

# TOWN OF MOUNT DESERT

## HARBOR REGULATIONS

Amended June 15, 2009

THESE REGULATIONS HAVE BEEN PROMULGATED IN ACCORDANCE WITH ARTICLE VII OF THE MARINE MANAGEMENT ORDINANCE. THEY ARE IN ADDITION TO ALL OF THE PROVISIONS OF THE ORDINANCE, WHICH ARE NOW IN FULL FORCE AND EFFECT.

### 1. Mooring Specifications

1.1 The following general regulations shall govern the setting and maintaining of all moorings:

- a. Every mooring shall carry the number assigned to it at the time of registration.
- b. Floating rope on any mooring is prohibited.
- c. All moorings shall carry an approved float from May 15 to October 1. Poles may be used if the mooring is used year round. Seasonal pole use requires permission of the Harbor Master.
- d. The diameter of the mushroom's eye can be no less than the size of the required bottom chain.
- e. The rock's staple can be no less than 1 inch in diameter.
- f. All private and/or commercial fishing mooring floats must be maintained in accordance with the Town of Mount Desert Marine Management Ordinance, Article V, and section 5.11

### 1.2 Designated Mooring and Anchorages within Town Waters

1.2.1 Valley Cove has been designated as an anchorage area only. No moorings will be placed into the area bounded by 44 18 492 N, 068 19 085 W extending on a magnetic bearing of 085 degrees M to 44 18 687 N, 068 18 677 W, to 44 19 294N, 068 18 687 W, a bearing of 18 degrees magnetic, this intersects the high water shore line at Acadia Mountain. The westerly and northerly boundaries are the MHW along the shoreline, which is Acadia National Park.

1.2.2. Within the area defined above no mooring of any type shall be placed other than those in position prior to July 2, 2002.

### 1.3 Standards for Single Point Mooring Systems:

The following shall be the minimum specifications for all new moorings, and replacement mooring parts, in all harbors except as otherwise provided:

Boat Length	Mushroom	Rock Size**	Bottom*** Chain	Top Chain	Nylon Size
Less than 20'	75 lb*	500	½	½	½
20' but < 30'	200 lb*	750	5/8	½	5/8
30' but < 40'	N/A	2,800	¾	½	¾
40' but < 50'	N/A	3,400	7/8	5/8	1.00
50' but < 60'	N/A	5,500	7.8	5/8	1.00
60' and over	N/A	6,000	1.00	5/8	1.00

### 1.4 Standards for Two Point Mooring Float Systems

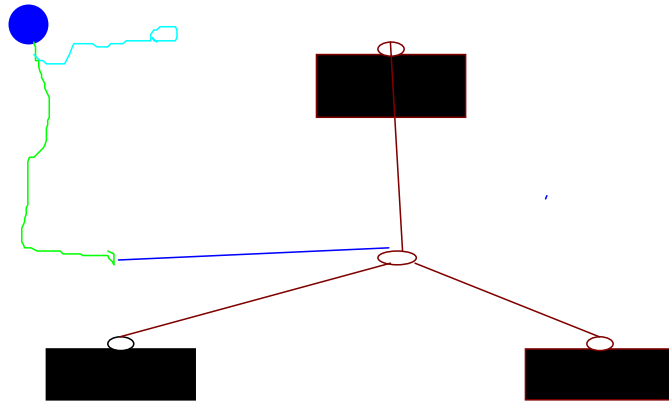
The following shall be the minimum specifications for all mooring floats not attached to shore in all harbors except as otherwise provided:

Float Length	Max Float Width	Rock Size	Bottom Chain	Top Chain
10' but < 20'	6'	2000	½"	½"
20' but <30'	6'	2500	5/8"	½"
30' but <40'	6'	4000	¾"	½"
40' but <50'	6'	6000	1.0	5/8"
50' but <60'	6'	N/A	N/A	N/A
60' and over	6'	NA/	NA/	NA/

**1.5 Standards for Three Point Mooring Systems**

All 500 and 600 series moorings with-in the Federal Project Area shall have a three (3) point mooring system. The Three (3) point mooring system for the 500 and 600 series shall consist of the following minimum gear size:

Boat Length	Rock Size**	Bottom*** Chain	Top Chain	Nylon Size	Connecting Ring
50' but < 60'	3 @ 5,500 lbs	7/8	5/8	1.00	7/8
60' and over	3 @ 6,000 lbs	1.00	5/8	1.00	1.00



**1.6 Scope**

**1.6.1 Single Point Moorings and Two Point Mooring Floats**

From May 15 to October 1, the mooring scope shall be equal to the depth of the water at mean low tide + 15 feet multiplied as indicated below, measured from the rock to the bow of the boat. From October 1 to May 15, pennants may be lengthened, provided such action does not interfere with nearby moorings.

Northeast Harbor and Somes Harbor: multiplied by 2

Otter Creek, Seal Harbor, and Bartlett's Landing: multiplied by 3

**1.6.2 Three Point Moorings**

From May 15 to October 1, the mooring scope shall be equal to the depth of the water at mean low tide + 15 feet multiplied as indicated below, measured from the ring to the bow of the boat. From October 1 to May 15, pennants may be lengthened, provided such action does not interfere with nearby moorings.

Northeast Harbor and Somes Harbor: multiplied by 2

Otter Creek, Seal Harbor, and Bartlett's Landing: multiplied by 3

In the Federal Navigation Project, part of the scope is the distance from the rock to the connecting ring. From the rock to the connecting ring must be a minimum of 10 feet.

When setting these series moorings, the Harbor Master or Deputy Harbor Master will be present.

### **1.6 String Moorings**

String Moorings are permitted for boats less than 20 feet with the permission of the Harbor Master.

The bottom chain shall be no less than 10 feet in length.

Maximum string length shall be no greater than 300 feet with a 2,000 lb rock at each end.

Shorter string lengths may be used with no less than a 1,000 lb rock at each end.

## **2. Definitions:**

“Full Harbor” is one so declared by the Board of Selectmen on the report of the Harbor Master that there is no available space for the placement of any more moorings, and that a waiting list must therefore be established.

“Bona fide boat” means a boat appropriately sized for the mooring (series) to which it is secured and owned by the person registering the mooring. (A dinghy secured to a mooring solely for the purpose of occupying a mooring is not a bona fide boat.)

“Commercial mooring” is any mooring used on a temporary basis to hold boats awaiting service from a marine related business or used on a permanent basis to hold boats belonging to a marine related business provided such boats are actively used for specific activities related to their business.

“Loss of Harbor Privileges” Use of all harbor facilities in the Town of Mount Desert to include: public floats, maintenance floats, dinghy floats, marina, rental moorings, use of commercial floats and the removal from all waiting lists.

## **3. Floats, Docks, Piers and Ramps**

### **3.1 Use Of:**

- a. Any vessel docked in the marina or secured to a Town owned float without the Harbor Master’s permission may be fined up to \$100 per day and removed at the vessel owner’s expense and risk.
- b. Use of any Town owned marine facility, where rent is collected, is not allowed unless all fees, fines and taxes owed to the Town of Mount Desert pertaining to a vessel or mooring(s) are paid in full. .
- c. Privately owned moorings rented through the Town or with the permission of the Harbor Master shall be considered part of the Town owned facility for this purpose.
- d. To avoid court action and or loss of harbor privileges, tickets must be paid within 30 days of date of issue.
- e. A round trip fee of \$5.00 will be charged to non-residents for the use of the Northeast Harbor launching ramp.
- f. Piers, floats, docks and ramps shall be kept clear of small boats, traps, vehicles and other materials at all times.

### **3.2 Public Float**

Any vessel, with the exception of those actually carrying passengers or freight for hire, may use the portions of the float so marked within the limits posted. The back of the Public Float will be divided into 2 sections, one for boats of 17 feet or less to be limited to 4 hours, and commercial dinghies. These dinghies will be 14 feet or less and if powered be powered by 20 hp or less, they will also be required to display decals on the inside of their transoms to certify that they are mooring owners in Northeast Harbor. The Harbor Masters office will issue the decals. Violators may be fined up to \$100 per day and the vessel may be removed at the owner's expense and risk. No Vessel docked at a public float may engage in repair work without the permission of the Harbor Master.

## **4. Seafood Buying Regulations**

Seafood Buyers shall be registered with the Harbor Masters Office. Buyers shall provide the Harbor Master with a copy of their State of Maine Seafood Wholesale Buyer's License, registration numbers for vehicles to be utilized in buying and any other pertinent information. The permit shall be effective for the applicable fishing season as established by the Maine Department of Marine Resources.

Seafood buyers will only be allowed to have one buying vehicle in use at a time per registration. The number of permits issued will be limited to four (4) and no buyer will be issued more than one (1) permit. With prior approval of the Harbor Master buyers may use the main pier to load their product, but will be limited in time (30 minutes) on the pier. All buyers are responsible for the cleanliness of the area they use and for the people selling them their product.

Anyone wishing to buy on a one- time basis will be allowed to do so after registering with the Harbor Master and paying a one-time fee of \$35.00, providing there is space available.

### **4.1 Seafood Buyers Fees**

- a. \$1,000.00 for the applicable fishing season as established by the Maine Department of Marine Resources.
- b. \$35.00 for a one- time basis, providing there is space available.

## **5. Slip Reservations**

- a. Reservations will not be accepted prior to 1 January of each year for that summer season. All reservations must be re-confirmed prior to 10 days of the scheduled date of arrival.
- b. Mariners are encouraged to make reservations as early as possible. Those who do not re-confirm will be dropped to the bottom of the waiting list for that day. Credit card numbers will be taken on all confirmed reservations. Any vessel not showing up for a confirmed reservation will be charged for any confirmed dates not filled by the office on his/her credit card.
- c. If a vessel has a reservation and decides to depart early they will be charged for those dates not filled by the office. Check out time is 11:00 a.m. on the day of departure.

### **5.1 Waiting List**

- a. When available, boats requesting a reservation will be recorded on a Waiting List in the order in which the reservation is received.
- b. At 9:30 a.m. and 2:30 p.m. each day, available dock space will be offered to those on the waiting list.  
Vessels on the waiting list for more than one day will be considered on a day-to-day basis.
- c. Boats that are on the waiting list must confirm by 9:00 a. m. on the morning of their scheduled arrival and any day they are on the waiting list. Once a determination has been made if there is room for a vessel the vessels that can be confirmed into the marina will be called by VHF channel 9 or by telephone.

### **5.2 Transient Vessels**

Transient vessels may not remain in a slip for more than thirty (30) days. After thirty (30) days, vessels must remain out for fourteen (14) days unless space is available. Boaters with confirmed reservations may enter their designated slips after 12 Noon. Boaters who wish may enter vacant slips before noon and pay for one-third (1/3) of a day's slip charge for the slip occupied.

### **5.3 Seasonal Slips**

A confirmed seasonal slip renter will have a minimum reservation for at least forty-five (45) days during the periods of May 15 through September 30. Seasonal slip waitlist is maintained in the Harbor Master's office.

- a. Seasonal Slips may not be passed on to family or non-family members.
- b. Seasonal Slip renters that are unable to use their slip for a season may keep their slip in future years if they pay for a period of 45 days. The slip will only be held for a period of one season.
- c. Notification of absences from the slip by seasonal renters is essential, as the Harbor Master may wish to rent the space during the seasonal renter's absence. Accordingly, a seasonal renter shall inform the Harbor Master in writing of all periods when the slip will not be occupied overnight. Seasonal slip renters may return before noon if so stated in writing on their departure.

### **5.4 Fees**

#### **5.4.1 Vessel Length**

A vessel's length is considered to be its overall measured length and not its registered or documented length. Measurements are at the discretion of the Harbor Master whose decision will be final.

#### **5.4.2 Payment**

- a. Transient vessels shall pay, in advance, in U.S. currency. Travelers' or personal checks in U.S. currency will be accepted with two (2) forms of identification. Master Charge (MC) and VISA also accepted.
- b. Payment of off- season slip rent shall be paid in advance. Payment is expected to the end of the month upon entering the slip. Then on the first of the month thereafter.

#### **5.4.3 Dinghies and Outboard Floats**

- a. Town residents shall tie up their dinghies (14 ft limit) to the float near the Chamber of Commerce at no charge. Transient yachtsmen will also use the same area
- b. Dinghies used to tend both commercial fishing and commercial vessels will not be charged but will carry a decal issued by the Harbor Masters Office and will be limited to 14 ft with 20 hp o/b motors or less and will tie up behind the public float marked accordingly. The decal will only be issued to commercial float operators and commercial fishermen with moorings in Northeast Harbor.

## **6. Northeast Harbor Floats, Docks, Piers and Ramps**

- a. Any vessel docked in the marina or secured to a Town owned float without the Harbor Master's permission may be fined up to \$100 and removed at the vessel owner's expense and risk.
- b. Use of any Town owned marine facility, is not allowed unless all fees, tickets, fines and taxes owed to the Town of Mount Desert pertaining to a vessel or mooring(s) are paid in full.
- c. Privately owned moorings rented through the Town or with the permission of the Harbor Master shall be considered part of the Town owned facility for this purpose.

### **6.1 Maintenance Float**

- a. Before docking, vessels needing minor mechanical work or maintenance must obtain permission of the Harbor Master. No more than 2 vessels may use the float at one time. When work on vessels cannot be performed during one workday, such vessels may be moved at the Harbor Master's discretion. Vessels requiring major mechanical work or maintenance must make arrangements with the Harbor Master prior to commencing any work.
- .b. Users of the maintenance float are responsible for cleaning up so that the float is neat and tidy at all times.
- c. Sanding, welding and use of torches is not allowed without specific permission from the Harbor Master.
- d. If the maintenance float in the Northeast Harbor Marina is not occupied at or after 5:00 p.m., it may be used for overnight dockage, provided any vessel using it shall depart not later than 7:00 a.m. the following morning. Vessels remaining at the float after 7:00 a.m. without permission will be fined up to \$100 and any reservation for subsequent slip space may be canceled.

### **6.2 Commercial Float in the Northeast Harbor Marina**

Only commercial vessels authorized to do so by the Board of Selectmen may use the commercial float. Unauthorized use by vessels shall be subject to a fine up to \$100 and the vessel may be removed at the owner's expense and risk.

### **6.3 Public Float**

Any vessel, with the exception of those actually carrying passengers or freight for hire, may use the portions of the float so marked within the limits posted. Violators may be fined up to \$100 and the vessel may be removed at the owner's expense and risk.

#### **6.4 Northeast Harbor Town Owned Floats, Piers, Docks and Ramps**

- a. Piers, floats, docks and ramps shall be kept clear of small boats, traps, vehicles and other materials at all times
- b. All vessels moored at the Northeast Harbor Marina must be kept in a presentable condition at all times.
- c. Charcoal grilling in the open within the Marina is prohibited.
- d. No vessel docked at the public float at the Northeast Harbor Marina may engage in repair work without permission of the Harbor Master.

#### **6.5 Snow Removal on Floats**

Owners of boats renting Town owned floats or slips shall keep the same clear of snow and ice.

#### **6.6 Vessel Safety and Condition**

Watercraft berthed at any Town owned marina, pier, or float shall be maintained in a safe and presentable condition at all times.

#### **6.7 Spring and Fall Special**

In the spring and fall when boats are being rigged and unrigged, if the Maintenance Float is unavailable, boats may remain in the marina for forty-eight (48) hours without charge, if space permits, at the Harbor Master's discretion.

# TOWN OF MOUNT DESERT

## NORTHEAST HARBOR COMMERCIAL FLOAT REGULATIONS

Adopted March. 20 2006  
Amended \_\_\_\_\_, 2009

THESE REGULATIONS HAVE BEEN PROMULGATED IN ACCORDANCE WITH ARTICLE VII OF THE MARINE MANAGEMENT ORDINANCE. THEY ARE IN ADDITION TO ALL OF THE PROVISIONS OF THE ORDINANCE, AND THE HARBOR REGULATIONS, WHICH ARE NOW IN FULL FORCE AND EFFECT.

### **1. Introduction**

Due to parking limitations, dock space limitations, safety considerations, and the restrictive size of the present ticket booth facility at the Northeast Harbor Marina, the Board of Selectmen shall consider any new commercial boat operations in the Town of Mount Desert subject to the following policy.

### **2. Parking**

As of date this Regulation is approved, new operators carrying passengers or freight for hire applying to operate from the Northeast Harbor Marina, or existing operators seeking to expand their capacity beyond the approved capacity, must show there is sufficient parking for the new or expanded marine business in order to obtain approval to operate from the Northeast Harbor Marina. Parking relied on to meet this requirement must comply in all respects to the Land Use Zoning Ordinance for the Town of Mount Desert.

Applicants may satisfy the parking requirement by providing new parking, or by showing that sufficient parking is presently available to handle the proposed venture because (i) changes in the approved vessel fleet have reduced demand for parking, or (ii) the Town has provided additional parking sufficient to handle the new or expanded operation.

### **3. Limits on Numbers and Size of Boats**

Except as provided below, the Harbor Master shall not approve more than thirteen (13) boats to use the Northeast Harbor Marina, or a lesser number of boats which exceed a maximum licensed load carrying capacity for the combined total number of trips for all vessels of more than 1175 passengers/day, in order to manage the safe and efficient use of the marina facility.

The Harbor Master may recommend increasing the number of boats allowed to use the Northeast Harbor Marina if the existing boats authorized to use the facility decrease trip frequency thereby creating available space or time slots at the commercial dock, provided that the total passenger carrying capacity of the approved fleet of vessels does not exceed the maximum number as outlined above.

Due to the limited size and load constraints of the present commercial float system, no vessel over 50 feet maximum overall length or with a capacity of over 80 passengers will be approved for use of the Northeast Harbor Marina.

### **4. Application Process for Approved Boats**

Within 30 days from the date this Regulation is adopted, and annually thereafter on or before January 15, each approved operator must sign a Contract with the Town which includes a commitment to operate for the upcoming season, verifies the size and licensed passenger capacity of the approved vessels, maximum number of trips allowed per day, approved time for these trips, a certificate of liability insurance, copy of all vessel operators' current coast guard license, a copy of each inspected vessel's current certificate of inspection, as well as other provisions consistent with this Regulation. The Town shall provide the Contract form for use in implementing this Section.

On or before September 30, 2008, and on or before September 30 of every third year thereafter, every approved operator must submit to the Harbor Master an "Application for Approval to Operate from the Northeast Harbor Marina." Applications shall be submitted on forms supplied by the Town and shall, at a minimum, require each operator to submit a detailed operating plan for its use of the marina. The purpose of the Application shall be to provide the Town with a periodic opportunity to review use of the Northeast Harbor Marina, and/or to consider new operators as discussed in Section 5 below. Decision criteria shall include the operator's record of safety, compliance, courteous use of the float, public feedback, and other factors related to the safe and efficient use of the Northeast Harbor Marina. The Harbor Master shall forward all Applications to the Marine Management Committee with a recommendation of Approval, Approval with Conditions, or Non-Approval. The Marine Management Committee shall review the Applications and the Harbor Master's recommendations, and forward the Applications to the Board of Selectmen with the Committee's recommendations. The Board of Selectmen shall make the final determination on all Applications.

Proposals for replacing an existing approved vessel by a present operator which involves no increase in passenger carrying capacity, and otherwise complies with this Regulation, the Contract, and the Application, may be submitted at any time to the Harbor Master for review and approval.

Proposals for changing an existing Contract, Application, or approval in a manner that does not increase use of the Northeast Harbor Marina, ticket booth, or parking for the upcoming season may be submitted to the Harbor Master between January 15 and March 1<sup>st</sup> of every year for review and approval, and if appropriate amendment of the Contract.

Proposals from approved operators to change operations in any manner which would increase use of the marina, ticket booth, or parking shall be treated as proposals for new or expanded business, and evaluated according the provisions of Section 5.

All the Proposals to transfer existing business operations with existing approved operating plans and vessels to new owners (“Direct Replacement of Services”) will be considered on a case by case basis at any time and must first be submitted to the Harbor Master for review and comment, next obtain the recommendation for operational status by the Marine Management Committee and finally receive approval by the Board of Selectman in order to operate from the commercial float.

## **5. New or Expanded Operators**

On or before September 30 of any year, the Board of Selectmen will advertise for proposals to be submitted for consideration by potential new passenger vessel operators, as well as proposed additional vessels or proposed higher passenger capacity replacement vessels by presently approved operators, to fill any vacancies which have been created at the Northeast Harbor Marina. Proposals must meet all criteria as outlined in this document, and be submitted on the Application for Approval to Operate from the Northeast Harbor Marina. Applications will be processed as described in Section 4. Selection of new operators, additional vessels, or higher passenger capacity replacement vessels will be on a “space available basis” and will be determined by a lottery system if the number of acceptable proposals exceeds the operating space available. All new or expanded operators will be required to enter into Contracts as described in Section 4.

## **6. Classification of Passenger Vessels**

Passenger vessels operating from the marina will be classified and approved for operation in the following categories:

1. “Regular Trip” Operator (includes Drop Off and Pickup privileges also)  
or
2. Operator Approved for “Drop Off and Pickup” On Demand Services only

All vessels approved for operation from the Northeast Harbor Marina will also be permitted drop off and pickup privileges in the other harbors of Mount Desert. Regular scheduled trip operations will only be allowed from the Northeast Harbor Marina.

## **7. Ticket Booth**

Use of the ticket booth at the marina will be governed by the present “Ticket Booth Cooperative” Bylaws. All vessels approved by the Board of Selectmen for regular trip operation from the marina will be allowed use of this facility upon payment of their joining fee. All vessels approved for “Drop-Off and Pickup” on demand services at the commercial float will be allowed to display their advertising at the ticket booth. Any disputes arising from the operation of the ticket booth will be resolved by the Harbor Master.

## **8. Penalties**

Approval to use the Northeast Harbor Marina may be suspended, limited, or revoked by the Harbor Master upon violation of the Marine Management Ordinance, the Harbor Regulations, this Regulation, any applicable Contract or Application, which violation is not corrected as soon as possible and in any event within 30 days of notice from the Harbor Master. The Harbor Master shall not be required to allow a cure period for repeat violations. In addition, the Harbor Master shall have the authority to impose fines as described in Sections 7.3 and 8.1.2 of the Marine Management Ordinance.

