

COASTAL WATERS ORDINANCE

Town of Edgecomb

Section 1 PURPOSE

The Coastal Waters Ordinance is hereby established regulating marine activities within the tidal waters of the Town of Edgecomb, Maine, 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 the administration of the same.

Section 2 AUTHORITY

This ordinance is adopted pursuant to the Home Rule Powers as provided for in Article VIIIA of the Maine Constitution and in Title 30-A MRSA 3001 and 38 MRSA Sec.2 et seq.

Section 3 DEFINITIONS

- A. "Edgecomb Waters" refers to all the tidal waters of the Town of Edgecomb.
- B. The "Waterfront Committee" will consist of three or more members appointed by the Selectmen for a term of one year. The purpose of the Waterfront Committee is to recommend changes as necessary to the Coastal Waters Ordinance. The Waterfront Committee shall mediate any dispute between the Harbormaster and the aggrieved party.
- C. "Harbormaster" shall mean one or more Harbormaster/s annually appointed by the Selectman.
- D. "Harbor Patrol Boat" shall mean any vessel or vessels operated by the Harbormaster.
- E. "Mooring" shall mean any appliance used by a craft for anchoring purposes and which appliance is not carried aboard such craft when under way as regular equipment.
- F. "Riparian Owner" shall mean the owner of land or an interest in land in Edgecomb to the high water mark or the low water mark.
- G. "Watercraft" shall mean and include every description of watercraft, including but not limited to, boats of all kinds, personal watercraft, seaplanes, and floats, used or capable of being used for any purpose on the water.
- H. "Water safety zone" —200 feet from any low water shoreline, including islands.

Section 4
SAFE OPERATION

No person shall use or operate any watercraft recklessly or while under the influence of alcoholic beverages or drugs, or so as to cause danger, annoyance, inconvenience or damage to the public or property within the waters of the town.

Section 5
MOORING LOCATIONS

- A. No mooring shall be placed or moved in the tidal waters except under the direction of and with permission from the Edgcomb Harbormaster. The Harbormaster/s shall keep a record, listing for each mooring the owner's name, address and telephone number; the name, length, and type of boat for which the mooring will be used; the date of issuance of the request for mooring; and a chart indicating each mooring location and the name on it. Identification letters shall be not less the three (3) inches in height. Approvals for moorings will apply only to the assigned location. Riparian owners will have priority for moorings adjacent to their property.
- B. Each request for mooring application must include the following:
- Applicant's name, address and telephone number/s including summer and winter addresses if applicable.
 - Boat length, name, and registration or documentation number.
 - Commercial or residential usage.
 - Current or desired mooring location.
 - Whether the applicant is a riparian owner.
- C. The Harbormaster shall grant, deny, or defer each request. The Harbormaster may deny an application because of insufficient information regarding the mooring or because of other reasons as specified in the Coastal Waters Ordinance, including but not limited to the mooring being a hazard to navigation, or the proposed location having been previously assigned or insufficient clearance.
- D. Any dispute between an applicant or mooring owner and the Harbormaster shall be mediated by the Harbor Committee.
- E. All moorings shall be of sufficient size to hold the vessel for which it is to be used. Vessel and/or mooring owners shall be liable for any damage caused by faulty or inadequate moorings. Moorings shall be properly maintained by the owner or his agent.
- F. Any mooring without a proper permission of location is subject to removal by the Harbormaster at the owners expense. Change in type or size of boat may require relocation of the mooring. The Harbormaster may revoke or suspend, in writing, giving his reasons, any permission for a mooring, due to violations of this Ordinance, or in the interest of public safety or to relieve congestion. Notice shall be deemed to have been given when the

Harbormaster mails, by certified return receipt mail, a notice to the owner at the owner's registered address.

Section 6
ENFORCEMENT

- A. Any violation of this Ordinance shall be deemed to be a Nuisance.
- B. It shall be the duty of the Harbormaster to enforce the provisions of this Ordinance. If any provision of this Ordinance is being violated, the Harbormaster shall notify in writing by certified return receipt mail, the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. A copy of such notice shall be maintained as permanent record.
- C. When the above action does not result in the correction or abatement of the violation or nuisance condition, the Selectmen are hereby authorized and directed to institute any and all actions necessary to enforce the provisions of this Ordinance.
- D. Penalties for violation of this Ordinance shall be as prescribed in 30-A MRSA Section 4506.

Section 7
PROHIBITED ACTS

- A. No person shall install or cause to be installed any mooring in any location not designated by Harbormaster permission.
- B. No person shall assign or otherwise transfer a mooring.
- C. No person shall deposit or cause to be deposited into waters of Edgecomb or into waters adjacent thereto any gasoline or oil or bilgewater containing same, ashes, dirt, stones, gravel, mud, logs, planks, craft or any other substance tending to obstruct the navigation of said waters of Edgecomb or waters adjacent thereto, or to shoal the depth of said waters or pollute said waters.
- D. No person shall dump or dispose of any refuse or garbage upon any shore of the Town of Edgecomb, at or between high and low water mark, or upon the waters of the rivers within the Town of Edgecomb.
- E. No person shall refuse to obey a lawful order of the Harbormaster.

Section 8
SEVERABILITY

The invalidity of any section or provision of this Ordinance shall not be held to invalidate any other section or provision of the Ordinance.

Enacted May 24, 2004