

Harbor Ordinance Town of Northport, Maine

1. Purpose

The Northport Harbor Ordinance is hereby established in order to regulate marine activities within “Saturday Cove”, “Bayside”, “Temple Heights”, and all other tidal waters adjacent to the shoreline of the Town of Northport in order to ensure safety to persons and property, promote availability and use of valuable public resources and to create a fair and efficient framework for administration of the same. This ordinance is adopted pursuant to 30-A MRSA §3001 and the power of municipal home rule along with the specific authority granted to municipalities with respect to Harbor Masters as set forth in 38 M.R.S.A. §1 and Article VIII of the Constitution of the State of Maine.

2. Harbor Master

A. The selectpersons shall appoint a Harbor Master pursuant to 38 M.R.S.A. §1. The Harbor Master will assume office December 1st of the year and will have the duties and powers prescribed by law and this ordinance. The term of office shall be two (2) years.

B. Per 38 MRSA, § 2, the Harbor Master may appoint Deputies. The Harbor Master may delegate such duties as authorized in 38 M.R.S.A. §2, including the authority of a Deputy to act in the Harbor Master’s absence. The Select Board may also appoint an Assistant to provide general assistance to the Harbor Master or Harbor Committee.

C. The Harbor Master, and any appointed Deputy, must complete a basic harbor master training course in accordance with 38 M.R.S.A. §1.A.(1) within one year after being appointed unless the Harbor Master has previously completed such a course.

3. Harbor Committee

A. The Northport Harbor Committee exists for the purpose of evaluating public usage and access to coastal waters of the town, planning for future use, to advise the Town Select Board, advise the Harbor Master, supervise the enforcement of this Ordinance and advise regarding the care of Town waterfront facilities through the Harbor Master. The Committee will also sit as a board of appeals to hear appeals of any act, or failure to act, of the Harbor Master

B. 1. The Harbor Committee shall be comprised of five regular voting members and two alternates appointed and approved by the Town Select Board each with a term of two years. Alternates are invited to all regular meetings and may provide input to the discussion, and shall vote in the absence of a regular voting member but otherwise shall not vote unless needed to meet quorum. The Harbor Master shall serve as liaison to the Harbor Committee and attend Harbor Committee meetings.

2. The Harbor Committee shall select a Chair. The Chair shall appoint a meeting secretary to take minutes. The secretary shall draft meeting minutes and distribute them to Committee

members for review, revision and approval. Upon approval of the Committee, the Chair shall maintain a copy of the approved minutes and shall provide the Town Clerk the original for inclusion with appropriate Town records.

C. The Harbormaster, Committee Chairman, a majority of the voting Committee members, or a majority of the Select Board may call meetings of the Harbor Committee as needed. A quorum of the committee necessary to conduct an official meeting shall consist of at least three (3) Committee members.

4. Harbor Limits

A. For the purpose of this ordinance, the harbor limits shall be: beginning at a point of land, so called Knight's Point, 44.17'572"N, 68.58'878"W and then NNE to Great Spruce Head 44.19'395"N, 68.57'202"W and then NE to 44.20'33"N, 68.57'063"W and then NNE to 44.21'284"N, 68.56'802"W and then to a point at Little River Cove 44.23'472"N, 68.5 8'917"W and all municipal waters to the west.

B. For the purposes of this ordinance, Northport recognizes that West Penobscot Bay contains a deep-water channel for large commercial vessels and the heavy use of town waters for both commercial and pleasure craft of all sorts. It is the intent of this ordinance that the town maintain open and unimpeded access to these waters and channels for all interests using them, including seagoing vessels from ports in the bay, fishing vessels and their gear (including lobster, crab and fish traps), surface fishing vessels and pleasure vessels from any and all ports and anchorages being that they respect rules of navigation and conform to regulations of the United States Coast Guard, the State of Maine Marine Patrol and other recognized authorities, including other sections of this ordinance.

C. Sub Area - Northport Village Corporation (Bayside)

1. The waterfront area including the beach area, public pier, floats and the designated swimming area adjacent to the "swim" float within the boundaries of the Northport Village Corporation (also known as Bayside) within the Town of Northport, are subject to Corporation regulations, to the extent they do not conflict with this and other ordinances adopted by the Town of Northport.

2. Notwithstanding paragraph 1 above, all mooring and marine activities in the waters adjacent to the Northport Village Corporation facilities are subject to this ordinance and the jurisdiction of the Harbor Master as Coastal Waters of the Town of Northport.

D. Sub Area - Saturday Cove

1. Sub Area Saturday Cove includes waters westerly of a line beginning at 44.20'133"N, 68.57'036"W and northerly to so-called Hildreth Point at 44.20'16"N, 68.56'933"W.

2. This sub area contains the Northport waterfront public land, public pier, and floats.

3. The docks, floats, and waterfront area shall be maintained by the Town. As conditions permit, the floats shall be put in the water by May 1st and removed by December 1st of each year under the direction of the Harbor Master using town or contracted personnel. Town officials may also make a judgment call to haul the floats at any time that catastrophic/severe weather is forecast or other circumstances come up that the selectpersons determine requires the need to pull the floats.

4. Commercial Use of Facilities:

- a. Other than users as of the effective date of this ordinance, (i.e. commercial lobsterman,) commercial or industrial use of the facilities must be approved by the Northport Selectmen.
- b. Any additional use, approved by the Selectmen, is temporary in nature and is not meant for daily or continued long term use.
- c. The size and weight of vehicles, equipment etc., used for the proposed activity shall be restricted, no tractor trailer trucks will be allowed. Vehicles allowed shall not exceed a gross vehicle weight of 23,000lbs, or less, or shall meet the State approved weight limit for posted roads at the time of the request.
- d. During any additional approved use of the cove and its facilities, access shall remain available to the public as long as safety is not a concern/issue.
- e. Vehicles and equipment used to move floats and perform maintenance activities approved by Town Officials, (Select Board, Town Administrator, or Harbor Master) are exempt from these restrictions.
- f. Each proposed commercial use applicant shall provide a certificate of insurance to the Town Office before use begins. Any damages to the road or facilities will be the responsibility of the users and may result in termination of the approve use.

5. **Storage** of personal property, other than fishing related gear and bait, is prohibited on Saturday Cove land owned by the Town of Northport. A resident of Northport who holds a valid commercial fishing license may temporarily store fishing related gear and bait in designated/approved areas, between the dates of May 1 through November 30, for 24 hours. Fishermen should only put on the floats, an amount of gear (i.e. traps etc) that they can take off within 24 hours. Bait must be stored in covered leak proof containers. All fishing related gear and bait must be kept in a safe and orderly manner to prevent a nuisance (obstacle or odor etc) or problem for use of the facilities by others.

6. **The pier** and ramp-connected float(s) are for the primary use of recreational boaters, The “fishermen floats” that are attached to the pilings by chains and located seaward (east) of the pier are primarily intended for use by the commercial and recreational fishermen. However all floats may be used by all boaters from time to time. In addition, access for use of the boat ramp must remain clear and available for use by others, and is limited to 30 minutes, unless otherwise approved by the Harbor Master. No person shall block access to the ramp with vehicles, boats, dinghies, trailers or otherwise.

7. **Floats** are generally intended for short term use, storage and transfer of people, articles, and/or gear. Vessels may only tie up to the floats for up to 15 minutes if others are waiting. Otherwise, 2 hours (attended) is the maximum tie up, unless extended by

Harbor Master approval. Vessels shall not be left unattended for more than 30 minutes without Harbor Master approval. Overnight tie-ups for maintenance issues etc. must be approved by the Harbor Master. Vessel owners must respect the need for others to utilize these facilities.

8. **Dinghies** less than 12' in length may be stored along the shoreline, but not blocking access to the boat ramp or any floats or pier; or they may be tied to the inside/backside of the pier float(s), but not to the outside face of any of the floats. Storage on top/deck of any of the floats or pier is prohibited unless approved by the Harbor Master. Only dinghy 12' or less, with/without a motor of up to 15hp, shall be tied up to the floats overnight.

9. **Vehicles** must be kept clear of the pier, floats, and boat launching ramp area. An area southeast of the access road has been constructed for limited parking. Efforts should be made by all facility users, including fishermen, to car pool. No overnight parking of vehicles and/or trailers is allowed. Parking of vehicles with trailers is very limited. The spur, which runs east/west toward the head of the cove, is suitable for trailer parking on a first come first served basis. No vehicles or trailers shall be parked in a manner which blocks access to any of the facilities, especially the boat launch ramp area.

10. Use of any and all facilities is at the user's risk.

5. Channels

The following channel is established in Northport coastal waters:

- A. A channel, heretofore known as the Bayside Wharf Channel, extends perpendicular approximately 800' from the Bayside pier and floats in an easterly direction, and approximately 100' parallel and south of the corner of the dock. The village generally marks the channel with buoy(s), and in the summer the channel is better defined by the first columns of permitted mooring buoys running generally parallel to the northern and southern sides of the Channel's centerline.
- B. Except for navigational, safety, or utility marker aids approved by the Harbor Master, no person shall be allowed to anchor or moor boats, vessels or other craft, nor to place or allow the placement of moorings, anchors, lobster traps or pots, crab traps or pots, fish nets, fish seines, as well as buoys, floats, warps, lines, anchors and other appurtenances or apparatus associated with or connected to such moorings, anchors, traps, pots, nets and seines, within the Bayside Wharf Channel.
- C. Notwithstanding paragraph B above, watercraft, while legally attached to the permitted moorings that define the northern and southern boundaries of the Bayside Wharf Channel, shall not be in violation of the mooring prohibitions set forth in Paragraph B above.

6. Moorings

- A. No person shall place a mooring within the coastal waters adjacent to the town of Northport unless:

1. He or she has filed an application, paid all applicable fees, and been approved for an annual permit with the Harbor Master setting forth such information as shall be requested.
 2. The Harbor Master has issued a written permit to the applicant that states the number and assigns and/or approves the location of the mooring.
- B. Moorings shall be prudent, appropriate and safe. The mooring owner assumes all risk and personal liability associated with the adequate construction of and setting/hauling of a mooring in town waters.
- C. The mooring permittee/owner is responsible to ensure that the permittee's mooring permit number is affixed to the permittee's mooring buoy in legible numbers approximately six inches in height.
- D. Any permits issued pursuant to part A above shall be renewable on a yearly basis provided that the mooring's owner has satisfied the regulations of this ordinance.
- E. The Harbor Master is empowered, as set forth in 38 M.R.S.A. §4, to require mooring removal or relocation for reasons such as improper placement, neglect or safety, at the owner's expense.
- F. The Harbor Master will not issue a permit for a mooring unless satisfied that the information set forth in the application is complete.
- G. Notwithstanding the forgoing, the number of resident moorings shall always be at least equal to the number of non-resident moorings required under 38 M.R.S.A. §7~A as amended from time to time.
- H. This ordinance allows the transfer of a mooring used for commercial fishing purposes. This ordinance may permit a mooring assignment to be transferred only at the death of the assignee, only to a member of the assignee's family and only if the mooring assignment will continue to be used for commercial fishing purposes. For the purposes of this section, "member of the assignee's family" means an assignee's parent, child, or sibling, by birth or adoption, including a relation of the half blood or an assignee's spouse.
- I. This ordinance authorizes a waiting list established and maintained by the Harbor Master for the assignment of mooring privileges.
- J. Mooring privileges in lawful existence on the effective date of this ordinance shall be preserved after its adoption, the location and use to be determined by the Harbor Master. For the purposes of this ordinance, one boat is to be served by one mooring. Unused moorings are not permitted, may not be set, and may be removed as under section E.

7. Rules of Harbor Use

Vessels shall be operated within harbor limits in a safe and prudent manner, No person shall operate a vessel within harbor limits in a manner which threatens danger to persons or property, or which causes excessive wake or wash.

8.Fees

- A. Each applicant for a mooring site within the limits described in this ordinance shall pay an annual mooring application/permit fee. In addition, vessel owners may also incur other fees including excise tax, that must be paid annually to the town in order to receive and maintain an approved mooring permit.
- B. Mooring application fees and mooring permit fees shall be set and published by the Select Board with the advice of the Harbor Committee.
- C. All fees accrue to Northport waterfront facility funds.

9. Appeals of Harbor Master Decisions

- A. Any person may appeal a decision of the Harbor Master to the Northport Harbor Committee. Any such appeal shall be made in writing within ten days of the date upon which the person was notified of the decision of the Harbor Master. If the decision of the Harbor Master is mailed, the recipient shall have 13 days from the date of the mailing to appeal the decision. The desire to appeal may be made known to the Harbor Master, any member of the Harbor Committee or Select Board. The appeal may be heard by the Harbor Committee at its next scheduled meeting or at a special meeting, is requested by the appellant of the Harbor Master, within ten days of the date that the appeal has been made.
- B. Action taken by the Harbor Master for safety purposes shall be in force until the Harbor Committee has reached a final decision.

10. Enforcement

- A. Except as provided in Paragraph 9B, a violation of any provision of this ordinance may be prosecuted and relief, fines, fees and penalties granted and assessed pursuant to the provisions of 30 M.R.S.A. §4452.
- B. A person is guilty of a Class E crime if that person intentionally, knowingly or recklessly fails to obey any lawful order of the Harbor Master.
- C. Violations of this Harbor Ordinance by neglect or refusal to obey its provisions shall be a civil violation and anyone determined by a court competent jurisdiction to be in such violation shall be penalized by a fine of not less than \$25.00 and not more than \$1000 for each day such violation continues after notification of the violation by the Harbor Master or town officials. In addition to the penalties provided herein the Town may bring action in Superior Court to obtain injunctive relief and to enjoin violation of this ordinance and for other and further relief as may be provided by law and equity. In addition, the

offender if found guilty shall pay to the Town of Northport an amount equal to reasonable attorney fees, expert witness fees and other expenses incurred by the Town in the prosecution of any proceedings to enforce the provisions of this ordinance, including proceedings in equity to abate any nuisance or other condition in violation of this ordinance.

11. Validity and Severability

If any section or subsection of this ordinance shall be found in violation of the law such section or subsection shall be deemed a separate distinct and independent pendant provision and the remaining portions of the ordinance shall remain valid and in effect.

12. Effective Dates

This ordinance supersedes all previous articles, warrants or ordinances pertaining to Northport harbors, and Coastal Waters, or use of Northport waterfront public land. The effective date of this ordinance shall be the day after it is adopted by the legislative body.

13. Amendments

This ordinance, the mooring application process and fee schedule shall be revisited and examined on an annual basis by the Northport Harbor Committee and select persons. Amendments to the above will be needed and are authorized by this ordinance to ensure a purposeful and inherently just and forward-looking plan for the Town's marine interests. Proposed amendments shall be posted in the town offices and in the local press in a timely manner in accordance with state law.

Last Revised and Approved - June 2, 2014
June 3, 2019

Dated: June 19, 2019

Attest a True copy:

Amy Eldridge
Amy Eldridge, Town Clerk

