



*City of New Bedford*  
IN COMMITTEE

June 09, 2022

The Honorable City Council  
133 William Street  
New Bedford, MA 02740

Dear Honorable Members of the City Council:

The Committee on Ordinances at a Meeting held on Monday, May 23, 2022, considered a WRITTEN MOTION, Council President Lopes, requesting the following Marine Use Ordinance be referred to the Committee on Ordinances for review, discussion, and Adoption, (Ref'd 09/09/2021) and a DRAFT ORDINANCE, Marine Use Ordinance, (To be Referred to the Committee on Ordinances.) (Ref'd 09/09/2021)

On motion by Councillor Abreu and seconded by Councillor Burgo, the Committee VOTED: To recommend to the City Council to take "No Further Action" on the WRITTEN MOTION, Council President Lopes, requesting the following Marine Use Ordinance be referred to the Committee on Ordinances for review, discussion, and Adoption, and the DRAFT ORDINANCE, Marine Use Ordinance. This motion passed on a voice vote.

IN COMMITTEE ON ORDINANCES

*Hugh Dunn*  
Councillor Hugh Dunn, Chairman

HD: dmb



# CITY OF NEW BEDFORD

## CITY COUNCIL

September 9, 2021

### *WRITTEN MOTION*

Requesting the following Marine Use Ordinance be referred to the Committee on Ordinances for review, discussion, and Adoption.

Joseph P. Lopes, City Council President

## COASTAL WATERWAY USE ORDINANCE

The purpose of this ordinance is to reduce existing conflicts and limit potential future conflicts between uses of the coastal waters of the City of New Bedford, eliminate adverse impacts to the shorelines and aquatic life, promote overall public safety, and decrease pollution in the inshore areas.

### **DEFINITIONS.**

(a) "**Landmarks**" shall include, but not be limited to, the farthest extension of piers, beaches, seawalls, jetties, breakwaters, and docks.

(b) "**Personal watercraft**" means a highly maneuverable vessel which uses a waterjet pump to propel one or more persons and is capable of operating at planing speeds. "Personal watercraft" includes, but is not limited to, vessels referred to as Jet skis®, Sea Doos®, and Wave runners. "Personal watercraft" shall include any vessel less than 12 feet, propelled by machinery, that is designed to be operated by a person sitting, standing, or kneeling on the vessel, rather than the conventional manner of sitting or standing inside the vessel.

(c) "**Operator**" means the person on board who is steering the Personal Watercraft or Vessel.

(d) "**Special-Use Area**" means all or a portion of a waterway that is set aside by the City of New Bedford and/or any other regulatory or enforcement agency for specified uses or activities including, but not limited to, swimming, waterpark, fishing, kayaking, and sunbathing.

(e) "**Vessel**" includes every description of watercraft used or capable of being used as a means of transportation on water, to include seaplane and amphibious vehicles.

(f) "**New Bedford Shoreline**" shall include, but not be limited to, all waterways surrounding the City of New Bedford Peninsula, the Clarks Cove area and along the shoreline north to the Coggeshall Street bridge overpass. In the event another regulatory authority has exclusive jurisdiction over any of this shoreline area, the Special Use Area shall begin at the boundary of the shoreline under the jurisdiction of the City.

### **PROHIBITED USE OF VESSELS**

1. No Person shall operate, beach, cause to idle, or anchor any vessel within 150 feet of the New Bedford Shoreline, Landmarks, persons in the water, jetty, mooring field, hurricane barrier, or pier, along its boundaries and any area deemed as such.
2. No person shall launch or beach any vessel at any municipal waterfront location which is owned or managed by the City of New Bedford, and/or the New Bedford Port Authority to include all public beaches, jetty, street ends, without the express permission of the City of New Bedford, the New Bedford Harbormaster or the New Bedford Port Authority.

## **PURPOSE OF LAUNCHING VESSELS**

All vessels shall be launched at the designated public boat ramp to include the Frederick Street boat Ramp, Gifford Street boat ramp, and Coral Street boat ramp.

## **ENFORCEMENT**

The New Bedford Police Department, New Bedford Harbormaster, New Bedford Fire Department, New Bedford Port Authority and any other City department, agency, or employee so designated by the Mayor, shall be the enforcing authorities for this ordinance.

## **VIOLATIONS AND PENALTIES.**

1. Any person or entity found in violation of this chapter shall be fined \$300 for the first and each subsequent offense. Each act and/or each day in violation of this section shall constitute a separate offense.
2. Any person, firm, or entity that is licensed by the City and is found in violation of this ordinance may, after a hearing, have any such local license revoked.
3. A penalty provided for under this ordinance may be imposed in conjunction with any other charges or penalties that can be imposed for violation of any other local, state, or federal criminal or civil offenses committed.

## **SEVERABILITY, EFFECTIVE DATE**

If any section, subsection, sentence, clause, phrase, word, or other portion of this ordinance is, for any reason, held to be unconstitutional or invalid, in whole, or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this chapter, which remaining portions shall continue in full force and effect.

This ordinance shall take effect upon its approval by the Director of the Division of Law Enforcement of the Department of Fisheries, Wildlife, and Environmental Law Enforcement in accordance with MGL c. 90B, § 15.