

TOWN OF SEDGWICK HARBOR ORDINANCE

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Amended March 2000

Amended March 2015

Proposed Amendments November 2019

~~Michael Sheahan~~ ~~Neil Davis~~ s/s

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A True Copy

Attest

Cynthia Reilly, Clerk

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Section 1: PURPOSE.

1. The Town of Sedgwick Harbor Ordinance is hereby established, to regulate marine activities within the harbor of Sedgwick and waters adjacent to the shorelines of Sedgwick; including North Sedgwick, Sargentville, and West Sedgwick. It is intended to ensure safety to persons and property, to promote availability and use of public resources, and to create a fair and efficient framework for the administration of these resources. This 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 AND CHANNEL LIMITS.

2.1 Regulation under this ordinance shall extend only to certain portions of the Benjamin River, the limits of which are: northeasterly from a point in the channel off Job's Bar in the Benjamin River to a point off Means' Point, across from Benjamin River Marine, thence northwesterly and southerly following the shoreline back to the starting point off Job's Bar. This boundary between Sedgwick and Brooklin pertains only to the regulation of harbor use and the points mentioned above are set by agreement between the selectmen of the two towns. Any dispute of Section 2.1 will be resolved by the Selectmen.

2.2 The **Marine Resources** Committee may from time to time establish channels for the passage of vessels in the harbor after due consideration of the recommendations of the Harbormaster. There shall be no anchoring or mooring in any channels designated as such.

Section 3: HARBORMASTER.

3.1 A Harbormaster shall be appointed annually by the Selectmen for a term of one year, the term to expire immediately following the annual election and swearing in of the Selectmen (or Selectman). In event the office shall become vacant the Selectmen shall appoint a successor to serve the balance of that term. The Harbormaster shall have all those certain duties and responsibilities of that office which are prescribed by Title 38, M.R.S.A., excepting the power to make arrests or the authorization to carry a weapon. The Harbormaster shall have the additional duty to administer and enforce the provisions of this ordinance with the authority granted by law and through his appointment as Harbormaster. The Selectmen shall establish the Harbormaster's compensation at the time of each year's annual appointment. The Harbormaster may be removed for cause by the Selectmen pursuant to the procedure contained in 30-M.R.S.A., §2633(3) (as amended), for the removal of town managers.

3.2 The Harbormaster may appoint deputies, subject to approval by the Selectmen, who, when authorized by the Harbormaster, may assume the duties and responsibilities granted to the Harbormaster in Section 3, in whole or in part as the Harbormaster deems necessary. Compensation for the Deputy Harbormasters shall be set by the Selectmen. The term of any deputy shall expire at the same time as that of the Harbormaster who has appointed that deputy.

3.3 The job description and qualifications of the Harbormaster shall be as defined in Appendix 1.

Section 4: TOWN OF SEDGWICK MARINE RESOURCES COMMITTEE

4.1 The Marine Resources Committee (henceforth referred to as the Committee) shall consist of ~~four~~five (45) voting members and two (2) alternates appointed by the selectmen. Three (3) members shall constitute a quorum. One Selectman and the Harbormaster shall serve as non-voting advisors to the Committee.

4.2 The Committee members shall all be residents of the Town of Sedgwick. The membership shall represent as many diverse interests in the harbors, waterways, and tidal waters as possible (i.e., commercial boat owners, recreational boat owners, abutting land owners, water-related business owners, members of land use boards or committees).

4.3 The term of a member shall be two (2) years, except that two (2) of the initial Committee members shall be appointed to a one (1) year term, two (2) shall be appointed to a two (2) year term. The term shall commence immediately following the Annual Town Meeting.

Section 5: EFFECTIVE DATE.

5:1 This ordinance shall take effect immediately upon adoption, except that mooring permits will become mandatory on March 1st following the adoption of this Ordinance. It may be amended or repealed at any annual or special Town meeting.

Section 6: VIOLATIONS, ENFORCEMENT AND FINES.

6.1 The Harbormaster, upon finding that any provision of this Ordinance or the condition(s) of a permit issued under this Ordinance is being violated, is authorized: to issue notice of violations, orders to correct, or schedules to correct, to enter into administrative decrees and agreements; to institute legal proceedings to enjoin violations of this Ordinance; and to recover fines and costs.

6.2 A person who violates the provisions of this Ordinance or the condition(s) of a permit shall be guilty of a civil violation and on conviction shall be fined not less than \$25.00 nor more than \$100.00. Fines will begin to take effect after the Harbormaster has declared that the schedule to correct a violation or violations has not been met. All fines shall be paid to the Town of Sedgwick. The Harbormaster shall serve the violator with a citation stating (1) the date and place of the offense, (2) the nature of the offense and the ordinance provision violated, and (3) the fine owed. In the event that the violator fails to voluntarily pay the fine assessed by the Harbormaster, pursuant to the Selectmen's schedule, the town shall commence an enforcement action in the Maine District Court, pursuant to 30-A M.R.S.A. §4452, and the town shall also collect from the violator attorney's fees, expert witness fees, and costs.

6.3 The Selectmen shall establish a schedule of fines for specific violations of this Ordinance from recommendations of the Committee. The Selectmen shall periodically review the schedule of fines and may amend the fines from time to time after consulting the Committee.

Section 7: EXCEPTIONS.

7.1 The Harbormaster may grant temporary exceptions to this Ordinance at his or her discretion.

Section 8: SEPARABILITY PROVISION.

8.1 If any provisions of this Ordinance are held to be invalid or inoperative, the remainder shall continue in full force and effect as though such invalid or inoperative provisions had not been made.

Section 9: MOORING PERMITS.

9.1 Mooring permits issued by the Harbormaster are subject to provisions of M.R.S.A. Title 38, Chapter 1, which pertain to moorings. Mooring permits are nontransferable. A mooring permit holder shall be liable for all damages and costs that result from the failure of that mooring. Any mooring permit is conditional on satisfying the following requirements:

A. The mooring must meet or exceed (except any scope restrictions set by the Harbormaster) the minimum specifications – see Appendix II – or as deemed applicable by the Harbormaster. Compliance with these mooring specifications in no way guarantees the safety of the mooring or implies any liability on the part of the

Harbormaster, inspectors approved by the Harbormaster, or the town of Sedgwick in the event of failure of the mooring.

B . Service moorings must be approved by the Harbormaster and the Committee. Floats on service moorings should not be larger than 20 feet by 20 feet.

CB. New moorings must be inspected by the Harbormaster, or an individual approved by the Harbormaster, before the mooring is set.

DE. The mooring must be placed in the location assigned by the Harbormaster. Mooring location assignments may be changed from time to time by the Harbormaster.

ED. The mooring permit number and/or boat name and/or owner's last name must be displayed on the surface float in 3" block numbers, or in a manner approved by the Harbormaster.

F. Any moorings not used and not properly identified may be removed by order of the Committee and Harbormaster. If the removed mooring's owner is at any time identified, they may be billed for the costs, if any, of the mooring's removal. Any unclaimed moorings will become the property of the Town of Sedgwick.

Section 10: MOORING PERMIT FEES.

10.1 Fees for mooring permits shall be set by the Selectmen from recommendations of the Committee. Changes in mooring permit fees shall be made one (1) year in advance of those fees taking effect, excepting any fees established upon adoption of this ordinance. Mooring permit fees will be due and payable to the Town of Sedgwick upon issuance of a mooring permit.

10.2 For purposes of setting mooring permit fees, moorings will be classified into three (3) types:

I. Moorings which are assigned to vessels for which boat excise taxes are paid to the Town of Sedgwick.

II. Moorings which are assigned to vessels for which boat excise taxes are not paid to the Town of Sedgwick.

III. Approved service/rental moorings.

Section 11: MOORINGS EXEMPT FROM MOORING PERMITS.

11.1 Certain moorings are exempt from the Sedgwick mooring permit requirement, but are still subject to the Harbormaster's decisions if these moorings are found to be unsafe, or to hinder navigation or access to the water. Moorings exempt from Sedgwick mooring permits include moorings/anchors used solely to secure floats and walkways and/or outhauls attached to the shore.

Section 12: LIMITED SHORELAND OWNER RIGHTS.

12.1 When an individual owns the shore rights to a parcel of land and is master or owner of a boat or vessel, he/she may request a mooring fronting his/her land. Whenever practicable, the Harbormaster shall assign such moorings, provided they do not encroach on the natural channel or channels established by municipal officers. Not more than one (1) mooring may be assigned to any shore-front parcel of land under this privilege. Persons who, on January 1, 1992 or thereafter, owned shore rights of at least 100 feet of frontage regardless of the size of the lot shall have mooring privileges assigned according to this section. The limitation of one mooring assigned under this privilege shall not prevent the owner of a shore-front parcel from receiving additional mooring assignments under the allocation system for all other mooring permit applicants.

Section 13: USE OF TOWN FLOATS. (*amended March 2000*)

13.1 Attended watercraft may tie up to the face of the town float for a period not to exceed one half (1/2) hour. The time may be extended with prior approval of the Harbormaster. Unattended dinghies of twelve (12) feet or less with a maximum beam of 5 feet may be tied up to the finger floats, provided they do not interfere with water craft landing and departing the dock. **Unattended dinghies for commercial use of fourteen (14) feet or less with a maximum beam of 5 feet, may be tied up to the last finger float designated "commercial use".** Dinghies must be kept bailed and fendered. A tie-up permit must be visible at all times.

13.2 As of June 1, 2000, there will be a fee to tie up at the finger floats. The fee will be determined annually and the fee will be set by the Selectmen from recommendations of the Committee. The fee will be due and payable to the town clerk of Sedgwick upon issuance of a tie-up permit.

13.3 Only one (1) dinghy permit will be issued per household. The permits will be issued to holders of valid Sedgwick resident mooring permits who also have a boat currently registered in Sedgwick.

13.4 Non-resident permits will be issued on a space-available basis as determined by the Harbormaster. Once issued, non-resident dinghy permits may be renewed indefinitely as long as kept current (fee paid by May 31), but not transferred.

Preference will be given to Brooklin residents with moorings in the Benjamin River.

13.5 Written notice of a lack of a current annual dinghy tie-up permit may be left on an unregistered dinghy by the Harbormaster, Assistant Harbormaster, or Committee. If the owner of the notified dinghy does not obtain a current annual dinghy tie-up permit within 7 days of being notified in writing, then said dinghy may be removed from the finger floats and placed on land in the area of the town wharf.

Section 14: DEFINITIONS.

1. Anchorage: An area of a harbor or waterway set aside for the temporary anchoring of a watercraft by means of ground tackle carried aboard the watercraft.
2. Assigned Mooring: Any mooring assigned to specific watercraft.
3. Boat: Any floating device or vessel designed for self-propelled movement or navigation on the water.
4. Commercial Vessel: A vessel defined as a commercial vessel under the State of Maine Watercraft Excise Tax. Any vessel used for, or engaged in, any type of commercial activity, including but not limited to commercial fishing or the carrying of cargo and/or passengers for hire.
5. Derelict Watercraft: Any watercraft that the Committee or Harbormaster determines to be a threat to navigation, property, other watercraft, or the environment, due to watercraft condition or to neglect on the part of the owner(s) or master of the watercraft in question.
6. Distress: A state of disability, or a present danger which, if prolonged, could endanger life or property.
7. Emergency: A state of imminent or proximate danger to life or property.
8. Float: Any float structure normally used as a point of transfer for passengers or goods, or for temporary or continuous attachment by a vessel.
9. Outhaul: Any mooring used to attach dinghies or tenders by means of a continuous line secured to the shore.

10. Permanent mooring: A device to which a vessel is attached, that is not carried aboard, and whose sinker is left in place.
11. Service mooring: Any mooring approved as a service mooring by the Marine Resources Committee and assigned to a water-dependent business.
12. Shoreland owner: An owner of a parcel of land greater than 20,000 square feet with at least 100 feet of shore frontage upon any of the tidal waters of the Town of Sedgwick. Condominiums, townhouses, or any other similar multiple ownership parcels of land are considered as one parcel for purposes of allocating mooring permits and as such are entitled to one mooring under 38 M.R.S.A., Section 3. Additional moorings may be allowed under other provisions of M.R.S.A. 38.
13. Water-dependent business: Any business that the Marine Resources Committee determines to require the use of moorings in order to conduct its business.
14. Wharf: Any permanent non-floating structure normally used as a point of transfer for passengers, goods, or for temporary or continuous attachment by a vessel.

APPENDIX 1

TOWN OF SEDGWICK

HARBORMASTER JOB DESCRIPTION

Section 1: GENERAL.

The Harbormaster is responsible to the Selectmen and shall be appointed annually following the town meeting.

Section 2: SPECIFIC JOB RESPONSIBILITIES.

The following duties are required of the Harbormaster:

- A. Allocate mooring spaces in the harbors, and maintain mooring records and technical specifications. Administer the annual registration of moorings (mooring permits) and waiting lists.
- B. Assist mooring applicants in defining ground tackle requirements to ensure minimum specifications are maintained, depending on location, boat size and configuration.
- C. Supervise the placement of each mooring, and periodically verify its condition and position to ensure the safety of the vessel, adequacy of swinging room and best use of available space. When required, he/she shall order any deficiencies corrected.
- D. Establish and maintain permanent and transient anchorage areas and channels.
- E. Keep the harbor and channels free of obstructions.
- F. Monitor the use of public piers, boat moorings, and launching ramps.
- G. Monitor the condition of the town wharf, floats, and moorings, and co-ordinate repairs as necessary.
- H. Participate in harbor planning and co-ordinate approved projects. Act as a non-voting member of the Marine Resources Committee.
- I. Control the use of public lands for winter storage of marine equipment.

APPENDIX II

MINIMUM MOORING STANDARDS FOR THE
BENJAMIN RIVER

(Average Boat Type for Summer Use)

| <u>Length</u> | <u>Mushroom</u> | <u>Granite</u> | <u>Bottom Chain</u> | <u>Top Chain</u> | <u>Nylon Pennant</u> |
|---------------|-----------------|----------------|-------------------------|----------------------|--------------------------|
| 15' | 75# | 400# | 1/2 | 5/16 | 1/2 |
| 20' | 100# | 500# | 1/2 | 5/16 | 5/8 |
| 25' | 150# | 750# | 5/8 | 3/8 | 5/8 |
| 30' | 200# | 1000# | 5/8 | 3/8 | 3/4 |
| 35' | 250# | 1500# | 3/4 | 1/2 | 3/4 |
| 40' | 350# | 2000# | 3/4 | 1/2 | 7/8 |
| 50' | 500# | 4000# | 1 | 1/2 | 1 |

(Wide beam, high freeboard, or tall superstructure add to mooring load and therefore minimum mooring size.)