

# Harbor Ordinance

## Town of Northport, Maine

### §1. Purpose

The Northport Harbor Ordinance is hereby established in order to regulate marine activities within “Saturday Cove” and the 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 M.R.S.A. §2671 et seq, the specific authority granted to municipalities with respect to Harbor Masters as set forth in 38 M.R.S.A. §1 et seq, and the power of municipal home rule as set forth in 30-A MRSA §3001 et seq 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 in November 15 of the year and will have the duties and powers prescribed by law and this ordinance. The term of office will be two years.
- B. The Harbor Master may appoint deputy Harbor Masters to act in case of the Harbor Master’s absence. In the event of the Harbor Master’s disability, the selectpersons may appoint deputy Harbor Masters.
- C. The Harbor Master must complete a basic harbor master training course in accordance with 32 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 its future use, to advise the Town selectpersons and supervise the enforcement of this ordinance and oversee the care of Town waterfront facilities through the Harbor Master. The committee will also sit as a board of appeals to hear appeals of the Harbor Master’s decisions or actions as defined in this ordinance.
- B. The committee shall consist of five members appointed by the Town selectpersons with a term of two years. The Harbor Master shall serve as a nonvoting sixth member, but may be appointed Secretary.
- C. The chairman, majority of the voting members, or a majority of the selectpersons may call meetings of the Harbor Committee as needed. A quorum of the committee necessary to conduct an official committee shall consist of at least three (3) of the voting members.
- D. The Secretary shall maintain a permanent record of all committee meetings and correspondence: these records shall be filed in the office of the Town Clerk.

### §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, 68.58'917"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 interest 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, bottom 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 those interest 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 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 Northport Village Corporation regulations.
  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
- 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 public land, public dock(s) and floats and is for the exclusive use of Northport residents and/or property taxpayers.
  3. The docks and floats shall be maintained by the Town. As conditions permit, the floats shall be put in the water by May 1st and removed by December 1<sup>st</sup> of each year under the direction of the Harbor Master using town or contracted personnel.
  4. Storage of personal property, except for bait as defined in paragraph 6, is prohibited on Northport public land. Boat trailers must be pulled away from the launching area and clear of water access.
  5. Daily transfer of bait, fishing gear and personal property to water craft is permitted and such property can be left on town land or docks for up to twenty-four (24) hours as long as such gear does not interfere with facility usage by other boaters.
  6. A resident of Northport who holds a valid commercial fishing license may keep bait on Town property in Saturday Cove between the dates of May 1<sup>st</sup>

and December 1<sup>st</sup>. This bait must be stored in covered leak-proof containers kept in a safe and orderly manner.

7. Vessels may tie up to public docks and floats in order to transfer articles or gear. Boat operators must respect the needs of others to use the facility.
8. Vehicles shall be kept clear of launching areas and piers, an area southeast of the access road is suitable for parking and must be used by all non-boat owners.

## § 5 Channels

- A. The following channel is established in Northport coastal waters:
  1. A channel, heretofore known as the Bayside Wharf Channel, extending 800 feet from the Bayside pier and floats in an easterly direction, separating the north and south side mooring areas. The boundaries of the channel shall consist of 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 or safety 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 between May 15<sup>th</sup> and November 1<sup>st</sup> of each year.
- 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 for a 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 location of the mooring.
- B. Moorings shall be prudent, appropriate and safe.
- C. The mooring permittee is responsible to ensure that the permittee's mooring permit number is affixed to the permittee's mooring buoy in legible numbers not less than 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 neglect or safety.
- F. The Harbor Master will not issue a permit for a mooring unless satisfied that the information set forth in the application is adequate to ensure that the mooring and vessel attached to it will not become a danger to persons or property.
- G. Notwithstanding the forgoing, the number of resident moorings shall always be at least equal to the number on 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 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 application fee and a yearly mooring permit fee.
- 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 within ten days of the date upon which the person notified of the decision of the Harbor Master is in written form. If the decision of the Harbor Master is mailed, the person shall have 13 days for 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 board of selectpersons. 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, waters or used of Northport waterfront public land. The effective date of this ordinance shall be the day after it is signed by the Northport selectpersons.

#### §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 selectpersons. 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.

Approved August 23, 2001

Revised & Approved – March 24, 2004

Revised and Approved – May 5, 2008