



Coastal Waters &  
Harbor Ordinance

***DRAFT***

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## **Article I - General Provisions**

### **Section 1. Purpose and Authority**

This ordinance is to establish regulations for marine activities within the harbors, waterways and tidal waters of the Town of South Bristol, Maine in order to ensure safety to persons and property, to promote availability and use of a valuable public resource, and to create a fair and efficient framework for the administration of that resource. This ordinance shall be subordinate to existing Federal and State Laws governing the same matters and is not intended to preempt other valid laws.

This Ordinance is enacted pursuant to the authority granted by Subchapter I of Chapter 1 of Title 38 of the Maine Revised Statutes, by 30-A M.R.S.A. §3001 and by Article VIII, Part 2, Section 1 of the Maine Constitution.

### **Section 2. Harbor Limits**

**“Harbors and waterways”** Shall include the entire navigable waters and coastal wetlands subject to tidal ebb and flow surrounding the Town of South Bristol including the Damariscotta River, the Gut, John’s Bay, Christmas Cove, Inner Heron Island and Thrumcap Islands.

**Coastal wetlands.** "Coastal wetlands" means all tidal and subtidal lands; all areas with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat or other contiguous lowland that is subject to tidal action during the highest tide level for the year in which an activity is proposed as identified in tide tables published by the National Ocean Service. Coastal wetlands may include portions of coastal sand dunes. [PL 2005, c. 330, §13 (AMD).]

### **Section 3. Harbor Master**

The Harbor Master shall be appointed by the town of South Bristol Select Board for a term of two years. Deputy Harbor Masters may be appointed by the Select Board for the same term as the Harbor Master.

Certain duties and responsibilities of this office are prescribed by Title 38 M.R.S.A. The Harbor Master has the additional duty to administer and enforce the provisions of this ordinance with the authority granted by law and through his / her appointment as harbor master.

The compensation for the Harbor Master and any Deputy Harbor Masters shall be established by the Select Board.

In addition to the duties prescribed in their job descriptions and under Title 38 M.R.S.A. the Harbor Master and deputies shall be the overseers of the town’s waterfront infrastructure including moorings, floats, docks, and ramps. They shall maintain an inventory and make recommendations to the harbor committee and Select Board for maintenance and improvements to all town owned waterfront facilities, conservation easements and scenic overlooks. They shall have full authority to enforce all harbor regulations affecting the waterfront to the fullest extent permitted by law.

## **Section 4. Invalidation Provisions**

If any provisions of this ordinance are held invalid or inoperative, the remainder shall continue in full force and effect as though such invalid or inoperative provisions had not been made.

## **Article II - Definitions**

### **1. Abandoned Watercraft:**

Abandoned watercraft means any watercraft that is inoperative and neglected, submerged or partially submerged or that has been left by the owner in coastal waters without intention of removal. This term includes motors, electronics and mechanical equipment and other machinery customarily used in the operation of watercraft.

### **2. Commercial Fisherman:**

A commercial fisherman who derives more than 50% of his/her annual income from lobstering, fishing or clamming, or any other marine fishery and who has legally obtained all necessary permits, licenses and approvals. At the Town of South Bristol's request, an individual must present proof of income prior to being considered a commercial fisherman.

### **3. Commercial Vessel:**

Shall mean any vessel used or engaged for any type of commercial venture, including but not limited to fishing or the carrying of cargo and/or passengers for hire. Has living quarters for habitation as a secondary purpose.

### **4. Committee:**

Shall mean the South Bristol Coastal Waters and Harbor Advisory Committee, also known as the Harbor Committee.

### **5. Congested Mooring Area:**

Shall mean an anchorage where the density of permitted moorings with diverse boat lengths, draft, hull configuration, windage, and tidal flow can create overlap of swing radii.

### **6. Distress:**

Shall mean a state of disability or a present or obviously imminent danger which is unduly prolonged could endanger life or property.

### **7. Emergency:**

Shall mean a state of imminent or proximate danger to life or property in which time is of the essence.

### **8. Floating Structure:**

Shall mean any floating structure normally used as a point of transfer for passengers and goods and/or for boat mooring purposes.

### **9. Floating Residential Structure:**

A floating residential structure is intended for human habitation and docked or moored in one location and cannot be used as a means of transportation on water.

**10. Headway Speed:**

Shall mean just enough power to allow your boat to navigate safely through the water with a wake. Depending on the size of your boat, headway speed may vary.

**11. Houseboat:**

A “houseboat” is, for registration and certificate of ownership purposes, any watercraft, as defined by 38 M.R.S.A. § 11, whose primary purpose is navigation and as a means of transportation, that has propulsion, has living quarters for habitation as a secondary purpose, is equipped with propulsion and steering controls in a location on the watercraft that also provides its operator a 180-degree forward view, and has all safety and sanitation devices required by the United States Coast Guard. A houseboat shall not be defined to include any building on a float used in whole or in part for human habitation which is not powered by self-propulsion, mechanical means, or wind.

**12. Mooring:**

Shall mean any appliance used by a craft for anchoring purposes and which appliance is not carried aboard such craft when underway as regular equipment.

**13. Mooring Permit Application Form and submission process:**

Shall mean a standard form available at the Town of South Bristol office or from the town’s website. Mooring permits must be renewed annually. Mooring fees shall be paid in full at the time of application and submitted before June 1<sup>st</sup>.

**14. Mooring Tackle Profile Form:**

Shall mean a standard form available at the town of South Bristol office or from the town’s website itemizing the description, tackle type, size, condition, and last replacement date for each permitted mooring. This form must be updated and submitted by the owner with each permit application. Mooring tackle will be reviewed by the Harbor Master for compliance with best practices.

**15. Non-resident:**

Shall mean any person who is not a resident (see “Resident”).

**16. Outhaul:**

A mooring system for a dinghy or boat that allows the dinghy or boat to be hauled to and from a mooring block or anchor to the shore by a system of lines secured at the shore, float or dock.

**17. Resident:**

Shall mean any person who occupies a dwelling within the Town of South Bristol for more than 180 days in a calendar year or any person owning real estate and responsible for paying property taxes.

**18. Riparian Owner:**

Shall mean an owner of a parcel of shorefront land located in the Town of South Bristol.

**19. Sailing Vessel:**

Shall mean any vessel propelled by sails with or without auxiliary power.

**20. Shore:**

Shall mean that part of the land in immediate contact with a water, including the area between the high and low water lines.

**21. Shall and May:**

“Shall” is mandatory, “May” is permissive.

**22. State:**

Shall mean the State of Maine.

**23. To Anchor:**

Shall mean to temporarily secure a vessel to the bottom within a body of water by deploying an anchor(s) or other ground tackle.

**24. Town Facilities:**

The Town of South Bristol owns and maintains the following waterfront locations, which are available to the public, who must thereby adhere to all rules and procedures herein described.

- (a) Hunters Landing dock and float: Landings Way, Walpole.
- (b) Eugley’s Landing launch ramp, dock and floats: Thompson Inn Road, South Bristol.
- (c) Western Gut dock and float: Southwest side of Rutherford Island bridge, South Bristol.
- (d) CCIA Parking Lot dock and float: Christmas Cove, South Bristol.

**25. Underway:**

Shall mean the condition of a vessel not at anchor; without moorings; and not made fast to the shore nor aground.

**26. Vessel:**

Shall mean a watercraft of any kind including boats, scows, dredges, and barges but excluding working floats or other structures permanently attached to moorings.

**27. Watercraft:**

Shall mean any type of vessel, boat, barge, float, canoe or craft capable of being used as a means of transportation on water, other than a seaplane, including motors, electronic and mechanical equipment and other machinery, whether permanently or temporarily attached, that are customarily used in the operations of watercraft. “Watercraft” does not include a vessel, canoe or craft located and intended to permanently docked in one location and not used as a means of transportation on water.

**28. Waterway (fairway):**

Shall mean any water area providing access from one place to another, principally a water area providing a regular route for water traffic.

**29. Working Float:**

Shall mean a float used primarily for the storage of fishing gear or other marine related

hardware used in a commercial activity.

## **Article III - General Boating and Traffic Control Regulations**

### **Section 1. Water Control Authority**

The Harbor Master shall have the authority to control water traffic in any portion of the waters of a harbor or maritime facility under her/his jurisdiction by use of authorized State regulatory markers, signal, orders or directions any time preceding, during and after any race, regatta, parade or other special event held in any portion of the waters of a harbor or maritime facility or at any time when the Harbor Master deems it necessary in the interest of safety of persons and vessels or other property, and it shall be unlawful for any person to willfully fail or refuse to comply with any authorized State regulatory marker utilized by the Harbor Master, or with any signal, or orders of direction of the Harbor Master.

### **Section 2. Headway Speed Law**

The operation of any vessel in excess of headway speed, shall constitute a violation of this Ordinance; however, the Harbor Master may grant special written permission to exceed headway speed in connection with water sports and regattas in specific areas designated by the Harbor Master.

## **Article IV - General Regulations**

### **Section 1. Liability**

#### **(a) Boat Owner:**

Any person using the facilities within the limits of a harbor or maritime facility shall assume all risk of damage or loss to her/his property and the Town of South Bristol assumes no risk on account of fire, theft, Act of God, or damages of any kind to vessels within the waters of South Bristol or its maritime facilities.

#### **(b) Marine Facility Owner and/or Operator:**

It shall be the responsibility of the owner, licensee, or operator of any marina, anchorage, repair yard, or other marine facility, located within the coastal waters of South Bristol, to maintain the physical improvements under her/his jurisdiction in a safe, clean, and visually attractive condition at all times, to provide adequate security and fire prevention measures and appropriate fire-fighting equipment as may be directed by the Harbor Master or Town Select Board. Failure to initiate activity within 30 days of receipt of written notice from the Harbor Master or Town Select Board to correct unsafe or otherwise unsatisfactory conditions and to pursue same to completion to the satisfaction of the Harbor Master or Town Select Board shall be a violation of this section.

### **Section 2. Launching and Recovery of Vessels**

None other than the driver may occupy a motor vehicle while it is present upon the area known as a launching ramp located within the Town of South Bristol. It is recommended that all motor vehicles using said ramp should securely block at least one wheel of the said



motor vehicle while it is standing upon said ramp.

### **Section 3. Permits, Suspensions or Revocations**

- (a) Mooring permits granted under Article V of this Ordinance shall be valid from June 1st of the year of issuance to May 31 of the following year. The fees shall be as specified on the application form available at the Town Office or on the Town website.
- (b) If the Harbor Master finds that a holder of a permit under this Ordinance has violated any of the provisions of this ordinance, the Harbor Master may suspend or revoke the permit. The Harbor Master shall notify the permit holder of the suspension or revocation in writing. The suspension or revocation shall take effect as soon as the Harbor Master (1) delivers the notice in person to the permit holder, (2) posts a copy of the notice on the permit holder's vessel **or** (3) mails a copy of the notice to the permit holder at the most recent address which the permit holder has provided to the Harbor Master. The permit holder may appeal a suspension or revocation under this paragraph as provided in Article XI of this Ordinance.
- (c) If the Harbor Master finds that a mooring has not been used by the permitted vessel for at least a consecutive fourteen days between June 1<sup>st</sup> and May 31<sup>st</sup> of the year in which the permit was issued or if the Harbor Master finds that the holder of the permit no longer owns the vessel specified in the mooring permit application, the Harbor Master shall give notice to the permit holder of the Harbor Master's intent to revoke the permit. Notice shall be given and shall take effect as specified in paragraph (b) above. Unless, within fifteen days of the effective date of such notice, the permit holder demonstrates extenuating circumstances to the Harbor Master, the Harbor Master shall revoke the permit using the procedure set forth in paragraph (b) above. "Extenuating circumstances" means circumstances which make it impossible or impractical to have a boat in the water during the boating season, such as, but not limited to loss or destruction of the vessel, mechanical breakdowns or unexpected repairs, and death or serious illness of the permit holder. Decisions of the Harbor Master under this paragraph (c) may be appealed as provided in Article XI of this Ordinance.
- (d) A person whose permit is revoked under paragraph (b) or (c) above shall be treated as a new applicant for purposes of placement on any waiting list in the next permit year.

### **Section 4. Damage to Harbor or Other Property**

It shall be unlawful to willfully or carelessly destroy, damage, disturb or interfere with any public or private property in the South Bristol waters.

### **Section 5. Tampering with or Boarding Vessels without Permission**

It shall be a violation of this Ordinance for any person willfully to board, break in, enter, damage, move or tamper with any vessel or part thereof, located within South Bristol waters unless authorized by the rightful owner of such vessel or Harbor Master, or their designee, in an emergency.

**Section 6. Willful Obstruction of Facilities**

It shall be a violation of this Ordinance for any person willingly to prevent any other person from the use and enjoyment of South Bristol’s waterfront facilities.

**Section 7. Signs, Placement and Maintenance**

The Town of South Bristol may place and maintain, or cause to be placed and maintained, either on land or water, such signs, notices, signal buoys or control devices as the Harbor Master deems necessary to carry out the provisions of this Ordinance, or to secure public safety and the orderly and efficient use of the harbor or maritime facility.

**Section 8. Securing Permission for Debarkations**

It shall be a violation of this Ordinance to disembark passengers or discharge cargo from a commercial vessel onto any public or privately-owned float, pier or wharf, without the consent of the owner thereof or of the Harbor Master, as the case may be, except at piers and wharfs expressly designed for such purposes.

**Section 9. Shellfish Areas**

Shellfish regulations are contained in the Town of South Bristol’s Shellfish Ordinance.

**Section 10. Marking of Boats Left on Shores, Flats or Town Docks**

Any boat that is left on the shores, flats or Town docks of the Town of South Bristol must have owner information attached to the inside of its stern. If the owner is a mooring holder, the boat must also have the mooring permit number attached as well. Identification stickers are available at the Town Office, marinas, and marine facilities in town.

**Article V - Regulations Concerning Anchoring, Mooring and Security of Vessels**

**Section 1. Moorings**

**(a) Placement & Transfer of Private Moorings**

It shall be a violation of this Ordinance to place any mooring in South Bristol waters without a permit from the Harbor Master issued in accordance with 38 M.R.S.A. Sections 3, 7-A and 8. Proof of boat registration or documentation, in the same name as the mooring applicant, must be shown prior to a mooring permit being issued. A person whose application for a mooring permit is denied may appeal as provided in Article XI of this Ordinance. There shall be no appeal from the issuance of a permit.

As set forth in MSRA Title 38, a mooring permit used only for private commercial fishing purposes may be transferred at the request or at the death of the permittee to a new permit holder with the Harbor Master’s permission. A transfer will also be allowed for seasonal non-commercial permit holders to family members if approved by the Harbor Master and without jeopardizing the state mandated private vs commercial % space allocation or South Bristol’s Federal Navigation Plan (FNP).

The sale of a recreational boat does not include the sale of the mooring locations. The mooring permit holder must notify the Harbor Master immediately upon the sale of their boat. Commercial moorings may be transferable with the approval of the Harbor Master.

All swim floats require a mooring permit (one permit per mooring). Applications for such structures shall be subject to the same permitting procedures as moorings contained herein and shall be subject to these regulations and all other applicable federal, state, and local laws, regulations, and rules.

**(b) Subletting/Gifting of Mooring Space**

The owner of any vessel having a permitted non-commercial mooring space in South Bristol shall not sublet, rent or give said mooring or mooring space to another. Having met the minimum use time threshold of a consecutive 14 days for the already permitted vessel, the owner may lend their mooring space to another vessel with the approval of the Harbor Master and submission of the new vessel owner complete contact information.

**(c) Minimum Mooring Requirements**

All mooring tackle shall be inspected and/or serviced by a town approved mooring service company, or by the owner, with Harbor Master approval, at least once bi-annually to determine the condition of tackle and to ensure compliance with minimum standards set forth by this ordinance. The inspector shall submit an updated itemized mooring tackle profile form to the town and the mooring owner with each inspection.

Mooring owners are responsible for maintaining appropriate tackle considering size of boat, holding ground, and sea exposure. This includes swing room to adjacent vessels in congested anchorages. The Harbor Master may permit various mooring tackle configurations, if in his/her judgment, the proposed mooring has sufficient holding power for the vessel assigned. The Harbor Master has the responsibility to advise mooring owners of inappropriate tackle and to remove said mooring if the owner does not amend tackle to be appropriate for the circumstances.

All mooring buoys must have a readily visible assigned permit number and permit owner name. If a mooring buoy does not display a mooring permit number and cannot be otherwise identified, it may be considered abandoned.

The Harbor Master shall maintain a plot plan of all anchorages in the town of South Bristol indicating locations of moorings, permit numbers, owner contact address, and phone for the mooring and any moored boat on it.

**(d) Floats on Moorings**

No floats will be allowed on a mooring in congested areas unless they are to secure a vessel.

**(e) Creation and Maintenance of a Mooring Waitlist**

A mooring wait list will be maintained by the Harbor Master and deputies. The wait list information will be available from the Town Office.

## **Section 2. Obstructing Waterways or Watercraft Collisions**

It shall be a violation of the ordinance to knowingly or willfully obstruct the free use of any waterway within South Bristol waters or to fail to report to the Harbor Master any collision between vessels or other accident or incident causing damage to persons or property.

## **Section 3. Vessels Making Fast**

No person shall make fast or secure a vessel to any mooring already occupied by another vessel, or to a vessel already moored except a rowboat, dinghy or yacht tender regularly used by such a larger vessel. If tied within a slip, such rowboat, dinghy, or tender shall not extend into the fairway beyond the larger vessel if such larger vessel is also occupying the slip, or otherwise beyond the slip itself.

## **Section 4. Secure Berthing and Anchoring of Vessels**

The owner of any vessel moored or anchored within South Bristol waters or maritime facility shall be responsible for causing such vessel to be tied and secured or anchored with proper care and equipment and in such manner as may be required to prevent breakaway and resulting damage, and shall thereafter provide for periodic inspection maintenance, replacement and adjustment of anchor, mooring or tie lines at reasonable intervals.

## **Section 5. Unseaworthy Vessels Prohibited in Harbor**

A person shall not moor or permit to be moored in any town waters a vessel of any kind whatsoever which is unseaworthy or in a badly deteriorated condition or which is likely to sink or to damage docks, wharves, floats or other vessels or which may become a menace to navigation, except in cases of emergency, the Harbor Master, or their designee, has authority to remove any vessel that has been deemed unseaworthy.

## **Section 6. Correcting an Unsafe Berthing**

If any vessel shall be found in the judgment of the Harbor Master to be anchored or moored in an unsafe or dangerous manner, or in such a way as to create a hazard to other vessels or to persons or property, the Harbor Master shall order and direct necessary measures to eliminate such unsafe or dangerous conditions. Primary responsibility for compliance with such orders and directions shall rest with the owner of the improperly anchored or moored vessel or her/his authorized agent; in the absence of such owner or agent, said responsibility shall rest with the authorized operator of the facility at which the vessel is anchored or moored. In an emergency situation and in absence of any such responsible person, the Harbor Master shall board such vessel and cause the improper situation to be corrected, and the owner of the vessel shall be liable for any costs incurred by the Town of South Bristol in effecting such correction. The person responsible under this Section 7 may appeal the action of the Harbor Master as provided in Article XI of this Ordinance.

## **Section 7. Removal and Custody of Illegally Berthed or Abandoned Vessels**

If any unattended vessel shall be found to be anchored or moored illegally, or if the Harbor Master has reasonable grounds to believe that a vessel has been abandoned within South Bristol

waters, the Harbor Master may assume custody of such vessel and cause it to be removed and held or placed in storage. The Town of South Bristol or its officials shall not be held liable for any damage to such vessel or liable to its owners before or after assuming custody. Vessels so taken into custody shall be released to the owner by the Town only after satisfactory proof of ownership has been presented and full reimbursement made to the Town for all costs incident to recovery, movement and storage. The vessel owner may appeal the action of the Harbor Master under this Section 8 as provided in Article XI of this Ordinance.

Failure to obey an order of the Harbor Master is a Class E crime. Watercraft which are to be salvaged by firms licensed to the State to do salvage work shall be excluded from this section

### **Section 8. Obstruction of Waterways, Launch Ramps or Berthing Spaces, and Removal of Sunken Vessels**

- (a) It shall be unlawful to tie up or anchor a vessel in South Bristol waters or maritime facility in such a manner as to obstruct the waterways or launch ramps or to prevent or carelessly sink or allow to be sunk any vessel in any waterway or berthing space; or to float loose timbers, debris, logs or piles in any waterway or berthing space in such a manner as to impede navigation or cause damage to vessels therein. Wrecked or sunken vessels within a harbor are subject to the published rules and regulations of the United States Coast Guard, inside the Federal Navigation Project governed by the US Army Corp of Engineers, and any applicable local, State or Federal laws, rules or regulations.
- (b) Whenever the navigation of any waters within South Bristol or maritime facility, including anchorages and berths therein, shall be obstructed or endangered by any sunken vessel or other obstruction or danger has existed for a period of more than ten (10) days, the vessel or obstruction shall be subject to removal, sale or other disposition. The owner or owners of such vessel or other property causing said obstruction or danger shall be liable to the Town of South Bristol for all costs incident to said removal and disposition, and the Town of South Bristol, its employees, agents, and officers, shall not be liable for damages of any nature whatsoever arising out of or in any way connected with removal, sale or disposition of such vessel or other property. The vessel or property owner may appeal the action of the Harbor Master under this Section 9(b) as provided in Article XI of this Ordinance.

### **Section 9. Houseboats.**

Notwithstanding any other provision of this article to the contrary, houseboats are prohibited from mooring or anchoring in the coastal waters of South Bristol except at marinas which provide the following:

- (1) A permanent float, dock or slip from which the houseboat may be directly boarded from land,
- (2) Connection to a public water supply by means of an individual anti-backflow valve,
- (3) A sewer connection to a public sewage system,
- (4) A year-round, all-weather supply of electricity,
- (5) Parking as required by the codes and ordinances of the municipality where the marina is located; and
- (6) Compliance with the applicable land use codes.

Floating residential structures, as defined in Article II, Section 9, are prohibited in South Bristol

waters.

## **Article VI - Sanitation Regulations**

### **Section 1. Discharge of Refuse**

It shall be a violation of this Ordinance to discharge or permit the discharge into the coastal waters of South Bristol of any refuse or waste matter, petroleum or petroleum matter, paint, varnish or any other foreign matter, including dead animals, fish and bait.

## **Article VII - Safety and Maintenance**

### **Section 1. Flammable and Combustible Liquids and/or Materials**

Within South Bristol waters or marine facility no person shall sell, offer for sale, or deliver in bulk any class of flammable liquid or combustible material, nor dispense any flammable or combustible liquids into the fuel tanks of a vessel except when in compliance with all requirements of the N.F.P.A. Fire Code and any other laws or regulations applicable thereto.

### **Section 2. Obstruction to Docks and Walkways**

Obstructing docks and walkways within the harbor by mooring lines, water-hoses, electrical cables, boarding ladders, permanently fixed stairs or any other materials is strictly prohibited. Dinghies may not be left on the town launch ramps, floats and docks.

### **Section 3. Motor Vehicles**

Motor vehicles are not to be left unattended on town launch ramps. All motor vehicles are to be parked only in designated areas and motor vehicle operators are to comply with all parking regulations as posted by the Town of South Bristol.

### **Section 4. Defective or Dangerous Conditions**

Whenever any buildings, structures or floating facilities within or adjacent to South Bristol waters or a maritime facility either on land or water are found to be defective or damaged so as to be unsafe or dangerous to persons or property, it shall be the duty of the owner, agent, lessee, operator or person in charge thereof to immediately post a proper notice and/or fence or barricade and at night to adequately light such unsafe area or areas, and such unsafe area or areas shall be kept posted and lighted and/or fenced or barricaded until the necessary repairs are made. In the event the owner, agent, lessee, operator or person in charge fails to do this, the Harbor Master may then take such measures as he/she may deem necessary for the protection of the public and charge the cost of same to such owner, lessee, agent, person or persons having charge of the buildings, structures, or floating facilities that are defective or dangerous. The owner, lessee, agent, operator or person in charge may appeal actions of the Harbor Master under this Section 4 as provided in Article XI of this Ordinance.

## **Article VIII –Eugley’s Landing & Town Owned Marine Facilities**

### **Section 1. Establishment of Policies and Procedures**

- a) The Harbor Master, in consultation with the South Bristol Harbor Committee, shall establish operating guidelines, policies and procedures relating to proper use and operation of the ramp and town docks to ensure safety of users and to avoid damage to pier infrastructure.
- b) Such policies and procedures shall balance the needs of commercial and recreational use of Town owned property.

### **Section 2. Regulations Relating to Use**

- a) No vessel other than a permitted skiff shall be made fast to the town docks except for loading or unloading. There shall be no overnight tie- ups. Exceptions may be made in emergencies only by permission of the Harbor Master.
- b) No person shall store traps, bait, fishing gear, boats or waste materials on town facilities. Traps, gear, etc., may be loaded and unloaded only.
- c) No person shall store any traps, bait, fishing gear, or waste material on town floats in the east or west gut for more than 24 hours unless the float is also the mooring for their vessel.
- d) No float or trap storage at town landings.
- e) The Select Board may make any and all other reasonable rules for the proper maintenance and use of any floats or docks, which rules or regulations shall be in writing and shall be posted on the wharf and filed in the Town Office.
- f) Rules and Regulations pertaining to all floats and docks controlled by the Town of South Bristol shall be posted in a conspicuous place on or adjacent to said floats and docks.
- g) Skiffs or dinghys may be left tied in designed areas of the floats provided they are used more than twice a week for the purpose of getting back and forth from their mooring.

### **Section 3. Violations Relating to Float & Dock Use**

Any person violating any sections of this Article IX shall be subject to a fine of not less than \$100.00 nor more than \$500.00 plus costs. The fine will be determined by the Select Board and will be levied based on severity and length of misuse.

## **Article IX – South Bristol Coast Waters & Harbor Committee**

### **Section 1. Establishment**

There is hereby established a South Bristol Coastal Waters & Harbor Committee consisting of five (5) voting members and two (2) alternate members serving without pay, to be appointed by

the Select Board for staggered three (3) year terms. The Harbor Master and deputies shall attend and serve as staff support at all meetings of the Committee. A member of the Select Board shall serve as liaison to the Committee. A Town staff member, or other appointed committee member, shall serve as Committee Secretary.

### **Section 2. Duties**

The Committee shall:

- (a) Exist for the general purpose of studying and evaluating public usage of and boating access to coastal waters under the jurisdiction of the Town of South Bristol, working closely with the Harbor Master to advise the Select Board Town Council on all matters pertaining to the Coastal Waters and Harbor Ordinance,
- (b) Review and amend job descriptions for the Harbor Master and Deputies as needed.
- (c) Make recommendations for balancing the enhancement of harbor facilities with the conservation of natural, cultural and aesthetic resources for the long-term benefit for all stakeholders,
- (d) Propose regulations and policies or the use of waterways, navigational lanes, anchorage areas, town docking facilities and mooring areas, such regulations and policies shall be consistent with federal and state law,
- (e) Regularly inform the Select Board and other committees, commissions or officials of the Town, as is appropriate, of its activities. Will present an annual report to the Select Board in December for inclusion in the Town Annual Report.

### **Section 3. Organization and Procedure**

The Committee shall adopt rules and regulations for the transaction of its business, which shall be subject to Select Board approval. The Committee shall maintain a permanent record of its proceedings and correspondence. All records maintained or prepared are deemed public and shall be filed in the Town Office.

## **Article X - Enforcement**

This Ordinance may be enforced by the Harbor Master, Deputy Harbor Master or any law enforcement officer vested with authority. Violations shall be prosecuted as provided in 38 M.R.S.A. §12 (which incorporates the enforcement mechanism of 30-A M.R.S.A. §4452) and, where applicable, 38 M.R.S.A. §13.

## **Article XI - Appeals**

Any action or decision of the Harbor Master as to which this ordinance expressly provides a right of appeals may be appealed to the Town Select Board pursuant to this Article XI. No other action, non-action, decision or determination of the Harbor Master is appealable under this Ordinance.

An appeal must be submitted in writing to the Town Select Board no later than thirty (30) days after the action or decision appealed from. Upon receipt of a written appeal, the Town Select Board shall promptly schedule an appeal hearing, giving notice to the applicant and to the



Harbor Master of the date, time and place of the hearing. The appellant and the Harbor Master each shall have an opportunity to be heard and to present written and oral evidence. After the hearing the Town Select Board shall promptly issue a written decision. There is no appeal under this ordinance from the decision of the Town Select Board.

### **Article XII - Repeal of Previous Regulations**

This Ordinance repeals and replaces the Ordinance Establishing Harbor Rules and Regulations, dated May 26, 1988, and amended Sept 11, 1989, for the Town of South Bristol, and any other prior ordinances, rules or regulations inconsistent herewith.