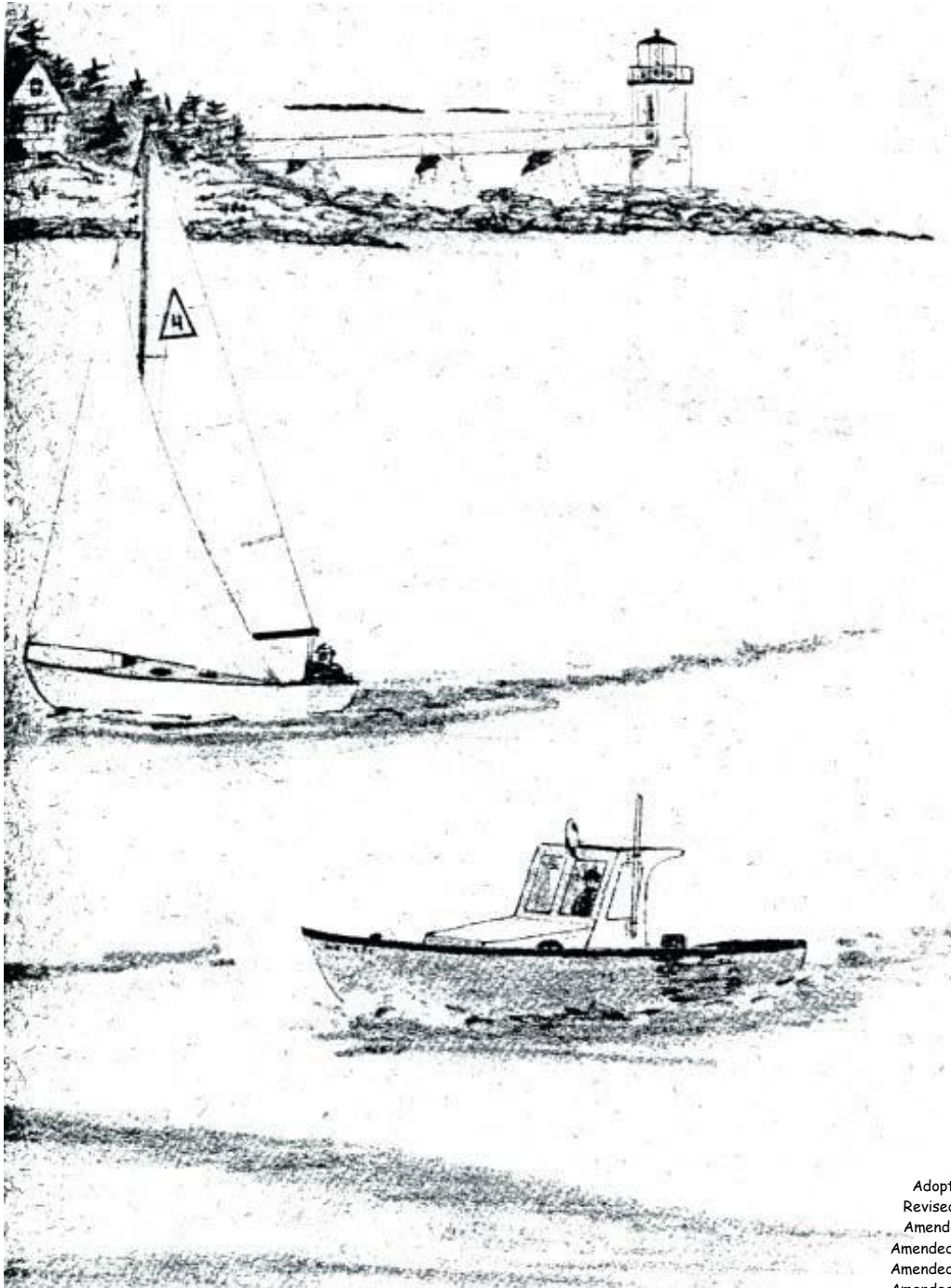


Saint George

Coastal Waters Management Ordinance

(Harbor and Waterfront Management Ordinance)



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A true copy

Attest _____ John M. Falla, Town Clerk

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INTENT OF THIS DOCUMENT

The waters of Saint George are an extremely valuable but limited resource. This resource is subject to increased demands from both recreational and commercial maritime activities.

The purpose of this ordinance is to monitor and control these maritime activities, to better promote order in the harbors, and ensure safety for the general public.

This ordinance is designed to be consistent with the Saint George Comprehensive Plan along with state and federal mandates.

SECTION 101. APPLICABILITY

This ordinance applies to all areas of the tidal waterfront and all waters within the Town of Saint George. The provisions of this Ordinance shall also apply to the facilities and boat-launching ramps at the town-owned public landings.

SECTION 102. ENFORCEMENT

It shall be the duty of the Harbor Master to enforce the provisions of this Ordinance, by causing the person or persons offending any of the provisions of the ordinance, rules or regulations, to be prosecuted, and be subject to the penalty or penalties incurred. Any person affected directly or indirectly by a decision, order, rule, or by any act or failure to act by the Harbor Master or his or her deputies, may appeal such decision in accordance with the procedures set forth herein.

SECTION 103. OBEDIENCE TO ORDERS

No person shall fail to observe any lawful order of the Harbor Master with reference to the navigation and disposal of his watercraft within the limits of the harbors. Any person who shall obstruct or hinder the Harbor Master in the lawful performance of his duties or fail to obey a lawful order of the Harbor Master shall be guilty of a Class E crime as allowed by MRSA Title 38 Section 13, and subject to a penalty of a maximum of six (6) months imprisonment and/or a five hundred dollar (\$500) fine to be recovered on complaint by the Harbor Master before the District Court.

SECTION 104. PENALTIES

1. Except as provided in sec. 103, a violation of this ordinance may be prosecuted and relief, fees, fines, and penalties granted and assessed pursuant to the provisions of MRSA Title 30-A Section 4452.
2. All violations of any of the sections of this Ordinance shall be considered upon complaint to the District Court and any and all fines and penalties therefrom, excepting costs of the court, shall revert to and for the use of the Town of Saint George.

SECTION 105. DEFINITIONS

The following definitions apply to the enforcement and application of this ordinance and associated regulations within the Town of Saint George.

Anchorage.

An area where watercraft may be anchored.

Aquaculture.

The culture and husbandry of sea plants or animals.

A.C.E. Permit (Army Corps of Engineers)

A permit issued by the Army Corps of Engineers (ACE) that is required for all of the following:

1. Floats (regardless of use or location)
2. Rental moorings
3. Service moorings

Berth.

The place where a watercraft lies when at anchor or when made fast at a dock float, moored float, mooring, pier, slip, wharf, or any other facility used for securing watercraft.

Commercial Watercraft.

Watercraft that generate income through their use and operation.

Commercial Transaction.

Including but not limited to the buying or selling of any product, boats for hire, boat tours, charter boat enterprises or any other commercial venture. Professional boat transporters do not fall under this category.

Dinghy.

Small watercraft also referred to as skiff, tender, or punt.

Dock.

For the purposes of this document dock, pier, and wharf shall all have the same meaning i.e. a permanent platform type structure contiguous to the shore line used for berthing, loading, and unloading vessels.

Entity.

Any individual, business, corporation, or other organization active in Saint George.

Float.

Including but not limited to any floating platform used for storage space, staging areas, transportation of goods or for berthing vessels regardless of type of construction.

Floating Business.

The use or occupancy of any watercraft, raft, hull, barge, or vessel for the purpose of providing "personal services."

Harbor Master.

For the purposes of this document, Harbor Master shall be defined as the appointed Harbor Master or any of his/her designees.

Headway.

The minimum speed necessary to maintain steerage.

Houseboats.

Any commercial use of any watercraft, raft, hull, barge or vessel, designed primarily to be occupied as living quarters, and providing living, sleeping, cooking and/or sanitary facilities, whether temporarily, or permanently, regardless of means of propulsion.

Hull.

The main body of any watercraft.

Mooring.

The term mooring means all methods and equipment used to permanently secure a watercraft to a specific location on the water, other than those that are connected to the shore.

Mooring Equipment.

Any and all of the equipment used to permanently secure a watercraft to its permitted site.

Mooring Permit.

A permit issued on an annual basis by the Harbor Master to an applicant, authorizing the applicant to utilize a specific mooring site for a specified purpose or purposes.

Mooring Site.

A specific geographic location which is assigned by the Harbor Master to the permit applicant.

MRSA. Maine Revised Statutes Annotated. (State Law)

Non-Anchorage.

Areas of Saint George waters where laying at anchor is not permitted.

Personal Services.

Services, including but not limited to the care of a person, such as retail shops, restaurants, drinking establishments, galleries, art studios and other similar services.

Pier.

See dock.

Private Mooring.

A mooring assigned to an individual for their private use to secure watercraft.

Recreational Watercraft.

Watercraft used primarily for recreational purposes.

Rental Mooring.

A mooring site assigned to an individual or business which is rented or leased to customers for a fee. An A.C.E. permit is required prior to issuance of a Town permit.

Resident.

For the purposes of this document a resident is defined as a person who is;

- a. the owner of record on town's tax list and/or
- b. resides in Saint George for a total of more than 183 days per year.
- c. properties held in an LLC or any other form of corporate ownership shall not qualify for resident status.

Applicants must be able to verify these criteria.

Riparian Owner.

For the purposes of this document riparian owner shall be defined as a person who has deeded rights to waterfront property.

Service Mooring.

A mooring assigned to a business or individual conducting business within the Town of Saint George that is; used for mooring watercraft which are owned by the business, mooring watercraft which are serviced by the business, or used as a maneuvering device for leaving or entering a berth. An A.C.E. permit is required prior to issuance of a Town permit.

Storm Mooring.

A mooring used when seeking shelter for emergencies or inclement weather.

Structure.

Anything built for the support, shelter, or enclosure of persons, animals, goods, or property of any kind whether permanent or temporary.

Transient Watercraft.

Watercraft, the operator or owner of which seeks a temporary place to berth.

Vessel.

The term vessel shall mean any watercraft used or capable of being used for transportation.

Watercraft.

The term watercraft shall mean any and all floating apparatus such as; vessels, skiffs, boats, rafts, floats, airplanes, lobster crates, etc. without distinction as to method of propulsion.

Wharf.

See dock.

Winter Mooring Marker.

Marker made of wood or plastic to be used in areas where ice could cause damage or loss of approved mooring buoys. Mooring permit numbers must be carved in or affixed to this marker.

SECTION 106. MUNICIPAL FACILITIES

The Town of Saint George shall operate and/or administratively control the following facilities in and around the waters of Saint George.

A. Tenants Harbor Public Landing

This facility exists to serve the short-term docking needs of watercraft moored in Tenants Harbor and transient watercraft visiting Saint George. It shall be available with floats installed from approximately May 15th to October 15th each calendar year. This facility also has a boat launch ramp that serves that portion of the boating public for launching and retrieving their watercraft.

B. Port Clyde Public Landing

This facility exists to serve the short-term docking needs of watercraft moored in Port Clyde and transient watercraft visiting Saint George. It shall be available with floats installed from approximately May 15th to October 15th each calendar year. This facility also has a boat launch ramp that services

that portion of the boating public for launching and retrieving their watercraft.

C. St. George Mooring Sites/Fee Schedule

Mooring sites may be assigned by the Harbor Master upon application and payment of applicable fees to all persons and businesses for the placement of a mooring. Saint George waters shall be open to all for access as required by the U.S. Government and the State of Maine. Usage fees are:

Resident Recreational	\$20.00	Non-Resident Recreational	\$100.00
Resident Commercial	\$15.00	Non-Resident Commercial	\$ 75.00
Rental	\$75.00		
Service	\$20.00		

D. Other Municipal Waterfront Properties

Waterfront sites owned by the Town of Saint George shall fall under these jurisdictions.

SECTION 107. MOORING AREAS

The mooring areas within the Town of Saint George are described as follows:

Tenants Harbor

Northern Island from inside of the red can to the northwest point of the island, new mooring field southeast of Haskell Point to the house on Mouse Island, and the area southeast of States Point Road across to Atwoods.

Port Clyde

Skip Bracy's dock to Blubber Butt to the Northwest point of Hupper Island and from Marshall Point Association dock to Bachelder's dock on Hupper Island.

SECTION 108. PROHIBITED ACTIVITIES IN ANCHORAGE AND MOORING AREAS.

1. No person shall be allowed to anchor watercraft within a closed mooring field. Closed mooring fields are those where waiting lists have been established.
2. No person shall moor or permit to be moored any watercraft owned or occupied by him/her which is being used primarily for residence purposes within the town's boundaries without the permission of the Harbor Master. This prohibition does not pertain to transient watercraft on rental moorings.
3. Structures on floats are prohibited. This prohibition does not affect floats that are connected to wharves by traditional means, to floats used to raise, move, or maintain moorings, or to floats used in conjunction with commercial fishing operations.
4. It shall be unlawful to set any fishing gear or other fixed gear including but not limited to, lobster/crab/shrimp traps, within the confines of the marked channel in Tenants Harbor. Gear found to be

within the confines of this marked channel shall be moved or removed by the appropriate State or Federal agency or their designee. (Department of Marine Resources, Marine Patrol Officers).

5. Notwithstanding any other provision of these rules to the contrary, floating businesses and houseboats are prohibited from mooring or anchoring in St. George waters, except at marinas which provide and require the following:
 - a. A permanent float, dock or slip from which the floating business or houseboat may be directly boarded from land.
 - b. Connection to a public water supply by means of an individual anti-backflow valve.
 - c. Connection to a public sewage system.
 - d. A year round, all weather supply of electricity.
 - e. Compliance with any and all applicable Land Use Codes.
6. It shall be unlawful to place a mooring within Saint George waters without a permit from the Town of Saint George.
7. It shall be unlawful for any person or watercraft to violate the terms and conditions of any permit issued pursuant to this ordinance.
8. It shall be unlawful for any watercraft to use any mooring permitted by the Town of Saint George without express approval of the permit holder and the Harbor Master in emergency situations. An emergency situation is one that is temporary in nature and allows the watercraft owner to make repairs or to make arrangements with a repair facility. Notification of uses of a mooring for an emergency must be made to the Harbor Master.
9. It shall be unlawful for any person or watercraft to use any mooring not permitted by the Town of Saint George.

SECTION 109. MOORING PERMITS

1. Permits are issued on an annual basis.
2. Annual fees for approved moorings must be paid before January 31st of each year. Failure to make payment before May 1st of that year will result in the doubling of the mooring fee and notification by mail requiring payment plus penalties within thirty (30) days of that notification. Fees not paid before June 1st of that year may result in loss of mooring privileges and/or gear and notification by certified mail.
3. Mooring permit applications for new moorings will be accepted throughout the year.
4. Neither mooring permits nor mooring sites are automatically transferred upon sale of the mooring tackle.
5. Neither mooring permits nor mooring sites are transferable upon

the sale of real estate.

6. Mooring permit applications must be complete when submitted.
7. Any mooring intended for use as a rental or service mooring must have an A.C.E. permit before being permitted by the Town. Failure to submit these documents may be cause for rejection of the Town permit. A mooring permitted as a private mooring or service mooring shall not be used as a rental mooring.
8. Aquaculture sites: vessel moorings located within aquaculture lease sites must have Town mooring permits.
9. Mooring site location, mooring type and size, depth of water at Mean Low Water, and watercraft size to be provided by the applicant. This information shall be provided on the mooring application. All information to be reviewed and authorized by the Harbor Master before the permit is issued.
10. The Harbor Master shall maintain waiting lists for mooring areas in which no additional watercraft can be safely moored, showing priority of each applicant in accordance with Section 113.
11. The Harbor Master shall maintain documentation of each mooring area showing the location of all permitted moorings.
12. Any applicant rejected by the Harbor Master shall be notified in writing within thirty (30) days of receipt of completed application as to the reason for the rejection. The Harbor Master decision may be appealed to the Board of Appeals. The applicant shall have thirty (30) days in which to file an appeal.
13. For purposes of increasing the efficiency of a mooring area, for the safety of watercraft or for other harbor management improvements the Harbor Master may direct that any mooring site be vacated and that the mooring tackle be moved at the owner's expense to a new location. The Harbor Master's decision may be appealed to the Board of Appeals. The applicant shall have thirty (30) days in which to file an appeal.
14. Mooring site assignees may change watercraft on their assigned mooring site only with the permission of the Harbor Master. In general they will be limited to the same approximate size and type of watercraft unless, in the judgment of the Harbor Master, a change can be made without adversely affecting the adjoining mooring space assignees or the safety of the watercraft and mooring area around them.
15. Non compliance with any of the provisions in this section of the ordinance regarding mooring permits may result in; the rejection of mooring permit applications, revocation of a current permit, removal of mooring tackle from Saint George waters at the owner's expense, forfeiture of the

mooring tackle and/or a fee of no less than one hundred dollars (\$100.00) per mooring for the services of the Harbor Master in enforcing compliance. The Harbor Master decision may be appealed to the Board of Appeals. The applicant shall have thirty (30) days in which to file an appeal.

16. Application forms for permits may be obtained from the Harbor Master, at the Town Office, and downloaded from the website.
17. Assignment of these mooring privileges does not confer any right, title or interest in submerged lands or inter tidal lands owned by the State.
18. Rental and service moorings must have A.C.E. permits as well as Saint George permits.

SECTION 110. ASSIGNMENT OF MOORING RIGHTS AND LOCATIONS

1. Assignment.

The Harbor Master shall assign mooring sites for approved mooring permits based on site requirements as dictated by planned usage (i.e. watercraft size or requested approximate location) and assignment priority of applicant on an annual basis. In assigning mooring sites the Harbor Master shall maintain non-mooring areas and access to piers, wharves, and docks, and not create a hazard to navigation.

2. Qualifications.

- a. A maximum of one permit per vessel may be allowed to private applicants.
- b. A maximum of five (5) service or rental mooring sites may be allowed per business establishment provided they are A.C.E. permitted.
- c. Variances to these limits (i.e. storm moorings) as required to meet the business and/or personal needs of residents and property owners may be granted after review and approval of the request(s) by the Harbor Master.

3. Special Considerations.

- a. A mooring used primarily for commercial fishing purposes may be transferred within that family provided the use remains the same. A request to the Harbor Master for this kind of reassignment will be given consideration and granted by the Harbor Master when appropriate.
- b. Upon request the yearly mooring fee for one (1) private mooring belonging to a resident commercial fisherman 70 years or older may be waived.

SECTION 111. MOORING SITE ASSIGNMENT PRIORITIES (WAITING LIST)

The waters within the Town of Saint George shall be managed with equal

and open access to all persons and entities. Mooring sites in each mooring area shall be assigned by the Harbor Master on a first come, first served basis, subject to the application requirements and conditions. Assignment priorities may exist when providing access to all, as prescribed by current state and federal regulations. These priority assignments are:

- First,** to riparian owners is granted the right to one mooring site in waters as reasonably close to their property as is safe for the watercraft applied for by the property owner. Simple shoreline ownership does not necessarily meet the requirements for having a mooring;
- Second,** to commercial fishing watercraft owned by residents of Saint George;
- Third,** to recreational vessels and other commercial vessels owned by residents of Saint George;
- Fourth,** to resident entities or persons seeking to establish service or rental moorings;
- Fifth,** to non resident commercial vessel owners
- Sixth,** to recreational watercraft owned by non-residents;
- Seventh,** to watercraft owners seeking multiple mooring sites or seeking to move their existing mooring to a new site; and
- Eighth,** to non residents entities or persons seeking to establish rental/service moorings.

Any entity listed on a waiting list who does not receive a permit after two (2) years must reapply.

SECTION 112. MOORING TACKLE STANDARDS AND REQUIREMENTS

1. All moorings must be of sufficient size and weight, with chain and/or rope in sound condition to properly secure the moored watercraft and the buoy attached to the mooring line shall be of sufficient size and buoyancy to remain afloat when not attached to the watercraft. Each mooring buoy shall be marked with the number of its assigned permit, and with the watercraft or mooring owner's name or initials.
2. Mooring requirements as to pennant length, chain size, and block weight vary depending on the size and weight of the watercraft and the location of the mooring, therefore: all existing moorings and all new moorings to be set in the future shall be of sufficient size and configuration to hold the vessel for which they are to be used. All moorings shall be approved by the Harbor Master. Boat and/or mooring owners may be held liable for any and all damage caused by faulty, inadequate, or improperly maintained moorings, chains and associated lines, bits, etc.
3. Private/Service/Rental Mooring markers shall have the mooring permit number prominently displayed on the mooring ball. It is recommended that mooring balls be white with a blue stripe and also display the appropriate word e.g. PRIVATE/RENTAL.

4. When appropriate a winter mooring marker may be used.
5. The retrieval of mooring tackle that has failed and lies on the bottom is the sole responsibility of the mooring tackle owner. The Harbor Master must be notified of mooring system failure as soon as possible.
6. No mooring permits will be issued for mooring systems that have failed.
7. Failed mooring systems must be repaired/replaced within sixty (60) days of notification by the Harbor Master. Failure to do so shall result in the immediate revocation of the mooring permit and removal of the mooring and associated gear at the owner's expense, or in the Town taking possession of the mooring and gear.
8. When a mooring permit is revoked (for any reason other than No. 7 above) the mooring owner shall have sixty (60) days to remove the mooring and associated gear after notification by the Harbor Master. Failure to do so shall result in the removal of the mooring and gear at the owner's expense, or in the Town taking possession of the mooring and gear.
9. Any person or entity not complying with any of the provisions of this section of the ordinance may, after notification, be subject to the rejection of mooring permit applications, and/or revocation of a current permit.
10. Any float that is not attached to a wharf by traditional means is required to have a radar reflector on it. Reflective tape is also recommended.

SECTION 113. MOORING INSPECTIONS

Mooring owners are responsible for inspecting their moorings annually. The Harbor Master may, at his/her discretion, cause a mooring to be hauled or may hire a diver for inspection of a mooring at any time at the mooring owner's expense if the Harbor Master has reasonable cause to believe the mooring is unsafe.

SECTION 114. MOORING; PENALTY FOR NEGLECTING TO REMOVE OR REPLACE

In case of the neglect or refusal of the master or owner of any watercraft to remove or to replace a mooring by one of different character, when so directed by the Harbor Master, the Harbor Master shall cause the mooring to be removed, or shall make such change in the character thereof as required, and shall collect from the master or owner of such watercraft the sum of two hundred dollars (\$200.00) for either of such services rendered. In addition, the owner of the mooring tackle shall be liable for all expenses incurred to comply with the Harbor Master Order, as provided by MRSA

SECTION 115. NEAR SHORE CONSTRUCTION REVIEW

1. It shall be the duty of the Harbor Master or a designee to review/approve all wharf construction permit applications, including but not limited to private or commercial wharves, as well as proposed marinas and related near shore structures to determine whether or not the building project shall:
 - a. unreasonably interfere with the abutting property owner's ingress and egress to/from their property by navigable waters.
 - b. unreasonably interfere with or be a hazard to navigation.

SECTION 116. ABANDONED BOATS, VESSELS, WRECKS, ETC.

1. Abandonment Prohibited. No person shall cause to be abandoned any watercraft or related equipment or appurtenances on the shores within the waters of Saint George, whether on a mooring or at anchor. Nor shall any person abandon or cause to be abandoned any watercraft, vessel, hull, or any raft at any wharves, docks or permanent floats within the waters of Saint George. No person shall abandon any watercraft, vessel, or hull upon any shoreline, dock, pier, wharf, float, mooring or at anchor except with the express consent and approval of the owner of the dock, pier, wharf, float, mooring, shoreline or in the case of moored or anchored watercraft, the consent and approval of the Harbor Master.
2. Presumption. Any watercraft, vessel, hulk or raft left within the confines of waters of Saint George which has been unattended for a period of seven (7) days without the express consent and approval of the owner of the dock, float, mooring, shoreline or in the case of moored or anchored watercraft, the consent and approval of the Harbor Master; may be declared abandoned.
3. When, in the opinion of the Harbor Master, a vessel has been abandoned in the harbor, he may take custody and control of such vessel and remove it, store it, or otherwise dispose of it, all at the expense and sole risk of the vessel owner. Notice of such action to the vessel owner shall be given in accordance with MRSA 25ss3501 by registered mail. If ownership cannot be established, the vessel in question shall be impounded until arrangements are made to dispose of said vessel by auction.
4. Penalty. As allowed in MRSA Title 38, Section 12. Each day the violation is permitted to exist beyond the limits above described shall be considered a separate offense.
5. Impounding. If an abandoned watercraft is deemed to be a nuisance, a threat to navigation or a safety hazard, the Harbor Master may impound the watercraft at a site designated for this purpose. Impounding shall continue until such time as all procedures pursuant to MRSA Title 25,

Section 3501 have been completed or the owner of the watercraft has paid all costs involved with the impounding as well as any fines which have been assessed.

SECTION 117. WHARVES: OBSTRUCTION BY AND REMOVAL OF VESSELS

1. No owner or master of any steamer, vessel, boat or watercraft of any kind shall permit or suffer his watercraft to be more than one (1) tier deep in such a manner as to obstruct the free passage of other vessels going in and coming out, at any wharf in the Town, after the master or owner of such vessel has been directed to remove the same by the Harbor Master.
2. The Harbor Master is hereby authorized, and it shall be his duty, to remove or cause to be removed any vessel or watercraft from any wharf in Saint George when so requested by the owner of the wharf; and whenever he shall deem it necessary, he shall remove or cause to be removed any vessel lying in tier; and if any vessel, watercraft or raft shall anchor or lie contrary to any ordinance, rule or regulation, the Harbor Master shall forthwith give notice to the owner or master thereof, or the person having the care of same, to remove the same; and if the notice be not complied with without delay, the Harbor Master shall make or cause the removal, at the expense of the owner or master of the vessel, watercraft, or raft.
3. When appropriate, the provisions governing the towing of motor vehicles shall also apply to the removal of watercraft, vessels or other craft from wharves, docks, and moorings.

SECTION 118. RESTRICTED ACTIVITIES

1. Commercial transactions on the public landings, launch ramps, and other Town owned properties are prohibited.
2. The movement of construction equipment, freight, and supplies across the launching ramps for transport to other sites must be approved by the Harbor Master.
3. No person shall place, or allow to be placed, any watercraft, vessel or any other craft at or on the public boat launching ramps or seaward side of floats for a period in excess of thirty (30) minutes unless by special permission of the Harbor Master for reasons of mechanical failure, illness, or similar emergency.
4. Use of the public floats shall be limited to the loading and unloading of watercraft and the passengers there on. Any other use of the Town floats shall be treated in the same manner as above.
5. No person shall interfere with the lawful use of the public launching ramps and floats by another person.

SECTION 119. DISCHARGE OF REFUSE, WASTE, OR PETROLEUM FROM VESSELS OR WHARVES.

As covered by Federal and State regulations.

SECTION 120. SAINT GEORGE PUBLIC LANDINGS

1. The floats are available for unattended tie-up of skiffs or dinghies. Such tie-up is to be on the wharf side of the floats so as to keep the seaward side free for attended tie-ups.
2. Unattended tie-ups permitted by the Harbor Master shall be removed from the facility prior to October 15th of each calendar year.
3. Skiffs or dinghies that disrupt or endanger other skiffs or dinghies shall not be permitted by the Harbor Master.
4. There is a thirty (30) minute time limit for attended tie-ups.
5. No skiffs, dinghies, or any other type of watercraft shall be allowed to be left unattended on the deck or walking surface of any Town float or dock, wharf, or pier.
6. Additional regulations pertaining to parking, boat size limitations, and general use are posted at the Port Clyde and Tenants Harbor public wharves.
7. Penalty for violation of this section shall be as allowed in MRSA Title 38, Section 12.

SECTION 121. REMOVAL FROM PUBLIC WHARVES, DOCKS, MOORINGS, AND BOAT LAUNCHING RAMPS AND FLOATS

Notwithstanding the provisions of Section 118 of this Ordinance and any public landing regulation adopted by the Board of Selectmen and/or Coastal Waters Management Board, the Harbor Master, is hereby authorized to remove to a safe location without prior notice to the owner, any boat, vessel or other craft, traps, or other fishing gear left at the public wharves, docks, moorings, and boat launching ramps and floats for a period in excess of twenty-four (24) hours at the expense solely of the owner of the boat, vessel, or craft or fishing gear.

SECTION 122. OPERATING RESTRICTIONS

1. Whoever operates any watercraft, vessel, water skis, surfboard, personal watercraft or similar device, however propelled, upon the waters of Saint George in a manner which endangers any person or property shall be guilty of a Class E crime as provided in MRSA Title 38.
2. Whoever operates any watercraft, vessel, water skis, surfboard, personal watercraft, or similar device, however propelled, upon the waters of Saint

George recklessly shall be guilty of a Class E crime as provided in MRSA Title 38.

3. Whoever operates any watercraft, vessel, water skis, surfboard, personal watercraft, or similar device, however propelled, upon the waters of Saint George while intoxicated or under the influence of any narcotic drug, barbiturate or marijuana shall be guilty of a Class E crime as provided in MRSA Title 38.
4. Excessive Noise: As covered by State and/or Federal statutes.

SECTION 123. SAFE OPERATING SPEEDS

The speed limit in Saint George harbors will be headway speed only. It shall be unlawful to operate a vessel in such a manner as to cause a wash, wake, or waves that damage, endanger or unreasonably disturb any person, wharf, float, anchored or moored vessel, or vessel tied up to any pier, float, dock, or wharf while within an area of two hundred (200) feet from any float or mooring area or within one hundred (100) feet of an anchored boat or vessel.

SECTION 124. MOORING PLAN IMPLEMENTATION

It is the Town's intent to establish and implement a mooring plan for the waters of Saint George. Implementation is to be done in such a way as to cause the minimum possible disruption in the location of all current moorings, except in those cases where a change would be of benefit to the existing users without causing undue disruption to other sites.

SECTION 125. APPEALS BOARD

The Coastal Waters Management Ordinance for the Town of St. George stipulates the following jurisdiction and procedures for the Board of Appeals.

The Board of Appeals shall hear any appeal by any aggrieved person affected directly or indirectly by a decision, order, rule, or by any act or failure to act by the Harbor Master. In its appeal decisions, the Board shall hear and approve, approve with modifications and/or conditions, or disapprove the decision, order, rule, act or failure to act by the Harbor Master, except that, in no instance shall the decisions be in conflict with or violate existing State or Federal regulations, or the Coastal Waters Management Ordinance for the Town of St. George.

An application for an appeal shall be submitted to the Town on the appropriate form describing the complaint and the relief sought. The original application will be placed on file at the Town Office and a copy of the original will be forwarded to the Chairman of the Board of Appeals for action as follows:

1. The Board of Appeals is required to act on any complaint within thirty (30) days of the receipt of the application by the Town. A hearing beyond the thirty (30) day requirement may be scheduled at the mutual agreement of the applicant and the Town. The Town shall set a hearing date taking

into consideration the schedules of the applicant, the members of the Board of Appeals, and the Coastal Waters Management Board. Public notice of the hearing shall be posted at the Town Office not less than seven (7) days prior to the hearing.

2. At the appeal hearing, the Board of Appeals may receive any oral or documentary evidence that is relevant and material. Every applicant, or their agent, shall have the right to present their case or defense by oral and/or documentary evidence, to submit rebuttal evidence, and/or to conduct reasonable cross-examinations.
3. The minutes of the meeting, together with all papers filed in the proceeding, shall constitute the official appeal record. All decisions of the Board shall become part of the record and include a written statement of findings and conclusions. Notice of any decision shall be mailed or hand delivered to the applicant, or their agent, with copies to the Town Manager, Harbor Master, and the chairman of the Coastal Waters Management Board within seven (7) days of a decision. An appeal may be taken from any act or decision of the Board through the court system of the State of Maine.

SECTION 126. PRE-EXISTING CONSIDERATIONS

No section, subsection, sentence or part of this Ordinance shall for any reason be considered to prohibit use of harbor facilities in accordance with past usages as specified and/or required by contracts or deeds to properties held by the Town of Saint George.

SECTION 127. VALIDITY AND SEVERABILITY

If any section, subsection, sentence or part of this Ordinance is for any reason held to be invalid or unconstitutional, such decisions shall not affect the validity of the remaining portions of this Ordinance.

SECTION 128. EFFECTIVE DATE

This ordinance shall become effective upon approval by majority vote at a properly held special or regular Saint George Town Meeting.