Town of Harrison

MOORING REGULATIONS ORDINANCE

ADOPTED: February 17, 2004 (Special Town Meeting)
AMENDED: June 15, 2005
       June 13, 2007
       June 10, 2009
ADOPTED: November 5, 2019
MOORING REGULATIONS ORDINANCE

SECTION 1: TITLE

This Ordinance shall be known and cited as the “Town of Harrison Mooring Regulations Ordinance”.

SECTION 2: AUTHORITY

The Town of Harrison Mooring Regulations Ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2, Section 1 of the Maine Constitution; Title 30-A M.R.S.A. Section 3001 & Section 4312; Title 12 M.R.S.A. Section 13072 & 13073; Title 38 M.R.S.A. Sections 1-4, 7-13.

Definitions in Section 17 of the Harrison Shoreland Zoning Ordinance shall also apply to this Ordinance. Any term not defined in this Ordinance, or in Section 17, shall by deemed to have its commonly accepted meaning. The mooring of watercraft is considered an accommodation for a watercraft, float, float plane or swim area floats and is regulated by this ordinance and the Harrison Shoreland Zoning Ordinance.

SECTION 3: PURPOSE

The standards are designed to ensure that mooring installation does not impair the health, safety, and welfare or result in lower water quality, loss of aquatic habitat, interference with navigation, interference with a fairway, or infringe on the interest of property owners.

SECTION 4: APPLICABILITY

This ordinance shall apply to the installation, use and maintenance of moorings for the purpose of securing a watercraft, float, float plane or swim area floats in a great pond.

SECTION 5: SEVERABILITY

When a provision of this ordinance conflicts with or is inconsistent with any other ordinance, regulation or statute, the more restrictive provision shall apply. In the event that any provision of this Ordinance is found by a court of competent jurisdiction to be invalid, this finding shall not affect the remainder of this Ordinance.

SECTION 6: DEFINITIONS

1. Common Access Area: A cluster of moorings in an area designated and approved by the harbormaster so as not to create a hazard to navigation. Such common mooring areas may result from, but are not limited to, abutting

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nonconforming shorefront lots with narrow frontage width, shoreline topography such as a cove that constrains the navigation fairway, and common shorefront access areas where multiple inland landowners share deeded rights-of-way to the water body.

2. **Designated Mooring Zone:** The area of water from 100’ to 200’ of the normal high-water line.

3. **Fairway:** A navigable channel in a water body, which may, but need not be marked with channel markers.

4. **Float:** A floating platform moored or anchored for use by swimmers or boats, that is not integrated and connected to a dock or to shore.

5. **Great Pond:** Any inland body of water which in natural state has a surface area in excess of 10 acres.

6. **Houseboats:** A raft, hull, float, barge or vessel designed primarily to be used as a residential or commercial establishment or living quarters rather than primarily for navigation.

7. **Mooring:** Any device designed to float and is attached to the anchoring device that secures a watercraft, float or float plane to the bottom of a water body. This includes swim and float docks.

8. **Mooring Location:** A area on a body of water in which the master or owner of a boat or vessel has been permitted to place a mooring.

9. **Right-of-Way:** Refers to a deeded right-of-way or easement of non-shorefront landowners over a designated portion of a shorefront property for waterfront access.

10. **Shorefront Mooring Zone:** A area on a body of water which is defined as the shorefront width of a property held in common or individually and extending a distance to 100 feet from the high water line into a body of water or one third (1/3) the distance to the opposite normal high-water line, whichever is less.

11. **Watercraft:** Any type of vessel, boat, canoe or craft capable of being used as a means of transportation on water, other than a seaplane, including motors, electronic and mechanical equipment and other machinery, whether permanently or temporarily attached, that are customarily used in the operations of the watercraft. "Watercraft" does not include a vessel, boat, canoe or craft located and intended to be permanently docked in one location and not used as a means of transportation on water.

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SECTION 7: MOORING STANDARDS

General mooring requirements:

1. Moorings must conform to all the specifications and permits required by this chapter, as well as all applicable federal and state regulations and laws.

2. No moorings are allowed beyond 200 feet off the shore’s mean normal high-water line or in any areas deemed a navigational hazard or blocking shorefront access as determined by the Harbormaster or the Maine Department of Inland Fisheries and Wildlife or Department of Agriculture, Conservation and Forestry or other state agencies with designated authority.

3. No mooring shall create a navigational hazard adversely affecting wildlife or habitat or interfere with other duly registered moorings, established swim areas, or access to a fairway.

4. All moorings shall be recorded at the Town Office and registered annually.

5. No mooring may be rented, sold or transferred by the party receiving the permit except marinas.

6. Houseboats are not allowed to reside, be anchored or moored in any waters within the town of Harrison.

7. A boat on a mooring cannot cross the property line projected from the shoreline.

8. A mooring cannot be located closer than 25 feet to the projected property line from the shore.

SECTION 8: MOORING REGISTRATION

1. The town office will provide an application for annual mooring registrations at the town office and through the website.

2. Proof of shorefront ownership or access by deed or written permission of the owner of the lot adjacent to the mooring location, as well as address for vehicular access and parking availability and permissions.

3. New applications will be issued mooring numbers after being reviewed by the Harbormaster.

4. Registration deadline is June 30th. A late fee will be assessed for all late re-registrations. The fee will be set by the Board of Selectmen in the Fee Schedule.

5. Registration is required before the mooring ball goes in the water.

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SECTION 9: MOORING SPECIFICATIONS

1. All anchors shall be of stone, granite or cured reinforced concrete or mushroom anchor without dangerous protrusions, to adequately hold a watercraft in any anticipated storm and allowing the watercraft to swing without going into the mooring circle of any other watercraft or over into abutting mooring areas.

2. Metal drums, engine blocks and other materials which may release contaminants shall not be used in the construction of anchoring structures. The anchoring device shall not extend up or out onto the ice zone or otherwise be subject to ice action.

3. The anchor line between the anchor and the buoy shall be chain of a size to fit boat exposure and water depth. Bolts, screws, rods, pads and other metallic fixtures shall be of adequate strength for mooring the intended watercraft. Mooring permit holders are responsible for managing mooring anchor lines and tether lines from buoy to the watercraft to adjust for changing water levels in order to minimize an increased drift and swing radius by the watercraft around the mooring. This may be necessary during low water levels to avoid collision with nearby watercraft moorings, navigational hazards, restriction of shorefront access or other issues.

4. The mooring permit holder is responsible for the adequacy and performance of all mooring gear, tackle and maintenance thereof.

5. The summer buoy specifications, as set by the Maine Department of Agriculture, Conservation and Forestry, shall be colored white with a single blue horizontal band clearly visible above the water line. The buoy must be removed by December 1 each year.

6. The mooring permit holder must affix a waterproof decal or other identifying markings to last the season, displaying the assigned permit number in at least 3-inch letters of contrasting color. If the mooring does not display this and cannot be otherwise identified, it shall be considered in violation of this ordinance.

7. If the number is not displayed within 10 days of a written warning by the Harbormaster, the mooring will be removed by the Harbormaster and a penalty will be assessed before the mooring can be recovered. Penalty will be set by the Board of Selectmen in the Fee Schedule.

8. A winter buoy may be made of polyball, plastic bottles or plastic material. The buoy must be white, have the owner’s name and permit number affixed to it.
SECTION 10: 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 directly adjacent to the owner’s shoreline property. The shorefront mooring area is defined as the water body out 100’ from the shoreline and bounded on the sides by extending out the bearing direction of the side lot lines.

3. The mooring shall be restricted to water within 100’ of the normal high-water line, or one third (1/3) the distance to the opposite normal high-water line, whichever is less. If a mooring is deemed to create a navigational hazard, it shall be removed or moved to a safe location specified by the Harbormaster.

4. If the property owner can prove he cannot establish a mooring area within 100’ from the normal high-water line, the Harbormaster may allow one established as near to the 100-foot mark as possible provided that it does not create a hazard to navigation.

5. There shall be no more than one mooring for every 50 feet of shoreline for each lot. In cases where the lot has less than 50 feet of shoreline, the Harbormaster shall determine where a safe mooring can be installed.

6. 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.

7. All moorings in this zone shall be permitted without a fee.

8. The number of moorings for existing campgrounds, summer children’s camps, motels and marinas shall be one per 25’ of shoreline frontage.

SECTION 11: DESIGNATED MOORING ZONE

All moorings in this area require Harbormaster approval before installation. Moorings are available to residents and non-resident taxpayers according to the following:

1. Mooring privileges shall be granted upon an application to the Harbormaster on a first come-first serve basis. Applications will be available by April 15th and the Town Clerk will advertise that date at least two weeks in advance.

2. A shorefront property owner must prove that a mooring cannot be established within the 100’ shoreline mooring area. The Harbormaster may allow one mooring.
to be established as near to the 100’ mark within the designated mooring area as possible provided it does not create a hazard to navigation. No more than one mooring per 80 feet of shore lot frontage shall be allowed in the designated mooring area.

3. The Harbormaster may utilize the designated mooring area for abutters’ moorings only when necessary in order to resolve navigational and shorefront access issues for abutters. Abutter moorings shall not supersede the immediate shorefront lot owner’s use of the designated mooring area should that owner need use of this area to resolve lack of a mooring location within his/her 100’ shorefront mooring area.

4. Swim floats and watercraft for similar use shall not be allowed in the designated mooring area.

5. **Waitlist:** When the number of applications exceeds the number of available mooring spaces as determined by the Harbormaster, the Harbormaster shall maintain a waiting list of all applicants who have not been issued a mooring permit. This waiting list shall be maintained and available at the Town Office. The list shall be used by the Harbormaster in issuing mooring permits as mooring spaces become available, as the first person on the list will get the next available mooring space, except as follows:

   a. If a non-resident wishes to moor a watercraft, the principal use of which is noncommercial, and less than 10% of the moorings are currently assigned to persons fitting this description, the next mooring available shall be assigned to the first such person on the list. (State law)

   b. A new application needs to be filed yearly by June 30th to maintain position on the waitlist. Moorings are granted on a first come first serve basis.

6. **Renewals:** Permits issued during a previous year may be renewed by the owner for the same location. Any mooring permit not renewed by June 30th will be canceled and the owner’s name added to the waiting list. Notice of the loss of the permit shall be sent to the owner by certified mail.

7. **Abandonment:** Any mooring which has not been occupied with a watercraft for one boating season will lose its permit. Notice of the loss of the permit shall be sent to the owner by certified mail. If the mooring is not removed within 2 weeks (14 days), the Harbormaster may cause the mooring ball to be removed and a fee will be assessed to the owner as well as any incidental expenses. See Fee Schedule.
SECTION 12: COMMON ACCESS AREA

The Harbormaster shall determine the number and placement of moorings and these moorings shall be subject to the following:

1. The Harbormaster may require that a designated representative of the property owners or association, appointed by those individuals with deeded water access rights, solely coordinate for the group location, registration and other applicable matters for moorings in the common access area with the Harbormaster.

2. One mooring per 50’ of shoreline frontage may be placed in the Shorefront Mooring Zone in front of the deeded access area. Additional moorings may be placed in the Designated Mooring Zone with Harbormaster approval.

3. Moorings shall not be located in water safety areas beyond 200’ offshore or where they may pose a navigational hazard at any distance.

4. The Harbormaster shall locate moorings as to not interfere with safe passage of a watercraft to its mooring or to a docking facility.

5. Additional Requirements:
   a. Access over private property must be documented with written permission of the property owner or by the deed. Deeded lake access entitles the owner to apply for one mooring permit without fee.

b. Parking a vehicle or a watercraft enabling access to a mooring on private property must be documented with written permission of the property owner. Parking in the public road at Zakelo Beach shall not be allowed for permitted mooring owners, as it shall continue to be preserved for Harrison resident swimmers.

c. Annual mooring fees shall be paid at the time of obtaining a mooring permit. Mooring fees will be set each year by the Board of Selectmen.

d. Any owner of a mooring permit who trespasses on private property to reach the mooring will automatically forfeit the mooring permit, and that owner may not reapply for a new mooring permit for the following two boating seasons.

SECTION 13: MARINAS

1. All marina moorings shall be considered commercial moorings and the total registered number allowed by the Harbormaster shall not exceed a number equal to each 25 feet of the marina’s shorefront as determined by direct survey lines along the shore between parcel side lines.

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2. Marinas are allowed by nature of their business to rent moorings.

SECTION 14: VIOLATION

1. The Harbormaster shall determine whether provisions of this chapter have been violated. The Town Manager, 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 or loss of mooring privileges. If an illegally placed mooring is not removed within 10 days after a notice of violation has been sent by certified mail and regular mail to the address listed on the most recent mooring application, the Harbormaster may remove the mooring. The mooring permit holder shall be responsible for all expenses incurred in the removal, including legal fees.

2. Any person who violates any provision of this ordinance 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 M.R.S.A. Title 30-A §4452. The failure to obey the lawful order of the Harbormaster shall be punished as a Class E crime pursuant to M.R.S.A. Title 38 §13.

SECTION 15: APPEALS

1. 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 Board of Selectmen. In all cases, a person aggrieved by an order or decision made or failure to act the Harbormaster shall file his appeal within 14 days of receipt of notice of the decision or order appealed.

2. The appeal shall specifically describe the grounds for such action.

The Town Clerk shall notify the Board of Selectmen, the Town Manager and the Harbormaster of the appeal.