

TOWN OF GOULDSBORO, MAINE

HARBOR MANAGEMENT ORDINANCE

Adopted: September 20, 1984

*Revisions:
June 2007*

**HARBOR MANAGEMENT ORDINANCE
TOWN OF GOULDSBORO, MAINE**

Revised: June 2007

TABLE OF CONTENTS

<u>Section/Subsection</u>	<u>Page</u>
I. Purpose	1
II. Authority	1
III. Effective Date	1
IV. Supercedure	1
V. Recording	1
VI. Validity and Separability	1
VII. Amendments	1
VIII. Applicability	2
IX. Harbor Committee	2
A. Appointment	2
B. Powers	2
C. Term	2
D. Meetings	2
E. Vote	2
F. Quorum	2
X. Harbor Master	2
A. Appointment	2
B. Duties	2
C. Term	3
XI. Moorings	3
A. Placement of Moorings	3
B. Designation of Mooring Space	3
C. Inspection of Moorings	4
D. Priority	4
E. Transferring of Mooring Privileges	4
F. Notification of Vacancy	4
G. Reassignment	4

<u>Section/Subsection</u>	<u>Page</u>
XII. Wharves, Docks, Piers, Floats, and Ramps	4
A. Obstruction	4
B. Blockage of Public Ramps/ Facilities	4
C. Bait	5
D. Storage	5
E. Removal of Vessels	5
F. Removal of Debris	5
G. Reflectors Required on Lobster Cars	5
XIII. Operation of Vessels	5
A. General	5
B. Speed Limits	5
C. Abandonment	6
D. Oil Pollution	6
E. Infected Vessels	6
XIV. Definitions	6
A. Commercial Fishing Vessel	6
B. Commercial Passenger Vessel	6
C. Commercial Vessel	7
D. Entrance Channel	7
E. Fairway	7
F. Mooring	7
G. Pleasure Vessel	7
H. Residential Vessel	7
I. Riparian Owner	7
J. To Anchor	7
K. Waterway	7
XV. Administration	8
A. Duties	8
B. Obedience to Orders	8
C. Legal Action	8
D. Penalties	8
E. Suspension or Revocation of Privileges	8
F. Liability	8

TOWN OF GOULDSBORO HARBOR MANAGEMENT ORDINANCE

Revised: June 2007

I. PURPOSE

The purpose of this Ordinance is to establish and maintain order for the arrangement and utilization of the mooring areas, public landings, piers, boat ramps, harbor channels and related properties in the harbors in the Town of Gouldsboro, Maine in a manner that will best serve the interests of the citizens of Gouldsboro and the boating public.

II. AUTHORITY

This Ordinance is adopted under the authority granted under Title 38, MRSA, Sub-Chapter I, Sections 1 through 6 et seq. as amended and the Home Rule provisions of the Constitution of the State of Maine

III. EFFECTIVE DATE

The effective date of this Ordinance or any amendments thereto shall be the day immediately following it/their adoption at a regular or special town meeting.

IV. SUPERCEDURE

The adoption of this Ordinance hereby repeals and supercedes all conflicting provisions of all ordinances adopted prior to the effective date of this Ordinance.

V. RECORDING

A copy of this Ordinance, certified by the Town Clerk, shall be filed with the Hancock County Registry of Deeds.

VI. VALIDITY AND SEPARABILITY

Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

VII. AMENDMENTS

This Ordinance may be amended in part or in whole by a majority vote of the citizens of the Town at a regular or special town meeting.

VIII. APPLICABILITY

The provisions of this Ordinance shall apply to activities occurring within or directly affecting the waters within the Town of Gouldsboro, Maine as defined in Section XV.

IX. HARBOR COMMITTEE

A. Appointment

The Board of Selectman shall appoint a committee of five (5) individuals familiar with the harbor and their activities, as follows:

1. The five public members shall be made up of interested commercial fisherman; and
2. Representatives of marine related business, and private citizens.

B. Powers

The Harbor Committee Shall:

1. Plan the development and establish policy for the Harbors of Gouldsboro.
2. Conflicts related to this Harbor Ordinance and unable to be readily resolved will be referred to the Board of Appeals or appropriate authority.
3. Recommend rules and regulations including mooring fees, for use of harbor.
4. Review the activities of Harbormaster.
5. Approve the Harbormaster's assignments of mooring locations.

C. Term

Each member shall be appointed for a two (2) year term.

D. Meetings

The Committee shall meet a minimum of quarterly or as often as the Committee may determine.

E. Vote

The Committee decisions will be made by vote of a majority of members present and voting.

F. Quorum

A majority of the members appointed to the Committee shall constitute a quorum.

X. HARBORMASTER

A. Appointment

The Harbormaster and Deputies shall be appointed by the Board of Selectmen with the recommendation of the Harbor Committee. As a matter of Town policy, the Harbormaster's job will not primarily be a law enforcement function, but rather overseeing the efficient and safe operation of all Gouldsboro's Harbors.

B. Duties

The Harbormaster shall:

1. Carryout the provisions of the Harbor Ordinance.
2. Provide advice to the Harbor Committee.
3. Assign temporary and permanent berthing and mooring locations within the harbors.
4. Remove or cause to be removed obstructions to navigation within the harbors
5. Advise on the usage of proper equipment for moorings and berths within the harbors.
6. Be authorized to inspect moorings and other equipment repairs.
7. Carry out responsibilities delegated by state and federal and local governments as applicable to general rules of the road, proper moorings and safe operation of the subject harbor.

C. Term

The Harbormaster shall serve at the pleasure of the Board of Selectman.

XI. MOORINGS

A. Placement of Moorings

No person shall place a mooring or mooring buoy of any type within the boundaries of Gouldsboro's Harbors without permission of the applicable Harbormaster.

Initial placement and relocation of moorings must be done in the presence of the Harbormaster

B. Designation of Mooring Space

The Harbormaster shall designate mooring spaces and shall maintain a mooring and traffic plan of the anchorage areas indicating locations of moorings, size of boats, and areas designated as Ship Channels. A copy of this map will be kept on file at the Town Office.

C. Inspection of Moorings

The Harbormaster is authorized to inspect all moorings at least once a year and advise in writing the boat or flotation owners of desired repairs or replacement as the Harbormaster deems necessary for the safety of the craft or others adjacent to it.

D. Priority

Vessel mooring locations shall be assigned in accordance with the following order of priority:

1. Whenever more than one vessel qualified for a single location, priority shall be given to the year-round resident, commercial vessel.
2. Whenever practicable, requests from riparian property owners for moorings adjacent to their upland shall be honored.
3. Wherever practicable, the applicant for renewal shall be assigned the same location assigned in the immediately preceding year.

E. Transferring of Mooring Privileges

Unless prior written permission of the Harbormaster is obtained, assignment of mooring privileges are not transferable.

F. Notification of Vacancy

The holder of an assigned mooring location must notify the Harbormaster if the mooring will not be utilized on a continuing basis. All second party user approvals must be cleared through the Harbormaster

G. Reassignment

Moorings locations not actually used in the preceding year, may be assigned with prior notice.

XII. WHARVES, DOCKS, PIERS, FLOATS, AND RAMPS

A. Obstruction

No owner or master of any vessel shall permit his watercraft to be docked or moored in such a manner as to obstruct the free passage of other vessels going in and coming out of any wharf in Gouldsboro.

B. Blockage of Public Ramps/Facilities

No person shall place any watercraft for repairs, trailers or vehicles on the town landing, parking lot or other town harbor facilities in Gouldsboro in such a way as to block access by other users. Repairs or maintenance lasting more than hours while docked at the town pier shall not be permitted. Fueling of vessels is not allowed at the town pier.

C. Bait

No person shall leave on public facilities any fish or lobster bait so as to cause a public nuisance. No salting of bait on the pier.

D. Storage

No person shall place or maintain on public facilities, barrels, boxes, gear, traps, pots or any other equipment for a longer period than is reasonable necessary for the prompt loading or unloading of same.

E. Removal of Vessels

The Harbormaster is hereby authorized to remove at the owners expense, any vessel, vehicle, trailer, or other obstruction in violation of the provisions of this Ordinance. No vessel or fishing gear shall be stored on town property without first obtaining a permit from the Harbormaster.

F. Removal of Debris

No person using the public wharf, float or launching ramp shall leave any rubbish, trash, or debris. Dumpsters located near town landings shall be only for the use of boaters. Unauthorized use of dumpsters shall be deemed an infraction of this Ordinance

G. Reflectors Required on Lobster Cars

Reflectors or reflective tape a minimum of four (4) inches in diameter or width, visible 360 degrees, shall be installed and maintained four (4) feet above the water line on at least both ends of all lobster cars moored in the waters of the Town.

H. Use Priority

All harbor facilities are open to the public but commercial fisherman from the Town of Gouldsboro shall have first priority in their use.

XIII. OPERATION OF VESSELS

A. General

No person shall use or operate any watercraft in Harbors of Gouldsboro so as to cause danger, annoyance, disturbance or inconvenience to the public.

B. Speed Limits

All water vessels must observe the posted speed limit within the harbor. Such speed limits shall be posted in a conspicuous place by the Harbormaster. In the

absence of such limits, all water vessels must operate in a manner which does not create a wash and at a speed which does not endanger persons or property.

C. Abandonment

No person shall cause to be abandoned any boat, vessel, hulk, cradle, raft, or any other possible obstruction on the shores within Gouldsboro. Any such abandonment left within the confines of Gouldsboro and which has been unattended for a period of ninety (90) days shall be deemed to be abandoned. The Harbormaster, upon his own complaint or the complaint of another shall notify the town manager of such abandoned boat, vessel, hulk, cradle, or raft. The Harbormaster upon the direction of the Town may cause its removal or destruction at the cost of the said last owner of record. Any violation of the above shall be considered a misdemeanor and punishable as stipulated in the penalties section of this Ordinance.

D. Oil Pollution

Except in case of emergency, imperiling life or property, or unavoidable accident, collision, or stranding, no person shall discharge or suffer or permit the discharge of oil by any method, means or manner into or upon the waters of Gouldsboro.

E. Infected Vessel

Whenever a vessel arrives in Gouldsboro, having on board any persons afflicted with a contagious disease or suspected of being afflicted with such disease, the master, commander or pilot thereof, and the Health Officer of the Town of Gouldsboro, shall comply with the provisions of the Revised Statutes of Maine.

XIV. DEFINITIONS

For the purpose of this Ordinance, the definitions of all words, terms, or expressions used shall be defined and utilized by the U.S. Coast Guard navigation rules with the following additions:

A. Commercial Fishing Vessel

Shall mean either:

1. Full-time- A full time commercial fishing vessel is a vessel which is used to harvest marine resources which provide a major portion of the vessel user's income.
2. Part-time- A part time commercial fishing vessel is a vessel which is used to harvest marine resources which provide a significant portion of the vessel user's income.

B. Commercial Passenger Vessel

A commercial passenger vessel shall mean a vessel which is licensed by the United States Coast Guard to carry passengers.

C. Commercial Vessel

A commercial vessel shall mean any vessel not used as a commercial fishing or commercial passenger vessel which is used in activities which produce a significant portion of the vessel user's income.

D. Entrance Channel

Shall mean an access passageway through natural obstructions to navigate or a passageway defined by regulation to provide safe access through moored vessels to some particular point of interest such as a pier or ramp.

E. Fairway

Shall mean parts of a waterway kept open and unobstructed for navigation.

F. Mooring

Shall Mean either:

1. A place where buoyant vessels are secured other than to a pier;
2. The equipment used to secure a vessel; or
3. The process of securing a vessel other than by anchoring.

G. Pleasure Vessel

A pleasure vessel is any vessel used for activities which do not produce a significant portion of the vessel user's income.

H. Residential Vessel

A residential vessel is any vessel for which Gouldsboro boat tax is paid.

I. Riparian Owner

A riparian owner is any person who owns land abutting on the waters of Gouldsboro.

J. To Anchor

Shall mean to secure a vessel to the bottom within a body of water by dropping an anchor or anchors or other ground tackle.

K. Waterway

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

XVI. ADMINISTRATION

A. Duties

It shall be the duty of the Harbormaster to carryout the provisions of this Ordinance. If the Harbormaster shall find that any provision of this Ordinance is being violated, he shall notify, in writing, the persons responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. A copy of every such notice shall be maintained as a permanent record.

B. Obedience to Orders

No person shall fail to observe any lawful order of the Harbormaster with reference to the navigation and disposal of his watercraft within the limits of Gouldsboro's Harbors.

C. Legal Action

When notification of violation does not result in the correction of the violation or nuisance condition, the Selectmen, upon complaint from the Harbormaster, are hereby authorized and directed to institute any and all action and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Town.

D. Penalties

Any person who violated and provision of this Ordinance shall be guilty of a misdemeanor and subject to a fine not less that \$25 nor more than \$500 for each violation. A repetition or continuation of any violation of any provisions of this Ordinance on successive days after notification by the Harbormaster constitutes a separate offense for each day during any portion of which such violation is committed, continued, or permitted.

E. Suspension or Revocation of Privileges

All permits granted under the authority of this Ordinance shall be valid only for such period as specified and privileges of unqualified duration of validity shall not be granted. A violation of the provisions of this Ordinance or of any other applicable Ordinance by any person shall be grounds for suspension or revocation of such privilege.

F. Liability

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

Yvonne P. Wilkinson
Attested
Yvonne P. Wilkinson
Clerk of Gouldsboro

June 13, 2007
Date

Norbar