

**Harbor Ordinance Town of Northport, Maine
Feb 2019 proposed revision**

Bill Kelly notes in GREEN

1. Purpose

The Northport Harbor Ordinance is hereby established in order to regulate marine activities within "Saturday Cove", "Bayside", "Temple Heights", and all other tidal waters adjacent to the shoreline of the Town of Northport in order to ensure safety to persons and property, promote availability and use of valuable public resources and to create a fair and efficient framework for administration of the same. This ordinance is adopted pursuant to 30-A MRSA §3001 and the specific authority of municipal home rule 30-A M.R.S.A. §2671 et seq, and the power of municipal home rule along with the specific authority granted to municipalities with respect to Harbor Masters as set forth in 38 M.R.S.A. §1 et seq, and the power of municipal home rule as set forth in 30-A MRSA §3001 et seq and Article VIII of the Constitution of the State of Maine.

2. Harbor Master

A. The selectpersons shall appoint a Harbor Master pursuant to 38 M.R.S.A. §1. The Harbor Master will assume office in November 15 December 1st of the year and will have the duties and powers prescribed by law and this ordinance. The term of office will shall be two years.

B. Per 38 MRSA, § 2, the Harbor Master may appoint a Assistant Deputies. The Harbor Master may delegate such duties as authorized in 38 M.R.S.A. §2., including the authority of a Deputy to act in the Harbor Master's absence. In the event of the Harbor Master's to act in the Harbor Master's absence. In the event of the Harbor Master's disability, the Selectmen may appoint a Deputy Harbor Master. the selectpersons may appoint an Assistant Harbor Master(s) to act as Harbor Master. The Harbor Master The Select Board may also appoint an Assistant to provide general assistance to the Harbor Master or Harbor Committee. (BK notes the HM is not authorized by statute to appoint an assistant.)

C. The Harbor Master, and any appointed Deputy, must complete a basic harbor master training course in accordance with 38 M.R.S.A. §1.A.(1) within one year after being appointed unless the Harbor Master has previously completed such a course.

*D. The Harbor Master and/or Assistant Deputy Harbor Master, is authorized to make decisions relative to pertinent issues/matters of concern that may come up but are not directly addressed/specified within this ordinance.

3. Harbor Committee

A. The Northport Harbor Committee exists for the purpose of evaluating public usage and access to coastal waters of the town, planning for future use, to advise the Town Selectpersons, Board and supervise the enforcement of this ordinance, advise the Harbor Master, supervise the enforcement of this Ordinance and oversee advise regarding the care of Town waterfront facilities through the Harbor Master. The Committee will also sit as a board of appeals to hear appeals of any act or failure to act of the Harbor Master.'s, and/or Assistant Harbor Master's decisions or actions

47
48 ~~*B. The Harbor Committee is a seven member Committee~~ shall be comprised of five regular
49 voting members and two alternates appointed and approved by the Town Select Board each
50 with a term of two years. Alternates are invited to all regular meetings and may provide input
51 to the discussion, and shall vote in the absence of a regular voting member but otherwise
52 shall not vote unless needed to meet quorum requirements. In that circumstance, the
53 ~~alternate will be considered a full Committee member. If a quorum of at least three~~
54 ~~regular Committee members is not reached at a meeting, the Harbor Master will be~~
55 ~~considered an alternate and be counted to meet the requirements for a quorum, and have~~
56 ~~voting rights. An Assistant Harbor Master may be considered an alternate if the Harbor~~
57 ~~Master is not already in the position of alternate. The Harbor Master or Assistant (when~~
58 ~~acting in the place of the Harbor Master), may cast a tie breaking vote if they are not~~
59 ~~serving as a Committee alternate. The Harbor Master shall serve as a non-voting sixth~~
60 ~~member, liaison to the Harbor Committee and attend Harbor Committee meetings. but~~
61 ~~may be appointed Secretary.~~

62
63 The Harbor Committee shall select a Chair. The Chair shall appoint a meeting secretary to take
64 minutes. The secretary shall draft meeting minutes and distribute them to Committee members
65 for review, revision and approval. Upon approval of the Committee, the Chair shall maintain a
66 file copy of the approved minutes and shall provide a copy to the Town Administrator Town
67 Clerk the original for inclusion with appropriate Town records.

68
69 C. The Harbormaster, and/or Assistant Harbor Master, the Harbor Committee Chairman, a
70 majority of the voting Committee members, or a majority of the Select Board may call
71 meetings of the Harbor Committee as needed. A quorum of the committee necessary to
72 conduct an official meeting shall consist of at least three (3) of the voting Committee
73 members.)

74 75 **4. Harbor Limits**

76 A. For the purpose of this ordinance, the harbor limits shall be: beginning at a point of land, so
77 called Knight's Point, 44.17'572"N, 68.58'878"W and then NNE to Great Spruce
78 Head 44.19'395"N, 68.57'202"W and then NE to 44.20'33"N, 68.57'063"W and then
79 NNE to 44.21'284"N, 68.56'802"W and then to a point at Little River Cove 44.23'472"N,
80 68.5 8'917"W and all municipal waters to the west.

81
82 B. For the purposes of this ordinance, Northport recognizes that West Penobscot Bay
83 contains a deep-water channel for large commercial vessels and the heavy use of town
84 waters for both commercial and pleasure craft of all sorts. It is the intent of this
85 ordinance that the town maintain open and unimpeded access to these waters and
86 channels for all interests using them, including seagoing vessels from ports in the bay,
87 fishing vessels and their gear (including lobster, crab and fish traps), surface fishing
88 vessels and pleasure vessels from any and all ports and anchorages being that they
89 respect rules of navigation and conform to regulations of the United States Coast
90 Guard, the State of Maine Marine Patrol and other recognized authorities, including
91 other sections of this ordinance.

92

93 C. Sub Area - Northport Village Corporation (Bayside)

- 94 1. The waterfront area including the beach area, public pier, floats and the
95 designated swimming area adjacent to the "swim" float within the boundaries of
96 the Northport Village Corporation (also known as Bayside) within the Town of
97 Northport, are subject to Corporation regulations, to the extent they do not
98 conflict with this and other ordinances adopted by the Town of Northport.
99
- 100 2. Notwithstanding paragraph 1 above, all mooring and marine activities in the
101 waters adjacent to the Northport Village Corporation facilities are subject to this
102 ordinance and the jurisdiction of the Harbor Master as Coastal Waters of the Town of
103 Northport.
104
105

106 D. Sub Area - Saturday Cove

- 107 1. Sub Area Saturday Cove includes waters westerly of a line beginning at
108 44.20'133"N, 68.57'036"W and northerly to so-called Hildreth Point at
109 44.20'16"N, 68.56'933"W.
110
- 111 2. This sub area contains the Northport waterfront public land, public pier, and floats.
112
- 113 *3. The docks, floats, and waterfront area shall be maintained by the Town. As conditions
114 permit, the fishermen facility floats shall be put in the water by May 1st and removed by
115 December 1st of each year under the direction of the Harbor Master using town or
116 contracted personnel. The recreational float(s) located at the end of the pier, may not be
117 put in until June 1st and may be hauled out by November 1st at the discretion of the
118 Harbormaster and/or town selectmen/administrator. Town officials may also make a
119 judgment call to haul the floats at any time that catastrophic/severe weather is forecast or
120 other circumstances come up that the selectpersons determine requires the need to pull
121 the floats.
122

123 ~~The following is the policy approved by the selectmen for commercial use of the cove~~
124 ~~facilities in response to a request to use for seaweed harvesting and other~~
125 ~~aquaculture use requests.~~

126 *4. Commercial Use of Facilities:

- 127 a. Other than users as of the effective date of this ordinance, (i.e. commercial
128 lobsterman,) commercial or industrial use of the facilities must be approved by
129 the Northport Selectmen.
- 130 b. Any additional use, approved by the Selectmen, is temporary in nature and is not
131 meant for daily or continued long term use.
- 132 c. The size and weight of vehicles, equipment etc., used for the proposed activity
133 will shall be restricted, no tractor trailer trucks will be allowed. Vehicles allowed
134 will have a restricted shall not exceed a gross vehicle weight of 23,000lbs, or less,
135 or shall meet the State approved weight limit for posted roads at the time of the
136 request.
- 137 d. During any additional approved use of the cove and its facilities, access shall
138 remain available to the public as long as safety is not a concern/issue.

139 e. Vehicles and equipment used to move floats and perform maintenance activities
140 approved by Town Officials, (Selectmen Board, Town Administrator, or Harbor
141 Master) are exempt from these restrictions.

142 f. Each proposed commercial use applicant shall provide a certificate of insurance to
143 the Town Office before use begins. Any damages to the road or facilities will be
144 the responsibility of the users and may result in termination of the approve use.

145
146 *5. Storage of personal property, other than fishing related gear and bait, is prohibited on
147 Saturday Cove Northport owned public land. land owned by the Town of Northport. A
148 resident of Northport who holds a valid commercial fishing license may temporarily
149 store fishing related gear and bait in designated/approved areas, between the dates of
150 May 1 through November 30, for 24 hours. Fishermen should only put on the floats, an
151 amount of gear (ie traps etc) that they can take off within 24 hours. This is especially
152 important during the early gear setting season and the fall haul-out season. Bait must
153 be stored in covered leak-proof containers. All fishing related gear and bait must be
154 kept in a safe and orderly manner to prevent a nuisance (obstacle or odor etc) or problem
155 for use of the facilities by others.

156
157 * 6. The pier and ramp-connected float(s) are for the primary use of recreational boaters,
158 though fishermen are not prohibited from using these facilities from time to time. The
159 “fishermen floats” that are attached to the pilings by chains and located seaward (east)
160 of the pier are primarily intended for use by the commercial and recreational
161 fishermen. However, the general public may use these floats as well from time to time
162 especially when launching or hauling boats utilizing the boat ramp. However all floats
163 may be used by all boaters from time to time. In addition, access for use of the boat
164 ramp must remain clear and available for use by others, and is limited to 30 minutes,
165 unless otherwise approved by the Harbor Master or his/her assistant(s). Do not block
166 No person shall block access to the ramp with vehicles, boats, dinghies, trailers or
167 otherwise.

168
169 *7. Floats are generally intended for short term use, storage and transfer of people,
170 articles, and/or gear. Vessels may only tie up to the floats for up to 15 minutes if others
171 are waiting. Otherwise, 2 hours (attended) is the maximum tie up, unless extended by
172 Harbor Master approval. Vessels shall not be left unattended for more than 30 minutes
173 without Harbor Master approval. Overnight tie-ups for maintenance issues etc must be
174 approved by the Harbor Master. Vessel owners must respect the need for others to utilize
175 these facilities.

176
177 8. Dinghies less than 12’ in length may be stored along the shoreline, but not blocking
178 access to the boat ramp or any floats or pier; or they may be tied to the inside/backside of
179 the pier float(s), but not to the outside face of any of the floats. Storage on top/deck of
180 any of the floats or pier is prohibited unless approved by the Harbormaster. Only dinghy
181 12’ or less, with/without a motor of up to 15hp, shall be tied up to the floats
182 overnight.

185 9. **Vehicles** must be kept clear of the pier, floats, and boat launching ramp area. An area
186 southeast of the access road has been constructed for limited parking. Efforts should be
187 made by all facility users, including fishermen, to car pool. No overnight parking is
188 allowed. Parking of vehicles with trailers is very limited. The spur, which runs east/west
189 toward the head of the cove, is suitable for trailer parking on a first come first served
190 basis. No vehicles or trailers ~~may~~ shall be parked in a manner which blocks access to any
191 of the facilities, especially the boat launch ramp area.

192
193 10. Use of any and all facilities is at the user's risk.

194
195 **5. Channels**

196 The following channel is established in Northport coastal waters:

197 A. A channel, heretofore known as the Bayside Wharf Channel, extends perpendicular
198 approximately 800' from the Bayside pier and floats in an easterly direction, and
199 approximately 100' parallel and south of the corner of the dock. The village generally
200 marks the channel with buoy(s), and in the summer the channel is better defined by the
201 first columns of
202 permitted mooring buoys running generally parallel to the northern and southern sides of
203 the Channel's centerline.

204
205 B. Except for navigational, safety, or utility marker aids approved by the Harbor Master, no
206 person shall be allowed to anchor or moor boats, vessels or other craft, nor to place or
207 allow the placement of moorings, anchors, lobster traps or pots, crab traps or pots, fish
208 nets, fish seines, as well as buoys, floats, warps, lines, anchors and other appurtenances or
209 apparatus associated with or connected to such moorings, anchors, traps, pots, nets and
210 seines, within the Bayside Wharf Channel.

211
212 C. Notwithstanding paragraph B above, watercraft, while legally attached to the permitted
213 moorings that define the northern and southern boundaries of the Bayside Wharf
214 Channel, shall not be in violation of the mooring prohibitions set forth in Paragraph B
215 above.

216
217 **6. Moorings**

218 A. No person shall place a mooring within the coastal waters adjacent to the town of
219 Northport unless:
220 1. He or she has filed an application, paid all applicable fees, and been approved for an
221 annual permit with the Harbor Master setting forth such information as shall be
222 requested.

223 2. The Harbor Master has issued a written permit to the applicant that states the
224 number and assigns and/or approves the location of the mooring.

225
226 B. Moorings shall be prudent, appropriate and safe. The mooring owner assumes all risk and
227 personal liability associated with the adequate construction of and setting/hauling of a
228 mooring in town waters.

229
230 C. The mooring permittee/owner is responsible to ensure that the permittee's mooring

- 231 permit number is affixed to the permittee's mooring buoy in legible numbers
 232 approximately six inches in height.
 233
- 234 D. Any permits issued pursuant to part A above shall be renewable on a yearly basis
 235 provided that the mooring's owner has satisfied the regulations of this ordinance.
 236
- 237 E. The Harbor Master is empowered, as set forth in 38 M.R.S.A. §4, to require mooring
 238 removal or relocation for reasons such as improper placement, neglect or safety, at the
 239 owner's expense.
 240
- 241 F. The Harbor Master will not issue a permit for a mooring unless satisfied that the
 242 information set forth in the application is complete.
 243
- 244 G. Notwithstanding the forgoing, the number of resident moorings shall always be at least
 245 equal to the number of non-resident moorings required under 38 M.R.S.A. §7~A as
 246 amended from time to time.
 247
- 248 H. This ordinance allows the transfer of a mooring used for commercial fishing purposes.
 249 This ordinance may permit a mooring assignment to be transferred only at the death of
 250 the assignee, only to a member of the assignee's family and only if the mooring
 251 assignment will continue to be used for commercial fishing purposes. For the purposes of
 252 this section, "member of the assignee's family" means an assignee's parent, child, or
 253 sibling, by birth or adoption, including a relation of the half blood or an assignee's
 254 spouse.
 255
- 256 I. This ordinance authorizes a waiting list established and maintained by the Harbor Master for
 257 the assignment of mooring privileges.
 258
- 259 J. Mooring privileges in lawful existence on the effective date of this ordinance shall be
 260 preserved after its adoption, the location and use to be determined by the Harbor Master.
 261 For the purposes of this ordinance, one boat is to be served by one mooring. Unused
 262 moorings are not permitted, may not be set, and may be removed as under section E.
 263

264 **7. Rules of Harbor Use**

265 Vessels shall be operated within harbor limits in a safe and prudent manner, No person
 266 shall operate a vessel within harbor limits in a manner which threatens danger to persons
 267 or property, or which causes excessive wake or wash.
 268

269 **8. Fees**

270 A. Each applicant for a mooring site within the limits described in this ordinance shall pay
 271 an annual mooring application/permit fee. In addition, vessel owners may also incur other
 272 fees including excise tax, that must be paid annually to the town in order to receive and
 273 maintain an approved mooring permit.
 274

275
 276 B. Mooring application fees and mooring permit fees shall be set and published by the

277 Select Board with the advice of the Harbor Committee.
278

279 C. All fees accrue to Northport waterfront facility funds.
280

281 **9. Appeals of Harbor Master Decisions**

282 A. Any person may appeal a decision of the Harbor Master to the Northport Harbor
283 Committee. Any such appeal shall be made in writing within ten days of the date
284 upon which the person was notified of the decision of the Harbor Master. If the
285 decision of the Harbor Master is mailed, the recipient shall have 13 days from the date
286 of the mailing to appeal the decision. The desire to appeal may be made known to
287 the Harbor Master, any member of the Harbor Committee or board of selectpersons.
288 The appeal may be heard by the Harbor Committee at its next scheduled meeting or
289 at a special meeting, is requested by the appellant of the Harbor Master, within ten
290 days of the date that the appeal has been made.
291

292 B. Action taken by the Harbor Master for safety purposes shall be in force until the
293 Harbor Committee has reached a final decision.
294

295 **10. Enforcement**

296 A. Except as provided in Paragraph 9B, a violation of any provision of this ordinance may
297 be prosecuted and relief, fines, fees and penalties granted and assessed pursuant to the
298 provisions of 30 M.R.S.A. §4452.
299

300 B. A person is guilty of a Class E crime if that person intentionally, knowingly or recklessly
301 fails to obey any lawful order of the Harbor Master.
302

303 C. Violations of this Harbor Ordinance by neglect or refusal to obey its provisions shall be a
304 civil violation and anyone determined by a court competent jurisdiction to be in such
305 violation shall be penalized by a fine of not less than \$25.00 and not more than \$1000 for
306 each day such violation continues after notification of the violation by the Harbor Master
307 or town officials. In addition to the penalties provided herein the Town may bring action
308 in Superior Court to obtain injunctive relief and to enjoin violation of this ordinance and
309 for other and further relief as may be provided by law and equity. In addition, the
310 offender if found guilty shall pay to the Town of Northport an amount equal to
311 reasonable attorney fees, expert witness fees and other expenses incurred by the Town in
312 the prosecution of any proceedings to enforce the provisions of this ordinance, including
313 proceedings in equity to abate any nuisance or other condition in violation of this
314 ordinance.
315

316 **11. Validity and Severability**

317 If any section or subsection of this ordinance shall be found in violation of the law such
318 section or subsection shall be deemed a separate distinct and independent pendant
319 provision and the remaining portions of the ordinance shall remain valid and in effect.
320
321
322

323 **12. Effective Dates**

324 This ordinance supersedes all previous articles, warrants or ordinances pertaining to Northport
325 harbors, and Coastal Waters, or use of Northport waterfront public land. The effective date of
326 this ordinance shall be the day after it is ~~signed by the Northport selectpersons.~~ **adopted by the**
327 **legislative body.**

328
329 **13. Amendments**

330 This ordinance, the mooring application process and fee schedule shall be revisited and
331 examined on an annual basis by the Northport Harbor Committee and selectpersons.
332 Amendments to the above will be needed and are authorized by this ordinance to ensure a
333 purposeful and inherently just and forward-looking plan for the Town's marine interests.
334 Proposed amendments shall be posted in the town offices and in the local press in a timely
335 manner in accordance with state law.

336
337
338 Last Revised and Approved - June 2, 2014

339 **June 3, 2019**

340
341
342 Dated: _____

343
344
345
346 _____
347 Shelly Patten, Selectman

348
349
350 _____
351 Zak Hollingshead, Selectman

352
353
354 _____
355 Selectman