

# TOWN OF BRISTOL HARBOR ORDINANCE

Enacted March 3, 1986

Amended March 11, 1991

Amended March 19, 2002

Amended March 20, 2007

Amended March 18, 2008

Amended March 17, 2009

Amended March 15, 2011

Amended March 13, 2012

Amended October 1, 2014

Amended March 22, 2016



- 1. Purpose:** To provide for the just and orderly operation of marine activities in the harbors of Bristol in accordance with the laws of the State of Maine, 30-A M.R.S.A. § 3001 and 38 M.R.S.A.
- 2. Harbor Committee:** The Harbor Committee shall be appointed annually by the Selectmen and consist of seven (7) members. The Harbor Committee exists for the general purpose of aiding the Harbor Masters in management of Bristol's harbors. It shall act with the Selectmen as a Board of Appeals to hear an appeal from any person aggrieved by any decision, act, or failure to act, of a Harbor Master in accordance with 38 M.R.S.A. § 7.
- 3. Harbor Masters:** Harbor Masters shall be appointed annually by the Selectmen at the first Selectmen's meeting following the annual Town Meeting. There shall be a Harbor Master for each of the following jurisdictions:
  - 1) New Harbor
  - 2) Back Cove, Long Cove, and Brown's Cove, north to, but not including, Moxie Cove
  - 3) Round Pond, Moxie Cove, and that part of Muscongus Harbor within the Town of Bristol
  - 4) Pemaquid Harbor and the Damariscotta River

Harbor Master salaries shall be set at the annual Town Meeting and their powers are prescribed by Titles 12, 17 and 38 M.R.S.A.

Harbor Masters must be certified in accordance with State law.

#### **4. Definitions:**

Vessel: A floating object, boat, or craft of any size designed for transport or storage on water.

Commercial Vessel: A vessel from which the owner obtains a substantial portion of his income.

Resident: The word "resident", for the purposes of this Ordinance, means any person who occupies a dwelling within the Town of Bristol for more than 180 days in a calendar year.

## 5. Harbor Limits:

- New Harbor: The harbor limit shall be a line drawn from the Black Spindle directly north to a point east of the Steamboat Wharf.
- Back Cove: The harbor limit shall be a line drawn directly from Reilly's Point to the opposite shore on Back Cove Point.
- Long Cove: The harbor limit shall be to a line drawn directly west from Long Cove Point.
- Round Pond: The harbor limit shall be a line drawn from Southern Point to Northern Point.
- Pemaquid Harbor and Damariscotta River: Includes all waters west of Pemaquid Point and that part of the Damariscotta River within the Town of Bristol.

6. **Prudent Operation:** Vessels shall be operated in a reasonable manner so as not to endanger persons or property, or to cause excessive wake. In no case shall speed exceed five (5) miles per hour or create excessive wake while operating inside a mooring area or in a protected harbor.

7. **Moorings:** No mooring shall be placed by anyone except with the express approval of the Harbor Master having jurisdiction in the harbor involved.

Each Harbor Master shall maintain a written record of the basic information on each mooring including assigned location, identifying number, vessel description, size, owner, and any other data deemed useful. He shall also maintain a chart of the relevant harbor, showing current mooring locations, assignments, and their numbers.

Mooring locations shall be assigned on the basis of one mooring location per vessel (exceptions for existing winter locations may be granted by the Harbor Committee). Mooring locations shall initially be assigned to those persons owning vessels and occupying mooring locations as of July 10, 1985.

Mooring locations used for commercial vessels as of March 17, 2009 shall remain commercial vessel mooring locations. Within space available, except as noted above, future requests for a mooring location will be treated in accordance with the following priority guidelines:

- A. Shorefront owners requesting an initial location adjacent to their property
- B. Resident commercial vessel owners
- C. Resident pleasure vessel owners
- D. Resident commercial vessel owners and marine operators requesting multiple locations
- E. Non-resident commercial owners
- F. Non-resident pleasure vessel owners
- G. All others

Harbor Masters shall, when assigning mooring locations, be guided by a mooring plan to be adopted by the Harbor Committee and Board of Selectmen.

All moorings shall be of sufficient size to hold the vessel for which it is to be used. Vessel and/or mooring owners may be liable for damage caused by faulty or inadequate moorings.

Permittees shall be responsible for clearly identifying their mooring marker with their permit number.

Effective January 1, 1992, all mooring permits will be issued for a two (2) year period and require renewal every two years. All mooring permits will expire December 31, 1991, and must be renewed every two years after that date in accordance with this ordinance. Mooring permits 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. For the purposes of this section, "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 in accordance with 38 M.R.S.A. § 3-A.

The Board of Selectmen may at its discretion establish and publish a schedule of permit fees. These fees shall be used to maintain, restore and protect Town owned harbors and landings.

Moorings used seasonally will be maintained to avoid conflicts with winter activity.

- 8. Abandoned Moorings:** Any mooring location not registered, occupied or used for a period of one year shall be deemed abandoned and the location may be reassigned by the Harbor Master in accordance with the above priority guidelines. The cost of removing moorings shall be assessed to the owner if not removed by him within thirty (30) days of receipt of notice from the Harbor Master, Harbor Committee or Board of Selectmen.
- 9. Round Pond & Muscongus Harbors Winter Usage:**
  - a) All moored floats will be removed from the harbor from January 1 to March 1.
  - b) Any vessel winter mooring shall be fitted with a 600 pound breakaway whale link between pennant and buoy to assure it cannot be moved by ice from January 1 to March 1.
  - c) All mooring buoys not in use must be removed by November 1 each year.

The Harbormaster has authority to remove all unused buoys after dates listed above.

- 10. Abandoned Vessels:** An abandoned vessel is a vessel which has one or more of the following characteristics:
  - a) The vessel is required to be registered with any federal or state governmental agency, but is not so registered;
  - b) The vessel's owner, operator or custodian cannot be located nor identified;
  - c) The vessel is a motor-powered vessel which does not have a working engine;
  - d) The vessel does not have operable and effective bilge pumps;
  - e) The vessel has not been in operation for 60 or more consecutive days;
  - f) The vessel is sinking or a threat and its owner cannot be contacted by good faith effort prior to the need to act to prevent personal, property or environmental damage.
  - g) The vessel is one which is subject either of an unauthorized berthing, complaint, or complaint for unauthorized mooring at a public or private pier or mooring whose owner cannot be contacted within a period of 24 hours from the time of the complaint.

When, in the opinion of the Harbor Master, a vessel has been abandoned in the harbor, he may take custody and control of such vessel and remove it, store it, or otherwise dispose of it,

all at the expense and sole risk of the vessel owner. Reasonable notice of such disposal shall be publicly given. The vessel owner may appeal the action of the Harbor Master as noted in section 2 of this ordinance.

- 11. Penalties:** Violation of any provision of this ordinance shall be deemed a civil violation. Violations are enforceable and are to be resolved by the Board of Selectmen or any law enforcement officer with jurisdiction in Bristol. Said resolution may include civil action or any other means deemed necessary in the District Court as set out in 38 M.R.S.A. § 12 and 30-A M.R.S.A. § 4452.
- 12. Severability:** If any section, subsection, sentence, or part of this ordinance is for any reason held to be invalid or unconstitutional, such decisions shall not affect the validity of the remaining portions of this ordinance.