

**TITLE VIII  
HARBOR  
AND  
WATERCRAFT ORDINANCE**

**Chapter 1    General**

This Ordinance, prepared in accordance with the provision of 30-A MRSA S 3002, as amended, and 38 MRSA S 7, as amended, shall be known as and may be cited as the “Harbor and Watercraft Ordinance of Ogunquit, Maine” and shall be referred to herein as the “Ordinance”. This Ordinance shall be subordinate to such United States (federal) and State of Maine (state) laws as may govern matter described herein.

**102            Purpose**

The Purpose of this Ordinance is to regulate the marine activities within the harbor, known as Perkins Cove, and the waters therein. It is intended to ensure the safety of persons and property, to promote availability and use of public resources and to create a fair and efficient framework for the administration of those resources.

**103            Definitions**

For purposes of this Ordinance, the following definitions shall be observed in the construction of this Ordinance. All terms, not specifically defined herein, shall have their customary or ordinary meanings. Words used in the present tense shall include the future and the plural shall include the singular.

**103.1    Commercial Fishing:** Shall mean a watercraft used in (a) attempting to catch fish or other marine animals or organisms with the intent of disposing of them for profit or trade in commercial channels, (b) charter boat fishing where the vessel is used for carrying sport anglers to available fishing grounds; and shall exclude watercraft used for subsistence fishing for personal use and watercraft used for personal or non-commercial sport fishing.

**103.1.a            Commercial Tours:** Shall mean watercraft used for sightseeing and recreational tours and shall include whale watching, sunset cruisers, cocktail cruises and day trips for sailing, provided, however, that all such watercraft shall work at least 60 calendar days out of Perkins Cove. **(ATM 4/3/00)**

- 103.2** Commercial Mooring: Shall mean a mooring where the mooring holder must demonstrate commercial activity takes place a majority of the time the vessel is being used.
- 103.3** Commercial Tours: Shall mean watercraft used for sightseeing and recreational tours and shall include whale watching, sunset cruisers, cocktail cruises and day trips for sailing.
- 103.4** Emergency and Public Services Personnel: Shall include personnel from the municipality's fire/police departments, rescue service, the municipality's public works department, as well as personnel from public utility districts, agencies and corporations.
- 103.5** Float: Shall mean any structure or device normally used as a point of transfer for passengers or goods, or for the temporary or continuous attachment of watercraft.
- 103.6** Harbormaster: Shall mean that municipal official so designated in accordance with the provisions of 38 MRSA S 1, as amended, and Section 201.1 of this Ordinance.
- 103.7** Mooring: Shall mean a device, which is not carried aboard the watercraft, to which a watercraft is attached, and which is left permanently in place.
- 103.7.a** Mooring shall be attached to the bow of the boat and in the center of the stern either by a ringbolt, cleat, bridle or anything else that will affix it to the center of the stern.  
**(BOS 06/06/95)**
- 103.8** <sup>2</sup>Mooring Waiting List: Shall mean a list of all applicants for mooring privileges.
- 103.9** Municipality: Shall mean the Town of Ogunquit, Maine.
- 103.10** Municipal Officers: Shall mean the Selectmen of the Town of Ogunquit.
- 103.11** Municipal Resident: Shall mean a person who occupies a dwelling within the municipality for more than 180 days in a calendar year.
- 103.12** Municipal Taxpayer: Shall mean a real estate property tax-paying owner in the municipality.

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<sup>1</sup> Section 103.2 – ATM 6/14/11

<sup>2</sup> Section 103.8 – ATM 6/14/11

**103.13 Watercraft:** Shall mean any type of vessel, boat or craft used, or capable of being used, as a means of transportation on water other than a seaplane.

**103.11 Winter Mooring:** Shall mean the full-time use of a mooring during the period from October 1, of any given year, to April 1, of the following year, depending on availability.