

# Mooring Regulations Ordinance

## Town of Dedham, Maine

### **Section 1 Title**

This ordinance shall be known as the “Town of Dedham Mooring Regulations Ordinance.”

### **Section 2 Authority**

This chapter is adopted pursuant to the enabling provisions of Article VIII, Part 2, Section 1 of the Maine Constitution and the provisions of 12 M.R.S.A. § 13072, 30-A M.R.S.A. § 3001, and 38 M.R.S.A. §§ 1 to 13.

### **Section 3 Purpose**

These standards are designed to ensure that mooring installation, use, and maintenance as well as overnight anchoring;

1. does not impair the public’s health, safety and welfare;
2. does not result in degraded water quality, loss of aquatic habitat, or interference with navigation;
3. does not infringe on the rights of shore land property owners.

### **Section 4 Applicability**

This regulation allows the installation of moorings for the purpose of securing a watercraft, float, float plane, or swim area floats in a great pond or stream within the Town of Dedham. The same regulations also apply to anchoring.

### **Section 5 Conflict and Severability**

- A. Conflict with other ordinances. Whenever a provision of this regulation conflicts with or is inconsistent with any other ordinances, regulations or statute, the more restrictive provision shall apply.
- B. Severability. The invalidity of any part of this regulation shall not invalidate any other part of this regulation.

### **Section 6 Definitions**

1. Great Pond: Any inland body of water which in a natural state has a surface area in excess of ten (10) acres.
2. Mooring: Any device designed to float and is attached to the anchoring device that secures a watercraft or vessel: boat or float plane, and/or swim platform: raft, float or dock, to the bottom of a water body.
3. Mooring location: A rectilinear area on a body of water in which the master or owner of a boat, float or vessel has been permitted to place a mooring.
4. Anchoring: To hold fast by means of an anchor.
5. Watercraft: Any craft meeting the Federal or State definition of a watercraft.
6. Shorefront mooring zone: The area of water within two hundred (200) feet of the normal high-water line, or one third (1/3) the distance to the opposite shore’s normal high-water line, whichever is less.

7. Float: A floating platform moored or anchored for use by swimmers or boats, that is not integrated and connected with a dock.
8. Beam: A watercraft's side-to-side measurement at its widest point.
9. Head: A toilet or lavatory in or upon a watercraft.
10. Galley: A kitchen or an area with kitchen facilities in or upon a watercraft.
11. Daytime: 6:00AM to 8:00PM local time.
12. Overnight: 8:01PM to 5:59AM local time.

## **Section 7 Shorefront Mooring Zone**

Mooring placement shall be the responsibility of the property owner subject to the following conditions:

1. A mooring may be placed by a shorefront property owner or another individual with the shorefront property owner's written permission.
2. A mooring shall be placed in the shorefront mooring zone directly adjacent to the owner's property.
3. The mooring shall be restricted to water within 100 feet of the normal high-water line, or one third (1/3) the distance to the opposite shore's normal high-water line, whichever is less. If a mooring is deemed to create a navigation hazard, it shall be removed or moved to a safe mooring location specified by the harbormaster.
4. There shall be no more than one vessel mooring for every 50 feet of shoreline for each property and one swim float for every 100 feet of shoreline. Moorings shall be for personal non-commercial use. Properties with under 50 feet of shoreline are permitted one mooring.
5. A mooring shall not be allowed if watercraft attached to it will interfere with the watercraft attached to other lawful moorings and/or swim area floats, or if safe navigation is impeded. Anchoring systems must also not impede safe navigation.
6. Property owners in an association with deeded access to a common shorefront lot shall maintain moorings in accordance with established association bylaws (submitted to harbormaster). Said moorings must follow the provisions of 30-A M.R.S.A. § 3001 and must be directly adjacent to the common shorefront lot and within the shorefront mooring zone.
7. Lessees with an active DOT permit to use the waterfront/train tracks abutting their property are considered property owners for the sake of this Ordinance.

## **Section 8 Mooring, Anchoring, Tethering or Docking**

The overnight mooring, anchoring, tethering or otherwise securing of watercraft/float is prohibited on Dedham's great ponds and streams if the watercraft/float has above its main deck a superstructure that contains either a head, a galley, sleeping quarters or any combination of the three, designed or modified for temporary or permanent living.

This regulation does not prohibit overnight stays on personal watercraft that do not meet this definition, as long as the craft is anchored, moored or secured between 100 and 200 feet of the normal high-water line, or is tethered to a dock with the owner's permission, and does not impede safe navigation.

Daytime mooring, anchoring, tethering or otherwise securing of watercraft/float is permitted no closer than 100 feet to normal high-water line, with the exception of those with the owner's permission, as long as it does not impede safe navigation.

### **Section 9 Harbormaster**

Dedham's Select Board shall appoint a harbormaster to carry out and enforce provisions of this chapter. The harbormaster shall be appointed for a term of no less than one year in accordance with the requirements of 12 M.R.S.A. § 13072 and this chapter. The Town's Code Enforcement Officer may also serve as its harbormaster.

### **Section 10 Enforcement; Violations and Penalties**

- A. The Harbormaster shall determine whether provisions of this chapter have been violated. The Select Board, together with the Harbormaster, shall assess the nature and severity of the violation and shall take the necessary course of corrective action, which may include assessment of a penalty. If an illegally placed mooring is not removed within 14 days after a notice of violation has been sent by certified mail and regular United States mail to the property owner's address as listed in the Town's property tax commitment book, the harbormaster may remove the mooring. The mooring's owner shall be responsible for all expenses incurred in the removal, including legal fees. Likewise, the Harbormaster may remove or request the removal of vessels which violate Section 8 of the Mooring Regulations Ordinance.
- B. Any person who violates any provision of this chapter shall be subject to a civil penalty of not less than \$100 and not more than \$2,500 for a first violation. The violator may be ordered to correct or abate the violation unless the court finds that such action will create a threat or hazard to public health or safety, substantial environmental damage, or substantial injustice. Each day that such a violation continues to exist shall be considered a separate violation. This chapter shall be enforced pursuant to 30-A M.R.S.A. § 4452. The failure to obey the lawful order of a Harbormaster shall be punished as a Class E crime pursuant to 38 M.R.S.A. § 13.

### **Section 11 Appeals**

Appeals by any person aggrieved by a decision, act, or failure to act by the harbormaster as it relates to the implementation and enforcement of this chapter shall be made to the Appeals Board. In all cases, a person aggrieved by an order or decision made or failure to act by the harbormaster shall file his appeal within 14 days of receipt of notice of the decision or order appealed. The appeal shall specifically describe the grounds for such action. The town clerk shall notify the Select Board, the town manager, the harbormaster and the Appeals Board of the appeal. The Appeals Board will apply an appellate standard of review in a search for errors or inconsistencies supported by the evidence.

### **Section 12 Effective Date**

The Ordinance shall take effect upon approval by the voters.