

CHAPTER 308

**HARBOR, WATERFRONT AND BOAT ORDINANCE**

Town of Yarmouth, Maine

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# HARBOR, WATERFRONT AND BOAT ORDINANCE

## Table of Contents

<b>ARTICLE I</b> .....	1
<b>A. TITLE</b> .....	1
<b>B. PURPOSE</b> .....	1
<b>C. AUTHORITY</b> .....	1
<b>D. DEFINITIONS OF TERMS USED</b> .....	1
<b>ARTICLE II</b> .....	3
<b>A. APPOINTMENT OF HARBOR MASTER</b> .....	3
<b>B. TERM OF OFFICE</b> .....	3
<b>C. APPOINTMENT OF DEPUTY</b> .....	3
<b>D. AUTHORITY OF HARBOR MASTER</b> .....	3
<b>ARTICLE III</b> .....	5
<b>A. SPEED AND WAKE</b> .....	5
<b>B. WATERSKIING</b> .....	5
<b>C. ABANDONMENT</b> .....	5
<b>ARTICLE IV</b> .....	5
<b>A. INTERFERENCE FORBIDDEN</b> .....	5
<b>B. VIOLATIONS OF MOORING POLICY</b> .....	11
<b>ARTICLE V</b> .....	11
<b>A. PUBLIC FACILITIES</b> .....	11
<b>B. DOCKAGE TIME</b> .....	12
<b>C. DINGHIES</b> .....	12
<b>D. ICE FISHING SHANTIES</b> .....	13
<b>E. DUMPING PROHIBITED</b> .....	14
<b>F. COMMERCIAL USE OF TOWN LANDING</b> .....	14
<b>G. USE OF TOWN LAUNCH RAMP</b> .....	14
<b>H. FLOAT REGULATIONS</b> .....	14
<b>ARTICLE VI</b> .....	16
<b>A. PENALTIES</b> .....	16
Appendix A.....	17

# HARBOR, WATERFRONT AND BOAT ORDINANCE

## ARTICLE I

### A. TITLE

This ordinance shall be known and may be cited as the “Harbor, Waterfront and Boat Ordinance of Yarmouth.”

### B. PURPOSE

The purpose of this Ordinance is to define rights and responsibilities of those people who make use of the tidal waters of the Town of Yarmouth and adjacent Town land and rights-of-way owned or leased for vessel mooring and launching.

### C. AUTHORITY

Town authority to enact Ordinances governing boats and moorings is found generally in Title 38 Chapter 1 of the Maine Revised Statutes, in which the State of Maine has delegated this responsibility to Municipal Officers.

### D. DEFINITIONS OF TERMS USED

**Commercial:** Any boat registered as commercial by the State of Maine

**Commercial Fisherman:** Any person who derives annual earned income from commercial fish or marine organism harvesting. Pursuant to the Maine State statutes definition Title 12, Chapter 601.6-A. Commercial fisheries business means an enterprise directly or indirectly concerned with the commercial harvest of wild or aquacultured marine organisms, whose primary source of income is derived from these activities.

**Commercial Hauler:** Anyone who uses a hydraulic trailer to launch or remove anything from the water at the town landing.

**Dinghy:** A dinghy shall be a punt, skiff, tender or like of 10 feet of length overall or less, used solely as transportation to or from a boat on a mooring and clearly marked with the mooring number and a contact phone number.

**Dinghy, commercial:** Shall be a punt, skiff, tender, or the like of 14 feet of length overall or less, used solely as transportation to or from a boat on a mooring and clearly marked with the mooring number and a contact phone number, or is registered to a current Commercial Fisherman or Marine Organism Harvesting License.

**Dinghy Haul Off:** A mooring or tether system for a dinghy or boat which 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.

**Federal Navigation Project-FNP:** That portion of the mooring area and channel of the Royal River designated by the United States Congress as Federal Navigational Project area and subject to rules of equal and open access as determined by the US Army Corps of Engineers.

**Houseboats:** A raft, hull, barge or vessel, designed primarily to be used as living quarters, and providing living, sleeping, cooking and sanitary facilities, whether temporarily or permanently.

**Mooring:**

- a Conventional swinging mooring system with anchor, chain, buoy and pennant or;
- b A position on a non-swinging float or “camel” or pony dock; properly fixed and located with not less than 2 anchor ties or two (2) mooring permit holders and approved by the harbormaster; provided that such float or camel has an area not greater than 8 feet by forty feet and is properly fixed and located with not less than 2 anchor ties, all to be approved by the Harbor Master.
- c Haul out/out haul: a dinghy mooring system attached to shore by line that allows for dinghy access from shore.

**Mooring Service Provider:** A person, firm, or company with a tax ID and which holds a minimum of \$500,000 CSL insurance policy for commercial mooring services, including inspections of mooring gear and equipment.

**Municipality:** Municipality means the Town of Yarmouth.

**Person:** Person includes an individual, a corporation, a firm, partnership, an association or any other entity.

**Pier:** A platform or structure leading out from the shore to a dock and any related or connected ramps or floats.

**Property Taxpayer:** Property taxpayer is an ad valorem property tax paying owner of real estate in this Municipality.

**Resident:** An individual whose primary residence is located in the Town of Yarmouth or are property taxpayers in the Town of Yarmouth.

**Senior Resident:** The term “Senior Resident” refers to a person 65 years of age or older and is qualified as a resident under this Ordinance.

**Senior Non-Resident:** The term “Senior Non-Resident” refers to a person 65 years of age or older and is not qualified as a resident under this ordinance.

**Vessel:** Shall include boats of all sized powered by sail, machinery or hand; scows, dredges, lobster or shellfish car; and watercraft of any kind.

**Vessel Owner:** The person, or entity, who is named on the boat registration.

**Marina:** An entity that rents marina slips.

**Marina Slip:** A position of 12 feet in length or greater on a commercial marina docking area intended as lease or rental space for a vessel, except dinghy tie-up areas, and areas used for loading/unloading, repairs, fueling or other similar temporary uses and operations.

**Non-Resident:** A person who is not a property taxpayer in the Town of Yarmouth or a person whose primary residence is not located in the Town of Yarmouth.

## **ARTICLE II**

### **A. APPOINTMENT OF HARBOR MASTER**

The Harbor Master shall be appointed by the Town Manager in accordance with the Yarmouth Council-Manager Charter and the Administrative Code.

### **B. TERM OF OFFICE**

The Harbor Master duly appointed and qualified, as hereinbefore provided, shall continue in office until his/her successor is duly appointed and qualified, unless he/she sooner resigns, or is removed from office by the Town Manager.

### **C. APPOINTMENT OF DEPUTY**

The Town Manager may appoint a deputy to act during the Harbor Master's absence or disability or to assist the Harbor Master in the performance of his/her duties.

### **D. AUTHORITY OF HARBOR MASTER**

1. The Harbor Master or his/her deputy (if any), when duly appointed and qualified under the provisions of this Ordinance, shall have power and authority to do and perform all of the duties of a Harbor Master, as provided in the Statutes of the State of Maine and acts additional thereto and mandatory thereof, and shall enforce and carry out such rules and regulations as may from time to time be made by the Town Council for the regulation and management of, the tidal waters of the Town of Yarmouth and the use of public wharves, docks, piers and floats in the Town of Yarmouth, and the Town owned adjacent lands.
2. The Harbor Master has jurisdiction over the entry of all vessels into those areas designated in said ARTICLE I.B of this Ordinance. No vessel shall be brought into the Municipality of Yarmouth for the purpose of wrecking or scrapping without the permission of the Harbor Master.

3. The Harbor Master may enforce within his/her jurisdiction safety rules based on the guidelines established by the U.S. Coast Guard, U.S. Coast Guard Auxiliary, United States Power Squadron and other recognized authorities, the laws of the State of Maine, and the Ordinances of the Town of Yarmouth, Maine.
4. The Harbor Master shall have jurisdiction over all moorings in the Town of Yarmouth and its waters.
5. The Harbor Master shall maintain a current mooring list and mooring waiting list for all of Yarmouth waters and any other areas within the Town of Yarmouth for which there has been established a mooring plan. A mooring plan, for the purposes of this Ordinance, shall be a system established or approved by the Harbor Master designating the locations of moorings and/or anchorage of vessels including mooring plans traditionally established and controlled by certain homeowners' associations, including but not limited to, the Sunset Point Homeowners Association, the Cousins Island Homeowners Association, the Seabourne Association and the Homewood Association. (Collectively, the "associations").
6. The Harbor Master shall develop and maintain a list of qualified Mooring service Providers authorized to operate in Yarmouth waters. Mooring Service Providers not on the list maintained by the Harbor Master must contact the Harbor Master before conducting work in Yarmouth and must provide the required insurance documentation.
7. In all tidal waters of the Town of Yarmouth, the mooring and anchoring of boats, the manner thereof, the locus thereof, shall be under the supervision, direction and control of the Harbor Master.

## **ARTICLE III**

### **A. SPEED AND WAKE**

No person or persons shall drive or operate any boat or vessel in Yarmouth waters in such a manner as to cause a wash, a wake or waves that disturb or damage any wharf, float or anchored or moored dock, boat or vessel or at a speed that endangers any person or property. The Harbor Master, as his/her discretion, may establish speed limits for the operation of boats in any mooring area or any channel of Yarmouth.

### **B. WATERSKIING**

No person shall operate a boat towing a surfboard, water skis, inflated inner tube or similar device within a mooring area.

### **C. ABANDONMENT**

No person shall permit the abandonment of any boat, raft or float or permit same to become derelict upon the shores or in the waters of the Town of Yarmouth. In the event that the owner neglects, fails or refuses to remove such abandoned or derelict boat, float, mooring, or raft, the Harbor Master may cause it to be removed and shall charge the owner for the costs of removal and disposal plus a \$100 fee.

## **ARTICLE IV**

### **A. REGULATIONS**

1. The mooring and anchoring of all boats in mooring areas of Yarmouth shall be governed, regulated and controlled by said Town and no person or persons shall moor or anchor or cause to be moored or anchored therein boats of any description except in conformity with the rules and regulations established therefore by the Municipal Officers.
  - a. Mooring Assignment Applications: Each application shall contain the following:
    - i. The applicant's name, complete address, telephone number, and email address;
    - ii. The boat name, State and Federal registration number, name and address of the boat owner(s) and a copy of the current boat registration or documentation certificate;
    - iii. Mooring use and area applying for;
    - iv. The type of boat, i.e., sail, power, inboard or outboard;
    - v. Length of boat and hull configuration, i.e. deep keel, shallow draft;

- vi. Name, address, telephone number and email address of person who will set, service and inspect the mooring;
  - vii. The signature of the applicant and date of applications;
  - viii. Proof of a mooring inspection within the 24 month period immediately prior to the date of the application.
  - ix. Approximate position or GPS bearing
  - x. Any person applying for a mooring permit as a Commercial Fisherman shall sign a statement indicating that the applicant has or will derive the majority of his/her earned income from commercial fisheries or marine harvesting during the applicable mooring year.
- b Incomplete Applications: Each application that fails to provide the above listed information will be deemed incomplete. All applications must include the appropriate fee. Those without the appropriate fee shall be deemed incomplete. Incomplete applications shall be returned to the applicant without further action by the Harbormaster. A fraudulent application is grounds for immediate termination of mooring assignment.
2. All moorings shall be of sufficient size and weight, with chain or rope in sound condition to properly secure the vessel for which it is to be used based on scope of 2:1 at high tide; exceptions may only be permitted for good cause and with the approval of the Harbormaster.
  3. Scope, including pennant, shall not exceed a total length of twice the distance from the mooring ball to the bottom at extreme high tide.
  4. Pennants shall not exceed a length of 2.5 times the distance from the surface of the water to the bow chock and if they exceed 10' in length must be weighted to keep the pickup buoy within 5' of the mooring buoy.
  5. All mooring buoys shall be white in color with a horizontal blue stripe and be of sufficient size and buoyancy to remain afloat when not attached to the vessel. Log moorings will be allowed only between October 1 and June 1 and marked with a bright color, excluding orange. Winter spars, logs or stump moorings shall be connected to their moorings with non-floating rope (no wire cable shall be permitted).
  6. Minimum tackle standards.
    - a. The Town of Yarmouth shall make recommended specifications for minimal tackle standards to registered mooring holders in the Town of Yarmouth.



- b. The Specifications may be derived from accepted standards adopted by trade publications or reputable marine texts, mooring service companies, or other federal, state or municipal regulations.
- c. The Town of Yarmouth reserves the right to change, modify, or update the suggested standards at any time and assumes no liability whatsoever for the actual performance of adequacy of any mooring system employed by a mooring holder whether or not such system conforms to such recommended minimum standards.
- d. The recommended standard mooring specifications are appended to this Chapter and incorporated herein as Appendix A, Table 1.

## 7. Inspections

- a. Prior to initial placement and at least once every two years, each mooring shall be inspected through a Mooring Service Provider chosen by the mooring owner.
  - b. Moorings not winterized and unused for a period greater than 8 consecutive months in a 12-month period must be inspected annually by the Mooring Service Provider chosen by the mooring owner.
  - c. The mooring owner is responsible for the adequacy and performance of all mooring gear, tackle and maintenance thereof. All permanent moorings shall comply with the following minimum specifications:
    - i. Each permanent mooring shall consist of a mushroom, granite block, pyramid or helix, heavy steel bottom chain attached to a lighter top chain, mooring buoy and a nylon pennant. Any deviation must be approved by the Harbor Master.
    - ii. All mooring blocks shall be constructed of solid granite with steel staples or eyebolt extending completely through the block. Cement blocks or other miscellaneous weighted objects as mooring anchors are unacceptable as mooring anchors.
    - iii. A mooring may have one top end swivel. All swivels and shackles must be larger than the chain diameter. All shackles and swivel pins shall be properly sized. All eyes in the nylon rope shall be fitted with appropriate size thimbles. Pennants connecting the mooring buoy to the moored boats shall be fastened to the lower eye of the mooring buoy.
8. An annual fee may be levied by the Town for each mooring or commercial marina slip located in the tidal waters of the Town of Yarmouth in accordance

with the fee schedule established in Chapter 401 of the Yarmouth Town Code (Fees and Permit Ordinance). Mooring fees for all established moorings shall be paid on or before April 15 of each year. Mooring renewal applications that are late will be assessed an additional \$50.00 late fee. Fees for new moorings shall be paid at the time new applications are accepted. Failure to pay the fee within 30 days from the date due shall result in the loss of the mooring permit.

9. The Harbor Master will make all mooring assignments in all Yarmouth, waters for which a mooring plan has been established, except areas within the Federal Navigational Projects on a “first come, first serve” basis in accordance with following priorities: (The annual request for mooring renewal shall specify the person’s category.).
  - a. Property owners with real estate abutting the waters immediately adjacent to the proposed mooring location pursuant to Title 38 Chapter 1.
  - b. Resident commercial fisherman.
  - c. Resident Non-commercial.
  - d. Non-resident commercial fisherman
  - e. Non-resident seasonal property owner.
  - f. Other non-resident non-taxpayer.

The Harbor Master shall consult with the “Associations” and will, insofar as permissible and not otherwise inconsistent with this Ordinance, delegate to the “Associations” the authority to establish and enforce mooring plans in those areas traditionally regulated by the particular “Association”, and shall provide support enforcement services to the “Associations” in the administration of the mooring plans.

Mooring areas controlled by “Associations” as provided in Article II (D) (5) of Chapter 308 shall be subject to the following requirements:

- i. The Association maintains a controlled mooring field.
- ii. The Association provides oversight of member mooring use, including inspections.
- iii. The Association is registered with the Harbormaster and provides member/mooring holder rosters and mooring location plans to the Harbormaster.

10. The Harbor Master will make all mooring assignments in the Federal Navigational Project and in all areas for which a mooring plan has not been established on a “first come, first serve” basis.
  - a. (Reserved for new committee rules)
11. Each mooring will be assigned an identification number (mooring number) which must be marked in a legible fashion on the mooring buoy with at least 3” numbers. Additionally, the Harbor Master may implement organization/tracking methods for said boat, mooring, and vehicle identification. Each mooring must have a white with a visible blue horizontal stripe, a Town mooring number and owner last name.
12. Neglected, abandoned or unauthorized moorings (including, but not limited to, unpaid fees or wrong location) shall be moved or removed by or under the direction of the Harbor Master. Any expense incurred will be borne by the person responsible for its placement (if known).
13. All mooring assignments shall be used exclusively for the personal use of the applicant and solely for the boat listed on the application. No leasing, subleasing, or assignment of moorings or mooring numbers shall be allowed. Marinas are exempted from this Section except moorings located in the Federal Navigation Project. Each commercial marina or boatyard may be permitted to rent from the Town of Yarmouth up to one (1) service or guest mooring, or mooring point for a single dock. In the event that such service or guest mooring is to be located in the Federal Navigational Project, such mooring may be rerented for an aggregate seasonal amount not to exceed the rental and permit fee amount established in Chapter 401, or if rented on a daily basis in an amount not to exceed the permit fee divided by 150. In no case shall the marina operator derive revenue or business value from such service or rental mooring in excess of the municipal rental fee and permit established in Chapter 401. Other exceptions may be granted by the Harbor Master for good reason, but not to exceed one season.
14. An assigned mooring not set or set and then unused by the applicant for a period of one season or more, as determined by the Harbor Master, shall be deemed abandoned. Subsequent application for a mooring assignment by that person must be in accordance with Section II.D.5 of this Ordinance.
15. Notwithstanding any other provision of this chapter to the contrary, houseboats are prohibited from mooring or anchoring in Yarmouth waters for a period longer than 10 consecutive days or 20 total days per calendar year except at marinas which provide the following:
  - a. A permanent float, dock or slip from which the houseboat may be directly boarded from land;

- b. Connection to a public water supply by means of an individual anti backflow valve;
  - c. A sewer connection to a public sewage system; (or other suitable means of sewage disposed);
  - d. An all weather supply of electricity;
  - e. Parking as required by the codes and ordinances of the Town of Yarmouth; and compliance with the applicable Land Use Codes.
16. No boat owner or person shall fasten or tie a boat to a mooring without the expressed permission of the assigned mooring holder except in instances of a true emergency, which shall be defined as a threatened loss of personal property and or personal injury. Whoever is charged with violating this provision shall be subject to a fine and penalties described in Article VI.
17. In an effort to meet current and future availability expectations and to provide consistent mooring location placement, a size limitation has been placed on boats and vessels moored in the Royal River Anchorage, FNP. This regulation does not preclude any boat or vessel registered in the Royal River Anchorage prior to December 31, 2005 from exceeding the following size restrictions. All boats or vessels moored in the Royal River Anchorage after December 31, 2005 shall conform to the following size restrictions:
- a. Beam not greater than 14 feet at any point
  - b. Draft not greater than four (4) feet when moored
  - c. Length overall-LOA not greater than 36 feet
- Any vessel greater than 36 feet LOA shall be approved by the Harbormaster and shall be moored, using either fore and aft anchors or a float.
18. No person shall set or maintain a Dinghy Haul Off system tied to lands associated with any town pier, wharf, landing or water access point or any seaward extension thereof without the permission of the Harbormaster.
19. No person shall store or leave a boat or dinghy overnight on the beach at the Madeleine Point public facility; except that commercial fisherman with mooring permits at Madeleine Point shall be allowed to leave one dinghy or tender not to exceed 14 feet in length with the approval of the Harbormaster.
20. Upon approval of the Harbormaster, a mooring may be transferred to a member of the assignee's immediate family at the request or death of the assignee, and only if the mooring assignment will continue to be used for commercial fishing purposes. For purposes of this section, "members of the assignee's immediate

family” means an assignee’s parent, child or sibling, by birth or by adoption, including a relation of the half blood, or assignee’s spouse.

## **B. VIOLATIONS OF MOORING POLICY**

Violations of any provisions of these rules shall result in forfeiture of all permit and lease privileges. Additionally, whoever violates any provision of these regulations shall be subject to a fine and penalty described in Article VI.

## **ARTICLE V**

### **A. PUBLIC FACILITIES**

1. No freight may be delivered to any Yarmouth wharf, float or pier located in or adjacent to a residentially zoned area of the Town, except as authorized by ARTICLE V.A.5 of this Ordinance.
2. All boats and vessels may have reasonable and convenient access to the public wharves, docks, piers and floats and all persons may have reasonable and convenient use thereof; subject to the limitations herein.
3. No person shall place or maintain on public facilities, any barrel, box, gear, traps, pots, dunnage or any other equipment for a longer period than is reasonably necessary for the prompt loading or unloading of items. In no instance shall such items be left unattended for any longer than one hour without the permission of the Harbormaster. Except, however, that for the purposes of commercial fisheries, traps and gear may be placed on a town pier, wharf or float or associated lands for up to four hours, provided reasonable room and space is maintained open for access and use of such float, wharf or pier by other users.
4. Use of recreational docks for commercial use must be authorized by the Harbor Master.
5. Commercial Vehicles shall be allowed to make deliveries to the Cousins Island Dock on non-holiday weekdays between the hours of 7:00 AM and 12:00 noon, provided that only non-dual wheeled vehicles shall make such deliveries. Non-dual wheeled vehicles shall not be used for the purpose of transporting multiple loads or providing for a scheduled delivery service for commercial entities. Deliveries of prescription medication and deliveries of meals through the Meals on Wheels Program shall be exempt from this provision. Delivery of fuel for powering the Chebeague Transportation Company passenger vessel shall also be exempt from this provision.
6. For the purpose of this Section, dunnage is defined as any freight, including luggage, groceries, boxes, and other items transported by passengers boarding

a vessel from any Yarmouth wharf, dock, pier or float (or from any float attached to a Yarmouth wharf, dock or pier).

7. Except for authorized areas, no person or persons shall place or deposit on any of the public wharves, docks, piers, or floats in mooring areas, or on public land adjacent thereto, any fish or lobster bait except for immediate delivery to boats ready to receive the same. After use all docks must be left in a neat and orderly fashion.
8. The Harbor Master shall require all persons violating any provisions of the article to immediately cease and desist there from. If such person fails or refuses the same, or is then absent, the Harbor Master is authorized to remove, or cause the same to be forthwith removed, at the cost and expense of such person or persons. In addition to the above, three violations of any provision of Article V in a twelve month period may result in the loss of mooring privileges or the use of the town waterfront facilities for that individual for a period of one year.

## **B. DOCKAGE TIME**

No person shall tie up vessels or boats of any description to public facilities more than thirty (30) minutes except with special permission granted by the Harbor Master.

## **C. DINGHIES**

1. No dinghies shall tie up to any public facility such as a wharf or float without permission of the Harbor Master unless such dinghy shall be owned or used by the mooring holder or by the owner of a boat tied up to a guest mooring.
2. All dinghies using the public facilities shall have the owner's of vessel's name and the mooring registration number clearly lettered thereon in letters at least two inches (2") high, and a contact phone number, Permits for dinghy tie-up, where applicable must be displayed on the inside of the dinghy transom.
3. No Dinghies may be tied up to any town pier, wharf or float with any outboard motor of any size or capacity, except that dinghies or tenders for commercial fishing may carry an outboard of up to 20HP capacity. Harbormaster is authorized to allow an exemption for up to a 25HP based commercial fishing needs. This shall not be construed to prevent vessels, including dinghies to tie up pursuant to Article V.B., above. This regulation shall not apply to any float or pier reserved and dedicated by the Town for commercial purposes only.
4. No dinghies shall be tied up and left for longer than 30 minutes at the town-maintained float or pier at Madeleine Point except with a permit issued by the Harbor Master and payment of the required permit fee (if any) as established in Chapter 401 of the Yarmouth Town Code.

- i. With the advice of the Harbor and Waterfront Advisory Committee, the Harbormaster shall annually establish a maximum number of commercial dinghy tie up permits for the Madeleine Point public facility taking into consideration the available space and capacity for dinghy tie-ups at the float and pier and further considering the demand, the availability and extent of town-owned shared-dinghy services, and the availability, number and ease of access to any town-provided dinghy rack systems. The Harbor Master shall conduct an annual lottery system amongst mooring holders wishing to be considered for each mooring area and shall, upon receipt of the required fee, if any, issue dinghy tie up permits to those drawn. A preliminary lottery shall be drawn first for commercial fishermen with mooring permits in each area. Up to 5 of the total private dinghy permits allocation in each area shall be awarded in the commercial fishermen lottery, prior to holding the open lottery. Commercial fishermen with mooring permits not drawn in the preliminary lottery draw shall be re-entered in the general lottery for each area. No person or mooring assignment shall be eligible to hold more than one dinghy tie-up permit at the Madeleine Point facility.
- ii. On-shore dinghy storage racks provided by the Town of Yarmouth at Madeleine Point facility are for the exclusive use of permitted mooring holders for the Madeleine Point Special Anchorage area. No person may store any other dinghy, kayak, canoe, or other watercraft or thing on the dinghy rack without the written approval of the harbor Master. Any mooring holders leaving a watercraft on the racks must have their name and mooring number displayed in three-inch letters on the outside of the watercraft. The racks are first come first serve. Once the racks are full no watercraft will be permitted to be left on the grounds outside the rack system, and may be removed by the Harbor Master.

#### **D. ICE FISHING SHANTIES**

1. No fishing shanties or other structures shall be put on the Royal River without registering with the Harbor Master and, after receiving a permit, painting the owner's designated number, name, and address in letters not less than two inches (2") in size on the structure. This must be done within seven (7) days of receiving the permit. Violators of this provision shall have their structures removed by the Town at the owner's expense.
2. All structures must be removed from the river and from the Town property by March 15<sup>th</sup> or at the discretion of the Harbor Master, or they will be removed by the Town. Violators of this paragraph will be subject to a fine in accordance with ARTICLE VI of this Ordinance.

#### **E. DUMPING PROHIBITED**

No person or persons shall deposit, dump or cast away or cause to be deposited, dumped or cast away into the tidal waters within the boundaries of the town of Yarmouth or upon the public lands adjacent thereto, any bait, fish offal, garbage, sewer, rubbish or other pollutants.

No oil or other hazardous wastes shall be deposited in town dumpsters, waters, or left on town piers, floats or landings under any circumstances. Such material must be disposed of properly at the Town's designated disposal site as specified in the appropriate disposal regulations.

#### **F. COMMERCIAL USE OF TOWN LANDING**

No commercial boat hauler shall launch or haul out any boat using the ramp at the Yarmouth Town Landing off Old Shipyard Road, except with a permit issued by the Harbor Master.

#### **G. USE OF TOWN LAUNCH RAMP**

1. Any person wishing to launch or haul a boat at the Yarmouth Town Landing, off Old Shipyard Road, shall obtain a permit from the Town of Yarmouth, which permit may be obtained from the Harbor Master or his/her designated agent, upon payment of the fee established by the Fees and Permits Ordinance which is Chapter 401 of the Yarmouth Municipal Code.
2. Any vehicle found in violation of Article V.G.1 of this Ordinance, if after being mailed notice of the unpaid permits using the registered owners address, and the registered owner has three or more unpaid launch use permits for any vehicle registered in his or her name, may be impounded with the use of an immobilization device.
3. The registered owner of any vehicle in violation shall be responsible for full payment of any outstanding launch use permits. In addition a \$50.00 immobilization disengagement fee (if utilized) must be paid.
4. The Town Council shall, from time-to-time, establish a schedule of fines.

#### **H. FLOAT REGULATIONS**

1. All floats within the territorial waters of Yarmouth shall be subject to all applicable Federal, State and local laws, regulations and rules.
2. Float size in the Royal River Anchorage (FNP) shall not exceed a total of 320 square feet (based on 8x40 foot dimensions) and shall not exceed a width of 8 feet.



3. Each moored float may be authorized only after received expressed permission of the Harbor Master, Harbor and Waterfront Advisory Committee, and the Army Corps of Engineers. Such authorization by the Harbor Master and Harbor and Waterfront Advisory Committee shall be granted provided the standards of these regulations are met.
4. All flotation of docks, boat moorings buoys and other water-use structures and facilities shall be of materials commercially manufactured for marine use. Flotation materials shall be fabricated so as not to become water-logged, crack, peel, fragment, or be subject to loss of beads. Flotation materials shall be resistant to puncture, penetration, damage by animals, and fire. Every flotation device must be firmly and securely affixed to the structure it supports with materials capable of withstanding prolonged exposure to wave wash and weather conditions.
5. All floats located within the Royal River Anchorage (FNP) and Cousins River shall be required to have a minimum of two (2) anchors. The anchors shall meet the minimum anchor and ground tackle specifications as would be required to secure two (2) boats or vessels registered for said mooring. All other floats may be single point and shall meet the minimum specifications as would be required to secure the boats or vessels registered for said mooring.
6. All shackles and fasteners shall be hot galvanized steel or structurally sound and proportional in size to the chain used.
7. All gear, traps, fish and dunnage on private floats shall be stored or secured so as not to be discharged or fall into the water so as to pollute or create a navigation hazard. All fuel, foul waste, decaying matter and/or hazardous material shall be removed promptly from the floats after use and disposed of properly.
8. All floats shall be identified with assigned registration numbers to the landward and seaward sides of the float in contrasting colors and be a minimum of three (3) inches in height.
9. All floats shall be buoyant so as not to become submerged at any time and must remain above water and visible at all times.
10. All private floats in the Royal River Anchorage (FNP), with the exception of marina moorings and Town owned floats shall be owned jointly by two (2) mooring applicants and require two (2) mooring applications. Mooring applicants who qualify for a float must either be a mooring holder or must have been chosen from the Town's chronological mooring waiting list.
11. Private mooring ownership in the FNP shall be split evenly between two (2) mooring holders.

12. The location of all new floats placed in the Royal River Anchorage shall be determined solely by the Harbormaster with prior approval of the Army Corp of Engineers. All permits issued by the Army Corps of Engineers for the Royal River (FNP) shall be submitted and retained by the Town of Yarmouth.

## **ARTICLE VI**

### **A. PENALTIES**

1. Whoever violates any provision of this Ordinance, neglects or refuses to obey the provisions of this Ordinance shall be deemed guilty of a civil violation and, upon conviction, shall be punished by a civil penalty of not more than Two Hundred Dollars (\$200). Each day that such violation exists shall constitute a separate offense. This Ordinance shall be enforced by the Harbor Master and/or any other law enforcement official with jurisdiction in Yarmouth. If the Harbor Master incurs costs in the conduct of his/her duty as a direct result of the failure of a vessel owner or operator to comply with the laws and regulations, the Harbor Master may recover these cost and reasonable reimbursement of his/her time by filing a civil complaint against such owner or operator in the appropriate District Court.
2. As provided by 38 M.R.S.A. 13, a person is guilty of failure to obey an order of the Harbormaster if the person intentionally, knowingly or recklessly fails to obey any lawful order of the Harbormaster authorized pursuant to 38 M.R.S.A. Failure to obey an order of the Harbor master is a Class E crime.
3. The Harbormaster may suspend or terminate for a period of one (1) year both the right to use the town wharfs and the mooring assignment of any mooring owner for non-compliance with this article, or failure to comply with the order of the Harbormaster given according to the provisions of this Article. After one (1) year, the applicant may reapply for a mooring assignment.
4. A Mooring Service Provider may have their authority to inspect moorings or piers in Yarmouth revoked for one year if they have more than one violation in a three-year period. After the one year suspension, applicant may apply to be an approved Mooring Service Provider.

Appendix A

Table 1: Recommended Mooring Standards

Recommended Specification for Moorings

Boat	Mushroom Anchor	Granite Anchor	Heavy Chain	Light Chain	Rope
Length	Min. Wt. Diameter	Min. Wt.	Diameter	Diameter	
<b>All Vessels:</b>					
<10'	50 lb	-	1/2	3/8	3/4
10'-15'	100 lb	-	1/2	3/8	3/4
15'-19'	200 lb	-	1/2	3/8	7/8
20'-24'	250 lb	-	1/2	3/8	7/8 -1
<b>Motor Boats:</b>					
25'	250 lb	-	7/8	1/2	7/8 -1
35'	400 lb	2000 lb	1	1/2	7/8 -1
45'	400 lb	3000 lb	1	1/2	1
55'	500 lb	3000 lb	1	5/8	1
<b>Sailboats:</b>					
25'	250 lb	-	3/4	1/2	7/8 -1
35'	400 lb	2000 lb	1	1/2	7/8 -1
45'	400 lb	3000 lb	1	1/2	1
55'	550 lb	3000 lb	1	5/8	1

Rope to be replaced at time thimble is replaced

Chain to be replaced if its original diameter has been reduced by 50%

Dimensions are in inches