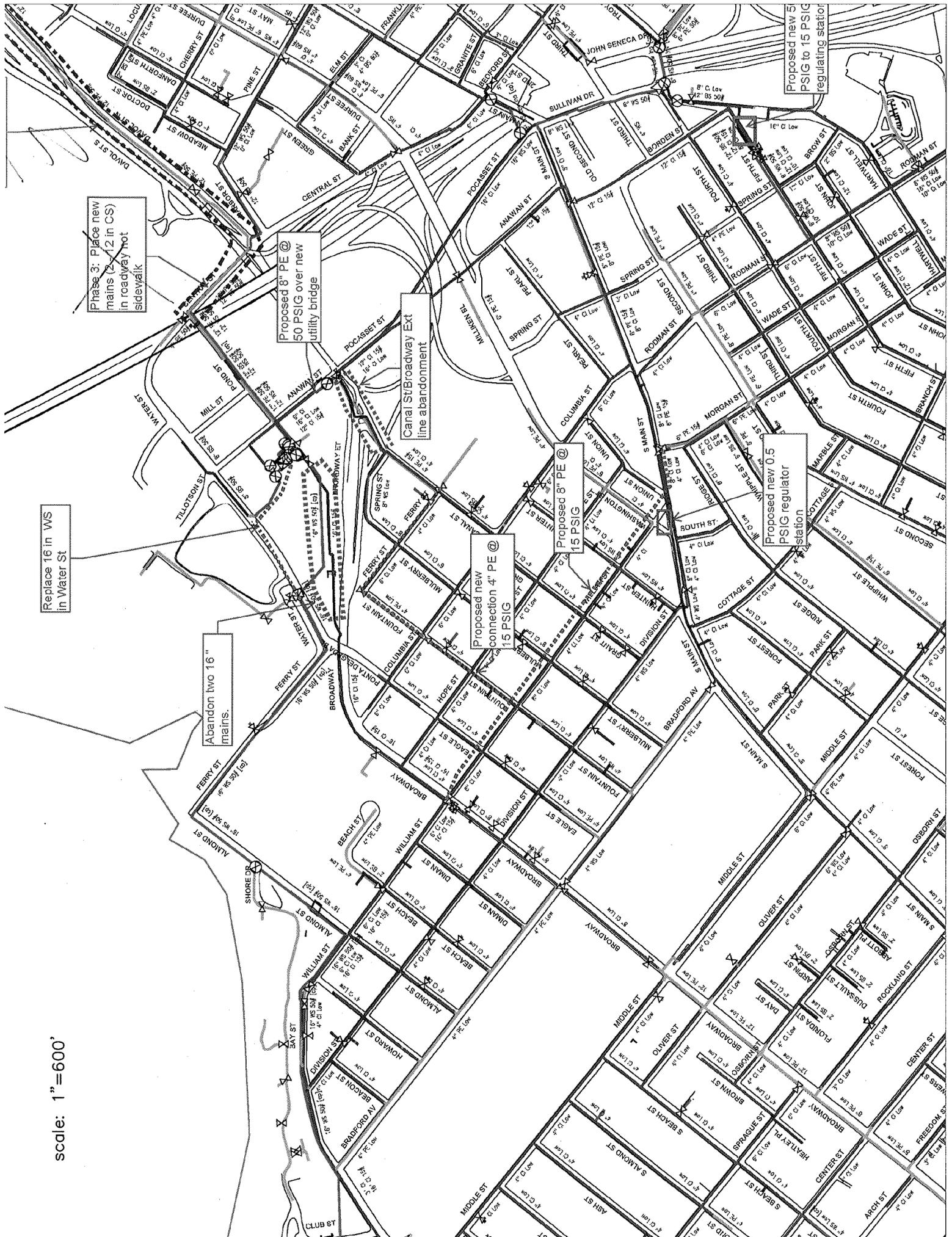
Figure 4- 4-1

At-Grade Alternative Plan View
 Route 79 / I-195 Interchange Reconstruction Project
 Fall River, MA

NOT TO SCALE



scale: 1"=600'



Phase 3: Place new mains (24\"/>

Proposed 8" PE @ 50 PSIG over new utility bridge

Canal St/Broadway Ext line abandonment

Proposed new connection 4" PE @ 15 PSIG

Proposed 8" PE @ 15 PSIG

Proposed new 0.5 PSIG regulator station

Proposed new 5 PSIG to 15 PSIG regulating station