

**TITLE VIII
HARBOR
AND
WATERCRAFT ORDINANCE**

Chapter 7 Mooring Regulations

- 701** For the purpose of this Ordinance, the following Mooring Regulations shall be observed.
- 701.1** The mooring and anchoring of all watercraft in Perkins Cove shall be governed, regulated and controlled by the municipality in accordance with the provisions of 38 MRSA § 2-9, as amended, and the Local Cooperation Agreement (LCA) between the municipality and the Department of the Army acting through the U. S. Army Corps of Engineers, the same being attached to this Ordinance as Appendix III. The municipal officers only shall establish rules and regulations governing the public use of the waters of Perkins Cove.
- 701.2** The mooring of watercraft shall be restricted to those areas so designated by the municipal officers, in accordance with 38 MRSA § 2-3, as amended. All moorings set or placed within the inner harbor of Perkins Cove, that being upriver or inland of the existing Perkins Cove footbridge, shall conform to these regulations.
- 701.3** Specific mooring sites shall be assigned by the Harbormaster.
- 701.4** The physical site of each mooring and the material, such as line, chain, fasteners, and other like items, must be approved by the Harbormaster prior to the installation and mooring of any watercraft. Compliance with such mooring specifications does not guarantee the safety of the mooring nor does it create any liability on the part of the Harbormaster or the municipality.
- 701.5** As of June 1, 1996, boats of permanent mooring holders equipped with tuna stands longer than ten feet must have a means of retraction. If there is a complaint to the Harbormaster, the stand must be retracted when in the waters of Perkins Cove. **(BOS 06/06/95)**
- 701.6** Only a single watercraft may be tied to a single mooring at anyone time. Should the mooring holder wish to replace his or her watercraft, the replacement must comply with the pertinent size regulations cited in Chapter 4 of this Ordinance and must have the

Harbormaster's written approval of the replacement prior to its being moored or anchored in Perkins Cove.

- 701.7** Each mooring is allowed one non-motorized tender or dinghy, which shall have the owner's name, placed thereon. **(BOS 06/06/95)**
- 701.8** Existing mooring assignment holders shall retain their mooring priority until such time as a holder fails to pay the required mooring fees; voluntarily surrenders the mooring; or fails to comply with the mooring regulations contained within this Ordinance.
- 701.9** In that instance when a mooring assignment holder sells, or otherwise disposes of his or her watercraft, so long as the holder's annual mooring fees are current, he or she shall have a one (1) year grace period in which to replace the watercraft with one that likewise meets the size limitations dictated by this Ordinance.
- 701.9.a** After a year's grace period, if the same watercraft or one of similar size is not placed back on the leased mooring by June 1 of the next year, the mooring will become forfeited and open to the Mooring Waiting List applicant. **(BOS 6/15/99)**
- 701.10** ¹There shall be two (2) Mooring Waiting Lists: Small Boat (25' or less) and Large Boat (26' or greater). Within each List, there shall be two (2) categories: Commercial and Non-Commercial. Mooring vacancies shall be filled from the appropriate Mooring Waiting List on a first-come, first-serve basis, based on filing date of the application(s).
- 701.10.a Upon refusal of an offered mooring, applicant who wishes to remain on the Mooring Waiting List will be required to pay another filing fee and will have his/her name placed at the bottom of the appropriate Mooring Waiting List.
- 710.10.b To upgrade from a small boat mooring to a large boat mooring, the applicant's name will be placed at the bottom of the large boat Mooring Waiting List.

¹ Section 710.10 – ATM – 6/14/11

701.11 Mooring assignments shall be available in the following priorities:

- a. Commercial
- b. Non-commercial/recreate

²701.11.a Failure to demonstrate commercial activity will result in the loss of the mooring lease and that mooring loss will be at the discretion of the Harbormaster, and will include a period of time (one year) for the mooring holder to come into compliance. Any mooring lease holder must provide appropriate licenses and business plan, and/or other documentation sufficient to prove commercial activity, to the Harbormaster, upon request. Loss of mooring lease may be first appealed to the Harbor Committee with further appeal made to the Select Board.

³ 701.11.b Commercial mooring holders must demonstrate commercial activity every year for a period of ten (10) years in order to maintain the mooring lease and its commercial status.

⁴701.11.c After a period of ten (10) years of proven continuous commercial activity, the commercial mooring lease holder may, at his/her discretion opt to discontinue commercial mooring activity and still retain the mooring under a recreational/non-commercial status without the rights and privileges of a commercial mooring lease.

701.12 As a means of defraying costs for the administration of this Ordinance, and the maintenance of floats, bulkheads, pilings, and other public structures in, around and associated with Perkins Cove, each mooring holder shall be charged an annual fee based upon the length of the moored watercraft in linear feet, each fraction of a foot, to be rounded up to the next foot. It is the responsibility of the mooring holders to provide proof of ownership of a watercraft assigned to a specific mooring. Ownership must be proved at the time of application for a

² Section 701.11.a – ATM – 6/14/11

³ Section 701.11.b – ATM – 6/14/11

⁴ Section 701.11.c – ATM – 6/14/11

Mooring Permit. (4/3/00) Such fees shall be set from time-to-time by the municipal officers and shall be attached as an Appendix to this Ordinance. (5/06/97)

- 701.12.a** Holder or Owner of Mooring Assignment. The holder of each mooring assignment shall be a single individual, irrespective of whether title to or ownership in the watercraft is held in joint names or in a corporate name. In the event that title to or ownership in watercraft is held by a corporation, partnership or limited liability company, the holder of the mooring assignment shall be an individual who shall have no less than a fifty-one percent (51%) ownership interest in the corporation, partnership or limited liability company, as the case may be. (ATM 4/3/00)
- 701.12.b** Transfer of Commercial Mooring Assignment. Watercraft Used Exclusively for Commercial Fishing or Commercial Tours. In the event of the death, retirement or at the request of a mooring assignment holder for watercraft used for commercial fishing or commercial tours, as defined, the mooring assignment may be transferred only to a member of the holder's family and only if the watercraft will continue to be used for commercial fishing or commercial tours, subject to the one-year grace period limitation. The term member of the holder's family shall mean a holder's spouse, parent, child or sibling, by birth or by adoption, including a relation of half blood. (ATM 4/3/00)
- 701.13** Annual mooring bills are mailed in January of each year, payment due May 31 of that same year.
- 701.13.a** Mooring payments not being made by December 31 of the same year will result in forfeiture of mooring. (BOS 4/07/98)
- 701.14** Should a mooring holder cause his or her watercraft to be absent from the assigned mooring for a period of time exceeding forty-eight (48) consecutive hours, the mooring holder shall notify the Harbormaster, who then may offer the mooring for overnight use to a visiting watercraft. The fees for such temporary accommodations shall be established by the municipal officers and included in the mooring fees appendix.
- 701.15** Winter mooring may be granted to commercial fisherman, at the discretion of the Harbormaster. Fees for such use shall be established by the municipal officers and shall be included in the mooring fees appendix. (BOS 06/06/95)

⁵701.16 Harbormaster shall have full authority to shift boats from different mooring locations within the Cove, when deemed necessary.

⁵ Section 701.16 – ATM 6/14/11