

3.12 Moorings

- 3.12.1 No person shall place a mooring in the coastal marine area whether in a mooring area identified in Schedule 2 or not, unless a licence issued by the Harbourmaster has been obtained.
- 3.12.2 Any mooring that is requested to be placed outside a mooring area shall also be subject to resource consent.
- 3.12.3 The Harbourmaster may remove or authorise the removal of any unauthorised mooring and the actual and reasonable costs of doing so can be recovered by the Council as a debt from the owner of the mooring or from the person who installed it.
- 3.12.4 The owner of a mooring will at all times:
- (a) be solely responsible for the position, sufficiency and security of that mooring; and ensure that the mooring remains fit for its purpose.
- 3.12.5 Neither the Council nor the Harbourmaster will be liable:
- (a) for the position, insufficiency or insecurity of any mooring allocated by the Harbourmaster.
 - (b) for any damage or loss that may arise to any yacht, boat or launch permitted to use the mooring occasioned through any breaking away or defect in the owner's moorings or any part of them, or through the act of any person in causing damage to the owner's moorings or any part of them, or caused by any yacht, boat or launch while moored to such mooring or by any perils of the seas or by navigation of any ship, boat or launch within the mooring or from any cause whatsoever.
- 3.12.6 The Harbourmaster has the right to inspect any mooring and can direct the mooring owner to upgrade or repair the mooring as considered appropriate.
- 3.12.7 Every moored vessel shall clearly display an identification name or number that is a minimum of 90mm high and clearly legible at a distance of no less than 50 metres.
- 3.12.8 No person shall anchor any vessel so as to obstruct any licensed mooring.
- 3.12.9 The Harbourmaster may, subject to the conditions specified in clauses 3.12.10, 3.12.11 and 3.12.12, grant a mooring licence for a mooring area.
- 3.12.10 Every mooring licence issued by the Harbourmaster shall apply to the vessel and owner(s) named in the licence, and is to be renewed annually.
- 3.12.11 The conditions of any mooring licence issued by the Harbourmaster may include, but are not limited to:
- (a) the precise location of the mooring;
 - (b) the size and type of any vessel which may be attached to the mooring;
 - (c) the design and specifications of the mooring;
 - (d) a requirement for maintenance and inspections of the mooring by a mooring inspector approved by the Harbourmaster, once every two years;

- (e) the type of buoy or float with which the owner of a mooring must mark the location of the mooring when it is not being used by a vessel; and its identification number;
 - (f) a requirement that the owner of the mooring shall be liable in any event for the position, insufficiency or insecurity of any licensed mooring.
- 3.12.12 The Harbourmaster shall not grant any licence for a mooring unless satisfied that:
- (a) there is adequate space in the mooring area for the proposed mooring; and
 - (b) the mooring is of adequate specifications to accommodate the vessel proposed to be moored there.
- 3.12.13 No owner of a licensed mooring shall leave a mooring vacant or unattended for a period of longer than six months without the written permission of the Harbourmaster.
- 3.12.14 Where the owner of a mooring has left the mooring vacant or unattended for a period of longer than six months without the written permission of the Harbourmaster, the Harbourmaster may cancel the licence and direct that the mooring tackle be removed, or made available for lease or sale.
- 3.12.15 No owner of a licensed mooring may, except with the written permission of the Harbourmaster:
- (a) part with the possession of the mooring; or
 - (b) assign the mooring to any other person; or
 - (c) suffer any other person to have the use of the mooring, except in an emergency; or
 - (d) use the mooring for a vessel other than the vessel named in the licence, except in an emergency.
- 3.12.16 Should any mooring fees or other charges due to the Council under any of the provisions of this Bylaw remain unpaid for a period of 30 days, then the Harbourmaster shall be empowered to remove the mooring and detain the vessel until such fees and charges, including the cost of removing the mooring, have been fully paid and discharged. Should such debts have not been paid and discharged within a further 60 days, the Council has the right, after due notification, to sell the said vessel and/or mooring to recover the debt.
- 3.12.17 In the event that a mooring licence holder does not comply with the licence conditions, the Harbourmaster or the nominated delegate has the right to remove the mooring and/or vessel.
- 3.12.18 In the event that any required mooring inspection exceeds the two-year limit, the Harbourmaster has the right to remove the mooring and/or vessel.
- 3.12.19 No liability shall attach to the Council or Harbourmaster by reason of any damage which may occur to any vessel during such removal or detention unless the same is caused by negligence of the Council's servants.
- 3.12.20 The master of any vessel may not secure that vessel to any mooring unless permission of the mooring owner has been granted.