



Frequently Asked Questions

O-2-26

Mooring Requirements in City Waters

The Annapolis Harbormaster created this FAQ report for the use of Annapolis City Council members during ordinance consideration.

Mooring Placement (75-Foot Rule) and Vessel Length

- **Q: Does the 75-foot distance between moorings or structures dictate the maximum length of a vessel permitted at a mooring?**
 - **A:** No. The existing Code (Section 15.10.110.B) only establishes the 75-foot setback as a *placement* standard—prohibiting a mooring within 75 feet of any structure, shore, or another mooring, or in a position that obstructs navigation. The Code text **does not** state that this distance is intended to dictate vessel length or to define a calculation that includes the boat's length and rode.
 - **Current Practice:** Max vessel lengths are already regulated: 42 feet for an annual mooring and 55 feet for a transient mooring. This policy has been uniformly observed for over 15 years, and moorings are placed to account for the swing of vessels up to these lengths.
 - **Proposed Authority:** A proposed amendment (Section 15.10.110.E) *will* grant the Harbormaster explicit authority to "adopt rules and regulations as to the types and lengths of vessels that may use any mooring in City waters."
- **Q: Would a 75-foot distance limit a boat to approximately 30 feet?**
 - **A:** No. The document explicitly rejects this premise based on the current interpretation and long-standing practice regarding vessel length.

Protection for Pier Owners and Waterfront Access

- **Q: How does the City Code protect pier owners from moorings being placed too close to their pier, which could impede their ability to operate a boat from it?**
 - **A:** The Code provides several layers of protection:
 - **75-Foot Setback (15.10.110.B):** A mooring may not be installed within seventy-five feet of any **structure** (which includes a pier) or shore.
 - **Obstruction Clause (15.10.110.B):** A mooring is prohibited if it is placed "in a position which obstructs navigation," which serves as a general protection for water-related uses like operating a boat from a pier (e.g., the Wilma Lee).
 - **Restricted Areas (15.10.120.A):** The Port Wardens **shall** designate restricted areas where mooring and anchoring are not permitted for reasons of public and navigational safety.
- **Q: Does the Code explicitly mandate that Port Wardens consider the needs of watercraft operating from piers when approving mooring placements?**
 - **A:** No, the Code **does not** explicitly mandate this consideration. However, the 75-foot setback and the prohibition on obstructing navigation (15.10.110.B) act as general protections.
- **Q: Do riparian rights only apply within the harbor line, and can they prevent the city from placing moorings that obstruct a resident's pier access?**
 - **A:** The Code supports the idea that riparian rights are generally restricted to the "Developable waterway area," which is defined as the area "lying between the shoreline, the harbor line and the lateral lines of waterfront property." The purpose of the Code is to avoid depriving a riparian owner of privileges associated with their ownership, including the "use of any fixed and permanent structure in the waterways." The "obstruction of navigation" clause also acts as a safeguard.

Port Wardens' Existing Authority and Responsibility

- **Q: What is the existing authority of the Board of Port Wardens regarding the Harbormaster's recommendations on mooring placement/movement?**
 - **A:** The Code grants the Port Wardens substantial authority:
 - **Approval of Public Moorings (15.10.130.A):** The Harbormaster's designation of public mooring buoys is "Subject to the approval of the Board of Port Wardens" and requires the Harbormaster to obtain a permit from them.
 - **Designation of Restricted Areas (15.10.120.A):** The Port Wardens **shall** designate restricted areas for public and navigational safety.
 - **Appeals (15.04.070):** The Board of Port Wardens is the body to which a person aggrieved by a final decision of the Harbormaster may appeal.
 - **External Permits:** Moving or installing new moorings also requires permits from the Maryland Department of the Environment (MDE) and the Army Corps of Engineers.

Private Moorings and Proposed Ordinance Changes

- **Q: What is the philosophical concern regarding "private moorings" in public waters?**
 - **A:** A key concern is whether a citizen should be able to "own" the right to use public property, which has been compared to owning a public street parking spot.
- **Q: What is the proposed approach for managing private moorings, permitting, and inspection?**
 - **A:** The draft ordinance addresses this by:
 - **Clarifying Public Ownership:** The ordinance explicitly includes "clarifying that annual moorings installed in City waters are **public moorings and not privately owned.**"

- **Permitting Change:** It removes the reference to "Private moorings" and institutes a permit requirement for "Annual moorings," clarifying their public status.
 - **Maintenance/Inspection:** Instead of mandated regular inspection, it is suggested to rely on other enforcement tools, such as **15.06.060 - Hazardous obstructions**, to deal with the few poor-condition moorings.
- **Q: Is there a grandfathering period for existing private moorings?**
 - **A:** Yes. A new section in the draft ordinance creates a **two-year grandfathering period** for "legacy moorings" (as newly defined) on the City side of Weems Creek, requiring their removal after that time.
 - **Q: What is the stance on offering a "first right of refusal" for illegal mooring owners to get on the waitlist for a public mooring?**
 - **A:** The document indicates that providing illegal mooring owners a right of first refusal would be unfair to those currently on the waitlist. The one- to two-year grandfathering period is considered generous given the moorings were installed illegally.

Port Wardens' Existing Authority and Responsibility

The Code already grants the Board of Port Wardens substantial authority:

- **Approval of Public Moorings:** The Harbormaster's designation of public mooring buoys is "Subject to the approval of the Board of Port Wardens" and requires the Harbormaster to obtain a permit from them (15.10.130.A).
- **External Permits:** Moving or installing new moorings also requires permits from the Maryland Department of the Environment (MDE) and the Army Corps of Engineers.
- **Designation of Restricted Areas:** The Port Wardens **shall** designate restricted areas for public and navigational safety (15.10.120.A).
- **Appeals:** The Board of Port Wardens is the body to which a person aggrieved by a final decision of the Harbormaster may appeal (15.04.070).

Miscellaneous Questions

Will the new legislation require existing moorings to be moved or removed?

No. The primary goal of this legislation is to preserve existing, legally installed moorings.

The update corrects inaccurate wording (Title 15.10.110) and clarifies the standard so that newly installed moorings meet the same requirements as current ones. Without this correction, approximately half of the City's existing moorings would technically be considered non-compliant due to outdated language in the code.

If the legislation does not pass, the City would be required to deinstall those moorings, return the \$250,000 grant from the Maryland Department of Natural Resources, and incur additional costs, which could be significant.

The current code bases spacing on vessel size, which can fluctuate. The revised standard uses fixed GPS coordinates, creating a clearer, more stable, and enforceable framework moving forward.

Is relocating moorings solely at the discretion of the Harbormaster?

No. While the Harbormaster oversees local permitting and enforcement, any change or addition to moorings requires a formal permitting process involving the Maryland Department of the Environment, the U.S. Army Corps of Engineers, and the Port Wardens. Public comment is part of that process.

For context, the Mooring Field Reconfiguration and Expansion project includes reconfiguring 20 existing moorings off St. Mary's in Spa Creek for a net gain of two moorings, along with four new annual moorings in Back Creek, funded through the DNR grant.

The City of Annapolis values our maritime traditions (and customers). The purpose of this legislation is not only to align the City's operations with the law, but to provide clearer coordinates to the boating community. We believe these updates will enhance Annapolis' reputation as a premier boating destination.