

COMMERCIAL MARINE LICENSE BY-LAW

No person, business, corporation or other legal entity whose legal or principal place of business or business operations is situate within the Town of Edgartown or who maintains a regular and usual place of business within said town shall engage in any commercial activity, business or any form of marine endeavor whatsoever for profit or hire or the like within the Harbor Planning Boundary as outlined in the Edgartown Harbor Plan [Page 152] dated September 12, 1997 nor upon the waters of the Great Pond situate in whole or in part within the Town, unless, (1) the Board of Selectmen (the Board) has first determined, upon application, that such activity qualifies as a Water Dependent Use as defined in 131 CMR, and (2) without first being licensed by the Board as required in this by-law.

Without limiting the scope of the foregoing term, a Water Dependent Use shall include the following activities:

Boat Rental (any propulsion)	Sportfishing charters
Water tours	Sailing charters
Commercial fishing	Aquaculture & shellfish farming
Launch service	Ferry Services
Diving services & salvage	Marine repairs
Septage pumpout vessels	Marine research & testing
Dock/pier/float construction & repairs	

However, the Water Dependent Use activities of commercial fishing, aquaculture & shellfish farming, ferry services, and marine research & testing, being otherwise licensed, permitted or regulated, are not required to obtain a license under this by-law.

In that applicants under this by-law are applying for a license to conduct private business upon the waters of Edgartown harbor which are public property, applications to license activities other than those specified above must include proof, satisfactory to the Board, that the proposed activity is a Water Dependent Use and will serve a public purpose and the public good.

In addition, no license shall be issued unless a majority of the Board is satisfied after an investigation of all facts that the applicant has a place of business, which shall not include the use, in any way, of other public property, suitable for such a purpose as is specified in the license application.

The Board may adopt and prescribe such rules and regulations which it deems to be in the best interest of public need, safety and good order, in licensing any applicant under this by-law.

Applications for a license under this by-law shall be filed with the Board and contain all such information as the Board in its sole discretion may, from time to time, require.

Each application shall be accompanied by a non-refundable application fee. If an application is approved, the applicant, upon payment of a licensing fee, shall be granted a license which shall, upon payment of an annual renewal fee, be renewable annually if, upon review a majority of the Board is satisfied that the applicant has previously complied with the rules and regulations in effect during the last licensing period. The non-refundable application fee, the licensing fee and the license renewal fee shall be in such amounts as is, from time to time, established by the Board.

Licenses shall not be transferable and licenses not used during one year's time shall be null and void.

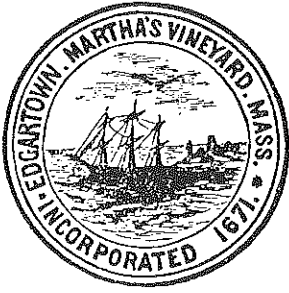
Whoever operates any commercial activity, business or any form of marine endeavor for profit or hire or the like upon said waters without first being licensed as aforesaid or, upon application, having had the application for licensing denied by the Board, shall be subject to a fine of not more than One Hundred (\$100.00) for each day of unlicensed activity.

Whoever, first being licensed, violates the conditions of said license, the provisions of this by-law or the rules and regulations adopted by the Board and it is the first violation of the preceding twelve (12) months, the Board may impose a suspension of the marine license for any period of time up to one (1) week and in addition to or in substitution therefor, may impose a fine of up to Fifty Dollar (\$50.00). For any second finding of any violation of any regulation within the preceding twelve (12) months by the marine licensee, the Board may impose a suspension of the marine license for any period of time up to two (2) weeks and in addition to or in substitution therefor, may impose a fine of up to One Hundred Dollars (\$100.00). For any third finding of any violation of any regulation within the preceding twelve (12) months by the marine licensee, the Board may impose a suspension of the marine license for any period of time up to four (4) weeks and in addition to or in substitution therefor, may impose a fine of up to Two Hundred Dollar (\$200.00). For any fourth finding of any violation of any regulation within the preceding twelve (12) months, the Board may impose a revocation of the permitting license for the balance of the licensing period and in addition to or in substitution therefor, may impose a fine of up to Five Hundred Dollar (\$500.00).

A second motion was made to amend the amount of the Five hundred dollar (\$500.00) to Three hundred dollars (\$300.00) as required by law. This motion was moved and seconded; thereafter voted in favor by an unanimous vote. The main Article as amended was thereafter voted with the Moderator declaring that the Article CARRIED.

ATTEST:

Wanda M. Williams
Wanda M. Williams
Town Clerk



TOWN OF EDGARTOWN

APPLICATION FOR COMMERCIAL MARINE LICENSE

To the Board of Selectmen:

In accordance with the provisions of the Commercial Marine License By-law adopted October 29, 2001 and approved February 22, 2002 by the Office of the Attorney General of the Commonwealth, the Undersigned hereby applies for a License to operate the below described commercial marine activity in Edgartown Harbor

1. Name of person, firm or corporation [include name of principal owner, manager, operator]:

Note: (1) A corporation or other legal entity must submit a copy of its Articles of Organization, or other documents creating its legal existence, and a Certificate of Good Standing issued by the Secretary of the Commonwealth within 6 months of this application.
(2) An individual doing business under an unincorporated firm name must submit proof of having filed a disclosure statement with the Office of the Edgartown Town Clerk.

2. Social Security Number (voluntary if individual) or business Federal Identification Number: _____

3. Telephone No. _____
Fax Phone No. _____
Cell Phone No. _____

4. Legal address [street & number] and mail address if different; city/town & postal zip code:

5. State clearly the intended marine activity and purpose for which this application is made:

6. Identify [by legal address and locus] the Applicant's place of business in the Town of Edgartown including the waterfront facility [if different than the legal place of business] from which the activity will operate in and upon Edgartown harbor. State whether the proposed waterfront facility is owned by the applicant or leased, and if leased, attach a copy of the lease. If the proposed waterfront facility is neither owned nor leased, then state also under what arrangement or authority the Applicant is using or intends to use said facility.

