

Frenchboro Town Dock, Float and Harbor Ordinance

Adopted: June 15, 1983

Amended: *June 23 2003*

**PURPOSE.** The purpose of this ordinance is to establish and maintain order regarding the use of the Town dock, public float and related properties in the harbor of the Town of Frenchboro, Maine, in a manner that will best serve the interests of the citizens of Frenchboro and the boating public.

**AUTHORITY.** This Ordinance is adopted under the authority granted under Title 38, MRSA, Sub-Chapter I, Sections 1 through 6 et seq., as amended and the Home Rule provisions of the Constitution of the State of Maine.

**EFFECTIVE DATE.** The effective date of the Ordinance or any amendments thereto shall be the day immediately following it/their adoption at a regular or special Town meeting.

**SUPERCEDURE.** The adoption of this Ordinance hereby repeals and aupercedes all conflicting provisions of all Ordinances adopted prior to the effective date of this Ordinance.

**RECORDING.** A copy of this Ordinance, certified by the Town Clerk, shall be filed with the Hancock County Registry of Deeds.

**VALIDITY AND SEPARABILITY.** Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall be not invalidate any other section or provision of this Ordinance.

**AMENDMENTS.** This Ordinance may be amended in part oR in whole by a majority vote of the citizens of the Town at a regular or special town meeting.

**USE REGULATIONS.**

**Speed Limit.** The speed limit for boats in the harbor is 5 miles per hour.

**Obstructions.** No owner or master of any vessel, boat or watercraft of any kind shall permit his watercraft to be docked or moored in such a manner as to obstruct the free passage of other vessels going in to and coming out from the the Town dock and float in Frenchboro harbor.

**Tying to Public Floats.** No person shall leave any watercraft tied at the public float in Frenchboro Harbor for any purpose, including fueling, discharging or taking of supplies, for longer than two (2) hours without the permission of the Harbormaster or his assistant. Only live docking is permitted at the head of the float.

**Blockage of Public Ramps/Facilities.** No person shall place or cause to be placed any watercraft for repairs, trailers, cradles, or vehicles on the town dock, public float, parking lot, or other Town harbor facilities in Frenchboro in such a way as to block access by other users.

**Boats Used as Tenders.** Boats used as tenders and/or skiffs may be kept at the town float with the permission of the Harbormaster or his assistant provided they are tied to the east

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side of the float and are properly cared for by the owner. No tenders and/or skiffs shall be allowed to obstruct the south or west side of the float.

Moorings: No moorings shall be placed in any waters within the Town of Frenchboro without written permission of the Harbormaster.

Bait. No person shall leave fish or lobster bait on the town dock or float so as to cause a public nuisance.

Storage. No person shall place or maintain on the town dock or float barrels, boxes, gear, traps, pots or any other equipment for a longer period than is reasonably necessary for the prompt loading or unloading of same.

Removal of Vessels and Related Gear. The Harbormaster or his assistant is hereby authorized, and it shall be his duty, to remove or cause to be removed, at the owners expense, any vessel, boat, watercraft, vehicle, trailer, or other obstruction as is in violation of the provisions of this Ordinance.

Removal of Debris. No person using the town dock, float or ramp shall leave any rubbish, trash, or debris.

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## ADMINISTRATION

**Enforcement.** It shall be the duty of the Harbormaster and his assistant to enforce the provisions of this Ordinance. If the Harbormaster or his assistant shall find that any provision of this Ordinance is being violated, he shall notify, in writing, the persons responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. A copy of every such notice shall be maintained as a permanent record.

**Obedience to Orders.** No person shall fail to observe any lawful order of the Harbormaster or his assistant. The Harbormaster or his assistant may arrest and deliver to District Court or the Town Constable any person committing an assault upon him or another person acting under his authority as provided by the revised Statutes of Maine.

**Legal Action.** When notification of violation does not result in the correction of the violation or nuisance condition, the Selectmen, upon written complaint from the Harbormaster or his assistant, are hereby authorized and directed to institute any and all action and proceedings, either legal or equitable, including seeking injunctions or violations and the imposition of fines that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Town.

**Penalties.** Any person who violates any provisions of this Ordinance shall be guilty of a misdemeanor and subject to a fine not less than \$25 nor more than \$500 for each violation. A repetition or continuation of any violation of any provision of this Ordinance on successive days after notification by the Harbormaster or his assistant constitutes a separate offense for each day during any portion of which such violation is committed, continued, or permitted.

**Suspension or Revocation of Permissions.** All permissions granted by the Harbormaster or his assistant under the authority of this Ordinance shall be valid only for such period as specified and permission of unqualified duration or validity shall not be granted. A violation of the provisions of this Ordinance or of any other applicable Ordinance by any permittee shall be grounds for suspension or revocation of such permissions.

**Liability.** Any person using the public facilities within the limits of the harbor shall assume all risk or damage or loss of his property and the Town of Frenchboro assumes no risk on account of fire, theft, Act of God, or damages of any kind to vessels within said harbor or on said public facility.

**Certificate of Adoption.** I hereby attest that this is a true copy of the amended Town Dock and Float Ordinance of the Town of Frenchboro, Maine, duly adopted as amended at the Town Meeting held on June 23, 2003.

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Samantha Sawyer

Town Clerk

June 23, 2003

Date

Town Seal

FRENCHBORO, MAINE

HARBOR ORDINANCE

I. PURPOSE

The purpose of this Ordinance is to establish and maintain order for the arrangement and utilization of the mooring areas, public landings, boat ramps, harbor channels and related properties in the Frenchboro Harbor area herein described in a manner that will best serve the interests of the citizens of Frenchboro and the boating public.

II. AUTHORITY

This Ordinance is adopted under the authority granted under Title 38, MRSA, Sub-Chapter I, Sections 1 through 6 et, seg. as amended and the Home Rule provisions of the Constitution of the State of Maine.

III. APPLICABILITY

The provisions of this Ordinance shall apply to all tidal water areas located within the harbor boundaries of Frenchboro, Maine.

IV. FRENCHBORO HARBOR DEFINED

The boundaries of the anchorages and channel of Frenchboro Harbor are hereby established as depicted on the attached map.

V. HARBORMASTER

A. Appointment

There shall be a suitable person appointed by the Selectmen of Frenchboro as Harbormaster for the town who shall be responsible for the care and regulation of Frenchboro Harbor and adjoining waters, its public landings, launching ramps and all vessels, boats and other watercraft therein in accordance with the provisions of this Ordinance.

B. Compensation

Compensation for the Harbormaster shall be determined by the voters of the town at a regular or special town meeting.

VI. MOORINGS

A. Anchorage

No person shall place or allow to anchor or lie any vessel, boat or other watercraft in any position in Frenchboro Harbor prohibited by any ordinance, rule, regulation or law.

B. Placement of Moorings

No person shall place a mooring or mooring buoy of any type within the boundaries of Frenchboro Harbor without the written permission of the Harbormaster.

C. Mooring to Buoy or Beacon

No person shall moor or cause to be moored any vessel, boat or other watercraft to any buoy or beacon placed by the town, state or federal government or agency thereof in the Frenchboro Harbor, nor shall any person make the same fast thereto in any manner, nor willfully destroy or injure such a buoy or beacon.

D. Mooring in Channel

No person shall moor, anchor or cause to be moored or anchored any vessel, boat or other watercraft within the boundaries of the channel between the inner and outer anchorages of the harbor or the channel to the mouth of the harbor.

E. Mooring Adjacent to State Ferry Landing

No person shall moor, anchor or cause to be moored or anchored any vessel, boat or other watercraft in any manner which will impair the arrival, departure or docking of the State Ferry.

F. Mooring to Public Float

No person shall moor, anchor or cause to be moored or anchored any vessel, boat or other watercraft in any manner which will impair the arrival, departure or docking at the public float.

G. Mooring Identification

All moorings shall have the name of the owner attached to the float or buoy, above the surface for the purposes of identification. Such names shall be legible at all times.

H. Designation of Mooring Space

The Harbormaster shall designate spaces and shall maintain a plot plan of the anchorage areas indicating locations of moorings, size of boats and areas designated as Ship Channels. A copy of this map will be kept on file at the Town Office.

I. Inspection of Moorings

The Harbormaster shall inspect all moorings at least one a year and advise in writing the boat or flotation owners or agents of desired repairs or replacement to all parts thereof as the Harbormaster deems necessary for the safety of the craft or others adjacent to it.

J. Denial

The Harbormaster may deny the placement or use of a mooring or the use of the town-owned dock or floats if in the judgement of the Harbormaster, the boat, float or vessel is:

1. Structurally unsafe;
2. Emenating obnoxious fumes, oils or any other substance detrimental to the safety or confort of others, including the pollution of its waters, shores and flats; or
3. Too large for the dock, float or mooring area.

K. Registration of Mooring

Within sixty (60) days of the enactment of this Ordinance all moorings existing within the anchorage areas of Frenchboro Harbor prior to enactment shall be registered as to size and location with the Harbormaster. All new moorings to be placed within the anchorages of Frenchboro Harbor after the enactment of this Ordinance shall be registered as to size and proposed location with the Harbormaster prior to placement. The Harbormaster shall be notified of the removal of any mooring in Frenchboro Harbor.

VII. WHARVES, DOCKS, PIERS, FLOATS

A. Obstructions

No owner or master of any vessel, boat or watercraft of any kind shall permit or suffer his watercraft to be docked or moored in such a manner as to obstruct the free passage of other vessels going in and coming out, at any wharf in the Frenchboro Harbor.

B. Tying to Public Floats

No person shall leave any watercraft tied at the public floats of the Town of Frenchboro for any purpose, including fueling, discharging, or taking on supplies, for longer than 30 minutes, without the consent of the Harbormaster.

C. Placement of Cradles

No person shall leave or cause to be left any boat cradle on the town launching ramp, harbor parking lot or any town-owned facilities or on the State Ferry landing, without permission from the Harbormaster.

D. Boats Used as Tenders

Boats used as tenders may be allowed at the town float with the permission of the Harbormaster provided they do not block access by other craft and are properly cared for by the owner. Tenders shall not be hauled up and stored on the town float.

E. Bait

No person shall place or deposit on public facilities any fish or lobster bait.

F. Storage

No person shall place or maintain on public facilities, barrels, boxes, gear, traps, pots or any other equipment for a longer period than seventy-two (72) hours.

G. Removal of Vessels

The Harbormaster is hereby authorized, and it shall be his duty to remove or cause to be removed any vessel, boat watercraft, vehicle, trailer or other obstruction as is in violation of the provisions of this Ordinance at the owner's expense.

H. Removal of Debris

No person using the public wharf, floats, or launching ramp shall leave any rubbish, trash or debris other than inside marked receptacles.

I. Lighted Beacons Required on Lobster Cars

A white, fixed or flashing light visible 360 degrees shall be operational on all lobster cars without buildings thereon and shall be maintained lighted between the hours of sunset to sunrise and during poor visibility.

VIII. OPERATION OF VESSELS

A. General

No person shall use or operate any watercraft in Frenchboro Harbor so as to cause danger, annoyance, disturbance or inconvenience to the public.

B. Reckless Operation

No person shall operate any motor or sail vessel in a reckless or negligent manner or while under the influence of intoxicants or drugs so as to endanger the life, limb or property of any person.

C. Navigation Injured

No person shall deposit, throw, sweep or cause to be deposited or swept, from any vessel, wharf, dock or any other place, into the waters of Frenchboro Harbor or into the waters adjacent thereto, any gas, oil or bilge water containing same, ashes, dirt, stones, gravel, mud, logs, planks or any other substances tending to obstruct the navigation of said Harbor or waters adjacent thereto, or to shoal the depth of said harbor or pollute the water thereto. This provision shall not apply to the washing down of commercial fishing boats.

D. Operation of Boats

1. No person shall use or operate any watercraft in Frenchboro Harbor so as to cause danger, annoyance, disturbance, or inconvenience to the public.



2. No person shall operate any watercraft or motor boat, whether propelled by an inboard or outboard motor, in Frenchboro Harbor at a speed greater than is reasonable and proper, having due regard for traffic, proximity to sharves, docks, moorings, or shores, and for any other conditions then existing.
3. No person shall operate any watercraft or motor boat, whether propelled by an inboard or outboard motor, in Frenchboro Harbor in such a manner as to endanger any person or property.
4. No person shall operate any watercraft or motor boat, whether propelled by an inboard or outboard motor, in Frenchboro Harbor recklessly, or in a wanton manner causing injury to any person or property.

IX. ABANDONMENT

No person shall cause to be abandoned any boat, vessel, hulk, cradle, raft or any other possible obstruction on the shores within Frenchboro Harbor. Any such abandonment left within the confines of Frenchboro Harbor and which has been unattended for a period of one hundred twenty (120) days shall be deemed to be abandoned. The Harbormaster, upon his own complaint or the complaint of another shall order the last owner of record of any such abandoned boat, vessel, hulk, cradle or raft, if such owner is ascertainable, to remove same within thirty days; and upon his refusal or failure to remove within thirty days, the Harbormaster shall cause its removal or destruction at the cost of the said last owner of record. Any violation of the above shall be considered a misdemeanor and punishable as stipulated in the penalties section of this Ordinance.

X. INFECTED VESSELS

Whenever a vessel arrives in the Frenchboro Harbor, having on board any person afflicted with a contagious disease or suspected of being afflicted with such disease, the master, commander, or pilot thereof, and the Health Officer of the Town of Frenchboro, shall comply with the provisions of the Revised Statutes of Maine.

XI. OBEDIENCE TO ORDERS

No person shall fail to observe any lawful order of the Harbormaster with reference to the navigation and disposal of his watercraft within the limits of the Frenchboro Harbor. The Harbormaster may arrest and deliver to District Court or the Town Constable any person committing an assault upon him or another person acting under his authority as provided by the revised Statutes of Maine.

XII. ENFORCEMENT

It shall be the duty of the Harbormaster to enforce the provisions of this Ordinance. If the Harbormaster shall find that any provision of this Ordinance is being violated he shall notify, in writing, the persons responsible for such violation indicating the nature of the violation and ordering the action necessary to correct it. A copy of every such notice shall be maintained as a permanent record.

XIII. LEGAL ACTION

When the above action does not result in the correction of the violation or nuisance condition, the Selectmen, upon notice from the Harbormaster, are hereby authorized and directed to institute any and all action and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the town.

XIV. PENALTIES

Any person who violates any provision of this Ordinance shall be guilty of a misdemeanor and subject to a fine of up to \$100 for each violation. Each day a violation continues after notification by the Harbormaster is considered a separate violation.

XV. 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, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion thereof.

XVI. EFFECTIVE DATE

This Ordinance shall become effective immediately upon adoption at a regular or special town meeting.