



Town of Lincolnville

Harbor Ordinance

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ARTICLE I GENERAL PROVISIONS

Section 1. Purpose and Jurisdiction

The purpose of this ordinance is to maintain order, organization, and proper utilization of the Lincolnville Harbor area, watercraft launch area, the municipal Lincolnville Fish Pier (hereinafter the “Pier”), float system and other related harbor facilities, in a manner conducive to the best interests of the Town of Lincolnville and the boating public, to ensure commercial fishermen access and to establish the rules by which the Town of Lincolnville will assign mooring privileges.

This ordinance is adopted pursuant to the specific authority granted to municipalities with regard to harbor matters as set forth in Title 38, Chapter 1 of the Maine Revised Statutes Annotated [hereinafter referred to as Title 38 M.R.S.A.]; with regard to police powers as set forth in Title 30-A M.R.S.A. §2671 et seq; with regard to the power of municipal home rule as set forth in Title 30-A M.R.S.A. §3001 et seq; and, Article VIII-A of the Constitution of the State of Maine. Where reference is made in this ordinance to the Maine Revised Statutes Annotated (M.R.S.A.) the most recent amendment shall apply.

In the event of a conflict between the provisions in this ordinance and the provisions of another municipal ordinance, which applies to the same land area, such as (without limitation) the Town’s land use ordinance, the more restrictive provision shall control. 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 Boundaries

This ordinance shall apply to all land areas covered by the waters of Lincolnville Harbor, including such land areas that are covered by those waters during part of a day and those land areas which are always covered by those waters. This ordinance shall also apply to inclines, floats and other similar structures attached to non-public piers and wharves or moored within Lincolnville Harbor limits. The Lincolnville Harbor boundary extends from the Lincolnville-Northport town line southerly to the Lincolnville-Camden town line. See Harbor Boundaries Map, Appendix A. For the purposes of these Harbor Rules and Regulations, the Harbor is divided into three areas: the inner, outer, and coastal harbor.

Inner Harbor: The inner harbor shall include that area of Penobscot Bay enclosed with the boundary lines set forth as follows: Beginning at the north turning dolphin of the Maine State Ferry Service dock (approximate position: 4410.845N/06900.312W), thence north magnetic to a point that intersects the shore at the high tide mark thence southerly along the shoreline to the north side of the ferry approach roadway (McKay Road), including all tidal waters, thence easterly to the transfer bridge to the point of beginning.

Outer Harbor: The outer harbor shall include that area of Penobscot Bay enclosed with the boundary lines set forth as follows: Beginning at Frohock Point located at the southern end of the harbor, thence easterly to the navigational buoy Bell #7 (approximate position: 4416.43N/06859.45W), thence in a northerly

direction to the shore at the Northport/Lincolnville town line. The inner and coastal harbor areas are excluded from the outer harbor.

Coastal Harbor: The coastal harbor limits shall include that area of Penobscot Bay enclosed with the boundary lines set forth as follows: The point of beginning, located on the shore at the Northport/Lincolnville town line in Ducktrap Harbor, thence on a course approximately southeast to navigational buoy Nun #2 (approximate position: 4417.09N/06859.26W), thence on a course approximately southwest intersecting with navigational buoy Bell #7, continuing in a straight line to the Waldo/Knox County line intersecting with the Town of Lincolnville coastal harbor limits hence along the county line to the shore. The inner and outer harbor areas are excluded from the coastal harbor.

Inner Harbor Channel: A convenient channel for the passage of watercraft shall be established adjacent to the Town facilities out to the coastal harbor. The channel shall be the area between the ferry dock and access road and a line from the north side of the launching ramp to the speed buoy (approximate position: 4416.51N/06900.19W).

There shall be no anchoring or mooring in any channel as designated herein. In accordance with Title 38 M.R.S.A. §2, nothing shall be allowed to block the channel or to obstruct the passage of watercraft to or from Lincolnville Harbor through a channel.

ARTICLE II HARBOR ADMINISTRATION

Section 1. Harbor Committee

A Harbor Committee shall be appointed by the Board of Selectmen as set forth below and as included within the Town Charter and shall act as an advisory committee to the Board of Selectmen on matters related to the harbor. It shall be convened quarterly, and in addition, at the request of the Harbor Master, Chairman of the Harbor Committee, Town Administrator or the Board of Selectmen, as the need may arise. The composition of the Harbor Committee shall be representative of the varied interests using the Harbor for recreational purposes as well as those using the Harbor in the course of their business. The Harbor Master shall attend all meetings of the Harbor Committee in an advisory capacity as requested by the Harbor Committee. The duties and responsibilities of the Harbor Committee shall include, but not be limited to:

- A. The provision of advice to the Board of Selectmen concerning matters related to the harbor;
- B. The development and writing of requests for state and federal grants for marine related projects;
- C. Annually review the Harbor Ordinance and make recommendations to the Board of Selectmen on desired revisions;
- D. Annually review the “Lincolnvile Pier & Float Usage Plan” and make recommendations to the Board of Selectmen on desired revisions to the Plan and to the authorized uses, time limits and hours of usage of the floats;
- E. Annually in the month of November, the Harbor Committee shall meet to form its recommendations to the Board of Selectmen of the harbor fees, including late fees for the upcoming year. When deliberating fee recommendations, the Harbor Committee shall consider the needs of the harbor facilities, the financial needs of the town, the harbor users, the current user fees charged, and user fees charged in other towns; and
- F. Annually, in the month of November, the Harbor Committee shall meet to form its recommendations to the Board of Selectmen, with a copy to the Town Administrator, on issues requiring maintenance for consideration within the next budget or immediate repair.

Section 2. Harbor Master

The Harbor Master shall be appointed by the Board of Selectmen of the Town of Lincolnvile. The Harbor Master job description shall be reviewed and approved by the Board of Selectmen annually. In all places where the “Harbor Master” is empowered to act in this ordinance, so too is any Deputy Harbor Master recommended by the Harbor Master and appointed by the Board of Selectmen to the full extent permitted by law and this ordinance. Deputy Harbor Masters shall receive direction and supervision from the Harbor Master. The Harbor Master shall report to and receive direction and supervision from the Lincolnvile Town Administrator. [Title 38 M.R.S.A. §1 and §2].

The Harbor Master shall have, in addition to the duties and responsibilities of his office as prescribed by law and this ordinance, the authority to enforce the rules and regulations of the Town of Lincolnvile as described herein. The day-to-day operation of the public

landing, boat launching ramp, mooring locations, the Pier, float system, and other related harbor facilities shall be under the direction and supervision of the Harbor Master or Deputy Harbor Master, but the Harbor Master and Deputy Harbor Master shall take direction and supervision from the Town Administrator with regard to the repair, maintenance and/or improvement of the public landing, boat launching ramp, the Fish Pier, float system, and other related publicly owned harbor facilities as well as with regard to implementation of the annual harbor facilities work plan adopted by the Board of Selectmen. The duties of the Harbor Master prescribed by law include, but are not limited to, the authority to enforce the Statutes of the State of Maine relating to the operation of watercraft in the harbor and relating to the conducting of navigation on the harbor. [Title 38 M.R.S.A. §1]

The Harbor Master and Deputy Harbor Master shall maintain all harbor related records at the Town Office.

Upon approval of the municipal officers, and upon completion of training and certification by the Maine Criminal Justice Academy as set forth in Title 25 M.R.S.A. §2804-I, the Harbor Master shall have the authority granted by law to carry a weapon and to make arrests. [Title 38 M.R.S.A. §1]

Section 3. Harbor User Fees

The Board of Selectmen shall establish a schedule of Harbor User Fees which schedule shall be reviewed and set annually in December. The schedule of fees, for residents and non-residents, shall include but not be limited to, the following:

- A. Mooring Fees including waiting list
- B. Multi-Use Moorings
- C. Rental Moorings
- D. Seasonal and Single Launching
- E. Waterproof Insulated Bait Box Storage
- F. Boom Hoist (Winch) Use by Authorized Permit Holders
- G. Commercial Pier Use
- H. Commercial Tour, Passenger Watercraft and Watercraft Rental
- I. Seafood Dealers (Class I, II, III)
- J. Bait Dealers (Class I, II, III)
- K. Floats, Inclines and Mooring Systems
- L. Other Harbor Usage
- M. Late Fees

The Town Office will bill for mooring fees no later than the second Friday of January. Mooring fees paid after the second Friday of March are subject to late fees. Late fees for mooring permits will be double the billing amount. Non-payment of mooring fees by the second Friday in April shall result in lost mooring privileges in accordance with Title 38 M.R.S.A. §3. Other Harbor User Fees must be paid prior to harbor use for which a fee is required. Other late fees may be established annually by the Board of Selectmen. With the exception of mooring fees, all fees will be discounted 50% beginning September 1st of each year. It shall be the responsibility of the Town Office to ensure that all fees are paid in full and the responsibility of the Harbor Master to ensure that harbor users have

permits. The Town Office will issue Harbor Master approved permits and instructions for their proper display to all Harbor Users.

ARTICLE III REGULATIONS CONCERNING DOCKS, FLOATS, LAUNCHING RAMP AND MOORINGS

Section 1. Municipal Pier and Floats

The Town of Lincolnville owns and operates a public pier, the Lincolnville Fish Pier (hereinafter the “Pier”). The purpose of the Pier is to provide access to the water, primarily for commercial fishermen while allowing reasonable public access to the facility.

The Harbor Master shall maintain a “Lincolnville Fish Pier & Float Usage Plan” (hereinafter the “Plan”) of the Pier and floats upon which shall be designated the two (2) hour tie-up, loading and unloading areas (including passenger staging areas), bait box area (including the names of those to whom bait box spaces have been assigned) and the skiff storage area. The Plan shall be updated and submitted by the Harbor Master to the Board of Selectmen for review and approval on an annual basis no later than the first Friday in June. The Board of Selectmen shall review, revise as it deems appropriate, and approve the Plan no later than July 1 of each year. The date of approval by the Board of Selectmen shall be noted on the Plan. The Plan shall be available for public inspection at the Town Office during normal business hours. See Lincolnville Pier & Float Usage Plan, Appendix B.

The Town Administrator, in consultation with the Harbor Master, shall submit to the Board of Selectmen a recommended annual harbor facilities work plan and description of how all work is proposed to be funded on or before March 1 of each year. The Board of Selectmen shall approve an annual harbor facilities work plan on or before July 1 of each year, and said annual work plan shall serve as the general guide to the repair, maintenance and/or improvement of the public landing, boat launching ramp, the Fish Pier, float system, and other related publicly owned harbor facilities in the ensuing year.

A. Pier, Inclines and Floats

1. Use of the Pier is restricted to loading and unloading and the storage of bait and fishing gear in designated areas.
2. There shall be no unattended vehicles, including cars and trucks parked on the Pier. An attended vehicle may be parked while loading or unloading only. An attended vehicle is a vehicle in which the operator of the vehicle is present on the Pier, floats, or watercraft moored or docked in the harbor. Unattended vehicles will be towed.
3. The Pier access roadway shall be left open at all times. All obstructions will be removed at the direction of the Harbor Master.
4. Short term (less than 24 hour) gear storage is allowed on the Pier. No gear or other material may be placed in front of the access to the ladders, inclines, or the winch take-out areas.

5. Gear shall not be stored on the floats except for the short period of time necessary for loading and unloading. All obstructions will be removed at the direction of the Harbor Master.
6. No trash debris, garbage, waste, fuel or oil may be left on the Pier, inclines or floats.
7. Swimming from the town facilities and mooring area adjacent to the Pier is prohibited.
8. Fishing is not allowed from the pier. Fishing is allowed from floats provided it does not interfere with watercraft activities.
9. Any watercraft exceeding forty-five (45) feet in length is required to tie directly to the Pier.

B. Boom Hoists (Winch)

1. Boom hoists shall be operated by authorized permit holders only.
2. The water area directly beneath the boom hoist and adjacent to the Pier shall be reserved for loading and unloading only. All obstructions will be removed at the direction of the Harbor Master.
3. The Harbor Master shall post a sign indicating the boom hoist safe lifting capacity. If a sign is missing the maximum lifting capacity shall be one thousand (1000) pounds.
4. The wash-down pump shall be operated by authorized permit holders only.

C. Floats

1. Authorized uses, hours of usage and time limits of usage of floats shall be clearly posted at the facility and shall include:
 - a) Areas used exclusively for the loading and unloading of passengers and/or gear. The period of time for loading and unloading in these areas cannot exceed twenty minutes if another watercraft is waiting to load or unload. All watercraft are to be attended in a loading or unloading area. An attended watercraft is a watercraft in which the operator of the watercraft is present on the town facility or the watercraft. Unattended watercraft will be removed at the direction of the Harbor Master.
 - b) Areas available for watercraft tie-up for periods not to exceed two (2) hours. Watercraft tied in these locations can be left unattended.
 - c) Areas available for longer term tie-up between the hours of 6:00 PM and 4:00 AM.
2. Use of the float system is limited to watercraft of up to forty-five (45) feet in length.
3. Overnight docking is prohibited.
4. Watercraft tied-up to the town facility in excess of the posted time limit will be ticketed unless prior permission of the Harbor Master is granted.

Section 2. Moorings

The Harbor Master shall designate mooring locations and maintain a plot plan of watercraft and the area(s) to be used as waterways (channels). See also Article I Section 2 of this ordinance. The plan shall also include the mooring locations designating the

harbor user number, name of owner, name of watercraft and the latitude and longitude of the mooring (utilizing a GPS system). The plan shall be reviewed, updated and submitted to the Town Office by the Harbor Master on annual basis no later than the third Friday in June. The date of review and update shall be noted by the Harbor Master on the plan. The plan shall be available for public inspection at the Town Office during normal business hours.

Notwithstanding any other provision of this ordinance to the contrary, in order to avoid the appearance of impropriety, any decisions related to Harbor Master or Deputy Harbor Master mooring site applications or mooring site locations shall be made by the Town Administrator. Any appeal of the Town Administrator's decision in this regard shall be to the Board of Selectmen pursuant to Article VI, except that (i) references to the "Harbor Master" in Article VI shall be substituted with the term "Town Administrator," and (ii) the last paragraph of Article VI regarding an informal meeting shall not apply to such an appeal.

All mooring sites shall be under the direct control of the Harbor Master and assigned by the Harbor Master on a first-come, first-served basis to qualified applicants for mooring sites. The assignment of mooring sites shall be made by the Harbor Master in accordance with the following priorities and consistent with the provisions of state law:

- a) Property owners with real estate abutting the waters immediately adjacent to the proposed mooring location pursuant to Title 38 M.R.S.A. Chapter 1 §3;
- b) Residents engaged in commercial fishing activity as defined in Title 12 M.R.S.A. §1862;
- c) Resident engaged in non-fishing commercial activity;
- d) Resident non-commercial;
- e) Non-residents engaged in commercial fishing activity as defined in Title 12 M.R.S.A. §1862;
- f) Non-resident engaged in non-fishing commercial activity;
- g) Non-resident non-commercial.

In the event that the Harbor Master receives more applications for mooring sites than there are mooring spaces, then the Harbor Master shall assign the next available mooring site from the applicants on the applicable waiting list as herein described. Mooring allocations to non-residents will be made pursuant to 38 M.R.S.A. §7-A.2. Annually by the third Friday of February, the Harbor Master will calculate the percentage of non-residents in accordance with the allocation set forth in Title 38 M.R.S.A. §7-A.

An existing mooring site holder who obtains a larger or smaller vessel will be assigned to an appropriate site with privileges intact.

The regulations contained in this section shall be interpreted in a manner consistent with the requirements of the U. S. Army Corps of Engineers for federal anchorages and with the requirements of state law. [Title 38 M.R.S.A. §3, §7-A, §8, and §11]

A. Mooring Area Categories

There shall be three categories of mooring areas, the inner harbor, outer harbor, and the coastal harbor. Holders of mooring site permits in one category are not precluded from holding mooring sites in another category in accordance with the provisions of this ordinance.

Mooring uses shall be permitted in each of the three mooring areas in accordance with the provisions of this ordinance as follows:

1. Inner Harbor: Individual, non-commercial and commercial moorings, multi-use moorings, rental moorings as set forth in Article XI, guest moorings and service moorings.
2. Outer Harbor: Individual, non-commercial and commercial moorings, rental moorings, guest moorings and service moorings.
3. Coastal Harbor: Individual, non-commercial and commercial moorings, rental, guest and service moorings.

B. Application for Mooring Site Permit

New Applications: Persons applying for a new mooring site permit in the inner, outer, or coastal harbors must complete an application form available at the Lincolnville Town Office and submit that form, together with the required fees, to the Town Office. If an appropriate mooring site is not available, the applicant may be placed on the appropriate waiting list until a suitable mooring site becomes available in accordance with the mooring waiting list provisions set forth in this ordinance.

Renewal Applications: All mooring permits expire on December 31st and must be renewed annually with the required fees paid using the form provided by the Town Office.

Upon assignment of a mooring site location by the Harbor Master, the Town Office shall assign a registration number. All fees must be paid in advance in accordance with Article II Section 3, above.

C. Mooring Permit

Moorings shall be assigned to the watercraft of a specific individual, corporation or other entity. No mooring site permit holder shall assign, rent, sub-lease or transfer their mooring site to any person, or for the use of any other watercraft not assigned to that mooring unless otherwise permitted in this ordinance.

At the termination of a mooring site permit, the permit holder shall be responsible for removal of the mooring hardware unless the subsequent mooring site permit holder purchases said hardware.

In accordance with Title 38 M.R.S.A. §3-A, a mooring assignment may be transferred, only at the request or 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. "Member of the assignee's family" means an assignee's parent, child or sibling, by birth or by adoption, including a relation of the half blood, or an assignee's spouse. Mooring assignments not used for commercial purposes may transfer to surviving member of immediate family upon assignee's death only if said member of immediate family holds joint ownership interest in the watercraft assigned to the mooring and is named on the mooring site permit.

No person shall move or interfere with any mooring except upon direction of the Harbor Master. The Harbor Master shall be promptly notified of a proposed change of a watercraft on a mooring site, and such change shall be permitted only upon the written approval of the Harbor Master.

D. Mooring Waiting Lists

If the number of applications for mooring sites in the inner, outer or coastal harbor exceeds the number of available mooring sites, the applicant may place his/her name on a waiting list, after paying an annual fee as set by the Board of Selectmen. The Harbor Master shall establish three mooring waiting lists in accordance with this section, one for the inner harbor mooring area, one for the outer harbor mooring area, and one for the coastal harbor mooring area. A holder of a mooring site permit in the outer or coastal harbor may remain on the waiting list for a site in the inner harbor mooring area. The waiting lists shall be maintained at the Lincolnville Town Office and shall be available for public inspection during normal business hours. Applicants shall be identified on a waiting list by date of receipt of the application. Persons notified by the Harbor Master of an available mooring site must respond in a timely manner and file an application in accordance with this ordinance.

When assigning a mooring site, if the Harbor Master skips over anyone on the waiting list, the Harbor Master will notify the person or persons skipped over in writing. The Harbor Master's decision is subject to appeal by the person skipped over as outlined in this ordinance. If the Harbor Master's decision is appealed, the mooring site will not be assigned until the appeal process has been exhausted as set forth in Article VI of the Ordinance or the appeal is withdrawn.

E. Mooring Standards and Inspection

All moorings shall be of sufficient size to hold the watercraft for which it is used and shall conform to any additional standards reasonably specified by the Harbor Master. All moorings shall have registration numbers clearly visible at all times.

Mooring owners shall be responsible for the maintenance of their moorings and all moorings shall be inspected annually by a qualified inspector. A list of qualified inspectors shall be submitted by the Harbor Master, after consultation with the Harbor Committee, to the Board of Selectmen for review and approval on an annual basis no later than the second Friday in November. The Board of Selectmen shall review, revise as it deems appropriate, and approve the list of qualified inspectors no later than December 31 of each year. The list of qualified

inspectors shall be available for public inspection at the Town Office during normal business hours. A form for the purpose of recording said inspection shall be sent to mooring owners annually along with the mooring permit fee bill, which form shall be returned to the Town Office on or before July 1. Failure to timely return said form shall result in the assessment of late fees as established annually by the Board of Selectmen. The Harbor Master may at any time examine any mooring or mooring line to determine compliance with this section. Except in the case of emergency, he/she shall notify the owner of his/her intention to examine the mooring and request the presence of the owner during such examination. Use of moorings found to be inadequate shall be terminated until the mooring is repaired. Watercraft owners and/or mooring owners shall be liable for any damage caused by faulty, inadequate, or improperly placed moorings.

F. Multi-Use Moorings

All multi-use moorings shall be subject to the same provisions as other mooring permits in Article III Section 2 C., above, except that multi-use mooring permit holders may rent their mooring so long as the mooring is occupied by the watercraft assigned to that mooring for at least thirty (30) consecutive days per year. Said permit holder must document the thirty-day period, in writing, to the Harbor Master. In addition, the mooring rental must be made to watercraft suitable for that mooring location as determined by the Harbor Master. Any mooring intended for use as a rental mooring must have an Army Corps of Engineers permit attached to the application.

Multi-use moorings, if rented for a duration of greater than two (2) weeks, must first be offered for rent to individuals on the mooring waiting list in the same order of priority as set forth in that mooring waiting list. In addition, rentals must be offered to individuals on the mooring waiting list in accordance with the duration of time such individuals have remained on the waiting list. The Town Office will maintain a list of those wait-listed individuals wishing to rent a multi-use mooring. All rentals of multi-use moorings will be under the direction of the Harbor Master.

Individuals, corporations and other entities shall be limited to one multi-use mooring in the inner harbor. Multi-use moorings shall not be permitted in the outer and coastal harbors.

G. Guest and Service Moorings

No individual, municipality, corporation or other entity holding a mooring permit or permits may offer them as a guest or service mooring without prior written approval from the Harbor Master and the U.S. Army Corps of Engineers. Any mooring intended for use as a guest or service mooring must have an Army Corps of Engineers permit attached to the application.

Town Guest Moorings: The Board of Selectmen may establish the number of and fee for guest moorings for use by visiting watercraft. These shall be overseen, inspected and maintained under the supervision of the Harbor Master. The

Harbor Master shall also assign these moorings on a first-come, first-served basis and insure that the visiting watercraft is of appropriate size for the mooring. The maximum length of time guest moorings may be used by visiting watercraft shall be governed by a policy adopted by the Board of Selectmen.

The Harbor Master shall annually, in November, advise the Board of Selectmen of the usage of the guest moorings, the need for additional guest moorings and the condition of the guest moorings. Any additional guest mooring sites shall be assigned in accordance with the provisions of this ordinance.

Individual, Non-Commercial Guest and Service Moorings: All individual, non-commercial guest and service moorings shall be subject to the same provisions as other individual, non-commercial moorings, except they will not have a boat assignment.

Commercial Guest and Service Moorings: All commercial guest/service moorings shall be subject to the same provisions as other commercial moorings, except they will not have a boat assignment.

Guest and/or Service moorings shall be permitted in the coastal harbor at the discretion of the Harbor Master in accordance with the provisions of this ordinance provided that the mooring permit holder has his/her own access point from shore, exclusive of the Lincolnville harbor facility.

H. Rental Moorings

Mooring site assignments may not be rented unless the provision for rental was part of the agreement when the mooring was assigned. [Title 38 M.R.S.A. §3]. No person holding a mooring permit or permits may rent them without prior written approval from the Harbor Master and the U.S. Army Corps of Engineers. Any mooring intended for use as a rental mooring must have an Army Corps of Engineers permit attached to the application.

Inner harbor: There shall be no rental moorings in the inner harbor except those permitted as set forth in Article XI.

Outer harbor: Individuals, corporations and other entities shall be limited to one rental mooring in the outer harbor.

Coastal harbor: Rental moorings shall be permitted in the coastal harbor at the discretion of the Harbor Master in accordance with the provisions of this ordinance provided that the mooring permit holder has his/her own access point from shore, exclusive of the Lincolnville harbor facility.

I. Mooring Site Usage

From April 1st through November 1st, mooring holders may not transfer or reassign their moorings but may allow them to be used by another individual for a period not to exceed fourteen (14) days with written notice to, and written approval from the Harbor Master. From November 2nd through March 31st,

mooring holders may permit the Harbor Master to assign watercraft to their moorings for reasons of safety, security, or other compelling reason.

Unless otherwise permitted in this ordinance, use of moorings is defined as sixty (60) nights of occupancy during the calendar year by the watercraft that belongs to the permit holder. Exceptions to the 60-night occupancy may be allowed with prior notice to and permission from the Harbor Master. The Harbor Master may also grant a waiver to this requirement for family emergencies and/or other unique circumstances.

If a watercraft is sold or otherwise disposed of after the mooring site is assigned, or if the mooring site is not used by the holder during the 60 night occupancy requirement, the mooring site permit holder shall have until the next renewal period to acquire a suitable watercraft for that mooring location. If the permit holder fails to acquire a suitable watercraft for that mooring location, the mooring site assignment shall expire and the Harbor Master shall assign the mooring site location following the waiting list procedure of this ordinance.

J. Littoral Owner Moorings

The Harbor Master shall assign one mooring site to each littoral owner who owns shore rights to a parcel of land of at least one-hundred (100) feet of shore frontage, so long as the assignment of such a mooring is practicable and so long as that littoral owner is the master or owner of a watercraft. Such mooring site shall be either temporary or permanent, as requested by the littoral owner, and such mooring site shall front the land of the littoral owner, if so requested, but only in the event that such a mooring site does not encroach upon the natural channel or channels established by this ordinance. The assignment of this mooring site shall not prevent the littoral owner from receiving additional mooring assignments under the allocation system for other mooring sites set forth in this section of the ordinance and in Title 38 M.R.S.A. §3. The provisions set forth in this paragraph shall conform to the requirements of Title 38 M.R.S.A. §3.

K. Allocation of Mooring Sites to Non-Residents

The application for a mooring site shall specify each applicant who is a non-resident. The Harbor Master shall designate on each mooring waiting list each person, corporation, or entity which is a non-resident. Assignments of mooring sites from a waiting list shall conform with the requirements for allocations to non-residents as set forth in Title 38 M.R.S.A. §7-A (2).

Section 3. Bait Box Container Space

There shall be bait box container spaces available on the Pier to Lincolnville Residents. Bait will be stored in the designated spaces in waterproof, covered, and insulated 4' x 4' (four feet by four feet) containers. Bait Box spaces will be numbered as shown on the Lincolnville Pier & Float Usage Plan and will be assigned to individual bait box users. In order to be eligible to be assigned a bait box space on the Pier, an individual must be: (1) a holder of a State of Maine issued Lobster & Crab Harvesting License Class I, II or III; and, (2) be a mooring holder in Lincolnville's inner, outer, or coastal harbor. Individuals

meeting this criteria and desiring a bait box container space assignment shall complete a bait box space application designating the number of space assignments desired and pay the appropriate fee at the Town Office by no later than the third Friday in April. If the spaces requested exceed the number of available bait boxes, there shall be a waiting list.

If the bait box container space is not used for the storage of bait by the holder during the year in which it is assigned, the bait box space assignment shall expire and the Harbor Master shall assign the bait box space following the waiting list procedure of this ordinance to the extent practical, as set forth in Article III, Section 2(D), for the mooring waiting list.

Section 4. Tenders

A. Issuance of Tie-Up Privileges

All mooring permit holders shall be issued tender tie-up privileges. For the reason of public safety, the Harbor Master shall be entitled to one preferred tender space.

Lessors of rental moorings and owners of watercraft tied up to a guest mooring shall have tender tie-up privileges.

B. Tender Requirements

1. Tenders granted tie-up privileges at the public landing shall not exceed fourteen (14) feet in length.
2. Tenders shall not be stored on the float system except just prior to and during a storm; tenders will be removed from the floats after the storm within a reasonable period of time.
3. Tenders must be maintained in a “bailed out” condition and proper fendering is required to minimize damage to adjacent skiffs.
4. All tenders using the public facilities shall have the mooring registration number clearly lettered thereon in letters at least two inches (2”) high in a color that contrasts with the color of the tender.
5. Tenders may only be used by the owner of the tender or by persons authorized by the owner.

Section 5. Launching Ramp

The Harbor Master shall have jurisdiction over municipal marine launching ramps. The ramps shall be left accessible at all times for the hauling and launching of watercraft except with permission of the Harbor Master. Watercraft shall not be left unattended. Vehicles, trailers and watercraft shall be parked in designated areas only. All obstructions will be immediately removed from the ramp.

Section 6: Parking Privileges

Parking for mooring permit holders is adjacent to the launching ramp and in the State Ferry Lot on a first-come-first-served basis for Harbor Use Permit Holders only. The permit parking spaces in the State Ferry Lot are intended for commercial fishermen. Overnight parking is prohibited in the State Ferry Lot. Overnight parking adjacent to the launching ramp is prohibited unless with the permission of the Harbor Master. Parking enforcement is in accordance with the Town Parking Ordinance. In addition, the Board

of Selectmen may appoint the Harbor Master and Deputy Harbor Master annually as parking enforcement officers.

ARTICLE IV REGULATIONS CONCERNING INCLINES, FLOATS AND OTHER SIMILAR STRUCTURES ATTACHED TO NON-PUBLIC PIERS AND WHARVES OR MOORED WITHIN LINCOLNVILLE HARBOR LIMITS (INCLUDING INNER, OUTER, AND COASTAL HARBORS)

Section 1. Standards for Inclines, Floats and Other Similar Structures

- A. Each non-public pier or wharf shall be limited to one float.
- B. Non-public floats shall not exceed sixteen (16) feet in width and twenty-eight (28) feet in length and shall extend no more than three (3) feet above the surface of the water.
- C. Non-public inclines shall not exceed forty-two (42) feet in length; except with a written waiver from the Planning Board. The Planning Board has authority to waive the length requirement for a non-public Incline only in the event that the applicant submits a written request for a waiver to the Planning Board and the Planning Board determines that the waiver meets the standards set forth below:
 - (1) At the location where the non-public incline would be installed, the non-public incline cannot function effectively unless the length exceeds forty-two (42) feet; provided, however, that the extension of the non-public incline beyond the forty-two (42) length limitation shall not be greater than the least extension which accomplishes the functional requirements of the non-public incline.
 - (2) The installation of the extension of the incline beyond the length limitation shall not create an unsafe condition for users of the harbor.

In connection with the standards set forth in Section 1 C (1) and (2) above, the Planning Board shall receive and consider the written recommendations of the Harbor Master.

- D. Non-public floats and inclines shall be secured by pilings or moorings and associated gear of sufficient size to hold the structure for which it is used and shall conform to any additional standards reasonably specified by the Harbor Master
- E. Non-public floats, inclines and mooring systems shall be registered with the Town and a fee paid annually.
- F. Non-public floats, inclines and mooring systems shall obtain all required state and federal permits.
- G. For purposes of this Ordinance, the term “non-public inclines” shall mean “a structure that is not proposed to be owned by a federal, state or local government agency that connects the pier or wharf to a float for access. One end of the incline is affixed to the pier or wharf and the other end allowed to ride along the float to allow for the changing water elevation due to tidal or wave action. An incline is also often referred to as a gangway or ramp.”

Section 2. Non-Public Piers and Wharves

- A. No non-public pier shall exceed sixteen (16) feet in width. No non-public pier or wharf shall extend fifty (50) feet beyond mean low water; except with a written waiver from the Planning Board. The Planning Board has authority to waive this limitation for a non-public pier or wharf only in the event that the applicant submits a written request for a waiver to the Planning Board and the Planning Board determines that the waiver meets the standards set forth below:
- (1) At the location where the non-public pier or wharf would be installed, the non-public pier or wharf cannot function effectively unless extending further than fifty (50) feet beyond the mean low water mark; provided, however, that the extension of the non-public pier or wharf beyond the mean low water mark shall not exceed the shorter distance of the following:
 - (a) 100 feet (as measured from mean low water), or
 - (b) To a point where the depth of water at the end of the pier (or float if one is proposed) at mean low water does not exceed six (6) feet at the shallow end of the float or six (6) feet at the end of the pier.
 - (2) The extension of the length of the non-public pier or wharf more than fifty (50) feet beyond the mean low water mark shall comply with all of the requirements set forth in Article IV, Section 2(B)(4) (a) – (c), for the area of the harbor in which the non-public pier or wharf shall be located.
 - (3) The installation of the extension of the pier or wharf more than fifty (50) feet beyond the mean low water mark shall not create an unsafe condition for users of the harbor.

In connection with the standards set forth in Section 2 A (1), (2), and (3) above, the Planning Board shall receive and consider the written recommendations of the Harbor Committee. In the event that the decision of the Planning Board concerning a waiver does not conform with the recommendations of the Harbor Committee, then the Planning Board shall submit, to the Harbor Committee, written finding of fact, stating, in detail, the reason for its decision and the evidence upon which that decision was based.

- B. The Planning Board shall review an application for a non-public pier or wharf for conformity with the standards set forth in Article IV, Section 2 (B) (4) below and for compliance with the provisions of Section 16 (C) of the Town's Land Use Ordinance and for compliance with any other applicable provisions of the Town's Land Use Ordinance.
- (1) For purposes of this review, an applicant shall submit an application containing the information required as set forth below.
 - (a) A location map showing the project;
 - (b) A sketch showing a front and side view, and any float system; and
 - (c) Design engineering drawings of the pier or wharf from an

experienced marine contractor or an engineer with an engineer's seal or stamp.

- (2) Upon submission of the application, in the event that the Planning Board determines that the application is complete, then the application together with related documents shall be dated and forwarded within seven (7) days to the Harbor Committee.
 - (a) The Harbor Committee shall meet and review the application and all submissions with the application within thirty (30) days of receipt of the application by the Harbor Committee. The review and comments of the Harbor Committee shall be in writing, shall specifically address the standards set forth in Article IV, Section 2 (B) (4) below, shall state the reasons for the comments and recommendations of the Harbor Committee, and of the Harbor Master, if different from the Harbor Committee, and shall be reported to the Planning Board for review and action by that Board.
- (3) Upon receipt and review of the comments and recommendations of the Harbor Committee, the Planning Board shall consider the application following a public hearing; that public hearing shall occur within thirty (30) days of the date of submission of the Harbor Committee's comments and recommendations to the Planning Board and, following the public hearing, the Planning Board shall either approve, approve with conditions, or deny the proposed project, in accordance with the standards of Article IV, Section 2 (B) (4) below.
- (4) The Planning Board shall review the project for compliance with the applicable provisions of the Land Use Ordinance set forth above, including the provisions of Section 16 (C) and any other pertinent provisions of the Town's Land Use Ordinance and, in addition thereto, the standards set forth below; provided, however, that in connection with the review by the Planning Board of the standards set forth below, the Planning Board shall fully consider the written comments and recommendations of the Harbor Committee. In the event that the decision of the Planning Board does not conform with the recommendations of the Harbor Committee, then the Planning Board shall submit, to the Harbor Committee, written finding of fact, stating, in detail, the reason for its decision and the evidence upon which that decision was based.

1. The Inner Harbor.

That the proposed project will not:

- a. Encroach into, interfere with, or pose a hazard to navigational channels;
- b. Interfere with access to and from existing mooring and berthing areas for both commercial and residential uses;
- c. Reduce or eliminate the existing mooring and berthing areas, both public and private, commercial and recreational;

- d. Interfere with public access to and use of harbor waters and facilities.

2. The Outer Harbor.

That the proposed project will not:

- a. Encroach into, interfere with, or pose a hazard to, the navigational channels between the inner harbor and the bay and from the pier to the main channel;
- b. Eliminate or interfere with existing and designated mooring and anchorage areas and access thereto;
- c. Cause a significant adverse impact on traditional uses, including commercial, fishing, shellfishing and clamming areas, and access thereto;
- d. Interfere with public boat launching and pier facilities;
- e. Block or interfere with public rights of passage and uses of the shores and flats;
- f. Adversely affect recreational boating activities.

3. The Coastal Harbor.

That the proposed project will not:

- a. Interfere with, or pose a hazard to, the navigational channels between the inner harbor, outer harbor and the bay, and from the pier to the main channel;
- b. Eliminate or interfere with existing and designated mooring and anchorage areas and access thereto;
- c. Cause a significant adverse impact on traditional uses, including commercial fishing, shellfishing and clamming areas, and access thereto;
- d. Interfere with public boat launching and pier facilities;
- e. Block or interfere with public rights of passage and uses of the shores and flats;
- f. Adversely affect recreational boating activities.

- C. Following the decision of the Planning Board concerning the application, the Planning Board shall issue written findings of fact and conclusions of law approving the project, approving the project with conditions, or denying the proposed project; such written findings of fact and conclusions of law shall be issued within thirty (30) days of the date of the Planning Board's decision and sent to the applicant and the Harbor Committee.
- D. Construction of an approved project for a non-public pier or wharf shall commence within one year of the date of approval by the Planning Board and shall be completed within two (2) years of the date of issuance of any necessary permits for the project in accordance with the Town's Land Use Ordinance and this Harbor Ordinance.
- E. In the event that the applicant has good cause for a failure to commence the construction as required above, then the person with a permit may apply to the Planning Board for a one-time extension in which to commence construction. Only one one-time extension shall be allowed, the extension must be based upon a showing of good cause by the applicant, and this extension shall not exceed six (6) months in duration. In the event that actual physical construction is not completed as required above, the person

with a permit may apply to the Planning Board for an extension of time in which to complete the proposed construction project. The time extension shall not exceed one (1) year in duration.

- F. An appeal from a decision of the Planning Board concerning a waiver or approving or denying the project may be taken to the Board of Appeals by an aggrieved party within thirty (30) days of the date of the written decision being appealed, and not otherwise. Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to the Superior Court from a decision of the Board of Appeals within thirty (30) days of the date of that decision in accordance with Rule 80-B of the Maine Rules of Civil Procedure.

ARTICLE V GENERAL REGULATIONS

Section 1. Abandoned Watercraft

No watercraft shall be left abandoned in any part of the Harbor or along the shore. Any such craft becoming waterlogged shall be removed within a reasonable period of time as directed by the Harbor Master. Should the whereabouts of the owner be unknown, said craft shall be removed under the supervision of the Harbor Master. Abandonment shall be subject to the penalties set forth in Title 38 M.R.S.A. §9.

Section 2. Anchorage Area

The temporary anchorage area is north of the State of Maine Ferry Pier, and east of the outermost permanent mooring and at a safe distance. All temporarily anchored boats are under the direct control of the Harbor Master.

Section 3. Aquaculture

All permit applications for aquaculture facilities within Lincolnville's inner, outer or coastal harbors shall be submitted to the Board of Selectmen simultaneously to the submittal of application to the state and/or federal authority with jurisdiction over these matters. This is to allow timely consideration of the impact of the proposed facility on coastal Lincolnville by town authorities.

Section 4. Cleaning of Marine Life

Except for the disposal of organic marine life incidental to the cleaning of sport fish, inadvertent spillage of bait, cleaning of bait containers or other similar activities resulting in minimal organic marine life refuse, no persons shall dispose of fish, lobsters, crabs, scallops, shrimp, clams, bait, other marine life or parts thereof from the Pier, floats, or watercraft moored or anchored within the inner or outer harbors.

Section 5. Discharge of Refuse

No person or watercraft shall dump or dispose of any refuse or garbage upon the shore of any Lincolnville Harbor, at high or low water mark or upon the waters of the inner, outer or coastal harbor. No person or watercraft shall deposit, throw, sweep or cause to be deposited or swept into the waters of the inner, outer or coastal harbor or into the waters adjacent thereto any quantities of gasoline, oil, fuel or bilge water containing the same, or ashes, dirt, stones, gravel, mud, logs or planks, or any other substance tending to obstruct the navigation of said Harbor or waters adjacent thereto, or to shoal the depth of said Harbor or pollute the water thereof.

Section 6. Expense of Removing a Watercraft

In the event that the Harbor Master removes a watercraft as set forth in this ordinance, and pursuant to Title 38, M.R.S.A. §5, such removal shall be at the cost and risk of the owner of the watercraft. The Harbor Master shall charge a fee in accordance with Title 38 M.R.S.A. §5, to be paid by the master or owner of the watercraft, which charge, together with the cost of the crew and/or equipment for removing that watercraft. In addition, the Harbor Master may collect by a civil action in the District Court in accordance with state law.

Section 7. Lost or Abandoned Property

Property found within the harbor facility or harbor boundaries that, in the judgment of the Harbor Master, appears to be lost or abandoned, shall be removed by the Harbor Master and held at the Town Office or placed in storage. The Town of Lincolnville or its officials shall not be held liable for any damage or loss to such property before or after assuming custody. Property so taken into custody shall be released to the owner by the Town Administrator upon satisfactory proof of ownership and full reimbursement to the Town for any costs incident to recovery, movement and storage.

Section 8. Obstruction of Navigation

No person shall place buoys, including fishing buoys or other floating structures of any type, within the designated channel as shown on the Harbor Boundaries Map. Any persons so ordered by the Harbor Master to remove or relocate a mooring because of its danger to other moorings, shall remove the same within a reasonable period of time as directed by the Harbor Master. In the event of an emergency requiring immediate action to prevent injury to life or damage to property, the Harbor Master may cause said mooring and any watercraft attached thereto to be removed and relocated. Any expense involved shall be borne by the owner of the mooring or watercraft being removed. In addition, the Harbor Master shall have the authority to remove watercraft as set forth in Title 38, M.R.S.A. §5.

Section 9. Revocation of Mooring and Pier Privileges

In addition to the penalties provided for elsewhere in this ordinance, the Harbor Master may revoke the privilege of the master and/or owner of any watercraft to moor, tie-up or utilize the Pier, floats and launch ramps and other harbor facilities for any of the following reasons:

- A. Failure to comply with the instructions of the Harbor Master without delay in the movement of a watercraft or gear from public facilities.
- B. Actions that demonstrate a disregard for the public safety.
- C. Conduct by crew or a guest that creates a public nuisance.
- D. Actions that violate and federal, state or local laws, ordinances or lawful regulations.

All persons who had been assigned a mooring and whose mooring assignment is to be terminated by the Harbor Master for reasons of non-compliance with this ordinance or any other reason shall receive written notification from the Harbor Master. This notice shall state the fact of termination and the reason for termination, and inform the party whose mooring assignment is being terminated of his or her right to appeal the decision.

Section 10. Special Events

The Board of Selectmen, in consultation with the Harbor Committee, may permit special events upon application to and approval provided that the normal operation of the Pier, including commercial use, is not disrupted. Special event applicants shall provide a certificate of insurance covering the event, agreed upon law enforcement assistance for traffic or crowd control, and an agreement to set up and clean up the harbor facility for

the event. Applications must be filed with the Town Office at least thirty (30) days prior to the proposed event. Fees for harbor facility use for all events shall be set by the Board of Selectmen following a recommendation from the Harbor Committee.

Section 11. Speeding

Speed shall be restricted in the inner, outer and coastal harbor mooring areas to the slowest speed required to maintain headway.

Section 12. Watercraft as Residence

No person shall moor any watercraft owned or occupied by him/her and which is being used primarily for residential purposes within the harbor boundaries without the permission of the Harbor Master.

Section 13. Water Sports

No person shall operate a watercraft towing a surfboard, water-skis, inflated tube or other similar device within the established mooring areas.

ARTICLE VI APPEAL OF HARBOR MASTER DECISION

Any person aggrieved from a decision of the Harbor Master in accordance with this Ordinance may appeal that decision to the Board of Selectmen by following the appeal procedure set forth in this Article.

An appeal to the Board of Selectmen shall be in writing and shall state, in detail, the reason for the appeal, and the decision of the Harbor Master from which that party is making an appeal; such written appeal shall state specifically the reason or reasons that the appellant concludes that the Harbor Master's decision is not consistent with this Ordinance or with state or federal law.

An appeal to the Board of Selectmen from a decision of the Harbor Master shall be filed in the Town Office, on a form provided by the Town Administrator for that purpose, within thirty (30) days of the date of the Harbor Master's decision. No appeal shall be considered by the Board of Selectmen unless the appeal has been filed within the thirty (30) day time period required in this Ordinance.

If the aggrieved party files a timely appeal, in writing, to the Board of Selectmen, the Board shall convene a hearing before that Board in which the appellant has the opportunity to appear, in person or with an attorney, in order to present witnesses and to provide testimony and other evidence concerning the appeal.

Following the hearing, the Board of Selectmen shall make a decision concerning the appeal and shall provide the appellant with a written decision, including findings of fact, within fourteen (14) days of the date of the hearing.

Any appeal of a decision by the Board of Selectmen, by an aggrieved party, may be taken, within thirty (30) days of the date of the written decision of the Board of Selectmen in accordance with Rule 80-B of the Maine Rules of Civil Procedure.

At any time after the filing of the written appeal and, by submission of a written request to the Town Administrator no less than seven (7) days prior to the scheduled hearing before the Board of Selectmen, the appellant may request that the Town Administrator schedule a meeting with the appellant, the Harbor Master and the Harbor Committee for the purpose of resolving the grievance informally.

ARTICLE VII PENALTIES AND ENFORCEMENT

The Harbor Master and all law enforcement officers shall have the authority and power to enforce the provisions of this ordinance and all other laws and ordinances that are applicable to the harbor, waterfront and watercraft.

The master, owner or owners of any watercraft or any other person who shall violate any of the provisions of this ordinance, for which a specific penalty is not set forth herein, or for which a specific penalty is not otherwise provided by the laws of the State of Maine, shall be subject to the monetary penalties in accordance with state law. Such penalties shall be recoverable in the District Courts or Superior Court of the State of Maine. [Title 30-A M.R.S.A. §4452].

Violations of this ordinance, which also constitute violations of the laws of the State of Maine, with regard to speed restrictions, operation of a watercraft so as to endanger persons or property, reckless operation of a watercraft, and operation of a watercraft under the influence of drugs or liquor, shall be subject to the penalties set forth in state law. [Title 38 M.R.S.A. §285]

In addition to the monetary penalties set forth herein, a violator of this ordinance shall also be subject to an order of abatement of the violation as set forth in Title 30-A M.R.S.A. §4452; and that violator shall further be subject to an action by the Town of Lincolnville, in a court of competent jurisdiction, for injunctive relief in order to prevent or abate violations of this ordinance; or for any other relief set forth in Title 30-A M.R.S.A. §4452.

ARTICLE VIII VALIDITY AND SEPARABILITY

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions.

ARTICLE IX EFFECTIVE DATE

The effective date of this ordinance is seven days after the passage of the ordinance, which is: November 14, 2006. Enactment of this ordinance shall repeal any previously existing Lincolnville Harbor Ordinance or Rules and Regulations. This ordinance, upon the effective date, shall supercede any such Ordinance or Rules and Regulations.

ARTICLE X DEFINITIONS

Anchorage Area: An area of the harbor set aside for the temporary anchoring of watercraft.

Aquaculture: The culture or husbandry of marine organisms.

Bait Box: A waterproof, covered, insulated container approximately 4 feet wide by 4 feet long used for the storage of bait.

Bait Dealer: An individual who sells bait for commercial fishermen.

Boom Hoist (Winch) Permit Holder: A person who has been trained by the Harbor Master in the proper and safe operation of the boom hoist(s) and has paid the appropriate fee.

Commercial Fishing Activity: Any activity involving the landing or processing of shellfish, finfish or other natural products of the sea or other activities directly related to landing or processing shellfish, finfish or natural sea products, including fueling, loading or selling these products. [Title 12 M.R.S.A. §1862]

Commercial Non-Fishing Activity: Any commercial activity, not classified as a commercial fishing activity, involving the use of the harbor facility in an attempt to realize a profit, including commercial tour, passenger watercraft and watercraft rental enterprises.

Commercial Pier Use: Use of the Pier in an attempt to realize a profit.

Commercial Tour, Passenger Watercraft and Watercraft Rental: A person or company that drops off or picks up people that utilize the Pier in an attempt to realize a profit.

Float: Any floating structure normally used commercially or privately as a point of transfer for passengers and goods.

Guest/Service Mooring: An individual, town-owned, non-commercial or commercial mooring without a boat assignment that is not for rent.

Harbor Master: That person appointed by the Board of Selectmen of the Town of Lincolnville pursuant to Title 38 M.R.S.A. §1 and the Harbor Ordinance for the Town of Lincolnville. In all places where the “Harbor Master” is empowered to act in this ordinance, so too is any Deputy Harbormaster, to the full extent permitted by law and this ordinance.

Harbor Use Permit: Permit issued by the Town to mooring permit holders for display on vehicle and valid only when the mooring permit holder is actively using the harbor and related harbor facilities.

Immediate Family: A parent, child, grandchild or sibling, by birth or by adoption, including a relation of the half blood, or one's spouse.

Individual, Non-Commercial Moorings: Moorings placed by an owner of a watercraft for his/her private use.

Launching Ramp: Surface used to access watercraft to water.

Mean High Water: As defined by the U.S. Army Corps of Engineers, currently the average height of the high waters over a nineteen (19) year period.

Mean Low Water: As defined by the U.S. Army Corps of Engineers, currently the average height of the low waters over a nineteen (19) year period.

Mooring: An approved (cement, stone, or mushroom type) apparatus placed on bottom for anchoring purposes and which apparatus is not carried aboard a watercraft when underway as regular equipment.

Mooring Area: An area of the harbor set aside for permanent moorings.

Mooring Site: A specific point on the ocean bottom in a mooring area assigned by the Harbor Master for the location of a mooring.

Multi-Use Mooring: A mooring for which a watercraft is assigned, and that the permit holder may rent to others so long as the mooring is occupied by its assigned watercraft for at least thirty (30) consecutive days per year. In addition, the mooring rental must be made to watercraft suitable for the mooring site and in accordance with other requirements as set forth in this ordinance.

Non-Public: A facility that is not proposed to be owned by the federal, state or local government entity.

Pier: A permanent platform-like structure contiguous to the shoreline and usually built perpendicular therefrom over the water, supported by pilings or cribbing.

Rental Mooring: A mooring for which a person, corporation, or entity with a mooring site permit or mooring assignment receives any form of compensation, including bartering or exchange of services, for the use of the mooring site by others. Rental moorings may also be used by rental mooring permit holder for personal use.

Resident: Any person who occupies a dwelling within the Town of Lincolnville for more than 180 days in a calendar year pursuant to Title 38 M.R.S.A. §11. Proof of residency may be established through voter registration, payment of residential real estate taxes or rental receipts for residential property within the Town of Lincolnville.

Seafood Dealer: An individual or company that is dealing in seafood.

Seasonal Launch permit: The permit authorizing the ability to utilize the watercraft-launching ramp for the boating season. A seasonal launch permit comes with a parking permit.

Tender: A tender shall be a skiff, punt, dinghy, tender or like watercraft of fourteen (14) feet of length overall or less, used solely as transportation to or from a watercraft on a mooring and clearly marked with harbor user number.

Tender Tie-up: Storage of a tender either in the water, on a float during a storm, or on a storage rack.

Wash-Down Pump Permit Holder: A person who has been trained by the Harbor Master in the proper and safe operation of the wash-down pump and has paid the appropriate fee.

Watercraft: Any type of vessel, boat, barge, float or craft used or capable of being used as a means of transportation on water other than a seaplane. [Title 38 M.R.S.A. §11]

Wharf: A platform-like structure contiguous to the shoreline and built parallel therefrom over the water, supported by piling or cribbing, used for the berthing, loading and unloading of watercraft.

ARTICLE XI TRANSITIONAL PROVISIONS

No grandfathering of rights for a particular mooring site is conveyed by this ordinance. Those individuals, corporations or entities with single or multiple mooring sites at the time of enactment of this ordinance shall retain the right to renew all mooring sites so long as permits remain valid and all fees are paid. The four mooring areas in the inner harbor which have been used as rental mooring sites on or before January 1, 2004 shall be allowed to remain as rental mooring areas so long as all annual fees set forth in Article II (3) are paid. If at any time and for any reason annual fees are not paid for those four mooring areas, then the Harbor Master shall assign the mooring areas following the waiting list procedure of this ordinance.

Amended 06-16-2007
Amended 11-04-2008

APPENDIX A Harbor Boundaries Map

APPENDIX B Lincolnville Fish Pier & Float Usage Plan

CERTIFICATION OF ADOPTION

I hereby attest that this is a true copy of the Harbor Ordinance, as amended,
of the Town of Lincolnville, Maine duly adopted at a Special Town Meeting
held on November 4, 2008.

BOARD OF SELECTMEN

ATTESTATION BY TOWN CLERK:

**David B Kinney, Town Clerk
Town of Lincolnville**

APPENDIX C **Timeline of Events for Informational Purposes**

Note: This timeline is for informational purposes only. While an attempt has been made to be inclusive of all deadlines within the Harbor Ordinance, not every deadline is necessarily listed here. The absence of being listed here in no fashion alters or amends the Lincolnville Harbor Ordinance.

<u>Date</u>	<u>Event</u>
2nd Friday of January	Town Office will bill for Mooring Fees
3rd Friday in February	Harbor Master will calculate the percentage of Non-Residents in accordance with the allocation set forth in Title 38 M.R.S.A. 7-A.
On or before March 1 st	Town Administrator submits to Board of Selectmen recommended harbor facilities work plan
2nd Friday in March	Fees paid after are subject to Late Fees
April 1st - November 1st	Mooring holders may not transfer or re-assign their with moorings but may allow them to be used by another individual for a period not to exceed fourteen (14) days written notice and written approval from the Harbor Master
2nd Friday in April	Fees not paid, Harbor User shall lose privileges
3rd Friday in April	Bait Box Container Space, Applications
June 1st	Non-payment of other fees shall result in lost privileges of the User from the harbor for which payment was required in accordance with Title 38 M.R.S.A. 3.
1st Friday in June	Lincolnville Fish Pier & Float Usage Plan shall be updated & submitted to the Board of Selectmen by the Harbor Master
3rd Friday in June	Harbor Master shall designate mooring locations and maintain a Plot Plan of watercraft and the area(s) to be used as waterways (channels). Plan shall also include the mooring locations designating the Harbor User number, Name of Owner, Name of Watercraft and the Latitude & Longitude of the mooring (Utilizing a GPS System).
By July 1 st	Board of Selectmen review, rise and approve Lincolnville Fish Pier & Float Usage Plan

By July 1 st	Board of Selectmen shall approve annual harbor facilities work plan
By July 1 st	Mooring owners return mooring inspection forms to town office.
September 1st	With the exception of mooring fees, all fees will be discounted 50%
By 2 nd Friday in November	Harbor Master shall submit to Board of Selectmen a list of qualified mooring inspectors
November	Harbor Committee shall meet to form its recommendations to the Board of Selectmen on issues requiring maintenance for consideration within the next budget or immediate repair.
November	Harbor Master shall annually advise the Board of Selectmen of the usage of the Guest Moorings, the need for additional guest moorings and condition of the guest moorings.
November 2nd - March 31	Mooring holders may permit Harbor Master to assign watercraft to their moorings for reasons of safety, security, or other compelling reason
By December 31 st	Board of Selectmen review, rise and approve list of qualified mooring inspectors
December 31	All Mooring Permits Expire
Annually	Board of Selectmen review and approve Harbor Master job description