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Coastal Zone Management Program
Maine Coastal Zone Management Program

TOWN OF THOMASTON

HARBOR ORDINANCE

Adopted: April 28, 1987

COASTAL ZONE
INFORMATION CENTER

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I. PURPOSE

The harbor must be kept open for navigation and other purposes by rule of the Corps of Engineers, Department of the Army. Pursuant to the provisions of the Maine Revised Statutes annotated (MRSA), Title 38, Sec. 2, the following Ordinance is hereby enacted. It is intended that these will provide the means by which use of Thomaston Harbor may be maximized, and competing commercial, recreational and other appropriate uses balanced. The intent of this Ordinance is to insure that all legitimate interests will have the opportunity to utilize Thomaston's limited harbor resources.

II. CHARACTERISTICS

Thomaston Harbor, which is defined in detail by Section III, is situated at the bend in the St. George River when approaching the Town of Thomaston from seaward. The Harbor is comprised of a narrow channel at low tide which measures 19.3 acres between the fixed beacon and the Wadsworth Street Bridge. At normal high water, the water surface measures 96.9 acres. During northerly winds the harbor is sheltered. During southerly to southwest winds, the harbor is sheltered from the Wadsworth Street Bridge to the vicinity of Browns' Point. Southeast winds provide the only direction from which wind and waves create a problem for a majority of the harbor. During incoming tides, the average current is 2-3 knots. During outgoing tides, the current averages 3-4 knots. A current of 6 knots has been measured. Presently the harbor sees maximum activity in the spring from April through June when boats are launched, and in the fall during September and October when boats are hauled. Considerable year-round activity results from productive clam flats on the St. George River.

III. DEFINITIONS

- A. Berths: The place where a vessel lies when at anchor or when secured to a wharf.
- B. Commercial Mooring: Mooring assigned to a commercial enterprise involved in sales, service, storage, construction, repair or operation of vessels for hire rather than to specific vessels which may be used by a suitable sized vessel with the permission of such commercial enterprise to which the mooring is assigned.
- C. Channel: That area enclosed by the mean low water lines along the northerly and southerly sides of the natural channel of the St. George River.
- D. Dock: The slip or waterway extending between two piers or projecting wharves or cut into the land for the reception of vessels.
- E. Float: A structure, permanent or temporary, supported by its buoyancy, whether attached to the shore, a wharf, a pier, or moored to the bottom, having no installed means of propulsion, and constructed with a deck. Temporary, as used herein, means a structure which remains in the water for less than seven (7) months in any consecutive twelve (12) months. No structure shall extend more than four (4) feet above the deck of the float and no dwelling shall be located thereon.
- F. Harbor: That portion of the St. George river in Thomaston from a projection of the center line of ship Street to the east-west line

passing through the day beacon.

- G. **Harbor Master:** An officer appointed by the Selectmen and employed by the Town of Thomaston to enforce the ordinances of the Town as regard with the Harbor and all tidal waters of the Town, with the power to make arrests and to work with and for the Thomaston Harbor Committee and to serve as Ex-officio Advisor to the Committee.
- H. **Thomaston Harbor Committee:** A board of five permanent members and two alternates appointed by the Selectmen, without compensation, to oversee, direct, police and plan the general operation of the Harbor including all piers, docks, floats and moorings therein, and such other duties which are consistent with the intent of the committee.
- I. **Landings:** A place for landing or discharging persons or things, as from a vessel.
- J. **Mooring:** A mooring is a permanent, adequate means of securing a boat to the bottom in anchorage. This may be through a buoy or float.
- K. **Pier:** A permanent or temporary structure, located generally perpendicular to the shore, supported by piling, cribbing or solid fill, having a deck or platform suitable for the berthing, loading, unloading or servicing of vessels. Temporary, as used herein, means any structure which remains in the water for less than seven (7) months in any consecutive twelve (12) months. Except for mooring devices, safety equipment, equipment and structures directly associated with the services rendered to vessels using the pier, no building or structure shall extend above the level of the deck of the pier and no dwelling shall be located thereon..
- L. **Obstruction:** A mooring, a vessel, floats and any object which impedes navigation is defined as an obstruction.
- M. **Vessels:** Vessels shall include boats of all sizes propelled by sail, machinery or hand plus scows, dredges, shellfish cars and craft of any kind.
- N. **Wharf:** A structure of timber, masonry, cement, earth or other materials, built on the shore of a harbor, river, canal or the like, especially one extending parallel to the shore line, so that vessels may lie close alongside to receive and discharge passengers and cargo.
- O. **Marina:** A shorefront facility providing one or more of the following services to the public: boat berthing, boat launching, boat storage, boat repair and servicing, sale of fuel and lubricants for marina use, sale of marine supplies, sale and /or servicing of marine equipment and accessories, including boat trailers.
- P. **Clear Passage Zone:** A 50 foot wide area in the north side of the Corps of engineers layout channel. North side of zone shall be 20 feet and 35 feet from north layout channel line as shown on attached mooring plan.

- Q. Water Levels: Annual High Water - The highest tide of the year. Normally 12 foot tide.**

Mean (Normal) High Water - The average of the high water over a 19 year period.

Mean Water Level - Midway between mean high water and mean low water.

Mean (normal) Low Water - The average of the low water over a 19 year period.

IV. STANDARDS

- A. Speed of Vessels: It shall be unlawful for any person to operate any boat or vessel upon the St. George River, in the defined harbor in such a manner as to cause a wash, a wake or waves that disturb or damage any wharf, float or anchored or moored boat or vessel or at a speed that endangers any person or property. Vessels shall not exceed a speed of five miles an hour in this area.**
- B. Navigation: The channel is for the passage of boats and shall be clear of any and all obstructions, except as permitted below. No obstructions of any kind shall be placed in the Clear Passage Zone.**

Any person placing or owning an obstruction as follows in the areas as defined in Section III-C, Channel, and Section III-P, Clear Passage Zone, will be liable for a fine not exceeding \$500 each day that any person shall be found in violation of any of said provisions. Each day shall constitute a separate and distinct offense.

- 1. No person shall set fishing equipment in the waters of the Town of Thomaston or permit his equipment to remain in a position in said waters where any portion of said equipment shall be within eight feet of the surface of the waters within the area described in Section III-C, Channel.**
 - 2. No mooring shall be set, established or maintained within that portion of the St. George River and approaches lying within the town limits of Thomaston, without permission of the Harbor Master or his deputy who shall grant such permission with due regard for passage of vessels. No person shall anchor in said area except when in distress or under direction of the Harbor Master.**
 - 3. No water skiing or swimming is permitted in the harbor except in areas designated.**
- C. Anchorage: Vessels shall anchor in the harbor in such a way and in such places or areas as the Harbor Master shall direct. The Harbor Master may at any time order any vessel at anchor to change position when, in his opinion, said vessel is so anchored**

as to impede navigation or to endanger other vessels.

D. Moorings: These regulations are promulgated to meet the U.S. Army Corps of Engineers requirements for Federal Anchorages and Title 38, MRSA Section 2 as amended.

1. All mooring space shall be under the exclusive control of the Harbor Master who shall assign moorings, maintain a written record of basic information on each mooring including assigned location, identifying number, vessel description, size, owner, and any other data deemed useful. He shall also maintain a chart of the relevant harbor, showing current mooring locations, assignments, and their numbers.

Commercial Moorings shall be located in space designated by the Harbor Master for said use. The Harbor Master may assign unused commercial mooring space to other vessels based upon standards set forth in this Ordinance. Such assignment will be subject to review by the Harbor Committee at its discretion and non-commercial users shall have no vested right to said mooring space.

Moorings shall be assigned on the basis of one mooring location per vessel. Mooring locations shall initially be assigned to those persons owning vessels and occupying mooring locations as of July 10, 1986. Mooring space shall not be transferrable.

Moorings assigned to commercial entities shall be reassigned at such time as the Harbor Master makes finding that the justification for the original assignment is no longer present. Commercial mooring locations shall initially be assigned to those commercial entities occupying mooring space as of July 10, 1986.

No individual will be eligible for a second mooring or float until all other claims for a float or mooring have been satisfied.

Any mooring or float assigned beyond the original assignment will be subject to annual review and will not be considered a vested interest of the assignee.

Within space available, future requests for a mooring location shall be treated on a first come basis in accordance with the following priority guidelines:

- a. Shore-front owners requesting an initial location adjacent to their property.
- b. Resident commercial vessels owners.
- c. Resident pleasure vessels owners.

- d. Resident commercial vessel owners and marine operators requesting multiple locations.
- e. Non-resident commercial owners.
- f. Non-resident pleasure vessel owners.
- g. All others.

Applications for a boat mooring shall be submitted annually by March 1, to the Harbor Master, who shall review the application with regard to space available for the type of boat so indicated. Upon approval, it is the responsibility of the applicant to submit the approved application to the Town Office together with all fees due. The applicant shall then present the application and proof of payment to the Harbor Master who shall assign a registration number and location for such mooring and advise the applicant of these rules and regulations. Mooring permits are not transferrable. The Harbor Master shall submit to the Town and maintain the list of all paid applications. The Harbor Master shall, when assigning mooring locations, be guided by water depth and the Mooring Plan which is a part of this ordinance.

2. Any person or legal entity assigned the use of a mooring space shall be required to pay an annual mooring fee to the Town of Thomaston. The fees shall be established annually by the Harbor Committee. These fees are due and payable on or before April 1st of each year. Failure to remit these fees to the Town of Thomaston shall result in forfeiting the Harbor space assignment.
Owners of moorings shall be liable for any and all fees due the Town of Thomaston resulting from usage of their moorings.
3. All moorings shall be of sufficient size to hold the vessel for which they are used. All moorings shall have been approved with the registration number assigned by the Harbor Master permanently affixed therein. Such numbers shall be at least three inches high and shall be clearly visible at all times. The Harbor Master may at any time examine any mooring or mooring line to determine compliance with this section. Except in case of emergency, he shall notify the owner of this 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 therefrom shall be borne by the owner of the mooring. Vessels and /or mooring owners shall be liable for any damage caused by faulty, inadequate, or improperly placed moorings.
4. No person shall move or interfere with any mooring or vessel belonging to

another person except by direction of the Harbor Master or with permission of the owner.

5. Courtesy Moorings may be provided for the use of visiting vessels. Such Vessels may use these moorings for a period of no longer than 24 hours, except under unusual circumstances with the express permission of the Harbor Master.
6. Moorings that are unused by the vessel assigned to it, for more than five (5) months during the period April 1 to Oct 31, may be deemed vacated and be reassigned by the Harbor Master. If a mooring is re-assigned under this section the former assignee shall have no right to special consideration for assignment of another mooring.
7. Vessels in violation of this ordinance may be moved by the Harbor Master, at the owner's expense.
8. All decisions made by the Harbor Master under this section may be appealed to the Harbor Committee on forms approved by the Harbor Committee.

E. FLOATS:

1. It is recognized that 'floats' in the harbor will allow for a higher density of boats in any given area, therefore, 'floats' may be moored in Thomaston Harbor on a space available basis as assigned by the Harbor Master. All year-round (More than 7 months) floats installed in Thomaston Harbor after April 15, 1976, must obtain permits from the U.S. Army Corps of Engineers and the Department of Environmental Protection.
2. All boat owners who have not renewed their float or mooring assignment with the Harbor Master by March 1st of each year shall be considered as having abandoned their assignment. Any owner must inform the Harbor Master if his float or mooring is being unused for 48 hours or more and allow the Harbor Master to assign temporary use.
3. Additional moored floats shall be permitted and allowed by the Harbor Committee as demand increases. The Harbor Committee shall give first refusal for assignment of float space to individuals whose moorings have been displaced by placement of a given float.

Within space available, future requests for a moored float location shall be treated on a first come basis in accordance with the following priority guidelines:

- a. Shore-front owners requesting an initial location adjacent to their property.
- b. Resident commercial vessel owners.
- c. Resident pleasure vessel owners.

- d. Resident commercial vessel owners and marine operators requesting multiple locations.
- e. Non-resident commercial vessel owners.
- f. Non-resident pleasure vessel owners.
- g. All others.

The floats shall be privately owned, built and maintained. Floats shall be built to the standards listed in Section V. Individuals who construct floats and are granted space shall have the right to use of the floats assigned space consistent with this Ordinance. If these individuals change the size of their vessel they they will go to a priority status and be reassigned a space for their vessel when available. Float space other than those attached to a pier or wharf cannot be transferred in the event of ownership change, either of the vessel or the float.

Uniform rental fees for moored floats shall be established annually January 1, by the Harbor Committee.

Floats shall initially begin south and east of the treatment plant and extend towards the Wadsworth Street Bridge on the south side of the channel as deemed fit by the Harbor Committee.

- 4. Floats that are unused by the vessel assigned to it for more than five (5) months during the period April 1 to October 31, may be deemed vacated and be reassigned by the Harbor Committee. If a moored float is re-assigned under this section the former assignee shall have no right to special consideration for assignment of another mooring or float.
- 5. All decisions made by the Harbor Master under this section may be appealed to the Harbor Committee on forms approved by the Harbor Committee.

F. Buoys Other Than for marking Vessel Moorings:

No buoy of this type shall be placed in channels leading to wharves, nor shall such buoys be placed less than three vessel lengths from a mooring bouy for that vessel. The Harbor Master is empowered, in the interest of public safety, to require the removal of non-conforming buoys.

G. Public Wharves, Landings, and Launching Ramps:

- 1. **Obstructions:** No person shall obstruct by any means whatsoever the free use of piers, docks and other common landing places. The town wharves shall be used only for loading and unloading. Vessels shall not remain moored to the wharf of float for a period longer than is reasonably necessary for this purpose, except by permission of the Harbor Master. Boats and trailers shall not remain on the ramp longer than reasonably required to launch or retrieve a boat. The Harbor Master

shall remove or cause to be removed any unattended vessel obstructing free use of piers, docks or other common landing places after due effort has been made to notify the master or owner of said vessel of the above violation.

2. The Harbor Master shall allow overnight dockage on town floats at a fee designated each year by the Harbor Committee. Any person mooring overnight on town docks with or without permission shall be charged dockage payable on demand.
3. No person shall loiter, create a public nuisance or partake of alcoholic beverages on Town wharves, landings or ramps. Town wharves or piers may be closed at the discretion of the Harbor Committee and so posted.
4. No skiffs, dinghies or tenders are allowed on top of Town owned floats.
 - a. No boat more than 12 feet in length shall be tied to a Town-owned float except for loading or unloading. Tenders, skiffs, and dinghies must be maintained by owner and owner shall be liable for any damage occurring to floats or other vessels due to negligence. All tenders, skiffs and dinghies shall be registered with the Harbor Master and identified by number.
 - b. All tenders must be tied behind Town floats leaving the channel side of floats open for use.
5. **Storage:** Personal property such as lobster traps, automobiles, cradles, boats, vessels, floats, etc. shall not be stored on Town wharves or landings. Exceptions to the rule shall be considered on an individual basis when submitted in writing to the Harbor Committee. Personal property shall not remain for more than 2 hours on the designated loading zone.
6. **Construction:** No additions, alterations, new construction or changes to existing structures at any wharf, pier or landing shall be made without prior permission of the Harbor Committee and Code Enforcement Officer. Permission for construction of any new wharves or piers within the Harbor limits must be obtained from the Harbor Committee and Code Enforcement Officer.

H. Waste and Refuse:

No person or vessel shall deposit, throw, sweep or cause to be deposited or swept into the waters of Thomaston, or into waters adjacent thereto, any gas or oil or bilge water containing same, ashes, dirt, stones, gravel, mud, logs, planks or any other substance tending to obstruct the navigation of said Harbor or waters thereof. No trash or refuse shall be placed on any Town float or pier except in designated containers.

I. Harbor Master:

The Harbor Master shall enforce this Ordinance and the rules and regulations pertaining to harbors and tidal waters under the jurisdiction for the Thomaston Harbor Committee as promulgated by the Committee, and shall cooperate with other government agencies in enforcing their regulations. He shall, under the supervision of the Committee, oversee the jurisdictional area of Committee preserve and regulate

navigation with said waters, assign moorings, require same to be kept in safe condition, direct the removal of vessels, if necessity or emergency requires, inquire into and prosecute all offenses occurring within his jurisdiction, and he shall keep such records as the Committee may require and shall perform such other duties as the Committee may prescribe. The Harbor Master shall be appointed for one year, his qualifications, salary and expenses to be recommended by the Committee. The Harbor Master shall be empowered to make arrests for offenses under the provisions of the regulation as other officers are authorized to do so (MRSA Title 38, Subchapter 1).

J. Harbor Committee:

The duties of the Harbor Committee shall be:

1. To serve as the Appeals Board for decisions of the Harbor Master.
2. To Promulgate Harbor Rules and Regulations
3. To Establish fees.

K. Penalty:

Whoever violates any of these rules or regulations or refuses or neglects to obey the lawful and reasonable orders of the Harbor Master, or resists him in the execution of his duties, shall be punished by a fine of not more than \$500.00 for each day of occurrence.

L. Federal and State Regulations:

Nothing herein shall be considered as conflicting with Federal laws applicable to the coastal waters and tidal waters and tidal rivers and harbors of the state. In all cases the more stringent law shall prevail.

M. Effective Date:

These rules and regulations shall take effect when adopted and shall remain in effect until altered or repealed by a regular or special Town Meeting.

N. Separability:

In the event that any section, subsection or portion of this Ordinance shall be declared by any competent Court to be invalid for any reason, such decision shall not affect the validity of any other section, subsection or portion of this Ordinance.

V. STANDARDS

A. Setbacks:

All floats, moorings, slips, and piers and docks shall be situated in a fashion which will not allow any boat to be in the "Clear Passage Zone" or within ten (10) feet of any property line, below mean high water. An exception to the ten (10) foot setback requirement may be made where abutting property owners forge an alternative written agreement, said agreement ratified by the Harbor Committee and Planning Board.

B. Floats:

After the adoption of this ordinance, no new float in Thomaston Harbor shall exceed ten (10) feet in width or twenty (20) feet in length. All floats shall be constructed in accordance with State of Maine Standards, Bureau of Parks and Recreation, as revised March 1987. All existing non-conforming floats shall be registered with the Harbor Master by June 1, 1987.

C. Property Lines:

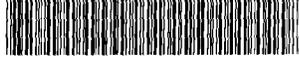
Property lines extending below mean high water shall be determined by the average of perpendicular lines to a line connecting the end inpoints of the shore lines at mean high water unless otherwise determined by registered property survey.

D. Boat moorings shall comply with the following:

Length Boat, Max.	Chain Size	Mushroom Weight	Granite Weight	Pennant Length	Pennant Strength
15'	5/6"	100 lbs.	2,000 lbs.	4'	400 lbs.
20'	3/8"	150 lbs.	2,000 lbs.	8'	600 lbs.
25'	3/8"	200 lbs.	4,000 lbs.	10'	800 lbs.
30'	1/2"	300 lbs.	6,000 lbs.	10'	1,200 lbs.
35'	1/2"	350 lbs.	6,000 lbs.	10"	1,400 lbs.
40'	5/8"	400 lbs.	6,000 lbs.	10'	1,600 lbs.
45'	5/8"	450 lbs.	6,000 lbs.	10'	1,800 lbs.
50'	5/8"	500 lbs.	6,000 lbs.	10'	2,000 lbs.

Chain length required is a 3 to 1 scope of water depth at Mean High Water. Mushroom or granite anchor may be used.

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