WATERFRONT ORDINANCE OF THE TOWN OF CASTINE, MAINE

ENACTED BY THE TOWN IN MEETING ASSEMBLED THE 13TH DAY OF JANUARY 1997 AND AS THEREAFTER AMENDED.

ATTEST: THIS IS A TRUE DOCUMENT. THE *WATERFRONT ORDINANCE OF THE TOWN OF CASTINE, MAINE*, HAS BEEN IN EFFECT WITHOUT CHANGE FROM 13 JANUARY 1997 TO THE DATE HEREOF, EXCEPT AS AMENDED.

DATED: MAY 13, 2017

SIGNATURE: _____ AFFIX SEAL

SUSAN M. MACOMBER
CASTINE TOWN CLERK

ARTICLE 1: GENERAL PROVISIONS

1.1 TITLE
This ordinance shall be known as the "Waterfront Ordinance of the Town of Castine, Maine". It shall be referred to herein as the "Ordinance". [Am 4]

1.2 AUTHORITY
This Ordinance is adopted pursuant to the authority granted by Title 38 M.R.S.A., Chapter 1, as amended, Title 30A, M.R.S.A., §§ 3001, 3007, 3009 and 4452, as amended and the Home Rule provisions of the Constitution of the State of Maine with additions and deletions. [Am 4]

1.3 PURPOSE
The Castine Harbor is a valuable but limited resource that has been subject to growing demand from recreational, commercial and institutional users; therefore, this Ordinance is adopted for the following purposes: [Am 4]

1.3.1 To preserve and promote the maritime nature of the harbor; [Am 4]

1.3.2 To minimize user conflicts and maximize the efficient use of the harbor for residents, visitors, commercial users and Maine Maritime Academy; [Am 4]

1.3.3 To implement the relevant policies, guidelines and recommendations of the current Castine Comprehensive Plan; and [Am 4]

1.3.4 To plan, establish and maintain the arrangement and utilization of the Mooring area, public landings, boat ramps, harbor channels and other related properties in the waters of Castine. [Am 4]

1.4 APPLICABILITY
The provisions of this Ordinance shall apply to all tidal water areas located within the municipal boundaries of Castine, Maine, hereinafter referred to as Castine Waters.

1.5 SEVERABILITY
If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unenforceable by a Court, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

1.6 CONFLICT
Whenever any section, subsection, sentence, cause, phrase or portion of this Ordinance is deemed to be in conflict with any existing state law and/or federal rule(s), then the stricter provision shall apply, unless preempted by federal law.

1.7 EFFECTIVE DATE
This Ordinance, and any amendments thereto, shall become effective immediately upon adoption. [Am 4]

ARTICLE 2: DEFINITIONS
For the purpose of interpreting this Ordinance, the following terms, phrases and words shall be defined as set forth below. [Am 3]

FEE: a charge for the use of Town owned waterfront facilities; all fees described herein are set by the Board of Selectmen annually and will be effective upon adoption by the Board of Selectmen at a public meeting. [Am 3] [Am 4]

FINE: a civil penalty for a violation of this Ordinance or the Mooring, Dock and Launch Ramp Rules; all fines are set by the Board of Selectmen annually and will be effective upon adoption by the Board of Selectmen at a public meeting. [Am 3] [Am 4]

HARBOR MASTER: a person appointed pursuant to Title 38 M.R.S.A., § 1 and this Ordinance; all references to the Harbor Master shall include any Deputy Harbor Master. [Am 4]

MOORING: an apparatus for securing a single Vessel in a fixed location to which no other Vessel may be attached, including a pennant, a permanent weight or permanent anchor on the harbor floor, a mooring buoy and everything between the latter two or otherwise permanently attached thereto; there are three classes of moorings, Private, Service and Transient, which are defined below. [Am 4] [Am 8]

MOORING, OUTHAUL: a Mooring that is used to attach a specific dinghy or tender by means of a continuous line secured to the shore. This mooring does not need a pendant, but is otherwise subject to **ARTICLE 5: MOORING**. [Am 8]

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MOORING, PRIVATE: a Mooring other than a Service Mooring or Transient Mooring that is permitted for the purpose of mooring a specific Vessel. [Am 4]

MOORING, SECONDARY PRIVATE: a Mooring that is permitted outside of Zone 1 and Zone 3 and owned by a Private Mooring Site Permittee for temporary use as a storm mooring or by a guest of the owner. This Mooring shall not be rented. [Am 6]

MOORING, SERVICE: a Mooring owned and utilized by a commercial marine enterprise or a marine dependent enterprise for the purpose of temporary mooring of customers' Vessels or other uses related to the operation of the enterprise. [Am 4]

MOORING, TRANSIENT: a Mooring set aside for temporary (7 days or less) use by Vessels cruising along the coast. [Am 4]

MOORING SITE: a specific location assigned by the Castine Harbor Master for placement of a Mooring, defined by GPS coordinates where practicable. [Am 4]

MOORING SITE PERMIT: an annual permit that is issued by the Harbor Master to a Mooring Site Permittee authorizing the placement of a specific class of Mooring at a specific Mooring Site and which expires on May 31 of the year following its issue. [Am 4] [Am 5]

MOORING SITE PERMITTEE: a person granted a Mooring Site Permit. [Am 4] [Am 5]

MOORING SITE PERMIT WAITING LIST: a list of persons (resident and non-resident) desiring a Mooring Site Permit; the list will be maintained by the Harbor Master and will be posted in the Town Office; names on the list will be maintained in chronological order; issuance of a Mooring Site Permit to individuals on the list will be in accordance with Title 38, M.R.S.A., § 7A, as amended. [Am 4] [Am 5]

MOORING SITE RELOCATION WAITING LIST: a list persons (resident and non-resident) desiring relocation of a Mooring Site assignment; the list will be maintained by the Harbor Master and will be posted in the Town Office; names on the list will be maintained in chronological order; a Mooring Site assignment will be made in accordance with Title 38 M.R.S.A., § 7A, as amended. [Am 4] [Am 5]

PERSON: an individual, a corporation, a firm, partnership, an association or any other entity. [Am 4]

RESIDENT: a person who owns real property listed on the current tax rolls of the Town of Castine or resides in Castine more than 180 days in a calendar year; all other persons shall be non-residents. [Am 4]

RIPARIAN OWNER: a person who owns Castine shorefront property of the minimum buildable lot size and is thereby entitled to a Mooring Permit for a Mooring Site fronting their property whenever practicable. [Am 3] [Am 4]

SHIP CHANNELS: ship channels as described herein and depicted on the NOAA nautical chart and other such channels designated by the Harbor Master which shall be kept open for the passage of watercraft.

VESSEL: any type of watercraft, including a ship, boat, barge, self-propelled, float, or craft, other than a seaplane, used or capable of being used as a means of transportation on water. [Am 5]

VESSEL OWNER: the person who can demonstrate the controlling interest in a Vessel and who is named on the boat registration or the person identified as the managing owner on the U.S.C.G. Certificate of Documentation. [Am 4]

ARTICLE 3: HARBOR COMMITTEE

The Board of Selectmen shall appoint five (5) persons to a Harbor Committee for three (3) year staggered terms and two (2) persons as alternate members for one (1) year terms, attempting to represent in their selections the following interests: downtown businesses, recreational boaters, commercial boaters, Maine Maritime Academy and the Castine Yacht Club. The Maine Maritime Academy Waterfront Director, the Castine Yacht Club Commodore and the Castine Town Manager shall serve as *ex officio* non-voting members of the Committee. The Committee will hear appeals pursuant to Article 14 of this Ordinance and will also act in an advisory capacity to the Board of Selectmen and the Harbor Master in matters such as fees, fines, maintenance, purchases, personnel, contracts, construction, budget and its administration, safety and any other matters of concern on the waterfront. Meetings will be held at least quarterly and will be posted and open to the public in accordance with Title 1 M.R.S.A., §§ 401 *et seq.*, as amended. [Am 1] [Am 3] [Am 4] [Am 6] [Am 7]

ARTICLE 4: HARBOR MASTER

4.1 Appointment and Compensation

4.1.1 The Town Manager shall annually appoint a Harbor Master who shall be subject to all the duties and liabilities of that office as prescribed by state law, regulations adopted by the municipal officers and municipal ordinances. The Town Manager shall establish compensation and may remove the Harbor Master for cause after notice and hearing and appoint another instead. [Am 2] [Am

4]

4.1.2 The Town Manager may appoint and fix the compensation and term of one or more temporary Deputy Harbor Masters. The Town Manager may remove any Deputy Harbor Master in the same manner as the Harbor Master. A Deputy Harbor Master is authorized to exercise the powers of the Harbor Master, subject to the provisions of this Ordinance, and shall be subject to the direction of the Harbor Master except as otherwise directed by the Town Manager. [Am 2] [Am 4]

4.2 Powers and Duties

4.2.1 Removal of Vessels: The Harbor Master, upon complaint to the master, owner or agent of any Vessel, shall cause any other Vessel or Vessels obstructing the free movement or safe anchorage of that Vessel to be removed to a position to be designated by the Harbor Master and to cause, without any complaint being made, any Vessels anchoring within the ship channels to be removed to such anchorage as the Harbor Master may designate. Any person who intentionally, knowingly or recklessly fails to obey any lawful order of the Harbor Master shall be guilty of a Class E crime, under Title 38 M.R.S.A., § 13, as amended. If that Vessel has no crew on board or if the master or other person in charge neglects or refuses to move such Vessel as directed by the Harbor Master, the Harbor Master may put a suitable crew on board and move that Vessel to a suitable berth at a wharf or anchorage at the expense and risk of the owner(s) of the Vessel and shall charge a Vessel Removal Fee plus expenses, to be paid to the Town of Castine by the master or owner of that Vessel. [Am 3] [Am 4] [Am 5]

4.2.2 Mooring Removal or Replacement: In case of neglect or refusal of the Mooring Site Permittee to remove a Mooring or to replace it by one of a different character when so directed by the Harbor Master, the Harbor Master shall cause the entire Mooring to be removed or shall make such change in the character of the Mooring as required and shall charge a Mooring Removal/Replacement Fee, plus expenses, to be paid to the Town of Castine by the Mooring Site Permittee for either of those services rendered. Before removing a Mooring, the Harbor Master shall notify the Mooring Site Permittee by email or first class mail at the address on the current Mooring Site Application of the action desired, the fact that the mooring will be removed, and the amount of the Mooring Removal/Replacement Fee. If the matter is not settled to the Harbor Master's satisfaction within 14 days, the Harbor Master may take any action provided for in this section. [Am 3] [Am 4] [Am 5]

4.2.3 Training: The Harbor Master and Deputy Harbor Master shall complete training as required by Title 38 M.R.S.A., § 1-A, as amended. [Am 4]

4.2.4 Weapons: The Harbor Master and Deputy Harbor Master are not authorized to carry a weapon. [Am 4]

ARTICLE 5: MOORING

5.1 ANCHORAGES

No person shall place or allow to anchor or lie any Vessel in any position in Castine waters prohibited by any ordinance, rule, regulation or law.

5.2 DESIGNATION OF MOORING SITES

The Harbor Master shall designate Mooring Sites in accordance with Title 38 M.R.S.A., § 1, as amended. Mooring Sites shall be permitted for the sole use of the Vessel indicated on the application. Any change in the Vessel using the Mooring Site must be in accordance with this Ordinance and state law and have the written approval of the Harbor Master. This section is not applicable to Service, Transient and Secondary Private Moorings. [Am 3] [Am 4] [Am 6] [Am 7]

5.3 MOORING SITE PERMIT

5.3.1 Application: Application for a Mooring Site Permit shall be made annually and shall contain the information set forth on the application. An application will not be processed unless it is complete, the payment of required fees, including excise taxes or other taxes or charges owed to the Town of Castine, or its agent, are made prior to June 1 and a current Mooring Inspection Certification is on file with the Harbor Master. At the time of each annual review of Mooring Site Permits, existing Mooring Site Permittees shall be given priority over other applications for a Mooring Site. [Am 4] [Am 5] [Am 6]

5.3.2 To Whom Issued: A Private Mooring Site Permit shall only be issued to the Vessel Owner and a Service Mooring Site Permit shall only be issued to an officer or principal of the commercial marine enterprise or a marine dependent enterprise. [Am 4] [Am 5] [Am 6] [Am 7]

5.3.3 Conversion: A Mooring shall not be converted from the class of Mooring originally permitted, i.e., Private, Service or Transient, to a different class. [Am 4]

5.3.4 Disposition: A Mooring Site Permittee, having notified the Harbor Master that they will not be renewing their Mooring Site Permit, shall have 14 days in which to dispose of their mooring tackle. [Am 8]

5.4 MOORING IDENTIFICATION

All Moorings shall have the number and name of the Mooring Site Permittee indicated on the float or buoy above the water line for the purposes of identification. Such number and name shall be displayed in at least three (3) inch letters and be legible at all times. Mooring buoys shall be white with a single blue horizontal band clearly visible above the water line. [Am 3] [Am 4] [Am 5]

5.5 PLACEMENT OF MOORINGS

No person shall place a Mooring of any type within the boundaries of Castine waters without a Mooring Site Permit issued by the Town of Castine's Harbor Master.

5.5.1 No mooring or buoy of any type shall be set in front of the Acadia Dock, the Town Dock and the Launch Ramp in an area extending 400 feet out from the west end of the Town Dock and the East side of the Launch Ramp to points 44 23.167N/68

47.705W and 44 23.235N/68 47.639W respectively.[Am 4] [Am 5] [Am 7]

5.6 STANDARDS FOR MOORING SIZE AND CONSTRUCTION
All Moorings shall be of a suitable size and construction for the Vessel using the Mooring and the Mooring Site and shall comply with the Mooring Standards in Appendix A of this Ordinance. Revisions to these Mooring Standards shall not be considered an amendment to this Ordinance and may be adopted by the Board of Selectmen at a public hearing following a recommendation from the Harbor Committee. [Am 4] [Am 5]

5.7 INSPECTION OF MOORINGS
All Moorings are required to be inspected when initially installed and every three (3) years thereafter by an inspector approved by the Harbor Master. The inspector shall certify such inspection in writing by completing the Mooring Inspection Certification Form. The Mooring Inspection Certification shall contain a description of any necessary repairs or replacement. Copies shall be delivered to the Harbor Master by the Mooring Site Permittee. Any extension of time to inspect a Mooring is at the Harbor Master's sole discretion and shall be made in writing. The Harbor Master may require inspection of a Mooring more frequently than once every three (3) years should the Harbor Master deem it necessary for the safety of the Vessel or other adjacent Vessels. The Mooring Site Permittee shall make necessary repairs or replacements to all parts thereof in such time as the Harbor Master requires. If such repair or replacement is not completed within such period, the Mooring Site Permit shall be void. Refer to Appendix B for Mooring Service Provider Standards. Revisions to these Mooring Service Provider Standards shall not be considered an amendment to this Ordinance and may be adopted by the Board of Selectmen at a public hearing following a recommendation from the Harbor Committee. [Am 3] [Am 4] [Am 5] [Am 7]

5.8 DENIAL
The Harbor Master may deny the replacement or use of a Mooring or the use of Town owned docks, floats or launch ramps if in the judgment of the Harbor Master, the Vessel is: [Am 4]

5.8.1 Structurally unsafe;

5.8.2 Emitting obnoxious fumes, oils, or any other substance detrimental to the safety or comfort of others, including any pollution of its waters, shores and flats;

5.8.3 Of inappropriate size for the dock, float or Mooring; or

5.8.4 Causing damage to Town owned waterfront facilities. [Am 4]

5.9 NON-USE OF MOORINGS
If a Mooring Site Permittee fails to use the assigned Mooring Site or Mooring for the Vessel listed on the current Mooring Site Permit during the term (June 1 to May 31) of that permit, the Mooring Site Permit shall not be renewed. A one-term exception to this requirement may be granted for cause by written notification to the Harbor Master by the beginning of the term (June 1). If a Mooring Site Permittee fails to provide

such notification, the Mooring Site Permit shall not be renewed the following year. [Am 3] [Am 4] [Am 5] [Am 6] [Am 7]

5.10 Mooring Assignments

5.10.1 There shall be no transfer of a Mooring Site Permit or an assigned Mooring Site. [Am 4] [Am 5]

5.10.2 A Mooring Site Permittee shall promptly notify the Harbor Master of a proposed change of Vessel on a Private Mooring. Such change of Vessel shall be permitted only with the written approval of the Harbor Master. [Am 4] [Am 5]

5.10.3 There shall be no renting of a Private Mooring.[Am4] {Am5] With written approval of the Harbor Master, a Mooring Site Permittee may allow the use of the Site by another vessel for a period not to exceed 30 days. [Am7] [Am 8]

ARTICLE 6. WHARVES, DOCKS, PIERS, FLOATS AND RAMPS

6.1 Closure
The Harbor Master and/or the Town of Castine have the authority to regulate the use of and close all Town waterfront facilities at their discretion. [Am 5]

6.2 User's Own Risk
The Town waterfront facilities are accessible at the user's own risk and the area shall be posted accordingly.

6.3 Obstruction
No owner, master, or operator shall permit a Vessel to be docked or moored in such a manner that it obstructs the free passage of other Vessels going into or coming from any pier or wharf in Castine waters.

6.4 Tying to Public Floats
No person shall leave any Vessel tied to the ends or fronts of any public float of the Town of Castine for any purpose, including but not limited to pump-out services, fueling, or taking on passengers or supplies, for longer than the posted time period except for emergencies or with the approval of the Harbor Master. [Am 6]

6.5 Blockage of Public Ramps/Facilities
No person shall place or cause to be placed any Vessel, boat cradle, trailer, vehicle or other object on the Town ramp, dock/wharf, parking lot, or other Town harbor facility in such a way that it blocks access by other users. [Am 4]

6.6 Use of Town Launch Ramp and Launch Ramp Fees [Am 5]
The Town Launch Ramp is a municipal owned facility, constructed and maintained to launch and haul vessels, and its use is subject to the following requirements:

6.6.1 Commercial uses of the Ramp not specifically authorized by this section are prohibited.

6.6.2 Any use of the Launch Ramp other than launching or hauling a vessel

requires prior written permission from the Harbor Master.

6.6.3 Use of the Launch Ramp to load or offload cargo, vehicles, construction equipment, machinery, etc. requires prior written permission from the Harbor Master.

6.6.4 All permits from the Harbor Master are issued for a specific time period, not to exceed one year.

6.6.5 If the Harbor Master deems any use under § 6.6.2 or § 6.6.3 may damage the Launch Ramp, the Harbor Master shall order appropriate measures to protect the ramp during use and shall require a damage deposit, letter of credit or bond be furnished to the Town prior to granting permission. [Am 6]

6.6.6 Launch Ramp use fees and uses of the Launch Ramp subject to a fee are set annually by the Board of Selectmen. Revisions to the fee schedule or the uses subject to a fee shall not be considered an amendment to this Ordinance and may be adopted by the Board of Selectmen at a public hearing following a recommendation from the Harbor Committee. Nonpayment of required fees is cause for denying further use of the Launch Ramp.

6.7 DINGHIES

Dinghies may be allowed at the Town dock/wharf provided they are on the inside tied by the bow only and are properly cared for by the owner. Dinghies shall not be tied to the ends or outside of Town-owned wharves or floats, and they shall not be stored on top of the floats. Dinghy owners, except for dinghies belonging to transient vessels, must register the Dinghy with the Town Office and pay all fees required. Am 4] [Am 5]

6.8 BAIT

No person shall place or maintain on public facilities any fish or other bait, except for immediate delivery to a Vessel ready to receive same, without written permission from the Harbor Master and/or the Town of Castine.

6.9 EQUIPMENT

No person shall place or maintain on public facilities any barrels, boxes, gear, traps, pots, or any other equipment for a period longer than is reasonably necessary without written permission from the Harbor Master and/or the Town of Castine.

ARTICLE 7. FEES AND FINES

The Board of Selectmen shall establish and provide for the collection of Fees for Mooring Site Permits and for various uses of any waterfront facilities owned or operated by the Town of Castine, including but not limited to the use of wharves, docks, piers, and floats for landing, parking, launching, lying alongside, tying up, storage, private functions or sales of food or goods and Fine for infractions of dock and speed limit rules and violations of this Ordinance. Such Fees may be a flat amount or vary according to the size of a Vessel or vehicle. Such Fees may also vary as between residents and non-residents, provided that no fee chargeable to a non-resident shall exceed five (5) times the amount charged to residents. Such Fines may be a flat amount or vary according the infraction or violation. A schedule of the Fees and Fines established under this section shall be available at the Town Office and from the

Harbor Master. Fees and Fines shall be set by the Board of Selectmen annually and will be effective upon adoption by the Board of Selectmen at a public meeting. If a Fee and Fine is not paid in the prescribed time, after billing, the Mooring Site Permit will be void. [Am 3] [Am 4] [Am 5] [Am 7]

ARTICLE 8. OPERATION OF VESSELS

8.1 Reckless or Negligent Operation

No person shall operate any Vessel in a reckless or negligent manner. [Am 4]

8.2 Hazard to Navigation; Shoaling of Castine Waters

No person shall deposit, throw, sweep or cause to be deposited or swept, from any Vessel, wharf, dock or any other place, into Castine waters any ashes, dirt, stones, gravel, mud, logs, planks or any other substances that may create a hazard to navigation or that may shoal the depth of Castine waters. [Am 4]

8.3 Prohibited Activities

No water skiing, tubing or wakeboarding will be allowed in Castine waters within two hundred and fifty (250) feet of moored or anchored Vessels. [Am 3] [Am 4]

8.4 Speeding

All types of Vessels operating within Castine waters shall maintain a speed that is reasonable and proper, having due regard for traffic, proximity to docks, floats and other Vessels. No Vessel shall be operated in Castine waters in a manner that causes a danger or nuisance to the public. All Vessels shall be operated so as to cause minimal wake and in no case at a speed greater than five (5) knots within two hundred and fifty (250) feet of moored or anchored Vessels. The Harbor Master may establish no wake zones as necessary. Whoever operates any watercraft, vessel, water skis, surfboard, similar device or motorboat, however propelled, upon the tidewaters 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 due regard for traffic, proximity to wharves, docks, moorings or shores, and for any other conditions then existing, shall be guilty of a Class E crime under Title 38 M.R.S.A., § 281, as amended. [Am 4] [Am 5]

ARTICLE 9. ABANDONMENT

No person may bring into or maintain in the Castine harbor any derelict Vessel, Vessel for salvage, or abandon any Vessel or other obstruction in the Castine harbor without a permit from the Harbor Master. Whoever does so without permit is guilty of a Class E crime, under Title 38 M.R.S.A., § 9, as amended. Vessels which are to be salvaged by firms licensed by the State to do salvage work shall be excluded from this section. The Harbor Committee shall be the sole determiner as to what constitutes a Vessel that is derelict and what constitutes a Vessel or other obstruction that is abandoned. The Harbor Master shall then order the last owner of any such abandoned Vessel or other obstruction, if such owner is ascertainable, to remove same within thirty (30) days. Upon refusal or failure to do so, the Harbor Master shall cause its removal or destruction at the cost of the said last ascertainable owner. Any person who intentionally, knowingly or recklessly fails to obey any lawful order of the Harbor Master shall be guilty of a Class E crime, under Title 38 M.R.S.A., § 13, as amended.

[Am 4] [Am 5]

ARTICLE 10. POLLUTION

Except in case of emergency imperiling life or property or unavoidable accident, collision, or stranding, no person shall discharge, or suffer, or permit the discharge of sewage, garbage, trash or other refuse of any kind, by any method, means or manner into or upon Town wharves or docks or Castine waters.

ARTICLE 11. INFECTED VESSELS

Whenever a Vessel arrives in the Castine waters, having on board any person infected with a contagious disease or suspected of being infected with such disease, the master, commander, or pilot thereof, and the Health Officer of the Town of Castine shall comply with the applicable provisions of Maine state law, as amended.

ARTICLE 12. RULES AND REGULATIONS

The Harbor Master and the Harbor Committee shall recommend to the Board of Selectmen for adoption such rules and regulations as shall be necessary to implement the intent of this Ordinance. These rules and regulations shall include, but are not limited to size of tenders allowed on the dinghy dock, time limits and use rules for the Town dock/wharf, and Fines for infractions of dock rules and speed limits. These rules and regulations shall be reviewed annually, shall be posted on the Town wharf, and shall be available at the Town Office and from the Harbor Master. [Am 3] [Am 4]

ARTICLE 13. ENFORCEMENT

13.1 Enforcement by the Harbor Master

It is the duty of the Harbor Master to enforce the provisions of this Ordinance. No person shall fail to observe any lawful order of the Harbor Master with reference to the navigation and disposition of Vessels or Moorings within Castine waters. The Harbor Master may seek fines as recommended by the Harbor Committee and approved by the Board of Selectmen as may be appropriate to enforce any provision of this Ordinance. [Am 5]

13.2 Enforcement by Law Enforcement Officers

In addition to the Harbor Master, any law enforcement officer vested with the authority to carry a weapon and make an arrest shall have the authority to enforce the provisions of this Ordinance.

13.3 Misdemeanor Fines; Separate Violations

Any person who intentionally, knowingly or recklessly fails to obey any lawful order of the Harbor Master shall be guilty of a Class E crime, under Title 38 M.R.S.A., § 13, as amended. Any person who violates any provision of this Ordinance may be prosecuted and relief, fines and penalties granted and assessed pursuant to Title 30-A M.R.S.A., § 4452, as amended. Each day that a violation continues, without action to effect abatement after receipt of notification by the Harbor Master, shall be considered a separate violation for purposes of this section. [Am 4] [Am 5]

13.4 Legal Action

The Board of Selectmen, upon notice from the Harbor Master, is hereby authorized and directed to institute any and all action and proceedings, either legal and/or

equitable, including seeking injunctions of violations and the collection of Fees or Fines together with the cost of suit and reasonable attorney's fees, as may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Town. [Am 4]

ARTICLE 14. APPEALS

The Harbor Committee shall hear and decide appeals alleging error by the Harbor Master in the administration of this Ordinance. The aggrieved person must make a written appeal within thirty (30) days of the date of the decision being appealed and the Harbor Committee shall hold a public hearing within thirty (30) days form the date of receipt of the appeal. When hearing an appeal at least five (5) Committee members must be present and any decision will require a majority vote of those present. The Harbor Committee may establish additional rules and procedures for such hearings. A party aggrieved by the decision of the Harbor Committee may appeal it to Superior Court within thirty (30) days from the date of the original decision pursuant to Maine Rules of Civil Procedure, Rule 80B. [Am 3] [Am 4]

ARTICLE 15. AMENDMENTS

This Ordinance has been amended as indicated on the following dates:

Amendment 1 [Am 1] ..... March 27, 2000
Amendment 2 [Am 2] ..... June 7, 2005
Amendment 3 [Am 3] ..... March 24, 2008
Amendment 4 [Am 4] ..... April 4, 2009
Amendment 5 [Am 5] ..... March 27, 2010
Amendment 6 [Am 6] ..... November 5, 2013
Amendment 7 [Am 7] ..... November 3, 2015
Amendment 8 [Am 8] ..... May 13, 2017

APPENDIX A:
(Revised 03/13/13; Adopted 03/18/13)

STANDARDS FOR MOORING SIZE AND CONSTRUCTION (§ 5.6 IN ORDINANCE)

Boat Length (ft)	Granite Dry Weight (lbs)	Granite Wet Weight (lbs)	Granite Size (cu ft)	Chain Diameter (in)	Pendant Diameter (in)	Pendant Length (ft)
<20	750	490	4.3	0.38	0.50	7.5
20-24	1080	700	6.2	0.38	0.63	9.0
25-29	1470	950	8.4	0.50	0.75	10.5
30-34	2100	1360	12.0	0.50	0.88	12.0
35-39	2700	1750	15.4	0.50	1.00	13.5
40>	3600	2340	20.6	0.63	1.00	15.0

Notes:

1. Mooring sizes are based on ABYC mooring guide for 52 knot sustained wind and moderate seas. With the exception of pendant length, which is the maximum allowed in Zone 1 of the mooring field (from Pleasant St to Spring St), all mooring components are minimum sizes. The Harbor Master may, at his/her discretion, require larger sizes.
2. Pendant length is defined as the distance from where the pendant breaks the water to the stem of the boat when the pendant is stretched out.
3. Mooring scope (length or sweep of mooring chain or line), measured from the ocean floor to the buoy, shall be water depth at mean high tide (MHW) plus 15 feet.
4. Castine Harbor, where subjected to the strong current of the Bagaduce River, has a hard bottom where granite blocks of adequate weight are required. Other locations may have soft bottoms where mushroom anchors may be approved by the Harbor Master.
5. Non-standard mooring designs, such as substituting fiber line in place of some of the chain, may be approved by the Harbor Master on an individual basis.
6. Buoys shall be white with a blue band, of sufficient size to float the buoy above the bottom of the blue stripe, and be marked with both the owner's name and mooring site number in a minimum of 3" block letters.
7. Wastage of any part of the mooring chain of more than 25 per cent of the cross section (13 per cent reduction in diameter below the required size) is unacceptable and requires replacement.
8. No swivels shall be used between top and bottom chains. A swivel may be used to attach the mooring buoy to the chain.
9. No clevis pins shall be used on any mooring tackle and all shackle pins shall be moused with seizing wire. [Am 8]

APPENDIX B:
(Revised 03/13/13; Adopted 03/18/13)

MOORING SERVICE PROVIDER STANDARDS (§ 5.7 IN ORDINANCE):

1. Each mooring is to be inspected out of the water at least every 3 years (36 months). The inspection is to be done by a mooring inspector approved by the Harbor Master and a Mooring Inspection Report filed with the Harbor Master.
2. Moorings shall be set using WAAS GPS at the permitted location as designated by the Harbor Master.
3. Moorings shall be in the specified location and, if not, must be relocated to the specified location or to a new location approved in writing by the Harbor Master in a timely manner.
4. Inspection of moorings shall include all components of a mooring including, but not limited to:
    a. Measurement of stone and its condition (presence of cracks, etc.).
    b. Minimum diameter and condition of all chain and/or fiber lines.
    c. Condition and length of pendant.
    d. Condition of buoy, including proper markings.
    e. Depth at the mooring site corrected to MHW.