

Mooring Area Ordinance

Rules and Regulations for the Westport Island mooring area

- A. This ordinance is adopted under the provisions of 30-A M.R.S.A. § 3001 and M.R.S.A., Title 38: Waters and Navigation).
- B. The purpose of this ordinance is to define the rights and responsibilities of persons desiring mooring rights in the Westport Island mooring area and ensure residents of Westport Island that do not have waterfront access or the ability to access the water will have access to a mooring site.
- C. Subject to the approval of the Army Corp of Engineers and any restrictions imposed by the United States Coast Guard as it relates to safe navigation the following area shall be designated the Westport Island mooring area. Beginning at the 6' low water mark at Latitude 43° 57' 00" and extending along said latitude to the Westport Island/Wiscasset town line, from thence in a northerly direction along said town line to Latitude 43° 57' 29", from thence in an easterly direction to the 6' low water mark, from thence in a southerly direction following the 6' low water mark to the place of beginning.
- D. Property owners with shorefront real estate immediately adjacent to the Westport Island Mooring Area shall have first refusal for a single mooring location adjacent to their property. The remainder of the mooring locations shall be on a first come, first served basis for residents without access to waterfront or ability to access the water and shall be limited to one mooring per lot.
- E. The location and design of all moorings within the above Westport Island mooring area shall be approved by the harbor master. The harbor master, or his representative, shall witness the seating of any mooring within the said mooring area.
- F. The fee for the approval by the harbor master of the location and design of a mooring shall be \$10.00 for each request whether it is approved or disapproved. The fee for the witnessing by the harbor master of the seating of a mooring shall be \$25.00. Only the harbor master may issue a permit for a mooring in the Westport Island mooring area.
- G. The cost of the design, purchasing, and seating of a mooring shall be borne by the requestor. If a mooring has not been used in a continuous 12 month period the mooring shall become the property of the Town of Westport Island.
- H. The fee for the use of a Town of Westport Island owned mooring shall be \$15.00 per month.
- I. Boaters with an approved mooring may tie up their dinghies on the north side of the Wright Landing floats on a first come, first served basis. The mooring permit number shall be clearly displayed on the bow of the dinghy.
- J. The Town accepts no responsibility for preventing damage to boats moving, or drifting that are moored in the mooring area. Responsibility for the safety of any boat using a mooring in the area lies with its owners or master or their representative.
- K. The Town of Westport Island shall be held harmless in the event of any personal injury or damage or loss of life while using the mooring sites in the Westport Island mooring area.

L. Validity of ordinances. If any part of these regulations is held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining regulations.

M. The harbor master or his/her appointed deputy/deputies shall be responsible for issuing permits. Whenever the Harbormaster or his/her deputy believes that a person has violated this Ordinance, the Harbormaster or his/her deputy may enforce this Ordinance in accordance with 30-A M.R.S.A. § 4452 and 38 MRSA § 12 and § 13.

1) Notice of Violation. Whenever the Harbormaster believes that a Person has violated this Ordinance, the Harbormaster may order compliance with this Ordinance by written notice of violation to that Person indicating the nature of the violation and ordering the action necessary to correct it.

2) Penalties/Fines/Injunctive Relief. In addition to any penalties imposed by Federal or State law any Person, firm, corporation, or other entity who violates this Ordinance shall be subject to fines, penalties and orders for injunctive relief and shall be responsible for the Municipality's attorney's fees and costs, all in accordance with 30-A M.R.S.A. § 4452. Any person who violates any provision of this ordinance, or who neglects or refuses to comply with any provision of this ordinance shall be subject to a fine of not more than One Hundred Dollars (\$100) for a first offense and Five Hundred Dollars (\$500) for each additional offense. Each day such violation continues shall constitute a separate violation. In addition, failure to obey an order of the Harbormaster is a Class E crime and may be prosecuted in accordance with 38 MRSA § 13. The person, firm, corporation, or other entity in violation of these regulations shall be prohibited from using the mooring area until all fines, penalties and orders for injunctive relief have been paid in full. Any additional violation will result in the permanent denial of the right to use of the Westport Island mooring area.

3) Consent Agreement. The Harbormaster and/or deputy may, with the approval of the municipal officers, enter into a written consent agreement with the violator to address timely abatement of the violation(s) of this Ordinance for the purposes of eliminating violations of this Ordinance and of recovering fines, costs and fees without court action.

4) Appeal of Notice of Violation. Any Person receiving a Notice of Violation may appeal the determination of the Harbormaster to the Board of Appeals. The Board of Appeals shall hold a de novo hearing and may affirm, modify or reverse the Harbormaster's decision. The notice of appeal must be received within 30 days from the date of receipt of the Notice of Violation. A party aggrieved by the decision of the Board of Appeals may appeal that decision to the Maine Superior Court within 45 days of the date of the Board of Appeals decision pursuant to Rule 80B of the Maine Rules of Civil Procedure.

5) The harbor master or his/her appointed deputy/deputies shall receive 10% of the penalties or fess assed by these ordinances with the balance going to the Wright Landing account.

N. If enacted, the provisions of this ordinance shall be applicable to all pending proceedings, applications and petitions commenced after 9/22/2007, which is the date of filing this initiative in the Town Clerk's office."