TOWN OF BLUE HILL HARBOR ORDINANCE 2006

Section 1: Purpose

1.1 This Town of Blue Hill Harbor Ordinance is hereby established pursuant to 30-A MRSA sec.3001 and 38 MRSA sec. 7, or any current legislation, to regulate marine activities in Blue Hill, including all tidal bays and inlets adjacent to the shorelines of the Town. It is intended to ensure safety to persons and property; to promote availability and use of the public resources; to encourage and protect traditional maritime and commercial activities, and to create a fair and efficient framework for the administration of those resources.

1.2 This Ordinance shall be independent to existing Federal and State laws pursuant to 38 MRSA governing the same matters listed above. Where found to be in conflict with higher State and Federal authority, that portion of the ordinance would be null and void; otherwise the Ordinance will remain in full force.

Section 2: Waters Regulated

2.1 "Waters" shall include all the navigable salt waterways located within the Town of Blue Hill Boundaries as shown on NOAA Chart #13316. “Tidal Waters” shall include all those salt waters shown on said chart which ebb and flow between high and mean low water within the harbors and waterways of the Municipality. For the purposes of this ordinance, high tide shall be considered as an elevation of 10.1 feet above mean low water. The high tide shall be any point along the shore at an elevation of 10.1 feet above mean low water.

2.2 The Board of Selectmen may establish channels, turning basins, anchorages, mooring areas and swimming areas after consultation with the Marine Resources Committee (hereafter referred to as the MRC). Records, including charts and descriptions, of any areas so established shall be maintained at the Selectmen’s Office and made available to the public at the Town Office or through the office of the Harbormaster.

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2.3 The Selectmen, upon the request of the MRC, shall periodically review areas established under this section and make amendments to existing areas, establish new areas or delete areas no longer deemed necessary by existing conditions.

Section 3: EFFECTIVE DATES

3.1 This Ordinance shall take effect immediately upon its adoption at the polls. Each owner of an existing mooring shall obtain a permit (and register same), and pay the applicable permit fee by April 1, 2006 and by April 1st of each succeeding year. Each owner of a new mooring in Blue Hill shall obtain a permit, in accordance with Section 7, before setting that mooring. Any mooring owner in Blue Hill who has not obtained a permit for his/her/it's mooring(s) by July 1st, 2006 and by July 1st of each succeeding year may not use that mooring and may be subject to penalties as set forth in Section 8 of this Ordinance. The Town shall mail notice of fees due. Non-receipt of notice does not excuse the permit holder from payment.

Section 4: HARBOR COMMITTEE

4.1 The Town of Blue Hill MRC is hereby established. It shall consist of seven (7) voting members appointed by the Selectmen. Five (5) members shall constitute a quorum. One, or more, 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 Blue Hill. The membership shall represent diverse interests in the harbors, waterways and tidal waters including, but not limited to, commercial and recreational boat owners, shore landowners, water-related business owners and Town board or committee members.

4.3 The term of a member shall be three (3) years, except that in the first year two (2) shall be appointed to a one (1) year term, two (2) shall be appointed for a two (2) year term, and three (3) shall be appointed to a three (3) year term. The term shall commence as soon as practicable following the Annual Town Meeting.

4.4 The Chairman of the MRC shall be elected annually by a vote of the MRC at its first meeting following the annual town meeting.

4.5 The MRC shall meet on the call of the Selectmen, or the Chairperson. Meetings shall be held at least quarterly. Notices of said meetings shall be mailed to all members at least ten (10) days prior to the meeting, and shall be published in the local paper ten (10) days prior to the meeting. Notice of all meetings shall be posted at the Blue Hill Town Office at least ten (10) days prior to the meeting. All meetings shall be open to the public.

4.6 A member of the MRC who misses three (3) meetings of the MRC in any one year term, without excuse, shall be considered to have resigned his or her office, and the selectmen shall appoint a successor to serve the balance of the term.

4.7 The duties of the Committee shall be:

4.7.1 To recommend to the Selectmen qualified candidate(s) for appointment or re-appointment as Harbormaster by February 1st of each year. The MRC shall use Section 5. of this ordinance when considering qualification of candidates.

4.7.2 To monitor the duties of the Harbormaster and to work with the Selectmen in evaluating the performance of the Harbormaster by December 31st of
4.7.2 To monitor the duties of the Harbormaster and to work with the Selectmen in evaluating the performance of the Harbormaster by December 31st of each year.

4.7.3 To advise the Selectmen on harbor and coastal planning, operation and regulation, limited to the waters of Blue Hill, described in Section 2 of this Ordinance, except for duties of the Harbormaster or deputies which are set forth in the MRSA sec. 1 et seq. of this Ordinance. Planning shall include working with the Harbormaster in developing mooring plans for the specific waters described in Sec. 2.2.

4.7.4 To make recommendations to any Town Meeting or duly constituted Town body or to any regulatory or advisory body as may be consistent with its duties.

4.7.5 To develop and recommend an annual operating budget for activities covered by this Ordinance and to recommend fees and penalties associated therewith.

4.7.6 To direct appeals of any person aggrieved by any decision, act or failure to act of the Harbormaster to the Board of Appeals, pursuant to Section 8.4 of this ordinance.

4.7.7 The Selectmen shall render a written opinion reciting facts and law upon which their decision on any appeal is based, and such shall be mailed by Certified U.S. Mail, return receipt requested, within five (5) days of the completion of the hearing. Any party to the hearing may appeal to the Superior Court within thirty (30) days of the decision.

Section 5: HARBORMASTER

5.1 The Selectmen shall appoint the Harbormaster annually for a one-year term beginning April 1st and ending March 31st. In the event that an appointment is not made by March 31st, the incumbent shall remain in office until a successor is appointed and sworn. This ordinance shall not be construed as giving the serving Harbormaster any expectation of automatic reappointment to serve successive terms, and no cause need be shown by the selectmen for their failure to reappoint a Harbormaster at the end of any one-year term.

5.2 The Selectmen may appoint a Harbormaster from a list of nominees submitted by the MRC. The Selectmen may reappoint the Harbormaster after reviewing evaluations of the Committee.

5.3 The Harbormaster shall have all of those certain duties and responsibility, which are prescribed by, Title 38 MRSA 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.

5.4 A Harbormaster may be removed from office, or be subject to other disciplinary action, by the Selectmen during his/her term of office for cause under 30A MRSA sec. 2601, and 38 MRSA sec. 1. The Board of Selectmen, as the appointing authority, shall hold a predetermination hearing on any charges or complaints prior to removing a harbormaster for cause. Any vacancy in the Harbormaster position shall be filled by the procedures set forth in sec. 4.7.1 of this Ordinance. The Board of Selectmen shall appoint an acting Harbormaster in the interim until a new appointment is made.
5.5 Upon recommendation of the MRC, the Selectmen shall establish compensation for the Harbormaster.

5.6 Minimum qualifications of the Harbormaster are as follows:

5.6.1 Twenty-one years of age
5.6.2 U.S. Citizen
5.6.3 Maine resident
5.6.4 High school education or equivalent
5.6.5 Valid driver's license
5.6.6 Demonstrated skill in small boat handling, basic navigation and fundamentals of seamanship.

5.7 Duties of the Harbormaster shall include, but are not limited to, the following:

5.7.1 To administer and enforce the provisions of this Ordinance with the authority granted by law.

5.7.2 Within the waters of Blue Hill, the Harbormaster shall have all those certain duties and responsibilities of the office which are prescribed by 38 MSRA sec. 1 et seq, including resolving conflicts between parties relating to moorings and watercraft operations.

5.7.3 To manage the permitting process, permit applications and location and specifications of mooring tackle in Blue Hill pursuant to the terms and conditions of this Ordinance.

5.7.4 To work with the MRC and Selectmen to establish and maintain a Harbor Plan.

5.7.5 To work with the MRC and Selectmen to establish and maintain anchorage areas and channels in Blue Hill, to remove obstructing fishing gear and vessels and to change mooring locations when a crowded condition merits the change.

5.7.6 To aid the MRC in preparation of its annual report and budget recommendations.

5.7.7 To attend Maine Harbormasters Association seminars and to become certified within 18 months.

5.7.8 To maintain reports and logs of daily activities

5.7.9 To maintain incident logs, and report such incidents to the office of the Selectmen.

5.7.10 To maintain a waiting list of individuals requesting a mooring in the described Harbors based on the categories of Mooring Holders outlined in Sec. 6.4.2. Current copies of such list shall be provided to the MRC and the Board of Selectmen on a monthly basis.

Section 6: MOORING PERMITS

6.1 No mooring or float shall be placed within the limits of Blue Hill unless: [1] an application for permit has been filed with the Harbormaster. [2] The Harbormaster has issued a written permit specifying the mooring's location, size, type and the maximum size and type of watercraft to be moored, and [3] the appropriate fee has been paid. See Appendix I. Of this Ordinance.
Harbormaster has issued a written permit specifying the mooring’s location, size, type and the maximum size and type of watercraft to be moored, and [3] the appropriate fee has been paid. See Appendix I. Of this Ordinance.

6.2 Categories of mooring permits:

6.3.1 Shore landowners
6.3.2 Boat Owners [resident, commercial fishermen, non-residents]
6.3.3 Commercial rental-mooring owners
6.3.4 Service moorings
6.3.5 Other [storm, float and outhauls, temporary and Aquaculture].
6.3.6 Town moorings

6.3 Issuance of Permits for Town Waters

6.3.1 In Year 1 of this ordinance anyone having a mooring(s) in Blue Hill at the time of enactment of this Ordinance who has maintained it in a condition suitable for the use of a watercraft within the previous 2 years shall be, upon application, granted a permit for said mooring(s).

6.3.2 When the number of applications exceeds the number of spaces available within any anchorage, the Harbormaster shall establish a waiting list by priority as follows, and pursuant to 38 MSRA, sec. 7-A.

1. Shore land owner
2. Resident Commercial Fisherman
3. Existing mooring owner requesting change of mooring location
4. Resident recreational and commercial [service, rental, charter, etc.]
5. Non-resident recreational and commercial [fishermen, service, rental, charter, etc.]

Generally an applicant’s name may appear only once on the waiting list. Multiple applications under a single name shall be subject to review by the MRC. The application for a single commercial rental mooring must be supported by evidence of a bona-fide commercial venture.

A record of all applications showing date of receipt shall be maintained at the Town Office and made available to MRC members and the general public.

6.3.3 After year 1 of this Ordinance:

6.3.3.1 Renewals of permits shall be granted if there is no substantial change in the content of the application (such as the size of the watercraft), except those moorings that fall under Section 6.3.3.2

6.3.3.2 A mooring owner with a permit valid during previous years and currently owning no boat is allowed, as a matter of right, an extension of one year on that permit. After the initial one-year extension, the Harbormaster may grant additional extensions from year to year if there is no qualified party on the waiting list for this description of mooring location or if there are extenuating circumstances.

6.4.4 Applications

6.4.4.1 Application forms for new and renewal mooring permits may be obtained from the Harbormaster or at the Blue Hill Town Office.

6.4.4.2 A permit application must be supported by statement of its intended
6.4.4.2 A permit application must be supported by statement of its intended use: primary mooring for a specific watercraft owned by the applicant, shore land owner’s mooring, guest mooring, and service mooring or commercial rental mooring.

6.4.4.3 Any permit application shall be acted upon by the Harbormaster within two (2) weeks.

6.4.4.4 Any permit application, which is denied, by the Harbormaster, shall state the reason(s) on the rejection notice. The applicant shall have 30 days in which to file an appeal with the Board of Appeals as provided in section 8.4 of this Ordinance.

6.4.4.5 Moorings and anchors used solely to secure floats, walkways, and/or outhauls attached to the shore require a permit will not be subject to a fee. In the case of shore landowners, such moorings do not count as primary or guest moorings.

6.4.4.6 Those moorings for which any type of fee is assessed, including moorings offered for transient or seasonal rental by a commercial maritime business or for rent by a private individual, and those moorings used in the course of a commercial maritime business [including service moorings] must have a US Army Corps of Engineers permit in addition to a mooring permit from the Town of Blue Hill.

6.4.4.7 Any mooring intended for use as a guest mooring by a yacht club, cruising club, or other permit holder or applicant must have that use stated in the permit application.

6.4.4.8 Temporary mooring permits may be issued by the Harbormaster for a service craft requiring, by operational necessity, immediate access to a specific location.

6.4.4.9 Fees for mooring permits shall be set annually by the Selectmen with the advice of the MRC and included within Appendix I of this ordinance.

6.4.5 Transfer of Permits: Mooring Permits and location assignments are not transferable, except:

6.4.5.1. Resident commercial fisherman may transfer a permit to a member of his/her immediate family if the permitted use continues for commercial fishing purposes.

6.4.5.2. The owner of commercial rental moorings and/or service moorings may transfer all of his/her/its permits to the purchaser of assets of his/her/its business as long as the business continues to operate the moorings in the same manner and under USACE permits.

6.4.5.3. Among other resident permit holders, a request for transfer of a permit to an immediate family member, also a resident shall be considered to be an application for permit. Within the discretion of the Harbormaster, preference may be given above other resident recreational permit applications with respect to that specific permit location.

6.4.5.4. A permit holder no longer qualifying for, or desiring not to renew his/her permit shall so inform the Harbormaster. The Harbormaster shall then act upon the permit application according to the procedures set forth in section 6.3 of this Ordinance.
6.4.4. A permit holder no longer qualifying for, or desiring not to renew his/her permit shall so inform the Harbormaster. The Harbormaster shall then offer that assigned location to the next qualified and suitable applicant on the waiting list. Ground tackle placed at the assigned location may be offered for sale and, if bought by the new permit holder, may be left in place. Otherwise, its owner must remove all ground tackle.

6.5 **Placement** of Moorings.

6.5.1 Moorings shall be placed in the location indicated in the permit and marked by the Harbormaster.

6.5.2 The Harbormaster shall provide the permit holder with longitude and latitude coordinates of his/her mooring and with the permit number.

6.5.3 The permit holder shall provide the Harbormaster with the name of the individual or company responsible for the inspection and maintenance of the mooring.

6.6 **Use** of Moorings. No one shall use a mooring without the express permission of the permit holder and the subject to review by the Harbormaster for the safety and fitness of the mooring for the watercraft. No permit holder shall sublet his/her mooring(s) or mooring space to another user or boat owner without written permission of the Harbormaster.

6.7. **Mooring Identification:**

6.7.1 The permit holder shall mark the mooring surface buoy or float with the permit number in 3” minimum height characters, in a contrasting color with his/her/its name or the watercraft name in a manner that is legible at all times.

6.7.2 Any winter pole or similar device shall be marked with the permit number in a manner that is visible on the surface.

6.8 **Mooring Inspections.**

6.8.1 New moorings shall be inspected by an individual or business approved by the Harbormaster, **BEFORE** the mooring is set.

6.8.2 All new Moorings shall comply with USCG regulations.

6.8.3 A list of contractors for mooring installation shall be made available at the Town Office.

6.8.4 Mooring Contractors, wishing for inclusion on said list, will submit to the MRC, Harbormaster and Board of Selectmen, a resume and proof of liability insurance for approval before performing work in Blue Hill Waters.

6.9. **Liability** related to moorings:

6.9.1 The permit holder has the responsibility to install (or cause to be installed) the mooring system in a manner suitable to the size, configuration, and displacement of his/her watercraft according to commonly accepted mooring practices.

6.9.2 The permit holder has the responsibility to maintain his/her mooring in a safe condition. Holding a permit does not absolve the holder from liability or damages resulting from the failure of his/her mooring.
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6.10. Movement of moorings:

6.10.1 Movement of a permitted mooring from its assigned location by any individual or business is prohibited without the express written consent of the Harbormaster.

6.10.2 The Harbormaster, may for the safety of watercraft, the efficiency of a mooring area, the maintenance of a designated channel, the implementation of harbor management improvements, and/or the implementation of a Harbor Plan approved by the MRC, direct that mooring site to be vacated and the permit holder’s ground tackle be moved to another location within the waters of Blue Hill.

6.10.3 With the exception of a timely movement of a mooring for safety or clear navigation purposes, any movement shall provide for fourteen (14) days notice to the permit holder (by mail or personally, by voice) and be accomplished with the least disruption to the permit holder.

6.10.4 The cost of moving previously permitted moorings to clear channels will be borne by the Town of Blue Hill.

6.11. Removal of Moorings: The Harbormaster may cause a mooring to be removed for the following reasons:

6.11.1 Non-payment of fees, fines, or lack of inspection within the prescribed period.

6.11.2 Abandonment of mooring. Any mooring which is not permitted for a period of more than one (1) year shall be deemed abandoned. The mooring may be removed, and the location reassigned to an applicant on the waiting list (s).

6.11.3 Neglect to remove or replace moorings. In the case of the neglect or the refusal of the permit holder to remove a mooring with one of different character, when so directed by the Harbormaster, the Harbormaster may cause the mooring to be removed from service or from the Harbor. Such removal shall be at the expense of the permit holder. Removal of moorings shall be in accordance with MSRA 38. sec. 4.

SECTION 7: GENERAL RULES AND REGULATIONS FOR BLUE HILL

7.1 Speed restrictions:

7.1.1 No person shall use or operate any vessel in such a way as to cause damage to or loss of property, or annoyance to other users of the waters of Blue Hill.

7.1.2 Any person operating a watercraft in a reckless manner, at a speed greater than is reasonable and proper having regard to other traffic, moored vessels and proximity to shore, while intoxicated or under the influence of any narcotic drug, shall be guilty of a Class E Crime.

7.1.3 All vessels shall be operated in a manner so as to cause minimal wake while maintaining safe headway speed, within 200’ of any anchorage or within 300’ of any shoreline. Operations shall be in accordance with Section 2.
7.1.3 All vessels shall be operated in a manner so as to cause minimal wake while maintaining safe headway speed, within 200’ of any anchorage or within any harbor described in Section 2.

7.2 **Anchoring:**

7.2.1. Anchoring a vessel within the designated channels or a designated mooring area is prohibited.

7.3 **Docking** of Watercraft:

7.3.1 Attended watercraft may tie-up to the face of Town wharves and piers for a period not to exceed one (1) hour. Unattended watercraft may tie-up to the sides of said wharves and piers for a period not to exceed one (1) tide. Time limits for this sub-section may be extended with the express written or oral consent of the Harbormaster.

7.3.2 Skiff tie-up, Town Floats: By permit only, holders may tie-up one skiff type vessel, not to exceed 16’ overall length (LOA). All such vessels must be properly fendered, or supplied with proper gunnel guard to protect other boats. Permit holder is responsible for keeping boat in a full floating condition at all times. Use of this space shall be totally at owner’s risk. Please see Appendix I for rules.

7.4 **Swimming** from Town Wharves, Docks and Floats.

7.4.1 No swimming or diving shall be allowed from any Town Docks, Wharves or piers.

7.5 Designated **Swimming** areas:

7.5.1 Watercraft is prohibited in areas designated as swimming areas. Swimming area boundaries shall be established by the Selectmen and posted at town-owned access points so designated and in the Town Office.

7.6 **Damage** to Facilities:

7.6.1 Any person or persons causing damage to Town-owned water access facilities shall report the damage to the Harbormaster or Town officials by the most direct method, so that repairs may be made and further damage avoided.

7.7 **Commercial Fishing, bait and fish handling:**

7.7.1 Any bait, fish or fish parts to be loaded onto or off-loaded from watercraft must be removed immediately from any town-owned wharf, dock, pier or float. Any spillage or residue shall be immediately cleaned up by the owner of the watercraft or conveyance involved.

7.7.2 Any object, not mentioned in section 7.8, sub-section 7.8.1 to be loaded onto or off-loaded from any watercraft, must be removed from the town facilities within twenty-four (24) hours.

7.7.3 Lobster cars may be stored at the owner’s risk, on Town-owned land with the prior approval of the Harbormaster and in compliance with the Harbormaster’s directions from October 1st to May 1st of each year. An annual storage fee, set by the Selectmen, will be due and payable to the Town of Blue Hill before any lobster car may be stored on Town land.
7.8 **Turning Basins:** Nothing shall be placed in the areas designated as turning basins which will impede navigation. Turning basin boundaries shall be established by the MRC and Selectmen, and posted at the Facility and at the Town Office.

7.9 **Owners Risk:** Any person(s) using Town-owned water access facilities shall do so at their OWN RISK, and such person(s) shall use appropriate safety precautions while using such facilities.

7.10 **Fishing** from Town Facilities: Any person(s) fishing from Town-owned water access facilities shall retrieve fishing gear and not impede the navigation of watercraft approaching or departing Town-owned wharves, docks, piers or floats.

7.11: **Abandoned Watercraft:**

7.11.1 No person may bring into or maintain in Blue Hill’s Harbor’s, waterways or tidal waters any derelict watercraft or watercraft for salvage, nor may any person(s) abandon any watercraft in Blue Hill’s waterways harbors or tidal waters. This section shall also apply to abandoned floats, fishing gear, or aquaculture-related materials.

7.11.2 In addition to possible criminal prosecution permitted by MRSA 38, sec. 9, when the Harbormaster determines a watercraft has been abandoned, the Harbormaster shall order the owner of such abandoned watercraft (if known) to remove it within ten (10) days. Upon the owner’s refusal to do so, or if the owner cannot be identified, the Harbormaster may cause its removal, with the costs to be paid by the Town, BUT with all reimbursements for said costs to be the responsibility of the Owner.

**Section 8: Violations, Enforcement and Fees.**

8.1 No person shall maintain or use a mooring of any type within the tidal waters of Blue Hill without first obtaining a permit or registration from the Harbormaster.

8.2 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 notices of violations, orders to correct, or schedules to correct and to initiate legal proceedings as authorized by the Selectmen to enjoin violations and to recover fines and costs associated.

8.2 A person, who violates the provisions of this Ordinance or the condition of a permit or registration issued under this Ordinance, commits a civil violation for which the Town of Blue Hill may seek penalties and relief in accordance with 30-M.R.S.A sub-sec. 4452. The Harbormaster shall serve the violator, in person or by mail, with a citation stating (1) the date and place of the violation (2) the nature of the violation and the Ordinance provision violated, and (3) Steps the violator must take and the schedule within which those steps must be taken in order to correct the violation. The Selectmen and Harbormaster may enter into a consent agreement to remedy any violation of this Ordinance. In the event that the violator fails to correct the violation in compliance with that citation, the Selectmen may commence an enforcement action, pursuant to 30-A M.R.S.A, sec. 4452, and M.R.C.iv.P.80k., in which the Town may seek from the violator attorney’s fees, expert witness fees, costs and /or injunctive relief.

8.4 A person aggrieved by any decision, act or failure to act of the Harbormaster, under this Ordinance, may appeal that decision in writing to the Board of Appeals within thirty (30) days of the Harbormaster’s decision. The Board of Appeals shall hold such hearings and make such findings of fact, conclusions of law, and recommendations to the Selectmen as are proper and consistent with law and Ordinance.
8.4 A person aggrieved by any decision, act or failure to act of the Harbormaster, under this Ordinance, may appeal that decision in writing to the Board of Appeals within thirty (30) days of the Harbormaster’s decision. The Board of Appeals shall hear such appeals de novo under the provisions of 30-A M.R.S.A. sub-sec. 2691. Parties aggrieved by a decision of the Board of Appeals under this Ordinance, may appeal directly to the Maine Superior Court pursuant to M.R.Civ.P 80B.

Section 9: Severability Provisions

9.1 If any provision of this ordinance is held to be invalid or inoperative, the remainder shall continue in full force and effect as though such invalid or inoperative provision had not been made.

Section 10: Aquaculture

10.1 Moorings within Blue Hill tidal waters, related to aquaculture projects requiring a permit from any state or federal authority; also require a permit from the Town of Blue Hill, according to the fee structure as set forth in Appendix I.

10.2 Moorings connected to any aquaculture project requiring a permit from state or Federal authority may be subject to review with special consideration to the economic, scenic, ecological, recreational, or commercial fishing effects of the project.

Section 11: Revenues

11.1 Revenues generated by fees and civil penalties under this Ordinance, which are in excess of actual annual expenditures for the execution and enforcement of this ordinance shall be placed in a continuing account to be carried forward for future expenditures under this Ordinance or used to maintain and improve Municipally owned, water related facilities.

Section 12. Definitions

1. Abandoned watercraft: Any watercraft that the 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 or master of the watercraft in question.

2. Aquaculture: Commercial or scientific marine farming for finfish, shellfish, other marine life or plants, using pens, nets, floats, stakes and or other related equipment.

3. 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, carrying passengers for hire, or carrying cargo for hire.

4. Derelict Watercraft: Any watercraft that the MRC determines to be a threat to navigation, property, persons, other watercraft or the environment, due to the watercraft condition or neglect on the part of the owners or masters of the watercraft in question.

5. Emergency: A state of imminent or proximate danger to life, property or the environment, in which time is of the essence.

6. Float: Any floating structure connected to the shore, normally used as point of transfer of passengers or goods or for temporary or continuous attachment of a vessel.
6. Float: Any floating structure connected to the shore, normally used as point of transfer of passengers or goods or for temporary or continuous attachment of a vessel.

7. Mooring:
   7.1 Permanent Mooring: A device, to which a vessel is attached, is not carried aboard, and whose sinker is left in place on a year-round basis.
   7.2 Seasonal Mooring: A mooring whose sinker is not left in place on a year-round basis.
   7.3 Assigned Mooring: That mooring and related gear, for which a permit has been obtained stating vessel length, use, and location.
   7.4 Service Mooring: Any mooring used as a service mooring or commercial mooring and assigned to a water-related business.

8. Inspection(s):
   8.1 Movable moorings, those having a sinker of \(\leq 150\)#. Shall be inspected from staple to pennant prior to setting out in the spring of the year; checking all chain, seizing, safeties, thimbles and splices.
   8.2 Fixed/permanent moorings, those having a sinker > 150#, shall be inspected from staple to pennant, by bringing the mooring completely to the surface, either aboard a boat or barge or by grounding to allow inspection at low water.

9. Obstruction: A mooring, vessel, cradle, float or other object which impedes Navigation.

10. Outhaul: A mooring used to attach dinghies or tenders by means of a continuous Line attached to the shore.

11. Permit: The official written authorization for placement of a mooring within the tidal waters of Blue Hill.

12. Resident: For the purpose of this Ordinance, a resident shall mean an individual who maintains a residence in the Town of Blue Hill, a real estate tax payer and/or a registered voter in the Town of Blue Hill as of January 1st of that year.

13. “Shall” and “May”: “Shall” is mandatory, “may” is permissive.

14. Shore land owner: An owner of a parcel of land greater than 20,000 square feet, with at least 100 linear feet of shore frontage upon any of the tidal waters of the Town of Blue Hill. Condominiums, townhouses, or any similar multiple ownership parcels of land are considered as one parcel for the purpose of allocating mooring permits, and as such are entitled to one (1) mooring under 38 MRSA sec. 3. additional moorings may be allowed under other provisions of 38 MRSA.

15. Vessel: Any watercraft used of or capable of transportation over the water.

16. Watercraft: Any and all floating apparatus including but not limited to vessels, dinghies, skiffs, boats, rafts, floats, airplanes, lobster crates and/or cars, and aquaculture equipment without distinction as to method of propulsion.

17. Water-dependant business: Any business that the MRC and Planning Board determines to require the use of moorings in order to conduct its business.
18. Wharf (pier): Any permanent non-floating structure, normally used as a point of transfer for passengers and/or goods or for temporary or continuous attachment of a vessel.

APPENDIX I.

FEES AND COSTS

As outlined in Section 6 of this Ordinance, Fees are to be set annually by the Board Of Selectmen, Town of Blue Hill. Any fees and cost collected are to be used by the Town, solely for the Maintenance of Town owned maritime facilities, for the administration of this resource, and to be set aside for any capital improvements voted upon by the Town.

1. Fee Structure.

1.1: **Resident** (Sec. 12.12) $30.00 per year

Persons defined by this section are allowed up to three (3) moorings at this rate. Each mooring above this number shall be charged the non-resident fee.
Persons defined by this section are allowed up to three (3) moorings at this rate. Each mooring above this number shall be charged the non-resident fee.

1.2 **Non-resident** $150.00 per year

1.3 **Shoreland Owner** (Sec. 12.14) $0.00 per year

for the 1st mooring ONLY. Any additional moorings shall be charged the appropriate fee.

1.4 **Dinghy tie-up.** South Blue Hill Wharf Facility $100.00 per year

Payment of this fee, entitles the permit holder to tie up one skiff or dinghy to the finger floats from May 1st to October 31st. Skiff shall be no longer than 16’ overall. 25 spaces exist. Permits are issued first to renewal users then on a 1st come basis for any remaining spaces.

1.5 **Commercial vehicle transport permit**

Any vehicle transporting product or equipment on or off the Town Wharves must obtain an annual or per-day permit from the Town of Blue Hill based on the following schedule:

<table>
<thead>
<tr>
<th>Per Day Permit Fee:</th>
<th>$ NO FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>18 wheel tractor and trailer</td>
<td></td>
</tr>
<tr>
<td>10 wheel truck</td>
<td></td>
</tr>
</tbody>
</table>

1.6 **Outfitters Permit** $100.00 per year

Any individual, partnership, or corporation providing outfitting services such as watercraft rental to the public, and using town owned launching facilities, shall be assessed this fee. Permit is non-transferable.

Vehicles and trailers may not be left unattended, nor parked overnight without written permission of the Harbormaster.

2. **Storage Fees:**

The Town of Blue Hill reserves the right to allow private individuals, including commercial fisherman to store lobster cars, floats or ramps on Town Facilities for the winter months. Moorings, outhauls, and fishing gear may not be stored, without exception. Such gear, if approved, shall be placed upon land no earlier than October 31st, nor shall it remain beyond May 1st. The storage location shall be approved by the Harbormaster, so as not to interfere with winter snow removal, emergency vehicle operation, or any other usage.

Any debris or damages to the facilities must be cleaned-up or repaired at the owner's expense immediately upon discovery.

$150.00 per item storage fee.

3. **Exception:**

There shall be no fees levied against, or required of, operators of vehicles used to provide emergency services to the public. Use of Town owned facilities, by charitable, non-profit corporations shall be subject to consideration by the Harbormaster and the Board of Selectmen.
APPENDIX II.

PENALTIES AND FINES

The Town of Blue Hill granted the power by this Ordinance and by 38 MRSA Maine Law shall be authorized to assess the following Penalties and Fees to violators of this Ordinance. All Fines are based per occurrence.

Overnight Parking at Town Owned facilities: $ 25.00

Overdue storage of floats and gear on Town Land: $

Late payment of Mooring Permit costs: $

Failure to obtain a mooring permit: $

Illegal dumping of waste on Town Owned Property: $

Watercraft exceeding speed limit in specified harbors and anchorages: $

Exceeding Posted vehicle weight on Town Wharves: $

Unattended Commercial Vehicle: $

provide emergency services to the public. Use of Town owned facilities, by charitable, non-profit corporations shall be subject to consideration by the Harbormaster and the Board of Selectmen.
APPENDIX III.

ANCHORAGES AND CHANNELS

NOT TO SCALE

A. Channel “A” to be a channel 100 ft. wide with the navigation buoys marking the outer boundaries on the appropriate sides of the channel starting at can buoy “3” continuing in a westerly direction to can buoy “5” thence to nun buoy “6” then in a northwesterly direction to can buoy “7” then in a southwesterly direction to nun buoy “8”, then in a northwesterly direction to intersect with the eastern point of the transient vessel anchorage area “D”.

B. Channel “B” to be a channel 50 feet wide, starting at the float belonging to Kollegewidgwook Yacht Club, heading on a true bearing of 210 degrees until it intersects with channel “A”.

C. Channel “C” to be a channel 50 feet wide, starting at the Blue Hill Village Wharf, heading approximately 110 degrees true until it intersects a bearing of approximately 150 degrees true to the north corner of the transient
C. Channel “C” to be a channel 50 feet wide, starting at the Blue Hill Village Wharf, heading approximately 110 degrees true until it intersects a bearing of approximately 150 degrees true to the north corner of the transient anchorage area “D” then along this bearing to the intersection of channel “A”.

D. Channel “E” (not shown) to be a channel 100 feet wide, starting at the Seaward end of the South Blue Hill Wharf, continuing on the same bearing as the wharf in a seaward direction until it intersects the boundary of the South Blue Hill Harbor as defined in Sec. 2.2.5.

APPENDIX IV.

SAMPLE FORMS

The following forms are contained within the next pages.

✓ Harbormaster Incident Report
✓ Mooring Permit Application
✓ Mooring Inspection Certificate
✓ Application for Mooring Waiting List
✓ Winter Storage Rule & Agreement
Harbormaster Incident Report

Date: __________ Type of Offense or Activity __________________

Location of Violation: ____________________________ Mooring # ___

Date of Offense: ___________ Time: ________ Complainant___________

Address: ______________________________ Phone#(____)____-_______

Registration# and State: ____________________________

Name of Watercraft:______________________ Type: __________________

Operator's name: ____________________________________

Address: ______________________________ Phone# (___) ___-________

Owners Name: ______________________________________

Address: ______________________________ Phone# (___) ___-________

Witness Name: ___________________________ Phone# (___) ___-______

Address: ___________________________________

Details of Incident:

Signed: ____________________________Harbormaster/Deputy Harbormaster

A copy of this form must be filed with the Blue Hill Town Office immediately. 
Questions or comments should be made to the Board of Selectmen. 374-2811

TOWN OF BLUE HILL, MOORING PERMIT APPLICATION

Name (last name first) ______________________________ #Assigned________

Date: ___________________ New: __________ Renewal _______

Mooring tackle information:
Circle use: Personal // Commercial // Service // Permanent // Seasonal// Circle Type: Mushrm. // Block // Pyramid

Weight: _______ Lbs. Pennant Length: _______ (nylon only, no floating)

Date last inspected: _______ Name of Inspector: _______________________
**Town of Blue Hill. Mooring Inspection Form**

Pursuant to Sec. 6.8 of the Town of Blue Hill harbor Ordinance, all moorings, whether permanent or seasonal are required to be inspected every three (3) years. A copy of this form must be filed with the Town of Blue Hill, Office of the Harbormaster. A copy should be retained in the files of the inspector as well as provided to the permitted owner of the mooring.

**Mooring #:**

**GPS Bearings:**

**Specified Harbor:**

**Name of Owner:**

**Watercraft size and name:**

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1. This permit is non-transferable. It is illegal to rent a mooring without a federal permit.
2. Location of New Moorings will be assigned by the Harbormaster ONLY.
3. Approval of Applications by Harbormaster only.
4. Holder of permit is responsible for setting mooring and for making adjustments as necessary for the safety of his boat and those of others.
5. Names of Owners and Mooring Permit numbers must be painted on all mooring balls in 3" letters.
6. The Valid Mooring Permit sticker must be affixed to the starboard bow of the watercraft, next to the state registration sticker.
7. Moorings must be inspected every 3 years by an approved contractor (sec. 12.8).
8. Winter logs shall be placed on permanent moorings no sooner than Oct. 1, and removed no later than June 1 of the calendar year. No floating rope may be used.
9. If any watercraft on a permitted mooring is taking on water, or in danger of sinking, the harbormaster or his deputy may authorize a local contractor to pump or secure said boat, at the sole expense of the owner. The owner must pay the contractor within 60 days of notification, or sacrifice his mooring privileges.
10. **Renewal form and applicable fee must be received before May 1st.** Moorings must be in their assigned location by June 1st, or their location may be reassigned. Moorings not registered at that time, will be considered abandoned, cut loose, or removed @ owners expense.

Signed: ______________________ Date: ______________________

OFFICE USE ONLY: Approved by: ______________________ Date: ______________ Exp. 12/31

**FEE:** $ .00 Resident of Blue Hill // $ .00 non-resident // Late Fee: $ .00

Date received: ______________ Cash/Check
Name of Owner: _____________________________________

Watercraft size and name: _________________________________________________

Registration # or Documentation #:___________________________________________

Is name of owner and permit # displayed in 3” high lettering on Mooring Ball or Float?

Yes               No

Type of Sinker (circle one):   Stone / Pyramid / Mushroom / Other

Weight of Sinker: _________________ #

Water depth @ mean high tide: _______________ feet.

Length and diameter of bottom chain: _________________ Condition: __________

Length and diameter of top chain: _________________ Condition: __________

Length, diameter, and type of pennant: _____________________________________

Are all swivels, shackles, thimbles in serviceable condition and properly seized? Y   N

Observations and comments: ______________________________________________

Recommendations: _______________________________________________________

Have recommendations been complied with? ________________________________

Inspector's signature: _________________________________________________

Date: _____________________________

Accepted by: ____________________________ Town of Blue Hill

Town of Blue Hill, Application for Mooring or Skiff Tie-up Wait List

Date of Application: __________________________________________

Location of requested Mooring: __________________________________________

Boat use (circle one):   Personal // Commercial // Guest // Other

Boat Registration # or Documentation #: _________________________________

Name of Boat: _________________________________________________________

Make: __________________________ Length: _______ Beam: _______ Draft: _______

Type Watercraft (circle one):  Cabin Cruiser // Sail // Cuddy // Open // Lobster // Work

This application is non-transferable, and is for the intended use of the above named watercraft and owner only, except on a temporary basis at the discretion of the Harbormaster, in writing. The location is subject to change at any time, at the discretion of the Harbormaster or his deputy as conditions warrant. The holder of a permit is responsible for setting of the mooring, or for making adjustments for the safety of surrounding watercraft. Marking of the mooring ball must comply with Sec. 6.7.1 and 6.7.4 of the harbor Ordinance. The Harbormaster will oversee placement of any mooring or assignment of tie-up permit for the S. Blue Hill Facility.

Signed: __________________________ Date: __________________________

Accepted by: ____________________________ Town of Blue Hill
TOWN OF BLUE HILL

WINTER STORAGE RULE

The Town of Blue Hill reserves the right to allow private individuals, including commercial fisherman, to store lobster cars, floats or ramps upon Town owned Facilities for the Winter Months. Moorings, outhauls, fishing gear or related items may not be stored – without exception. Such gear for storage, if approved, shall be placed on land no earlier than October 31st of any year, nor shall it remain beyond May 1st. The storage location shall be assigned and approved by the Harbormaster prior to Storage, so as not to interfere with winter snow removal, emergency vehicle operation or any other usage. Any Property remaining after May 15th is subject to removal at the owner’s expense or sold.

A completed Storage Agreement shall be signed and dated by the owners of such property to be stored PRIOR TO HAUL-OUT. The designated fee must also be paid at time of agreement execution –without exception.

Any debris or damages to the facilities must be cleaned-up and/or repaired at the expense of the owner immediately upon discovery.

Accepted: October 22,2004, at Blue Hill, Maine

Signed:

John Bannister, Chairman, Board of Selectmen

M. B. Grindle III, Selectman

James Schatz, Selectman
TOWN OF BLUE HILL

WINTER STORAGE AGREEMENT

This agreement is between the Town of Blue Hill (hereafter referred to as the Town) and ____________________________, for the purposes of winter storage of property upon Town owned land. This agreement shall be executed as a seasonal agreement only, to run from October 31st to May 1st, without exception.

A FEE of $150.00 shall be assessed for each item to be stored. As an example, 1 float + 1 ramp = 2 items. A FINE shall be assessed, to the owner of such gear, in the amount of $25.00/day/item for each day that property remains on Town land beyond May 1st. In no case shall stored items be allowed to remain on premises beyond May 14th of any year. Any property remaining beyond that date will be removed at the owner's expense.

The FEE shall be paid by personal check, or cash, to the Town of Blue Hill, prior to haul-out and storage occurs.

Storage of any gear shall be AT THE SOLE RISK OF THE OWNER. THE TOWN OF BLUE HILL ASSUMES NO LIABILITY FOR PROPERTY DAMAGE OR BODILY INJURY ARISING OUT OF THIS STORAGE AGREEMENT.

Dated: ________________

Signed: Owner of Property

Mailing Address

Phone # (winter and seasonal)

E-mail address (optional)

Signed: Harbormaster, Town of Blue Hill [OR] Selectman, Town of Blue Hill

Office Use Only: ____________________________________________________________

Paid Date: ________________

Check/cash (circle one)  Check #__________________________

PLEASE PROVIDE A COPY OF THIS AGREEMENT AND A COPY OF THE STORAGE ORDINANCE TO ANY APPLICANT AT TIME OF EXECUTION.