HARBOR AND WATERWAYS ORDINANCE
CHAPTER V

ADOPTED SPECIAL TOWN MEETING
NOVEMBER 3, 2015

PREVIOUS REVISED DATES: SEE HISTORICAL NOTES

TABLE OF CONTENTS

ARTICLE I	**GENERAL PROVISIONS**	**4**
Section 1	**Jurisdiction**	**4**
Section 2	**Purpose and Objectives**	**4**
	1. Inner Harbor	**4**
	2. Outer Harbor	**5**
	3. Coastal Harbor	**5**
Section 3	**Harbor Boundaries and Uses**	**5**
	A. Inner Harbor	**5**
	B. Outer Harbor	**5**
	C. Coastal Harbor	**6**
Section 4	**Channels**	**6**
ARTICLE II	**DEFINITIONS**	**7**
ARTICLE III	**HARBOR ADMINISTRATION**	**12**
Section 1	**Harbor Committee**	**11**
Section 2	**Public Landing Memorial Benches**	**11**
Section 3	**Harbormaster**	**11**
ARTICLE IV	**GENERAL REGULATIONS**	**12**
Section 1	**Select Board and Fees**	**13**
Section 2	**Removal of Vessels**	**13**
Section 3	**Obstruction of Other Vessels**	**13**
Section 4	**Obstruction of Navigation**	**14**
Section 5	**Aquaculture**	**14**
Section 6	**Discharge of Refuse**	**14**
Section 7	**Vessel Speed**	**15**
Section 8	**Loss of Rights & Privileges**	**15**
ARTICLE V	**REGULATIONS CONCERNING DOCKS, FLOATS, SLIPS, LAUNCHING RAMPS, AND MOORINGS**	**16**
Section 1	**Town Docks, Floats and Berthing Slips**	**16**
Section 2	**Fisherman's Floats**	**16**
Section 3	**Commercial Passenger Vessel Float and Berthing Slips**	**17**
Section 4	**Finger Floats**	**18**
Section 5	**Launching Ramp**	**18**

Section 6	**Moorings**	**19**
	A. Waiting Lists	**19**
	B. Application	**20**
	C. Permit	**20**
	D. Appeals	**21**
	E. Mooring Standards and Inspection	**21**
	F. Transient Moorings	**21**
	G. Service Moorings	**23**
	H. Mooring Floats	**23**
	I. Mooring and Mooring Float Usage	**24**
	J. Riparian Owner Moorings	**25**
	K. Prohibitions and Violations	**25**
ARTICLE VI	**REGULATIONS CONCERNING CONSTRUCTION OF PIERS, WHARVES, BREAKWATERS, BULKHEADS AND LANDFILL**	**26**
Section 1	**Inner Harbor**	**26**
Section 2	**Outer Harbor**	**27**
Section 3	**Coastal Harbor**	**29**
Section 4	**Consolidated Piers**	**30**
Section 5	**Permit Approval Requirement**	**31**
Section 6	**Procedure for Permit**	**31**
Section 7	**Landfill**	**34**
Section 8	**Floats and Ramps**	**34**
Section 9	**Marine Railways**	**35**
ARTICLE VII	**PENALTY**	**36**
ARTICLE VIII	**SEPARABILITY**	**37**
APPENDIX A	**Mooring Specifications for Camden Harbor**	**37**
APPENDIX B	**Mooring Site Assignment and Sale Procedure**	**39**
APPENDIX C	**Inner Harbor Mooring Float Specifications and Procedure**	**40**
APPENDIX D	**Mooring Application Procedure**	**41**
APPENDIX E	**Memorial Bench Policy**	**42**
APPENDIX F	**Map of Inner, Outer and Coastal Harbor**	**44**
APPENDIX G	**Public Landing Float Plan**	**45**
APPENDIX H	**Inner Harbor Mooring Float Plan**	**47**
APPENDIX I	**Mooring Float Agreement**	**48**
APPENDIX J	**Harbor Channel Plan**	**50**
HISTORICAL NOTES		**52**

ARTICLE I GENERAL PROVISIONS

Section 1. Jurisdiction

This ordinance has been enacted pursuant to the municipal home rule powers of Title 30-A, M.R.S.A., Section 3001 and pursuant to Title 38, M.R.S.A., Section 7; and the provisions of this ordinance shall be liberally interpreted in order to meet the objectives of those statutory sections.

Section 2. Purposes and Objectives

Camden Harbor is a valuable but limited resource, which has been subject to increasing demands on its limited water area for both recreational and commercial maritime uses and activities. The purposes and objectives of this ordinance are:

A. To preserve and utilize the maritime nature of the harbor, including water borne commerce for Camden businesses, whether marine related or other wise and recreational boating.

B. To minimize user conflicts and maximize the efficient use of both the water space and the townowned waterfront.

C. To equitably distribute the burdens of harbor management and development among commercial marine enterprises, private vessel owners and the Town of Camden.

D. To maintain consistency with the Camden Comprehensive Plan, the Maine State Coastal Policies and the policies of the United States Army Corps of Engineers.

E. To prevent the further encroachment into Camden Harbor of landfill, wharfage, and construction except as permitted by this Ordinance.

F. To govern and regulate navigation, the conduct of maritime activities, and the construction of piers, wharves, and breakwaters in, over, and upon the waters of Camden Harbor.

G. To provide guidance on the use of the three separate areas of Camden harbor:

1. Inner Harbor

To preserve the limited water area of this natural resource by limiting and regulating further encroachment on, into or over the harbor waters, to preserve and maintain navigational channels and access to moorings and berthing areas for both commercial and recreational boating; to preserve existing mooring and berthing areas both public and private, commercial and recreational; to preserve public access to and use of the Harbor waters; and to encourage adjacent on-shore uses as water-dependent and marine-related activities.

2. Outer Harbor

To preserve and maintain navigational channels between the Inner Harbor and Penobscot Bay; to preserve existing mooring and anchorage areas and access thereto; to preserve water areas for future extensions of the mooring and anchorage areas; to preserve the commercial shell fishing areas and access thereto; to preserve and protect clamming flat areas; to provide for public access, including public vessel ramp and public pier facilities; to preserve areas for recreational boating activities; to insure and preserve the rights of public passage along the shores and flats.

3. Coastal Harbor

To preserve the commercial shell fishing areas along the shore and navigation to and through the said areas; to insure recreational boating along the shores.

Section 3. Harbor Boundaries and Uses

This ordinance shall apply to all land areas covered by the waters of Camden Harbor, including such land areas that are covered by those waters during part of a day and those land areas that are always covered by those waters. This ordinance shall also apply to piers, wharves and other structures extending from the shoreline over the land areas covered by water. The Camden Harbor boundary extends from the Camden-Lincolnville town line southerly to the Camden-Rockport Town Line. For the purposes of these Harbor Rules and Regulations, the Harbor is divided into three areas, each with different uses (see Appendix F):

A. Inner Harbor

That area of Camden Harbor lying northerly of a line drawn from a monument at the easterly most point of the Yacht Club property on Bay View Street and running easterly across the Harbor waters to a monument located at the westerly end of the seawall in front of condominium lot, being Town of Camden Tax Map 124, Lot 13. This line is also depicted on the Town of Camden Official Zoning Map B.

Inner Harbor uses include navigational channels and access areas to wharves, piers, berthing, and mooring areas; mooring areas for both private and town-owned moorings; commercial and recreational vessels docking and landing facilities, both private and town-owned; berthing for commercial passenger vessels; other boating and mooring; and public access areas to the Harbor. The primary adjacent on-shore uses include town-owned Harbor Park and Public Landing areas; privately owned commercial and non-commercial maritime-related business and activities.

There shall be designated mooring areas in the Inner Harbor (see appendix H).

B. Outer Harbor

An area of water between the Inner Harbor as defined above and a line commencing at the beacon light at Northeast Point on Sherman's Point and running to the lighthouse Tower on Curtis Island and continuing to the easterly most point of Dillingham Point.

Outer Harbor uses include navigational channels for access to and from the Inner Harbor and Penobscot Bay; anchorage areas; mooring areas and access thereto; commercial shell fishing including lobster and crabbing; clamming; other boating and small vessel activities; public access for launching and hauling

vessels; Curtis Island access, and sightseeing vessels. The primary adjacent on-shore uses are residential in nature; in addition, there are both private and public bathing beach areas.

In the Outer Harbor there shall be designated mooring and anchoring areas under the direction of the Harbormaster.

C. Coastal Harbor

Consisting of three areas as described below and extending seaward to the Town of Camden limits:

1. Commencing at the Camden-Lincolnville Town line and running southerly to the beacon light at Northeast Point on Sherman Point;

2. Commencing at the beacon light at Northeast Point on Sherman's Point, running to the lighthouse Tower on Curtis Island and continuing to the easterly most point of Dillingham Point.

3. Commencing at the Camden-Rockport Town line and running northerly along the shore to the easterly most point of Dillingham Point.

Coastal Harbor uses include commercial fishing, shell fishing, navigation for fishing and shell fishing vessels and other vessel uses. The primary adjacent on-shore uses are residential in nature.

There shall be designated mooring areas in the Coastal Harbor areas.

Section 4. Channels

The channels for the passage of any vessel, to and from the Inner Harbor to the ocean shall be as follows:

A. A channel approximately 75 feet wide extending 1,500 feet from the Inner Harbor Line to the center of the Outer Harbor. The channel's southerly line, being a range commencing at a point at the easterly end of the wharf of the Camden Yacht Club to the day marker at the inner ledges off Northeast Point. The passage of vessels shall be through this channel. The channel shall be marked with suitable municipal channel markers from June 1 to September 15 annually.

B. There shall be channels on the east and the west side of the Inner Harbor, which said channels shall be at least 35 feet wide and which shall connect at the head of the harbor as shown on the town of Camden Harbor Map.

C. There shall be no anchoring in any channels as designated (in Appendix J) herein. Except circumstances deemed by the Harbormaster, nothing shall be allowed to block channels or to obstruct the passage of vessels to or from Camden Harbor through a channel.

ARTICLE II DEFINITIONS

All words not defined herein shall carry their customary and usual meanings. Words used in the present tense shall include the future. Words used in the singular shall include the plural and vice versa. As used herein, the following words and phrases shall mean:

Anchorage Area: An area of the harbor set aside for the temporary anchoring of vessels.

Aquaculture: Cultivation of aquatic animals and plants.

Breakwater: A structure placed into the waters for the principal purpose of breaking and reducing the force of waves.

Bulkhead: A permanent solid or semi-solid (porous) structure or wall along the shore to retain, stabilize, and protect the shoreline from wave other waterborne erosion.

Camden Harbor: All land areas covered by water at any state of the tide along the coastal shoreline, from the Camden-Lincolnville town line southerly to the Camden-Rockport town line and extending seaward to the Town of Camden limits, including such land areas which are covered by water during part of a day and those land areas which are always covered by those waters. Camden Harbor includes the Inner Harbor**,** Outer Harbor and Coastal Harbor as described in Article 1, Section 3 and depicted in Appendix F

Channel: Designated waterway for the safe passage of vessels.

Coastal Harbor: As defined in Article I, Section 2.3

Commercial Marine Enterprise: A commercial enterprise engaged in marine activities primarily consisting of, but not limited to fishing, aquaculture, marine construction, sales, charter, building, service, harvesting of marine plants or animals, storage or maintenance of vessels.

Commercial Mooring: A mooring that generates business income or accommodates a commercial vessel.

Commercial Vessel: A vessel that generates significant business income.

Commercial Passenger Vessel: Vessels that carry passengers for hire.

Commercial Full-Time Fisherman: A fisherman whose primary source of income is from the occupation of fishing.

Consolidated Pier: A shared pier that meets the standards of Article X, Part 1, Section 1, (8A) of the Town of Camden Zoning Ordinance.

Daysailer: A power or sail vessel whose principal commercial operation is to engage in the trade of carrying passengers on a daily basis'.

Dead Ship: A vessel so changed that it has no further navigation function.

Dolphin: A connected combination of pilings permanently affixed to the harbor bottom.

Federal Navigation Project: An area dredged and maintained by the Corps of Engineers as shown on the Corps of Engineers Conditions Survey for Camden Harbor.

Float: Any floating structure normally used as a point of transfer for passengers, goods, or for mooring. The term includes floats attached to wharves and piers.

Finger Float: Town-owned small vessel floats located at the northwesterly head of the Inner Harbor adjacent to the Harbor Park as depicted on Appendix G

Harbor Line: The shoreland boundary line for both the Outer Harbor and Coastal Harbor areas shall be determined at the mean high water mark. The Harbor line for the Inner Harbor shall be the harbor line as shown on the Official Zoning Map B of the Town of Camden depicting the Inner Harbor. The harbor line defines the limit of the area on which filling can occur (see Appendix F).

Harbormaster: That person appointed by the Select Board of the Town of Camden, pursuant to 38 M.R.S.A., Section 1, as amended from time to time, and the Harbor and Waterways Ordinance of the Town of Camden. In all places where the Harbormaster is empowered to act in this Ordinance, so is any Deputy Harbormaster appointed by the Harbormaster, pursuant to 38 M.R.S.A. , Section 2, to the full extent permitted by law and this Ordinance. Deputy Harbormasters shall serve at the direction of the Harbormaster.

Height: The height of a wharf, pier or other structure shall be measured from walkway to mean high water.

Inner Harbor: As defined in Article I, Section 3(A)**.**

Launching Ramp: An inclined ramp used to ingress and egress vessels to and from the water.

Length Overall (LOA): The extreme length of the vessel measured from the stem to stern (as measured along the uppermost deck excluding sheer) excluding bowsprits, boomkins, rudderposts, booms, davits, swim platforms, or any other extensions from the hull.

Marine Railway: Inclined tracks extending into the water so that a vessel can be hauled up on a cradle or platform for cleaning or repairs.

Mean High Water: Average height of high water over a 19-year period as defined by National Ocean Service of NOAA..

Mean Low Water: Average height of low water over a 19-year period as defined by National Ocean Service of NOAA.

Mobile Vessel Hoist: A commercial straddle type mobile hoist and associated structures, and devices used for moving vessels and other objects in and out of the water.

Mooring: Any apparatus placed on the harbor bottom under the direction of the Harbormaster for purposes of securing a vessel. Such apparatus includes mooring gear and mooring hardware and is not carried aboard a vessel as regular equipment

Mooring Area: An area of the harbor set aside for moorings.

Mooring Float: A float attached to a mooring. A mooring float shall be treated as an extension of the mooring gear and mooring hardware. The term excludes floats attached to wharves and piers.

Mooring Gear: See Mooring.

Mooring Site: A specific point on the ocean bottom in a mooring area assigned by the Harbormaster.

Mooring Spar: A cylindrical device used to identify mooring locations in the winter.

Non-Resident Taxpayer: A person who owns real estate property in the Town of Camden and is not a resident.

Outer Harbor: As defined in Article I, Section 3(B).

Pier: A permanent platform-type structure connected to the shoreline and usually built perpendicular there from over the water, supported by pilings or cribbing. Used for the berthing, loading, and unloading of vessels in coastal areas.

Piling: A rigid shaft of metal, wood, cement, or plastic permanently affixed to the bottom.

Private Mooring: Any mooring other than a transient, commercial, or service mooring.

Ramp Platform: A projection from a wharf, pier, or bulkhead to which a ramp is attached.

Ramp: A structure used to access or connect to a float, pier, wharf, bulkhead.

Riparian Owner: In this ordinance it shall mean an owner of a parcel of land of at least 100 feet of shore frontage. Notwithstanding Title 38, M.R.S.A., Section 11, persons who, prior to January 1, 1987, owned shore rights of at least 100 feet of frontage regardless of the size of the lot shall have mooring privileges assigned according to Title 38, M.R.S.A., Section 3. The limitation of one mooring assigned under this privilege shall not prevent the owner of a shorefront parcel from receiving additional mooring assignments under the allocation system for all other residents.

Resident: A person who is registered to vote in the Town of Camden or any person who occupies a dwelling in Camden for more than 180 days in a calendar year. Proof of 180-day dwelling occupation will be established according to standards used for Camden voter registration.

Service Mooring: A mooring owned and utilized by a commercial marine enterprise or marine-dependent enterprise for the purpose of temporary securing of customers' vessels and other uses relating to the operation of a commercial marine enterprise or marine-dependent enterprise.

Shall and May: The word "shall" is used to indicate the mandatory and the word "may" is used to indicate the permissive.

Shoreland Zoning Ordinance: The Shoreland Zoning Ordinance or Shoreland Zoning Provisions of the Zoning Ordinance of the Town of Camden, Maine as amended.

Shoreline: As used in this Harbor and Waterways Ordinance, that line where the upland meets the Harbor line as set forth in Article I, Section 3.

Total Vessel Length (TVL): The extreme length of 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.

Transient Mooring: Moorings used for securing visiting vessels.

Vessel: Any type of watercraft boat, barge, scow, dredges, shellfish cars, or float, used or capable of being used as a means of transportation in or on water.

Walkway: The part of a wharf or pier providing access between or over a supporting structure.

Windjammer: A traditionally rigged sailing vessel whose principal commercial operation is to engage in the trade of carrying passengers on cruises of at least one night or longer during which time room and board are provided.

Wharf: A platform-type structure connected to the shoreline and built parallel there from over the water, supported by piling or cribbing, used for the berthing, loading, and unloading of vessels.

Wharf Line: The boundary as depicted on the Official Zoning Map B of the Town of Camden delineating the Inner Harbor area. The wharf line defines the limit beyond which permanent structures cannot be erected.

ARTICLE III HARBOR ADMINISTRATION

Section 1. Harbor Committee

A Harbor Committee shall be appointed by the Select Board as set forth below in this section. It shall be convened at the request of the Harbormaster, the Planning Board, Chairman of the Harbor Committee, or the Select Board, as the need may arise. The composition of the Harbor Committee shall be representative of the varied interests using the Harbor for recreational purposes as well as those using the Harbor in the course of their business. The duties and responsibilities of the Harbor Committee shall include, but not be limited to, the provision of advice to the Select Board concerning the implementation of Harbor Rules and Regulations, the proposal of plans for the development of uses of the harbor and recommendations concerning the resolution of particular problems that may arise during the year concerning the use of the harbor, and review of proposals or applications for the construction of piers, wharves, breakwaters, marine railways, bulkheads, or other structures within the Harbor waters and/or the transfer of any real estate which involves or concerns harbor access or administration.

The Harbor Committee shall also sit as a board of appeals to hear the appeal of any person aggrieved by any decision, act, or failure to act of the Harbormaster in allocating or assigning mooring spaces as set forth in Article V, Section 6 and aquaculture permits, but not limited to, as set forth in Article IV, Section 5 of this ordinance.

The Harbor Committee shall consist of five members serving staggered terms of three years, appointed by the Select Board. The Select Board, which may also appoint two alternate members to serve in the absence of regular members. Alternate members appointed to the Harbor Committee shall serve one-year terms. During the absence of a regular member at any meeting, the Chairman of the Harbor Committee shall designate the alternate member who shall serve during the absence of the absent member.

With the exception of alternate members, once a member of the Harbor Committee has been sworn into office, he or she shall continue in that office for the remainder of his or her term without having to renew the oath of office for that position annually.

Section 2. Public Landing Memorial Benches

The Select Board shall have the authority to establish regulations and to amend those regulations, following consideration of the recommendations of the Harbor Committee, concerning the maintenance of the existing memorial benches at the Public Landing and concerning the size, dimensions, specific location, appearance, maintenance, and criteria for acceptance of new memorial benches donated to the Town for the Public Landing.

Any such regulation concerning existing memorial benches and new memorial benches shall be adopted only after a public hearing. Upon adoption, such regulations shall be set forth in writing and attached to the Ordinance (see Appendix E).

Section 3. Harbormaster

The Harbormaster, annually appointed by the Select Board, shall have, in addition to the duties and responsibilities of his office as prescribed by law, the authority to enforce the rules and regulations of the Town of Camden, as described herein, excepting, however, and those projects identified herein as requiring approval by the Select Board. The duties of the Harbormaster prescribed by law include, but are not limited to, the authority to enforce the Statutes of the State of Maine relating to the operation of vessels in the Harbor and

relating to the conducting of navigation on the Harbor. The Harbormaster shall administer his job in accordance with administrative policies adopted by the Camden Select Board.

One or more Deputy Harbormasters shall be recommended by the Harbormaster as necessary, under the terms of this section, to serve at his direction upon appointment by the Town Manager.

The Harbormaster shall not have the authority to carry a weapon and shall not have the authority to make arrests. Any law enforcement officer vested with the authority to carry a weapon and to make arrests, specifically including police officers of the Town of Camden, shall have the authority to enforce the provisions of this ordinance on their own initiative, or upon specific request from the Harbormaster or from the Select Board.

Consistent with Title 38, M.R.S.A., Section 1, the Select Board shall have the authority, after due notice to the Harbormaster and a hearing, if requested by the Harbormaster, to remove the Harbormaster for cause. In the event of the removal of a Harbormaster for cause, then the Select Board shall have the authority to appoint a Harbormaster to fill the vacancy of the removed Harbormaster.

ARTICLE IV GENERAL REGULATIONS

Section 1. Select Board and Fees

The Select Board, by its last meeting in November of each year, shall establish a schedule of user fees for town facilities for the harbor with the exception of rental fees set forth in Article V, Section III of this ordinance. The schedule of fees shall include but not be limited to, the following:

A. Dinghy Fees.
B. Finger Float Fees.
C. Commercial Passenger Vessels Use Fees.
D. Fishermen's Float Fees.
E. Public Float Use Fees, including over night dockage.
F. Mooring Fees.
G. Harbor Usage Fees.
H. Waiting List and Late Fees.

The schedule of fees shall include billing dates and due dates for payment of fees in full or in part. Non-payment of fees shall result in the exclusion of the user, who has failed to pay that fee, from the harbor facility for which payment was required.

Section 2. Removal of Vessels

The Harbormaster is hereby authorized, and it shall be his/her duty to remove or cause to be removed any vessel from any wharf, mooring or berthing area in Camden Harbor, when so requested by the owner of said wharf; and whenever he/she shall deem it necessary, he/she shall remove or cause to be removed any vessel lying in tier; (more than one vessel); and if any vessel or raft shall anchor or lie contrary to any ordinance, rule or regulation of the Town of Camden, said Harbormaster shall forthwith give notice to the owner or master thereof, or the person having the care of the vessel, to remove the vessel; and if the person given notice does not comply with the notice, without delay, the Harbormaster shall make or cause the removal of the vessel or raft.

In the event that the Harbormaster removes a vessel as set forth in this ordinance, such removal shall be at the cost and risk of the owner of the vessel. The Harbormaster shall charge the approved fee set by the Town, to be paid by the master or owner of the vessel, which charge, together with the cost of the crew and/or equipment for removing that vessel, the Harbormaster may collect by a civil action in the District Court, as set forth in Title 38, M.R.S.A., Section 5.
In addition, the Harbormaster shall have the authority to remove vessels as set forth in Title 38, M.R.S.A., Section 5.

Section 3. Obstruction of Other Vessels

The Harbormaster shall, upon complaint to him/her by the master, owner or agent of the owner of any vessel, cause any other vessel or vessels obstructing the free movement or safe anchorage of such vessel to remove to a position to be designated by him/her, and to cause without any complaint being made to him/her, any vessels anchoring within the channel lines, as established by the Town of Camden or as otherwise provided by laws, to remove to such anchorage as he/she may designate.

If such vessel has no crew on board or if the master or person in charge neglects or refuses to move such vessel, as directed by the Harbormaster, then the Harbormaster shall take steps to remove said vessel, in accordance with the provisions of Title 38, MRSA, Section 5.

Section 4. Obstruction of Navigation

No person shall place buoys, including fishing buoys or other floating structures of any type, within the boundaries of Camden Harbor so as to cause obstruction or danger to navigation within the boundaries of said Harbor.

All moorings shall be so located or relocated so that the vessels secured thereto will not impede navigation within the harbor nor endanger other vessels moored therein. If the Harbormaster shall find that any vessel is so moored as to impede navigation or to endanger other vessels, he may require that the owner of the mooring, or of the vessel secured thereby, take such steps, whether by shortening the scope of the mooring lines, or by the use of additional mooring or mooring lines, that will prevent such impeding of navigation or endangering of other vessels; or in the alternative he may order that the mooring be removed and relocated. In requiring the removal of a mooring because of its danger to other moorings, the offending mooring shall be the first ordered to be removed. Any persons so ordered by the Harbormaster acting under this paragraph, shall remove the same within 48 hours after ordered; provided, however, that the Harbormaster shall find an emergency requiring immediate action to prevent injury to life or damage to property, and he may cause said mooring and any vessel attached thereto to be removed and relocated. Any expense involved shall be borne by the owner of the mooring or vessel being removed.

Section 5. Aquaculture

No aquaculture site involving the use of moorings, anchorings, rafts, and/or pens shall proceed without a permit. All such sites within the waters of Camden Harbor shall have all required federal and state permits before making application to the town. Application shall be made to the Harbormaster, who shall first determine that the application is complete. The Harbormaster shall make a decision to approve or deny an aquaculture permit within 30 days.

A permit shall be approved as long as the requested use will not unreasonably interfere with:

A. Public Health,
B. Safety,
C. Navigation, or
D. Orderly Administration of the Harbor.

If the Harbormaster denies the application, the applicant may appeal the decision to the Harbor Committee within 30 days. The Select Board shall annually set fees for aquaculture applications and aquaculture mooring permits. Violations of this section shall be subject to the penalty provisions of Article VII.

Section 6. Discharge of Refuse

No person or vessel shall dump or dispose of any refuse or garbage upon the shore of Camden Harbor, at high or low water mark or upon the waters of the inner or outer harbor. No person or vessel shall deposit, throw, sweep or cause to be deposited or swept into the waters of Camden harbor or into the waters adjacent thereto any quantities of gasoline, oil, fuel or bilge water containing the same, or ashes, dirt, stones, gravel, mud, logs, or planks or any other substance tending to obstruct the navigation of said Harbor or waters adjacent thereto, or

to shoal the depth of said Harbor or pollute the water thereof. All vessels shall comply with the State of Maine No Discharge Policy.

Section 7. Vessel Speed

All types of watercraft and vessels operating within Camden Harbor shall maintain a speed that is reasonable and proper, having due regard for traffic, proximity to wharves, docks, moorings, other vessel, or shores and for any conditions then existing. No watercraft shall be used or operated on Camden Harbor so as to cause danger, annoyance, disturbance, or inconvenience to the public. Any operation of a vessel in a manner violating this provision shall constitute a violation of these rules and regulations and subject the violator to prosecution for a Class E crime under M.R.S.A. 38 Section 281. "No Wake" zones will be set up as necessary by the Harbormaster.

Section 8. Loss of Rights and Privileges

Privileges held here under and permits issued pursuant to this ordinance shall be subject to revocation in the event the permit holder fails to comply with any provision of the ordinance.

ARTICLE V

REGULATIONS CONCERNING DOCKS, FLOATS, LAUNCHING RAMPS AND MOORINGS

Section 1. Town Docks, Floats and Berthing Slips

The following regulations shall pertain to the use of the Town floats assigned for vessels at the Town Landing. No person shall leave an unattended vessel berthed , unless the person has permission of the Harbormaster. There shall always be a 40-foot section of the dock face designated by signage and kept free for pick up and drop off only.

The Harbormaster shall assign numbers annually to dinghies, tenders, skiffs and other vessels regularly tied, or stored on, designated town floats. These numbers shall be visibly attached to the vessel. Said vessels shall not be over 14 feet in length or have a beam over 6 feet and shall be tied to designated floats only. Such vessel must be properly and reasonably maintained. The owner of any vessel, which is not maintained, secured, or town registered shall lose any privileges to tie to said town float, and the vessel shall be removed at the owner's expense.

No lobster traps or other equipment shall be stored on the town floats or the Town Landing for any period of time except with permission of the Harbormaster.

Section 2. Fisherman's Floats

The floats adjacent to the Town Landing, lying northwesterly of the town floats, which extend easterly into the harbor, shall be designated as the commercial fishermen floats. Use of these floats shall be by permit issued by the Select Board to applicants holding a commercial fishing license under the following order of preference:

1. **Commercial Full-Time Fishermen.**

   A. Current Permit Holders
   B. Camden Residents
   C. Non-Residents

2. **Commercial Part-Time Fishermen.**

   A. Current Permit Holders.
   B. Camden Residents.
   C. Non-Residents.

Applications for a fishermen float permit shall be submitted no later than November 15th or as Harbormaster determines. The number of permits shall be limited to the number the facility can accommodate.

The commercial fishermen floats shall not be used for the boarding or discharge of passengers for hire.

Section 3. Commercial Passenger Float and Berthing Slips

A. Town Daysailer Float

The Select Board may elect to rent or lease space on the Town Daysailer Float and may elect to rent or lease berthing slips. Any such rent or lease of those Town facilities shall be set forth in a written lease agreement for a duration not to exceed three years in length. In deciding on the amount of the rental, the Select Board is authorized to negotiate a rental, which is less than the fair market value if the Select Board determines that a category of use of the renter has other economic benefits to the town, which justify a less than fair market value rental.

A float adjacent to the Town Landing shall be designated by the Select Board as the Town Daysailer Float (see Appendix G). Use of that float by a daysailer shall occur only upon negotiation of a lease or rental agreement with the owner of that daysailer in accordance with the authority granted to the Select Board in the previous paragraph. The Select Board shall not accept or grant leases or rental agreements in excess of 7 such leases or rental agreements to the owners of 7 separate daysailers.

B. Windjammer Berthing Slips

The harbor area immediately easterly of the floats extending easterly from the Town Landing shall be designated as Windjammer Berthing Slips and shall not exceed 3 slips. The harbor area immediately adjacent to the Harbor Park at the head of the harbor shall be designated as windjammer berthing slips and shall not exceed 3 in number. Windjammer Berthing Slips by lease shall be used only for sailing vessels, which are not operated as daysailer operations from those slips. The Select Board may elect to permit the use of these slips by windjammers by a lease or written rental agreement for a term not to exceed 3 years. In the event that the berthing slip is not being used by the vessel to which the slip has been leased, then the town can rent that berthing slip temporarily to other vessels as long as those other vessels do not unreasonably interfere with use by the vessel that has a lease on that slip.

C. **Criteria For Application Approval**

In September of each year, the Select Board will make a decision whether to lease or rent any of the commercial passenger vessel float space or berthing slips which are available and vacant and, in the event of such an election, the Select Board shall cause a request for proposals for rental of use to be published in a newspaper of general circulation no later than October 15th of each year. The notice shall indicate that proposals shall be submitted in writing to the Town Manager and shall contain such reasonable information as requested by the Select Board no later than November 15th. Lease agreements or rental agreements with such provisions as the Select Board choose shall be negotiated and such written agreements fully signed and submitted to the Town Office no later than December 30th of the year in advance of the first season of proposed use.

The written leases or written rental agreements shall contain such provisions as the Select Board deem appropriate and consistent with the best interests of the Town of Camden. In each written lease or rental agreement, the particular vessel to be used shall be described specifically and only that vessel shall be operated from that space or from that slip under the terms of that lease or rental agreement.

The Select Board shall not lease or rent to a daysailer with an LOA in excess of 48 feet or a beam in excess of 14 feet, except as stated below. Any vessel that has an LOA of 48 feet may have in addition an extension from

the bow not longer than 8 feet and an extension from the stern not longer than 4 feet for the TVL of not more than 60 feet. Any vessel that is less than 48 feet LOA may increase the bow extension and the stern extension so long as the bow extension is not longer than 8 feet, and the stern extension is not more than 50 percent of the bow extension and the TVL does not exceed 60 feet.

The Harbor Committee will make recommendations about daysailer licenses and windjammer berths based on the characteristics of the vessels, and the ability of the Public Landing Facility to accommodate the vessel's operations, such as:

1. Parking;
2. Number of Passengers;
3. Navigation;
4. Use of the Daysailer Float; and
5. Other Pertinent Considerations.

In reviewing and acting upon any application for lease or rental agreement, the Select Board may among other things consider:

A. The current uses and users of the facility for which the application applies. Preference will be given to current daysailer owners who have abided by the Ordinance.
B. The size of the vessel.
C. The number of passengers, which the vessel will carry, and its schedule.
D. The availability of and effect on parking and traffic.
E. The availability of and need for public utilities.
F. Access to the facility by the vessel.
G. The Select Board may consider the Harbor Committee recommendations for permits.

Section 4. Finger Floats

Assignments to a finger float shall be made by the Harbormaster from a waiting list maintained at the Town Office. Vessels shall not exceed 22 feet TVL. The allowable beam of a vessel in Article V, Section 4 will be at the discretion of the Harbormaster based on consideration of available space and navigation. Finger Floats should be subject to the use limitations set out in Section 6.I.

Section 5. Launching Ramp

The Harbormaster shall have jurisdiction over the municipal launching ramp, located off Steam BoatLanding Road. Vehicles, vessels, trailers and/or cradles shall not be left on the ramp at any time. Vessels shall not be left unattended while attached to the launching ramp floats, except that dinghies, tenders, skiffs, and other watercraft can be regularly tied to the southwest side of the floats in accordance with Article 5, Section 1. Vehicles, trailers, and vessels shall be parked in designated areas in accordance with the Camden Parking Regulations.

Section 6. Moorings

The regulations contained in this section shall be interpreted in a manner which is consistent with the requirements of the U. S. Army Corps of Engineers for federal anchorages and with the requirements of Title 38, M.R.S.A., Section 3, Section 7-A, Section 8, and Section 11.

A. Waiting Lists

All mooring sites, including but not limited to transient moorings, service moorings, and private moorings, shall be under the direct control of the Harbormaster and assigned by him on a first-come, first-served basis to qualified applicants for mooring sites. The assignment of private mooring sites shall be made by the Harbormaster on a one-vessel, one-mooring basis and in accordance with the provisions set forth in this section and consistent with the provisions of Title 38, M.R.S.A. set forth above in this section. Applicants shall be identified on a waiting list by date of receipt of the application. The Harbormaster shall establish two private mooring waiting lists in accordance with this section, as follows:

1. A waiting list for applications when the principal use of the vessel is non-commercial, and;
2. A waiting list for applications when the principal use of the vessel is commercial.

In the event that the Harbormaster receives more applications for mooring sites than there are mooring spaces, then the Harbormaster shall assign the next available mooring site from the applicants on the waiting list, without regard to the residency of the applicant, except as specifically stated in the following provisions of this section. Consistent with policies established by the Select Board, the Harbormaster shall designate certain mooring sites as commercial and certain other mooring sites as non-commercial.

In the event that there are applicants who are non-residents who wish to moor a vessel, the principal use of which is commercial, and in the event that less than ten percent (10%) of the designated commercial moorings are currently assigned to persons fitting this description, then the next mooring available shall be assigned to the first non-resident applicant on the commercial waiting list.

In the event that there are applicants who are non-residents who wish to moor a vessel, the principal use of which is non-commercial, and in the event that less than ten percent (10%) of the designated non-commercial moorings are currently assigned to persons fitting this description, then the next mooring available shall be assigned to the first non-resident applicant on the non-commercial waiting list.

In the event that there are applicants for mooring sites in both the non-residential/non-commercial and non-residential/ commercial categories, and in the event that the assignments of moorings to both of those categories are both below ten percent (10%) of the current assigned moorings, then the next available mooring site shall be assigned to the first applicant in whichever of the two categories is the farthest below ten percent (10%) of current assigned mooring sites.

B. Application

Applications for a mooring site permit shall be made annually and shall contain the information set forth in the Mooring Application Procedure (see Appendix D). At the time of each annual review of mooring

site permits, existing holders of mooring site permits shall be given priority over any other applicants for a mooring site. No existing mooring site permit holder shall lose a current assignment in order to meet the objectives of the non-resident allocation requirements set forth in this ordinance and no other rights shall vest beyond the permit period.

C. Permit

1. It is the responsibility of the applicant to submit the annually or newly approved permit application to the Harbor Clerk, together with all fees due, including any excise taxes or other taxes or charges owed to the Town of Camden or to the State of Maine concerning that vessel. The Harbormaster shall assign a registration number and location for such mooring and advise the applicant concerning the requirements of these rules and regulations. Mooring site permits shall have a duration of one year. The applicant has the option of renting or owning the mooring hardware.

2. No mooring site permit holder shall assign, rent, sub-lease or transfer the mooring site granted herein to any person, or to utilize it for any vessel except the vessel set forth in that permit or except as set forth in this Ordinance. It shall be permitted to rent mooring hardware to the mooring site permit holder, upon request of that holder. At the termination of assignment of any mooring site to an individual, the mooring hardware shall be removed unless the new mooring site permit holder negotiates a rental fee of that hardware with the owner of that hardware, or unless the mooring site permit holder purchases said hardware. In accordance with Title 38, Chapter 1, section 3-A, a mooring assignment may be transferred, only at the request or death of the assignee, only to a member of the assignee's family and only if the mooring assignment will continue to be used for commercial fishing purposes. "Member of the assignee's family" means an assignee's parent, child or sibling, by birth or by adoption, including a relation of the half blood, or an assignee's spouse.

3. Holders of mooring site permits shall be liable for any and all fees, excise taxes, or any other assessments due to the Town of Camden resulting from the use of the mooring site. All fees must be paid in advance in accordance with the payment schedule adopted annually by the Select Board. Failure to remit fees to the Town of Camden at the time those fees are due shall result in forfeiture of the mooring site permit.

4. Moorings shall not be placed, altered or shifted, except with written permission of the Harbormaster. No person shall move or interfere with vessels or moorings belonging to another person, except upon direction of the Harbormaster, or with the permission of the vessel owner with a mooring site permit for that mooring. No person shall move or interfere with any vessel moored in the harbor that has a permit for that mooring site.

5. In circumstances in which the holder of a mooring site permit claims that another individual or vessel has interfered with or encroached upon the use of that mooring site, such complaints shall be made to the Harbormaster. The Harbormaster shall investigate those complaints and, following such investigation, shall assign and indicate to the masters or owners of any such offending vessel, the location that vessel may occupy with reference to the mooring site granted to that vessel.

6. The Harbormaster shall be promptly notified of a proposed change in use or vessel of a mooring site in either the Inner Harbor or the outer harbor, and such change in use or vessel shall be

permitted only upon the written approval of the Harbormaster. Site holders of private outer harbor moorings may allow them to be used by others only with written notice to, and approval from, the Harbormaster as established by administrative procedure. Private Inner Harbor Mooring Floats and outer harbor moorings may be rented through rental agents in accordance with established administrative procedures.

7. Mooring Site & Sale Procedure: See Appendix B

D. Appeals

Any decision, act or failure to act of the Harbormaster concerning the allocation of a mooring site permit may be appealed to the Harbor committee in its capacity as a board of appeals as set forth in Article III, Section 1 of this ordinance. Any such appeal shall be made within 30 days of the date of the decision, act or failure to act which gives rise to the grounds for appeal. Applications for appeal shall be made on forms provided by the Harbor Clerk. Any decision of the Harbor Committee with reference to such an appeal may be appealed by an aggrieved party to the Superior court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

E. Mooring Standards and Inspection

All moorings shall be of sufficient size and configuration to hold the vessel for which it is used. An adequate mooring under this section shall conform to the minimum standards for mooring equipment specified in the Administrative Procedures adopted by the Select Board (see appendix A) and shall conform with any additional standards reasonably specified by the Harbormaster. A mooring tag will be issued only after all items on the application and mooring inspection have been completed (and no later than June 15th annually). All moorings shall have the registration number assigned by the Harbormaster permanently affixed thereon. Such registration numbers shall be clearly visible at all times.

Moorings shall be inspected annually. A list of approved mooring inspectors/divers shall be compiled annually by the Harbormaster and made available to the public. A written mooring inspection report shall be submitted to the Harbormaster by the approved inspector annually. The Harbormaster may at any time examine any mooring or mooring line to determine compliance with this section. Except in the case of emergency, he shall notify the owner of his intention to examine the mooring and request the presence of the owner during such examination. Moorings found to be inadequate with regards to the requirements of this section shall be corrected within 48 hours or removed. Any cost of examination or removal resulting there from shall be borne by the owner of the mooring. Vessel owners and/or mooring owners shall be liable for any damage caused by faulty, inadequate, or improperly placed moorings.

F. Transient Moorings

Transient moorings shall be provided for the use of visiting vessels. All transient mooring sites shall be under the direct control of the Harbormaster and assigned by him on a first-come, first-served basis to qualified applicants. Transient vessels may use these moorings for a maximum period of two weeks (14 nights) per vessel, per season except with the express permission of the Harbormaster.

No less than fifteen percent (15%) and no more than twenty five percent (25%) of the total mooring sites in Camden Harbor shall be set aside for transient and service use. The assignment of transient mooring

sites by the Harbormaster shall be made to commercial marine enterprises or marine dependent businesses. It is required that any commercial marine enterprise being granted permits shall provide:

1. Mooring Reservation System.
2. Greeting and directing incoming vessel by telephone, radio or by vessel, during normal business hours, seven days per week during the summer season.
3. Marking transient buoys with mooring identification number, maximum vessel size and company name.
4. A dinghy float, trash removal andrecycling services, and restrooms.

Such organizations permitted by the Harbormaster to own rental moorings may use these moorings for service purposes during the off-season, September 16th to June 14th.

No private moorings shall be rented without an arrangement with a booking agent. Organizations qualified to be transient mooring owners may act as booking agents for the rental of private Inner Harbor mooring floats and private Outer Harbor moorings. Camden Harbor booking agents shall:

1. Be under the direction of the Harbormaster at all times.
2. Provide a contract form, approved by the Harbormaster, that is acceptable to the participating mooring owners.
3. Be responsible for collection and disbursement of any and all fees associated with a booking under this section.
4. Provide a plan for alternate berthing when the owner returns early,
   indemnify and hold harmless the Town of Camden and each mooring owner from any claims, demands, or liability against the town or against such mooring owner resulting from actions or omissions of the booking agent; and maintain public liability insurance for the benefit of the town and each mooring owner in an amount no less than one million dollars to cover this obligation of indemnification.

No private float or mooring shall be rented for more than 45 days per year or for more than 14 days per season (June 15th to September 15th) to the same vessel without written permission from the Harbormaster.

The following additional provisions shall apply to both transient and service moorings and private moorings rented through agents:

1. Rental mooring organizations shall submit a summary report of annual records through September 15th to the Harbormaster by October 15th of each year and shall maintain a log of all transactions, which shall be available to the Harbormaster on request. Renewal of permits for mooring site locations for transients will depend in part upon past performances with regard to this criteria.

2. Whereas the Army Corp of Engineers expressly forbids profit making from mooring services provided within the Federal Navigation Plan (Inner Harbor), and disapproves of profiting within Army Corps controlled waters (Outer Harbor), mooring rental fees are permitted to cover the cost of these services only.

The Town of Camden may own and rent moorings, or act as a booking agent, either directly through the Harbormaster or via a contractor supervised by the Harbormaster.

G. Service Moorings

Service moorings shall be provided for the purpose of servicing vessels or storing unoccupied vessels. The Harbormaster is in direct control of service mooring sites and will assign said mooring sites on a first come, first served basis to qualified applicants. The maximum length of stay for a vessel on a service mooring shall be 14 days, except with the express permission of the Harbormaster. Service mooring sites shall be located outside the Federal Navigation Plan. Service mooring operators shall maintain a log of mooring use – including vessel name, size, ownership, and reason for moorage – and make the log available to the Harbormaster on request. An annual summary report of mooring use shall be submitted by October 15th.

H. Mooring Floats

1. Mooring float**s** may be moored in the Inner Harbor on a space-available basis, as assigned by the Harbormaster, from a list of Outer Harbor permit holders and Public Landing slip permit holders who have requested placement on that list. The granting of a mooring site permit entitles the holder to one side of a mooring float. No permission for a mooring float shall be allowed by the Harbormaster in the event that the placement of the mooring float interferes with navigation of other vessels, interferes with the use of other mooring sites by vessels with permits, or in the event that the placement of such a float is inconsistent with space management of the Harbor. The Town of Camden may permit mooring floats to be moored in the Outer Harbor only if they support or enhance the use of Town owned property.

2. The dimensions of a mooring float shall be 6 feet x 30 feet. a mooring float shall be treated as an extension of the mooring gear and mooring hardware. All mooring floats shall be inspected annually prior to June 15th, and mooring site permit holders shall be responsible for completing all necessary repairs on the mooring and float prior to a written report submitted by his/her appointed agent to the Harbormaster or to the Harbor Clerk. Apportionment of expenses for float construction and float and mooring gear maintenance shall be divided equally among mooring site permit holders using the float. No buildings or structures shall be permitted on any floats.

3. Applications for a site for a mooring float shall be submitted to the Harbormaster on forms provided by the Harbormaster. In addition to any information reasonably requested by the Harbormaster, the application form shall be accompanied by a Mooring Float Agreement between parties sharing the use of a mooring float, in the form attached hereto as Appendix I, which is incorporated hereto as if fully set forth. That agreement shall include a provision that states that a party ceasing to use that mooring float or terminating the use of that mooring float shall remain responsible for that party's share of fees or expenses of maintenance concerning that mooring float and gear. Such responsibility shall continue until that mooring float and gear is removed from that mooring site or until another party has assumed the use of that mooring float and gear and has agreed to pay any outstanding fees or expenses for maintenance associated with that mooring float and gear. No application for mooring float site shall be accepted by the Harbormaster unless the application is accompanied by the signed agreement.

4. In the event that a person ceases to use a mooring float, or the use otherwise terminates, then the purchase price of that person's share of the mooring float and gear shall be disclosed, in writing, to the Harbormaster and that purchase price shall not exceed one half of the current fair market

value of that mooring float and gear as determined by the Harbormaster. In order to ensure maximum usage of mooring floats in the Inner Harbor, the Town of Camden shall have the right of first refusal for any mooring float that becomes available for sale.

5. In the event of a dispute by mooring site permit holders with an approved mooring float and gear concerning the refusal or failure of a person sharing that float to pay a proportionate share of maintenance, taxes or harbor fees owed by owners for that float and gear, the Harbormaster shall be advised of such a dispute. In the event of non-payment of those shares of maintenance, taxes or harbor fees, the Harbormaster shall have the authority to terminate the mooring site permit and to re-assign that site to another mooring site permit holder.

No vessels under 22 feet TVL, or over 42 feet TVL or with a beam exceeding 14 feet shall be secured to a mooring float, in the inner harbor.

I. Mooring and Mooring Float Usage

Site holders of private moorings may not reassign their moorings but may allow them to be used by others with written notice to, and written approval from the Harbormaster. Normal use of private moorings is defined as 45 nights of occupancy by the vessel that belongs to the site holder of that mooring or float during the June 15 to September 15 season. Owners are required to keep a log of occupancy that shall be made available upon request by the Harbormaster. Exceptions to the 45-night occupancy may be made with prior notice to the Harbormaster, who may request voyage documentation.

A mooring or float site holder may receive a one-year grace period from this occupancy requirement but must give the Harbormaster notice of such non-use prior to June 15th of that year, and must permit the Harbormaster to assign use of that mooring or float for the season. If a vessel is sold, the site permit holder shall have a one-year grace period starting on the date of the sale. The Harbormaster will assign such use to the first willing party on the pertinent waiting list with an appropriate size vessel. The owner of the mooring or float gear may charge the temporary user for annual fees and for appropriate maintenance costs as determined by the Harbormaster. The temporary user will assume all liability associated with the mooring or float, will be responsible for leaving it in the condition found, and will be subject to the 45 day occupancy rule. The temporary user requirement may be guaranteed by a security deposit with the approval of the Harbormaster and failure to observe these requirements may result in loss of waiting list status. Any person not planning to use a mooring for more than three days is encouraged to notify the Harbormaster in order to utilize mooring space to the highest possible degree.

The name of any mooring or float permittee under this ordinance who:

4. While in good standing and compliance with all other provisions of this ordinance voluntarily relinquishes a permit by means of a formal written release in a form approved by the Harbormaster; and

5. Desires to remain on the waiting list for the same type of permit as being relinquished for possible future reapplication, and

6. Meets all of the requirements applicable to being maintained on the waiting list, including payment of the annual fee therefore, but excepting the requirement of maintaining an outer harbor mooring site.

7. Shall hereafter be referred to as “volunteer” and be entitled to priority ranking on that waiting list. As permits become available they shall be first offered to those volunteers who shall have been so ranked in reverse order of listing such that the names of volunteers who have remained continuously on the list for the longest period of time as measured from the date added to the list shall have right of first refusal with respect to applying for any such available permit. In the event there are no such volunteers, or all such volunteers have declined an offer to apply for a permit which has become available, the list shall be addressed by the Harbormaster in the usual manner. No volunteer shall be eligible for consideration under this section until the name of such volunteer has remained on the waiting list for longer than one year from the date of signing the release.

J. Riparian Owner Moorings

Consistent with the provisions of Title 38, M.R.S.A., Section 3, the Harbormaster shall assign one mooring site to each riparian owner who, prior to January l, l987, owned shore rights of at least l00 feet of frontage, so long as the assignment of such a mooring is practicable and so long as that riparian owner is the owner of a vessel . Such mooring site shall be either temporary or permanent, as requested by the riparian owner, and such mooring site shall front the land of the riparian owner, if so requested, but only in the event that such a mooring site does not encroach upon the natural channel or channels established by the Select Board. The assignment of this mooring site, under the privilege set forth in Title 38, M.R.S.A., Section 3, shall not prevent the riparian owner from receiving additional mooring assignments under the allocation system for other moorings set forth in this section of the ordinance.

K. Prohibitions and Violations

No person shall moor a vessel to any buoy or beacon placed by the Town of Camden to define the channel of vessels, or in any manner make the vessel fast thereto.

Upon the first violation of any provision of this Ordinance concerning use of moorings or mooring sites, the Harbormaster may issue a written warning to a vessel and mooring site holder.

The Harbormaster shall have the authority to remove mooring gear that is in channels or otherwise impedesnavigation, or that remains in violation of the regulations and provisions of this Ordinance. Any such removal shall be at the expense of the owner, and the Harbormaster shall have the authority to collect those expenses in connection with such removal by a complaint in the District Court. In addition, the offending person shall be subject to the penalties set forth in Article VII of this Ordinance.

Mooring site holders shall be responsible for moving or removing all mooring gear upon notification from the Harbormaster in order to facilitate Corps of Engineers hydrographic survey and/or maintenance dredging operations within the Federal Navigation Project.

ARTICLE VI

REGULATIONS CONCERNING CONSTRUCTION OF PIERS, WHARVES, BREAKWATERS, BULKHEADS, AND LANDFILL

Section 1. Inner Harbor

No piers, wharves, bulkheads, marine railways, mobile vessel hoists, private breakwaters, or any structure requiring a permit shall be permitted in the Inner Harbor, except as permitted below.

A. Piers or wharves, or a combination of both, and mobile vessel hoists may be constructed subject to the following limitations:

1. No pier, wharf, pilings, or combination thereof, except pilings at the Public Landing that are municipally owned, shall extend beyond the wharf line as defined in these rules and regulations.

2. No wharf walkway shall exceed 12 feet in width and shall not extend beyond the wharf line.

3. No pier walkway shall exceed 12 feet in width and shall not extend beyond the wharf line.

4. If a wharf is used to connect two contiguous parcels of land in the same ownership that are separated by a brook; then the landowner of those two parcels shall be permitted to construct a wharf 12 feet wide for each parcel of land, but both 12 foot wide wharves shall be contiguous. Each of said wharves or the combination of both wharves, if the landowner elects to construct two wharves, shall not extend beyond the wharf line as depicted on Map B of the Official Zoning Map of the Town of Camden, and each wharf, or the combination of both wharves so permitted, shall not be closer than 6 feet from any Town street line. The landowner shall, nonetheless, comply with the application procedures and approval process of Article VI, Section 6 of these harbor Rules and Regulations.

5. In order to assure adequate berthing or docking alongside, piers shall not be constructed within 40 feet (horizontal distance) of an existing pier; and if more than one pier is to be constructed on property in the same ownership, the piers shall be separated by a minimum of 40 feet (horizontal distance).

6. The height of any pier walkway or wharf walkway above mean high water shall not exceed 6 feet.

7. Fender pilings, bollards, railings, or other accessory structures which extend above the walkway of a pier or wharf shall be limited to a height of 6 feet above the walkway. Railings shall be substantially open in construction to minimize visual interference from both shore and water.

8. No structures shall be permitted on piers, wharves or breakwaters except as temporary structures and permanent non-building type structures allowed under the regulations of the Zoning District.

9. Where a lot in a business district abuts a residential district, a wharf or pier shall be set back 10 feet from the line between the two districts.

10. Ramp platforms shall not exceed 20 square feet in area and shall not extend more than 4 feet beyond the wharf line as measured from the outside face of the piling. Ramp platforms shall be limited to one ramp platform in each 100 foot segment along the face of a wharf or pier and no closer than within 50 feet of any existing ramp platform as measured on either side. Construction of a ramp platform within the meaning of the subsection requires a permit under the terms of Article VI, Section 6 of this Harbor Ordinance.

11. A mobile vessel hoist may be constructed subject to the following requirements:

A. The mobile vessel hoist (including any attached floats and ramps) may extend seaward beyond the wharf line, but not greater than 130 feet from mean low water and provided that the mobile vessel hoist shall not extend into any navigational channel nor if applicable extend into the Outer Harbor at a greater distance than a line drawn 30 feet perpendicular to the Outer Harbor line dividing the Inner Harbor from the Outer Harbor;

B. The width of the mobile vessel hoist (including any attached floats and ramps) shall not exceed 60 feet in the Inner Harbor and shall not exceed 52 feet in the Outer Harbor;

C. The height of the pier for the mobile vessel hoist shall not be greater than 6 feet above mean high water;

D. No vessels or other vessels shall be attached to the end of the pier for the mobile vessel hoist in such a fashion as to cause the vessel or vessel to extend further seaward than the end of the pier for the mobile vessel hoist, except while in the process of being launched or hauled.

12. There shall be no landfill beyond the harbor line .

13. There shall be no breakwater constructed within the Inner Harbor.

14. New bulkheads shall not be constructed beyond the harbor line; however, existing bulkheads that extend beyond the harbor line may be repaired or replaced subject to the necessary Town, State, and Federal licenses, permits, rules and regulations.

Section 2. Outer Harbor

No piers, wharves, bulkheads, marine railways, mobile vessel hoists, private breakwaters, or any structure requiring a permit shall be permitted in the Outer Harbor, including Sherman Cove, except as permitted below:

A. Wharves may be constructed provided:

1. The wharf shall not project more than 12 feet beyond the harbor line, or extend beyond mean low water, whichever is less.

2. The wharf walkway height above mean high water shall not exceed 5 feet and the width shall not exceed 12 feet.

B. Pilings may be driven only for the purpose of supporting an approved pier or wharf. Fender pilings, bollards, railings or other accessory structures which extend above the walkway of a pier or wharf shall be limited to a height of 6 feet above the walkway. Railings shall be substantially open in construction to minimize visual interference from both shore and water.

C. Piers may be constructed subject to the following limitations:

1. The length of the pier shall not exceed 100 feet (as measured from the harbor line) or shall not extend beyond mean low water, whichever is less.

2. The height of the pier walkway shall not exceed 6 feet above mean high water.

3. The overall width of the pier shall not exceed 6 feet including all rails and supports at the pier walkway. The overall width of the granite or stone supports shall be in conformance to standard engineering practice.

4. No pier shall be constructed within 30 feet horizontal distance of the point where the property line intersects the harbor line.

5. No pier shall be built within 300 feet as measured along the shoreline from an existing or from an approved pier, wharf or breakwater.

6. No structures shall be permitted on piers, wharves or breakwaters except as temporary structures and permanent non-building type structures allowed under the regulations of the Zoning District.

7. Municipal piers and municipal launching ramps shall be exempt from (4) and (5).

8. No piers, wharves, pilings, bulkheads, marine railways, mobile vessel hoists, or any structure requiring a permit shall be constructed within that area of Sherman Cove which lies northerly of a line commencing at a point on the shore where the northerly line of Marine Avenue intersects the harbor waters to a point on the easterly shore of the cove where the northerly line of Sherman Point Road intersects the harbor line.

9. No bulkheads or breakwaters shall be constructed in the Outer Harbor beyond the harbor line.

10. No mobile vessel hoist shall be constructed or installed in the Outer Harbor except as stated in Article VI, Section 1, A, (11).

D. Municipal Piers, Wharves, and Launching Ramps may be constructed provided:

1. Any municipal pier at Steam Boat Landing shall not exceed 320 feet in length (as measured from the harbor line**)** and the width of the pier walkway shall not exceed 50 feet.

2. Municipal piers built elsewhere in the Outer Harbor shall not exceed 150 feet in length (as measured from the harbor line) and the width of the pier walkway shall not exceed 16 feet.

3. Floats shall be of size and construction needed for municipal piers, wharves and launching ramps.

4. The height of the pier walkway shall not exceed ten feet

5. Pilings or structures necessary for securing floats adjacent to municipal piers, wharves and launching ramps shall be permitted.

Section 3. Coastal Harbor

No piers, wharves, bulkheads, marine railways, mobile vessel hoists, private breakwaters, or any structure requiring a permit shall be permitted in the Coastal Harbor except as permitted below.

A. Fender pilings, bollards, railings or other accessory structures which extend above the walkway of a pier or wharf shall be limited to a height of 6 feet above the walkway. Railings shall be substantially open in construction to minimize visual interference from both shore and water.

B. Wharves may be constructed in the Coastal Harbor area provided:

1. The wharf shall not extend more than 12 feet into the waters beyond the harbor line, or to mean low water, whichever is less.
2. The length of the wharf along the shore shall not exceed 40 feet or one-half the width of the upland lot, whichever is less
3. The height of the wharf walkway above mean high water shall not exceed 10 feet.

C. Piers may be constructed provided:

1. The length of the pier shall not exceed the shorter distance of the following:

A. 150 feet (as measured from the harbor line), or

B. To a point where the depth of the water at the end of the pier at mean low water does not exceed 6 feet.

2. The height of the pier walkway shall not exceed 10 feet above mean high water.

3. The overall width of the pier shall not exceed 6 feet including all rails and supports at the pier walkway. The overall width of the granite or stone supports shall be in conformance to standard engineering practice.

Section 4. Consolidated Piers

Consolidated piers, as defined herein and in the Zoning Ordinances, may be constructed on the Outer Harbor and Coastal Harbor areas provided:

A. The consolidated pier shall not exceed 150 feet in length (as measured from the harbor line) or to a point where the depths of water at the end of the consolidated pier at mean low water is not more than 6 feet, whichever of the two measurements is less.

B. Participating property owners shall have combined continuous, contiguous frontage of at least 600 feet.

C. No consolidated pier shall be constructed within 300 feet as measured along the harbor line from an existing or from an approved consolidated pier, wharf, breakwater or other similar construction.

D. The consolidated pier shall not be constructed within 30 feet (horizontal distance along the shoreline) of the exterior property lines of the combined properties, as the consolidated pier intersects the harbor line.

E. The height of the consolidated pier walkway above mean high water shall not exceed 6 feet above mean high water in the Outer Harbor and 10 feet above, mean high water in the Coastal Harbor.

F. Fender pilings, bollards, railings or other accessory structures which extend above the walkway of a consolidated pier or wharf shall be limited to a height of 6 feet above the walkway. Railings shall be substantially open in construction to minimize visual interference from both shore and water.

G. The width of the consolidated pier shall not exceed 6 feet including all rails and supports at the pier walkway.
The overall width of the granite or stone supports shall be in conformance with standard engineering practice.

H. Construction of a consolidated pier shall not be such as to substantially impede the public's right of passage over the shores and flats.

I. Where two or more property owners combine to participate in a consolidated pier under this provision, common use easements shall be provided for the use of the pier.

J. Pier rights on properties contributing to a consolidated pier shall be relinquished by the property owners in a written statement.

K. Recordable instruments or agreement on cross easements shall be submitted with the application and certified by the applicant(s) in writing to the Planning Board.

Section 5. Permit Approval Requirement

No mobile vessel hoists, piers, wharves, bulkheads, breakwaters, marine railways or other structures shall be constructed, enlarged or improved except upon approval and issuance of a permit in accordance with Section 6 of these Harbor Rules and Regulations.

Section 6. Procedure for Permit

A. Any construction, renovation, or improvement of a mobile vessel hoist, pier, wharf, bulkhead, breakwater, marine railway or other structure shall require an application to the Code Enforcement Officer of the Town of Camden. Written application shall include the following information:

1. Evidence of submission of application for applicable State and Federal licenses, permits and approvals.

2. Evidence of submission of application for applicable Army Corps of Engineers licenses, permits and approvals.

3. A site plan, stamped and sealed by an engineer, registered in the State of Maine, at a scale of not greater than 1 inch to 20 feet. The plan shall show:

A. The length and width of the proposed project.
B. The harbor line and wharf line, mean high water and mean low water.
C. Side property lines as extended from the upland across the shores and flats.

4. An elevation showing the height of the structure in relation to mean high water and mean low water.

5. A pier or wharf section.

6. A plan showing the location and type of lighting.

B. A permit under this section shall not be issued by the Code Enforcement Officer until all applicable State and Federal licenses, permits and approvals and local approvals under this section have been received.

C. The Code Enforcement Officer shall review the application for compliance with paragraph (A) above and the applicable requirements of the Town of Camden 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 10 business days to the Harbor Committee. The Harbor Committee shall within 10 business days of the date of receipt, convene a meeting for review of the application. The review and comments of the Harbor Committee shall be in writing, shall specifically address the standards in Article VI, Section 6, shall state the reasons for the comments and shall be forwarded to the Select Board for their review and action.

D. Upon receipt of the review and comments of the Harbor Committee, the Select Board (after a public hearing) shall either approve, approve with conditions or disapprove the proposed project, in accordance with the standards of Article VI, Section 6, of these Harbor Rules and Regulations.

1. If disapproved, the disapproval shall be in writing and shall include the reasons for disapproval.

2. If approved, the approval shall be in writing and shall not be effective until approval by the Planning Board under site plan review.

E. The application, together with the action taken by the Select Board, shall be returned to the Code Enforcement Office within 60 days of the date that the application was determined to be complete unless otherwise mutually agreed to by the applicant and the Select Board.

F. The Select Board shall review the project for compliance with the applicable provisions of the ordinance set forth therein above and, in addition thereto, the following standards. The Select Board, as part of its review, shall hold at least one public hearing

1. The Inner Harbor

That the proposed project will not:

1. Encroach into, interfere with, or pose a hazard to navigational channels.

2. Substantially interfere with access to and from existing mooring and berthing areas for both commercial and recreational uses.

3. Substantially displace or eliminate the existing mooring and berthing areas, both public and private, commercial and recreational.

4. Substantially interfere with public access to and use of the Harbor waters.

2. The Outer Harbor and Coastal Harbor

That the proposed project will not:

A. Interfere with, or pose a hazard to, the navigational channels between the Inner Harbor and the bay and from the public vessel ramp to the main channel.

B. Substantially eliminate or interfere with existing and designated mooring and anchorage areas and access thereto.

C. Substantially reduce or interfere with existing shell fishing and clamming areas, and access thereto.

D. Interfere with public vessel launching and pier facilities.

E. Substantially block or interfere with public rites of passage and uses of the shores and flats.

F. Adversely affect small recreational boating activities to a substantial degree.

G. Construction of approved projects shall commence within one year from the date of approval by the Select Board and shall be completed within two years from the date of issuance of the building permit.

H. The decision of the Select 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.

I. Notwithstanding the above provisions of Article VI, Section 6, regular maintenance and emergency repair of piers, wharves, mobile vessel hoists, breakwaters, or bulkheads, as defined below, shall not require a permit under the Harbor and Waterways Ordinance, except as stated expressly in the following paragraphs of this provision.

In the event that regular maintenance or emergency repairs to piers, wharves, or mobile vessel hoists require the removal of existing pilings and the replacement of those pilings along the outermost side of the pier or wharf facing the waters of the harbor, then the person causing such normal maintenance or emergency repairs shall submit to the Code Enforcement Officer a site plan, stamped and sealed by an engineer, registered in the State of Maine, at a scale of not greater than one inch to twenty feet, which shows specifically the location of existing pilings and decking for the pier, wharf, or mobile vessel hoists and the proposed locations of new or replacement pilings and decking in connection with such normal maintenance or emergency repairs.

Any person causing such normal maintenance or emergency repairs shall submit to the Code Enforcement Officer, together with the building permit application for such work, required by the Camden Zoning Ordinance, a description of the work for such normal maintenance or emergency repairs which provides the Code Enforcement Officer with sufficient information to determine whether the proposed project conforms with the meaning of “regular maintenance” or “emergency repairs” as set forth in this provision.

In the event that the Code Enforcement Officer determines that insufficient information has been provided by the applicant for the building permit, the Code Enforcement Officer can request additional information,

If the Code Enforcement Officer determines that the applicant for the building permit proposes to perform work that does not constitute regular maintenance or emergency repairs, then the Code Enforcement Officer shall direct that applicant to obtain a permit in accordance with the provisions of Article VI, Section 6 of this Ordinance. If, after following the normal permit review procedure as described in Article VI, Section 6, the Select Board concludes that the permit requested is for work that does not constitute regular maintenance or emergency repairs, the Select Board shall treat the request as if it were for a new structure or facility, and shall deny the permit if the type of structure or facility proposed is prohibited in the subject area of the harbor.

The person causing regular maintenance or emergency repairs shall take photographs of that maintenance or repair, both before and after the completion of work. Such photographs shall be submitted to the Code Enforcement Officer and retained as a permanent record with a copy of the building permit delivered to the Harbormaster.

For purposes of this provision, regular maintenance shall mean restorative work, including replacing decking, and refurbishing of portions of the decking or pilings of wharves, piers, or mobile vessel hoists for the purpose of preserving those structures and maintaining the structural integrity of those structures and in order to counteract the effects of usual wear and tear caused by the use of those structures in marine related activities.

For purposes of this provision, emergency repairs shall mean replacement and relocation of pilings, decking, or underpinning replacement which requires rapid action in order to avoid a dangerous condition which threatens life or injury to any person or which threatens property damage; emergency repairs shall include, by way of illustration, repairs arising out of storm damage, fire, and the threat of imminent collapse of a pier, wharf, or mobile vessel hoist.

Section 7. Landfill

There shall be no landfill beyond the harbor line in any of the harbor areas, except as may be required for the proposed construction of a municipal pier or municipal vessel launching ramp in the outer harbor.

Section 8. Floats and Ramps

Floats and ramps attached to piers, wharves, bulkheads, or breakwater shall be approved in writing by the Harbormaster in the event that the standards are met by the applicant as follows:

A. The Inner Harbor

1. Combination of vessels, floats and ramps shall be permitted up to 40 feet from the wharf line provided such combination is consistent with standards as determined by the Harbormaster set forth in Article VI, Section 6(F), for the Inner Harbor.

2. Combinations of vessels, floats and ramps extending more than 40 feet beyond the wharf line shall be consistent with the standards as determined by the Harbormaster as set forth in Article VI, Section 6, (F) for the Inner Harbor and shall require the written permission of the Harbormaster.

3. No buildings or structures shall be permitted on any floats.

4. Municipal piers and municipal launching ramps shall be exempt from Sections (1) and (2).

B. The Outer and Coastal Harbor

1. A float with connecting ramp may be extended to no more than 50 feet beyond the end or outer edge of the pier, wharf, breakwater or bulkhead as measured to

the outside edge of the float, provided said float and ramp arrangement is consistent with the standards set forth in Article VI, Section 6, (F).

2. In the Outer Harbor, the float shall not exceed 240 square feet in area and no dimension shall exceed 30 feet. In the Coastal Harbor, the float shall not exceed 360 square feet in area and no dimension shall exceed 30 feet.

3. No buildings or structures shall be permitted on the floats.

4. Municipal piers and municipal launching ramps shall be exempt from (1) and (2).

Section 9. Marine Railways

A. Alteration and/or renovation of existing marine railways is permitted in both the Inner Harbor and Outer Harbor upon application for a permit and approval of that permit in accordance with procedures of Article VI, Section 6 of these Harbor Rules and Regulations provided, however, that the Select Board approves that project in accordance with the following standards:

1. That alterations and/or renovations, and the subsequent use thereof, will not adversely affect the standards of the Inner and Outer Harbor as set forth in Article VI, Section 6 above, and;

2. That the alteration and/or renovation have been approved by the appropriate State and Federal Agencies.

3. A repair that does not require the State Department of Environmental Protection and/or U.S. Army Corps of Engineers permits or licenses shall not require a permit under these Rules and Regulations.

ARTICLE VII PENALTY

The master, owner or owners of any vessel, vessel or raft, or any other person who shall violate any of the provisions of this ordinance, for which a specific penalty is not set forth herein, or for which a specific penalty is not otherwise provided by the laws of the State of Maine, shall be subject to the monetary penalties set forth in Title 30-A, M.R.S.A., Section 4452, which includes, without limitation, a minimum penalty for a specific violation in the amount of $l00.00 and a maximum penalty for a specific violation in the amount of $2,500.00. Such penalties shall be recoverable in the District Courts or Superior Court of the State of Maine in accordance with Title 30-A, M.R.S.A., Section 4452, as amended from time to time.

Violations of this ordinance which also constitute violations of the laws of the State of Maine with regard to speed restrictions, operation of a vessel so as to endanger persons or property, reckless operation of a vessel, and operation of a vessel under the influence of drugs or liquor, which such restrictions are set forth in Title 38, M.R.S.A., Section 285, shall be subject to the penalties set forth in state law.

In addition to the monetary penalties set forth herein, a violator of this ordinance shall also be subject to an order of abatement of the violation as set forth in Title 30-A, M.R.S.A., Section 4452, as amended from time to time; and that violator shall further be subject to an action by the Town of Camden, in a court of competent jurisdiction, for injunctive relief in order to prevent or abate violations of this ordinance.

ARTICLE VIII SEPARABILITY

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions.

APPENDIX A

Mooring Specifications for Camden Harbor

All moorings shall meet the minimum standards as set below prior to placement. These standards are set for normal weather conditions. In the event of gale winds or stronger and/or extreme tides, it is the mooring owner's responsibility to ensure certain precautions are taken. The Town of Camden realizes that mooring loads are variable, that it is impossible to say that all vessels of equal length require the same size mooring, and such standards cannot be applied to all vessels. The Harbormaster or it's designee, reserve the right to require a vessel owner to increase the minimum mooring standard for any vessel should they feel the minimum standard would be inadequate for the vessel because of unusual design, such as but not limited to excessive weight, wind age, or draft.

Furthermore, the Town of Camden shall not be held liable for any damage inflicted if a minimum standard mooring fails. The safe serviceable condition and adequate size of all mooring equipment is the ultimate responsibility of the mooring permit holder. The prudent seaman rule shall apply.

Minimum Mooring Specifications

Vessel Length	Granite Dry Weight	Bottom & Top Chain		Pennant Size
0-16	1000 #	½"	3/8"	½"
17-22	2000 #	¾"	3/8"	½"
23-30	4000 #	1"	½"	5/8"
31-40	5000 #	1"	½"	¾"
41-50	6000 #	1"	5/8"	1"
51 +	Harbormaster Approval			

All granite moorings shall have a minimum staple diameter of 1".

All Moorings

Any mooring other than a granite block shall be at the Harbormasters discretion.

The bottom chain length shall be 5' more than the depth at mean low water (MLW) and the top chain length shall be to the depth at mean high water mark (MHW). When a mooring site is at deeper water than 15' mean low water (MLW), the length of bottom chain shall be at least 20' and the combined chain length will equal the depth of mean low water (MLW) plus depth of mean high water (MHW).

All chain and connecting shackles shall be of USA manufacture and shackle pins shall be secured with multi-strand SS wire. All shackles shall be a minimum of one size larger than the chain it is attached to.

Pennants shall be made of nylon or Harbormaster approved type line and shall have proper chafe gear. The pennant length shall be two times the height from the bow chock to the water, plus the distance from the chock to the cleat on deck.

Mooring buoys shall be inflated, formed, molded or fabricated from styrofoam, rubber, plastic or fiberglass and shall be a minimum of 18 inches in diameter.

All transient/service moorings shall be white and marked with the owner's identification, mooring number and maximum vessel length.

All private moorings shall be marked with the vessel name and mooring number.

The use of wood mooring spars is prohibited.

Winter mooring markers shall not be installed prior to September 15th and must be removed prior to June 15th.

Inner Harbor

Inner Harbor Mooring Floats shall be moored fore and aft by two 4000-pound blocks with 1-inch staples, 45 feet of 1-inch bottom chain, to a ¾-inch single or 1 5/8 inch bridle top chain on each end.

Numbers assigned by the Harbormaster shall be affixed to both ends of the float.

This administrative procedure was approved by the Select Board on September 15, 2003, with an effective date of November 5, 2003, and amended on March 16, 2010. It replaces "The Minimum Standards for Mooring Equipment", dated July 17, 1991. (need to change date when approved)

APPENDIX B

Mooring Sale and Site Assignment Procedure

MOORING SITE: A specific point on the ocean bottom in a mooring area assigned by the Harbormaster.

MOORING GEAR: Any apparatus placed on the harbor bottom under the direction of the Harbormaster for purposes of securing a vessel. Such apparatus includes mooring gear and mooring hardware and is not carried aboard a vessel as regular equipment

PART I – Mooring Gear Seller

1. You must first remember that you are selling mooring gear only and not the assigned mooring site it occupies.

2. Mooring sites are assigned by the Harbormaster on a first-come, first-served basis and in accordance with vessel size and length.

3. The new mooring site holder does not have to buy your mooring gear.

4. You may rent your mooring gear to the new mooring site holder.

5. Following written notice from the harbormaster, moorings Will be removed within 14 days at seller's expense, put ashore on the east side of the public launching ramp at least 30 feet from the paved ramp area and above the low water mark and marked for identification by harbormaster. .

6. Mooring gear left over 60 days at the mooring gear storage area will be considered abandoned and disposed of by the Harbormaster.

7. The name of the new mooring site holder will be given to you and your name will be given to the new mooring site holder for sale of your mooring gear. Please remember that the new site holder is not obligated to buy your mooring gear.

PART II – New Mooring Site Permittee

1. You have 14 days from the date of notification from the Harbormaster advising you of the availability of a mooring site to decide if you want the mooring site and 30 days to complete the transaction.

2. You must provide mooring gear for the site in accordance with the minimum standards established such for Camden Harbor.

3. You are not obligated to buy or rent the previous mooring site holder's mooring gear, but you may choose to buy or rent mooring gear from the previous site holder. His/her name will be provided to you and your name to him/her.

This administrative procedure was approved by the Select Board on (NEED TO PUT DATE IN), with an effective date of(NEED TO PUT DATE IN). It was originally dated July, 1993.

APPENDIX C

Inner Harbor Mooring Float Specifications and Procedure

1. Floats will be positioned according to the Inner Float Plan, developed by the Harbor Committee (see appendix H).

2. Adjustments to the Float Plan may be made by the Harbormaster as needed, as long as no float is moved outside the footprint permitted by the Corp of Engineers on 11/2/1992.

3. Additional floats may be added to the Inner Harbor Float Plan by the Harbormaster, with approval of the Select Board.

4. The maximum 30-foot by 6-foot size of floats, and the maximum 42-foot TVL by 14-foot beam and minimum 22-foot size of vessels tied to them, is prescribed in the Harbor and Waterways Ordinance.

5. Each float must be moored south and north to granite mooring stones each of which weighs a minimum of 2 tons with a minimum 1-inch staple, and moorings may be shared.

6. The Harbormaster will specify the location of all moorings and the total length of chain from mooring stone to float.

7. Bottom chain shall be minimum 1-inch chain with a minimum length of 45 feet. Top chain shall be either a single ¾-inch chain with 7/8 inch shackles or a bridle composed of two separate 5/8 inch chains and ¾ inch shackles. All top chain shackles are to be U.S. made, and all top chains U.S. made and of long link, "mooring" style.

8. Top chain lengths will be specified by the Harbormaster, and no extra slack will be allowed, but owners are encouraged to leave some extra chain hanging past the float shackle so that adjustments can be made at the direction of the Harbormaster.

9. Where bottom chains cross, the south headed chain will be led on the west side of the crossing.

10. All floats, chains, and moorings will be subject to regular inspection as set out in the Ordinance or other administrative procedures.

11. No buildings or structures shall be permitted on any floats.

This administrative procedure was approved by the Select Board on September 15, 2003, with an effective date of November 5, 2003.

APPENDIX D

Mooring Application Procedure

Pursuant to Article V, Section 6, of the Harbor and Waterways Ordinance, the Select Board hereby adopts the following administrative procedure concerning the time period for application for a position on the mooring site permit waiting list and the information which shall be set forth in that application:

1. No later than January 1st of each year, the Harbor Clerk or the duly appointed agent of the Harbor Clerk shall send a written notice to each person who was on the waiting list for a mooring for the prior year notifying that person that an application for a mooring site permit must be filed, on a form provided by the Town office, no later than January 31st for that year. The form provided by the Town office shall include the mailing address and legal address of the applicant, an indication whether the applicant wishes to be placed or retained on the waiting list, the type of mooring; that is, finger float, Inner Harbor Float Inner Harbor Mooring Float or mooring, for which the application is submitted and information about the boat vessel that will use the mooring site. The application must be signed by the applicant. The application shall contain other information requested by the Harbor Clerk.
The written notice shall be sent to anyone who has been placed on the waiting list during the prior year for a mooring site.

The application shall be accompanied by an application fee to cover the cost of mailing and other administrative costs.

2. In the event that a person to whom notice has been sent as set forth above fails to respond on or before January 31st then on February 1st, the Harbor Clerk or the designated agent of the Harbor Clerk shall send a second written notice, by certified mail, with return receipt requested, mailed to the last known address of the person on the waiting list for a prior year. This notice shall notify that person that an application for a mooring site permit on a form approved by the Town office must be received by the Harbor Clerk by March 1st, accompanied by the application fee and an additional late fee as set forth in the Harbor Fee schedule approved by the Camden Select Board.

3. In the event that the person to whom a certified letter is sent, as set forth above, fails to file an application together with the fees set forth by March 1st, then the person on the waiting list from a prior year failing to respond shall be removed from the waiting list.

This administrative procedure was approved by the Select Board on September 15, 2003, with an effective date of November 5, 2003and amended on April 29, 2008. It was originally approved on April 6, 1998.

APPENDIX E

Memorial Bench Policy

New Memorial Benches**:**

In 2001, there was room at the Public Landing for approximately 12 new memorial benches. The Harbor Committee proposed that the new benches were separate from the existing ones and that the Town should expeditiously solicit donations for them as follows:

1. Each bench will be six feet long and similar in construction to the present memorial benches.

2. Each bench will include one engraved plank with up to 40 letters inscribed "In memory of…", "Dedicated to…", "Courtesy of…", "A gift from…", or similar. Extra lettering that can fit on the plank will be charged extra.

3. The Harbor Committee reserves the right to approve proposed text.

4. The donor will pay fees for the cost of the bench and a 10-year maintenance plan as set forth in the annual harbor fee schedule.

5. In the spring of the 10th year, the owner will be notified and offered the opportunity to continue maintaining the bench at an annual fee set forth in the harbor fee schedule. Donors who do not wish to continue a maintenance plan may ask to have the bench returned to them during the winter of the 10th year.

6. Donors will be responsible for keeping an active address on file with the Camden Harbor Clerk. Donors who fail to respond to a maintenance renewal notice within 90 days will forfeit their right to their bench.

7. Public notice will be made when there is space available for new memorial benches, and applications collected for 60 days. Each donor is limited to one application. If there are more applications than spaces available, the Harbor Committee will choose applications by lottery.

8. The Harbor Committee reserves the right to approve applications, with the criteria being a satisfactory demonstration of association with the Town of Camden.

9. The Harbor Committee also reserves the right to place "orphan" benches into the Sponsor a Bench program.

10. The town reserves the right to terminate the memorial bench program at any time, returning the benches to their donors and refunding maintenance monies on a prorated basis.

Existing Memorial Benches as of 2001:

There were 20 existing memorial benches at the Public Landing in 2001 when these procedures were originally adopted. The town did its best to identify the donors of those benches, and to give them an opportunity to sponsor the ongoing maintenance of those benches at fees set forth in the annual harbor fee schedule. As with new benches, donors are responsible for keeping an active address on file with the Camden Harbor Clerk, and donors who fail to respond to a maintenance renewal notice within 90 days will forfeit their right to their bench. As of June 1, 2008, any of the existing original benches that do not have sponsored maintenance will be deemed abandoned, but may also be eligible for placement into the Sponsor a Bench program.

Sponsor a Bench Program:

The Sponsor a Bench Program is designed to provide a way for citizens of Camden to preserve enduring symbols of Camden Harbor's history by sponsoring named benches that no longer have sources of funding. While the Harbor Committee will decide which benches will go into the Sponsor a Bench program, the program itself will be administered by the town office.

When the regular sponsorship period of a bench ends, the town will notify the original sponsors of their choices.

1. They can continue sponsoring the bench by paying to the town an annual maintenance fee set forth in the fee schedule.
2. They can have the bench returned to them at a location in the Camden area.
3. They can ask that the bench go into the Sponsor a Bench Program.

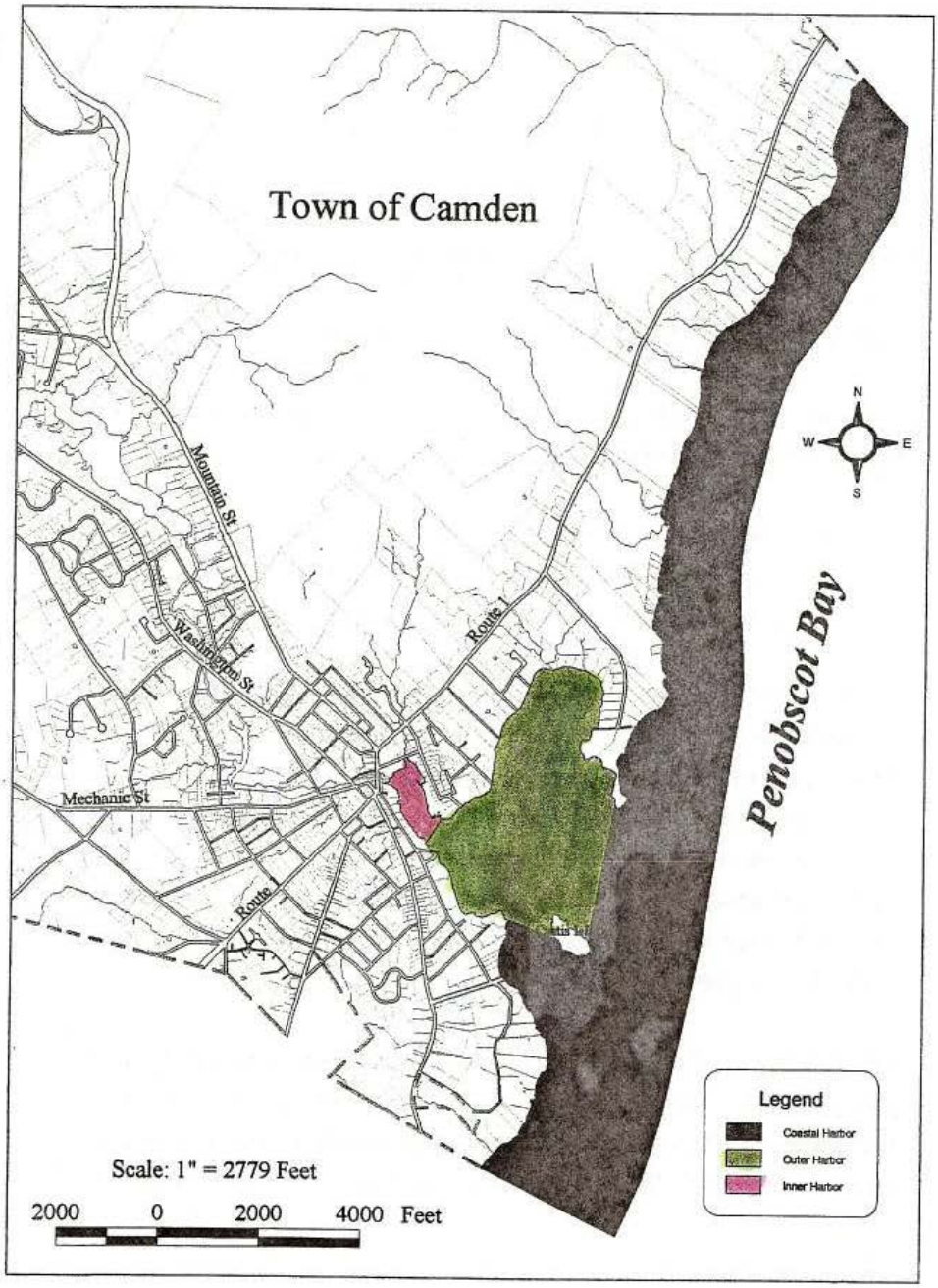
If there is no response within 90 days, the town will notify the Harbor Committee that the designated bench no longer has a sponsor. The Harbor Committee will then determine if the named bench is of significant historical value to be in the Sponsor a Bench Program. If so, the committee will instruct the town office of its decision. The town office will then give sufficient public notice that the named bench is in the Sponsor a Bench Program and the town is welcoming sponsors. Sponsorships will be awarded (or welcomed) in order of their completed applications that the town office will track.

The cost for sponsoring a bench shall be set annually and will be in the fee schedule. The sponsor adopts the bench as named. While the name on the bench does not change, there may be provisions to recognize the sponsoring person or organization.

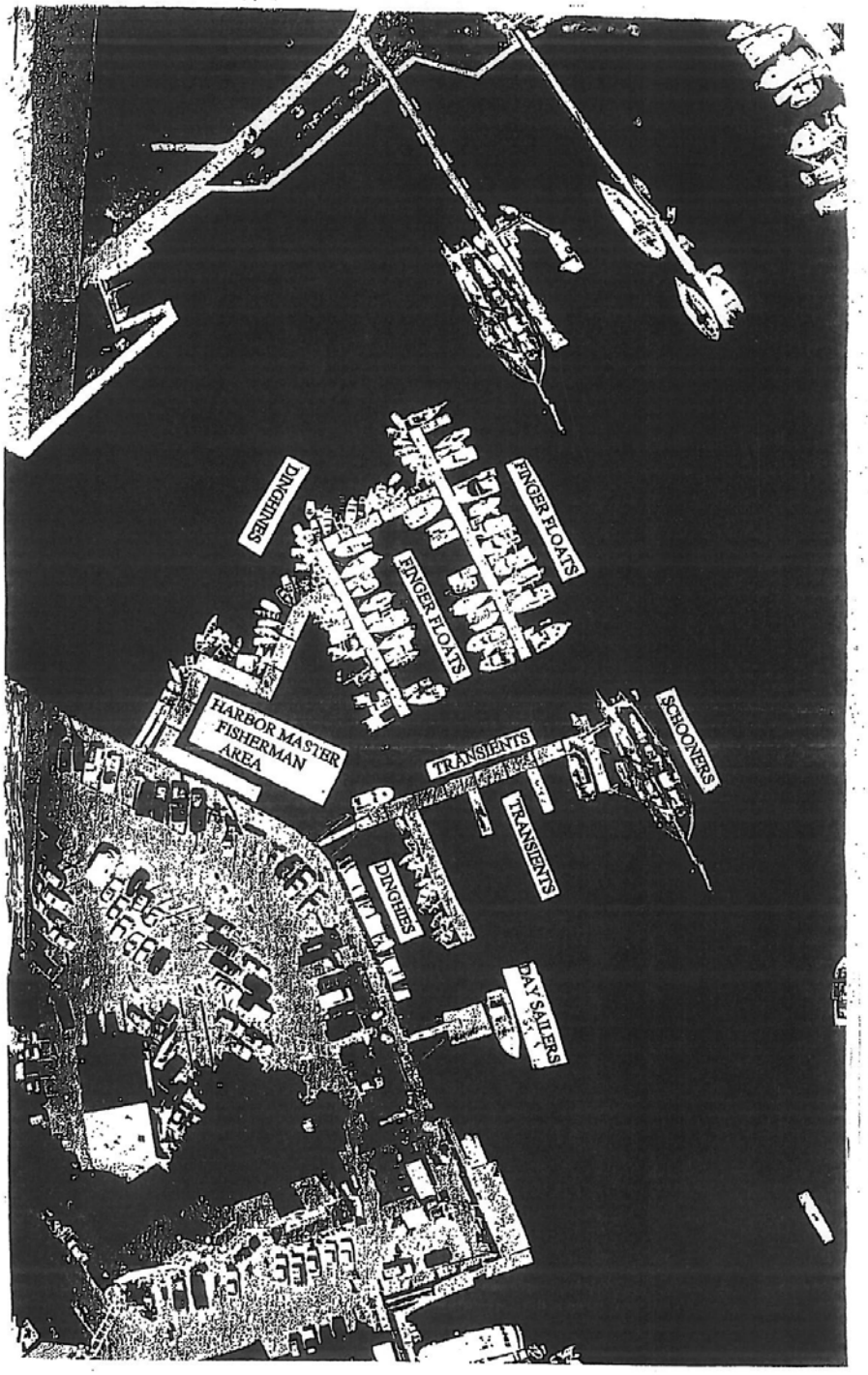
This administrative procedure was approved by the Select Board on September 15, 2003, with an effective date of November 5, 2003 amended on April 29, 2008; and January 26, 2009. It was originally approved on February 5, 2001.

APPENDIX F
Map of Inner, Outer and Coastal Harbor

Appendix F



APPENDIX G
Public Landing Float Plan



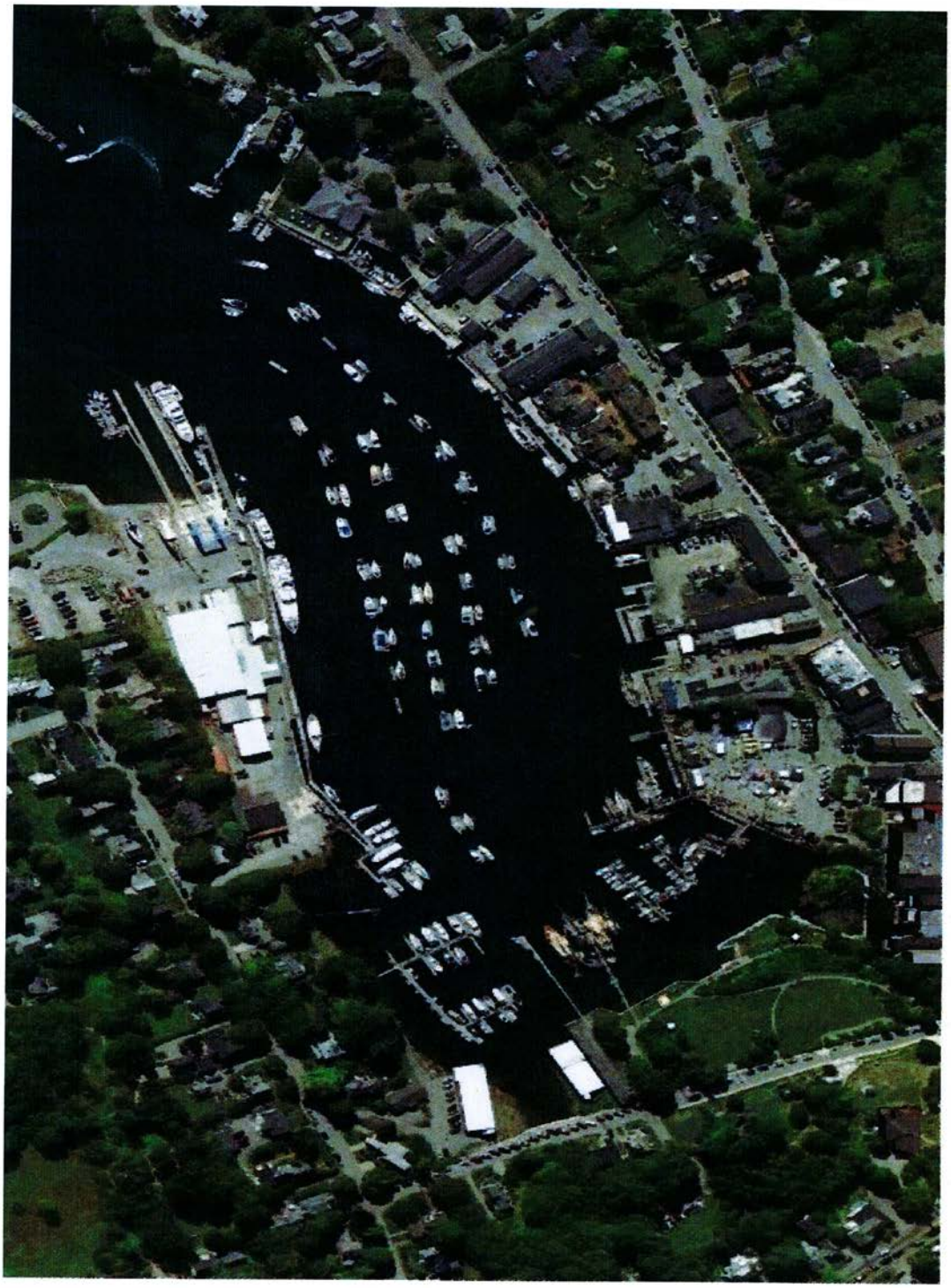
APPENDIX G

Public Landing Float Plan

APPENDIX H

Inner Harbor Mooring Float Plan

(See Page 47)



APPENDIX I

Mooring Float Agreement

This agreement is executed pursuant to the requirements of the Harbor and Waterways Ordinance of the Town of Camden. For valuable consideration, the undersigned parties hereby agree and covenant that the mooring float described below shall be shared and used between/among them on the terms and conditions set forth in this agreement as follows:

1. At all times all permittees shall comply with all requirements of the ordinances of the Town of Camden, including the Harbor and Waterways Ordinance.

2. Nothing in this agreement shall eliminate each individual party's obligation of joint and several liabilities to comply with all terms, obligations, costs, fees and conditions imposed by the Ordinances of the Town of Camden.

3. The undersigned parties agree that the cessation of use by any particular party does not eliminate that party's share and responsibility of all fees and expenses of maintenance concerning that mooring float. Such responsibility shall continue until that mooring float is removed from the mooring and all fees and expenses have been paid to the Town of Camden, and until such time as another person has assumed use of the mooring float, obtained permission from the Town of Camden, and paid any and all outstanding fees or expenses of maintenance associated to the mooring float either to the Town of Camden, or any other third person, or party to this agreement.

4. In the event that any of the undersigned parties cease to use the mooring float or the use of the mooring float otherwise terminates, then the purchase price of the person's share of the mooring float, which is affected by that termination shall be disclosed in writing to Camden Harbormaster. The purchase price for the person's share of the mooring float shall not exceed one-half of the current fair market value of the mooring float. Prior to any sale to a third person or other party, said share in the float shall first be offered to the Town of Camden to purchase at fair market, consistent with the terms and conditions of the Harbor and Waterways Ordinance of the Town of Camden. The selling party must obtain a written release from the Town of Camden prior to sale to a third person. Said release shall not be unreasonably withheld in the event that the Town of Camden does not wish to exercise its right of first refusal to purchase said interest.

5. In the event of a dispute by the undersigned parties concerning maintenance and/or costs, taxes or fees related to the mooring float, the parties shall advise the Harbormaster of such dispute. The parties are then encouraged to resolve the matter informally and then so advise the Harbormaster who shall render a decision which may be appealed pursuant to Art. V, Sec 6.D. . In the event that the parties refuse or fail to make a timely appeal, all permits relating to the mooring and float in question may be immediately terminated by the Harbor Committee. Except as specifically authorized in the Harbor and Waterways Ordinance of the Town of Camden, the transfer of a mooring float space shall not be permitted. The Mooring Float, which is subject to this agreement, is described as follows:

   The undersigned parties agree that the original of this agreement shall be submitted together with any application for a permit for any mooring float space to the Harbormaster of the Town of Camden. The terms and conditions herein shall run with and be a part of any permit issued by

the Town of Camden for the mooring float in question. The parties agree that the Town of Camden may enforce the terms and conditions of this agreement through Court action and/or injunctive relief. In the event of such action, the mooring float owners shall be jointly and severally liable for the attorneys' fees incurred by the Town of Camden.

The parties hereby certify that they have read, understood and comply with the terms and conditions of the Harbor and Waterway Ordinances of the Town of Camden and the definitions used therein apply to this document.

Dated: _____ TOWN OF CAMDEN

By: _____

By:_____

By:_____

By:_____

By:_____

Receipt of original of this Mooring Float Agreement by and between_____and _____ acknowledged hereby on the above date by:
_____ Date:_____

APPENDIX J

HARBOR CHANNEL PLAN

(See Page 51)

APPENDIX J

HARBOR CHANNEL PLAN

HISTORICAL NOTES

Historical Note: Original Harbor Rules and Regulations adopted October 3, 1977; new ordinance adopted March 12, 1990 and revised as listed below:

REVISED JUNE 8, 1993
REVISED NOVEMBER 2, 1993
REVISED NOVEMBER 4, 1997
REVISED JUNE 9, 1998
REVISED NOVEMBER 3, 1998
REVISED JUNE 8, 1999
REVISED NOVEMBER 2, 1999
REVISED JUNE 12, 2001
REVISED NOVEMBER 6, 2001
REVISED JANUARY 29, 2002
REVISED JUNE 10, 2003
REVISED NOVEMBER 4, 2003
REVISED JUNE 12, 2007
REVISED NOVEMBER 6, 2007
REVISED APRIL 29, 2008
REVISED JANUARY 26, 2009
REVISED MARCH 16, 2010
REVISED NOVEMBER 5, 2013
REVISED NOVEMBER 3, 2015

State Law Reference: 38 MRSA, Section 1 et seq.