

Chapter 308 of the Yarmouth Town Code (Harbor, Waterfront, and Boat Ordinance).

Be it ordained by the Yarmouth Town Council in town council assembled that Chapter 308 of the Yarmouth Town Code (Harbor, Waterfront, and Boat Ordinance) is hereby amended by addition in Article I.D (Definitions) and Article V.A. (5) (A) and (5)(C) to read as follows:

ARTICLE I.

D. Definitions: (Insert):

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

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. Committees' Language as originally proposed: Town of Yarmouth piers, docks and floats may be used for the purposes of tie-up of vessels and for loading and unloading from a boat. All other uses must be approved by the Harbor Master or said uses and activities are clearly posted for use by the Harbor Master. Priority regardless of additional approved uses will be given to loading and unloading of boats.

OR

5 Councilor Shannon's offered -5/13/21: Town of Yarmouth piers, docks and floats may always be used for the purposes of tie-up of vessels and for loading and unloading from a

boat. In the interest of safety for all, other recreational users shall clear way for of any vessels seeking to dock or disembark from a float or pier and shall provide safe and adequate space for such vessels to tie up and load or unload.

Other recreational uses including but not limited to swimming, sunbathing, fishing, photography, and viewing are also permitted at town-owned recreational piers and docks unless temporarily halted by direction of the Harbor Master or other law enforcement or public health or safety personnel due to particular health, safety, or environmental circumstances (including but not limited to a special event, the movement of a particular vessel, or other specific instance of overcrowding).

6. 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.
7. 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).
8. 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.
9. 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 of vessel's name and
3. 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.

4. 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. ¶
5. 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 issued 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 maybe removed by the Harbor Master.