



Town of Winter Harbor

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Harbor Management

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HARBOR MANAGEMENT ORDINANCE

101. Authority

This Ordinance is created under the authority granted the Town by Title 38 MRSA, Chapter One.

102. Purpose

The purpose of this Ordinance is to provide the maximum and most equitable use of the town pier and harbor facilities for the inhabitants of Winter Harbor, to make the best use of mooring space in Winter Harbor waters, and to promote the welfare of its users.

103. Harbor Committee

A. Appointment - The committee members shall be residents of Winter Harbor and shall be elected annually at Town Meeting.

B. The Committee will consist of seven members broken down as follows:

- (1) Three members shall be commercial fishermen.
- (2) Two members shall be recreational boaters.
- (3) Two members shall be resident non-boaters.

C. Duties of the Harbor Committee

- (1) To plan the development of and establish policy for the waters of the Town of Winter Harbor.
- (2) To create and maintain a Harbor Ordinance.
- (3) To resolve conflicts that may arise as a result of the Harbor Ordinance.
- (4) To be responsible for recommending a candidate as Harbor Master to be appointed by the Board of Selectmen
- (5) To review the activities of the Harbor Master.
- (6) To prepare an annual wharf and harbor budget for recommendation to the voters at Town Meeting.

D. Term

Each member shall be elected for a one-year term and re-elected annually by the legislative body at Town Meeting.

E. Meeting

The committee shall meet monthly on the third Wednesday unless other arrangements are made at the preceding meeting.

F. Quorum

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

G. Vote

The committee decisions will be made by vote of a majority of members present and noting absentee voting.

104. Harbor Master

A. Appointment

The Harbor Master shall be appointed annually by the Board of Selectmen with the recommendation of the Harbor Committee.

B. Duties

The Harbor Master shall:

- (1) Enforce the provisions of the harbor ordinance.
- (2) Provide advice and information to the Harbor Committee and attend meetings of committee.
- (3) Assign temporary and permanent berthing and mooring locations within the harbors.
- (4) Monitor the condition of town pier, floats, moorings, utilities and structures for proper and safe operation and coordinate repairs.
- (5) Carry out the responsibilities delegated by state and federal agencies.

C. Compensation

The Harbor Committee shall recommend a compensatory sum annually to the legislative body at town meeting for approval.

105. Moorings

A. Mooring Placement - No person shall place or relocate a mooring or mooring buoy of any type within the boundaries of Winter Harbor waters without the permission of the Harbor Master. The Harbor Master is empowered to require that any mooring be moved at any time at the owner's expense. Failure to move or remove a mooring at the request of the Harbor Master will be a violation of this Ordinance. An annual fee is assessed for each boat and/or float mooring.

B. Mooring Inspections shall be conducted by the Harbor Master at his discretion. Defects shall be corrected within a time period determined by the Harbor Master. Failure to correct defects will result in the loss of the assigned mooring berth.

C. Mooring Assignment Appeals - Any person adversely affected by the assignment of mooring locations may appeal to the Harbor Committee. The Harbor Committee's decision shall be final.

106. Regulations

A. Vessels shall be operated in the harbor in a reasonable manner so as not to endanger persons or property or to cause excessive wake. In no case shall speeds exceed five knots while operating in anchorage or mooring areas.

B. No registered or documented craft shall be allowed to lay at the town floats for longer than one (1) hour unless authorized by the Harbor Master.

C. No tenders, dinghies or punts shall be used without the owner's permission.

D. No mooring shall be placed in the tidal waters of Winter Harbor without the express permission of the Harbor Master.

E. No mooring shall be sold or transferred to another person without permission of the Harbor Master, and no mooring shall be loaned for more than six months without transferring ownership.

F. No lobster traps, fishing supplies or boat equipment shall be allowed to remain on the town floats, town pier, beach area, or parking area for a period longer than twenty-four (24) hours.

G. No overnight camping shall be allowed in the town pier parking lot. Posted regulations regarding parking and use of the wharf shall be observed.

H. No trash, oil, or garbage shall be emptied into the waters of Winter Harbor.

I. No dumping of bait, scallop shells, pickles, crabs, or by-product of commercial fisheries in the Inner Harbor.

J. No person twelve (12) years of age or younger shall be allowed in the vicinity of the town pier without adult supervision.

K. There shall be no drinking of alcoholic beverages on the town floats, pier, beach area or parking lot.

L. Seafood buyers and non-residents who do business over Town-owned facilities shall be assessed a fee for this use of the facilities.

107. Fees

A. Fees for wharf use shall be \$1,000 annually for each buyer or dealer. A buyer or dealer is any individual or party who accepts marine produce from another individual or party either for the purpose of resale for profit or for the transport of said produce for profit. The annual fees shall be assessed for a year from the date of payment. The fee must be renewed annually.

B. Individual commercial boat owners who do not pay property taxes to the Town of Winter Harbor and who do business over the town wharf will be assessed a wharf usage fee of \$250 per boat annually. The annual fees shall be assessed for a year from the date of payment. The fee must be renewed annually.

C. Each applicant for a mooring in Winter Harbor shall pay a fee as described below:

a. \$30 – Resident and/or Non-Resident of the Town of Winter Harbor.

The fees shall be assessed annually and must be paid by June 30th of each year and will be collected at the Town Office. All fees accrue to the Town of Winter Harbor for the operation of the harbors, dock and boat ramp.

108. Signs

Signs shall be authorized by the Harbor Master as appropriate.

109. Violation of Provisions

Any person who continues to violate any provision of this ordinance after receiving notice of such violation shall be guilty of a civil violation and subject to one hundred dollars (\$100) for each violation. Each day a violation is continued shall be a separate offense.

110. Appeals

Any person adversely affected by a decision of the Harbor Master may appeal to the Harbor Committee.

111. Amendments

This Ordinance may be amended by a majority vote of the Legislative Body of Winter Harbor. Any revisions or amendments shall take effect immediately upon acceptance by the voters of the Town of Winter Harbor.

112. Supersedure

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


113. Validity and Separability


Should any section or provision of this Ordinance be declared by courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

Revision of this Ordinance adopted and accepted on June 14, 2017.

Board of Selectmen


Terry D. Bickford


Larry D. Smith, Jr.


William R. Faulkingham

May 15, 2017

**TOWN OF WINTER HARBOR
MOORING PERMIT APPLICATION**

Permit Fee: \$30 Annually

Date of Application: _____ Boat Use: _____ Personal _____ Commercial _____ Other

Boat Reg/Doc # _____ Boat Name: _____

Owner's Name: _____ Phone: _____

Address: _____

Winter Address (if different): _____

Description of Boat: Color: _____ Length: _____

Type of Propulsion: _____ Type of Boat: _____

Applicant's Signature: _____ Date: _____

If under 18 years of age, Parent/Guardian Signature: _____

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For Town Office and Harbor Master Use Only:

Date Application Received: \_\_\_\_\_ Amount Received: \_\_\_\_\_

Application: \_\_\_\_\_ Approved \_\_\_\_\_ Approved w/Conditions \_\_\_\_\_ Denied

If conditions, please list reasons for denial:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Harbor Master's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Town Clerk's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

May 15, 2017

**TOWN OF WINTER HARBOR  
MOORING PERMIT**

For the sum of \$30, the Town of Winter Harbor, Maine hereby authorizes:

Name of Permittee: \_\_\_\_\_ of

Address: \_\_\_\_\_

To place a mooring in the waters off the Town of Winter Harbor in an area designated by the Harbor Master.

The Owner shall be responsible for the following:

1. Compliance with all Federal, State and Local laws, rules and regulations;
2. Maintenance of the vessel in a seaworthy condition;
3. Protection from hull damage to own and other vessels;
4. Set and maintain a safe mooring.

The Owner further agrees to hold the Municipality; its employees, agents or designees harmless from any damage, risk, or liability as a result of this authorization.

Boat Information:

Reg/Doc #: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

Make: \_\_\_\_\_ Length: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

This permit is non-transferable and is for the use of the above named person only, except on a temporary basis at the discretion of the Harbor Master or designee.

Holder of permit is responsible to set mooring and make adjustments as required for the safety of all adjacent boats. Each boat must display the Mooring Permit sticker for the current year, showing the fee has been paid.