

ARTICLE II DEFINITIONS

All words not defined herein shall carry their customary and usual meanings. Words used in the present tense shall include the future. Words used in the singular shall include the plural and vice versa. As used herein, the following words and phrases shall mean:

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

Aquaculture: Cultivation of aquatic animals and plants.

Breakwater: A structure placed into the waters for the principal purpose of breaking and reducing the force of waves.

Bulkhead: A permanent solid or semi-solid (porous) structure or wall along the shore to retain, stabilize, and protect the shoreline from wave other waterborne erosion.

Camden Harbor: All land areas covered by water at any state of the tide along the coastal shoreline, from the Camden-Lincolnton town line southerly to the Camden-Rockport town line and extending seaward to the Town of Camden limits, including such land areas which are covered by water during part of a day and those land areas which are always covered by those waters. Camden Harbor includes the Inner Harbor, Outer Harbor and Coastal Harbor as described in Article 1, Section 3 and depicted in Appendix F

Channel: Designated waterway for the safe passage of vessels.

Coastal Harbor: As defined in Article I, Section 2.3

Commercial Marine Enterprise: A commercial enterprise engaged in marine activities primarily consisting of, but not limited to fishing, aquaculture, marine construction, sales, charter, building, service, harvesting of marine plants or animals, storage or maintenance of vessels.

Commercial Mooring: A mooring that generates business income or accommodates a commercial vessel.

Commercial Vessel: A vessel that generates significant business income.

Commercial Passenger Vessel: Vessels that carry passengers for hire.

Commercial Full-Time Fisherman: A fisherman whose primary source of income is from the occupation of fishing.

~~**Consolidated Pier:** A shared pier that meets the standards of Article X, Part 1, Section 1, (8A) of the Town of Camden Zoning Ordinance.~~

Daysailer: A power or sail vessel whose principal commercial operation is to engage in the trade of carrying passengers on a daily basis'.

Dead Ship: A vessel so changed that it has no further navigation function.

Dolphin: A connected combination of pilings permanently affixed to the harbor bottom.

Federal Navigation Project: An area dredged and maintained by the Corps of Engineers as shown on the Corps of Engineers Conditions Survey for Camden Harbor.

Float: Any floating structure normally used as a point of transfer for passengers, goods, or for mooring. The term includes floats attached to wharves and piers.

Finger Float: Town-owned small vessel floats located at the northwesterly head of the Inner Harbor adjacent to the Harbor Park as depicted on Appendix G

Harbor Line: The shoreland boundary line for both the Outer Harbor and Coastal Harbor areas shall be determined at the mean high water mark. The Harbor line for the Inner Harbor shall be the harbor line as shown on the Official Zoning Map B of the Town of Camden depicting the Inner Harbor. The harbor line defines the limit of the area on which filling can occur (see Appendix F).

Harbormaster: That person appointed by the Select Board of the Town of Camden, pursuant to 38 M.R.S.A., Section 1, as amended from time to time, and the Harbor and Waterways Ordinance of the Town of Camden. In all places where the Harbormaster is empowered to act in this Ordinance, so is any Deputy Harbormaster appointed by the Harbormaster, pursuant to 38 M.R.S.A. , Section 2, to the full extent permitted by law and this Ordinance. Deputy Harbormasters shall serve at the direction of the Harbormaster.

Height: The height of a wharf, pier or other structure shall be measured from walkway to mean high water.

Inner Harbor: As defined in Article I, Section 2.1.

Launching Ramp: ~~A~~An inclined ramp used to ingress and egress vessels to and from the water.

Length Overall (LOA): The extreme length of the vessel measured from the stem to stern (as measured along the uppermost deck excluding sheer) excluding bowsprits, boomkins, rudderposts, booms, davits, swim platforms, or any other extensions from the hull.

Marine Railway: Inclined tracks extending into the water so that a vessel can be hauled up on a cradle or platform for cleaning or repairs.

Mean High Water: Average height of high water over a 19-year period as defined by National Ocean Service of NOAA..

Mean Low Water: Average height of low water over a 19-year period as defined by National Ocean Service of NOAA.

Mobile Vessel Hoist: A commercial straddle type mobile hoist and associated structures, and devices used for moving vessels and other objects in and out of the water.

Mooring: Any apparatus placed on the harbor bottom under the direction of the Harbormaster for purposes of securing a vessel. Such apparatus includes mooring gear and mooring hardware and is not carried aboard a vessel as regular equipment

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

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Mooring Float: A float attached to a mooring. A mooring float shall be treated as an extension of the mooring gear and mooring hardware. The term excludes floats attached to wharves and piers.

Mooring Gear: See Mooring.

Mooring Site: A specific point on the ocean bottom in a mooring area assigned by the Harbormaster.

Mooring Spar: A cylindrical device used to identify mooring locations in the winter.

Non-Resident Taxpayer: A person who owns real estate property in the Town of Camden and is not a resident.
~~Personal property tax does not apply.~~

Outer Harbor: As defined in Article I, Section 2.2

Pier: A permanent platform-type structure connected to the shoreline and usually built perpendicular there from over the water, supported by pilings or cribbing. Used for the berthing, loading, and unloading of vessels in coastal areas.

Piling: A rigid shaft of metal, wood, cement, or plastic permanently affixed to the bottom.

Private Mooring: Any mooring other than a transient, commercial, or service mooring.

Ramp Platform: A projection from a wharf, pier, or bulkhead to which a ramp is attached.

Ramp: A ~~surface~~ structure used to access or connect to a float, pier, wharf, bulkhead, ~~or the water.~~

Riparian Owner: In this ordinance it shall mean an owner of a parcel of land of at least 100 feet of shore frontage. Notwithstanding Title 38, M.R.S.A., Section 11, persons who, prior to January 1, 1987, owned shore rights of at least 100 feet of frontage regardless of the size of the lot shall have mooring privileges assigned according to Title 38, M.R.S.A., Section 3. The limitation of one mooring assigned under this privilege shall not prevent the owner of a shorefront parcel from receiving additional mooring assignments under the allocation system for all other residents.

Resident: A person who is registered to vote in the Town of Camden or any person who occupies a dwelling in Camden for more than 180 days in a calendar year. Proof of 180-day dwelling occupation will be established according to standards used for Camden voter registration.

Service Mooring: A mooring owned and utilized by a commercial marine enterprise or marine-dependent enterprise for the purpose of temporary securing of customers' vessels and other uses relating to the operation of a commercial marine enterprise or marine-dependent enterprise.

Shall and May: The word "shall" is used to indicate the mandatory and the word "may" is used to indicate the permissive.

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Shoreland Zoning Ordinance: The Shoreland Zoning Ordinance or Shoreland Zoning Provisions of the Zoning Ordinance of the Town of Camden, Maine as amended.

Shoreline: As used in this Harbor and Waterways Ordinance, that line where the upland meets the Harbor line as set forth in Article I, Section 3.

Total Vessel Length (TVL): The extreme length of vessel as berthed measured to include any and all extensions or overhangs from the hull's stem or stern, such as bowsprits, boomkins, rudderposts, booms, davits, outboard motors, swim platforms, or any other extensions from the hull. ~~Outboard motors or other adjustable extensions that cause the vessel to exceed the permitted TVL as berthed are not in compliance.~~

Transient Mooring: Moorings used for securing visiting vessels.

Vessel: Any type of watercraft boat, barge, scow, dredges, shellfish cars, or float, used or capable of being used as a means of transportation in or on water.

Walkway, ~~Wharf or Pier~~: The part of ~~the structure~~ wharf or pier providing access between or over a supporting structure.

Windjammer: A traditionally rigged sailing vessel whose principal commercial operation is to engage in the trade of carrying passengers on cruises of at least one night or longer during which time room and board are provided.

Wharf: A platform-type structure connected to the shoreline and built parallel there from over the water, supported by piling or cribbing, used for the berthing, loading, and unloading of vessels.

Wharf Line: The boundary as depicted on the Official Zoning Map B of the Town of Camden delineating the Inner Harbor area. The wharf line defines the limit beyond which permanent structures cannot be erected.

ARTICLE VI

REGULATIONS CONCERNING CONSTRUCTION OF PIERS, WHARVES,
BREAKWATERS, BULKHEADS, AND LANDFILL

Section 1. Inner Harbor

~~No piers, wharves, bulkheads, marine railways, mobile vessel hoists, private breakwaters, or any structure requiring a permit shall be permitted in the Inner Harbor. No structure requiring a permit shall be constructed in the Inner Harbor~~ except as permitted below.

- A. Piers or wharves, or a combination of both, and mobile vessel hoists may be constructed subject to the following limitations:
1. No pier, wharf, pilings, or combination thereof, except pilings at the Public Landing that are municipally owned, shall extend beyond the wharf line as defined in these rules and regulations.
 2. No wharf walkway shall exceed 12 feet in width and shall not extend beyond the wharf line.
 3. No pier walkway shall exceed 12 feet in width and shall not extend beyond the wharf line.
 4. If a wharf is used to connect two contiguous parcels of land in the same ownership that are separated by a brook; then the landowner of those two parcels shall be permitted to construct a wharf 12 feet wide for each parcel of land, but both 12 foot wide wharves shall be contiguous. Each of said wharves or the combination of both wharves, if the landowner elects to construct two wharves, shall not extend beyond the wharf line as depicted on Map B of the Official Zoning Map of the Town of Camden, and each wharf, or the combination of both wharves so permitted, shall not be closer than 6 feet from any Town street line. The landowner shall, nonetheless, comply with the application procedures and approval process of Article VI, Section ~~7~~5 of these harbor Rules and Regulations.
 5. In order to assure adequate berthing or docking alongside, piers shall not be constructed within 40 feet (horizontal distance) of an existing pier; and if more than one pier is to be constructed on property in the same ownership, the piers shall be separated by a minimum of 40 feet (horizontal distance).
 6. The height of any pier walkway or wharf walkway above mean high water shall not exceed 6 feet.
 7. Fender pilings, bollards, railings, or other accessory structures which extend above the walkway of a pier or wharf shall be limited to a height of 6 feet above the walkway. Railings shall be substantially open in construction to minimize visual interference from both shore and water.

8. No structures shall be permitted on piers, wharves or breakwaters except as temporary structures and permanent non-building type structures allowed under the regulations of the Zoning District.
9. Where a lot in a business district abuts a residential district, a wharf or pier shall be set back 10 feet from the line between the two districts.
10. Ramp platforms shall not exceed 20 square feet in area and shall not extend more than 4 feet beyond the wharf line as measured from the outside face of the piling. Ramp platforms shall be limited to one ramp platform in each 100 foot segment along the face of a wharf or pier and no closer than within 50 feet of any existing ramp platform as measured on either side. Construction of a ramp platform within the meaning of the subsection requires a permit under the terms of Article VI, Section ~~7-5~~ of this Harbor Ordinance.
11. A mobile vessel hoist may be constructed subject to the following requirements:
 - A. The mobile vessel hoist (including any attached floats and ramps) may extend seaward beyond the wharf line, but not greater than 130 feet from mean low water and provided that the mobile vessel hoist shall not extend into any navigational channel nor if applicable extend into the Outer Harbor at a greater distance than a line drawn 30 feet perpendicular to the Outer Harbor line dividing the Inner Harbor from the Outer Harbor;
 - B. The width of the mobile vessel hoist (including any attached floats and ramps) shall not exceed 60 feet in the Inner Harbor and shall not exceed 52 feet in the Outer Harbor;
 - C. The height of the pier for the mobile vessel hoist shall not be greater than 6 feet above mean high water;
 - D. No vessels or other vessels shall be attached to the end of the pier for the mobile vessel hoist in such a fashion as to cause the vessel or vessel to extend further seaward than the end of the pier for the mobile vessel hoist, except while in the process of being launched or hauled.
12. There shall be no landfill beyond the harbor line .
13. There shall be no breakwater constructed within the Inner Harbor.
14. New bulkheads shall not be constructed beyond the harbor line; however, existing bulkheads that extend beyond the harbor line may be repaired or replaced subject to the necessary Town, State, and Federal licenses, permits, rules and regulations.

Section 2. Outer Harbor

- A. ~~No structure requiring a permit shall be constructed in the Outer Harbor~~ No piers, wharves, bulkheads, marine railways, mobile vessel hoists, private breakwaters, or any structure requiring a permit shall be permitted in the Outer Harbor, including Sherman Cove, except as permitted below:

B. Wharves may be constructed provided:

1. The wharf shall not project more than 12 feet beyond the harbor line, or extend beyond mean low water, whichever is less.
2. The wharf walkway height above mean high water shall not exceed ~~6~~5 feet and the width shall not exceed 12 feet.
3. Fender pilings, bollards, railings or other accessory structures which extend above the walkway of a wharf shall be limited to a height of 6 feet above the walkway. Railings shall be substantially open in construction to minimize visual interference from both shore and water.

C. Pilings may be driven only for the purpose of supporting an approved wharf.

~~C. Piers may be constructed subject to the following limitations:~~

- ~~1. The length of the pier shall not exceed 100 feet (as measured from the harbor line) or shall not extend beyond mean low water, whichever is less.~~
- ~~2. The height of the pier walkway shall not exceed 6 feet above mean high water.~~
- ~~3. The width of the pier shall not exceed 4 feet, the overall width of the pier at the pier walkway shall not exceed 6 feet and the width of the base of the pier shall be in conformance to standard engineering practice.~~
- ~~4. Fender pilings, bollards, railings or other accessory structures which extend above the walkway of a pier or wharf shall be limited to a height of 6 feet above the pier walkway. Railings shall be substantially open in construction to minimize visual interference from both shore and water.~~
- ~~5. No pier shall be constructed within 30 feet horizontal distance of the point where the property line intersects the harbor line.~~
- ~~6. No pier shall be built within 300 feet as measured along the shoreline from an existing or from an approved pier, wharf or breakwater.~~
- ~~7. No structures shall be permitted on piers, wharves or breakwaters except as temporary structures and permanent non-building type structures allowed under the regulations of the Zoning District.~~
- ~~8. Municipal piers and municipal launching ramps shall be exempt from (5) and (6).~~
- ~~9. No piers, wharves, pilings, bulkheads, marine railways, mobile vessel hoists, or any structure requiring a permit shall be constructed within that area of Sherman Cove which lies northerly of a line commencing at a point on the shore where the northerly line of~~

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~~Marine Avenue intersects the harbor waters to a point on the easterly shore of the cove where the northerly line of Sherman Point Road intersects the harbor line.~~

- ~~10. No bulkheads or breakwaters shall be constructed in the Outer Harbor beyond the harbor line.~~
- ~~11. Pilings may be driven only for the purpose of supporting an approved wharf or pier.~~
- ~~12. Subject to paragraph (D) above, no mobile vessel hoist shall be constructed or installed in the Outer Harbor except as stated in Article VI, Section 1, B, (11).~~

D. Municipal Piers, Wharves, and Launching Ramps may be constructed provided:

1. Any municipal pier at Steam Boat Landing shall not exceed 320 feet in length (as measured from the harbor line) and the width of the pier walkway shall not exceed 50 feet.
2. Municipal piers built elsewhere in the Outer Harbor shall not exceed 150 feet in length (as measured from the harbor line) and the width of the pier walkway shall not exceed 16 feet.
23. Floats shall be of size and construction needed for municipal piers, wharves and launching ramps.
34. The height of the pier walkway ~~does~~ shall not exceed ten feet
45. Pilings or structures necessary for securing floats adjacent to municipal piers, wharves and launching ramps shall be permitted.

Section 3. Coastal Harbor

A. No piers, wharves, bulkheads, marine railways, mobile vessel hoists, private breakwaters, or any structure requiring a permit shall be permitted ~~No structure requiring a permit shall be constructed~~ in the Coastal Harbor except as permitted below.

~~A,B.~~ Fender pilings, bollards, railings or other accessory structures which extend above the walkway of a pier or wharf shall be limited to a height of 6 feet above the walkway. Railings shall be substantially open in construction to minimize visual interference from both shore and water.

~~B,C.~~ Wharves may be constructed in the Coastal Harbor area provided:

1. The wharf does not extend more than 12 feet into the waters beyond the harbor line, or to mean low water, whichever is less.
2. The length of the wharf along the shore does not exceed 40 feet or one-half the width of the upland lot, whichever is less
3. The height of the wharf walkway above mean high water does not exceed 10 feet.

D. ~~B.~~ Piers may be constructed provided:

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1. The length of the pier shall not exceed the shorter distance of the following:
 - A. 150 feet (as measured from the harbor line), or
 - B. To a point where the depth of the water at the end of the pier at mean low water does not exceed 6 feet.
2. ~~C.~~ The height of the pier walkway does not exceed 10 feet above mean high water.
3. The overall width of the pier does not exceed 4-6 feet including all rails and supports at the pier walkway.; ~~the overall width of the pier at the pier walkway shall not exceed six feet and the width of the base of the pier~~ The overall width of the granite or stone supports shall be in conformance to standard engineering practice.

~~Section 4. Consolidated Pier~~

~~Consolidated piers, as defined herein and in the Zoning Ordinances, may be constructed on the Outer Harbor and Coastal Harbor areas provided:~~

~~B. The consolidated pier does not exceed 150 feet in length (as measured from the harbor line) or to a point where the depths of water at the end of the consolidated pier at mean low water is not more than 6 feet, whichever of the two measurements is less.~~

~~B. Participating property owners shall have combined continuous, contiguous frontage of at least 600 feet.~~

~~C. No consolidated pier shall be constructed within 300 feet as measured along the harbor line from an existing or from an approved consolidated pier, wharf, breakwater or other similar construction.~~

~~D. The consolidated pier shall not be constructed within 30 feet (horizontal distance along the shoreline) of the exterior property lines of the combined properties, as the consolidated pier intersects the harbor line.~~

~~E. The height of the consolidated pier walkway above mean high water does not exceed 6 feet above mean high water in the Outer Harbor and 10 feet above, mean high water in the Coastal Harbor.~~

~~F. Fender pilings, bollards, railings or other accessory structures that extend above the walkway of a consolidated pier or wharf shall be limited to a height of 6 feet above the walkway. Railings shall be substantially open in construction to minimize visual interference from both shore and water.~~

~~G. The width of the consolidated pier does not exceed 6 feet and the width of the base of the pier shall be in conformance with standard engineering practice.~~

~~H. Construction of a consolidated pier shall not be such as to substantially impede the public's right of passage over the shores and flats.~~

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- ~~I. Where two or more property owners combine to participate in a consolidated pier under this provision, common use easements shall be provided for the use of the pier.~~
- ~~J. Pier rights on properties contributing to a consolidated pier shall be relinquished by the property owners in a written statement.~~
- ~~K. Recordable instruments or agreement on cross easements shall be submitted with the application and certified by the applicant(s) in writing to the Planning Board.~~

~~Section 5. Municipal Piers~~

~~Municipal piers may be constructed in the Outer Harbor provided:~~

- ~~A. The municipal pier does not exceed 320 feet in length (as measured from the harbor line) or to a point where the depth of water at the end of the pier at mean low water is not more than 20 feet whichever is less.~~
- ~~B. The width of the pier walkway does not exceed 50 feet.~~
- ~~C. The height of the pier walkway does not exceed that allowed for piers in the Inner, Outer or Coastal Harbor.~~
- ~~D. Floats shall be of size and construction needed for municipal piers and launching ramps.~~
- ~~E. Pilings or structures necessary for securing floats adjacent to municipal piers and launching ramps shall be permitted.~~

Section 64. Permit Approval Requirement

No mobile vessel hoists, piers, wharves, bulkheads, breakwaters, marine railways or other structures shall be constructed, enlarged or improved except upon approval and issuance of a permit in accordance with Section ~~7~~ 5 of these Harbor Rules and Regulations.

Notwithstanding any prohibition within this Ordinance as to new structures, those vessel hoists, piers, wharves, bulkheads, breakwaters, marine railways or other structures existing as of November 3, 2015 may remain and, subject to the approval required by Article VI, Section 5, may undergo normal maintenance or emergency repairs.

Section ~~75~~. Procedure for Permit

- A. Any construction, renovation, or improvement of a mobile vessel hoist, pier, wharf, bulkhead, breakwater, marine railway or other structure shall require an application to the Code Enforcement Officer of the Town of Camden. Written application shall include the following information:
 - 1. Evidence of submission of application for applicable State and Federal licenses, permits and approvals.

2. Evidence of submission of application for applicable Army Corps of Engineers licenses, permits and approvals.
3. A site plan, stamped and sealed by an engineer, registered in the State of Maine, at a scale of not greater than 1 inch to 20 feet. The plan shall show:
 - A. The length and width of the proposed project.
 - B. The harbor line and wharf line, mean high water and mean low water.
 - C. Side property lines as extended from the upland across the shores and flats.
4. An elevation showing the height of the structure in relation to mean high water and mean low water.
5. A pier or wharf section.
6. A plan showing the location and type of lighting.

C.B. A permit under this section shall not be issued by the ~~Select Board~~ **Code Enforcement Officer** until all applicable State and Federal licenses, permits and approvals and local approvals under this section have been received.

D.C. The Code Enforcement Officer shall review the application for compliance with paragraph (A) above and the applicable requirements of the Town of Camden Zoning Ordinance. In the event the Code Enforcement Officer determines the application is complete, then the application, together with related documents shall be dated and forwarded within 10 business days to the Harbor Committee. The Harbor Committee shall within 10 business days of the date of receipt, convene a meeting for review of the application. The review and comments of the Harbor Committee shall be in writing, shall specifically address the standards in Article VI, Section ~~75~~, shall state the reasons for the comments and shall be forwarded to the Select Board for their review and action.

E.D. Upon receipt of the review and comments of the Harbor Committee, the Select Board (after a public hearing) shall either approve, approve with conditions or disapprove the proposed project, in accordance with the standards of Article VI, Section ~~75~~, of these Harbor Rules and Regulations.

1. If disapproved, the disapproval shall be in writing and shall include the reasons for disapproval.
2. If approved, the approval shall be in writing and shall not be effective until approval by the Planning Board under site plan review.

E.E. The application, together with the action taken by the Select Board, shall be returned to the Code Enforcement Office within 60 days of the date that the application was determined to be complete unless otherwise mutually agreed to by the applicant and the Select Board.

G.F. The Select Board shall review the project for compliance with the applicable provisions of the ordinance set forth therein above and, in addition thereto, the following standards. The Select Board, as part of its review, shall hold at least one public hearing

1. The Inner Harbor

That the proposed project will not:

1. Encroach into, interfere with, or pose a hazard to navigational channels.
2. ~~Interfere~~ Substantially interfere with access to and from existing mooring and berthing areas for both commercial and recreational uses.
3. ~~Substantially Displace~~ displace or eliminate the existing mooring and berthing areas, both public and private, commercial and recreational.
4. ~~Substantially Interfere~~ interfere with public access to and use of the Harbor waters.

2. The Outer Harbor and Coastal Harbor

That the proposed project will not:

- A. Interfere with, or pose a hazard to, the navigational channels between the Inner Harbor and the bay and from the public vessel ramp to the main channel.
- B. ~~Substantially Eliminate~~ eliminate or interfere with existing and designated mooring and anchorage areas and access thereto.
- C. ~~Substantially Reduce~~ reduce or interfere with existing shell fishing and clamming areas, and access thereto.
- D. Interfere with public vessel launching and pier facilities.
- E. ~~Substantially Block~~ block or interfere with public rites of passage and uses of the shores and flats.
- F. Adversely affect small recreational boating activities to a substantial degree.
- G. Construction of approved projects shall commence within one year from the date of approval by the Select Board and shall be completed within two years from the date of issuance of the building permit.
- H. The decision of the Select Board concerning issuance or denial of the permit may be appealed to the Superior Court by the aggrieved party within 30 days of the date of decision and in accordance with Rule 80B of the Maine Rules of Civil Procedure.

- I. Notwithstanding the above provisions of Article VI, Section ~~7~~5, regular maintenance and emergency repair of piers, wharves, mobile vessel hoists, breakwaters, or bulkheads, as defined below, shall not require a permit under the Harbor and Waterways Ordinance, except as stated expressly in the following paragraphs of this provision.

In the event that regular maintenance or emergency repairs to piers, wharves, or mobile vessel hoists require the removal of existing pilings and the replacement of those pilings along the outermost side of the pier or wharf facing the waters of the harbor, then the person causing such normal maintenance or emergency repairs shall submit to the Code Enforcement Officer a site plan, stamped and sealed by an engineer, registered in the State of Maine, at a scale of not greater than one inch to twenty feet, which shows specifically the location of existing pilings and decking for the pier, wharf, or mobile vessel hoists and the proposed locations of new or replacement pilings and decking in connection with such normal maintenance or emergency repairs.

Any person causing such normal maintenance or emergency repairs shall submit to the Code Enforcement Officer, together with the building permit application for such work, required by the Camden Zoning Ordinance, a description of the work for such normal maintenance or emergency repairs which provides the Code Enforcement Officer with sufficient information to determine whether the proposed project conforms with the meaning of “regular maintenance” or “emergency repairs” as set forth in this provision.

In the event that the Code Enforcement Officer determines that insufficient information has been provided by the applicant for the building permit, the Code Enforcement Officer can request additional information,

If the Code Enforcement Officer determines that the applicant for the building permit proposes to perform work that does not constitute regular maintenance or emergency repairs, then the Code Enforcement Officer shall direct that applicant to obtain a permit in accordance with the provisions of Article VI, Section ~~7~~5 of this Ordinance. If, after following the normal permit review procedure as described in Article VI, Section 5, the Select Board concludes that the permit requested is for work that does not constitute regular maintenance or emergency repairs, the Select Board shall treat the request as if it were for a new structure or facility, and shall deny the permit if the type of structure or facility proposed is prohibited in the subject area of the harbor.

The person causing regular maintenance or emergency repairs shall take photographs of that maintenance or repair, both before and after the completion of work. Such photographs shall be submitted to the Code Enforcement Officer and retained as a permanent record with a copy of the building permit delivered to the Harbormaster.

For purposes of this provision, regular maintenance shall mean restorative work, including replacing decking, and refurbishing of portions of the decking or pilings of wharves, piers, or mobile vessel hoists for the purpose of preserving those structures and maintaining the structural integrity of those structures and in order to counteract the effects of usual wear and tear caused by the use of those structures in marine related activities.

For purposes of this provision, emergency repairs shall mean replacement and relocation of pilings, decking, or underpinning replacement which requires rapid action in order to avoid a dangerous condition which threatens life or injury to any person or which threatens property damage; emergency repairs shall include,

by way of illustration, repairs arising out of storm damage, fire, and the threat of imminent collapse of a pier, wharf, or mobile vessel hoist.

Section 86. Landfill

There shall be no landfill beyond the harbor line in any of the harbor areas, except as may be required for the proposed construction of a municipal pier or municipal vessel launching ramp in the outer harbor.

Section 97. Floats and Ramps

Floats and ramps attached to piers, wharves, bulkheads, or breakwater shall be approved in writing by the Harbormaster in the event that the standards are met by the applicant as follows:

1A. The Inner Harbor

1. Combination of vessels, floats and ramps shall be permitted up to 40 feet from the wharf line provided such combination is consistent with standards as determined by the Harbormaster set forth in Article VI, Section 75, for the Inner Harbor.
2. Combinations of vessels, floats and ramps extending more than 40 feet beyond the wharf line shall be consistent with the standards as determined by the Harbormaster as set forth in Article VI, Section 75, (F) for the Inner Harbor and shall require the written permission of the Harbormaster.

3C. No buildings or structures shall be permitted on any floats.

4D. Municipal piers and municipal launching ramps shall be exempt from Sections (1) and (2) of Article VI.

5B. The Outer and Coastal Harbor

61. A float with connecting ramp may be extended to no more than 50 feet beyond the end or outer edge of the pier, wharf, breakwater or bulkhead as measured to the outside edge of the float, provided said float and ramp arrangement is consistent with the standards set forth in Article VI, Section 75, (F).

72. In the Outer Harbor, the float shall not exceed 240 square feet in area and no dimension shall exceed 30 feet. In the Coastal Harbor, the float shall not exceed 360 square feet in area and no dimension shall exceed 30 feet.

83. No buildings or structures shall be permitted on the floats.

94. Municipal piers and municipal launching ramps shall be exempt from (1) and (2).

| Section ~~108~~. Marine Railways

| A. Alteration and/or renovation of existing marine railways is permitted in both the Inner Harbor and Outer Harbor upon application for a permit and approval of that permit in accordance with procedures of Article VI, Section ~~7-5~~ of these Harbor Rules and Regulations provided, however, that the Select Board approves that project in accordance with the following standards:

- |
1. That alterations and/or renovations, and the subsequent use thereof, will not adversely affect the standards of the Inner and Outer Harbor as set forth in Article VI, Section ~~7-5~~ above, and;
 2. That the alteration and/or renovation have been approved by the appropriate State and Federal Agencies.
 3. A repair that does not require the State Department of Environmental Protection and/or U.S. Army Corps of Engineers permits or licenses shall not require a permit under these Rules and Regulations.