

TOWN OF WEST BATH
WATERWAYS AND HARBORS ORDINANCE



Changes effective January 1, 2016

Amended as of June 17, 2015

I. PURPOSE

The purpose of this ordinance is to establish the Waterways & Harbors Ordinance Committee to provide for the just and orderly operation of marine activities on West Bath waterways. It is intended to promote safety, enjoyment, convenience, effective use and control of mooring areas and public facilities pertinent thereto.

I A. REFERENCES

- 1) This Document references the Maine State Title 38: Waters and Navigation, Chapter 1, Operation of Vessels document and is used to reinforce the Town of West Bath "Waterways and Harbors Ordinance".
- 2) A list of local area pump out stations for sewage can be obtained from the West Bath Town Office.
- 3) Boater Safety: The Town of West Bath recommends all boaters be familiar with boater safety and boating rules and regulation. The Coast Guard Auxiliary provides Boater Safety Courses and Vessel Safety Checks.
- 4) The Power Squadron also offers boating courses.

II. DEFINITIONS

- A. **Resident:** The word "resident" shall have its ordinary meaning and shall include persons owning or renting residential property in West Bath who use that property for their year-round or seasonal homes (with a minimum of six weeks continuous annual occupancy).
- B. **Mooring:** "Mooring" shall mean any equipment used by a craft for anchoring purposes and which equipment is not carried aboard such craft when under way.
- C. **Channel:** A "channel" shall be defined as a clear area for navigation of a width and location to be determined by the Harbormaster Title 38, Chapter 1 §2
- D. **Watercraft:** "Watercraft" means any type of vessel, boat, barge, float or craft used or capable of being used as a means of transportation on water other than a seaplane.
- E. **Commercial Vessel:** A "commercial vessel" is any vessel from which the owner obtains a substantial portion of his earned income.

F. **Waterways:** "Waterways" shall include all of the navigable waters and all harbors, rivers, and bays within the boundaries of the town. As used in this ordinance, "harbor" and "harbors" shall include all waterways unless the context indicates otherwise.

III. **HARBORMASTER**

- A. The Harbormaster shall be appointed by the Board of Selectmen
- B. The Harbormaster shall serve at the pleasure of the Board of Selectmen for a one-year term.
- C. The town will cover any additional insurance costs such as a rider for the performance of the Harbormaster's duties.
- D. Duties - The Harbormaster shall:
 - 1. Enforce the West Bath Waterways and Harbors Ordinance and exercise those powers granted by state law, including, but not limited to, the provisions of Title 38 Chapter 1 §§1 through 13.
 - 2. Carry out responsibilities delegated by State and Federal requirements, including, but not limited to, the enforcement of the Operating Restrictions prescribed by Title 38 Chapter 1 §§ 281 through 285.
 - 3. Remove or cause to be removed obstructions to navigation in West Bath waterways and harbors
 - 4. Place and maintain or cause to be placed and maintained, either on land or water, such signs, notices, signals, buoys, waterway markers, or control devices as he deems necessary to carry out the provisions of this ordinance or to secure public safety and the orderly and efficient use of the waterways, harbors, or maritime facilities.
 - 5. Be alert to any pollution in the harbor, investigating and reporting to the Maine Department of Environmental Protection and the U.S. Coast Guard as required. Monitor cleanup and assist as practicable.
 - 6. Respond to request from citizens and vessels for information or assistance to resolve problems.
 - 7. Maintain a Mooring Site Plan:
 - a) Review/Approve/Document Moorings
 - b) Assignment
 - c) Location
 - d) Mooring per area
 - e) Channels
 - f) Traveled ways
 - g) Tidal

E. Support

1. Harbormasters Resources and Support

- a) Town Board
- b) Marine Patrol
- c) Coast Guard
- d) Sheriff
- e) State Police
- f) Game Warden
- g) Army Corps of Engineers

2. Assistant Harbormaster

At the request of the Harbormaster the Town of West Bath Selectman can appoint an assistant person.

IV. RULES AND REGULATIONS

I Mooring(s) Rights

The intent is to support the ability of landowners and others to possess a mooring(s) for personal use. Below provides the guidelines to treat all fairly. Mooring assignment and location are reviewed and approved by the Harbormaster. Existing Moorings are allowed to stay in their present location unless the location infringes upon others rights to place new moorings or unless they infringe upon navigation, etc. prescribed in Title 38 Chapter 1.

Neglect of moorings and failure to obey orders by the Harbormaster can/will result in loss of the mooring and a \$100 fine as stated in Title 38, Chapter 1 §4.

Any outstanding fines or fees are grounds for the Harbormaster not to issue or revoke a mooring as stated in Title 38, Chapter 1 §3.

The Board of Selectman will be the arbitrators of any grievances and unresolved issues with persons who feel they can not with good faith resolve such problems with the Harbormaster.

1. The town will (through the Harbormaster) assign locations for parties requesting moorings in available areas in the following priority order to the best of the towns ability. The town will not guarantee any party a mooring or a mooring location.

A. Shore Front Property Owners: (as measured at the High Water Mark)

- 1) More than 100' Shoreline ownership
- 2) Less than 100' shoreline ownership

B. Deeded right of way to water

C. Town Resident, non Shore Front Owner

D. Non Resident of West Bath

- E. Waiting Lists will be maintained according to Title 38 MRSA § 7-A and 8.
- F. Mooring transferring is permitted for private and commercial use in accordance with title 38 MRSA §3-A

2) Moorings

- a) Identification: The owners last name and an ID number (assigned by the Harbormaster/Town Office) are to be shown on your mooring ball. All moorings will be clearly marked by owner using 3" lettering. The lettering, which is not provided by the town, is to be placed on the topside of mooring ball. Registration will be yearly and the Town will provide a sticker of compliance that is to be placed on the mooring ball.
- b) Setup: The owner is personally responsible for the adequacy of their mooring to suit the moored watercraft. General guidelines for moorings can be found in **Chapman Piloting Seamanship & Small Boat Handling**. The Harbormaster will review setup to ensure proper scope and may request changes to facilitate a particular area's need. The Harbormaster will assign the location for the mooring.
- c) Inspections: It is recommended that the mooring be inspected each year. The mooring owners are responsible for maintaining their own moorings. The town will ask that the mooring owner verify that the mooring has been inspected once every three years. The owner is legally responsible for his/her mooring.
- d) Mooring Winter Storage: When using objects such as logs to support your mooring lines during winter the objects must be painted fluorescent orange. This must be done as consideration for boaters who use our river all winter long.

3. Each applicant for a mooring location, other than those locations grandfathered under Section I above, will be limited to two (2) moorings. For just cause shown, an applicant may apply to the Harbor Master to exceed the two (2) mooring limit. The applicant will be required to show a need for the additional mooring and that the mooring will not interfere with other existing mooring locations

4. Fees for moorings will be assessed according to the Town of West Bath's Mooring Registration Application. All transactions will be handled at the Town Office. The mooring registration fees and agent processing fees may be amended from time to time by action of the Board of Selectman after a public hearing.

Fees and fines imposed by this ordinance will be used to support the requirements of the Harbors and Waterways directives. If additional moneys are required to fulfill Harbors and Waterways obligations they will come from the boat excise tax portion of the boat registration fees.

- II. No person shall anchor or cause to be anchored any craft in West Bath so as to obstruct a channel or mooring from free passage of boats.
- III. No person shall deposit, throw, sweep or cause to be deposited, thrown or swept into the waters of West Bath or into waters adjacent thereto any gas or oil or bilge water containing same, ashes, stones, gravel, mud, logs, planks, craft or any other substance tending to obstruct the navigation of said waters of West Bath or waters adjacent thereto, or to shoal the depth of said waters or pollute said waters.
- IV. No person shall dump or dispose of any refuse or garbage upon any shore of the Town of West Bath, at or between high and low water mark, or upon the waters of the ocean within the Town of West Bath.
- V. No person shall intentionally, knowingly, recklessly, or negligently destroy, damage, disturb, deface, or interfere with any sign, notice, channel marker, buoy, float, life preserver, Harbor Master boat, or any other municipal property under the jurisdiction of the Town of West Bath.
- VI. All Town launching ramps will be used for launch and haul purposes **only**. All obstructions will immediately be removed from ramp.
- VII. The operation of any vessel within West Bath waters within any anchorage or mooring area, or by a float or wharf, in **excess of five knots**, or in a manner to create a wake, shall constitute a violation of this ordinance. Reference Title 38 Chapter 1, Subchapter 7 "operating restrictions §281 through §285.

VIII. Docks & Floats

For new construction of docks and floats or revisions to old docks and floats the Planning Board "or designee" and the Harbormaster will require review. There may also be a review required by the Army Corps of Engineers for final approval.

IX. Boat Registration

All boats are required to be registered yearly with the West Bath Town Office. Out of State registered boats are required to re-register in West Bath if they will occupy these waters for more than 60 days.

V. **ABANDONED VESSELS**

When, in the opinion of the Selectmen, a vessel has been abandoned in the waterways or harbors, they may, after giving such notice as practicable, take custody and control of such vessel and remove it, store it, or otherwise dispose of it, all at the expense and sole risk of the vessel owner. Reasonable notice of such disposal shall be given publicly.

VI. **PENALTY**

Except where specifically provided by Maine State Law, the penalty for a violation of the West Bath Waterways and Harbors Ordinance shall be a fine not

less than \$25.00 nor more than \$200.00 to be recovered in District Court on complaint of the Harbormaster. Each day the violation occurs may be treated as a separate offense. If Court finds a violation, the Town may be allowed attorneys' fees.



Mooring Registration Application

Date of Application: _____ Permit Number: _____

Name: _____

Residence Address: _____

West Bath Address (if different): _____

Telephone Number: _____

Mooring Use: Resident Non-Resident Commercial Rental

Vessel Name: _____ Vessel Length: _____

Vessel Registration/Documentation #: _____

Mooring Location: Map-Lot: _____ GPS Coordinates: _____

Type of Mooring: _____

Estimated Weight: _____ Chain/Rope Length: _____

Type of Marker: _____ Chain/Rope Size: _____

Date Installed: _____

Applicant's Signature: _____

By Signing the Applicant acknowledges that the mooring is in good working condition.

(See "Waterways and Harbors Ordinance May 2003" Section IV "Rules & Regulations", SubSection I "Mooring Rights", Item 2) "Moorings", Paragraphs a) through c.)

Mooring Fees

The mooring registration fee is \$50.00 for the first registration and \$25.00 each year thereafter. **These fees are waived for residents and persons who have paid property taxes to the Town during the prior 12 months.** All persons are required to pay a \$5 sticker fee.