City of Biddeford
Harbor Commission
April 20, 2017 7:00 PM Biddeford Pool Fire House
2nd Floor

1. **Roll Call**
2. **Approval of Minutes**
   2.1. March 16, 2017 Harbor Commission Meeting Minutes
   3-16-2017 Harbor Commission Minutes.pdf
3. **Old Business**
   3.1. Mooring permit update from Harbormaster
4. **New Business**
   4.1. Response from FOWIL regarding passengers for hire

   4.2. Discussion of riparian rights and mooring permits

   4.3. Discussion regarding the interpretation & application of the ordinance
   Ch 74-Waterways.pdf
   4.4. How does the mandatory Shoreland Zoning Act impact Biddeford land within 75ft of the water; a person desiring to site a pier, ramp, float or dock must seek permission of the Planning Board and Codes Officials of the City, as well as the Harbormaster, other state, federal and tribal officials
   4-20-2017 Tribal Historic Preservation Officers.pdf
   4.5. Marine Waste Disposal: Our section of the coast is between two established NO DISCHARGE ZONES, Casco Bay and Kennebunk-Wells. Are boaters in Biddeford & Saco permitted to discharge toilet waste overboard by means of a Type I Type II MS device (maceration and disinfection)?

   4.6. Other New Business
5. **Adjournment**
   5.1. Next Meeting: May 18th, 2017

Biddeford Harbor Commission

Minutes from meeting of 16 March 2017

Present were Bill MacKeil, John Hennedy, Assistant Harbormaster Paul Lariviere, Tom Milligan, Graham Ganz and Sean Tarpey

Meeting was called to order.
A moment of silence was observed in memory of Sandy Peterson.
We welcomed John Hennedy as the newest appointment to the commission.
Minutes from January were approved as written.

Assistant Harbormaster Paul Lariviere asked Graham Ganz for some information about Pool and outer harbor moorings. There are only two permits remaining unpaid for 2016. If they remain unpaid they will be removed by the harbormaster. One or two moorings have been paid but the blocks lost, they need to be found and placed.

Graham will give Paul & Marshall the list of mooring inspected last year. Paul will work with Graham to resolve issues he runs into.

Marshall Alexander and Paul Larivierre attended harbormaster school and came back with lots of information. They spoke with state & federal officials about the float issue at Oddy's pier in the gut. That matter is ongoing. There was discussion by DEP concerning house boats. The issue of riparian rights of shore front landowners was raised: emphasis was placed on the limit of one mooring per parcel.

We learned that a UNE owned boat sank at the dock in or about November.

The next meeting will be on April 20th.

The meeting was adjourned at 8:15.

Chapter 74

WATERWAYS

ARTICLE I
IN GENERAL

Sec. 74-1. through Sec. 74-25. (Reserved)

ARTICLE II
HARBOR

DIVISION 1
GENERALLY

Sec. 74-26. Definitions.
Sec. 74-27. Qualified mooring inspector.
Sec. 74-28. Channels.
Sec. 74-29. Abandoned vessels.
Sec. 74-30. Derelict vessel.
Sec. 74-31. No-wake zones, headway speed zones, idle speed zones, no-wake speed zones, slow-no-wake zones.
Sec. 74-32. Obstructing public wharves, landings.
Sec. 74-33. Diving, swimming on or near public wharves, landings.
Sec. 74-34. Fishing from City floats.
Sec. 74-35. Construction of wharf, pier or landing regulated.
Sec. 74-36. Floats.
Sec. 74-37. Unseaworthy, dangerous or deteriorated vessels and other objects.
Sec. 74-38. Aquaculture.
Sec. 74-39. Houseboats.
Sec. 74-40. through Sec. 74-45. (Reserved)

DIVISION 2
HARBORMASTER

Sec. 74-46. Position created.
Sec. 74-47. Authority.
Sec. 74-48. Statutory authority; mooring disputes.
Sec. 74-49. General duties.
Sec. 74-50. Compensation.
Sec. 74-51. Criteria.
Sec. 74-52. through Sec. 74-60. (Reserved)

DIVISION 3
HARBOR COMMISSION

Sec. 74-61. Appointment; terms, qualifications of members.
Sec. 74-62. Duties generally.
Sec. 74-63. Appeals.
Sec. 74-64. through Sec. 74-75. (Reserved)

DIVISION 4
MOORING

Sec. 74-76. Permit required.
Sec. 74-77. Permit application.
Sec. 74-78. Assignments.
Sec. 74-79. Assignment of rights; grandfathering; large vessels.
Sec. 74-80. Mooring tackle; identification; inspections.
Sec. 74-81. Prohibited mooring areas.

Sec. 74-82. Unauthorized moorings; pumping out boats taking on water.

Sec. 74-83. Lobster traps and fishing gear.

Sec. 74-84. Temporary structures.

Sec. 74-85. Enforcement; penalties.

Sec. 74-86. through Sec. 74-100. (Reserved)

DIVISION 5
SHELLFISH CONSERVATION ORDINANCE

Sec. 74-101. Authority.

Sec. 74-102. Purpose.

Sec. 74-103. Shellfish Conservation Committee.

Sec. 74-104. Definitions.

Sec. 74-105. Licensing.

Sec. 74-106. Opening and closing of flats.

Sec. 74-107. Minimum legal size of soft shell clams.

Sec. 74-108. Penalty.

Sec. 74-109. Effective date.

Sec. 74-110. Period of ordinance.

Sec. 74-111. Separability.

Sec. 74-112. Repeal.

GENERAL REFERENCES

Parks and recreation — See Ch. 46.

ARTICLE I
IN GENERAL

Sec. 74-1. through Sec. 74-25. (Reserved)

ARTICLE II
HARBOR

DIVISION 1
GENERALLY

Sec. 74-26. Definitions. [Ord. of 4-20-1993, § 26-13; Ord. No. 2007.11, 3-6-2007]

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:

AGROUND — To be touching or stuck on the bottom.

ALL-ROUND WHITE LIGHT — The combination of a masthead and stern light into a single white light able to be seen by other vessels from any direction (also called an anchor light).

ANCHOR — The device used to secure a boat to the bottom of a body of water.

BACKFIRE — The explosion of prematurely ignited fueled or of unburned exhaust gases in an internal combustion engine.

BAIL — To remove water by scooping it out with a bucket.

BEAM — The maximum width of a vessel.

BERTH — The place where a vessel lies when at anchor or at a wharf.

BILGE — The interior of the hull below the floorboards; lowest part of a vessel's interior where the sides of the vessel cure in to form the bottom.

BOAT — Any type of vessel other than a personal watercraft.

BOW — The front of a vessel.

BOW LINE — A line (rope) used at the bow of a vessel.

BUNKS — The wooden supports on which the vessel rests while on the trailer.

DOCK — The slip or waterway extending between two piers or projecting wharves or cut into the land for the reception of vessels.

FLOAT — A platform that floats and is anchored at or near the shore and which is used for landing or other purposes.

HARBOR — Shall include the tidal waters within the geographical limits of the City.

HARBORMASTER — The individual described by division 2 of this article, as well as any appointed assistant Harbormaster.

HEADWAY SPEED — The slowest speed at which it is still possible to maintain steering. This definition also applies to the terms "idle speed," "no-wake speed" and "slow no-wake speed." **[Amended 2-19-2013 by Ord. No. 2013.7]**

HELIX MOORING ANCHOR — A mooring anchor suitable for use as a mud-mooring only. The helix anchor is built with a helical disc welded to a solid shaft and a top mooring termination to attach the ground tackle. Installation requires screwing the mooring anchor into the mud with a turning bar. **[Added 9-2-2014 by Ord. No. 2014.86]**

HOUSEBOAT — The use and occupancy of a raft, hull, barge or vessel, designed primarily to be occupied as living quarters, and providing living, sleeping, cooking and/or sanitary facilities, whether temporarily or permanently. **[Added 2-19-2013 by Ord. No. 2013.7[1]]**

LANDING — A place for landing or discharging persons or things from a vessel.

MOORING — The means of securing a vessel to a particular location in the City waters, other than temporarily by anchor for a period of no more than 48 hours. Dock, pier, wharf or float tie-ups are not moorings.

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1. **Editor's Note: This ordinance also repealed the definition of "idle speed" which immediately followed. See now the definition of "headway speed."**

MUD-MOORING — A mooring that is out of water three hours before and three hours after the high tide.[2]

OUTHAUL — A line attached to the shore and to a weight offshore to which a dinghy is secured.

PIER — A breakwater or pole extending into navigable water for use as a landing place, a promenade, or to protect or form a harbor; a structure built out into the water with piles for use as a landing place.

PORT — Means and includes Saco Bay, the City wharves, and all known landings and any other public landings or wharves that might be acquired by the City.[3]

TEMPORARY STRUCTURE — Any structure that is designated to remain in the water for a period of no longer than seven months within a twelve-month period, including but not limited to walkways, gangways, floats and docks. **[Added 2-19-2013 by Ord. No. 2013.7]**

VESSEL — Any watercraft used or capable of being used for transportation.

WHARF — A structure of timber, masonry, cement, earth or other material built on the shore of a harbor, river, canal or the like, especially one extending parallel to the shoreline so that vessels may lie close alongside to receive and discharge passengers and cargo.

Sec. 74-27. Qualified mooring inspector. [Ord. of 4-20-1993, § 26-13; Ord. No. 2007.11, 3-6-2007]

A "qualified mooring inspector" is a person, including a skin-diver, who to the satisfaction of the Harbormaster, is qualified to inspect mooring tackle as to condition and size. Qualifications of the individual selected shall be reviewed and evaluated by previous experience in the installation and inspection of moorings; familiarity with mooring tackle, including the size and type of mooring tackle that is needed for the safe mooring of given sizes of vessels; and familiarity with the mooring regulations established by the Harbor Commission. To be considered for appointment as mooring inspector, an applicant must furnish proof of liability insurance to the satisfaction of the Harbor Commission, but shall be not less than $1,000,000. Once appointed, a qualified mooring inspector must maintain said liability insurance.

Sec. 74-28. Channels. [Code 1975, § 16-45; Ord. of 4-20-1993, § 26-13; Ord. No. 2007.11, 3-6-2007]

Channels are areas of the harbor kept open for navigation or other purposes by the action of the Harbormaster or by rules or regulations of the Harbor Commission, the Department of the Army or other regulatory or legislative bodies. In the outer harbor at Biddeford Pool, the channel shall be 100 feet wide from can C7 to the entrance of the inner harbor, otherwise

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2. **Editor's Note: The definition of "no-wake speed," which immediately followed, was repealed 2-19-2013 by Ord. No. 2013.7. See now the definition of "headway speed."**

3. **Editor's Note: The definition of "slow-no-wake speed," which immediately followed, was repealed 2-19-2013 by Ord. No. 2013.7. See now the definition of "headway speed."**

known as the Gut. At the mouth of the Saco River, the channel shall be 100 feet wide from can C5 to the red nun buoy off Jordan's Point; the remainder of the channel in the Saco River shall be 75 feet wide.

Sec. 74-29. Abandoned vessels. [Ord. of 4-20-1993, § 26-13; Ord. No. 2007.11, 3-6-2007]

A vessel is considered abandoned if the following circumstances exist for a period of at least 14 continuous days:

(1) The owner of the vessel fails or refuses to pay any applicable license fee, excise tax, harbor usage fee, or any other fee or charge imposed by the City or the Harbormaster.

(2) The owner of the vessel fails or refuses to comply with any lawful order issued by the Harbormaster.

(3) The owner of the vessel fails or refuses to respond to any lawful request for information submitted by the Harbormaster.

Sec. 74-30. Derelict vessel. [Ord. of 4-20-1993, § 26-13; Ord. No. 2007.11, 3-6-2007]

A vessel is considered a derelict vessel if it:

(1) Lacks any license or registration, issued by any authority, the possession of which is a prerequisite to the operation of such a vessel;

(2) Is submerged to a level substantially above its normal water line, and remains so for a period of at least 48 consecutive hours without reasonable attention; or

(3) Is damaged to such an extent that it cannot be moved under its own power.

Sec. 74-31. No-wake zones, headway speed zones, idle speed zones, no-wake speed zones, slow-no-wake zones. [Ord. of 4-20-1993, § 26-24; Ord. No. 2007.11, 3-6-2007]

No-wake zones, headway speed zones, idle speed zones, no-wake speed zones, slow-no-wake zones may be established by the Harbor Commission by the posting of such zones in the designated areas.

Sec. 74-32. Obstructing public wharves, landings. [Ord. of 4-20-1993, § 26-26; Ord. No. 2007.11, 3-6-2007]

No person shall obstruct by any means whatsoever the free use of piers, docks and other common landing places. The City wharves shall be used only for loading and unloading. Vessels shall not remain moored to the wharf or float for a period longer than reasonably necessary for this purpose, except by permission of the Harbormaster.

Sec. 74-33. Diving, swimming on or near public wharves, landings. [Ord. of 4-20-1993, § 26-27; Ord. No. 2007.11, 3-6-2007]

No person shall dive from or swim within 30 feet of public wharves and landings.

Sec. 74-34. Fishing from City floats. [Ord. of 4-20-1993, § 26-28; Ord. No. 2007.11, 3-6-2007]

No person shall fish from City floats.

Sec. 74-35. Construction of wharf, pier or landing regulated. [Ord. of 4-20-1993, § 26-29; Ord. No. 2007.11, 3-6-2007; amended 2-19-2013 by Ord. No. 2013.7]

No additions, alterations, new construction or changes to an existing wharf, pier or landing shall be made without prior permission of the Harbormaster. Permission for the construction of any new wharves or piers within the jurisdictional limits of the City shall not be granted without approval of the Harbormaster.

Sec. 74-36. Floats. [Added 2-19-2013 by Ord. No. 2013.7]

(a) Floats that are an integral part of a wharf, pier, or landing are permitted and regulated in accordance with Section 74-35. Floats that are not part of a wharf, pier or landing are not permitted without the permission of the Harbormaster.

(b) All floats and float sections must be identified with the property owner's name, town map and lot identification number.

Sec. 74-37. Unseaworthy, dangerous or deteriorated vessels and other objects. [Added 2-19-2013 by Ord. No. 2013.7]

No vessel, watercraft or float which is unseaworthy or in badly deteriorated condition or which is likely to injure persons or damage private or public property, or which might become a hazard to navigation, shall be allowed to moor within the jurisdictional limits of the City. The Harbormaster and Harbor Commission may separately or jointly determine whether any watercraft is unseaworthy, dangerous or in badly deteriorated condition and take appropriate steps for its removal. This section does not apply to vessels in immediate distress as a result of current emergencies.

Sec. 74-38. Aquaculture. [Added 2-19-2013 by Ord. No. 2013.7]

All aquaculture venture(s) must receive written permission of the Harbormaster.

Sec. 74-39. Houseboats. [Added 2-19-2013 by Ord. No. 2013.7]

Houseboats are prohibited from mooring or anchoring within the jurisdictional limits of the City except at marinas which provide the following:

(1) A permanent float, dock or slip from which the houseboat may be directly boarded from land.

(2) Connection to a public water supply by means of an individual anti-backflow valve.

(3) A sewer connection to a public sewage system.

(4) A year-round, all-weather supply of electricity.

(5) Parking as required by the codes and ordinances where the marina is located.

(6) Compliance with the applicable land use codes.

Sec. 74-40. through Sec. 74-45. (Reserved)

DIVISION 2
HARBORMASTER

Sec. 74-46. Position created. [Code 1975, § 16-16; Ord. of 4-20-1993, § 26-1; Ord. No. 2000.21, 5-2-2000; Ord. No. 2007.11, 3-6-2007]

(a) Pursuant to the authority granted by state law, the position of Harbormaster is hereby created.

Sec. 74-47. Authority. [Code 1975, § 16-17; Ord. of 4-20-1993, § 26-2; Ord. No. 2000.21, 5-2-2000; Ord. No. 2007.11, 3-6-2007; amended 2-19-2013 by Ord. No. 2013.7]

The appointed and qualified Harbormaster for the City may have the authority of a law enforcement officer, if that person is certified as a law enforcement officer by the Maine Criminal Justice Academy, and is approved by the Chief of Police.

Sec. 74-48. Statutory authority; mooring disputes. [Code 1975, § 16-18; Ord. of 4-20-1993, § 26-3(b); Ord. No. 2007.11, 3-6-2007]

The authority granted to the Harbormaster under this article is in addition to and not in limitation of his authority under state law, including, without limitation, 38 M.R.S.A. §§ 1 through 6. The Harbormaster shall settle all mooring disputes in the harbor.

Sec. 74-49. General duties. [Code 1975, § 16-18; Ord. of 4-20-1993, § 26-3(a); Ord. No. 2007.11, 3-6-2007]

The Harbormaster shall enforce the rules and regulations enacted by the City Council or Harbor Commission for the keeping open of convenience channels for the passage of vessels in the harbors located in the City, the supervision of the boundary lines of such channels as established by the Harbor Commission or Harbormaster, and the supervision of such portions of the harbors as assigned for anchorage or mooring by the Harbor Commission or Harbormaster (see Division 4 to this article).

Sec. 74-50. Compensation. [Code 1975, § 16-19; Ord. of 4-20-1993, § 26-4; Ord. No. 2000.21, 5-2-2000; Ord. No. 2007.11, 3-6-2007; amended 2-19-2013 by Ord. No. 2013.7]

As compensation for performing the duties of Harbormaster, a yearly stipend not to exceed $9,000, with a recommendation from the Harbor Commission, shall be paid to the

Harbormaster and each duly authorized assistant. This stipend shall be paid quarterly and shall be drawn from the revenue fund designated in accordance with the provisions of Section 74-77.

Sec. 74-51. Criteria. [Ord. of 2-17-1998(2); Ord. No. 2007.11, 3-6-2007]

The criteria for the Harbormaster is as follows:

(1) Must be a voting resident of five years;

(2) Must have at least five years of marine experience with a minimum of two years on the ocean; and

(3) Must attend annual Maine Harbormasters Association training seminar.

Sec. 74-52. through Sec. 74-60. (Reserved)

DIVISION 3
HARBOR COMMISSION

Sec. 74-61. Appointment; terms, qualifications of members. [Ord. of 4-20-1993, § 26-15(a); Ord. of 2-17-1998(2); Ord. No. 2007.11, 3-6-2007]

The Mayor shall appoint, subject to confirmation by the City Council, a Harbor Commission.

(1) The Commission shall consist of five members serving staggered three-year terms.

(2) The initial terms of Commissioners shall be two Commissioners for three-year terms, two Commissioners for two-year terms, and one Commissioner for a one-year term.

(3) The Commission shall be comprised of two recreational boaters; two from the commercial fishing field; and one at-large, with all appointees having demonstrated experience of at least five years with the adjacent waterways of the City.

Sec. 74-62. Duties generally. [Code 1975, § 16-47; Ord. of 4-20-1993, § 26-15(b), (c); Ord. No. 2007.11, 3-6-2007]

(a) The Harbor Commission shall meet to hear appeals of decisions made by the Harbormaster and to act as an advisory vehicle for any construction from the mean high water line down, and to perform the other functions specified or implied by this article.

(b) The Harbor Commission shall submit annually a budget for approval by the City Council, such expenditures to be drawn from the revenues designated by Section 74-77.

Sec. 74-63. Appeals. [Ord. of 4-20-1993, § 26-23; Ord. No. 2007.11, 3-6-2007]

A person who is aggrieved by a decision or action of the Harbormaster relating to this article may appeal to the Harbor Commission within 30 days of the date of such act or decision.

Sec. 74-64. through Sec. 74-75. (Reserved)

DIVISION 4
MOORING

Sec. 74-76. Permit required. [Ord. of 4-20-1993, § 26-16; Ord. No. 2007.11, 3-6-2007]

It is unlawful to moor a vessel within the harbor of the City without first obtaining a permit from the Harbormaster.

Sec. 74-77. Permit application. [Ord. of 4-20-1993, § 26-21; Ord. of 2-17-1998(2); Ord. No. 2000.21, 5-2-2000; Ord. No. 2007.11, 3-6-2007]

(a) Applications for mooring permits must be filed with the City no later than March 15 of the current year. Permits are valid for a one-year period, from March 15 of the current year to March 14 of the following year. Applications shall be made on forms prescribed by the Harbormaster. Applications that are filed after the deadline shall be subject to mooring allocations made to persons applying prior to the deadline date. There shall be a late fee of $50 applied towards any application for a mooring permit which is received after March 15 of the requested year.

(b) Mooring permits shall specify:

(1) The name and address of the owner of the mooring;

(2) The type of mooring (see Section 74-78);

(3) The kind of ground tackle or block used;

(4) Whether the mooring has been inspected, and when;

(5) The location of the mooring;

(6) The name, draft, size and kind of vessel to be moored; and

(7) The year the vessel was manufactured.

(c) A permit for a mooring is valid for the period from March 15 of the current year to March 14 of the following year and must be renewed annually.

(d) A mooring that is not used for any consecutive three-month period between May 1 and September 30 shall be presumed to be abandoned, and the Harbormaster may allocate that mooring location to any other person in accordance with this article.

(e) The Harbormaster shall maintain a waiting list for areas in which no more vessels can be safely moored, showing the priority of each applicant.

(f) Under the direction of the Harbor Commission, the Harbormaster shall maintain charts showing the location of all assigned moorings.

(g) The Harbor Commission may set the form of the mooring permit and renewal applications.

(h) The annual application fee for the waiting list for moorings shall be $10 which shall be applied against the mooring permit fee as a credit the year the mooring is placed.

(i) A granted mooring permit or renewal fee shall be $125. **[Amended 9-2-2014 by Ord. No. 2014.85]**

(j) All funds collected as a result of this section shall be considered designated revenue for the sole purpose of the execution of this division and the promotion of marine related facilities in the harbor.

(k) No vessel is allowed to moor between December 1 and April 1 without written permission of the Harbormaster.

Sec. 74-78. Assignments. [Ord. of 4-20-1993, § 26-17; Ord. No. 2007.11, 3-6-2007]

(a) Moorings in each area shall be assigned by the Harbormaster in a manner to comply with the federal requirements that moorings falling within the scope of federal navigation projects must be managed in the general public interest and must be accessible and available to all on equal terms.

(b) The Harbormaster shall establish a management system for assignment of moorings using the following standards:

(1) The system shall make no arbitrary distinction or requirements of any kind in allocating use of moorings except as may be consistent with the purpose of which any federal navigation project concerning or relating to moorings as constructed or undertaken.

(2) The system shall not result in arbitrary fees or arbitrary variations in fees among users. The cost of providing necessary management and ancillary facilities and services with respect to moorings may be offset through equitable user fees based on the actual costs incurred.

(c) Information pertaining to moorings shall be readily available to the public at all times.

(d) The Harbormaster shall designate an area in each harbor which shall be for the mooring of commercial fishing vessels properly equipped to lobster, gillnet, longline, and/or trawl. This designated area must comply with the Army Corps of Engineers' mooring allocation guidelines. This would be done by establishing a separate waiting list for noncommercial and commercial fishing vessels.

(e) The Harbormaster may at his discretion allow mooring of noncommercial fishing vessels within the designated commercial fishing vessel area provided it does not preclude a commercial fishing vessel as listed in this section from being moored in that area.

Sec. 74-79. Assignment of rights; grandfathering; large vessels. [Ord. of 4-20-1993; § 26-18; Ord. No. 2000.55, 7-5-2000; Ord. No. 2007.11, 3-6-2007]

(a) Mooring transfers permitted by ordinance in accordance with State Statutes M.R.S.A., Sec. 3-A, as amended, as follows:

Any mooring assignment used for commercial fishing purposes may be transferred only at the request or death of the assignee, and only to a member of the assignee's family and only if the mooring assignment will continue to be used for commercial purposes as described in Section 74-78, Assignments, Subsection (d), which reads: "The Harbormaster shall designate an area in each harbor which shall be for the mooring of commercial fishing vessels properly equipped to lobster, gillnet, longline, and/or trawl."

For the purpose of this section, "member of the assignee's family," means an assignee's parent, child or sibling, by birth or adoption, including a relation of the half blood.

(b) Persons having moorings as of March 20, 1989, in a given location who apply for a permit for their moorings by September 1, 1989, shall have priority for that location as against other persons with the same or lower priority under Section 74-78. This section shall not apply to rental moorings unless, prior to March 20, 1989, a federal mooring permit has been granted to that individual. Failure to have a federal permit prior to March 20, 1989, shall terminate any rights that individual has in a mooring or moorings and that individual must comply with the provisions of Section 74-78.

(c) Subject to the provisions of Subsection (a), persons awarded permits shall have priority for that location as against other persons with the same or lower priority under Section 74-78, provided that the mooring is not abandoned and that the owner files timely applications every year to renew the permit.

(d) Moorings for vessels over 50 feet may, at the discretion of the Harbormaster, be assigned only in noncongested areas.

(e) In assigning moorings, the Harbormaster shall maintain channels and access to piers, wharves and docks.

Sec. 74-80. Mooring tackle; identification; inspections. [Ord. of 4-20-1993, § 26-19; Ord. No. 2000.21, 5-2-2000; Ord. No. 2007.11, 3-6-2007]

(a) All moorings shall be of sufficient size and weight, with chain or rope in sound condition, to properly secure the moored vessel, and the float attached to the mooring line shall be of sufficient size and buoyancy to remain afloat when not attached to the vessel. Each mooring float shall be marked with the number of its assigned permit in permanent legible numbers not less than three inches high.

(b) All moorings shall be inspected by the Harbormaster or a qualified mooring inspector not less than every other year by June 30.

(c) The Harbormaster may, at his discretion, cause a mooring to be hauled for inspection at any time at the owner's expense if the mooring has not been inspected in accordance with this division or the Harbormaster has reasonable cause to believe the mooring is unsafe.

(d) All moorings are required to meet the following minimum standards. These are minimum standards only. The Harbormaster may require heavier tackle based on the mooring location. **[Amended 2-19-2013 by Ord. No. 2013.7]**

Boat Length (feet)	Boat Weight (pounds)	Block Weight (pounds)	Chainlink Size* (inches)
12	500	350	3/8
20	1,500	750	3/8
25	5,000	1,200	1/2
30	8,000	1,800	5/8
35	12,000	2,500	3/4
40		3,200	1

(1) The length of the heavy chain (from the mooring block to the light chain or rope) shall be equal to the depth of the surrounding water at mean high water. *It is recommended that the chain be grade 30 or better.

(2) The length of the light chain or rope (from the heavy chain to the mooring ball) shall also be equal to the depth of the surrounding water at mean high water.

(3) The length of the pennant (line from mooring ball to bow chock or cleat of the vessel) shall be equal to 1 1/3 the vertical distance from the water to the box chock or cleat of the vessel.

(4) All mooring lines shall be nonfloating.

(5) A mooring float shall meet U.S. Coast Guard regulations; a white ball with a blue stripe.

(6) A mushroom anchor or helix mooring anchor is permitted with the approval of the Harbormaster. **[Added 9-2-2014 by Ord. No. 2014.86]**

(7) A sealed tag shall be installed by the inspector identifying mooring and date of inspection.

Sec. 74-81. Prohibited mooring areas. [Ord. of 4-20-1993, § 26-20; Ord. No. 2007.11, 3-6-2007]

Moorings shall be prohibited in all channels of Biddeford Harbor.

Sec. 74-82. Unauthorized moorings; pumping out boats taking on water. [Ord. of 4-20-1993, § 26-25(a), (b); Ord. No. 2000.21, 5-2-2000; Ord. No. 2007.11, 3-6-2007]

(a) The Harbormaster is authorized to remove, at the owner's expense, any unauthorized mooring or any mooring that has been determined to be unsafe. Prior to removal, the Harbormaster is required to provide notification to the owner of the mooring in accordance with Section 74-85. **[Amended 2-19-2013 by Ord. No. 2013.7]**

(b) The Harbormaster is authorized to hire a contractor to pump out any boat found to be taking on water that is secured to a licensed mooring, but no more than twice in a thirty-six-hour period. All those not paying fees for such work within 60 days will lose their mooring privileges for the remainder of the permit time and not be granted a new mooring permit until the contractor is paid for the cost of pumping and/or salvage. This applies only to boats for which the owner cannot be located and/or has failed to take immediate action. Any contractor authorized by the Harbormaster to pump or salvage a vessel shall seek reimbursement only from the vessel owner or other liable parties but shall not have an action against the City for such costs.

Sec. 74-83. Lobster traps and fishing gear. [Ord. of 4-20-1993, § 26-25(c); Ord. No. 2000.21, 5-2-2000; Ord. No. 2007.11, 3-6-2007; amended 2-19-2013 by Ord. No. 2013.7]

(a) No lobster traps or fishing gear shall be set within 100 feet of a mooring or in a channel.

(b) Lobster traps and fishing gear shall be identified in accordance with state statute. Fishing gear not covered by the statute shall be identified with the owner's name, address and phone number.

Sec. 74-84. Temporary structures. [Added 2-19-2013 by Ord. No. 2013.7[4]]

All designated temporary structures are to be removed from the water for the period of December 1 through April 1 unless prior written permission is obtained from the Harbormaster.

Sec. 74-85. Enforcement; penalties. [Ord. of 4-20-1993, § 26-22; Ord. No. 2000.21, 5-2-2000; Ord. No. 2007.11, 3-6-2007]

The Harbormaster is responsible for enforcement of the provisions of Division 4 of this chapter.

(a) On the first violation relating to any mooring, the Harbormaster shall issue a written warning to the owner of the mooring, if the name and address can be reasonably ascertained.

(b) For a second or subsequent violation of this division or for failure by the owner of a mooring to correct a violation within 15 days after being issued a warning to correct a

4. **Editor's Note: This ordinance also repealed former Section 74-84, Mooring sticker required, as amended.**

violation of this division the owner shall be penalized by a minimum fine of $100 to a maximum fine of $2,500. Penalties shall be assessed through a process in district court.

(c) The Harbormaster may remove any mooring that is in any channel or that otherwise obstructs navigation, or that remains in violation of this division; provided, that a written notice of its removal shall first be sent to the owner by mailing such notice by regular mail to the last known name and address. Any such removal shall be at the expense of the owner, and the Harbormaster may collect all expenses in connection with such removal in district court. The Harbormaster shall have a lien on any mooring and related tackle that is removed under the provisions of this section in order to secure any claim for expenses.

(d) The Harbormaster may remove any vessel, float, mooring, lobster trap, or fishing gear at owner's expense if deemed a safety hazard.

Sec. 74-86. through Sec. 74-100. (Reserved)

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