



## COASTAL WATERS AND HARBOR ORDINANCE

### Town of Stockton Springs, Maine

Adopted by the Town of Stockton Springs in June 1990

Revised November 1992

Revised March 11, 2000

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Revised June 17, 2023

Attested by: Christina Hassapelis  
Title: Town Clerk

Town of Stockton Springs  
Coastal Waters and Harbor Ordinance  
Approve 17 June 2023

Town of Stockton Springs, Maine  
Coastal Waters and Harbor Ordinance

Section 1. PURPOSE

This ordinance is to establish regulations for marine activities occurring within or directly affecting the area within the Harbor and Coastal Waters of the Town of Stockton Springs in order to ensure safety to persons and property, promote availability and use of a valuable public resource and to create a fair and efficient framework for the administration of that resource. This Ordinance shall be subordinate to existing Federal and State laws governing the same matters and is not intended to pre-empt other valid laws.

Section 2. AUTHORITY

This Ordinance shall be enacted pursuant to the Municipal Home Rule powers of Title 30-A MRSA, Section 3001 and pursuant to Title 38 MRSA, Section 7; and the provisions of this Ordinance shall be interpreted in order to meet the objectives of those statutory sections.

Section 3. JURISDICTION

The area governed by this Ordinance includes all Stockton waters as defined in Section 18 of this Ordinance

3.1 As per Maine Revised Statutes, Title 38, Chapter 1, Subchapter 1; the bottom of Stockton Springs Harbor is owned by the State. Mooring sites are assigned and regulated by the Municipality. Individuals cannot purchase, own or sell any mooring site in State waters. Mooring hardware only is the property of the individual.

Section 4. HARBOR COMMITTEE

The Stockton Springs Harbor Committee is a seven (7) person board comprised of five (5) regular and two (2) alternate members who are residents of Stockton Springs to serve on a continuing basis as a harbor management committee. The Stockton Springs Harbor Committee shall also, upon request of the Selectmen, advise that body on harbor and marine related issues, including the preparation of marine/conservation plans and ordinances. The Committee's members shall be appointed by the Selectmen and shall serve staggered terms. The Committee shall elect from its members a Chairperson, and Vice-Chairperson. By-Laws, describing the duties and responsibilities of the Committee, are maintained by the Committee and are subject to the approval of the Selectmen.

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## **Section 5. HARBORMASTER**

A Harbormaster shall be appointed annually by the Town Manager and affirmed by the Board of Selectmen, together with the advice of the Harbor Committee. Said appointment shall run from January 1 to December 31. Certain duties and responsibilities of this office are prescribed by Title 38 MRSA. The Harbormaster has the additional duty to administer and enforce the provisions of this Ordinance with the authority granted by law. The Harbormaster may also call upon the Town Constable to assist in the enforcement of the provisions of this Ordinance. The Harbormaster may use the Town Office, the Selectmen, and the Harbor Committee for assistance in the administrative aspects of these responsibilities and is a non-voting member of the Harbor Committee.

5.1 At the discretion of the Town Manager, a Deputy Harbormaster may be appointed under the same terms and conditions as for the Harbormaster. The Deputy Harbormaster may assume the duties of the Harbormaster as described herein in the event that the Harbormaster is unable to perform same.

## **Section 6. PRUDENT OPERATION OF VESSELS**

Vessels shall be operated in the Harbor and Coastal Waters of Stockton Springs in a reasonable and responsible manner so as not to endanger persons or property or to cause excessive wake. In no case shall speeds exceed five (5) knots while operating in mooring or occupied anchorage areas. Vessels unable to maintain five (5) knots shall operate at minimum throttle (idle).

Violations of this Section shall be enforced as set forth in Section 14 of this Ordinance. Appeals of the Harbormaster's decisions may be brought to the Town Manager as set forth in Section 15 of this Ordinance.

## **Section 7. MOORING SITES/FLOATS/DINGHY STORAGE**

7.1 All applicants for mooring site, float locations, and in or out of water dinghy storage will submit, in addition to the applicable fees (see 7.2 below), the following information as designated by the Harbormaster on the Stockton Springs Mooring Site Application form:

1. Name, residency, telephone numbers (both summer and winter if applicable), and email address, if applicable;
2. Vessel and dinghy length, weight, draft and type (power, sail or sail/power);
3. Current and/or desired dinghy storage location in water, out-haul, or rack;
4. Current mooring site number;
5. Riparian owner or not;
6. Type, weight, scope and rigging of mooring hardware

Mooring Site Application Forms are available from the Harbormaster or at the Town Office.

Upon receipt of the application, each applicant will be notified within a reasonable length of time, in writing by the Harbormaster, of the action decided.

The Harbormaster has the authority to reject any mooring site or dinghy application, whether new or for renewal with justifiable cause i.e. safety concerns, lack of space.

No mooring or dinghy may be placed, moved or removed, without permission of the Harbormaster.

All floats, both commercial and private, must be registered with the Harbormaster, have an Army Corps of Engineering permit, and shall conform to the specifications set forth in the appendices of this Ordinance. All Floats shall have a mooring that meets the minimum mooring specification of twice the size of the largest boat to be tied to the float. Each float will be assigned a number and shall display same.

The maximum allowable size for any float within the Harbor shall be twelve feet by twenty-four feet (12' x 24'). The maximum size for a tie up float shall be six feet by eighteen feet (6' x 18'). Tie up floats shall be moored at both ends. No more than two boats shall be tied to a float at any time, with the exception of dinghies. Floats shall be located in an area designated by the Harbormaster, at the Harbormaster's discretion. No float shall be used in any manner inconsistent with the conditions prescribed by the Harbormaster.

- 7.2 An annual fee shall be levied by the Town for each mooring site or dinghy location, as set forth in the Application, License, Permit, and Other Fees Ordinance. The fee will be reviewed annually by the Selectmen, upon recommendation by the Harbor Committee. The Selectmen will then recommend final approval at Town Meeting. Annual fees shall be received by the Town Office no later than April 30<sup>th</sup> of each year. If the annual fee has not been received at the Town Office by April 30<sup>th</sup>, a late fee per mooring will be assessed. If mooring and late fees are not paid in full by May 31<sup>st</sup>, the mooring site and mooring hardware will be considered abandoned. The Harbormaster shall attempt to contact the unpaid mooring owner using current Town official notification protocol. If the mooring fees remain unpaid following this notification procedure, the mooring hardware will become the property of the Town of Stockton Springs. Mooring site fees are not refundable.
- 7.3 The Harbormaster will maintain a Chart of the Harbor showing current mooring and dinghy locations, assignments, anchorages, and designated zones.
- 7.4 The Harbormaster shall maintain a written record of the basic information on each mooring and dinghy including assigned location, identifying number, vessel description, owner's name and residency, and any additional data deemed useful.

- 7.5 Each mooring shall be assigned an identifying number which must be marked in legible fashion on the marker buoy or log in block numerals at least three (3) inches high and of contrasting color. Moorings associated with the yacht club shall also be marked with the suffix "YC" after the number. Dinghies shall be marked with the name of the vessel owner and/or the name of the moored vessel that the dinghy is a tender to. This marking shall be readily visible from the Town Dock adjacent to the dinghy location. Fixed water objects such as lobster cars, floats, scow, etc. will be equipped with reflective tape at least four (4) inches in diameter or width, visible from all angles (sides), installed and maintained at least four (4) feet above the water line. All such objects shall be securely moored and marked so as to cause no hazard to navigation and be no threat to the property of others. Name and license number of the owner shall be carved or burned into a main structural member.
- 7.6 All moorings shall conform to Town of Stockton Springs Mooring System Requirements, attached hereto as Appendix A. All mooring systems shall be approved by the Harbormaster prior to being placed. Vessel and/or mooring owners shall be liable for any damage caused by faulty, inadequate, or improperly designed or placed moorings.

In view of the fact that the locations outside the harbor are less protected than locations inside the harbor, the Harbormaster may require heavier gear and more scope for safety purposes.

#### **7.7 TRANSFER OF REGISTRATION**

- 7.7.1 The assignment or use of a mooring location shall not be transferable, except that, upon the death of the assignee, that location may be transferred to a member of the assignee's immediate family, only if the mooring assignment was and will be used for commercial fishing purposes (32 M.R.S.A. § 3-A).
- 7.7.2 The Harbormaster shall be notified and give written approval prior to the transfer of mooring hardware.
- 7.7.3 In the event that a different vessel owned by the same owner is to utilize an existing mooring, such change shall be approved by the Harbormaster prior to the new vessel being placed on that mooring.

## 7.8 INSPECTION OF MOORINGS

- 7.8.1 Each mooring must be inspected, by an approved qualified mooring inspector at least every two (2) years, or more frequently at the Harbormaster's discretion, for its conformity within the minimum mooring standards currently in effect for the Town. All mooring inspection reports shall be submitted by the mooring owner to the Harbormaster as soon as practical following the inspection. The Harbormaster shall maintain all current mooring inspection reports in his official records. Any mooring not meeting the current mooring standards shall be brought into compliance immediately or before the mooring may be used again. All expenses for inspection, correction of defects, or removal of the mooring shall be the responsibility of the mooring owner. Any mooring owner who fails to correct mooring hardware defects within a reasonable period of time as determined by the Harbormaster shall lose the privilege of having that mooring site, and the defective mooring hardware is subject to removal by the Harbormaster under the same conditions as Section 7.9.1 of this ordinance.
- 7.8.2 The Harbormaster, in consultation with the Harbor Committee, shall develop and maintain a list of independent contractors possessing the knowledge, experience, and equipment necessary to conduct a full, thorough, and complete examination of moorings. Revision of that list shall be at the discretion of the Harbormaster after consulting with the Harbor Committee. The list shall be maintained in the office of the Harbormaster, with a duplicate copy at the Town Office, and shall be available for inspection during regular business hours. Only those persons who are on the list shall conduct mooring inspections and repairs.
- 7.8.3 The mooring owner, or the inspector, on his behalf, shall furnish a complete report which shall contain at a minimum the information listed in Appendix B, in writing, signed by the inspector, attesting to the date of the inspection, the name of the owner, the name of the inspector, the identity of the mooring and a statement of its condition. Any and all defects shall be noted and date by which repairs or renovations will be affected.
- 7.8.4 The Harbormaster may have inspected any moorings, its appurtenances, gear and tackle at any time, at the owner's expense. However, no more than one such random inspection of the same mooring may be made within a ninety (90) day period, unless the initial inspection under Section 7.8.1 revealed a condition requiring correction or repair.
- 7.8.5 An organization or business, one of whose purposes is the rental of moorings which, in the ordinary course of its business, inspects moorings and maintains records relating thereto, may submit such records in lieu of a physical inspection; provided further that the Harbormaster shall have the authority of random inspection of any such mooring.

**7.9 REMOVAL OF FISHING GEAR, MOORINGS AND DINGHIES BY HARBORMASTER – ABANDONED MOORINGS AND DINGHIES**

7.9.1 The Harbormaster is hereby authorized to remove, or cause to be removed any fishing gear, mooring, and/or dinghy in Stockton Harbor, Stockton waters, or waters controlled by the Town of Stockton Springs, whenever the Harbormaster shall deem it necessary, and may remove, or cause to be removed, any mooring which shall lie contrary to this article, rule, regulation, or state statute. Prior to taking such action the Harbormaster shall make a good faith effort to attempt to notify the owner or person having care of said mooring/ dinghy, and to order the owner or person to remove the mooring/ dinghy forthwith. If actual notice of the order to remove cannot be provided to the owner or person responsible for the mooring/ dinghy in an expeditious fashion, the Harbormaster may remove, or cause the removal of, the mooring/ dinghy at the expense of the owner. If any person, after having been ordered to comply forthwith, fails to comply, action may be undertaken by the Harbormaster as in other cases where violations occur, as provided in Sections 9.1 and 9.2 of this Ordinance.

**7.10 MOORING RENTAL**

7.10.1 Rental of Private Non-Commercial Moorings -Rental of privately owned moorings is prohibited. A private mooring may be used by another person other than the owner for a maximum time period of two weeks.

7.10.2 Rental of Commercially Owned Moorings - Commercially owned moorings may be rented directly by their owners. The moorings shall conform, in all aspects, to the Town's specifications for moorings, as set forth in Appendix A of this Ordinance. Additionally, they shall have a permit from the US Army Corps of Engineers, with a copy on file with the Harbormaster's Office. Persons or organization engaged in commercial business, may continue to register moorings (commercial) for which they do not own boats, provided that: in the judgment of the Harbormaster and Harbor Committee, the number of mooring(s) is/are reasonable, in the best interest of the Harbor; and that there is adequate space.

7.10.3 Each rental mooring, in addition to the markings required by Section 7.5, shall be clearly marked with the word "Rental" in red lettering at least three (3) inches in height.

7.10.4 Commercial rental and non-commercial mooring owners must provide the Town and Harbormaster with the contact information of all their seasonal mooring users. This will not be required for the mooring owner's transient mooring users.

7.10.5 Commercial rental and non-commercial mooring owners must provide a copy of the Harbor Ordinance to all of their seasonal mooring users. This will not be required for the mooring users. This will not be required for the mooring owner's transient mooring users.

## 7.11 PRECEDENCE OF MOORING SITES AND DINGHY LOCATION

7.11.1 The Harbormaster shall maintain a chronological list of all vessel owners requesting mooring site and/or dinghy location assignment or reassignment to a new location. Dinghy locations at the docks shall be designated by like kind of material (i.e. inflatable, fiberglass, aluminum). The Harbormaster may assign specific storage locations in accordance with this section. Efforts for reasonable accommodations based on need, as determined by the Harbormaster, shall be made. Within the space available, requests for a particular location or area of the Harbor will be treated in accordance with the following priority guidelines:

1. Moorings and dinghies placed prior to and actively used as of June 1, 1999.
2. Shorefront owner's request for location immediately adjacent to frontage (Riparian Rights).
3. Resident owners of fishing vessels (as defined in Section 18 of this Ordinance).
4. Resident owners of commercial (non-fishing) vessels.
5. Resident pleasure vessel owners.
6. Non-resident owners of fishing vessels (as defined in Section 18 of this Ordinance).
7. Commercial operators with rental moorings, subject to the approval of the Harbor Committee.
8. Non-resident owners of commercial (non-fishing) vessels.
9. Non-resident pleasure vessel owners.
10. Vessel owners with multiple locations.

7.11.2 At any time, at the recommendation of the Harbormaster to the Harbor Committee, the capacity of the Harbor can be declared full. At such time, the Harbormaster shall maintain a list of all applicants as per the precedence list under 7.11.1 that have not been assigned a mooring site for that year, but want to remain eligible for a future mooring site. To remain on the wait list, each applicant must up-date their request in writing annually prior to April 1<sup>st</sup> and pay a wait list fee, per the Application, License, Permit, and Other Fees Ordinance. If an applicant refuses a mooring site when offered one, he/she may either choose to be dropped from the list or go to the bottom of the list. If a wait list is in place, the Harbormaster, in conjunction with the Harbor Committee may impose a limit on the number of non-commercial mooring sites permitted to each individual. The wait list will be available for viewing at the Harbormaster's office or the Town Office during normal working hours.

7.11.3 More than one (1) commercial mooring site may be owned and used for year- round purposes as deemed appropriate by the Harbormaster pursuant to Section 7.10.2 of this Ordinance.



7.11.4 Houseboats are prohibited from mooring or anchoring within the jurisdictional limits of Stockton Harbor except at marinas which provide a permanent dock which may be directly boarded by land and provides operational black water pumpout facilities. Status to moor in a designated area may be questioned or determined at any time by the Harbormaster. Appeal may be made to the Town Manager necessary.

7.11.5 No mooring site or dinghy space shall be granted or renewed until all current and previously owed fees, including excise fees, mooring site fees, and penalties have been received by the Town Office.

7.11.6 Future mooring site or dinghy assignments will be on an availability basis and will be granted in a manner consistent with Precedence as defined in Section 7.11.1 (See Title 38 MRSA).

7.11.7 No dinghy storage will be granted to anyone that does not have a registered mooring site.

7.11.8 No in-water dinghy storage will be granted to anyone that does not have a vessel on a mooring in the harbor. This includes commercial rental mooring owners that have paid for dinghy storage for their mooring renters.

7.11.9 Owners of dinghies who use the dinghy infrequently (once a month or less) will be required to store dinghies on the rack or grass by the commercial fishing parking area.

## **Section 8. USE OF BOAT RAMP AND TOWN DOCK/FLOATS/ANCHORAGES**

8.1 No vessel, vehicle, trailer, mooring gear, fishing gear, etc. shall block or be located on the Stockton Springs boat ramp longer than thirty (30) minutes without permission of the Harbormaster.

8.2 Time limit at any Town Dock/Floats shall be to load/unload only and shall not exceed twenty (20) minutes. The Harbormaster may determine otherwise as traffic requires or on an emergency basis.

8.3 Docking time at any Town Dock/Floats shall be no longer than two (2) hours within any twenty-four-hour period. The Harbormaster may determine otherwise as traffic requires or on an emergency basis. The Harbormaster may at his discretion, permit overnight docking within the hours of 5 PM to 9 AM at the Town Dock for a per-foot fee set by the Selectmen.

8.4 No gear or equipment, of any type, may be left unattended at the Town Dock/Floats. All dinghies and rowboats shall be stored in designated areas. Any dinghy or rowboat left in undesignated areas will be considered abandoned.

- 8.5 No swimming shall be permitted off the Town Docks/Floats.
- 8.6 Fishing is permitted as long as it does not interfere with vessel traffic to the Town Dock/Floats. Cutting of bait or cleaning of fish on the Town Dock/Floats is prohibited.
- 8.7 No type of repair, maintenance operation, storage, or business activity will be conducted on the Town Docks/Floats. Recreational and commercial materials, products, and passengers may transit the Town Docks/Floats in order to access a vessel alongside. Work may be performed aboard a vessel tied to the Town Dock/Floats, but such work shall not be done on the town Dock/Floats itself, and must be completed within the limits established in 8.1 and 8.2 above.
- 8.8 All Town Ramps will be used for launch and haul purposes only. All obstructions will be removed immediately from the ramp, at owner's expense if appropriate.
- 8.9 No vessel should stay at anchor in the waters of the Town of Stockton Springs for a period any greater than ten (10) days without permission of the Harbormaster.
- 8.10 If any vessel shall be found, in the judgment of the Harbormaster, to be anchored or moored in an unsafe or dangerous manner or in such a way as to create a hazard to other vessels or to person or property, the Harbormaster may order such vessel to move or direct or undertake necessary measures to eliminate such unsafe, unauthorized, or dangerous condition. Primary responsibility for compliance with such orders and directions shall rest with the owner of the improperly anchored or moored vessel or his authorized agent; in the absence of such owner or agent, the mooring owner shall notify the Harbormaster. Any vessel dragging its anchor without the owner on board or in any other urgent situation, in the absence of any such responsible person, the Harbormaster may board any vessel and cause the improper situation to be corrected and the owner of the vessel shall be liable for any costs incurred by the Town of Stockton Springs in effecting such correction. The town or its officials shall be not held liable for any damage to such vessel or property that occurs during or as a result of being boarded, pursuant to this section.

Overnight camping is prohibited on all shore side property controlled by the Town in Stockton Harbor.

## **Section 9. ABANDONED VESSELS**

- 9.1 The Harbormaster is hereby authorized to remove or cause to be removed any vessel or boat from any dock in Stockton Harbor whenever the Harbormaster shall deem it necessary or may remove or cause to be removed any vessel, boat or craft which shall anchor or lie contrary to this Ordinance, rule, regulation or state statute. Prior to taking such action, the Harbormaster shall make a good faith effort to attempt to notify the

owner or person having care of the vessel, boat or craft and to order the owner or person to remove the vessel, boat or craft forthwith. If actual notice of the order to remove cannot be provided to the owner or person responsible for the boat in an expeditious fashion, the Harbormaster may remove or cause the removal at the expense of the owner of the vessel. If any person, after having been ordered to comply forthwith fails to comply, action may be undertaken by the Harbormaster as in other cases where a violation occurs, as provided in Section 14.

- 9.2 No person shall cause to be abandoned any boat, vessel, cradle or craft within the confines of Stockton Harbor or the waters adjacent to the shoreline of the Town. Any such objects left in the confines of the harbor which shall appear to the Harbormaster to have been unattended for a period of thirty (30) days shall be deemed abandoned. The Harbormaster, upon determining such abandonment, may order the last owner, if known, to remove such object within ten (10) days. If the last owner is unknown or uncertain, or not reasonably available for notification or determination, the Harbormaster shall attach to the abandoned property a notification ordering the object's removal within ten (10) days. If removal as provided for in this section and as ordered by the Harbormaster is not accomplished within the ten-day period, the Harbormaster may remove, or cause the removal of, such object at the expense of the last known owner. If such object or property is not claimed, and removal expenses are not paid, the object or property may be sold by the Town and all monies retained from the sale shall inure to the benefit of the Harbor Account.
- 9.3 Any vessel that sinks or is separated from its mooring, drifting, beached or aground, shall be removed from the Harbor in its entirety by the owner at their own expense, as quickly as possible, but no more than ten (10) days, upon notice by the Harbormaster. If owner fails to comply, the vessel and mooring shall be considered abandoned and the Town will take necessary action to remove, salvage, and recoup costs by the sale of the vessel and mooring.
- 9.4 The owner of any tender, skiff or dinghy tied to the Town floats that is observed by the Harbormaster to be sunk or awash for an extended period of time shall be charged a penalty bail-out fee. The Harbormaster is hereby authorized to bail out or cause to be bailed out the dinghy in question. The amount of this penalty bail-out fee shall be set by the Selectmen. The Town shall not be liable for any damage sustained by any sunk or awash tender, skiff or dinghy.
- 9.5 Any tender, skiff, dinghy, or other property left in the dock area for more than thirty (30) Days after the removal of the docks shall be deemed to be abandoned.

## **Section 10. CONSUMPTION OF ALCOHOLIC BEVERAGES**

- 10.1 The Harbormaster shall post signs designating the publicly accessible areas where the consumption of alcoholic beverages shall be prohibited.

## **Section 11. REMOVAL OF DEBRIS**

11.1 No person shall throw, drop, discard, deposit, or dispose of any personal property or litter on property owned by the Town, including, but not limited to docks, piers, floats and ramps. After the first phase of docks have been removed for the season, fishing gear may be left within the intertidal zone for up to 48 hours for the purpose of safely removing gear from a vessel to a vehicle. The Harbormaster is authorized to remove personal property or litter in violation of this Ordinance. The following civil penalties may be assessed for violations of this ordinance provision:

- A. The violator may be ordered to remove the personal property or litter, or to pay the cost of removing the personal property or litter by the Town.
- B. Penalties may be assessed by the Board of Selectmen, upon the recommendation of the Harbor Committee.

**Section 12. INTERFERENCE WITH THE HARBORMASTER**

12.1 No person shall assault, intimidate, or in any manner willfully obstruct, intimidate or hinder the Harbormaster or his designee in the lawful performance of his duties.

**Section 13. COMPLIANCE WITH STATE AND FEDERAL BOATING AND NAVIGATIONAL LAWS AND LOCAL ORDINANCES**

13.1 All vessels operating within the town waters will comply with State and Federal Boating and Navigational Laws and Local Ordinances.

**Section 14. PENALTIES**

14.1 It shall be the duty of the Harbormaster, or his designees, to enforce the provisions of this Ordinance. If the Harbormaster shall find that any provision of this Ordinance, or any rule or regulation promulgated pursuant to its authority, is being violated, he shall notify the person responsible for such violation, either verbally or in writing, indicating the nature of the violation and the necessary action required to correct it. A copy of written notices shall be maintained in a permanent record.

14.2 When the above action does not result in the correction or abatement of the violation or nuisance condition, the Board of Selectmen, upon notice of the Harbormaster, may initiate legal proceedings, which may include seeking injunctions, imposing fines or any other action deemed necessary to enforce the provisions of this ordinance in the name of the municipality. In any such action in which the Municipality prevails, it shall be awarded attorney fees, court costs and any other relief to which it may be entitled.

**Section 15. APPEALS**

- 15.1 Any and all persons aggrieved directly or indirectly by a decision, order, rule or act, or the failure to act of the Harbormaster may appeal said decision, order, rule act or failure to act. Such appeal must be in writing and directed to the Town Manager and filed within ten (10) days of said decision, order, rule, act, or the failure to act. The appeal must state with specificity the decision, order, rule, act, or failure to act and state the reasons for appeal. The Town Manager, with the advice of the Harbor Committee, upon hearing the appeal, shall recommend to the Board of Selectmen to affirm, modify or set aside the decision, order, rule, act, or failure to act only if such is not supported by any facts or is clearly contrary to the intent and specific provisions of this Ordinance.
- 15.2 An appeal from the decision of the Board of Selectmen may be taken by the aggrieved party or parties to Maine Superior Court in accordance with Maine Rules of Civil Procedure 80B.

#### **Section 16. SEVERABILITY**

- 16.1 If any provision or clause of this Ordinance, or application thereof to any person, persons, or circumstances is held invalid, such invalidity shall not offset other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end, provisions of this Ordinance are declared separable.

#### **Section 17. STATE STATUTES - ADDITIONAL REGULATIONS**

- 17.1 Harbormaster' s Authority -The Harbormaster shall have full authority to enforce any and all State Statutes involving Harbor related matters, specifically including the provision of Title 38 MRSA, as previously written, and as may be amended in the future, with present provisions.
- 17.2 Removal of Vessels Obstructing Anchorage -The Harbormaster shall, upon complaint to him by the master, owner, or agent of any vessel, cause any other vessel or vessels obstructing the free movement or safe anchorage of such vessel to be removed to a position to be designated by him, and to cause, without complaint being made to him, any vessels anchoring with the channel lines as established by municipal authorities as provided in Title 38 MRSA, Section 2, as it may, from time to time, be amended or replaced, to be removed to such anchorage as he may designate. Whoever neglects or refuses to obey the order of the Harbormaster shall be guilty of a Class E crime.
- 17.3 Speed Restrictions -Whoever operates any watercraft, vessel, water skis, surfboard, similar devise or motorboat, however propelled, upon the tidewater of any municipality or upon any of the offshore waters within the jurisdiction of this State at a speed greater than is reasonable and proper having no due regard to traffic, proximity to wharves, docks, moorings or shores, and for any other conditions then existing, shall be guilty of a Class E crime.

- 17.4 Endangering Person or Property -Whoever operates any watercraft, vessel, water skis, surfboard, similar devise or motorboat, however propelled, upon the tidewaters of any municipality or upon any of the offshore waters within the jurisdiction of this State in a manner which endangers any person or property shall be guilty of a Class E crime.
- 17.5 Operating Recklessly -Whoever operates any watercraft, vessel, water skis, surfboard, similar devise or motor boat, however propelled, upon the tidewaters of any municipality or upon any of the offshore waters within the jurisdiction of this State recklessly shall be guilty of a Class E crime.
- 17.6 Operation under the Influence of Drugs or Alcohol –Whoever operates any watercraft, vessel, water skis, surfboard, similar device or motorboat, however propelled, upon the tidewaters of any municipality or upon the offshore waters within the jurisdiction of this State while intoxicated or under the influence of any narcotic drug, barbiturate or marijuana, shall be guilty of a Class E crime.
- 17.7 Enforcement of Operating Restrictions -Every law enforcement officer in this State, Harbormasters and their deputies, shall have the authority to enforce this subchapter, and in the exercise thereof shall have the authority to stop and board any such watercraft, vessel or motorboat found in violation of said subchapter provided the infraction was initially observed within the boundaries of the Coastal Waters or the Harbor. It shall be unlawful for the operator of any such watercraft, vessel or motorboat to fail to stop upon hail from any such officer, and a violation of the same shall be punishable as provided in Title 38 MRSA, Section 282.

## Section 18. DEFINITIONS

Abandoned vessel:	Any vessel or watercraft for which, after a reasonable search by the Harbormaster and Selectmen, no owner(s) or master can be found.
Anchor:	Any appliance used by a vessel for anchoring purposes and which appliance is carried aboard such vessel as part of regular equipment while the vessel is underway.
Anchorage:	An area of the harbor set aside for the temporary anchoring of boats and vessels.
Assigned Mooring:	Any mooring site assigned to a specific watercraft and restricted to those watercraft denoted on the mooring site permit.
Breakwater:	Any structure that would create a safe haven for watercraft.
Channel:	An area of movement which may be determined by Federal, State or Town rule, is marked by standard US Coast Guard colors and

is maintained in navigable condition by the Town.

Commercial Mooring:	Any mooring used to hold boats or floats awaiting service from a marine related business or used on a permanent basis to hold boats or floats belonging to a marine related business provided such boats or floats are actively used for specific activities related to their business.
Commercial Rental Moorings:	A mooring owned by a business which is rented or leased to a customer for a fee. Rental moorings shall have Army Corp. of Engineer permits as well as Town of Stockton Springs permits.
Commercial Vessel:	Any vessel used or engaged for 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.
Designee:	Any person designed by the Harbormaster to act on his behalf.
Dinghy:	A vessel, powered or un-powered and being fourteen (14) feet or less in length, associated with a specific larger vessel and principally used for transportation from the larger vessel to a landing or other vessel. Also referred to as a "tender" or "skiff." Dinghies do not qualify for the assignment of a mooring site.
Dock	Any fixed or floating structure which is fixed to the shore at one end, and is normally used as a point of transfer for passengers and goods and/or for mooring purposes.
Emergency:	A state of imminent or proximate danger to life or property in which time is of the essence.
Fishing Vessel:	A commercially registered vessel from which the owner obtains a substantial portion of his income from fishing.
Float:	Any floating structure, not normally fixed to the shore, used as a point of transfer for passengers and goods and/or for mooring purposes.
Harbormaster:	An official appointed by the Town Manager and affirmed by the Board of Selectmen and employed by the Town of Stockton Springs to enforce the provisions of this Ordinance and certain duties and responsibilities as prescribed by Title 38 MRSA.
Houseboat	The use or occupancy of a raft, hull, barge, or vessel, designed primarily to be occupied as living quarters, and providing living, sleeping, cooking and/or sanitary facilities whether temporarily or permanently, and not capable of navigation.

Immediate Family Member:	Parent, child or sibling by birth or adoption, including a relation of half-blood or spouse.
Marina:	A publicly or privately owned facility which serves five or more boats as a commercial enterprise or in association with a club, and which provides one or more of the following: boat storage, boat launching, sale of marine supplies and services, bait and tackle shops, marine fuel services, sales of watercraft and related accessories, related mooring, docking and slip facilities, rental docking or tie-up services, related piers, ramps and floats and accessory parking area.
Mooring:	Any appliance used for anchoring purposes and which appliance is not carried aboard a vessel as regular equipment when underway.
Mother Vessel	A vessel that is big in comparison to the feeder vessel or tender.
Non-resident:	Any person who does not qualify as a resident herein will be classified as a non-resident.
Private Non-Commercial Mooring:	A mooring owned by an individual for his exclusive private use for a boat owned exclusively by the individual receiving the permits. Occasional use by friends may be allowed when approved in advance by the Harbormaster.
Qualified Mooring Inspector:	A person, including a scuba diver, who satisfies the harbormaster that he/she is qualified to inspect mooring tackle as to condition and size. Qualifications shall be judged by experience in installing and inspecting moorings, familiarly with mooring tackle, including the size and kind of mooring tackle needed for safe mooring of given sizes of vessels and familiarity with the mooring regulations of the Town of Stockton Springs.
Resident:	For purposes of assessing mooring site fees and establishing mooring site precedence, a resident is any person who occupies a dwelling within Stockton Springs for more than 180 days in a calendar year, or who pays real estate taxes and boat excise tax to the Town of Stockton Springs.
Riparian Owner:	The owner of a parcel of land with shore frontage in Stockton Springs.
Shall:	Required and mandatory, in contradiction to "may" which means to permit or that which is permissible.



Stockton Waters:	Any water located within the boundaries of the Town of Stockton Springs, either inside or outside of Stockton Harbor, and/or under the control of the Town of Stockton Springs.
Vessel:	Every description of watercraft, including non-displacement craft and seaplanes, used or capable of being used as a means of transportation on water.
Watercraft (craft):	Same as vessel.
Stockton Harbor:	The area confined by a line drawn from the southward most tip of Squaw Point to the southward most point of Sears Island, and shoreward beyond the bridge including Mill Pond. Note: Half of the harbor is within Searsport, but jurisdiction has been given to the Town of Stockton Springs by Wayne Hamilton, Searsport's Harbormaster. Vessels moored on the Searsport side will split the mooring fee between the two towns.

# APPENDIX A

## MOORING SYSTEM HARDWARE REQUIREMENTS

**MOORING DEVICE:** Mushroom anchor, granite block, machine-mixed high density concrete block, or equivalent device when approved by the Harbormaster, of a weight as specified below.

**TOP CHAIN:** 30 Feet long, minimum size as specified below.

**BOTTOM CHAIN:** 20 Feet long, minimum size as specified below.

**PENNANT:** Minimum ½ the length of the vessel, of a minimum size as specified below; shall be three-strand nylon, or braided nylon core with polyester sheathing, and shall be attached to the upper half of a correctly sized swivel. Proper chafing protection shall be fitted where the pennant contacts the vessel.

**SWIVEL:** Each mooring shall have at least one swivel at the connection between the top chain and the mooring buoy. Additional swivels are optional.

**BUOYS:** All moorings shall be numbered, as assigned by the Harbormaster. Numbers shall be of adequate size, and of a contrasting color to be clearly seen on a floatable, visible US Coast Guard approved mooring buoy.

### MINIMUM STANDARDS:

VESSEL LENGTH	GRANITE OR EQUIV.	MUSHROOM ANCHOR	BOTTOM CHAIN	TOP CHAIN	PENNANT
Under 9'	500 LBS	150 LBS	3/8"	¼"	½"
10' to 19'	1000 LBS	200 LBS	5/8"	3/8"	5/8"
20" to 30"	1500 LBS	300 LBS	5/8"	½"	5/8"
31' to 35'	2000 LBS	350 LBS	5/8"	½"	¾"
36' to 40'	2500 LBS	400 LBS	3/4"	½"	1"
41' to 50'	3000 LBS	500 LBS	7/8"	5/8"	1"

Over 50' –see the Harbormaster for specifications and approval.

These standards are minimums, and may be altered by the Harbormaster.

## **APPENDIX B**

### **MOORING INSPECTION REPORT REQUIREMENTS**

- a) Type, size and condition of the mooring anchor. Staple or shank eye condition.
- b) Bottom Chain Size, length and condition.
- c) Top Chain Size, length and condition
- d) Size and condition of all shackles and swivels (Shackles must be one size larger than adjacent chain)
- e) Mooring Pennant Size, length and condition
- t) Condition of the Mooring Ball and its markings (Ball must be white with blue stripe and be marked with mooring number and vessel or owner's name)
- g) A short narrative indicating the overall conditions found with respect to the serviceability of the mooring for a two-year time period.
- h) A final statement indicating the inspector's finding that the mooring appears safe or unsafe for the intended use and/or recommended corrective measures to be taken.

