

TOWN OF GOULDSBORO, MAINE

HARBOR MANAGEMENT ORDINANCE

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HARBOR MANAGEMENT ORDINANCE TOWN OF GOULDSBORO, MAINE

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ARTICLE 1 INTRODUCTION

1.1 AUTHORITY

This ordinance is adopted under the authority granted in Titles 12, 17, 30, 30 A and 38 of the Marine Revised Statutes Annotated (M. R. S. A.) as amended and the home Rule provisions of The Constitution of the State of Maine

1.2 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.

1.3 JURISDICTION

The provisions of this Ordinance shall govern all maritime activities on and within the tidal & inland waters located within the boundaries of the Town of Gouldsboro, Maine and to all land areas at an elevation below the normal high-water mark and to all piers, parking lots, beaches and other public facilities serving the maritime resource. For inland waters the harbormaster shall have jurisdiction only on matters regarding house boats and floating houses.

1.4 CONFLICTS WITH OTHER ORDINANCES

Should any section or provision of this ordinance be found to be in conflict with any ordinance, regulation, or statute administered by the Town, the more stringent provision shall prevail.

1.5 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.

1.6 SUPERCEDEURE

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

1.7 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.

1.8 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.

1.9 APPLICABILITY

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

ARTICLE 2 DEFINITIONS

In this ordinance the following terms shall have the meanings as shown:

2.1 *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.

2.2 *ANCHORAGE* – An area of the harbor set aside for permanent moorings or for the temporary anchoring of boats or vessels.

2.3 *BOAT* - Boat shall include vessels of all sizes powered by sail, machinery or hand, floats, rafts, scows, canoes, kayaks, dredges, lobster, crab and shellfish cars, houseboats and crafts of any kind.

2.4 *BUOY, NO-WAKE* – A marker defining an area beyond which no wake is allowed.

2.5 *COMMERCIAL FISHING* - Any activity involving the landing or processing of shellfish, finfish or other natural products of the sea or other activities directly related to landing or processing shellfish, finfish or natural sea products, aquaculture products, including fueling, loading or selling these products.

2.6 *COMMERCIAL VESSEL* - Any vessel used for or engaged in any type of commercial venture, including but not limited to fishing or the carrying of cargo and/or passengers for hire, push-boats, tugs, and barges.

2.7 *DEBRIS* – Includes floats, old traps, rope, wood and items that are not commonly found in the coastal waters.

2.8 *DOCK* - The slip or waterway extending between two piers or projecting wharf or cut into the land for the reception of vessels.

2.9 *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.

2.10 *FLOAT* - A floating structure that is anchored, moored, or secured at or near the shore, used for landing, transfer of passengers, goods, or other purposes.

2.11 *FLOATING STRUCTURE* – A residential or commercial floating structure on or in the waters of the Town of Gouldsboro that is designed or fitted out as a place of habitation or temporary lodging by persons other than the owner or operator, and which is not principally used for transportation regardless of the capability of the structure to propel itself across the water. A floating structure is not a vessel as defined by the United States Coast Guard or watercraft as defined by Inland Fisheries and Wildlife. This definition is intended to include houseboats used for seasonal or short-term rental habitation.

2.12 *HARBOR* - Includes all waters within the boundaries of The Town of Gouldsboro excluding the agreement with the Town of Bar Harbor.

2.13 *HARBORMASTER* - An official appointed by the Select Board and employed by the Town of Gouldsboro to enforce the provisions of this ordinance and certain duties and responsibilities.

[Title 38 M.R.S.A. §1-13]. The Harbormaster in this ordinance can refer to the Harbormaster and/or Deputy Harbormaster.

2.14 *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. A houseboat 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 as a single-family dwelling which is not powered by self-propulsion, mechanical means, or wind.

2.15 *LANDING* – A place for landing or discharging person(s) or things from a vessel.

2.16 *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.

2.17 *MOORING* – An appliance used by a vessel for anchoring purposes, providing a permanent, adequate means of securing a vessel to the bottom in an anchorage, and which cannot be carried aboard such vessel, when such vessel is underway, as regular equipment.

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
- The process of securing a vessel other than by anchoring

2.18 *PIER* - A platform type structure contiguous with the shoreline and built there from over the water, supported by wooden or stone piles and used for the berthing, loading and unloading of vessels.

2.19 *PLEASURE VESSEL* – A pleasure vessel is any vessel used for activities which do not produce a significant portion of the vessel user’s income.

2.20 *RIPARIAN OWNER* – A riparian owner is any person who owns land abutting the waters of Gouldsboro.

2.21 *RESIDENT* - Any person who is a registered voter or who owns or rents real estate in the Town of Gouldsboro and uses that property for their home at least 6 months of the year.

2.22 *SEAWORTHY VESSEL* - A vessel in a fit state for travel or movement without extraordinary effort or assistance provided to affect such travel or movement.

2.23 *SHALL / MAY* – “Shall” is mandatory; “May” is permissive.

2.24 *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.

2.25 *VESSEL* - Vessel shall include boats of all sizes propelled by said machinery or hand, including scows and dredges.

2.26 *WORKING WATERFRONT* – A protected harbor providing access during any tide for mooring, loading and unloading of boat and catch, and space to work on gear, as well as on-shore access to public roads, parking for trucks and trailers, and maritime services. Working waterfront also includes clam flats.

ARTICLE 3 OFFICE OF THE HARBORMASTER

3.1 APPOINTMENT

The Harbormaster and Deputies shall be appointed by the Select Board 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 and inland waters.

3.2 DUTIES

The Harbormaster / Deputy Harbormaster shall:

1. Carry out 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 equipment for moorings and berths 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 operations of the subject harbor.
8. Remove or cause the removal of abandoned vessels or other objects within the harbors of the Town of Gouldsboro.
9. Enforcement of noncommercial or commercial entities on town facilities.

3.3 CERTIFICATION

The Harbormaster or Deputy Harbormaster shall be approved to make arrests and carry a weapon by the Gouldsboro Select Board, when certified as a Law Enforcement Officer by the Maine Criminal Justice Academy and copy of the Maine Harbor Masters Association certificate of completion is supplied to the Town.

3.4 TRAINING

A person appointed or reappointed as Harbormaster or a deputy harbor master must complete a basic Harbormaster training course offered by a statewide harbor masters association that represents Maine harbor masters within one year after being appointed or reappointed unless that person has previously completed such a course. If a person has not held the position of harbormaster or deputy harbor master within the last 3 years prior to being appointed or reappointed, that person upon appointment or reappointment must complete the basic harbor master training course.

3.5 CONTINUING EDUCATION

A person appointed or reappointed a harbormaster or deputy harbormaster who has completed the basic training course under subsection 1 shall complete, at a minimum, 8 hours of training every 3 years to maintain certification as a harbormaster or deputy harbormaster. The training requirement of this subsection may be met by completing continuing education training offered or approved by a statewide harbormasters association that represents Maine harbormasters.

3.6 TERM

The Harbormaster / Deputy Harbormaster shall serve at the pleasure of the Select Board.

ARTICLE 4 ADMINISTRATION

4.1 DUTIES

It shall be the duty of the Harbormaster to carry out 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.

4.2 ENFORCEMENT

This Ordinance may be enforced by the Harbormaster, Assistant Harbormaster, or any law enforcement officer vested with the authority to carry a weapon and make arrests. 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.

4.3 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.

4.4 OFFENSE

A person is guilty of failure to obey an order of a Harbormaster if the person intentionally, knowingly or recklessly fails to obey any lawful order of a Harbormaster authorized pursuant to this Ordinance.

4.5 LEGAL ACTION

When notification of violation does not result in the correction of the violation or nuisance condition, the Select Board, 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.

4.6 PENALTIES

Any person who violated any provision of this Ordinance shall be guilty of a civil infraction and subject to a fine not less than \$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. Failure to obey a lawful order of a Harbormaster is a Class E crime.

4.7 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 or such privilege.

4.8 APPEALS

Any action or decision of the Harbormaster may be appealed to the Town Manager pursuant to the Enforcement. An appeal must be submitted in writing to the Town Manager no later than thirty (30) days after the action or decision. Upon receipt of a written appeal, the Town Manager shall investigate the allegations. If the applicant is not satisfied with the decision of the Town Manager, the Select Board shall promptly schedule an appeal hearing, giving notice to the applicant and to the Harbormaster of the date, time and place of the hearing. The appellant and the Harbormaster each shall have an opportunity to be heard and to present written and oral evidence. After the hearing, the Select Board shall promptly issue a written decision. There is no appeal under this ordinance from the decision of the Town Manager and Select Board.

ARTICLE 5 HARBOR COMMITTEE

5.1 APPOINTMENT

The Select Board shall appoint a committee of up to seven (7) individuals familiar with the harbor and their activities, as follows:

1. Up to seven (7) public members shall be made up of interested commercial fisherman; and
2. Representatives of marine related business, and private citizens.

5.2 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.

5.3 TERM

For the fiscal year of 2023 – 2024, it will be as follows: one member for one year, two members for two years, two members for three years and continue rotation.

5.4 MEETINGS

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

5.5 VOTE

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

5.6 QUORUM

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

ARTICLE 6 MOORINGS

6.1 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 or direction of the Harbor Master.

6.2 DESIGNATION OF MOORING SPACE

The Harbor Master 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.

6.3 INSPECTION OF MOORINGS

The Harbor Master 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 Harbor Master deems necessary for the safety of the craft or others adjacent to it.

6.4 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 years.
4. All moorings not located in the correct locations shall be moved at the owner's expense in accordance with the instructions of the Harbor Master. Failure to do so shall result in the Harbor Master moving or removing the improperly located moorings; the cost shall be borne by the owner of the mooring.

6.5 TRANSFERRING OF MOORING PRIVILEGES

Unless prior written permission of the Harbor Master is obtained, assignment of mooring privileges is not transferable.

6.6 NOTIFICATION OF VACANCY

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

6.7 REASSIGNMENT

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

6.8 RECREATIONAL WATERCRAFT REMOVAL

All Recreational watercraft shall be removed from Gouldsboro Waters by December 1st of each year.

6.9 MOORING APPLICATION

A mooring application has to be filled out on July 1st each year at the Town Office. The fee will be due at that time.

ARTICLE 7 FEES

The mooring fees will be established by the Gouldsboro Select Board and may be increased or decreased as necessary. The fee changes will take effect five days from the date of approval and public notification. The fee will be due by August 30th of each year, or an additional charge of half the regular fee will be imposed.

ARTICLE 8 WHARVES, DOCKS, PIERS, FLOATS & RAMPS

8.1 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.

8.2 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. Fueling of vessels is not allowed at the town pier unless approved containers are used. Repairs or maintenance lasting more than 2 hours while docked at town pier shall not be permitted. The Harbormaster at his discretion may extend the time. No vessel will be left unattended.

There shall be no overnight parking at any Town Facility in the Town of Gouldsboro.

8.3 BAIT

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

8.4 REMOVAL OF VESSELS

The Harbormaster is hereby authorized to remove at the owner's 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.

8.5 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.

8.6 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.

8.7 USE PRIORITY

All harbor facilities are open to the public and priority will be given to the vessel that arrives first and subsequent vessels will have priority in the order they arrive. Parking at town harbor facilities is given priority to the first to arrive. No parking overnight is allowed and vehicles in violation of this

ordinance may be towed and the owner billed for the expense. Parking will be done in such a manner to allow free access to the facility.

8.8 TOWN WHARF & LANDING USE

Only individuals involved in the harvesting of marine products (ex. Lobster, scallop, urchins, etc.) and individuals involved in recreational activities will be permitted on town wharves and landings. No buying, transferring, or selling of marine products will be permitted on town wharves and landings. This includes licensed dealers of marine products or individuals. Marine products are any items harvested from the waters within the state of Maine.

8.9 HOIST LIMIT

The hoist limit of any Town owned facility is not to exceed 250 pounds. There will be no barrels of any kind or size, raised or lowered using the Town hoist.

8.10 WIND ADVISORY

All skiffs tied to the Town Float will need to be removed before a predicted southeast wind of 40mph or greater. The skiff may be removed at the owner's expense. First violation may be a warning, summons up to being prohibited from leaving a skiff tied to the Town Float.

8.11 MISUSE OF TOWN PROPERTY

Use of any Town facility is a privilege not a right, if after a warning for misuse, continued misuse of Town property can result in a summons up to being terminated from using Town owned property.

8.12 INCLEMENT WEATHER

Skiffs tied to the Town Float need to be free of water, especially when inclement weather is predicted.

ARTICLE 9 OPERATION OF VESSELS

9.1 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.

9.2 SPEED LIMIT

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.

9.3 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.

9.4 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.

9.5 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.

6/12/2024
Approval Date

Attested: 
Joshua McIntyre, Town Clerk