

BIRCH HARBOR POND PROTECTION ORDINANCE

Findings and purpose. Birch Harbor Pond, a surficial aquifer located in the Town of Winter Harbor, is the Town's secondary drinking water supply. As such, it needs special protection, to ensure the availability of an abundant supply of clean water for the use of the Town's people.

Definitions.

1. "Litter" means all waste material including, but not limited to, any bottles, glass, crockery, cans, scrap metal, junk paper, garbage, rubbish, offal, feathers, except feathers from live birds while being transported, old automobiles or parts thereof, or similar refuse, or disposable packages or containers thrown or deposited as prohibited in this ordinance, but not including the wastes of the primary processes of logging.
2. "Motorized vehicles" means and includes motor vehicles as defined by 29-A MRSA, Section 101(42) but including also snowmobiles, all-terrain vehicles, and motorized wheelchairs.

Prohibitions. The following acts are prohibited:

1. Use of petroleum-based fuels for powered watercraft.
Only battery, wind, or human-powered watercraft may be operated on the waters of Birch Harbor Pond.
2. Parking or operation of motorized vehicles on ice on Birch Harbor Pond.
3. Littering
4. Swimming.
5. Allowing domestic pets to enter the water.

Penalty; enforcement. A person violating a prohibition commits a civil violation for which a penalty of not less than \$100 may be adjudged for a first offense and not less than \$250 for a second offense. Each and every day on which a violation occurs shall constitute a separate offense. The Code Enforcement Officer may issue summons and enforce this ordinance pursuant to 30-A MRSA Section 4452. All penalties recovered accrue to the benefit of the Town of Winter Harbor.

Severability. Should any part of this ordinance be found unenforceable by a court of competent jurisdiction, the remainder of the ordinance will remain in full force and effect.

Clerk note: Adopted June 17, 2003