

HARBOR AND COASTAL WATER ORDINANCE

FOR THE

TOWN OF ADDISON, MAINE 04606

ENACTED: MARCH 11, 1997

AMENDED: MARCH 10, 1998

AMENDED: MAY 13, 1998

AMENDED: MARCH 12, 2002

AMENDED: MARCH 9, 2004

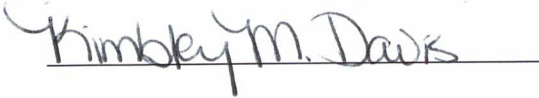
AMENDED: MARCH 8, 2005

AMENDED: MARCH 21, 2017

AMENDED: JANUARY 12, 2018

AMENDED: MARCH 21, 2018

ATTEST: A TRUE COPY



**KIMBLEY M. DAVIS
TOWN CLERK
ADDISON, MAINE**



Harbor & Coastal Water Ordinance for the Town of Addison

Being ordered by the Board of Selectmen of the Town of Addison, Maine that the following revised Harbor Ordinance be enacted:

Article I General Provisions

Section 1 Definition of Purpose

The purpose of this Ordinance is to provide for the just and orderly operation of marine activities in the Town of Addison for the economic and enjoyment benefit of all the town citizens and others, as may be authorized by this committee. This ordinance is to establish regulations for marine activities within the harbors, waterways and tidal waters of the Town of Addison, Maine in order to ensure safety to persons and property, to promote availability and use of a valuable public resource and to create a fair and efficient framework for the administration of the resource. This revised ordinance shall be subordinate to existing Federal and State laws governing the same matters and is not intended to preempt other valid laws.

Section 2 Harbor Limits and Designated Mooring areas

Addison Harbors shall include all designated mooring areas of the tidal territorial waters with the Town of Addison.

The Town of Addison may from time to time include or delete other tidal areas under this Ordinance as necessary to promote and regulate this public resource.

Designated Anchorage and Mooring areas are, but not limited to:

Eastern Inner Harbor shall include all of the tidal waters north and east of the line from the point commonly known as Lems Point across the Harbor to the point commonly known as Donovan Point.

Otter Cove in Eastern Harbor commencing at 44E 30.35'N, 67E 43.60'W (Ledges south of Lems Point) on a SSW course for the red nun buoy #4 to 44E 30.15'N, 67E 43.75'W and turning easterly to 44E 30.04'N, 67E 43.60'W (Lakeman Point south to Ed Greaves wharf) Note: No moorings shall be placed within a 200 foot radius from the outer end float of the Town Landing.

Cape Split Harbor also known as Comey Cove.

Addison Point Harbor shall include the waters of the Pleasant River from a point adjacent to the Riverbend Apartments easterly to the Addison fixed bridge.

Bar Island

East & West River (Basin Crowley Island)
John White

Marsh Harbor

Merritt Cove

Narrows

Ports Harbor

Wass Cove

Wohoa Bay

Section 3 Harbor Masters

The Board of Selectmen appoints the Harbor Masters annually. Title 38, M.R.S.A., describes certain duties and responsibilities of this office. The Harbor Masters have the duty to Administer, enforce, or direct the enforcement of the provisions of this Ordinance with the authority granted by law and through their appointments as Harbor Masters.

******Amended. 1-12-18 The Board of Selectmen appoints one (1) Harbor Master annually. Title 38, M.R.S.A., describes certain duties and responsibilities of this office. The Harbor Master has the duty to Administer, enforce, or direct the enforcement of the provisions of this Ordinance with the authority granted by law and through the appointment as Harbor Master.***

If it should become necessary to compensate the Harbor Masters the Board of Selectmen shall make a request for same at the annual Addison town meeting. (Does this need to be amended?)

In addition to the duties prescribed under Title 38, M.R.S.A., the Harbor Masters shall be overseers of the Town's waterfront facilities such as moorings, floats, docks, ramps, and channels. He/she shall make recommendations to the Harbor Committee for maintenance and improvements to all town-owned waterfront facilities. He/she shall have full authority to enforce all harbor regulations affecting the waterfront to the fullest extent permitted by law.

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Section 4 Town of Addison Harbor Committee

The Harbor Committee shall consist of five (5) members appointed by the Board of Selectmen.

******Amended. The Harbor Committee shall consist of seven (7) members appointed by the Board of Selectmen.***

*****Amended. 3-21-18** *The Harbor Committee shall consist of five (5) members and two (2) alternates appointed by the Board of Selectmen.*

~~Harbor Committee members shall be appointed for two (2) years with overlapping terms so that approximately half the membership shall be subject to change each year.~~

*****Amended. 3-21-18** *Harbor Committee members shall be appointed annually.*

Harbor committee members shall be citizens of the Town of Addison and shall represent as many diverse interests in the harbor as possible. (i.e. commercial boat owner, abutting land and business owners, recreational boat owners.)

The duties of the Harbor Committee shall consist of harbor planning, operation and regulation except for the duties of the Harbor Masters which are set forth in the Maine Revised Statutes and this Ordinance. They shall make recommendation to the Board of Selectmen and the Planning Board consistent with their duties. Such recommendation shall include but not necessarily be limited to fees and the operational budget for waterfront facilities controlled by the Town.

A chairman of the Harbor Committee shall be chosen from the membership by a vote of the Committee. The Chairman, the Harbor Masters, or the Board of Selectmen may call meeting of the committee.

The Harbor Committee shall also sit as a Board of Appeals to hear the appeal of any person aggrieved by any decision, act, or failure to act of the Harbor Masters. Application to have the committee hold a hearing regarding any appeal must be made within thirty (30) days of the incident, which precipitated the appeal. An appeal to the Board of Selectmen regarding a decision by the Committee must be made within seven (7) days of the Committee's decision. All applications for appeals must be made to the Town Clerk.

Section 5 Invalidation Provisions

IF any provision or clause of the 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.

Nothing herein shall be considered as conflicting with federal or state laws applicable to the tidal waters of the state.

Section 6

This Ordinance may be amended, deleted, or added to if deemed necessary by a majority vote of the legislative body.

Article II Definitions

1. **Anchorage:** Shall mean an area of the harbor set aside for permanent moorings or for the temporary anchoring of boats and vessels.
2. **Channel:** Shall mean areas of Harbors or Tidal Rivers kept open for navigation, providing access or other purpose by this ordinance.

3. **Commercial Vessel:** Shall mean 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.
4. **Floats:** Shall mean any floating structure normally used as point of transfer for passengers and goods and/or for mooring purposes and/or for storage purposes.
5. **Jurisdiction:** Shall apply to all tidal water and to all land areas at an elevation below the normal high water mark in the Town.
6. **Moored Float:** Shall mean platform, not attached to or associated with a pier or wharf, that floats and is anchored, moored, or otherwise secured and is used as a berth or other purpose.
7. **Mooring:** Shall mean a semi-permanent, adequate means of securing a vessel to the bottom in an anchorage.
8. **Non-Resident:** Shall mean all persons without a residence in the Town of Addison.
9. **Resident:** Shall mean any person who has been domiciled in this municipality for at least six (6) months prior to the time his claim of such residence is made.
*****Amended 3-10-98. Resident shall mean any person who has been domiciled in this municipality for at least six (6) months prior to the time his chain of such residence is made.**
10. **Riparian Owner:** Shall mean an owner of a parcel of land located in the Town of Addison that borders upon the water as described in Article I, Section 2.
11. **Shore:** Shall mean that part of the land in immediate contact with a body of water, including the area between the high and low water lines.
12. **Shall and May:** As used in this document “shall” is mandatory. “May” is permissive.
13. **State:** Shall mean the State of Maine.
14. **Stray Vessel:** Shall mean (1) an abandoned vessel; (2) a vessel the owners of which is unknown; or (3) a vessel underway without a competent person in command.

Article III Harbor Facilities & Regulations for Use

Section 1: General Provisions

Liability. The operation of any vessel within the harbor area in excess of posted speed limits or, in absence of such limits, in a manner to create a wash that endangers persons or property, shall constitute a violation of this Ordinance.

Any person using the facilities within the limits of a harbor or maritime facility shall assume all risk of damage or loss to his/her property and the Town of Addison assumes no risk on account of fire, theft, Act of God, or damages of any kind to vessels within the harbor or maritime facility.

Usage. No person shall loiter, create a public nuisance, or partake of alcoholic beverages on a town float, pier, wharf, ramp, or landing. No person shall be allowed on these facilities after 10:00 p.m. and before 5:00 a.m. unless going to or from a vessel. In addition there shall be no overnight camping ~~or overnight parking at either of the Addison Town Landing facilities.~~

***** Amended.** No person shall loiter, create a public nuisance, or partake of alcoholic beverages on a town float, pier, wharf, ramp, or landing. No person shall be allowed on these facilities after 10:00 p.m. and before 5:00 a.m. unless going to or from a vessel. In addition, there shall be no overnight camping. No overnight parking is allowed except for parking in designated areas with written permission of the Harbor Master.

*****Amended. 3-21-18** No person shall loiter, create a public nuisance, or partake of alcoholic beverages on a town float, pier, wharf, ramp, or landing. No person shall be allowed on these facilities after 10:00PM or before 5:00AM unless going to or from a vessel. In addition, there shall be no overnight camping. **Limited overnight parking is allowed in designated areas with permission from the Harbor Master.**

Access. It shall be unlawful to obstruct by any means whatsoever the free use of a town float, pier, wharf, or land, or any common landing place for a period longer than is reasonably necessary for this purpose. The Harbor Masters shall remove or cause to be removed any unattended vessel obstructing free use of said areas after due effort has been made to notify the owner of said vessel of the above violation. The vessel owner shall be responsible for all costs associated with said removal.

1-1 Addison Town Landing Facilities:

- A. Use.** The Town Landing facilities are to be used primarily for the loading and unloading of gear, supplies, equipment, seafood products and other such related used as may be permitted by the Town of Addison.
- B. Time Limits.** No vessel other than a tender shall be made fast to a town float, pier, wharf or landing except for a reasonable time required for loading and unloading. Exceptions may be made only by permission from the Harbor Master of the affected area.
- C. Pole Fishing.** Pole fishing from these facilities shall be allowed during the hours from sunrise to sunset providing it does not interfere with watercraft usage of these facilities.
- D. Swimming or Diving.** No person shall engage in swimming and or diving from these town facilities or any watercraft moored in any manner from said facilities, exception being only made for the purpose of repairing and/or maintaining watercraft or repairing watercraft and said diving shall be conducted with proper safety signals and flags.
- E. Storage.** These facilities are not to be used for the storage of gear, traps, drags and other equipment. No drags, or other equipment shall be allowed to obstruct the launching ramps or otherwise be placed in such a manner that will inhibit access to the floats or the approach to the launching areas.

*****Amended.** These facilities are not to be used for the storage of gear, traps, drags and other equipment. No drags, or other equipment shall be allowed for no more than a period of 24 hours to obstruct the launching ramps or otherwise be placed in such a manner that will inhibit access to the floats or the approach to the launching areas.

*****Amended. 3-21-18** These facilities are not to be used for the storage of **personal and commercial property, including but not limited to vessels, gear, traps, drags, smelt huts, and other equipment.** No drags or other equipment shall be allowed to obstruct the launching ramp or otherwise be placed in such a manner that will inhibit access to the floats or approach to the launching areas **at any time. Violation of this article will result in a per day fine as defined by the Addison Board of Selectmen annually.**

F. Skiffs and Tenders. Skiffs and tenders tied to the town floats are to be kept tied to the float in the area designated for tie up of these tenders. Skiffs and tenders are to be used for access to vessels moored in these anchorages. No vessel other than skiffs and tenders shall be left tied to floats in the skiff landing areas. The skiffs and tenders secured to the floats must be properly maintained, be kept bailed, and secured in such a manner so as to keep access to the floats clear and not interfere with vessels landing and departing.

G. Cleanup. Users are responsible for promptly cleaning up any spillage or untidiness resulting from operations on and around these facilities.

H. Abuse of Privileges. Failure to observe these regulations may result in the loss of permission to use these facilities.

1. Violation of any of the provisions of this ordinance shall be deemed a civil violation. Violations referring to this ordinance are enforceable by the Harbor Masters or any other Law Enforcement Officer with jurisdiction in Addison by a Civil Action in the District Court to recover a fine of not less than \$25.00 nor more than \$500.00
2. If the Harbor Master incurs costs in the conduct of his duty as a direct result of a failure of a vessel owner or operator to comply with the laws and regulations, the Harbor Master may recover those costs and reasonable remuneration for his time by filing a civil complaint against such owner or operator in district Court.

Section 2: Harbor Mooring Fees:

The annual mooring fee charged residents shall be \$10.00 per mooring and the non-resident shall be \$30.00 per mooring provided that the mooring shall not be rented by the assignee to any other user for any length of time. All succeeding moorings will be 1.5 times the amount of the previous mooring fee.

*****Amended 3/9/04.** *The annual resident fee \$15.00 for the first mooring and annual fee for non-residents shall be \$40.00 for the first mooring. Additional moorings will be 1.5 times for each succeeding mooring. Effective January 2005.*

*****Amended 3/8/05.** *The annual mooring fee charges residents shall be \$20.00 per mooring and the non-resident shall be \$50.00 per mooring provided that the mooring shall not be rented by the assignee to any other user for any length of time.*

*****Amended 3/21/17.** *The annual mooring fee charged residents shall be \$50.00 per mooring and the non-resident shall be \$125.00 per mooring provided that the mooring shall not be rented by the assignee to any other user for any length of time. Effective January 2018.*

All mooring permits will expire the 31st day of December each year and issuance thereof will commence on January 1st each year. Each mooring will require an application on file at the Addison town office to identify the owner, type and location of mooring.

*****Amended 5/13/98.** *All mooring permits will expire the 30th day of April each year and issuance thereof will commence on May 1st each year. Mooring fees unpaid by August 1st will be*

considered overdue, in default and subject to action as specified in the Addison Harbor Ordinance. Each mooring will require an application on file at the Addison Town Office to identify the owner, type, and location of the mooring.

*****Amended 3/12/02.** To change the mooring fee date May 1st through April 30th each year to **January 1st through December 31st each year.**

*****Amended 3/21/17.** To the change the mooring fees overdue date from August 1st to **January 1st of the following year.**

Mooring fees unpaid by January 1st will be considered overdue, in default and subject to action as specified in the Addison Harbor Ordinance.

*****Amended 3/21/17.** The resident late fee will be **\$50.00.** A non-resident late fee will be **\$125.00.** Effective January 2018.

*****New Addition 3/8/05** Rental Mooring Fees: The annual mooring fee for rental moorings shall be \$100.00 per mooring.

Article IV Regulations Concerning Anchoring, Mooring and Security of Vessels

Section 1: Classification of mooring privileges (As in accordance with Title 38, Maine Revised Statutes Annotated (M.S.R.A.))

1. Shorefront owner request for location immediately adjacent to frontage.
2. Resident commercial vessel owners.
3. Resident pleasure vessel owners.
4. Resident vessel owners with multiple locations.
5. Non-resident commercial vessel owners.
6. Non-resident pleasure vessel owners.

All other mooring privileges shall be assigned on a first-come, first-served basis from the waiting list maintained by the Harbor Masters. If, however, the Harbor Masters receive more applications for mooring privileges than there are mooring spaces, the Harbor Masters shall assign spaces as they become available from said waiting list in the order in which such names were placed on the waiting list in accordance with Title 38, M.R.S.A.

Locating: No person shall place or move a mooring or anchorage within the harbor without obtaining permission of the Harbor Masters who shall designate the location in which said mooring shall be placed with terms and conditions of such use.

This ordinance repeals and replaces any municipal ordinance previously enacted to comply with the Harbor and Coastal Water Ordinance for the Town of Addison.

This Ordinance shall become effective when enacted by the voters of the Town of Addison.

We, the Selectmen of the Town of Addison certify that this is a true copy of the updated Harbor and Coastal Water Ordinance for the Town of Addison.

Timothy H. Thompson

Verlan R. Lenfestey Jr.

Thomas W. Batson

Attest: A True Copy

Kimbley M. Davis, Clerk

APPLICATION FOR BOAT MOORING PERMIT, ADDISON, MAINE

DATE/TIME RECEIVED _____ PERMIT# _____

NAME: _____ TELEPHONE: _____

ADDRESS: _____

WINTER ADDRESS: _____ TEL# _____

Legal residency (City, State) _____

1. Existing Mooring Location _____

2. New Mooring Location _____

3. Old Mooring Relocation from _____ part of the harbor
(Fill out only 1, 2, or 3 above whichever is applicable)

Date Present Mooring Put Down _____ Location: _____

Last Inspected _____ By Whom _____

USE: Commercial Fishing Pleasure Other _____ Summer Year Round
(Circle One) (description)

BOAT REG/DOC# _____ NAME OF BOAT _____ MAKE _____

Description of Boat: Color _____ Trim _____ Length _____

Type of Vessel (Circle) Lobster Dragger Day Cruiser Sail Other _____

TYPE OF MOORING: Granite Block Weight _____ #Mushroom Weight _____ #

Size of Bottom Chain _____ Length of Bottom Chain _____ Size of Bridle _____

Length of Bridle _____ Identification: Color of Marker Buoy _____

This permit is non-transferable and is for the use of the above named boat only, except on a temporary basis at discretion of the Harbor Masters. Holder of permit is responsible to set mooring and make adjustments as required for the safety of all adjacent boats. Permit numbers must be affixed to mooring float in at least three (3) inch numbers of a contrasting color.

I will comply with the Harbor and Coastal Water Ordinance for the Town of Addison and understand all the requirements.

Signed _____ Date _____

REQUEST APPROVED: _____ Date _____

Harbor Master

PERMIT FOR BOAT MOORING LOCATION

PERMIT# _____

From: Harbor Master, Town of Addison, Maine

To: _____ Address: _____

Permission is granted to you to set _____ boat mooring of the following type and size:

TYPE: _____ WEIGHT: _____ SIZE OF CHAIN: _____

LENGTH OF CHAIN: _____ SIZE OF BRIDLE: _____

LENGTH OF BRIDLE: _____

Location of mooring to be at _____

I, the undersigned, agree to supply adequate mooring gear of not less than what is set forth in this permit and also to maintain my mooring as set forth by the Town Ordinance and State Statutes that apply.

Permit numbers must be affixed to mooring float in at least three (3) inch letters of a contrasting color.

In the event of transfer, sale or discontinuance of the mooring, the Harbor Master will be given notice of the same.

Signed: _____
Owner

Permit granted and issued by: _____ Date: _____
Harbor Master

**Section 2:
Minimum New Mooring Requirements:**

Size of Boat	<u>Up to 16'</u>	<u>17'-25'</u>	<u>26'-30'</u>	<u>31'-36'</u>	<u>over 36'</u>
Weight of Block	300#	500#	1500#	3000#	3500# - 4000#
Size of Chain:					
-Top (optional)	3/8"	1/2"	1/2"	1/2"	1/2"
-Bottom	1/2"	1/2"	1"	1"	1"
Size of Nylon Bridle	1/2"	1/2"	3/4"	1"	1"
Length of Mooring	3:1 ratio or Harbor Masters discretion				

The Harbor Committee approves a 3:1 ratio for permanent moorings in most of the approved designated mooring areas. It is the Harbor Masters discretion of the following specifications:

Note:

The minimum recommendation of mooring equipment as follows is only a guide to assist you in designing your mooring if you have questions concerning adequate equipment consult with your area harbor master.

Granite block or mushroom anchor (of ample size/weight)
 Heavy chain bottom 1.5 times maximum depth
 Light chain or nylon 1.0 times maximum depth (if floatation buoy is used)
 Bridle 2.5 times chock to waterline if coming off a floatation buoy
 Bridle or rider coming off bottom chain must be heavy nylon and of sufficient length to provide proper ratio as listed above.

Anyone with a boat 45' in size and over must see Harbor Masters for instructions.

All existing moorings and temporary anchors and all mooring to be set in the future shall be of sufficient size to hold the vessel for which they are to be used. All moorings and their locations shall be approved by the Harbor Masters. Boat and/or mooring owners will be liable for any damage caused by faulty, inadequate, or improperly placed moorings.

All mooring buoys will be marked with a permanent name tag and/or number assigned to the owner by the Harbor Master.