

Format of Amendments.

All text shown in black font is current text in the adopted City Code of Ordinances, Chapter 58 Traffic and Vehicles. **All text shown in red font** is new language that is proposed to be added. ~~All text shown with blue strike through~~ is to be removed. Bold text indicates the specific intersection.

**ARTICLE II
Harbors****DIVISION 1
Generally****Sec. 30-31. Purpose of article. [Ord. No. 55-2003, 6-17-2003]**

This article is established in order to regulate marine activities within the City harbor and waters adjacent to the shoreline of the City in order to ensure safety to persons and property, to promote availability and use of valuable public resources, and to create a fair and efficient framework for the administration of such regulations.

Sec. 30-32. Definitions. [Ord. No. 55-2003, 6-17-2003; Ord. No. 3-2005, 7-20-2004; Ord. No. 9-2005, § B, 9-6-2005; Ord. of 2-15-2011; Amd. of 5-2-2012; Ord. No. 5-2016, 7-19-2016]

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

to ANCHOR—Shall mean to secure a vessel to the sea floor within a body of water by dropping an anchor(s) or other ground tackle, which is carried aboard a vessel when underway as regular equipment. [Ord. No. 5-2016, 7-19-2016]

AQUACULTURE — The growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

BOAT AND VESSEL — Includes boats of all sizes powered by: sail, machinery or hand; floats, rafts, scows, dredges, lobster, crab and shellfish cars, and craft of any kind.

COMMERCIAL — A vessel or mooring activity used in a business, occupation or enterprise from which the owner obtains a substantial portion of his/ her income. Rental moorings are not considered a Commercial use for the purposes of this Chapter. [Ord. No. 40-2016, 3-15-2016]

CONCESSIONS CONTRACT — "Concessions" are defined as all businesses offering for sale to the public goods or services, which advertise or provide information, ticket sales, retail sales, or conduct other such activities within the areas described in subsection [30-126](b) and depicted on appendix A. "Concessions" include, but are not limited to sales of food or goods, motorized or non-motorized watercraft rentals, tours, charters, or sightseeing, overnight or fishing trips. This definition shall not apply to any business which operates exclusively from October 15 through May 15.

FLOATING BUSINESS — A building constructed on a raft or hull that is represented as a place of business, including but not limited to waterborne hotels, restaurants, marinas or marina-related businesses.

HOUSEBOAT — A building constructed on a raft, barge, or hull that is used primarily for single or multifamily habitation: if used for transportation, this use is secondary.

INNER HARBOR BASINS — Commercial user areas designated in the inner harbor to better utilize harbor space by keeping similar vessels moored together.

MOORED FLOAT — Any floating structure not attached to or associated with a pier or wharf, anchored or moored, and used normally for a berth, lobster car, or other approved purpose.

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- 1. Editor's Note: This ordinance repealed and reenacted former Ch. 30, Marine Activities, in its entirety. Former Ch. 30, was adopted 3-21-1995, and amended 7-2-1996 by Ord. No. 1-1996; 4-1-1997 by Ord. No. 37-1997; 7-21-1998 by Ord. No. 9-1998; 9-15-1998 by Ord. No. 17-1998; 12-15-1998 by Ord. No. 44-1998; 5-18-1999 by Ord. No. 67-1999; 4-3-2001 by Ord. No. 55-2001; and 11-6-2002 by Ord. No. 20-2002.**

MOORING — Any device used by a craft for anchoring purposes and which device is not carried aboard such craft when underway as regular equipment.

NONRESIDENT COMMERCIAL BUSINESS — A business that provides marine-related services, including but not limited to construction, service, storage, or maintenance of vessels, mooring inspections, charters, launch services or other services to boaters, such as food or supplies, but does not have its principal place of business within the City of Belfast. In order to receive a mooring permit, a nonresident commercial business shall demonstrate to the satisfaction of the Harbor Master that it requires a mooring as an operational necessity of its business.[Added 3-17-2015]

NONRESIDENT COMMERCIAL FISHERMAN — A person who holds a marine license issued by the Department of Marine Resources and who requires use of a moored vessel to earn a substantial portion of his or her income through fishing, but does not occupy a dwelling in the City of Belfast for more than 180 days in a calendar year.[Added 3-17-2015]

OCCASIONAL USE CONTRACT — Occasional use of the City-owned dock, launch ramp and breakwater is defined as the commercial operation of a vessel(s) for purposes including but not limited to tours, sightseeing, overnight or fishing trips, cruises or charters (educational, scientific, recreational or otherwise), which meets the following criteria: [Added 3-15-2016]

- (1) The vessel shall not make more than 12 departures from the City-owned dock between May 15 and October 15 of a particular year;
- (2) The vessel and/or its crew or other employees do not have a concessions contract pursuant to subsection (d) of [section 30-126]; and
- (3) The vessel, specifically large passenger vessels, certified to carry 50 or more passengers shall not be allowed to embark or disembark guest passengers, including by tender, at the City Landing or other City property or marine facilities.**
- ⊕ (4) The vessel has a home port of Belfast, Maine, meaning that:
 - a. The vessel makes the majority of its commercial departures during a given year from Belfast Harbor, including trailered and launched vessels;
 - b. The vessel is documented as a Belfast vessel; or
 - c. The vessel has a mooring, float or slip in Belfast Harbor or its coastal waters.

This definition shall not apply to any business that operates exclusively from October 15 through May 15.

PRIVATE NONCOMMERCIAL MOORING: A mooring placed by a vessel owner for his private use including commercial fisherman moorings.

RENTAL MOORING: A mooring for which any type of fee is charged in exchange for use rights. [Added 3-15-2016]

RESIDENT — A person who occupies a dwelling in the City of Belfast for more than 180 days in a calendar year.

RESIDENT COMMERCIAL BUSINESS — A business that has its principal place of business within the City of Belfast and that provides marine-related services, including but not limited to

construction, service, storage, or maintenance of vessels, mooring inspections, charters, launch services, or other services to boaters, such as food or supplies. In order to receive a mooring permit, a resident commercial business shall demonstrate to the satisfaction of the Harbor Master that it requires use of a mooring as an operational necessity of its business.[Added 3-17-2015]

RESIDENT COMMERCIAL FISHERMAN — A person who occupies a dwelling in the City of Belfast for more than 180 days in a calendar year, who holds a commercial marine license issued by the Department of Marine Resources, and who requires use of a moored vessel to earn a substantial portion of his or her income through fishing.[Added 3-17-2015]

SEASONAL RENTAL MOORING: A mooring used to secure a visiting vessel for no less than two months.

SERVICE MOORING: A mooring assigned to a resident or Non-resident Commercial Business and used for the service, support, or temporary mooring of vessels served by the business. [Added 3-15-2016]

SHOREFRONT OWNER —

- (1) Persons who, prior to January 1, 1987, owned shore rights of at least 100 feet of frontage regardless of the size of lot, in Belfast Harbor or water adjacent to the shoreline of the City, or
- (2) An owner of the shore rights of a parcel of land with the larger of the minimal buildable lot size in the municipality or 20,000 square feet and, in either case, including 100 feet of shoreline frontage.

TRANSIENT RENTAL MOORING: A mooring used to secure a visiting vessel for no more than two weeks.

VESSEL LENGTH: The length of a vessel as berthed, measured to include any and all extensions or overhangs from the hull's stem or stern, such as bowsprits, boomkins, rudderposts, booms, davits, outboard motors, swim platforms, or any other extensions from the hull. [Added 3-15-2016]

WHARF LINE — A line along the shoreline of Belfast as designated in this chapter and chapter 82, shoreland zoning, that defines the boundary beyond which there shall be no marine construction of a pier, wharf, dock, float or similar structure that is connected to land.

Sec. 30-33. Establishment and use of harbor usage fees. [Ord. No. 55-2003, 6-17-2003]

The City council, upon recommendation by the harbor advisory committee, shall set harbor usage fees to be paid by the owner or master of vessels at all municipal facilities. The fees are to be paid to the City for the harbor advisory committee to use to upgrade, maintain and supervise all municipal facilities. In setting the dockage fees, the following criteria will be used: boat length, dockage duration, and overall cost of upgrading, maintaining and supervising all municipal facilities.

Sec. 30-34. Authority to deny access to municipal facilities. [Ord. No. 55-2003, 6-17-2003]

The Harbor Master may deny access to municipal facilities to a vessel if **it does not meet standards identified in this chapter**, if it is unsafe, or if it emanates obnoxious fumes, fluids, oils and other noxious substances.

Sec. 30-35. through Sec. 30-45. (Reserved)

DIVISION 2
Harbor Advisory Committee

Sec. 30-46. Membership. [Ord. No. 55-2003, 6-17-2003]

The harbor advisory committee shall consist of five members and one alternate member, appointed by the City council. Each committee member shall be a resident of the City.

Sec. 30-47. Term of members. [Ord. No. 55-2003, 6-17-2003]

The term of office of a member of the harbor advisory committee shall be two years. The terms shall be overlapping so that in any one year no more than three new members are appointed to the committee.

Sec. 30-48. Officers; records and reports. [Ord. No. 55-2003, 6-17-2003]

The harbor advisory committee shall annually choose one of its members as chair and a different member as clerk. The clerk shall keep a record of all proceedings and make a report at the close of each year for inclusion in the annual report.

Sec. 30-49. Compensation of members. [Ord. No. 55-2003, 6-17-2003]

The members of the harbor advisory committee shall serve without compensation.

Sec. 30-50. Duties. [Ord. No. 55-2003, 6-17-2003; Ord. No. 3-2005, 7-20-2004]

The harbor advisory committee, under the general direction of the City council, shall advise the City manager and Harbor Master as to the custody, care and management of the harbor and its facilities, not inconsistent with the duties of the Harbor Master as set forth in City ordinance or by the Maine Revised Statutes, and shall hear appeals in such instances as provided in this article. The committee shall review and provide recommendations to the City planning board regarding shoreland permit applications for uses identified in section 82-31, including participation in the contract rezoning process identified in chapter 82, shoreland zoning, and chapter 102, zoning, article X, division 4.

Sec. 30-51. Appeals. [Ord. No. 55-2003, 6-17-2003; Ord. No. 9-2005, § B, 9-6-2005]

- (a) Any person aggrieved directly or indirectly by a decision, order, rule or act, or failure to act of the Harbor Master under this article may appeal such decision, order, rule, act or failure to act to the harbor advisory committee. There is no right to appeal an award or failure to award an application and/or request for a concessions or occasional use contract pursuant to section 30-126. Said decisions of the City council are final. In deciding an appeal, the harbor committee shall hear and approve, or approve with modifications or conditions, or disapprove, the decision, order, rule, act or failure to act of the Harbor Master from which the appeal is taken.
- (b) Such appeals shall be made in writing directed to the chairman of the harbor advisory committee, which shall be received by the City Clerk's office at City hall within five business days of the decision, order, rule, act or failure to act of the Harbor Master from which the

appeal is taken. It must state with specificity the decision, order, rule, act or failure to act from which the appeal is taken and the reason for the appeal. The appeal shall be considered by the harbor advisory committee within 30 days of notification of appeal.

- (c) An appeal may be taken by any party from a decision of the harbor advisory committee to the county superior court in accordance with Rule 80B of the Maine Rules of Civil Procedure. The appeal to superior court from the decision of the harbor advisory committee must be made within 20 days.

Sec. 30-52. through Sec. 30-70. (Reserved)

DIVISION 3
Harbor Master

Sec. 30-71. Appointment; qualifications; term. [Ord. No. 55-2003, 6-17-2003]

There shall be appointed by the City council some suitable person, who should live within 30 minutes of the City landing, to act as Harbor Master, who shall serve until a successor has been appointed.

Sec. 30-72. Powers and duties. [Ord. No. 55-2003, 6-17-2003]

- (a) The duties and responsibilities of the Harbor Master are prescribed by 38 M.R.S.A. In addition, the Harbor Master, acting under the orders of the City council, shall have full authority in the interpretation and enforcement of all regulations affecting Belfast Harbor and waters adjacent to the shoreline of the City to the fullest extent permitted by law.
- (b) The Harbor Master shall be the overseer of the City's moorings, floats, docks, ramps, breakwater, channels and adjacent municipal property and ensure that their proper maintenance shall be provided for by the public grounds maintenance division upon request from the Harbor Master.
- (c) The Harbor Master shall regularly attend the harbor advisory committee's meetings and inform the committee of his activities, as well as provide such information as may be requested by the committee for the execution of its duties.
- (d) The Harbor Master may utilize the City hall staff and harbor advisory committee for assistance in the administrative aspects of this position.
- (e) The Harbor Master is encouraged to attend both the basic and advanced course of the Harbor Master's Association annual training. The City of Belfast will maintain a membership to the association.

Sec. 30-73. Compensation. [Ord. No. 55-2003, 6-17-2003]

The compensation of the harbor master shall be determined by the City council.

Sec. 30-74. through Sec. 30-90. (Reserved)

DIVISION 4
Belfast Harbor

Sec. 30-91. Violations; penalty. [Ord. No. 55-2003, 6-17-2003]

- (a) If the Harbor Master has probable cause to believe that any provision of division 4 of this article has or may have been violated, the Harbor Master may commence a civil action in the district court by service of a summons in the form of the uniform traffic ticket as provided by 29 M.R.S.A. § 2300. Complaints for filing in the district court may be drawn by the City attorney or by the district attorney's office. For any violations of division 4 of this article, the district court may impose a fine of not less than \$25 and not more than \$200 for each violation. Each day such a violation is continued may be considered a separate offense. Unless otherwise prohibited by state law, all fines collected shall be payable to the City.
- (b) If the Harbor Master shall find provisions other than those in division 4 of this article to be violated, the Harbor Master shall notify the person responsible for the violation, either verbally or in writing, indicating the nature of violation and ordering the action necessary to correct it. The Harbor Master shall maintain a written record of such notices. If the violation causes or threatens to cause property damage, then notification of the violation shall be by the fastest means possible. In this case, if contact with the mooring or boat owner or corrective action cannot be made within 24 hours, the Harbor Master is authorized to take whatever action is necessary, the expense and risk for which shall be borne by the mooring or boat owner. If the mooring or boat owner fails to satisfy all financial obligations arising out of this incident prior to January 1 of the succeeding year, it shall not limit in any way the authority of the Harbor Master to act as provided in 38 M.R.S.A. § 1.
- (c) When the action described in subsection (b) of this section does not result in the correction or abatement of the violation or condition, the City council, upon notice from the Harbor Master or the harbor advisory committee, is hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations, that may be appropriate or necessary to enforce the provisions of this article in the name of the City. In any action in which the City prevails, the City shall be awarded reasonable attorneys' fees and court costs in addition to any other relief to which it may be entitled.

Sec. 30-92. Harbor limits. (See Appendix B to Ord. No. 55-2003.) [Ord. No. 55-2003, 6-17-2003; Ord. No. 3-2005, 7-20-2004] [Ord. No. 40-2016, 3-15-2016]

For the purpose of this Article, the harbor limits shall be defined as follows:

- (1) Coastal Harbor. The Coastal Harbor of Belfast shall be defined as an area bounded on the south by a line extending from the Northport/Belfast town line (44 23.647N, 068 59.274W) to the Searsport/Belfast town line (44 25.733N, 068 57.468W) and on the north by a line from point "A" at Steamboat Landing (44 25.510N, 068 59.985W) to point "B" near Goose River (44.25740N, 068 59.525W).
- (2) Outer Harbor. The Outer Harbor of Belfast shall be defined as an area bounded on the south by a line from point "A" at Steamboat Landing to point "B" at Goose River, and on the north by a line on the north side and parallel to the outer section of the breakwater, point "C", (44 25.735N, 069 00.192W) to point "D" (44 25.880N, 068 59.980W) on the eastern shore of the harbor.

- (3) Inner Harbor. The Inner Harbor of Belfast shall be defined as an area bounded on the south by a line on the north side of and parallel to the outer section of the breakwater, point "C", to the eastern shore of the harbor, point "D", and on the north by the northerly face of the Armistice Bridge (44 25.876N, 069 00.597W to 44 25.974N, 069 00.406W).
- (3.5) Bridge Harbor. The Bridge Harbor of Belfast shall be defined as an area bounded on the south by the northerly face of the Armistice Bridge, and on the north by the northerly face of the Veteran's Memorial Bridge, (44 25.976N, 069 00.731W to 44 26.038N, 069 00.478W).
- (4) River Harbor. The River Harbor of Belfast shall be defined as an area bounded on the south by the northerly face of the Veteran's Memorial Bridge, and on the north at the Head of Tide.

Sec. 30-93. Channel limits. (See Appendix B to Ord. No. 55-2003.) [Ord. No. 55-2003, 6-17-2003; Amd. of 5-2-2012]

The Belfast Harbor channel shall extend westerly of and northwesterly from a point delineated as (44 N 69 W) near Steels Ledge to a point near the US Rt. 1 bridge where the channel does not exceed a distance of 25 feet [on] either side of the deepest point and extends to the head of tide. (44 N 69 W). A twenty-five-foot buffer area shall be maintained on either side of the channel. A detailed description of the channel location, turning basins, channel buffer, and private aids is attached and can be found in Appendix B.

Sec. 30-94. Anchorage areas. (see Appendix B-1)

Three overlaid anchorage areas (A, B and C) are hereby established within the Outer and Coastal Harbors in order to better manage usage of prime mooring and navigation areas and to ensure opportunity for access by all types of harbor users. These anchorage areas are depicted on the map attached as Appendix B-1 to this chapter, which shall be controlling as to the location of the anchorage areas.

Sec. 30-95. Wharf lines. [Ord. No. 55-2003, 6-17-2003; Ord. No. 3-2005, 7-20-2004]

A wharf line is established in Belfast Harbor beyond which there shall be no marine construction of piers, wharves, docks, floats, or similar structures connected to the land. No construction within these boundaries shall infringe on or encroach upon any channel located in Belfast Harbor. Wharf lines are further described as follows and are generally depicted on the Official Wharf Line Map:

- (1) Coastal Harbor wharf line. Any point or location not to exceed 300 feet from the normal high water mark.
- (2) Outer Harbor wharf line. Any point or location not to exceed 200 feet from the normal high water mark. Notwithstanding this provision, the City Council shall have the authority to adopt a contract rezoning agreement for a specific property that has shore frontage in the Outer Harbor and that is located in the Waterfront Development Shoreland Zone regarding the specific designation of the wharf line for that property; reference Chapter 102, Zoning, Article X, Contract Rezoning, Division 4, Waterfront Mixed Use1 and Waterfront Mixed Use-2 Zoning Districts and Waterfront Development Shoreland District.
- (3) Inner Harbor wharf line.
 - a. West side of harbor. Any point or location not to exceed 25 feet from the designated channel for Belfast Harbor.
 - b. East side of harbor. Any point or location not to exceed 100 feet from the normal high water mark.
- (3.5) Bridge harbor wharf line.
 - a. West side of harbor. Any point or location that is a minimum of 25 feet from the designated channel of Belfast Harbor.
 - b. East side of harbor. Any point or location that is a minimum of 100 feet from the normal high water mark if the structure is connected to the shore. If the structure is connected to the Armistice Bridge (foot bridge), any point or location that is a minimum of 25 feet from the designated channel of Belfast Harbor.
- (4) River area wharf line. Any point or location not to exceed 100 feet from the normal high water mark.

Sec. 30-96. Removal of vessels by Harbor Master; abandoned vessels. [Ord. No. 55-2003, 6-17-2003]

- (a) The Harbor Master is hereby authorized to remove or cause to be removed any vessel or boat from any wharf in Belfast Harbor when so requested by the owner of wharf and whenever the Harbor Master shall deem it necessary, may remove or cause to be removed any vessel, boat or craft which shall anchor or lie contrary to this article, rule, regulation or state statute. Prior to taking such action the Harbor Master shall make a good faith effort to attempt to notify the owner or person having care of the vessel, boat or craft and to order the owner or person to remove the vessel, boat or craft forthwith. If actual notice of the order to remove cannot be provided to the owner or person responsible for the boat in an expeditious fashion, the Harbor Master may remove or cause the removal at the expense of the owner of the vessel. If any person, after having been ordered to comply forthwith, fails to comply, action may be undertaken by the Harbor Master as in other cases where violations occur, as provided in section 30-91.
- (b) No person shall cause to be abandoned any boat, vessel, cradle or craft within the confines of Belfast Harbor or the waters adjacent to the shoreline of the City. Any such objects left in the

confines of the harbor which shall appear to the Harbor Master to have been unattended for a period of 30 days shall be deemed abandoned. The Harbor Master, upon determining such abandonment, may order the last owner, if known, to remove such object within 10 days. If the last owner is unknown or uncertain, or not reasonably available for notification or determination, the Harbor Master shall attach to the abandoned property a notification ordering the object's removal within 10 days. If removal as provided in this section and as may be ordered by the Harbor Master is not accomplished within the ten-day period, the Harbor Master may remove or cause the removal of such object at the expense of the last known owner. If such object or property is not claimed, and removal expenses are not paid by October 10 of each year, the object or property may be sold by the City, and all monies retained from the sale shall inure to the benefit of the City's harbor account.

- (c) Any tender or skiff tied to the City floats that is left sunk or awash for a period exceeding seven days shall be deemed abandoned. The tender or skiff may be impounded by the Harbor Master, and may be disposed of in the same manner as noted in subsection (b) of this section. The City shall not be liable for any damages sustained by an impounded tender or skiff.

Sec. 30-97. through Sec. 30-110. (Reserved)

DIVISION 5
Harbor Rules and Regulations

Sec. 30-111. Operation of vessels. [Ord. No. 55-2003, 6-17-2003]

Vessels shall be operated in Belfast Harbor in a reasonable manner so as not to endanger persons or property or to cause excessive wash. Within the anchorage or mooring areas, headway speed shall not exceed five knots or such speed as may be necessary for maintaining steerage and control.

Sec. 30-112. Obedience to Harbor Master. [Ord. No. 55-2003, 6-17-2003]

No person shall refuse to obey a lawful order of the Harbor Master.

Sec. 30-113. Anchoring in channel. [Ord. No. 55-2003, 6-17-2003; Amd. of 5-2-2012]

No vessel shall anchor in a manner so that any portion of the vessel, anchor or line shall lie, at any time, within the boundaries of the channel or any turning basin.

Sec. 30-114. Control of anchoring by Harbor Master. [Ord. No. 55-2003, 6-17-2003]

Boats may anchor only in those areas and for the length of time permitted by the Harbor Master.

Sec. 30-115. Procedure when passenger of vessel is afflicted with contagious disease. [Ord. No. 55-2003, 6-17-2003]

Whenever a vessel arrives in the Port of Belfast having on board any person afflicted with a contagious disease, the master, commander, or pilot thereof, and the health officer of the City, shall comply with the provisions of the Revised Statutes of Maine.

Sec. 30-116. Mooring to or injuring buoy or beacon. [Ord. No. 55-2003, 6-17-2003]

No person shall moor, or cause to be moored, any vessel, boat, scow or raft to any buoy or beacon placed by the City, State of Maine, or a United States government agency in Belfast Harbor, or willfully destroy or injure a buoy or beacon.

Sec. 30-117. Depositing matter in water. [Ord. No. 55-2003, 6-17-2003]

No person shall deposit, throw, sweep or cause to be deposited or swept, from any vessel, wharf, dock or other place, into the waters of Belfast Harbor or into the waters adjacent thereto, any gas or oil, or bilge water containing gas or oil, ashes, dirt, stones, gravel, mud, logs, planks, or other substance tending to obstruct the navigation of the waters adjacent thereto, or to shoal the depth of the harbor or pollute the water thereof.

Sec. 30-118. Discharge of waste, garbage, or refuse. [Ord. No. 55-2003, 6-17-2003]

No person, firm, corporation, or other legal entity shall discharge, spill, or permit to be discharged sewage, garbage, or other waste material from a watercraft or houseboat, into waters of Belfast Harbor, or on the ice thereof, or on the banks thereof, in such a manner that the same may fall

or be washed into such waters, or in such manner that the drainage therefrom may flow into such waters.

Sec. 30-119. Noise. [Ord. No. 55-2003, 6-17-2003]

No person shall cause or allow to be caused an unreasonable noise in the Belfast Harbor.

Sec. 30-120. Water skiing and related activities. [Ord. No. 55-2003, 6-17-2003]

No water skiing or related activities shall be permitted within the anchorage or mooring area.

Sec. 30-121. Cleanup requirements. [Ord. No. 55-2003, 6-17-2003]

All persons are responsible for promptly cleaning up any spillage or untidiness resulting from their operations.

Sec. 30-122. Leaving personal property on City property. [Ord. No. 55-2003, 6-17-2003]

No person shall leave any personal property on any municipal property for a period of time in excess of 24 hours without the permission of the Harbor Master.

Sec. 30-123. Parking on public landing. [Ord. No. 55-2003, 6-17-2003]

All persons shall park their cars and trailers when using the public landing in an area set aside and marked by the City in such a manner as to ensure free access to the harbor facilities and boat launch ramp.

Sec. 30-124. Removal of boat cradles. [Ord. No. 55-2003, 6-17-2003]

All boat cradles shall be removed from the public premises when not in actual use unless permitted by Harbor Master.

Sec. 30-125. Repair work. [Ord. No. 55-2003, 6-17-2003]

Permission of the Harbor Master is required for any repair work on boats at the City-owned floats, pier or adjacent municipal property before such work is started.

Sec. 30-126. Commercial use of City-owned dock, floats, launch ramp and breakwater. (see Appendix A) [Ord. No. 55-2003, 6-17-2003; Ord. No. 9-2005, § A, 9-6-2005]

- (a) Statement of purpose. This section is established in furtherance of the purposes of this article as set forth in section 30-31. More specifically, because the City harbor, City-owned dock, floats, launch ramp and breakwater are valuable and finite public resources, the purpose of this section is to regulate the level of commercial activity both within the harbor and on the City-owned dock, floats and breakwater, so as to minimize user conflicts and maximize the efficient use of both the water space and the City-owned waterfront. This section seeks to provide opportunities for both occasional and daily use of the harbor and City-owned dock, floats, launch ramp and breakwater, so as to best take advantage of their economic benefits to the City. This section authorizes the City council, with the input and advice of the

Harbor Master, to maintain and regulate the overall level of activity within these areas so as to prevent overcrowding, clutter, or disorder on the City-owned dock and around the harbor and to promote the safety of the public. The City must balance economic development with sustainable business and therefore limit the number of similar commercial activities making direct use of these areas.

(b) Applicable area. The area to which this section applies is as follows:

- (1) Bounded on the west by Front Street; the south by Heritage Park; the north by property now or formerly occupied by the Weathervane Restaurant; and bounded on the east by the westerly bound of the channel of Belfast Harbor, as depicted on the map attached in Appendix A to this chapter;
- (2) The Thompsons Wharf area;
- (3) The Belfast Boathouse area;
- (4) Heritage Park area; and
- (5) All tidal waterfront property owned by the City of Belfast.

(c) Contract required.

- (1) Commercial activities. No commercial activity meeting the definition of a "concession" or of an "occasional use" under this section may be conducted in the areas described in subsection (b) of this section and depicted on Appendix A, unless the City Council has approved a valid concessions contract or occasional use contract. Commercial fishing operations, divers, marine support services (such as for the tending of moorings and the fueling or maintenance of vessels) and any other operations not meeting the definitions of "concessions" or "occasional use" are not subject to the requirements of this section 30-126.
- (2) Posting or distribution of materials. No person shall post or hand out fliers, notices, pamphlets, brochures or other materials on the City-owned dock, floats or breakwater unless the City council has approved a valid concessions contract pursuant to subsection (d) of this section. Such materials may be placed in the Harbor Master 's office, if space permits in the Harbor Master 's discretion.
- (3) No vessels, in particular large passenger vessels, certified to carry 50 or more passengers shall be allowed to embark or disembark guest passengers, including by tender, at the City Landing or other City property or marine facilities.**

(d) Concessions.

- (1) Concessions defined. "Concessions" are defined as all businesses offering for sale to the public goods or services, which advertise or provide information, ticket sales, retail sales, or conduct other such activities within the areas described in subsection (b) and depicted on appendix A. "Concessions" include, but are not limited to sales of food or goods, motorized or non-motorized watercraft rentals, tours, charters, or sightseeing, overnight or fishing trips. This definition shall not apply to any business which operates exclusively from October 15 through May 15.
- (2) Concessions contract. No concessions of any kind shall be allowed at the City-owned

dock unless the operator of such concession has first obtained a concessions contract from the City Council, and then only on terms deemed to be in the best interest of the

City. In awarding contracts, the City Council shall consider the purposes of this section as set forth in subsection (a), above, in order to best promote economic development, provide for the safety of the public, and minimize congestion and clutter. Said contracts may vary in scope and form depending on the type of concession.

- a. Form of applications. Applications for concessions contracts shall be made on a form prescribed by the City Council and available at the City Clerk's office or may be obtained from the Harbor Master. Applications shall be submitted on or before October 30 of the year preceding the contract year.
 - b. Applicable fees. Fees for the concessions application shall be determined by the City Council on an annual basis.
 - c. Term of contract. All concessions contracts shall be valid for a term commencing May 15 and terminating October 15 of the year following the submission of the application. Any concession wishing to operate between October 15 and May 15 shall be addressed by the City Council on a case-by-case basis. After an owner has been awarded two consecutive annual contracts, the City Council may consider a longer term, in the best interests of the City of Belfast.
 - d. Number of contracts available. The City Council, in its discretion and with the input and advice of the Harbor Master, shall announce on or about October 30 of each year the number of concessions contracts to be available for the following season. In making its determination as to the number of contracts available, the City Council shall consider the number of applications received and the amount of activity reasonably anticipated in the harbor and shall determine the appropriate level of concessions activity so as to best promote economic development, promote safety, and limit clutter and congestion. Businesses which have held a concessions contract for the prior season may be given priority over new applicants in order to sustain services which appear to be safe, reliable, and economically viable.
 - e. No expectancy. The award of a contract shall not create vested rights or any expectation of a future award of a contract.
- (3) Contract provisions. All concessions shall be subject to the following provisions, and the failure to comply with these provisions may result in the revocation of the concessions contract:
- a. Commercial signage shall be allowed. Signs shall be no larger than three feet by two feet. Only one sign shall be allowed per contract.
 - b. Information tables are allowed, but must be attended at all times tickets are being sold. Information tables shall be no larger than three feet by three feet and tables shall be placed at the Harbor Master's discretion to avoid clutter.
 - c. Brochures or other materials marketing the business may be displayed at the concessions table and/or placed in the Harbor Master's office, but may not be affixed to the dock, wharf or breakwater.
 - d. Concessions must validly maintain all applicable Coast Guard licenses,

inspections, and all other contractual requirements.

- e. Any vessel operator must obey all applicable City, state and federal regulations at all times.
 - f. A concessions operator may display one sign on the vessel for the purpose of advertising the vessel.
 - g. Vessels must be operated safely at all times. For vessels which reapply after an initial award of a concessions contract, said vessels previous year safety record shall be considered by the City Council.
- (e) Occasional use.
- (1) Occasional use defined. Occasional use of the City-owned dock, launch ramp and breakwater is defined as the commercial operation of a vessel(s) for purposes including but not limited to tours, sightseeing, overnight or fishing trips, cruises, or charters (educational, scientific, recreational or otherwise), which meets the following criteria:
- a. **With the exception of cruise ships,** ~~The~~ vessel shall not make more than 12 departures from the City-owned dock between May 15 and October 15 of a particular year; ~~with the exception of cruise ships;~~
 - b. The vessel and/or its crew or other employees do not have a concessions contract pursuant to subsection (d) of this section; and
 - c. **The vessel, specifically large passenger vessels, certified to carry 50 or more passengers shall not be allowed to embark or disembark guest passengers, including by tender, at the City Landing or other City property or marine facilities.**
 - ~~e.~~ **d.** With the exception of cruise ships, the vessel has a home port of Belfast, Maine, meaning that:
 - 1. The vessel makes the majority of its commercial departures during a given year from Belfast Harbor, including trailered and launched vessels;
 - 2. The vessel is documented as a Belfast vessel; or
 - 3. The vessel has a mooring, float or slip in Belfast Harbor or its coastal waters.
 - ~~e.~~ **e.** This definition shall not apply to any business that operates exclusively from October 15 through May 15.
- (2) Occasional use contract. No occasional use of the City-owned dock shall be made unless the operator of the vessel has first obtained an occasional use contract from the City Council. In awarding contracts, the City Council shall consider the purposes of this Section as set forth in subsection (a), above, in order to best promote economic development, provide for the safety of the public, and minimize congestion and clutter. Said contracts may vary in scope and form depending on the type of occasional use. For vessels which reapply after an initial award of an occasional use contract, said vessels previous year safety record shall be considered by the City Council.
- (3) Form of applications. Applications for occasional use contracts shall be made on a form

prescribed by the City Council and available at the City Clerk's office or may be obtained from the Harbor Master. Applications shall be submitted on or before October 30 of the year preceding the contract year.

- a. Applicable fees. Fees for the occasional use application shall be determined by the

City Council on an annual basis.

- b. Eligibility criteria. An occasional use contract may only be granted if the applicant meets the definition of an occasional use as defined herein.
- c. Term of contracts. All occasional use contracts shall be in effect for a term commencing May 15 and terminating October 15 of the year following the submission of the application.
- d. Number of contracts available. The City Council, in its discretion and with the input and advice of the Harbor Master, shall set forth on or about October 30 of each year the number of occasional use contracts to be available for the following season. In making its determination as to the number of occasional use contracts available, the City Council shall consider information such as the number of applications received and the amount of other activity expected in the harbor and shall determine the appropriate level of occasional use activity so as to best promote economic development, promote safety, and limit clutter and congestion. Vessels which have held an occasional use contract for the prior season may be given priority over new applicants in order to sustain services which appear to be safe, reliable, and economically viable.
- e. No expectancy. The award of a contract shall not create vested rights or any expectation of a future award of a contract.
- f. Contract provisions. Vessels operating under occasional use contracts shall be subject to the following provisions, and the failure to comply with these provisions may result in the revocation of the occasional use contract:
 1. With the exception of cruise ships, the vessel may make no more than 12 departures from the City-owned dock between May 15 and October 15 of the contract year.
 2. The vessel owner or operator is to schedule all departures and arrivals with the Harbor Master and the Harbor Master shall have sole discretion over the time, place, and manner of the departures and arrivals. Proposed schedules shall be given to the Harbor Master before May 15 of each contract year. Scheduling may be amended by the Harbor Master for emergency situations, the scheduling of cruise ships, yacht clubs, or private reservations. Vessel operators may request schedule changes with sufficient advance notice to the Harbor Master. Occasional use contractors shall not have priority nor a right to overnight dockage.
 3. No signs or other advertising materials shall be placed on the City-owned dock to market the vessel or for any other purpose, nor shall any representative of the business be permitted to use the dock, floats and breakwater for the purposes of advertising, information, ticket sales, or retail sales. Brochures or other materials marketing the business may be placed in the Harbor Master's office if space is available, but may not be affixed to the dock. No sign or other advertising may be placed on the vessel while that vessel is docked.

4. The vessel operation, in the Harbor Master's discretion, shall not directly compete so as to substantially interfere with the economic viability of a vessel then operating under a concessions contract with the City of Belfast.
5. The vessel must validly maintain all applicable Coast Guard licenses and inspections.
6. The vessel operator must obey all City, state and federal regulations at all times.
7. **The vessel, specifically large passenger vessels, certified to carry 50 or more passengers shall not be allowed to embark or disembark guest passengers, including by tender, at the City Landing or other City property or marine facilities.**

Sec. 30-127. Boats used as tenders. [Ord. No. 55-2003, 6-17-2003; Ord. No. 32-2008, 4-1-2008]

Boats used as tenders, not to exceed 12 feet under the discretion of the Harbor Master, shall be kept at designated locations only, and shall be properly cared for by the owner. The Harbor Master may order tenders to be relocated or removed in his or her discretion in order to manager space considerations. A tender shall be permitted on the dock only if the vessel served by it is currently located at its mooring. [added 3-15-2016] The tender shall display the owner's mooring number. Aluminum tenders will be berthed in a designated area to avoid damage to other tenders. **A tender from a large passenger vessel certified to carry 50 or more passengers shall not be allowed to embark or disembark guest passengers at the City landing or other City property or marine facilities.**

Sec. 30-128. Tying up to floats or wharf. [Ord. No. 55-2003, 6-17-2003]

- (a) Fuel floats. No person shall leave any watercraft tied at the fuel floats of the City for any purpose other than fueling or discharging or loading supplies without the consent of the Harbor Master.
- (b) Launching ramp floats. No person shall leave any watercraft tied at the launching ramp floats of the City for any purpose, including fueling or discharging or loading supplies or passengers, for any longer than necessary to accomplish the required task.
- (c) Other floats; City wharf. At all other floats and the wharf, unattended boats are permitted to tie up for up to one hour or may remain for more extended periods with permission of the Harbor Master.
- (d) Reserved space for City harbor boat. A space at a float shall be designated and reserved for the Harbor Master's boat.

Sec. 30-129. Swimming and fishing. [Ord. No. 55-2003, 6-17-2003]

No swimming or fishing of any type shall be allowed from or around any float, dock, wharf or other municipal facility. Fishing from the floats, docks, wharf or other municipal facility may be permitted by the Harbor Master only.

Sec. 30-130. Houseboats and floating businesses. [Ord. No. 55-2003, 6-17-2003]

(a) Policies.

- (1) Belfast Harbor considers that placement of houseboats and floating businesses in tidal waters is a low priority use of any coastal water body and is acceptable only in limited numbers and in specific areas. Houseboats and floating businesses are not classified as water-dependent, since it is not their primary purpose to serve as a means of on-water transportation, recreation or commercial fishing.

- (2) A house boat or floating business is considered a boat or vessel and must meet all applicable state and Coast Guard standards and regulations.

(b) Prohibitions.

- (1) Houseboats and floating businesses are prohibited from mooring or anchoring in all tidal waters of Belfast Harbor unless within the boundaries of a marina.
- (2) Discharge of sanitary sewage into tidal waters from houseboats or floating businesses using marina facilities by devices other than those approved by the Coast Guard is prohibited. Houseboats and floating businesses shall tie into a marina holding tank or pump-out facilities where available.

Sec. 30-131. Marine construction permitting process. [Ord. No. 55-2003, 6-17-2003]

- (a) Permit approval requirement. No piers, wharves, bulkheads, breakwaters, marine railways, floats, or other structure shall be installed, constructed, repaired, enlarged or improved except upon approval and issuance of a permit in accordance with section 30-131.

(b) Procedure for permit.

- (1) Any construction, repair, renovation, or improvement of a pier, wharf, breakwater, or bulkhead shall require a written application to the code enforcement officer of the City of Belfast. Written application shall include the following information:
 - a. Evidence of submission of application for applicable state licenses, permits, and approvals.
 - b. Evidence of submission of application for applicable Army Corps of Engineers licenses, permits, and approvals.
 - c. A scale plan of the proposed project at a scale no smaller than one inch to 20 feet. The plan shall depict, as a minimum, the following:
 1. The length and width of the proposed project.
 2. Height of the structures in the project above mean high water and above mean low water.
 3. The wharf line, mean high water and mean low water.
 4. Side property lines as extended from the upland across the shores and flats.
- (2) A permit under this section shall not be issued by the City of Belfast until all applicable state licenses, permits, and approvals and federal licenses, permits, and approvals and local approvals under this section have been received.
- (3) The code enforcement officer shall review the application for compliance with subsection (1) above and the applicable requirements of the City of Belfast Zoning Ordinance. In the event the code enforcement officer determines the application is complete, then the application, together with related documents, shall be dated and forwarded within five business days to the harbor advisory committee. The harbor

- advisory committee shall review the application by the next regularly scheduled meeting. The review and comments of the harbor advisory committee shall be in writing, shall state the reasons for the comments, and shall be forwarded to the planning board for their review and action within five business days of their meeting at which the project was reviewed.
- (4) Upon receipt of the review and comments of the harbor advisory committee, the planning board (after a public hearing) shall either approve, approve with conditions, or disapprove the proposed project, in accordance with the standards of [division 5] of this chapter.
 - a. If disapproved, the disapproval shall be in writing and shall include the reasons for disapproval.
 - b. If approved, the approval shall be in writing and shall not be effective until approval by the planning board under site plan review.
 - (5) The harbor advisory committee shall also review the project in accordance with the following standards. Generally, the proposed project will not hinder navigation and it will not hinder future development. Specifically, the proposed project will not:
 - a. Encroach into, interfere with, or pose a hazard to navigational channels. Specifically, no project will extend within 25 feet of the established channels.
 - b. Interfere with access to and from existing mooring and berthing areas for both commercial and recreational uses.
 - c. Displace or eliminate existing mooring and berthing areas, both public and private, commercial and recreational.
 - d. Interfere with public access to and use of the harbor's waters, including public rights-of-way and public and private launching ramps and related facilities.
 - e. Extend outside of the wharf line, established in section 30-95.
 - f. Interfere with, or pose a hazard to navigation, in relation to either obscuring visibility or displaying distracting lights.
 - (6) Construction of approved projects shall commence within six months from the date of issuance of the permit by the planning board and shall be completed within two years from the date of issuance of said permit.
 - (7) The decision of the planning board concerning issuance or denial of the permit may be appealed to the Superior Court by the aggrieved party within 30 days of the date of decision and in accordance with Rule 80B of the Maine Rules of Civil Procedure.
 - (8) Notwithstanding the above provisions of section 30-131, normal and emergency maintenance and repair of piers and wharves, such as piling, decking, or underpinning replacement, which does not require Department of Environmental Protection and/or U.S. Army Corps of Engineers permits or licenses, shall not require a permit under this chapter. The person causing emergency maintenance or repairs shall take photographs

of that maintenance or repair both before and after the completion of work. Such photographs shall be submitted to the Harbor Master and retained as a permanent record.

Sec. 30-132. Harbor Advisory Committee review of shoreland permit applications. [Ord. No. 3-2005, 7-20-2004]

The Belfast Harbor Advisory Committee shall participate in the administrative process regarding the following shoreland permit applications:

- (1) A pier, dock, wharf, bridge, or other structure and use extending over or below the normal high water line of a river or salt-water body or the upland edge of a coastal wetland;
- (2) A marina; and
- (3) Aquaculture operations located in Belfast Harbor that are subject to regulation pursuant to Chapter 82, Shoreland.

The Harbor Advisory Committee's review of such permits shall occur in accordance with City Code of Ordinances, Chapter 82, Shoreland, Section 82-54, procedure for permits issued by Planning Board. The Committee shall make a recommendation to the Planning Board regarding a project's compliance with standards identified in Chapter 82, Shoreland, Article V, Land Use Standards, Division 3, Section 82-204. Certain aquaculture operations in Belfast Harbor are also subject to standards identified in Chapter 82, Shoreland, Article V, Land Use Standards, Division 21, Marine Aquaculture Operations.

The Harbor Advisory Committee, per the procedures and requirements established in Chapter 82, Shoreland, and Chapter 102, Zoning, Article X, Contract Rezoning, Division 4, Waterfront Mixed Use 1 and Waterfront Mixed Use 2 zoning districts and Waterfront Development Shoreland District, shall participate in the review of an application to use contract rezoning.

Sec. 30-133. Permitting of moorings.

Installation of private, non-commercial moorings is subject to approval by the Harbor Master. Installation of commercial or service moorings is subject to the approval of the Harbor Master and the U.S. Army Corps of Engineers.

Sec. 30-134. *S e r v i c e m o o r i n g s*. The installation and use of service moorings is subject to the approval of the Harbor Master and the U.S. Army Corps of Engineers. The Harbor Master may allow the temporary use of City-owned moorings as service moorings during non-peak harbor usage periods, without the need for separate approval. No service mooring shall be occupied by the same vessel for more than two weeks without prior approval by the Harbor Master.

Sec. 30-135. *R e n t a l m o o r i n g s*. Rental moorings shall not be installed or rented without prior approval from the U.S. Army Corps of Engineers and the Harbor Master. This includes moorings offered by marinas for transient or seasonal rental and moorings controlled by yacht clubs is the annual membership fee includes a club-controlled mooring.

No seasonal rental moorings shall be permitted in Anchorage A. Seasonal rental moorings to be located elsewhere shall require approval by the U. S. Army Corps of Engineers and the Harbor Master. The number of commercial or rental moorings will be determined and/or limited by the

Harbor Master, in consideration of any limitations imposed by this Ordinance as well as navigational and safety considerations.

The Harbor Master shall not permit the maintenance of transient rental moorings unless the applicant can demonstrate the ability to provide adequate services to support the rental use, as follows:

- a. The mooring owner shall have the capacity to manage bookings and collect rental monies.
- b. The mooring owner shall be a commercial marine enterprise located in the City of Belfast or have a contracted relationship with a marine enterprise located in the City of Belfast, which has the capacity to perform maintenance, service and repair of boats, as well as towing, moving and tie-up of vessels.
- c. The mooring owner shall have a designated person or person(s) responsible for ensuring the safe use and timely turnover of rental moorings.

through Sec. 30-150. (Reserved)

DIVISION 6
Moorings

Sec. 30-151. Authority of Harbor Master. [Ord. No. 55-2003, 6-17-2003]

The Harbor Master shall have absolute authority over all moorings and mooring locations in accordance with the terms of this article and the laws of the state.

Sec. 30-152. Term of mooring permits; registration fee. [Ord. No. 55-2003, 6-17-2003; Ord. of 2-15-2011]

Mooring permits for Belfast Harbor or the waters adjacent to the shoreline of the City shall be issued for one year at a time and there shall be a yearly registration fee recommended by the harbor advisory committee and approved by the City council.

Sec. 30-153. Shorefront Owner.

It is the intent to give priority as required by state laws under 38 M.R.S.A to shorefront owners with 100 feet of frontage or more. This does not apply to Federal Navigation Project areas in Belfast Harbor or water adjacent to the shoreline of the City may apply for a temporary mooring assignment adjoining their lot, provided that the location of such mooring would not interfere with a mooring assigned to a shorefront owner defined above. The purpose of this provision is to allow the placement of moorings to lot owners adjoining Belfast Harbor or waters adjacent to the shoreline of the City with less than 100 feet of frontage, so long as these moorings can be accommodated based upon the swing of the boat on the mooring and adjoining properties.

Sec. 30-154. Priority for assignment of moorings. [Ord. No. 55-2003, 6-17-2003; Ord. of 2-15-2011]

- (a) Priority for assignment of mooring locations in Belfast Harbor shall be in accordance with the following priority guidelines, with the exception of moorings located within the Federal Navigation Project and the Inner Harbor:
- (1) Shorefront owners
 - (2) City-owned mooring
 - (3) Commercial fishermen
 - (4) Other Commercial Businesses
 - (5) All other vessel owners
 - (6) Secondary or subsequent moorings (see Section 30-157)
- (b) Mooring sites in the Inner Harbor shall be assigned by the following priority guidelines as space allows:
- (1) Shorefront owner
 - (2) City-owned mooring

- (3) Resident Commercial Fisherman
 - (4) Resident Commercial Business
 - (5) Non-Resident Commercial Fisherman
 - (6) Non-Resident Commercial Business
 - (7) Other
 - (8) Secondary or subsequent moorings (see Section 30-157)
- (c) Moorings located within the Federal Navigation Project shall be treated in accordance with federal regulations as open to all on equal terms.

Sec. 30-155. Dating of applications. [Ord. No. 55-2003, 6-17-2003]

Applications for moorings shall be dated upon receipt by the City.

Sec. 30-156. Limit on moorings; waiting lists. [Ord. No. 55-2003, 6-17-2003; Ord. No. 32-2008, 4-1-2008; Amd. of 5-2-2012]

- (a) Limit on Inner Harbor moorings. In recognition of the need to promote safety and convenient passage in the inner harbor, the total number of moorings located within the inner harbor at any time shall not exceed the number of moorings located within the inner harbor as of the date of enactment of this subsection.
- (b) Limit on Anchorage A moorings. There will be no separate waiting list for new or relocated moorings in Anchorage A; moorings within Anchorage A will be assigned from the Outer Harbor waiting list according to the priorities established in Sec. 30-153. However, the Harbor Master shall select names from the waiting list to provide, to the closest extent practicable, that 30% of all assigned mooring locations in Anchorage A are occupied by Commercial and municipal users, and that 70% of all assigned mooring locations in Anchorage A are occupied by Non-commercial users.
- (c) Waiting list for moorings. All mooring and moored float sites shall be under the direct control of the Harbor Master and assigned by him/her on a first-come-first-served basis to qualified applicants for mooring sites. If the Harbor Master receives more applications for mooring sites than there are available mooring spaces, the Harbor Master shall establish mooring waiting lists in accordance with the priorities established in section 30-154 and consistent with the provisions of Title 38 M.R.S.A. § 7-A. Separate waiting lists shall be maintained for the coastal, outer and inner harbors. Applicants shall be identified on the waiting lists by date of receipt of the application. An applicant may elect to refuse a location offered and remain on the waiting list, in which case the next applicant on the list shall be selected. The waiting lists shall be posted at City hall and at the public landing. Payment of an annual fee is required to remain on these lists, which payment must be made by the date shown on the permit renewal application.

Allocation to non-residents. If there are applicants who are non-residents who wish to moor a vessel, 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. If there are applicants who are nonresidents who wish to moor a vessel, the principal use of which is commercial, and less than 10%

of the assigned moorings are currently assigned to persons fitting this description, the next mooring available shall be assigned to the first such person on the list. If both nonresident noncommercial and nonresident commercial assignments are below 10% and there are both types of applicants on the waiting list, the available space shall be assigned to an applicant in the category that is the furthest below 10%.

- (d) Assignment of mooring rights to those on waiting lists. The Harbor Master shall, in his or her discretion and in accordance with the assignment priorities identified in this article and under state law, assign moorings as they become available to the first person on the waiting list for a new or relocated mooring in that area of the harbor. Residency of the applicant shall not be considered in taking names from the waiting list(s) except as provided above.

Sec. 30-157. Secondary or subsequent moorings. [Ord. No. 55-2003, 6-17-2003]

Applications concerning a second or subsequent to be held by one person, entity or household shall be handled by the Harbor Master, who shall consider each application and limit moorings to the number of boats owned and registered to the owner's name. Second or subsequent moorings shall be assigned only if mooring space is available and there are no remaining names on the relevant waiting list. Second or subsequent moorings shall be assigned in accordance with the priorities established in Section 30-153, but only upon a showing that the number of moorings requested is required as an operational necessity of the business or entity. No such showing shall be required for City-owned moorings.

Sec. 30-157.5. Registration information. (See Appendix C to Ord. No. 55-2003.) [Ord. No. 55-2003, 6-17-2003]

The Harbor Master shall register all moorings with a completed mooring application including the following information: boat name, state or federal registration number, vessel identification and the name and address of the primary boat owner.

Sec. 30-158. Denial of application. [Ord. No. 55-2003, 6-17-2003; Ord. No. 35-2006, 4-18-2006]

The Harbor Master may deny an application because of insufficient information on the mooring registration application, failure to provide the required registration fee, failure to pay excise tax on the registered or documented vessel, or other reasons as specified by the harbor advisory committee. The Harbor Master may defer an application because of insufficient space for the desired mooring location or because of reasons specified by the Harbor Master.

Sec. 30-158.5 Winter mooring. [Ord. No. 5-2016, 7-19-2016]

With the exception of working Commercial Vessels moored in the Inner Harbor area, no moorings shall be occupied and no vessels shall be anchored in Belfast Harbor during the winter mooring period from November 1 to March 31, without advance approval by the Harbor Master. The Harbor Master will grant approval for use of moorings and anchorages outside the Inner Harbor during the winter mooring period only if the boat owner can demonstrate that : (i) the vessel to be moored or anchored is seaworthy; (ii) the mooring or anchoring gear is adequate to withstand ice and other adverse winter conditions; and (iii) the vessel owner has adequate access to the vessel in winter conditions in the event of an emergency.

Sec. 30-159. Assignment of locations. [Ord. No. 55-2003, 6-17-2003]

The Harbor Master shall annually assign locations to each mooring with the guidance of the mooring plan and ensure its placement is in the correct location. All moorings not located in the correct location shall be moved by the owner at his expense in accordance with the instruction of the Harbor Master. In the event of the failure of the owner to comply with these instructions, the Harbor Master shall move or remove the improperly located moorings, and the cost of this shall be borne by the owner of the mooring.

Sec. 30-160. Log of assignments. [Ord. No. 55-2003, 6-17-2003]

The Harbor Master shall keep a log of the assignment of moorings and submit this log to the harbor advisory committee annually on or before November 1 of each year.

Sec. 30-161. Moving mooring or buoy; transfer of use of mooring. [Ord. No. 55-2003, 6-17-2003]

No person shall place, alter or shift a mooring or buoy of any type within the boundaries of Belfast Harbor or the waters adjacent to the shoreline of the City without the written permission of the Harbor Master. The assignment or use of a mooring location shall not be transferable, except that, upon the death of the assignee, that location may be transferred to a member of the assignee's immediate family, only if the mooring assignment was and will be used for commercial fishing purposes (38 M.R.S.A. § 3-A).

Sec. 30-162. Size of moored vessel. [Ord. No. 55-2003, 6-17-2003; Amd. of 5-2-2012]

The Harbor Master shall be promptly notified by the owner of the mooring of a proposed change in the size of the vessel that is to be registered to a mooring. A change in size of the vessel may require a change of location and/or upgrading of the mooring.

No vessel exceeding 40 feet in overall length shall be allowed on a single point mooring within the inner harbor. Vessels exceeding 40 feet in overall length shall be placed on moored floats or in slips. No vessels over 50' in overall length shall be moored within the limits of Anchorage A, except City-owned moorings.

Sec. 30-163. Use by non-registered vessel. [Ord. No. 55-2003, 6-17-2003; Ord. No. 32-2008, 4-1-2008; Amd. of 5-2-2012]

The Harbor Master shall be promptly notified if a mooring is to be used for a vessel not registered to it. The Harbor Master may allow incidental use of a mooring, for a period of no more than 14 days per season and provided that the mooring owner receives no fee for the use. A vessel not registered to a specific mooring may not exceed 14 days of use per season on any mooring other than a designated seasonal rental mooring. Moorings in the inner harbor or in Anchorage A shall not be used by any vessel not registered to that mooring unless specifically designated as a rental or service mooring at the time of application and approved as such by the Harbor Master and, if necessary, the U.S. Army Corps of Engineers.

Sec. 30-164. Suspension or termination of mooring assignment. [Ord. No. 55-2003, 6-17-2003; Amd. of 5-2-2012; amended 3-17-2015]

The Harbor Master may suspend or terminate the mooring assignment of any mooring owner for noncompliance with the application rules, construction standards or marking standards, or failure to comply with any order of the Harbor Master given according to the provisions of this article.

All mooring and moored float permit holders with sites located in the Inner Harbor and Anchorage A and whose moorings/moored floats are not used as permitted at least 50% of the time for three consecutive months during the calendar year may have their mooring/moored float deemed abandoned and removed by the City. All mooring and moored float permit holders with sites located in the outer and coastal harbors, whose moorings/moored floats are not used as permitted at least every two years, may have their mooring/moored float deemed abandoned and removed by the City. The Harbor Master may grant exceptions to this section either upon advance request or on appeal made within 30 days of issuance of the written notice of abandonment. Such requests shall be granted only upon proof of extenuating circumstances such as selling the boat, inability to use the boat, or other reasonable unforeseen situations, and upon a showing of definite intent to use the mooring as provided herein. In the event any exceptions are made to this section, all fees and inspections must remain current.

Sec. 30-165. Placing more than one craft at mooring. [Ord. No. 55-2003, 6-17-2003]

No person shall permit or place more than one vessel at a mooring unless such vessel does not interfere with adjacent moorings and anchorages or other navigational conditions or exceed the limits of the weight of the mooring as determined by the Harbor Master with the exception of boats moored to floats.

Sec. 30-166. Numbering and marking. [Ord. No. 55-2003, 6-17-2003; Ord. No. 32-2008, 4-1-2008]

All moorings shall be numbered as assigned by the Harbor Master. The numbers shall be of adequate size to read easily. They shall be placed on a floatable, visible, and Coast Guard approved type buoy attached to the mooring. For all new or replacement mooring buoys as of January 1, 2001: To avoid mistaking mooring buoys for aids to navigation or regulatory markers,

they shall be colored white with a single blue horizontal band clearly visible above the water line. Pole moorings shall not be permitted for use in the harbor. All winter buoys shall be visible at all times and of adequate size to clearly read required mooring number. All winter buoys are to be replaced by proper mooring buoys no later than June 1.

Sec. 30-167. Design standards. [Ord. No. 55-2003, 6-17-2003; Ord. No. 32-2008, 4-1-2008; Amd. of 5-2-2012]

(a) Standards for areas of Belfast Harbor other than, the inner harbor.

(1) All new moorings constructed or installed after the date of this amendment shall have

granite block anchors and steel staples, of sufficient weight to hold the vessel for which they are to be used. All staples shall have a minimum diameter of one inch. Refer to minimum standards. All moorings shall be approved by the Harbor Master. Boat and/or mooring owners may be liable for any damage caused by faulty, inadequate, or improperly placed moorings. The safe, serviceable condition and adequate size of all mooring equipment is the direct and ultimate responsibility of the mooring permit holder. The prudent seaman rule shall apply. The City of Belfast is not liable for any damage inflicted if a minimum standard mooring fails. Minimum standards below are for fair weather only. **[Amended 8-6-2019]**

- (2) Hand-mixed concrete blocks, old engine blocks and other miscellaneous weighted objects are not acceptable as mooring anchors in Belfast Harbor.
- (3) The moorings shall have heavy steel bottom chain of a minimum as stated in standards.
- (4) The minimum mooring scope shall be approximately two times the water depth at mean high water. Total scope shall include bottom chain and lighter gauge top chain with a minimum diameter, as stated in standards, each of which shall consist of approximately 1/2 of the total length.
- (5) Each mooring must have at least one swivel at the connection either between the top chain and mooring buoy or between the heavy bottom chain and the top chain. All swivels and shackles must be appropriate size for the chain size.
- (6) Pennants [pendants] connecting the mooring buoy to the moored boat shall be fastened to the top chain or top swivel and shall consist of nylon, or other appropriate pendant line equal in length up to 1/2 the length of the boat. Refer to minimum standards.
- (7) Despite the dimension standards established in this section, any part of a mooring showing excessive or obvious wear or any mooring which does not meet the Harbor Master 's approval shall not be permitted.
- (8) Minimum standards: **[Amended 8-6-2019]**

Length of Vessel (in feet)	Granite (in pounds)	Top Chain	Bottom Chain	Pendant
0—9	500	3/8	Under 20 feet with approval	1/2
10—19	1,000	3/8	7/16	5/8
20—30	1,500	1/2	5/8	3/4
31—35	2,000	1/2	5/8	3/4
36—40	2,500	1/2	3/4	1
41—50	3,000	1/2	7/8	1
51 and over with approval				

- (9) When foul weather is forecast, vessel and mooring owners may take reasonable actions to protect their vessels, including lengthening the pendant beyond the scope provided above. All such actions are subject to direction and modification by the Harbor Master in the interest of protecting neighboring vessels and property.

(b) Inner harbor design standards.

- (1) All new moorings constructed or installed after the date of this amendment shall consist of granite block anchors and steel staples, of sufficient weight to hold the vessel for which they are to be used. Staples shall have a minimum diameter of one inch. Refer to minimum standards. All moorings shall be approved by the Harbor Master. Boat and/or mooring owners may be liable for any damage caused by faulty, inadequate, or improperly placed moorings. The safe serviceable condition and adequate size of all mooring equipment is the direct and ultimate responsibility of the mooring permit holder. The prudent seaman rule shall apply. The City of Belfast is not liable for any damage inflicted if a minimum standard mooring fails. Minimum standards below are for fair weather only. **[Amended 8-6-2019]**
- (2) Hand-mixed concrete blocks, old engine blocks and other miscellaneous weighted objects are not acceptable as mooring anchors in Belfast Inner Harbor. Mushroom anchors shall not be used as mooring anchors.
- (3) The moorings shall have heavy steel bottom chain of a minimum as stated in standards.
- (4) The minimum mooring scope shall be approximately 1 1/2 times the water depth at mean high water. Total scope shall include bottom chain and lighter gauge top chain with a minimum diameter, as stated in standards, each of which shall consist of approximately 1/2 of the total length.
- (5) Each mooring must have at least one swivel at the connection either between the top chain and mooring buoy or between the heavy bottom chain and the top chain. All swivels and shackles must be appropriate size for the chain size.
- (6) Pennants [pendants] connecting the mooring buoy to the moored boat shall be fastened to the top chain or top swivel and shall consist of nylon, or other appropriate pendant line equal in length up to 1/2 the length of the vessel. Refer to minimum standards.
- (7) Despite the dimension standards established in this section, any part of a mooring showing excessive or obvious wear or any mooring which does not meet the Harbor Master 's approval shall not be permitted.
- (8) Minimum standards for inner harbor:

Length of Vessel (in feet)	Granite or Equiv. (no mushrooms)	Top Chain	Bottom Chain	Pendant
0—9	500	3/8	5/8	1/2
10—19	1,000	1/2	5/8	5/8
20—30	2,000	1/2	3/4	3/4
31—35	2,500	1/2	1 inch	7/8
36—40	3,000	1/2	1 inch	1

- (9) When foul weather is forecast, vessel and mooring owners may take reasonable actions to protect their vessels, including lengthening the pendant beyond the scope provided above. All such actions are subject to direction and modification by the Harbor Master in

the interest of protecting neighboring vessels and property.

Sec. 30-168. Inspections. (See Appendix D to Ord. No. 55-2003). [Ord. No. 55-2003, 6-17-2003]

- (a) The Harbor Master or an appointed deputy shall inspect and approve or be otherwise satisfied that each mooring is in safe condition before it is placed in the anchorage.
- (b) Every two calendar years a mooring shall either be lifted by or at the expense of the owner and inspected at the direction of the Harbor Master or an appointed deputy or be inspected at the owner's expense by a diver at the direction of the Harbor Master or an appointed deputy. A mooring shall be removed if any maintenance or improvements noted by the inspector are not met to the Harbor Master's satisfaction within a reasonable period of time.
- (c) The Harbor Master shall maintain a file on each mooring listing the date of the last inspection and the name of the person who last inspected it.

Sec. 30-169. Relocation due to dredging. [Ord. No. 55-2003, 6-17-2003]

The moving or relocation of any mooring as a result of dredging of Belfast Harbor will be completed at the owner's expense.

Sec. 30-170. Removal by City. [Ord. No. 55-2003, 6-17-2003]

All moorings removed because of nonpayment, or for any other reason, shall be stored in an area south of the breakwater. If not removed within 60 days, they will become the property of the City. If the mooring owner still wants a mooring location, the owner must pay the mooring fee, the late payment fee, and the cost of removal of the mooring and cost of placing the mooring in the new location.

Sec. 30-172. through Sec. 30-190. (Reserved)

DIVISION 7
Moored Floats

Sec. 30-191. Maximum size; approval of plans. [Ord. No. 55-2003, 6-17-2003]

The size of a moored float is not to exceed eight feet by 30 feet without approval of the Harbor Master. Plans for construction of the float are to be submitted and approved by the Harbor Master.

Sec. 30-192. Position. [Ord. No. 55-2003, 6-17-2003]

A moored float shall be moored or anchored so as to stay in line with the current or in such a manner that would not create a navigational hazard.

Sec. 30-193. Permits. [Ord. No. 55-2003, 6-17-2003]

Moored floats are to have appropriate U.S. Army Corps of Engineers, City, or any other required permits.

Sec. 30-194. Applicability of mooring regulations. [Ord. No. 55-2003, 6-17-2003]

Moored floats, whether commercial, rental, or private, are to be regulated in the same manner as permitted moorings in this article, and by federal or state law.

Sec. 30-195. Fees. [Ord. No. 55-2003, 6-17-2003]

Moored float fees will be established annually by the City council, pursuant to section 30-221(a), on a per-structure basis, regardless of whether the use is for commercial, rental, or private purposes.

Sec. 30-196. Assignment of locations. [Ord. No. 55-2003, 6-17-2003; Amd. of 5-2-2012]

Moored float locations will be assigned by the Harbor Master in accordance with predetermined areas which the Harbor Master has identified as appropriate for moored float locations, and, within those areas, to a specific location requested by the applicant, or to the closest such location that is appropriate for the applicant's use and otherwise permissible under this article. Moored floats in the inner harbor shall be placed along the easterly edge of the channel buffer if space is available. No moored floats or structures shall be allowed within the twenty-five-foot buffer to the channel. Permits will not be granted for floats if the placement of the moored float interferes with navigation of other vessels or interferes with the use of other mooring sites by vessels with permits, or if the placement of such a float is inconsistent with space management of the harbor.

Sec. 30-197. Navigational hazards and unsafe floats. [Ord. No. 55-2003, 6-17-2003]

If a moored float creates a navigational hazard or is considered to have the potential to become a navigational hazard, or is not considered to be a sound or safe berth by structural failure or damage if the float is left in during winter months and ices up, etc., the Harbor Master may require the float not to be used or to be immediately removed by the individual the moored float is permitted to. If the float is not removed, the Harbor Master may remove it at the owner's expense.

Sec. 30-198. through Sec. 30-220. (Reserved)

DIVISION 8
Fees

Sec. 30-221. Establishment; use. (See Appendix E) [Ord. No. 55-2003, 6-17-2003]

- (a) The City council, at its last meeting in December of each year, or at such time as the council may designate, shall establish or amend the schedule of user fees for the City facilities and the harbor. The schedule of fees shall include but not be limited to the following:
- (1) Mooring fees.
 - (2) Dinghy fees.
 - (3) Public float fees, i.e., fees for overnight dockage, water, and electricity.
 - (4) Launching fees.
 - (5) Change of mooring list fees.
 - (6) Miscellaneous service fees.
- (b) The schedule shall include the billing date and the due date for payment of fees in full. Nonpayment of fees shall result in exclusion of the user who failed to pay the fee from the harbor facilities for which payment was required. All fees paid to the City are to be returned to the harbor account for upgrading and maintaining the harbor facilities.

Sec. 30-222. Payment of permit fees. [Ord. No. 55-2003, 6-17-2003]

Statements for mooring permit renewals are to be mailed by April 1 and will be due and payable by May 1 of each year, with no second notices being mailed. A late payment fee will be charged after May 1. After May 30, loss of privilege will occur.

Sec. 30-223. Harbor usage fees. [Ord. No. 55-2003, 6-17-2003]

See Appendix F to Ord. No. 55-2003.²

Sec. 30-224. through Sec. 30-249. (Reserved)

2. Editor's Note: Said Appendix F and any amendments thereto are on file in the City offices.