

Mooring Regulations Ordinance

Town of Sidney, Maine

Section 1. Title

This ordinance shall be known as the “Town of Sidney Mooring Regulations Ordinance.”

Section 2. Authority and Scope

- 2.1 This Ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2, Section 1 of the Maine Constitution, Title 38 M.R.S.A. Sections 1-13, Title 30-A M.R.S.A. Section 3001, and Title 12 M.R.S.A. Section 13072.
- 2.2 The Town of Sidney hereby establishes that this Ordinance shall apply to activities occurring within or directly affecting harbors and channels within the boundaries and legal limits of the Town of Sidney.

Section 3. Purpose

- 3.1 The purpose of this Ordinance is to establish regulations to protect property and promote public safety and orderly use of the Town of Sidney’s waterways, harbors and channels, to promote availability and the equitable and fair use of this valuable public resource, and to create a fair and efficient framework for the administration of that resource.
- 3.2 This Ordinance allows the installation of moorings for the purpose of securing a sailboat that takes a significant amount of time to prepare for use (traditionally sailboats 18 to 25 feet in length) in the Designated Mooring Anchorage area defined in this Ordinance.

Section 4. Designated Mooring Anchorage and Safe Harbor

- 4.1 The area on Messalonskee Lake in the Town of Sidney known as Safe Harbor is a designated mooring anchorage, and users will adhere to the rules listed in this Ordinance. The approximate location of the Safe Harbor designated mooring anchorage is as follows:
 - a. Located at the Sidney Town landing starting 50 feet south of the dock.
 - b. A line parallel to the dock out 200 feet (Safe Water Zone), this 200 foot from shore mooring zone will continue to the end of the peninsula and around the end of the peninsula (but not to a point where the distance becomes closer to the dock). **See Figure 1 for depiction of area described herein.*
- 4.2 The Safe Harbor will allow use of the town dock on both sides without any moored boat to impede its use and also keep open the area in front of the beach for kayaks and other unpowered watercraft.

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- 4.3 The area defined herein will comfortably support six (6) sailboat moorings. If there are more than five (5) boats, excluding the Sidney Fire Department Boat, then the Town may place additional moorings after determining safe distance and grid coordinates for mooring placement.
- 4.4 A mooring shall be permitted in the Safe Harbor Area defined herein closest to the town dock for the Sidney Fire Department to secure its motor boat used to provide emergency response to lake users and waterfront property owners.

Section 5. Mooring Standards

Moorings must conform to all specifications and registrations required by this Ordinance as well as all applicable Federal and State regulations and laws.

- a. Anchor Standards: All moorings shall be mushroom anchors.
- b. Line Standards: The line between the mooring and the buoy shall be chain of a size to fit boat exposure and water depth. The buoy, as set by the Maine Department of Conservation, shall be colored white with a single BLUE horizontal band clearly visible above the water line.
- c. Mooring Removal: The complete mooring must be removed prior to the lake freezing and not installed until after the ice is out.
- d. Mooring Labels: All mooring buoys shall be clearly labeled with the boat owner(s) last name and phone number.
- e. Minimum Tackle Standards: Mooring gear and tackle used in the Town shall meet or exceed those specified in the current edition of *Chapman's Piloting & Seamanship*. The Town assumes no liability whatsoever for the actual performance or adequacy of any mooring system employed by a mooring holder whether or not such system conforms to these minimum standards. The mooring owner is responsible for the adequacy and performance of all mooring gear, tackle and maintenance thereof.
- f. Mooring Inspection: At least once every two years, each mooring shall be either self-inspected by the mooring owner or inspected through a mooring service company chosen by the mooring owner, and in either case, must be in a safe condition before being placed in any Town anchorage. Mooring owners are responsible for any and all expenses associated with the mooring systems placed within the designated mooring area as described herein.

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Section 6. Penalties

- 6.1 Any person who violates the provisions of this ordinance shall be subject to a minimum civil penalty in the amount of \$100.00 and a maximum civil penalty in the amount of \$250.00 per day.
- 6.2 The violator may be ordered to correct or abate the violation unless a court finds that such action will create a threat or hazard to the public health or safety, substantial environmental damage, or substantial injustice.
- 6.3 Each day that such a violation continues to exist shall be considered a separate violation.

Section 7. Enforcement

- 7.1 This Ordinance may be enforced by the Code Enforcement Officer or by any other municipal official specifically designated by ordinance or other law or by the municipal officers, with such authority.
- 7.2 Pursuant to 30-A M.R.S.A. §3009-A, the Board of Selectmen may contract with the Kennebec County Sheriff's Department for the enforcement of this Ordinance.
- 7.3 Upon determining that a violation has occurred, the enforcing officer shall notify the violator of the violation, may order the immediate removal of the vessel, and impose an appropriate civil penalty.
- 7.4 If the vessel or equipment is not removed in accordance with the notice issued by the enforcing officer, the enforcing officer may cause the vessel or equipment in violation of this Ordinance to be moved and placed in a suitable area, at the expense of the owner of such water vessel or equipment, and without the Town being liable for any damage that may be caused by such removal. The enforcing officer shall notify the owner of the removal and shall inform the owner of the location of the water vessel or equipment and the fees due for release. The water vessel or equipment may not be released to the owner until the towing and storage fees are paid to the Town.
- 7.5 Water vessels or equipment that are not claimed within thirty days from the date of the enforcing officer's notice shall be disposed of by the Town pursuant to the laws governing abandoned property.

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Section 8. Conflict

Whenever a provision of this Ordinance conflicts with or is inconsistent with any other ordinance, regulation, or statute the more restrictive provision shall apply.

Section 9. Severability

The invalidity of any part of this Ordinance shall not invalidate any other part.

Section 10. Liability

Any person using the facilities within the limits of a harbor or channel in the Town of Sidney shall assume all risk of damage or loss to their property and the Town of Sidney assumes no risk on account of fire, theft, Act of God, or damages of any kind to vessels within the harbor or channel.

Section 11. Effective Date

The Ordinance shall take effect on March 18, 2017, upon voter approval.

Selectman Meeting: December 12, 2016

Selectmen Vote: 5 for/0 oppose

Town Meeting Vote: March 18, 2017