

TOWN OF GOULDSBORO, MAINE

HARBOR MANAGEMENT ORDINANCE

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HARBOR MANAGEMENT ORDINANCE TOWN OF GOULDSBORO, MAINE

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ARTICLE 1 INTRODUCTION

1.1 AUTHORITY

This Ordinance is adopted under the authority granted by Titles 12, 17, 30-A and 38 of the Marine Revised Statutes Annotated (M.R.S.A.), as amended, and the home rule provisions of the Constitution of the State of Maine.

1.2 PURPOSE

The purpose of this Ordinance is to establish and maintain order for the arrangement and utilization of the mooring areas, public landings, piers, boat ramps, harbor channels and related properties in the harbors in the Town of Gouldsboro, Maine in a manner that will best serve the interests of the citizens of Gouldsboro and the boating public.

1.3 JURISDICTION

The provisions of this Ordinance shall govern all maritime activities on and within the tidal & inland waters located within the boundaries of the Town of Gouldsboro, Maine and to all land areas at an elevation below the normal high-water mark and to all piers, parking lots, beaches and other public facilities serving the maritime resource. For inland waters the harbormaster shall have jurisdiction only on matters regarding houseboats and floating structures.

1.4 CONFLICTS WITH OTHER ORDINANCES

Should any provision of this Ordinance conflict with any ordinance, regulation, or statute administered by the Town, the more stringent provision shall control.

1.5 EFFECTIVE DATE

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

1.6 VALIDITY AND SEPARABILITY

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

1.7 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.

1.8 APPLICABILITY

The provisions of this Ordinance shall apply to activities occurring within or directly affecting the waters within the Town of Gouldsboro, Maine.

ARTICLE 2 DEFINITIONS

In this Ordinance the following terms shall have the meanings as shown:

2.1 **ABANDONED WATERCRAFT** – Abandoned watercraft means any watercraft that is inoperative and neglected, submerged or partially submerged or that has been left by the owner in coastal waters without intention of removal. This term includes motors, electronics and mechanical equipment and other machinery customarily used in the operation of watercraft.

2.2 *ANCHORAGE* – An area of the harbor set aside for permanent moorings or for the temporary anchoring of boats or vessels.

2.3 *BOAT* - Boat shall include vessels of all sizes powered by sail, machinery or hand, floats, rafts, scows, canoes, kayaks, dredges, lobster, crab and shellfish cars, houseboats and crafts of any kind.

2.4 *BUOY, NO-WAKE* – A marker defining an area beyond which no wake is allowed.

2.5 *COMMERCIAL FISHING* – Any activity involving the landing or processing of shellfish, finfish or other natural products of the sea or other activities directly related to landing or processing shellfish, finfish or natural sea products, aquaculture products, including fueling, loading or selling these products.

2.6 *COMMERCIAL VESSEL* – Any vessel used for or engaged in any type of commercial venture, including but not limited to fishing or the carrying of cargo and/or passengers for hire, push-boats, tugs, and barges.

2.7 *DEBRIS* – Includes floats, old traps, rope, wood and items that are not commonly found in the coastal waters.

2.8 *DOCK* – The slip or waterway extending between two piers or projecting wharf or cut into the land for the reception of vessels.

2.9 *ENTRANCE CHANNEL* – Shall mean an access passageway through natural obstructions to navigate or a passageway defined by regulation to provide safe access through moored vessels to some particular point of interest such as a pier or ramp.

2.10 *FLOAT* – A floating structure that is anchored, moored, or secured at or near the shore, used for landing, transfer of passengers, goods, or other purposes.

2.11 *FLOATING STRUCTURE* – A floating structure on or in the waters of the Town of Gouldsboro that is not principally used for transportation regardless of the capability of the structure to propel itself across the water. A floating structure is usually designed, fitted out, or principally used for residential or commercial habitation, including commercial seasonal or short-term rental (as evidenced by the existence of one or more bedrooms, cabins, and/or berths, as well as a sink, a toilet/head, or both) or as a food or eating establishment. This definition does not include houseboats.

2.12 *HARBOR* – Includes all waters within the boundaries of The Town of Gouldsboro excluding the agreement with the Town of Bar Harbor.

2.13 *HARBORMASTER* – An official appointed by the Select Board and employed by the Town of Gouldsboro to enforce the provisions of this Ordinance and certain duties and responsibilities set forth in 38 M.R.S.A. §1-13. “Harbormaster” in this Ordinance can refer to the Harbormaster and/or Deputy Harbormaster.

2.14 *HOUSEBOAT* – A watercraft, whose primary purpose is navigation and as a means of transportation, which is (i) fitted out with living quarters (as evidenced by the existence of one or more bedrooms, cabins, and/or berths, as well as a sink, toilet/head, or both) that may be used for residential or commercial habitation as a secondary purpose; (ii) is equipped with propulsion and steering controls in a location on the watercraft that also provides its operator a 180-degree forward

view; and (iii) has all safety and sanitation devices required by the United States Coast Guard. This definition does not include floating structures.

2.15 *LANDING* – A place for landing or discharging person(s) or things from a vessel.

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

2.17 *MOORING* – The equipment used by a vessel for anchoring purposes, providing a permanent, adequate means of securing a vessel to the bottom in an anchorage, and which cannot be carried aboard such vessel, when such vessel is underway, as regular equipment.

“Mooring” may mean, as the context dictates:

1. A place where buoyant vessels are secured other than to a pier;
2. The equipment used to secure a vessel; or
3. The process of securing a vessel other than by anchoring.

2.18 *PIER* - A platform type structure contiguous with the shoreline and built there from over the water, supported by wooden or stone piles and used for the berthing, loading and unloading of vessels.

2.19 *PLEASURE VESSEL* – A pleasure vessel is any vessel used for activities which do not produce a significant portion of the vessel user’s income.

2.20 *RIPARIAN OWNER* – Any person who owns land abutting the waters of Gouldsboro.

2.21 *RESIDENT* – Any person who is a registered voter or who owns or rents real estate in the Town of Gouldsboro and uses that property for their home at least 6 months of the year.

2.22 *SEAWORTHY VESSEL* – A vessel in a fit state for travel or movement without extraordinary effort or assistance provided to affect such travel or movement.

2.23 *SHALL / MAY* – “Shall” is mandatory; “May” is permissive.

2.24 *TO ANCHOR* – To secure a vessel to the bottom within a body of water by dropping an anchor or anchors or other ground tackle.

2.25 *VESSEL* – Any type of boats, barge, float, or craft of all used or capable of being used as a means of transportation on water, other than a seaplane.

2.26 *WATERCRAFT* – Watercraft has the same meaning as “vessel.”

ARTICLE 3 OFFICE OF THE HARBORMASTER

3.1 APPOINTMENT

The Harbormaster and Deputy Harbormaster, if any, shall be appointed by the Select Board with the recommendation of the Harbor Committee.

3.2 DUTIES

The Harbormaster / Deputy Harbormaster shall:

1. Carry out the provisions of the Harbor Ordinance.
2. Provide advice to the Harbor Committee.
3. Assign temporary and permanent berthing and mooring locations within the harbors.
4. Remove or cause to be removed obstructions to navigation equipment for moorings and berths within the harbors.
5. Advise on the usage of proper equipment for moorings and berths within the harbors.
6. Be authorized to inspect moorings and other equipment.
7. Carry out responsibilities delegated by state and federal and local governments as applicable to general rules of the road, proper moorings and safe operations of the subject harbor.
8. Remove or cause the removal of abandoned vessels or other objects within the harbors of the Town of Gouldsboro.
9. Oversee the efficient and safe operation of town facilities within the coastal and inland waters of the Town of Gouldsboro.
10. Enforce the provisions of this Ordinance in accordance with its terms.

3.3 CERTIFICATION

The Harbormaster or Deputy Harbormaster shall be approved to make arrests and carry a firearm by the Gouldsboro Select Board, after successfully completing the training requirements prescribed in 25 M.R.S. § 2804-I and providing a copy of the Maine Harbor Masters Association certificate of completion to the Town.

3.4 TRAINING

A person appointed or reappointed as Harbormaster or a Deputy Harbormaster must complete a basic harbor master training course offered by the Maine Harbor Masters Association within one year after being appointed or reappointed unless that person has previously completed such a course. If a person has not held the position of harbormaster or deputy harbor master within the last 3 years prior to being appointed or reappointed, that person upon appointment or reappointment must complete the basic harbor master training course.

3.5 CONTINUING EDUCATION

A person appointed or reappointed as Harbormaster or Deputy Harbormaster who has completed the basic training course under Section 3.4 shall complete, at a minimum, 8 hours of training every 3 years to maintain certification as a harbormaster or deputy harbormaster. The training requirement of this subsection may be met by completing continuing education training offered or approved by the Maine Harbor Masters Association.

3.6 TERM

The Harbormaster *and* Deputy Harbormaster shall serve at the pleasure of the Select Board. The Select Board may, for cause by the Select Board declared in writing, after due notice and a hearing, if requested, remove the Harbormaster or Deputy Harbormaster and appoint another one.

ARTICLE 4 ADMINISTRATION

4.1 DUTIES

It shall be the duty of the Harbormaster to carry out 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.

4.2 ENFORCEMENT

This Ordinance may be enforced by the Harbormaster, Deputy Harbormaster, or any law enforcement officer vested with the authority to carry a firearm and make arrests. Violations shall be prosecuted as provided in 38 M.R.S.A. §12 (which incorporates the enforcement mechanism of 30-A M.R.S.A. §4452) and, where applicable, 38 M.R.S.A. §13.

4.3 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 Gouldsboro's Harbors.

4.4 OFFENSE

A person is guilty of failure to obey an order of a Harbormaster if the person intentionally, knowingly or recklessly fails to obey any lawful order of a Harbormaster authorized pursuant to this Ordinance.

4.5 LEGAL ACTION

When notification of a violation does not result in the correction of the violation or nuisance condition, the Select Board, upon complaint from the Harbormaster, is hereby authorized to institute any and all actions 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.

4.6 PENALTIES

Any person who violates any provision of this Ordinance may be assessed a civil penalty not less than \$100 nor more than \$5,000 for each specific violation. A repetition or continuation of any violation of any provisions of this Ordinance on successive days after notification by the Harbormaster constitutes a separate offense for each day during any portion of which such violation is committed, continued, or permitted. Failure to obey a lawful order of a Harbormaster is a Class E crime.

4.7 SUSPENSION OR REVOCATION OF PRIVILEGES

All permits and privileges granted under the authority of this Ordinance shall be valid only for such period as specified and privileges of unqualified duration of validity shall not be granted. A violation of the provisions of this Ordinance or of any other applicable Ordinance by any person shall be grounds for suspension or revocation of such privilege.

4.8 APPEALS

Any action or decision of the Harbormaster may be appealed by an aggrieved party to the Select Board, except those notices of violation, enforcement orders, suspensions or revocations of

permits or privileges, written determinations of no violation, or any other enforcement decisions of the Harbormaster are advisory only and may not be appealed. An appeal must be submitted in writing no later than thirty (30) days after the action or decision. The Select Board shall promptly schedule an appeal hearing, giving notice to the applicant and to the Harbormaster of the date, time and place of the hearing. The Select Board shall hear appeals de novo. The appellant and the Harbormaster each shall have an opportunity to be heard and to present written and oral evidence. After the hearing, the Select Board shall promptly issue a written decision. There is no appeal under this Ordinance from the decision of the Select Board.

ARTICLE 5 HARBOR COMMITTEE

5.1 APPOINTMENT

The Select Board shall appoint a committee of up to seven (7) individuals familiar with the harbor and their activities, as follows:

1. Up to seven (7) public members shall be made up of interested commercial fishermen; and
2. Representatives of marine related business, and private citizens.

5.2 POWERS

The Harbor Committee shall:

1. Plan the development and establish policy for the Harbors of Gouldsboro.
2. Refer policy or implementation conflicts related to this Ordinance that are unable to be readily resolved to the appropriate authority.
3. Recommend rules and regulations including mooring fees, for use of the harbor.
4. Review the activities of the Harbormaster.
5. Review and recommend changes, if any, to the Harbormaster's assignments of mooring locations.

5.3 TERM

Beginning with the fiscal year of 2023 – 2024, the terms of the Committee members shall be as follows: one member for one year, two members for two years, two members for three years. Thereafter, the terms shall have a three-year duration.

5.4 MEETINGS

The Committee shall meet a minimum of quarterly or as often as the Committee may determine.

5.5 VOTE

The Committee decisions will be made by vote of a majority of members present and voting.

5.6 QUORUM

A majority of the members appointed to the Committee shall constitute a quorum.

ARTICLE 6 MOORINGS

6.1 PLACEMENT OF MOORINGS

No person shall place a mooring or mooring buoy of any type within the boundaries of Gouldsboro's Harbors without a mooring assignment permit from the Harbormaster. Initial

placement and relocation of moorings must be done in the presence or direction of the Harbormaster.

6.2 DESIGNATION OF MOORING SPACE

The Harbormaster shall designate mooring spaces and shall maintain a mooring and traffic 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.

6.3 INSPECTION OF MOORINGS

The Harbormaster is authorized to inspect all moorings and notify in writing the mooring owners of any repairs, replacement, or removal of a mooring that the Harbormaster deems necessary for the safety of the watercraft or others vessels or equipment adjacent to it. All costs associated with the correction of a defect, repair, replacement, or removal of a mooring shall be the responsibility of the mooring owner.

6.4 PRIORITY

Vessel mooring locations shall be assigned in accordance with the following order of priority:

1. Whenever more than one vessel qualifies for a single location, priority shall be given to the year-round resident, commercial vessel owner.
2. Whenever practicable, requests from riparian property owners for moorings adjacent to their upland shall be honored in accordance with 38 M.R.S.A. § 3.
3. Wherever practicable, the applicant for renewal shall be assigned the same location assigned in the immediately preceding years.
4. All moorings not located in the correct locations shall be moved at the owner's expense in accordance with the instructions of the Harbormaster. Failure to do so shall result in the Harbormaster moving or removing the improperly located moorings; the cost shall be borne by the owner of the mooring.

6.5 TRANSFERRING OF MOORING PRIVILEGES

Unless prior written permission of the Harbormaster is obtained, assignment of mooring privileges is not transferable. Mooring assignments shall not be rented.

6.6 NOTIFICATION OF VACANCY

The holder of an assigned mooring location must notify the Harbormaster if the mooring will not be utilized on a continuing basis. All second party user approvals must be cleared through the Harbormaster.

6.7 REASSIGNMENT

Mooring locations not actually used in the preceding year, may be reassigned by the Harbormaster with prior notice.

6.8 RECREATIONAL WATERCRAFT REMOVAL

All recreational watercraft shall be removed from Gouldsboro waters by December 1st of each year until May 1st of the following year.

6.9 MOORING APPLICATION

A mooring application must be submitted by July 1st each year at the Town Office. The mooring fee will be due at that time. The Harbormaster shall act upon a complete mooring application within two (2) weeks by approving, approving with conditions, or denying the application. Filing an incomplete mooring application is grounds for denial of the application and the loss of mooring privileges. A record of all mooring applications, showing the date of receipt, mooring permit numbers (if applicable), and the date of the Harbormaster's decision shall be kept at the Town Office.

6.10 WAITLISTS

All mooring sites shall be assigned by the Harbormaster on a first-come, first-served basis in accordance with the order of priority provisions of this Ordinance and 38 M.R.S.A. §7-A. If the Harbormaster receives, in any 12-month period commencing on July 1st each year, more applications for mooring permits than there are mooring sites available within a particular harbor, the Harbormaster shall maintain one or more waitlists of applicants who have applied for a mooring in a particular harbor. To remain on the waitlist, applicants must update their request in writing annually prior to June 1st. If an applicant refuses a mooring when offered one, the applicant may choose to be removed from the waitlist or be moved to the bottom of the waitlist. The Harbormaster shall make the waitlists available for public inspection by appointment.

ARTICLE 7 FEES

Mooring fees shall be established by the Gouldsboro Select Board and may be increased or decreased as the Select Board in its discretion deems necessary and appropriate. The fee changes will take effect five days from the date of the Select Board's approval after public notification. The fee will be due upon submission of a mooring application to the Harbormaster each year. An additional charge of half the regular fee plus the costs of any certified mailings sent by the Town notifying applicants of overdue mooring applications will be imposed.

ARTICLE 8 WHARVES, DOCKS, PIERS, FLOATS & RAMPS

8.1 OBSTRUCTION

No owner or master of any vessel shall permit 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 of any wharf in Gouldsboro.

8.2 BLOCKAGE OF PUBLIC RAMPS / FACILITIES

No person shall place any watercraft for repairs, trailers or vehicles on the town landing, parking lot or other town harbor facilities in Gouldsboro in such a way as to block access by other users. Fueling of vessels is not allowed at the town pier unless approved containers are used. Repairs or maintenance lasting more than 2 hours while docked at town pier shall not be permitted. The Harbormaster at his discretion may extend the time. No vessel will be left unattended.

There shall be no overnight parking at any Town Facility in the Town of Gouldsboro.

8.3 BAIT

No person shall leave on public facilities any fish or lobster bait so as to cause a public nuisance. No salting or processing of bait on the Town Pier.

8.4 REMOVAL OF VESSELS

The Harbormaster is hereby authorized to remove at the owner's expense, any vessel, vehicle, trailer, or other obstruction in violation of the provisions of this Ordinance. No vessel or fishing gear shall be stored on town property without first obtaining a permit from the Harbormaster.

8.5 REMOVAL OF DEBRIS

No person using the public wharf, float or launching ramp shall leave any rubbish, trash, or debris. Dumpsters located near town landings shall be only for the use of boaters. Unauthorized use of dumpsters shall be deemed an infraction of this Ordinance.

8.6 REFLECTORS REQUIRED ON LOBSTER CARS

Reflectors or reflective tape a minimum of four (4) inches in diameter or width, visible 360 degrees, shall be installed and maintained as high as possible above the water line on at least both ends of all lobster cars moored in the waters of the Town.

8.7 USE PRIORITY

All harbor facilities are open to the public and priority will be given to the vessel that arrives first and subsequent vessels will have priority in the order they arrive. Parking at town harbor facilities is given priority to the first to arrive. No parking overnight is allowed and vehicles in violation of this Ordinance may be towed and the owner billed for the expense. Parking will be done in such a manner to allow free access to the facility.

8.8 TOWN WHARF & LANDING USE

Only individuals involved in the harvesting of marine products (e.g., Lobster, scallop, urchins, etc.) and individuals involved in recreational activities will be permitted on town wharves and landings. No buying, transferring, or selling of marine products will be permitted on town wharves and landings. This includes licensed dealers of marine products or individuals. Marine products are any items harvested from the waters within the State of Maine.

8.9 HOIST LIMIT

The hoist limit of any town owned facility is not to exceed 350 pounds.

8.10 WIND ADVISORY

All skiffs tied to the town float will need to be removed before a predicted southeasterly wind of 46mph (40 knots) or greater. The skiff shall be removed at the owner's expense.

8.11 MISUSE OF TOWN PROPERTY

Use of any town facility is a privilege not a right. Continued misuse of town property may result in the permanent revocation of the privilege of using town owned property.

8.12 INCLEMENT WEATHER

Skiffs tied to the town float need to be free of water, especially when inclement weather is predicted.

8.13 FLOATS AT TOWN FACILITIES

There shall be no skiffs tied to the eastern float in Prospect Harbor at the town pier, and no skiffs shall be placed on top of either float.

ARTICLE 9 OPERATION OF VESSELS

9.1 GENERAL

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

9.2 SPEED LIMIT

All water vessels must observe the posted speed limit within the harbor. Such speed limits shall be posted in a conspicuous place by the Harbormaster. In the absence of such limits, all water vessels must operate in a manner which does not create a wash and at a speed which does not endanger persons or property.

9.3 ABANDONMENT

No person shall cause to be abandoned any boat, vessel, hulk, cradle, raft, or any other possible obstruction on the shores within Gouldsboro. Any such abandonment left within the confines of Gouldsboro and which has been unattended for a period of ninety (90) days shall be deemed to be abandoned. The Harbormaster, upon his own complaint or the complaint of another shall notify the town manager of such abandoned boat, vessel, hulk, cradle, or raft. The Harbormaster upon the direction of the Town may 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.

9.4 OIL POLLUTION

Except in case of emergency, imperiling life or property, or unavoidable accident, collision, or stranding, no person shall discharge or suffer or permit the discharge of oil by any method, means or manner into or upon the waters of Gouldsboro.

9.5 INFECTED VESSEL

Whenever a vessel arrives in Gouldsboro, having on board any persons 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 Gouldsboro, shall comply with the provisions of the Revised Statutes of Maine.

ARTICLE 10 FLOATING STRUCTURES AND HOUSEBOATS

10.1 FLOATING STRUCTURES

No floating structure shall be docked, moored, or anchored in the waters of the Town of Gouldsboro for any length of time.

10.2 HOUSEBOATS

A houseboat shall not be docked, moored, or anchored in the waters of the Town of Gouldsboro if it is principally used for (i) seasonal or year-round habitation, including by the owner or master of the houseboat, or (ii) commercial habitation (including commercial seasonal or short-term rental).

6/11/2025
Approval Date

Attested: Brianna L. Mitchell
Brianna L. Mitchell
Gouldsboro Town Clerk