

Article 44. Shall an ordinance entitled “May 2023 Amendments to the Town of Edgecomb Coastal Waters Ordinances” be enacted?

Underscore indicates addition, strike-through indicates deletion.

COASTAL WATERS ORDINANCE

Town of Edgecomb, Maine

Amended May 20, 2023

Section 1.

PURPOSE

The Coastal Waters Ordinance is hereby established regulating marine activities within the tidal waters of the Town of Edgecomb, Maine, in order to ensure safety to persons and property, promote availability and use of valuable public resources, and to create a fair and efficient framework for the administration of the same.

Section 2.

AUTHORITY

This ordinance is adopted pursuant to the Home Rule Powers as provided for in Article VIIIA of the Maine Constitution and in Title 30-A MRSA 3001 and 38 MRSA Sec. 2 et seq.

Section 3.

DEFINITIONS

- A. “Edgecomb Waters” refers to all the tidal waters of the Town of Edgecomb.
- B. “Edgecomb Mooring Field” is a non-commercial area located near Davey Bridge on the Sheepscot River, bounded by coordinates detailed in Section 5L.
- C. The Waterfront Committee” will consist of three or more members appointed by the Selectmen for a term of one year. The purpose of the Waterfront Committee is to recommend changes as necessary to the Coastal Waters Ordinance. The Waterfront Committee shall mediate any dispute between the Harbormaster and an aggrieved party.
- D. “Harbormaster” shall mean one or more Harbormaster (s) annually appointed by the Selectmen.
- E. “Harbor Patrol Boat” shall mean any vessel or vessels operated by the Harbormaster or his/her deputy while the Harbormaster is aboard and performing official duties.
- F. “Riparian Owner” shall mean the owner of record of land or property in Edgecomb, to the high-water mark.
- G. Deeded Right of Way: a legal right of way or easement of non-riparian owners over a designated portion of a shoreline for waterfront access.

H. Edgecomb resident: a person who has a physical presence and simultaneously makes Edgecomb his or her home or domicile for more than six months of the calendar year. If a person is registered to vote, the person must be registered in Edgecomb.

I “Mooring” shall mean any appliance used by a craft for anchoring purposes and which appliance is not carried aboard such craft when under way as regular equipment.

J. “Watercraft” shall mean and include every description of watercraft, including, but not limited to, boats of all kinds, personal watercraft, seaplanes, and floats, used or capable of being used for any purpose on the water.

K. “Water safety zone” – 200 feet from any low water shoreline, including islands.

Section 4 **SAFE OPERATIONS**

A. The Harbor Master shall have authority to control waterborne traffic in any portion of the waters of Edgecomb under his/her jurisdiction.

B. The operation of any vessel within the waters of Edgecomb in excess of posted speed limits or, in the absence of such limits, in a manner to create a wash or at a speed which endangers persons or property shall constitute a violation of this Ordinance.

C. No person shall use or operate any watercraft while under the influence of alcoholic beverages or drugs, or recklessly, or so as to cause danger, annoyance, inconvenience or damage to the public or property within the waters of the town.

Section 5 **MOORING LOCATIONS**

A. The Edgecomb mooring field is bounded by the following lat/lons:

1. 44 00.150N 69 39.322W
2. 44 00.123N 69.39.242W
3. 43 59.859N 69 39.479W
4. 43 59.879N 69 39.564W

Vessels unable to negotiate Davey Bridge will be given preference to that part of the mooring field existing south of the bridge. Anchoring in the Edgecomb Mooring Field is forbidden. The Edgecomb Mooring Field is an area designated for private moorings only

B. No mooring shall be placed or moved in the tidal waters except under the direction of and with permission from the Edgecomb Harbormaster. The Harbormaster/s shall keep a record for each approved mooring and a copy of the original application and a chart indicating each mooring location. Approvals for moorings

will apply only to the assigned location. Riparian owners shall have a priority for moorings adjacent to their property.

- C. All commercially operated fishing vessels using moorings in Edgecomb waters, and all commercially operated mooring fields that are registered with the U.S. Army Corp of Engineers and that are within the jurisdiction of the Town of Edgecomb Waterfront Committee are commercial moorings.

Section 6 Mooring Permits

- A. Each request for Mooring Application must include the following:
- Applicant's name, address and telephone numbers(s), including summer and winter addresses if applicable.
 - Intended boat length, name, and registration or documentation number.
 - Commercial or Non-Commercial usage.
 - Current or desired mooring location which may be surveyed prior to approval by the Harbormaster from the Harbor Patrol Boat.
 - Whether or not the applicant is a riparian owner or deeded right of way owner.
- B. Location of new moorings will be assigned by the Harbormaster or his/her deputy
- C. The Waterfront Committee will recommend to the Edgecomb Selectman the fee schedule for mooring applications. Mooring fees are determined by the Selectmen and are to be paid upon approval of the mooring application by the Harbormaster or his/her deputy. The Mooring fees will be posted on the Town Website. Commercial permit fees are one half of the property owners' and residents' fees, and non-resident permit fees are three times the property owners' and residents' fees.

~~There shall be an annual fee stipulated on the Yearly Mooring Registration for each mooring owned by the mooring owner. This fee will be paid to the town treasurer at the time of registering a vessel. The owner will receive a numbered decal~~

~~to be placed on the mooring ball at the time a permit is granted. If a mooring Renewal fee has not been received for 2 years, the Harbormaster can hire a contractor to remove the mooring and sell the tackle. The sale of the tackle would go to offset the removal cost.~~

~~The yearly renewal fee is to be paid each year by July 1.~~

- D. Proceeds from the Mooring Application shall be earmarked for the use of the Edgecomb Waterfront Committee budget.
- E. Mooring permit is non-transferable. It is illegal to rent a mooring, unless it is part of a Commercial Mooring Field which is registered with the state of Maine and the U.S. Army Corps. of Engineers.
- F. The Harbormaster shall grant, deny, or defer each request. The Harbormaster may deny an application because of insufficient

information regarding the mooring or because of other reasons as specified in the Coastal Waters Ordinance, including, but not limited to the mooring being a hazard to navigation, or the proposed location having been previously assigned or insufficient clearance.

- G. Any dispute between an applicant or mooring owner and the Harbormaster shall be mediated by the Waterfront Committee.
- H. The Harbormaster shall maintain an updated list of all mooring permits in the Edgecomb mooring field. The permits for moorings that are not used for two (2) consecutive years without the written permission of the Harbormaster will be revoked.
- I. In the event that the Harbormaster receives more applications for the Edgecomb Mooring Field than there are available mooring locations, the Harbormaster shall maintain a waiting list and select the next available mooring permit from the applicants on the waiting list.
- J. The following standards (Subject to the provisions of 38 M.R.S.A. § 7-A (2) shall govern the assignment of mooring locations by the Harbormaster in the waters of Edgecomb Mooring Field in the following order of priority:
 - a. Edgecomb Licensed Commercial Fisherman
 - b. Edgecomb Resident
 - c. Edgecomb Property Owner
 - d. Non-resident Licensed Commercial Fisherman
 - e. Non-resident
 - f. None of the Above (Describe)
- K. Ninety percent of the Mooring Field shall be reserved for Edgecomb residents and property owners out of which one third of the total number of moorings in the Edgecomb Mooring Field shall be reserved for owners of Sheepscot Harbour Village Resort Cottages.
- L. Mooring Free Anchorage-as designated by the U.S. Coast Guard.

The following area will remain free of all permanent moorings and provide a safe anchorage for transient vessels. Said visiting vessels shall display an anchor light and have either the owner or their representative aboard every night during their allowed two week stay. Any exceptions to this must be approved by the harbormaster. The anchorage is bounded by the following lat/lons:

1. 43 59.847N 69 39.743W
2. 43 59.687N 69 39.691W
3. 43 59.655N 69 39.617W
4. 43 59.771N 69 39.585W
5. 43 59.859N 69 39.479W
6. 43 59.879N 69 39.564W.

Section 7
MOORING REGULATIONS

- A. The holder of a permit is responsible and liable for his/her mooring and making adjustments and repairs to the equipment as required, for the safety of the boat and adjacent boats.
- B. If any boat on a mooring is taking on water, adrift or in danger, the Harbormaster may authorize a private contractor to pump out or tow the boat at the owner's expense.
- C. All moorings shall be of sufficient size to hold the vessel for which it is to be used. The owner of a vessel and or mooring shall be liable for any damage caused by faulty or inadequate moorings or vessel attachment. Moorings shall be properly maintained by the owner or his/her agent.
- D. Any mooring without a proper permission location is subject to removal by the Harbormaster at the owner's expense. Change in type of size of boat may require relocation of the mooring. The Harbormaster may revoke or suspend, in writing, giving his reasons, any permission for a mooring, due to violations of this Ordinance, or in the interest of public safety or to relieve congestion. Notice shall be deemed to have been given when the Harbormaster mails, by certified return receipt mail, a notice to the owner at the owner's registered address.
- E. Each mooring ball and application will be assigned a unique number issued consecutively starting Jan. 1, 2011. Each mooring ball shall display the assigned number in a contrasting color not less than 3 inches in height. The owner may also mark the mooring with his/her name or vessel name as long as it does not interfere with the visibility of the Edgecomb mooring ball number.

Section 6
ENFORCEMENT

- A. Any violation of this Ordinance shall be deemed to be a Nuisance.
- B. No person shall refuse to obey a lawful order of the Harbormaster.
- C. It shall be the duty of the Harbormaster to enforce the provisions of this Ordinance. If any provision of this Ordinance is being violated, the Harbormaster shall notify in writing by certified return receipt mail the person responsible for such violation indicating the nature of the violation and ordering the action necessary to correct it. A copy of such notice shall be maintained as a permanent record.
- D. When the above action does not result in the correction or abatement of the violation or nuisance condition, the Selectmen are hereby authorized and directed to institute any and all actions necessary to enforce the provisions of this Ordinance.
- E. Penalties for violation of this Ordinance shall be as prescribed in 30-A MRS

Section 4506.

Section 7
PROHIBITED ACTS

- A. No person shall install or cause to be installed any mooring in any location other than that which was approved by the Harbormaster. No person shall assign or otherwise transfer a Mooring.

- C. No person shall deposit or cause to be deposited into the waters of Edgecomb or into waters adjacent thereto any gasoline or oil or bilgewater containing same, ashes, dirt, stones, gravel, mud, logs, planks, craft or any other substance tending to obstruct the navigation of said waters of Edgecomb or waters adjacent thereto, or to shoal the depth of said waters or pollute said waters.

- D. No person shall dump or dispose of any refuse or garbage upon any shore of the Town of Edgecomb, at or between high and low water mark, or upon the waters of the rivers within the Town of Edgecomb.

~~Section 8~~
~~**FEE SCHEDULE**~~

~~The Waterfront Committee will recommend to the Edgecomb Selectman the Fee Schedule for the Mooring Application, and for the Yearly Mooring Renewal. The Edgecomb Selectman will then determine and designate the Fee Schedule.~~

Section 8
SEVERABILITY

The invalidity of any section or provision of this Ordinance shall not be held to invalidate any other section or provision of this Ordinance.

Enacted May 20, 2023