

# Town of Fairfield Harbor Management Commission

Sullivan Independence Hall  
725 Old Post Road  
Fairfield, Connecticut 06824



May 18, 2021

## RULES AND PROCEDURES<sup>1</sup> FOR MOORING, ANCHORING, AND DOCKING VESSELS IN THE SOUTHPORT HARBOR MANAGEMENT AREA<sup>2</sup>

1. Purpose: These Rules and Procedures have been adopted by the Fairfield Harbor Management Commission (HMC) for the purpose of implementing specific sections of *The Management Plan for Southport Harbor* (Harbor Management Plan) and providing fair and equitable access to the Public Trust waters of the Southport Harbor Management Area (HMA), including the Southport Harbor Federal Navigation Project.
2. Mooring Committee:
  - (a) A Mooring Committee of the HMC shall be appointed by the Chairman of the HMC and shall consist of at least two members of the HMC plus the Harbor Master as an ex-officio member. The Mooring Committee shall assist the Harbor Master with matters pertaining to the mooring, anchoring, docking, and permitting of vessels in the HMA and with other matters concerning safe and efficient operation of the HMA in a manner consistent with the Harbor Management Plan. The Mooring Committee shall report regularly to the HMC, make recommendations to the HMC,

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<sup>1</sup> These Rules and Procedures are prepared and adopted in accordance with the authority and procedures established in Section 24-8E of the Fairfield Code and Sections 22a-113k through 22a-113t of the Connecticut General Statutes, and in furtherance of *The Management Plan for Southport Harbor* as adopted by the Town of Fairfield Representative Town Meeting and approved by the State of Connecticut.

<sup>2</sup> For the purpose of these Rules and Procedures, the Harbor Management Area is the area of jurisdiction of the Fairfield Harbor Management Commission, as established by Chapter 24 of the Fairfield Code and defined in *The Management Plan for Southport Harbor*. The HMA includes Southport Harbor and adjacent areas, and consists of the Southport Inner and Outer Harbors and Sasco Brook downstream of Route 1 within the Town of Fairfield. (See figure 1.)

and otherwise assist the HMC with implementation of the Harbor Management Plan and these Rules and Procedures in the most efficient manner.

3. Mooring Permits Required:

(a) In order to provide for adequate access for vessels, for safety of persons and property, for protection of natural and historic resources, and for optimum use of the HMA, the Harbor Master must approve all mooring locations<sup>3</sup> within the HMA, including locations used for: 1) “individual-private” mooring purposes<sup>4</sup>; and 2) locations used for “commercial” mooring purposes as defined by the U.S. Army Corps of Engineers (USACE) and Connecticut Department of Energy and Environmental Protection (DEEP) and requiring authorizations from those agencies. An individual mooring permit issued by the Harbor Master shall be required for the use of each approved individual-private mooring location. Use of the commercial mooring locations authorized by DEEP and the USACE in the North Anchorage<sup>5</sup> also shall be authorized by the Harbor Master in accordance with a North Anchorage Mooring Permit covering all mooring locations in the anchorage and issued annually by the Harbor Master to the Pequot Yacht Club (PYC). (See Sec. 7 of these Rules and Procedures.) In addition, each commercial mooring float<sup>6</sup> authorized by DEEP and the USACE for use by the PYC outside the North Anchorage also shall be authorized by the Harbor Master in accordance with a commercial mooring float permit issued annually to the PYC consistent with all other applicable sections of these Rules and Procedures. A separate permit shall be issued for each mooring float.

(b) It is a violation of the Connecticut General Statutes and Fairfield Code for any vessel to be moored in the HMA without a current and valid permit issued by the Harbor Master. However, a current and valid permit issued by the Harbor Master is not required for a visiting boater who is

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<sup>3</sup> For the purpose of these Rules and Procedures, a mooring location is the place where a vessel can be made fast by means of mooring tackle so designed that, when the attachment of such tackle to the vessel is terminated, some portion of the tackle remains below the surface of the water and is not under the control of the vessel or its operator.

<sup>4</sup> For the purpose of these Rules and Procedures, an “individual-private” mooring location is a single mooring location approved by the Harbor Master for non-commercial, non-rental use by a specific person. All persons shall have equal opportunity to apply for available individual-private mooring locations in accordance with the Rules and Procedures.

<sup>5</sup> For the purpose of these Rules and Procedures, the “North Anchorage” is the mooring area used and managed by the Pequot Yacht Club in accordance with *The Management Plan for Southport Harbor*, these Rules and Procedures, commercial mooring field permits issued by the Connecticut DEEP and the USACE, and a Memorandum of Agreement between the Town of Fairfield and the PYC. The North Anchorage is upstream of and adjacent to the Southport Harbor federal anchorage area.

<sup>6</sup> For the purpose of these Rules and Procedures, a mooring float is a single floating dock unattached to land, secured by bottom anchors, used to secure vessels, and no more than 100 square feet in area.

using any transient mooring for up to the maximum number of days allowed per calendar year described in Section 22 of these Rules and Procedures.

(c) No provision contained in these Rules and Procedures shall limit the power of the Harbor Master to station and remove vessels as provided in applicable sections of the Connecticut General Statutes.

4. Mooring and Docking Records:

(a) For purposes of processing mooring waiting list and mooring permit applications, including commercial mooring float permit renewal applications by the PYC and docked vessel information reports, the Harbor Master will require use of an online mooring system. Through that system, all applicants for individual-private mooring permits and the PYC when renewing commercial mooring float permits will submit new and renewal applications and all other required materials, including document images. Applicants shall promptly submit any changes to application information and any updated required document images using this system. All required information will be input directly by the applicant into the online mooring system and such data will be stored in the system. Applicable fees and charges payable to the Town of Fairfield shall be submitted directly by the applicant through the online mooring system or by mailing a check to the Harbor Master.

(b) The Harbor Master, with assistance from the Mooring Committee and utilizing the online mooring system, shall keep a detailed record of each approved individual-private mooring location and vessel permitted to use that location, as well as the name, home, email address, business address and telephone numbers of the owner of the permitted vessel; the name, length, beam, registration number and/or documentation, and type of the permitted vessel; and any other pertinent information as may be determined by the HMC and Harbor Master, including, but not limited to, the Connecticut Vessel Registration document, proof of liability insurance coverage for the permitted vessel, and a copy of the vessel owner's State of Connecticut Safe Boating Certificate (SBC). In addition, and also utilizing the online mooring system, the Harbor Master will keep a suitably detailed record of each permitted commercial mooring float.

(c) Detailed records concerning the use of each mooring location in the North Anchorage shall be maintained by the PYC in a form suitable for that purpose proposed by the PYC and agreed to by the Harbor Master and HMC, and shall be available to the Harbor Master upon request. (See Sec. 7 of these Rules and Procedures.)

(d) Pursuant to Sec. 24-11M of the Fairfield Code, the Harbor Master, with assistance from the Mooring Committee, shall keep a detailed record of all vessels (except transient vessels and tenders used to reach larger vessels) tied up to any dock in the HMA, as well as the name, home, and business address and telephone numbers of the owner(s) of the dock and docked vessel(s); the name, length, beam, registration number and/or documentation, and type of docked vessel(s); and any other pertinent information as may be determined by the HMC and Harbor Master, including, but not limited to, the Connecticut Vessel Registration document, proof of liability insurance coverage for the docked vessel(s) and a copy of the vessel owner's State of Connecticut SBC.

Owners of docked vessels shall keep all required docked vessel information and document images up-to-date by promptly entering updates into the online mooring system.

(e) Mooring and docking records shall be maintained in such a manner that information can be easily obtained by the HMC, Mooring Committee, and Harbor Master with regard to any individual-private and commercial mooring location, moored vessel, docking facility, and owner of a moored or docked vessel.

(f) All mooring permittees shall be responsible for promptly notifying the Harbor Master of any changes to the information provided on their mooring permit applications. Such changes shall be submitted by individual-private mooring permittees using the online mooring system. All persons on the mooring waiting list also shall be responsible for notifying the Harbor Master of any changes to the information provided on their waiting list applications, and all dock owners shall be responsible for notifying the Harbor Master of any changes to the information they have provided concerning the vessel(s) tied to their docks. Such changes shall be promptly submitted by mooring waiting list applicants in their mooring waiting list application record, and by dock owners in their docked vessel information record, using the online mooring system.

5. Harbor Mooring Plan:

(a) The HMC in consultation with the Harbor Master may prepare a comprehensive Harbor Mooring Plan to guide the allocation of all moorings in the HMA and to identify each assigned mooring location. Such plan may be adjusted as necessary by the HMC to provide for the most safe and efficient use of Harbor mooring locations. The plan may designate specific mooring “zones” within the HMA for the purpose of mooring vessels of a particular size, draft, and type. The plan also may provide for the placement of mooring tackle<sup>7</sup> in interlocking series or “strings.”

6. Assignment of Mooring Locations:

(a) All assignments of mooring locations shall be made by the Harbor Master, with assistance from the Mooring Committee, with the exception of the state- and federally authorized mooring locations managed by the PYC in the North Anchorage (see Sec. 7 of these Rules and Procedures) and the PYC’s state and federally approved commercial mooring floats. All mooring locations shall be properly utilized by the mooring permittee, in accordance with these Rules and Procedures, during the boating season of April 15 to October 15.

(b) A single list of current individual-private mooring assignments and a single mooring waiting list of all persons waiting for a mooring location in the HMA shall be maintained by the Harbor Master. The mooring waiting list shall be open on an equal basis to all applicants who meet the criteria established in these Rules and Procedures. The mooring waiting list, the list of current assignments of mooring locations, and a copy of these Rules and Procedures shall be available for public review in the Department of Public Works Office in Sullivan Independence

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<sup>7</sup> For the purpose of these Rules and Procedures, “mooring tackle” is the hardware (e.g., chain, line, anchor, buoys, and other equipment) used to secure a vessel or a mooring float at a mooring location.

Hall and shall be posted on the Town of Fairfield website in accordance with Town requirements for maintaining personal data privacy.

(c) The names of persons waiting for a mooring location shall be entered and maintained on the mooring waiting list according to the order in which those persons' waiting list applications are received by the Harbor Master through the online mooring system. The most senior applicant on the list shall be the person whose name is listed and numbered first; all subsequent applicants shall be added sequentially to the list and assigned a progressively higher number. No person or vessel shall be entered on the list more than once.

(d) In assigning mooring locations in accordance with Chapter 24-12 of the Fairfield Code and these Rules and Procedures, there shall be no discrimination on the basis of residence.

(e) In assigning mooring locations, first priority shall be given to those persons applying for the renewal of permits granted to them in the preceding year; second priority shall be given to requests by mooring permittees for transfer to a different mooring location in the order such requests may be received by the Harbor Master; and third priority shall be given to persons on the mooring waiting list.

(f) In assigning mooring locations, consideration shall be given to size, draft, and type and use of vessels, including use for recreational and commercial purposes, and to any other conditions that may affect safe and efficient use of the HMA, including the capacity of the HMA to safely accommodate moored vessels in an environmentally sound manner, including but not limited to: 1) the availability of adequate space, adequate depth, and adequate water access to the mooring location; 2) the need to maintain navigation ease and safety in the HMA; 3) available parking spaces and points of shoreline access to mooring locations; 4) historical and traditional uses of different sections of the HMA, including any mooring "zones" that may be designated by the HMC for mooring vessels of a particular size, draft, and type; 5) the presence of valuable and sensitive environmental resources; 6) the historic and esthetic character of residential areas near the HMA; and 7) opportunities for re-establishing historically-used mooring areas.

(g) No vessel having a total length of more than fifty feet shall be moored or berthed in Southport Harbor. For the purpose of this section, a vessel's total length shall be the length listed on the Connecticut registration document.

(h) In assigning mooring locations, the Harbor Master shall be guided by these Rules and Procedures and any Harbor Mooring Plan that may be prepared by the HMC and adjusted as necessary to maintain the most safe and efficient use of available individual-private mooring locations. It shall be a responsibility of the Harbor Master, acting in coordination with the Mooring Committee and HMC, to ensure fair and equitable application of these Rules and Procedures and to avoid any efforts by any applicant to circumvent the letter and intent of the Rules and Procedures or otherwise obtain special treatment.

(i) Any available mooring location shall be offered to the most senior (lowest numbered) applicant on the mooring waiting list, subject to the constraints described in these Rules and Procedures. If an available mooring location is not suitable to accommodate the most senior applicant's vessel, it shall be offered to the next senior qualified applicant. The most senior applicant shall retain his place on the waiting list in this case. Efforts shall continue to provide a suitable mooring location for the most senior applicant.

(j) An applicant on the waiting list to whom a mooring location is offered by the Harbor Master shall have 10 days to accept that location following receipt of written notice<sup>8</sup> from the Harbor Master. Failure to respond within 14 days to any written offer from the Harbor Master for a mooring location shall result in the removal of the applicant's name from the mooring waiting list. Upon acceptance of a mooring location, the applicant shall have 14 days to submit a complete mooring permit application and all necessary fees and supporting documentation to the Harbor Master or else the mooring location shall be offered to the next senior qualified applicant on the waiting list.

(k) A one-time option to defer acceptance of a suitable mooring location offered by the Harbor Master is available to an applicant who requests, in writing and within 14-days of receipt of the Harbor Master's offer, to defer such acceptance. In this case the applicant will retain his or her position on the waiting list with no guarantee that a suitable mooring location for the vessel will be available to the applicant in the future. Refusal by an applicant to accept a second offer of a suitable mooring location for the vessel shall result in the applicant's name being moved to the bottom of the waiting list. In the calendar year in which an applicant exercises the one-time option to defer acceptance of a suitable mooring location for the vessel, the subsequent offer of other suitable mooring locations for the vessel during the same calendar year shall not result in the applicant's name being moved to the bottom of the waiting list.

(l) In the interest of ensuring safe, efficient, and equitable use of the HMA, no one individual shall be assigned more than one individual-private mooring location, and no one household shall<sup>9</sup> be permitted to use more than one mooring location. Only one mooring location shall be assigned to any one vessel. No household member shall be assigned a Southport Harbor mooring permit and have a current permit at Fairfield's South Benson Marina. If a household member held permits simultaneously in South Benson Marina and Southport Harbor prior to December 31, 2021, renewal of the Southport mooring permit shall not be denied under this rule.

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<sup>8</sup> For the purpose of these Rules and Procedures, "written notice" shall include a notice delivered as a paper copy or electronically via email.

<sup>9</sup> For the purpose of these Rules and Procedures, "household" shall mean the person or group of people living in the same residence.

(m) Individual-private mooring permits shall be issued by the Harbor Master only to those applicants owning a vessel properly registered in accordance with applicable laws and regulations of the State of Connecticut.

(n) In assigning mooring locations and issuing mooring permits, the Harbor Master shall, to the extent practical and to the extent consistent with all other applicable sections of these Rules and Procedures, assign priority for mooring locations to littoral/riparian property<sup>10</sup> owners who apply for permits to utilize mooring locations offshore of their properties. Owners of littoral/riparian property contiguous to waters determined by the HMC and Harbor Master to be not suitable for mooring locations due to natural conditions, including, but not limited to, insufficient water depths and the presence of vulnerable coastal resources, are not eligible for priority assignment for mooring locations under this rule. Such owners may maintain a place on the waiting list without assertion of littoral/riparian rights priority.

i. A mooring location assigned to a littoral/riparian property owner offshore of his or her property is intended to be used by that property owner for mooring a vessel owned by that property owner; the assigned mooring space shall not be rented to another person or used to moor another person's vessel.

ii. It is a policy of the Harbor Management Plan that each individual-private owner of littoral/riparian property will be limited to one dock and/or mooring immediately offshore of his or her property, provided that such dock or mooring does not interfere with navigation or cause a significant adverse impact on coastal resources. For the purpose of these Rules and Procedures, this policy does not mean that such owners are entitled to a dock and [emphasis added] mooring in all instances. Accordingly, when considering an application submitted by a littoral/riparian property owner for a new or renewed individual-private mooring permit, the Harbor Master shall consider: 1) whether the waters of the HMA offshore of the applicant's property are suitable for a mooring location; and 2) whether the applicant owns and maintains a duly approved dock or other water-access structure suitable for reasonably accommodating the vessel identified in the application. It is the Harbor Master's responsibility to help ensure that the rights and interests of the general public concerning use of the HMA consistent with the Public Trust Doctrine are not diminished, including, but not limited to, access to available mooring locations in the Federal Anchorage. Accordingly, in those instances where the Harbor Master, with assistance from the Mooring Committee and HMC, determines that an applicant's existing water-access structure is suitable for reasonably accommodating the applicant's access to the HMA, that applicant's application for a new or renewed mooring permit may be denied so as to provide opportunity for additional mooring locations for the general public. That owner may maintain a place on the waiting list without assertion of littoral/riparian rights priority. An individual littoral/riparian property owner with a water-access structure

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<sup>10</sup> For the purpose of these Rules and Procedures, "littoral/riparian property" means property contiguous to the navigable water of the HMA and which, pursuant to water-rights law, affords its owner with certain rights including the right of reasonable access to the HMA.

suitable for accommodating that owner's moored vessel and who has been issued an individual-private mooring permit prior to December 31, 2021 shall not be denied the renewal of that permit under this rule.

iii. A littoral/riparian property owner who has obtained a mooring permit on a priority basis under this section may also maintain a place on the waiting list without assertion of littoral/riparian rights.

iv. Property owners who obtained their permit on a priority basis under this rule may not renew their mooring permit if they no longer own the property that entitled them to the priority mooring assignment. Property owners who obtain their permit through the normal waiting list procedure without assertion of littoral/riparian rights may continue to renew the permit should they no longer own littoral/riparian property.

v. Due to natural conditions, including but not limited to natural water depths, HMA waters to the north of the North Anchorage are not suitable for vessel moorings. There are no approved mooring locations offshore of properties in that area.

vi. Due to natural conditions, including but not limited to exposure to open water wind and wave conditions, HMA waters outside the Inner Harbor are not suitable for vessel moorings. There are no approved mooring locations offshore of properties that are outside the Inner Harbor and within the HMA.

(o) A person utilizing a mooring location within the North Anchorage in accordance with the commercial mooring field permits issued by the Connecticut DEEP and the USACE and in accordance with the Harbor Master's North Anchorage Mooring Permit (see Sec. 7 below) may simultaneously maintain a place on the mooring waiting list.

#### 7. North Anchorage:

(a) All mooring locations in the North Anchorage shall be managed by the PYC in accordance with: i) state and federal commercial mooring field permits issued to the PYC by the Connecticut DEEP and the USACE; ii) applicable provisions of the Harbor Management Plan; iii) the terms and conditions specified in the Town-PYC Memorandum of Agreement Concerning Assistance by the Pequot Yacht Club to the Town of Fairfield for Implementing Certain Provisions of the Management Plan for Southport Harbor (MOA); and iv) the annual North Anchorage Mooring Permit issued by the Harbor Master to the PYC covering the total number of state-and federally authorized mooring locations in the anchorage.

(b) The total number of mooring locations utilized by the PYC in the North Anchorage shall not exceed the maximum number authorized by current and valid state and federal mooring field permits. As of December 31, 2020, the maximum number of vessels that may be moored in the anchorage at any one time is fifty-one (51).

(c) The PYC shall be responsible for ensuring compliance with the special and general terms and conditions specified in the current and valid state and federal mooring field permits and for otherwise ensuring that use of the anchorage causes no significant adverse impacts on navigation or coastal resources in the HMA.

(d) The North Anchorage Mooring Permit issued by the Harbor Master shall be subject to annual renewal according to the renewal requirements specified in Sec. 9 of these Rules and Procedures and shall specify requirements for provision by the PYC of timely and complete information concerning all vessels using the mooring area at any one time.

(e) The PYC shall maintain detailed and timely records concerning the use of each mooring location, including the name, home, email address, business address, and telephone numbers of the owner of any moored vessel; the name, length, beam, registration number, and/or documentation, and type of moored vessel; and any other pertinent information as may be determined by the HMC and Harbor Master, including, but not limited to, the Connecticut Vessel Registration document, proof of liability insurance coverage for the moored vessel, and a copy of the vessel owner's State of Connecticut SBC. All required information shall be maintained by the PYC in a form suitable for that purpose proposed by the PYC and agreed to by the Harbor Master and HMC. Such information shall be available for review by the Harbor Master upon request and provided as a condition of annual renewal of the North Anchorage Mooring Permit.

(f) The PYC shall be responsible for maintenance, including regular inspection, of all mooring tackle utilized in the North Anchorage in compliance with minimum standards established by the HMC and adjusted, as necessary, by the Harbor Master. The PYC shall maintain detailed and timely records concerning maintenance of North Anchorage mooring tackle and shall input those records directly into the online mooring system for storage and for review by the Harbor Master.

(g) Pursuant to Sec. 22a-113s of the Connecticut General Statutes and Chapter 24-12 of the Fairfield Code, the PYC shall pay an annual mooring permit fee for use of the North Anchorage. That fee shall be calculated according to the maximum number and size of vessels authorized to be moored in the commercial mooring field at any one time. (See Sec. 12 of these Rules and Procedures.)

(h) Each person mooring a vessel in the North Anchorage shall indemnify and hold harmless the Harbor Master and the Town of Fairfield, its officers, designees, and employees for any and all claims, damages, or losses of any kind, including legal costs arising out of the use of any mooring location within the commercial mooring field.

8. Assignment of Mooring Locations for Commercial Fishermen:

(a) In assigning mooring locations and issuing mooring permits, the Harbor Master shall, to the extent possible, give special consideration to providing mooring locations for vessels used for licensed commercial fishing purposes.

(b) To apply for a permit or to renew a permit for a mooring location for a commercial fishing vessel, the applicant must meet the following requirements in addition to providing all other information required by these Rules and Procedures: 1) possess a current and valid State of Connecticut commercial fishing license; and 2) possess a vessel licensed for commercial fishing purposes and equipped principally for commercial fishing purposes. A professional commercial fisherman who obtained a mooring permit on a priority basis under this rule may also maintain a place on the waiting list as a recreational vessel permit applicant. However, no one person may concurrently hold both a mooring permit assigned for a commercial fishing vessel and a mooring permit obtained through the normal waiting list procedure.

(c) Assignment and use of a mooring location for a commercial fishing vessel must be consistent with all other applicable mooring procedures and requirements established in the Harbor Management Plan and these Rules and Procedures, and with all applicable state and federal laws and regulations.

9. Navigation Fairways:

(a) In allocating and assigning mooring locations in the federal anchorage and other areas, the Harbor Master shall maintain appropriate navigation fairways for recreational and commercial vessels navigating to, from, and through mooring locations and areas. Fairways shall be designated by the HMC and shall be of an appropriate width, consistent with the size, draft, and type of moored vessels. Within the entire length of the 100-foot wide section of the federal anchorage, a navigation fairway of at least 75 feet in width shall be maintained at all times.

10. Application for Mooring Space and Permit:

(a) Any person<sup>11</sup> may apply for an individual-private mooring permit by completing in full the application provided for that purpose on the online mooring system and submitting the completed application and all necessary fees and supporting documentation to the Harbor Master.

(b) The HMC may, as necessary to avoid possible abuses of the mooring assignment Rules and Procedures, establish fair and reasonable requirements on a case-by-case basis to limit the issuance of mooring permits for vessels with joint ownership.

(c) All applicants for mooring permits shall indemnify and hold harmless the Harbor Master and the Town of Fairfield, its officers, designees, and employees for any and all claims, damages, or losses of any kind, including legal costs arising out of the use of any mooring location that may be assigned to those applicants.

(d) All applicants for an individual-private mooring permit shall maintain liability insurance on the vessel identified in any mooring permit that may be issued to them. In addition, all persons mooring vessels in the North Anchorage in accordance with the North Anchorage Mooring Permit issued by the Harbor Master to the PYC shall maintain liability insurance on their moored vessels.

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<sup>11</sup> For the purpose of these Rules and Procedures, a “person” is a single living person.

(e) A complete application for an individual-private mooring permit shall include: the proper application form completed on the online mooring system in full; proof of the vessel's proper and current registration in the State of Connecticut; proof of the applicant's current vessel liability insurance coverage; a copy of the vessel owner's State of Connecticut SBC, a check or online payment for the appropriate mooring permit fee and, if applicable, the mooring tackle maintenance charge; and any other pertinent materials as determined by the Harbor Master. In addition, a littoral/riparian property owner applying for a new or renewed mooring permit on a priority basis pursuant to Sec. 6(n) of these Rules and Procedures also shall submit an appropriate signed statement, to the satisfaction of the Harbor Master, attesting to the applicant's ownership of the affected littoral/riparian property.

(f) The HMC shall require a reasonable and non-refundable initial application fee, established by the Town of Fairfield, from all applicants placed on the mooring waiting list. This fee shall be credited toward the first-year annual mooring permit fee specified in Section 10 of these Rules and Procedures, and shall be collected and deposited in the same manner as the annual mooring permit fee. In addition, a reasonable and non-refundable administrative fee shall be paid by all mooring waiting list applicants upon initial application submission and upon submission of each annual mooring waiting list renewal application.

#### 11. Renewal of Mooring Permits and Mooring Waiting List Positions:

(a) All mooring permits shall be valid only for the year in which they are issued and may be renewed in accordance with these Rules and Procedures.

(b) All mooring permits, including individual-private permits, the North Anchorage Mooring Permit, and the PYC's commercial mooring float permits, shall expire on December 31st. Applications for renewal of individual-private mooring permits and the commercial mooring float permits must be completed on the online mooring administrative system and returned to the Harbor Master by January 31 of the following year. A grace period lasting until the last calendar day of February may be allowed by the Harbor Master for receipt of applications for renewal of mooring permits. Applicants for individual-private mooring permits who are unable to submit their application for renewal of a mooring permit via the online mooring system must explain their hardship to the Harbor Master and make other arrangements satisfactory to the Harbor Master. There shall be no exception made to the January 31 deadline or the grace period described above. Application for renewal of the North Anchorage Mooring Permit shall be made by the PYC on a form prepared by the Harbor Master, with assistance from the Mooring Committee, and submitted along with the required vessel information according to the dates specified above.

(c) Failure to return a complete application for renewal of an individual-private mooring permit by the date specified in these Rules and Procedures may result in denial of the application and reassignment of the mooring permit to another applicant.

(d) All mooring waiting list applications shall expire on December 31st. Applications for renewal of mooring waiting list position must be completed on the online mooring system and submitted to the Harbor Master by January 31 of the following year with the required

administrative fee. A grace period lasting until the last calendar day of February may be allowed by the Harbor Master for receipt of applications for renewal of mooring waiting list positions. Applicants who are unable to submit their application for renewal of their mooring waiting list position via the online mooring system must explain their hardship to the Harbor Master and make other arrangements satisfactory to the Harbor Master. There shall be no exception made to the January 31 deadline or the grace period described above. Persons who fail to renew their application for mooring waiting list position by the January 31 deadline or, alternatively, the grace period (if allowed by the Harbor Master) shall be removed from the waiting list.

12. Annual Mooring Permit Fee:

a) Any person receiving a permit for an individual-private mooring location in the HMA, and the PYC as the recipient of commercial mooring float permits, shall pay an annual mooring permit fee (not to exceed the maximum amount authorized by state law) established by the Town of Fairfield as authorized by Sec. 22a-113s of the Connecticut General Statutes and Chapter 24-12 of the Fairfield Code. In addition, the PYC shall pay an annual mooring permit fee for use of the state- and federally authorized North Anchorage mooring locations. That fee shall be equal to the maximum number of vessels authorized to be moored in the commercial mooring field times the highest annual individual vessel mooring fee established by the HMC.

(b) When the Harbor Master determines that a suitable mooring location exists for an applicant for a new or renewed individual-private mooring permit, the applicant will be notified and must pay the appropriate annual fee, payable to the Town of Fairfield, and submit all other required documents before the permit shall be issued. This fee shall be nonrefundable and shall be in addition to any duly established, nonrefundable fee for mooring tackle maintenance that may be required. Similarly, the North Anchorage mooring permit fee and commercial mooring float permit fees shall be paid and all required application documents submitted prior to annual renewal of the North Anchorage Mooring Permit and the PYC's commercial mooring float permits.

(c) All fees collected pursuant to Chapter 24-12 of the Fairfield Code, Section 22a-113s of the Connecticut General Statutes, and these Rules and Procedures shall be deposited into the Fairfield Harbor Management Account within the Town of Fairfield General Fund, as authorized by Section 22a-113s of the Connecticut General Statutes, and used exclusively for purposes directly associated with management and improvement of the HMA.

13. Transfer of Mooring Permits, Vessels, and Locations:

(a) Mooring permits shall be non-transferable except that the HMC and Harbor Master may approve the transfer of an individual-private mooring permit between a deceased and surviving spouse if not doing so would create an unreasonable hardship to the surviving spouse in the judgment of the HMC and Harbor Master. Whenever the holder of an individual-private mooring permit transfers the title or interest in or otherwise parts with possession of the vessel identified in the mooring permit to another person by any arrangement whatsoever, the mooring permit shall immediately expire. The new possessor, transferee or owner of the vessel shall have no vested right to use the mooring location covered by the mooring permit.

(b) An individual-private mooring permittee may, upon written application to and approval by the Harbor Master, retain the mooring location assigned under the mooring permit for a replacement vessel provided that vessel is moved onto the mooring location within one year and is suitable for the approved mooring location. If the replacement vessel is significantly smaller, larger, or of different draft or type, the Harbor Master shall have the right to relocate the replacement vessel to another, more suitable mooring location if such a location is available. There is no guarantee that a mooring location will be available to accommodate any mooring permittee's replacement vessel.

14. Mooring Location and Placement:

(a) No mooring tackle for individual-private use shall be placed or maintained in any part of the HMA until the mooring location has been approved by the Harbor Master. No mooring tackle shall be placed in any areas in which mooring is prohibited by the Harbor Management Plan, and all permits granted shall be consistent with all provisions of the Management Plan.

(b) All mooring permittees may be directed at any time by the Harbor Master to move their vessels to a new or different mooring location in the HMA for the purposes of maintaining public safety. Permittees utilizing individual-private mooring locations may be directed at any time by the Harbor Master to move their vessels to a new or different location to achieve the most efficient use of available mooring space.

15. Use of Mooring Location or Tackle:

(a) Use of an assigned and permitted mooring location shall be sustained by the mooring permittee as the primary mooring location of the permitted vessel over a reasonable period of time during the boating season of April 15 to October 15. The permittee's use of the mooring location in accordance with this requirement shall be subject to review by the Harbor Master and HMC at the close of the boating season. A mooring permittee who, in the judgment of the Harbor Master and HMC, has not attached his or her vessel to the assigned mooring for a sustained and reasonable period of time during the boating season shall be notified in writing by the Harbor Master that his or her mooring permit and privileges may be revoked. Upon receipt of any such notification from the Harbor Master, the permittee must respond in writing within ten (10) days to show cause, to the satisfaction of the Harbor Master and HMC, why the permit should not be revoked. Failure of a mooring permittee to properly respond to written notification from the Harbor Master concerning use of the assigned mooring location shall result in revocation of the mooring permit. No permitted mooring location may be left unused for more than one permit year.

(b) A mooring permittee shall attach the vessel identified in the mooring permit to the permittee's assigned mooring location by July 15 in the year for which the mooring permit has been issued. A mooring permittee who has not attached his or her vessel to the assigned mooring location by July 15 shall be notified in writing by the Harbor Master that his or her mooring permit may be revoked. Upon receipt of any such notification from the Harbor Master, the permittee must respond in writing within five (5) days to show cause, to the satisfaction of the Harbor Master and HMC, why the permit should not be revoked. Failure of a mooring permittee to properly

respond to written notification from the Harbor Master concerning an unused mooring location shall result in revocation of the mooring permit.

(c) A mooring permittee shall notify the Harbor Master if his or her assigned mooring location will be vacant for any extended period of time during the boating season.

(d) The requirements for sustained use by the mooring permittee of a mooring location or tackle as set forth in 15(a), 15(b), and 15(c) above shall not apply to vessels moored in the North Anchorage in accordance with commercial mooring field permits issued by the Connecticut DEEP and the USACE.

(e) The HMC may, on an annual basis, establish a date by which all moored vessels must be removed from the HMA.

16. Secure Mooring, Anchoring, and Docking of Vessels:

(a) The owner of any vessel moored, anchored, or docked within the HMA shall be responsible for causing such vessel to be tied, secured, or anchored with proper care and equipment and in such manner as may be required to prevent the moored, anchored, or docked vessel from breaking loose and causing damage to any other vessel, persons, or property. The Harbor Master may order any vessel that may have broken loose from its mooring tackle, anchor, or dock, or any vessel that, in the judgment of the Harbor Master, is at risk of breaking loose, to be properly reattached or otherwise secured to avoid damage to any other vessel, persons, or property.

(b) All mooring tackle shall comply with minimum standards established by the HMC and adjusted, as necessary, by the Harbor Master and be subject to regular inspection to ensure compliance.

(c) Each person mooring, anchoring, or docking a vessel in the HMA shall be responsible for any damage to his or her own vessel or to any other vessel or property that may be caused by failure to secure his or her own vessel with proper care and equipment in such a manner to prevent the vessel from breaking loose and causing damage to any other vessel, persons, or property.

17. Identification of Approved Mooring Locations and Permitted Vessels:

(a) The Harbor Master may, from time to time, establish and amend reasonable standards for the marking of mooring buoys or provide marking tags to be attached to all approved moorings in the HMA. Notice of such standards will be provided in writing to all approved mooring permittees.

(b) All vessels permitted to use a mooring location in the HMA may be required to display a current mooring permit identification decal issued by the Harbor Master. The number on the decal shall correspond to the number of the mooring permit issued by the Harbor Master. The purpose of the decal, if required, shall be to help ensure that all vessels attached to moorings in the HMA are properly permitted and their owners easily identified in the event of an emergency. The decal, if required, shall be affixed, by the mooring permittee, to the transom of the permitted vessel. The

Fairfield Police Department's Marine Unit will assist the HMC and Harbor Master with the identification of any unpermitted vessels moored in the HMA and with enforcement of these Rules and Procedures in accordance with the Connecticut General Statutes and Fairfield Code.

18. Ownership of Mooring Tackle:

(a) In order to provide for adequate access for vessels, safety of persons and property, protection of natural and cultural resources, and optimum use of the HMA, all mooring tackle placed in the HMA shall be owned by the Town of Fairfield. Excluded from this requirement is mooring tackle in the North Anchorage "commercial" mooring area duly permitted by the Connecticut DEEP and the USACE.

(b) All privately owned mooring tackle utilized in the HMA shall be subject to all applicable Rules and Procedures concerning the inspection of that tackle.

19. Mooring Inspection and Maintenance:

(a) No mooring tackle shall be placed in the HMA without inspection and approval of the tackle by the Harbor Master or his authorized designee. The Harbor Master shall direct the placement of all individual-private mooring tackle.

(b) All mooring tackle, with the exception of "helix" anchors which shall be removed as necessary in consultation with the Shellfish Commission, shall be raised and/or removed by the HMC or its designee for inspection by the Harbor Master or his designee at least once every three (3) years. If, as the result of such inspection, it shall be determined by the Harbor Master or his designee that any piece of mooring tackle has become unsafe or otherwise inadequate, all such pieces of mooring tackle shall be replaced accordingly.

(c) Mooring tackle inspection procedures should allow for annual harvesting of shellfish from the HMA by commercial shellfishermen in specific locations determined by the HMC in consultation with the Shellfish Commission. Since shellfish purification will not take place when water temperature is below 50 degrees F, procedures for the annual removal of moorings should provide for three weeks of shellfish harvesting in the fall prior to November 15, and two weeks in the Spring after April 1.

20. Mooring Maintenance Charge:

(a) Unless excluded by these Rules and Procedures, any person receiving a permit for use of a mooring location in the HMA shall pay an annual, nonrefundable mooring maintenance charge to defray the HMC's annual costs for maintaining and, as necessary, buying new mooring tackle. In addition, the PYC shall pay an annual mooring maintenance charge for maintenance of the tackle used to secure the PYC's permitted commercial mooring floats and required three transient moorings (see Sec. 22 of these Rules and Procedures). The annual mooring tackle maintenance charge shall be nonrefundable and be determined annually by the HMC. The annual mooring tackle maintenance charge must be submitted, along with the annual mooring permit fee, prior to issuance of any mooring permit.

(b) The annual mooring tackle maintenance charge shall not be applied to vessels moored in the state- and federally permitted North Anchorage.

21. Revocation of Mooring Permit:

(a) The Harbor Master shall have the authority to revoke a mooring permit if the permittee fails to maintain the moored vessel in a seaworthy condition or fails to comply with any permit conditions or provisions of these Rules and Procedures, including but not limited to:

- (i) failure to maintain a properly registered, documented, or insured vessel;
- (ii) failure to secure a vessel to its mooring with proper care and equipment;
- (iii) failure to use the assigned mooring location in accordance with these Rules and Procedures; and
- (iv) use of a permitted mooring location to secure a vessel that is neither used for or capable of safe navigation.

22. Transient Mooring: During the recreational boating season, a minimum of three transient mooring locations with mooring tackle in place will be provided by the PYC outside of the North Anchorage. Such mooring locations will be available for short-term use (not to exceed 14 days per calendar year) by transient vessels visiting Southport Harbor from elsewhere. Use of a transient mooring location by an unpermitted vessel outside of the North Anchorage for a period greater than 14 days per calendar year may only be allowed in exigent circumstances and with the prior permission of the Harbor Master. The 14-day annual maximum transient vessel visit, whether separate days or consecutive days, applies to any of these mooring locations. These mooring locations shall be available on a first-come, first-served basis.

23. Vessels Making Fast:

(a) No person shall make fast or secure a vessel to any mooring already occupied by another vessel, or to a vessel already moored, with the following exception. A rowboat, dinghy, or yacht tender regularly used to serve a larger vessel for transportation of persons or property to or from shore may be temporarily secured to such larger vessel or to the mooring regularly used by such larger vessel if the smaller vessel does not encroach into a designated channel or fairway or otherwise unduly interfere with navigation in the HMA.

24. Powers and Duties of the Harbor Master: In accordance with powers and duties of the Harbor Master pursuant to all applicable sections of the Connecticut General Statutes, and to the extent not inconsistent therewith, the Harbor Master shall exercise the following powers and duties:

(a) Correction of Unsafe Anchoring, Docking, or Mooring: If any vessel shall be found in the judgment of the Harbor Master to be anchored, docked, or moored in an unsafe or dangerous manner, or in such a way as to create an existing or potential hazard to other vessels or to persons or property, the Harbor Master shall order and direct necessary measures to eliminate such unsafe or dangerous condition. Primary responsibility for compliance with such orders and directions

shall rest with the owner of the improperly anchored, docked, or moored vessel or his authorized designee; in the absence of such owner or agent, said responsibility shall rest with the authorized operator of the vessel or the facility at which the vessel is anchored, docked, or moored. In an emergency situation and in the absence of any such responsible person, the Harbor Master or his designee may forthwith board such vessel and cause the improper situation to be corrected, and the owner of the vessel shall be liable for the costs incurred by the Harbor Master or his designee in effecting such correction.

(b) Removal of Unseaworthy Vessels: No person shall secure or permit to be anchored, docked, or moored in the HMA a vessel of any kind which the Harbor Master considers unseaworthy or in a badly deteriorated condition, or which is likely to sink or to damage docks, wharves, floats, and/or other vessels, or cause water pollution, or which may become a hazard to navigation. Any unseaworthy or badly deteriorated vessel shall be removed from the water and/or be otherwise disposed of as directed by the Harbor Master and at the expense of the registered owner.

(c) Elimination of Obstructions of Channels, Fairways, and Berthing Space: No person shall moor, anchor, or dock a vessel so as to interfere with the free and unobstructed use of channels, fairways, docks, or berthing spaces within the HMA or to voluntarily or carelessly sink or allow to be sunk any vessel in any channel, fairway, berthing space; or to float loose timber, debris, logs, or piles in any channel, fairway, or berthing space in such a manner as to impede navigation or cause damage. Any abandoned or sunken vessels within the HMA shall be subject to removal by order of the Harbor Master, in accordance with the procedure set forth in the Connecticut General Statutes.

(d) Relocation and Removal of Mooring Tackle and Unpermitted Vessels:

(i) The Harbor Master may require any mooring tackle or vessel to be moved to a new location whenever, in his judgment, the safe and efficient use of the HMA so requires.

(ii) If an order given by the Harbor Master with respect to removing unauthorized mooring tackle and vessels moored without current and valid permits, changing the location of existing privately owned mooring tackle for the purpose of promoting safe and efficient use of the HMA, or replacing privately owned mooring tackle determined to be inadequate are not taken by the owner, if known, within fourteen days after notification, or, if not known, after notice has been posted for that period on the vessel or mooring tackle, the Harbor Master may cause such vessel or mooring tackle to be removed or relocated. The expense of such vessel or mooring tackle removal or relocation and any liability arising from injury to person or property incurred thereby shall be the responsibility of the vessel or mooring tackle owner.

(iii) Nothing above shall prevent the Harbor Master or his designee from taking measures with or without notice if, in the judgment of the Harbor Master, such measures are necessary in order to provide for the safety of persons or property.

(e) Suspension of Requirements and Imposition of Emergency Requirements:

(i) The requirements of these Rules and Procedures pertaining to a specific mooring location, area, and/or vessel may be suspended by the Harbor Master if, in the judgment of the Harbor Master, such suspension is necessary to provide for the safety of persons or property or if the imposition of the requirements would result in an unreasonable hardship on the person or persons so affected.

(ii) In order to most effectively respond to any emergency as may be caused by a severe storm or other natural or man-made conditions, the Harbor Master is empowered to suspend the requirements of these Rules and Procedures and/or impose additional requirements in the interest of public safety.

25. Review of Decisions:

(a) Any party aggrieved by a decision pertaining to the application of these Rules and Procedures may submit a request in writing to the HMC to review that decision. Such request shall be submitted within 30 days of the date of the decision. The HMC shall review the decision and render a finding on the matter within 60 days of receipt of the aggrieved party's written request.

(b) While Sec. 15-1 ("Harbor masters") of the Connecticut General Statutes requires the Harbor Master who is appointed by the Governor to exercise his duties in a manner consistent with the Harbor Management Plan, it should be recognized that Town ordinances, rules, and procedures cannot alter the Harbor Master's duties and powers established in the Connecticut General Statutes which include primary authority to station vessels and issue mooring permits. As a result, the HMC may not over-ride the Harbor Master's mooring assignments, provided such assignments are consistent with the Harbor Management Plan and these Rules and Procedures.

26. Violations:

(a) Any penalties imposed for violations of these Rules and Procedures shall be as provided in the Connecticut General Statutes and Fairfield Code.

27. Revocation of Mooring Permits and Removal of Unpermitted Vessels:

(a) Pursuant to Sec. 15-8 ("Power to station vessels. Penalty for resisting") and Sec. 15-9 ("Vessels may be removed. Procedures. Notice. Regulations. Penalty") of the Connecticut General Statutes, the Harbor Master may cause to be removed any vessel moored in the HMA in violation of these Rules and Procedures.

Rules and Procedures for Mooring, Anchoring, and Docking Vessels  
In the Southport Harbor Management Area

Adopted October 9, 1995

Amended Effective June 29, 2007, November 24, 2010, December 4, 2015,  
and May 28, 2021

*Including Amendments Adopted by the Harbor Management Commission May 18, 2021*