

# Appendix G

## Harbor Management Ordinance

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## Appendix G

### Harbor Management Ordinance

**SEC. 101 Purpose**

The purpose of this Ordinance is to establish and maintain order in the arrangement and utilization of the mooring area, harbor channels, Town dock, and other related facilities in Bucksport Harbor.

**SEC. 201 Authority**

This Ordinance is adopted under the authority granted under Title 38, M.R.S.A., Subsection 2, as amended.

**SEC. 301 Applicability**

The provisions of this Ordinance shall apply to all activities occurring within or directly affecting Bucksport Harbor as defined.

**SEC. 401 Moorings**

A. Placement of Moorings

No person shall place a mooring or mooring buoy of any type within Bucksport Harbor without first obtaining a Harbor Mooring Permit from the Harbor Master. The permit shall be for the period May 1 to November 1. An annual fee may be levied by the Town for each mooring location as so determined by the Town Council. Proof shall be submitted to the Harbor Master by the owner or agent that the vessel is currently registered or documented and the excise tax has been paid.

B. Designation of Mooring Space

The Harbor Master shall designate mooring spaces and shall maintain a chart of the harbor showing locations of moorings and areas designated as channels. The Harbor Master shall maintain a written record of the basic information on each mooring including assigned location, identifying number, vessel description, owner, and any additional data deemed useful.

C. Mooring Identification

All moorings shall be assigned an identifying number which must be marked in a legible fashion on the marked buoy including the first four letters of the last name in at least three (3) inch numerals and letters.

D. Mooring Material

Only moorings consisting of granite or marble stone or mushroom anchor constructed of steel or cast iron shall be allowed.

**SEC. 501 Town Dock and Float**

The Town dock is solely for the loading and unloading of vessels and for the mooring of skiffs.

A. Obstructions

No owner or master of any vessel, boat, or watercraft of any kind shall permit or suffer the same to be docked in such a manner as to obstruct the free passage of other vessels going in and coming out of the Town dock and float.

B. Tying to Town Float

No person shall leave any watercraft tied to the main Town float for any purpose for a period of time of more than one (1) hour without permission from the Harbor Master. During the hours of 9:00 P.M. and 7:00 A.M. a watercraft may be tied to the southerly side of the Town Float if the watercraft or vessel is greater than 60' in length or if the Bucksport Marina is filled to capacity upon written approval from the Harbor Master and payment to the Town of a daily fee as determined by the Town council. A space at the float may be designated by the Town Council for the Harbor Master's boat.

C. Access to Town Dock and Float

No person shall place or cause to be placed any vehicle, equipment or other material on the Town dock unless it is for the purpose of unloading or loading of a vessel and in no way shall block access by other users. At no time shall any person be parked on the dock for any period exceeding fifteen (15) minutes unless the Harbor Master has granted approval.

D. Storage

No person shall place or cause to be placed any equipment or material on the Town dock or float for a longer period than is reasonably necessary, as determined by the Harbor Master, for the loading or unloading of the same.

E. Removal of Debris

All users of the Town dock, float, and ramp shall be responsible for promptly cleaning up any spillage or untidiness resulting from their operations.

F. Skiffs

Skiffs may be tied only to the finger floats or the northerly side of the main float between the finger floats and must be properly maintained, be kept bailed, and must be secured so as to not interfere with vessels landing and departing to and from the main float.

G. Curfew Hours

No person shall be allowed on the dock or float between the hours of 10:00 P.M. and 5:00 A.M. daily unless such person(s) has a boat in the harbor or tied to the float or unless such person(s) is authorized by the Police Department or Harbor Master.

H. Swimming

No person shall engage in swimming from the town dock, floats or fishing pier.

I. No Vessels Tied to Fisherman's Float

No person shall leave any watercraft except for non-motorized canoe or kayak tied to fishing pier unless for emergency purposes. Non-motorized canoes or kayaks may tie to the east or west ends of the float for a period not to exceed one hour.

**SEC. 601 Operation of Vessels**

A. General

No persons shall use or operate any vessel in Bucksport Harbor in such a way as to cause danger, annoyance, disturbance, or inconvenience to the public.

B. Reckless Operation

No person shall operate any vessel in a reckless or negligent manner, or while under the influence of intoxicants or drugs so as to endanger the life, limb, or property of any person.

C. Navigational Hazard

No person shall deposit, throw, sweep, or cause to be deposited or swept, from any vessel, dock, float, or any other place, into the waters of Bucksport Harbor or into the water adjacent thereto, any gas, oil, or bilge water containing any of the same, ashes, dirt, stones, gravel, mud, logs, planks, or any other substances tending to obstruct the navigation of said harbor or water adjacent thereto, or to shoal the depth of said harbor or pollute the waters thereof.

D. Speed Limit

All vessels shall be operated at a speed so as to create minimal wake.

**SEC. 701 Abandonment**

No person shall cause to be abandoned any boat, vessel, hulk, skiff, mooring, mooring rope, buoy, cradle, raft, or any other possible obstruction on the shores within Bucksport Harbor. Any such object left within the confines of Bucksport Harbor and which has been unattended for a period of ninety (90) days shall be deemed to be abandoned. The Harbor Master, upon his own complaint or the complaint of another shall order the last owner of record of any such abandoned boat, vessel, hulk, skiff, mooring, mooring rope, buoy, cradle, or raft, if such owner is ascertainable, to remove same within thirty (30) days; and upon his refusal or failure to remove within thirty (30) days, the Harbor Master shall 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.

If such object or property is not claimed, and removal expenses are not paid within six months from the date the owner has been notified in writing, the object or property may be sold by the Town and all monies retained from the sale shall inure to the benefit of the Town's waterfront account. Any tender or skiff tied to the Town floats that is left sunk or awash for a period exceeding seven days shall be deemed abandoned. The tender or skiff may be impounded by the Harbor Master, and may be disposed of in the same manner as noted in this section. The Town shall not be liable for any damages sustained by an impounded tender or skiff.

This section shall not apply to boats or private floats stored for the winter on private property within Bucksport Harbor.

**SEC. 801 Removal of Vessels**

The Harbor Master is hereby authorized, and it shall be his duty, to remove or cause to be removed at the owner's(s') risk and expense, any vessel, vehicle, trailer, or other obstruction which is in violation of the provisions of this ordinance.

**SEC. 901 Administration**

A. Enforcement

It shall be the duty of the Harbor Master to administer and enforce the provisions of this ordinance. If the Harbor Master 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 Harbor Master with reference to the navigation and disposition of his watercraft within the limits of Bucksport Harbor. The Harbor Master may arrest and deliver to District Court, the Town Constable, the County Sheriff or his deputy, or the Municipal Police Department, any person committing an assault upon him or another person acting under his authority as provided by the revised Statutes of Maine.

C. Legal Action

When notification of violation does not result in the correction of the violation or nuisance condition, the Town Council upon complaint from the Harbor Master, is 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 violates any provision of this ordinance shall be guilty of a misdemeanor and subject to a fine not less than twenty-five dollars (\$25.00)

or more than five hundred dollars (\$500.00) for each violation. A repetition or continuation of any violation of any provisions of this ordinance on successive days after notification by the Harbor Master constitutes a separate offense for each day during any portion of which such violation is committed, continued, or permitted.

**SEC. 1001 Definitions**

A. Bucksport Harbor

The Harbor shall include that area of water to high tide lying within the following boundaries: beginning at the northerly end at Orland town line, thence generally westerly along Bucksport, Verona, Prospect, Frankfort and Winterport the town lines to a point due south to the Orrington town line, thence due north to the shore, thence along the shore to the beginning.

B. Mooring

The term Mooring shall include the entire mooring apparatus, including the block and weight on the harbor floor, the mooring buoys on the surface and every part in between the two, or otherwise attached.

C. Vessel

The term Vessel shall include any and all forms of watercraft.

**SEC. 1101 Liability**

A. Damage or Loss of Property

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

B. Personal Injury

The Town dock and facilities shall be used at the owner's(s') own risk and the area shall be posted accordingly.

**SEC. 1201 Validity and Separability**

If any section, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion thereof.

**SEC. 1301 Conflict**

Whenever any section, subsection, sentence, clause, phrase, or portion of this ordinance is deemed to be in conflict with any existing state and/or federal law, regulation or rule(s) then the stricter provision shall apply.

**SEC. 1401 Effective Date**

This ordinance shall become effective immediately upon adoption by the Town Council.

*A Harbor Master was established on April 13, 1978.*

*Appendix G, Harbor Management Ordinance, was adopted on April 13, 1984, and amended on*

*October 14, 1993*

*September 11, 1997*

*August 10, 2006*