


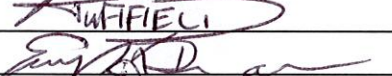
Stonington Fish Pier, Harbor and Waters Ordinance


Town of Stonington, Maine



Enacted by the Town Meeting assembled the 15th of May, 2021 and
thereafter Amended on:







Attest: This is a true document. The Stonington Fish Pier, Harbor and Waters Ordinance has been in effect without change from 15th of May, 2021, except as amended.

Dated: May 15, 2021

Signature: _____

Diane Hardie, Stonington Town Clerk

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Attest: A true copy of an ordinance entitled Stonington Fish Pier, Harbor and Waters Ordinance, as certified to me by the municipal officers of the Town of Stonington, Maine, and adopted by the town meeting on the 15th day of May, 2021.

Date: 8/1/2022

Signature: Mary C. Roche
Town Clerk

STONINGTON FISH PIER, HARBOR, AND WATERS ORDINANCE

I. Authority- This ordinance is adopted pursuant to the authority granted by Title 38 M.R.S.A. Chapter 1, as amended, Title 30A, M.R.S.A., sections 3001,3007,3009, and 4452 as amended and the Home Rule provisions of the Constitutions of the State of Maine with additions and deletions.

II. Jurisdiction

The rules and regulations of the Stonington Harbor and Waters Ordinance shall apply to activities occurring on waterfront properties owned or leased by the Town of Stonington and activities occurring within or directly affecting the area within Stonington Harbor and Stonington Waters. In addition to the provision of this ordinance, the Board of Selectmen may adopt regulations governing the management of the Town's waterfront properties, including the Fish Pier, town landing, town ramps and other Town owned, leased or managed waterfront property.

III. Harbor Committee

- A. **Appointment.** The Board of Selectmen shall appoint a committee of seven (7) individuals familiar with Stonington Harbor and Stonington Waters. All members of the committee shall be year-round Stonington residents. The Selectmen may remove, after due notice and hearing, any committee member who misses three consecutive meetings or is repeatedly disruptive of committee meetings. A Board member who ceases being a year-round Stonington resident forfeits their position and may no longer serve on the Board.
- B. **Powers.** The Harbor Committee shall:
- 1) Make recommendations to the Selectmen for the development and management of Stonington Harbor and Stonington Waters.
 - 2) Make recommendations to the Selectmen for improvements in the operations of the Harbor.
 - 3) Assist in resolving conflicts which may arise in Stonington Harbor and Stonington Waters.
 - 4) Recommend annually to the selectmen changes in regulations and fees pertaining to the Harbor, Stonington Waters, Fish Pier, the Public Landing, and other Town waterfront property.
 - 5) Recommend individuals to the Town Manager and Board of Selectmen for the position of Harbormaster.
 - 6) Provide assistance when requested by the Harbormaster in the performance of his duties.

- 7) Review annually the Stonington Harbor and Waters Ordinance and recommend any proposed changes to the Selectmen, at least ninety (90) days before the Annual Town Meeting.
 - 8) Designate a member of the Harbor Committee to attend the Selectmen's meeting when Committee recommendations are discussed and to provide background and context.
- C. **Term.** Each member shall be appointed for a two-year term. Appointments made to fill a mid-term vacancy shall be for the remainder of that term.
- D. **Meetings.** The Committee shall meet the second Tuesday of the month, unless the Committee agrees to meet more frequently.
- E. **Quorum.** A majority of the members appointed to the Committee shall constitute a quorum.
- F. **Vote.** The Committee decisions will be made by vote of a majority of the members present and voting.

IV. Harbormaster

- G. **Appointment.** The Harbormaster shall be appointed by the Board of Selectmen upon recommendation by the Town Manager and Harbor Committee.
- H. **Duties and Powers.** The duties and responsibilities of the Harbormaster are prescribed by Title 38 M.R.S.A., Chapter 1. In addition, the Harbormaster shall have full authority in the interpretation and enforcement of all regulations affecting Stonington Harbor and Stonington Waters and shall oversee and manage all moorings, as well as the Town's owned or leased waterfront properties, docks, floats, and beaches. The Harbormaster shall regularly attend the Harbor Committee meetings and inform the Committee of his/her activities as well as provide such available information as may be required by the Committee for the execution of its duties. The Harbormaster shall, pursuant to state law, designate the areas of the Stonington Harbor and Stonington Waters to be used for moorings and anchorages.
- I. **Compensation.** The Board of Selectmen shall set the Harbormaster's compensation.
- J. **Appeals from Harbormaster Decisions.** Any and all persons aggrieved directly or indirectly by a decision, order, rule or act, or the failure to act of the

Harbormaster may appeal said decision, order, rule, act, or failure to act. The appeals shall be directed as follows:

- 1) Where the appealed action or decision involves moorings or other decisions by the Harbormaster regarding management of the harbor, town landings, town ramps or town beaches, the appeal shall be to the Harbor Committee.
- 2) When the Harbormaster is appointed as the Pier Manager, appeals from decisions regarding Fish Pier permit issuance or non-issuance shall be heard by the Board of Selectmen.
- 3) Summons issued by the Harbor Master can only be contested or appealed in court.

V. Moorings

- A. **Applications.** No moorings shall be placed in Stonington waters without first obtaining a permit from the Harbormaster. Applications for mooring permits shall be submitted to the Harbormaster. Applications shall be completed to the satisfaction of the Harbormaster. Applications not deemed complete and accurate will not be granted. If application is accepted but fee is not paid within 60 days, the mooring location will go to the next person on the Waiting List. Mooring privileges are granted for a one-year period and must be renewed each January, subject to the requirements set forth in this ordinance.
- B. **Mooring fees.** Mooring fees shall be reviewed by the Harbor Committee each November. The Selectmen shall set mooring fees upon recommendation from the Harbor Committee. Bills will be sent during the month of January of each year. Payment must be received within thirty days of the date bills are mailed. Failure to pay the mooring fee or the boat excise tax as required by state law shall result in loss of mooring privileges. The Harbormaster shall not renew any mooring until all outstanding mooring fees and boat excise tax for prior years for the boat on that mooring are paid in full.
- C. **Mooring assignment priorities.** Assignments for the privilege of maintaining a mooring in Stonington Waters and Stonington Harbor shall be made in the order received according to the following ordered priorities:
 - 1) Full-time commercial fishing vessel
 - 2) Part-time commercial fishing vessel
 - 3) Commercial vessel
 - 4) Buying station floats
 - 5) Fishermen floats
 - 6) Pleasure vessel
 - 7) Guest mooring/rental mooring

Whenever practicable, the Harbormaster shall assign moorings to riparian owners in accordance with 38 M.R.S.A. §3.

- D. **Houseboats and Floating Businesses.** Houseboats and floating businesses are not classified as water-dependent, since it is not their primary purpose to serve as a means of water transportation, recreation or commercial fishing. The Town of Stonington considers the placement of houseboats and floating businesses a low priority use of any coastal water body. Houseboats and floating businesses other than floating seafood dealer buying stations shall be assigned moorings in limited numbers and in specific areas designated by the Harbormaster.
- E. **Assignment of Location.** On approval of an application, the Harbormaster shall mark a suitable location for the applicant's vessel. The Harbormaster shall assign a mooring registration number for the mooring and advise the applicant of that number. Moorings must be set at the mooring locations designated by the Harbormaster. Initial placement and any relocation of moorings must be approved by the Harbormaster. Any change in the size of boat moored at a location must be approved by the Harbormaster.
- F. **Waiting List Procedure.** The Harbormaster shall establish a waiting list whenever there are more applicants for a mooring assignment than there are mooring spaces available. The waiting list will be renewed on an annual basis and posted at the Town Office and the Harbormaster's Office. In order to be placed on the waiting list, applicants must: a) provide documentation that they own a boat for which they seek a mooring; and b) not already be assigned a mooring in the area for which they seek a mooring assignment.
- G. **Minimum Mooring Tackle Specifications.** The Harbor Master shall maintain a list of minimum equipment specifications and prohibitions for all moorings located in Stonington Harbor and Stonington Waters. All moorings shall comply with the said specifications. Use of a mooring by a boat larger than that permitted for the installed mooring equipment may result in loss of the mooring privilege.
- H. **Mooring Tackle Inspection.** All moorings shall meet the minimum mooring tackle specifications. The float/pick-up buoy or ball attached to said mooring line shall be of sufficient size and buoyancy to remain afloat when not attached to the vessel. Each float/pick-up buoy or ball shall be marked with the mooring registration number of its assigned mooring permit in permanent legible numbers not less than 3" high. A qualified mooring inspector shall inspect moorings every two years. Mooring owners who choose to inspect his/her own mooring may do so; in such cases, the registered mooring owner must complete and sign the same "mooring inspection form" required of an approved mooring inspector. A "qualified mooring inspector" shall mean a person including a scuba diver, who

satisfies the harbormaster that he/she is qualified to inspect mooring tackle as to condition and size. The harbormaster may in his/her discretion cause a mooring to be hauled for inspection at any time at the owner's expense if the mooring has not been inspected as required by this ordinance or the Harbormaster has reasonable cause to believe the mooring is unsafe.

- I. **Neglecting to remove, repair or replace moorings.** In case of the neglect or refusal of the master or owner of any vessel to remove his/her mooring or to replace it by one of different character when so directed by the Harbormaster, the Harbormaster shall cause the entire mooring to be removed or the buoy removed and the chain dropped to the bottom or shall make such change in the character of the mooring as required, and collect from the owner of that mooring a fee for the mooring removal, as set forth in the Harbor and Waters Fee Schedule adopted by the Board of Selectmen, and the necessary expenses.
- J. **Rentals.** Mooring assignments may not be rented unless the provision for rental was approved by the Harbormaster in the original mooring application. In accordance with federal laws, all rental moorings or moorings that are used as part of a marine business for their own vessels or the vessels of customers (e.g., boat yards, marinas, etc.) as well as mussel rafts, bait floats, lobster cars, floats, docks and ramps must obtain approval from the US Army Corps of Engineers in addition to the Harbormaster.
- K. **Transfers.** Mooring assignments may not be transferred except for the following specific circumstance: at the request or death of the assignee, only to a member of the assignee's family and only if the mooring will continue to be used for commercial fishing purposes. For the purpose of this section, "member of assignee's family" means an assignee's parent, child or sibling, by birth or adoption, including a relation of half-blood or an assignee's spouse.
- L. The holder of a registered mooring must notify the Harbormaster if the mooring will not be utilized for a time period of 60 days or more.
- M. Mooring locations not used in the preceding year may be reassigned.

VI. Floats, docks, wharves

Permission to moor floats, build docks, wharves, and other similar structures must be reviewed by the Harbor Committee and approved by the Harbormaster and Stonington Code Enforcement Officer (and/or the Planning Board), in addition to any required state and federal review.

VII. Fish Pier

A. **Regulations.** Use of the Town of Stonington Commercial Fish Pier (“the Fish Pier”) shall be governed by the following provisions and the Fish Pier Regulations adopted by the Board of Selectmen. The Regulations shall include a Fish Pier Fee Schedule and Application Evaluation Criteria. The use, activities, and privileges associated with the Fish Pier are primarily for the purposes and convenience of commercial marine users who require waterfront access to unload harvested marine products and to load, resupply, and service the associated equipment and supplies used in the pursuit thereof.

B. **Pier Manager.** The Board of Selectmen shall appoint a Pier Manager to administer the permitting process and manage the daily operations of the Fish Pier. The Board of Selectmen may appoint the Harbormaster to serve as the Pier Manager. The Pier Manager may make recommendations to the Board of Selectmen regarding amendments to the Fish Pier Regulations.

C. **Permits Required.** Use of the Fish Pier shall be by permit only. Permits shall be classified by type of use and shall be issued on an annual or daily basis in accordance with the procedures set forth herein and in the Fish Pier Regulations. Permit types and associated fees shall be established by the Board of Selectmen in the Fish Pier Regulations.

The Fish Pier Regulations shall establish limitations on the number of permits to be issued in a particular permit category. The Pier Manager shall maintain a waiting list for any applications received for a permit in a category which has reached the maximum number of permits available.

The Fish Pier Fee Schedule shall include permit fees, service fees, minimum charges for damage to equipment, and any other fees as the Harbor Committee and Select Board see fit. Said fees shall be set at a fair market rate commensurate with similar services and/or equipment provided by private enterprise and the costs they incur to provide similar services/equipment. The Board of Selectmen shall annually review the Fish Pier fees and make market adjustments as necessary.

D. **Permit Application Process.** Persons or businesses who are seeking any annual permit may obtain an application from the Pier Manager or the Town Office. Completed applications along with the application fee as prescribed in the Fish Pier Fee Schedule shall be submitted to the Pier Manager or Town Office. Upon receipt of the completed application and fee, the Pier Manager or the staff of the Town Office, will review the application for completeness. If it is found incomplete, the Pier Manager or Town Office will notify the applicant and allow them to re-submit one time. If the application is again found to be incomplete, the application fee must be paid again to re-apply.

The Pier Manager shall review complete applications in accordance with the Fish Pier Application Evaluation Criteria which are set forth in the Fish Pier Regulations. The Pier Manager shall issue a permit if he or she finds that all criteria have been met. The Pier Manager shall make a decision on an application for an annual permit within thirty (30) days of determining an application is complete. In the event there is a waiting list for the type of permit applied for, the applicant shall be added to the wait list.

Applications for daily permits shall be in writing. All daily permits may be issued immediately upon receipt of fee payment and at the sole discretion of the Pier Manager. The same vessel may not obtain more than five (5) daily vessel permits in the same calendar year.

Permit denials by the Pier Manager may be appealed to the Board of Selectmen.

E. **Permit Compliance.** Permit holders shall comply with all provisions of this Ordinance, as well as all Fish Pier Regulations. Permits entitle the permit holder to perform the tasks related to the category of permit issued. Said permit categories and permitted tasks shall be set forth in the Fish Pier Regulations. The Board of Selectmen shall annually review the permit categories and regulations and make adjustments as necessary to meet changing market demands.

Permit holders may utilize hoists, platforms, and other Town-owned equipment on the Fish Pier. A permit does not guarantee the existence or use of any equipment on the Fish Pier. The Board of Selectmen, with input from the Harbor Committee and the Pier Manager, shall manage the maintenance, repair, removal and/or replacement of all equipment on the Fish Pier.

Permit holders shall remove all belongings and equipment from the Fish Pier at the end of each day, unless otherwise permitted by the Pier Manager. Any unauthorized equipment or belongings remaining on the Fish Pier may be removed and disposed of by the Town. In no event shall belongings and equipment remain on the Fish Pier for longer than 72 hours.

Annual Fish Pier permits are valid from October of the issuing year until October of the following year. Daily permits are valid for daylight hour use of the pier and its equipment and expire immediately at 9:30pm on the date of issuance.

All vessels berthed at the fish pier shall display a valid permit decal and must be attended at all times. Unattended vessels may be removed by the Pier Manager or Harbor Master at the sole risk and cost of the vessel owner. To avoid congestion and interference with access to and use of the fish pier, vessels may not arrive or tie up at the pier with tenders/skiffs in tow.

F. Parking Permits

Fishermen wishing to park vehicles directly on the Fish Pier must obtain an annual parking permit from the Pier Manager or Town Office if there is no acting Pier Manager. Annual Parking Permits expire one calendar year from the date of issue. Those who hold a current Annual Parking Permit must pay the renewal permit fee no later than 60 calendar days after expiration of their permit. If annual parking permits are not renewed at the end of 60 calendar days, the annual parking permit shall be revoked and sold to the next vehicle on the waiting list. The previous permit holder must re-join the waiting list if a parking permit is desired again.

Any vehicle parking in the designated fishermen parking area must possess and prominently display a valid annual parking decal. Parking spaces shall be assigned and managed by the Pier Manager, who shall have the authority and discretion to move parking assignments at any time.

The Pier Manager may tow any unattended vehicle if said vehicle is not permitted to be on the Fish Pier, if the vehicle is not in its assigned locations, or if said vehicle is otherwise interfering with the operation of the Fish Pier.

G. Permit Revocation

The Board of Selectmen, in consultation with the Pier Manager and after notice and hearing, may revoke a Fish Pier permit. A Fish Pier permit may be revoked by the Board of Selectmen for violations of this Ordinance or the Fish Pier Regulations and/or for behavior that disturbs the use and enjoyment of the Fish Pier by other users, such as abuse and/or damage of pier equipment, fighting or physically harming others, verbal abuse, drinking alcohol, taking or selling illegal drugs or other banned substances, disobeying direct Pier Manager instruction or instruction from his/her delegates, disobeying posted signs, leaving excessive personal or business property, vehicles, or equipment on the pier, monopolizing space or public equipment, or causing undue traffic congestion either directly on, in the waters around, or on the land directly adjacent to the pier. If an immediate danger is presented by a permittee utilizing the Fish Pier, the Pier Manager may suspend the permit and prohibit the permittee from using the Fish Pier while the revocation is considered by the Board of Selectmen.

H. Emergency Use

Except in emergencies and in cases of severe weather conditions, overnight berthing of vessels at the at the Fish Pier is strictly prohibited. Vessels in need of emergency berthing or refuge or when severe weather threatens, may obtain permission to temporarily tie up

to the Fish Pier by requesting it from the Fish Pier Manager, Harbor Master, or Town Manager. Approval may be given verbally.

Severe weather is defined for the purposes of this section as 'gale' (winds expected at 34-47 knots) or 'storm' (winds expected at 48 plus knots), warnings as announced by the National Weather Service, or similar hazardous maritime conditions.

While berthed at the Fish Pier under this section, the vessel master, owner, or operator shall not leave the vessel unattended, unless unsafe due to storm conditions, and must have sufficient mooring lines. The Pier Manager shall direct the vessel where to tie up or raft up.

Vessels taking refuge or emergency berthing at the Fish Pier shall immediately depart at the request of the Pier Manager, Harbor Master, or Town Manager, or when the emergency or weather conditions requiring berthing have passed.

Emergency Use Transport Permits may be granted by majority vote of the Board of Selectmen to a seafood dealer whose base of operation is in Stonington and who suffers a proven catastrophic loss. This loss must wholly prevent the use of their previously established wharf due to fire, storm damage, cancellation of lease, or act of God. These permits shall be valid for 6 months after approval and may be renewed once by majority vote of the Board of Selectmen.

I. Special Event Permits

Groups or organizations may apply for permission to use the Fish Pier for special events such as Fishermen's Day, 4th of July, and others. Applications shall be on a form provided by the Town and shall be submitted to the Pier Manager, or the Town Office in the absence of a Pier Manager. The application shall be filled out completely, provide a certificate of insurance naming the Town of Stonington as an additional insured. Fees may be required based on the scope of the event and must be paid in full before pier use. Any fees or deposits are non-refundable. The Harbor Committee shall review the application at a regularly scheduled meeting and make a recommendation to the Board of Selectmen. Those groups/organizations who receive permission are responsible for pier clean up, trash removal and costs, any costs for water or electrical the Pier Manager deems necessary, additional portable toilets, police, ambulance and fire personnel. The Harbor Committee and Board of Selectmen reserve the right to deny any special event application.

J. Unattended Equipment, Trash, Debris, Waste Oil

Refuse containers at the Pier are strictly reserved for use by permit holders. Littering or depositing household garbage or debris in these containers will result in a fine as per the Fish Pier Fee Schedule.

Equipment of all kinds, lobster traps, fish nets, and other associated fishing gear of all kinds may not be left unattended without the express permission of the Pier Manager and for a limited amount of time. In no event shall belongings and equipment remain on the Fish Pier for longer than 72 hours. Unattended equipment without permission may be removed by the Fish Pier Manager, or the Harbor Master.

All costs, risk of loss or damage, and liability associated with the removal of the unattended equipment shall be to the owner. The Town of Stonington shall not be responsible for unattended equipment and will not compensate for any losses.

Waste oil which was removed from the engine of a vessel holding a valid annual vessel permit may be disposed of in the waste oil shed. Waste oil must be in a covered, leak-free container and free of debris such as filters, plastic bags, and other refuse. It may not be mixed with gasoline or other hazardous substances. Filters are to be separated and placed in a covered, leak-free container before going in the dumpster. No waste oil from other places other than the Fish Pier shall be accepted. All anti-pollution guidelines shall be followed to prevent spills.

VIII. Public Landings, Boat Ramps and Public Waterfront Property

A. **Public Landing.** The operation and maintenance of the Town of Stonington Public Landing facility shall be restricted in use to only pleasure and passenger vessels, and shall be subject to rules and regulations governing such use as set forth herein and in any regulations adopted by the Board of Selectmen.

(1) Vessels may remain at the Public Landing for a maximum period of two hours and must tie up in the designated areas. Vessels shall not tie up for more than four (4) hours in any 24-hour period either by untying and coming back in again or moving to another area of the Public Landing. Reasonable staggered daily hours of use are at the discretion of the Harbormaster if needed. No commercial vessels or boats may use the Public Landing. Vessels or boats left over the time limit or disabled, abandoned shall be moved at the owner or operators' expense.

(2) The Harbormaster shall determine annually the number of dinghy spaces that will be permitted in a year due to space constraints. Permitted dinghies must be 14 feet in length or less and may only tie up in the designated float area. Dinghies must be maintained, bailed out after rain, and be in operating condition. Dinghies not maintained will have their permits suspended by the Harbormaster who will give the

owner a written order, which may be appealed to the Board of Selectmen. Only one (1) dinghy space per household or family will be permitted. Only Stonington residents or taxpayers will be eligible for dinghy space which will be sold on an annual basis and expires on December 31 of each year. Fees will be set annually and can be applied for from the Harbormaster or at the Town Office.

(3) No marine or recreational businesses such as tour or trip boats may operate at the Public Landing or advertise at the Public Landing as their base of operations, or approach visitors on Hagen Dock they are operating a tour business for day sales. Kayaks may not be launched at the Public Landing.

B. Public Boat Ramps. The Town Maintains two public boat ramps for use by the public: 1) Colwell Boat Ramp; and 2) Webb Cove Boat Ramp. Use of the boat ramps shall be in accordance with regulations adopted by the Board of Selectmen.

C. Sand Beach. The Town leases and manages Sand Beach for use by the public. Use of Sand Beach shall be in accordance with regulations adopted by the Board of Selectmen.

D. Use of Public Property. Users of the Public Landing, boat ramps and beach are expected to obey all regulations, including the tie up limits and limitations on permitted activity. Public drinking on the Town property is prohibited. Users are expected to be courteous of others, with no verbal abusing, fighting, or loitering. The Harbormaster has the authority to issue a summons for disobeying a Harbormaster's order. The Town of Stonington is not responsible for any loss of any user's personal property, or damage to vessels while tied up at the Public Landing or using the boat ramps.

E. Trash and Debris: Depositing of trash and debris on the Public Landing, floats, ramps, or beach is expressly prohibited, except in containers provided. Deliberate incineration of wastes and other matter from vessels may constitute pollution of marine environmental and is expressly prohibited. Disposing of personal or household trash from boats or the islands in Town trash containers is prohibited.

IX. Prohibited Acts

The following actions are violations of this ordinance:

- A. To moor watercraft in Stonington Waters or Stonington Harbor except at its registered mooring location unless permission is received from both the Harbormaster and the mooring equipment owner.
- B. To fail to equip or maintain a mooring in compliance with this ordinance.
- C. To refuse to obey a lawful order of the Harbormaster.

- D. To refuse to conform to any harbor regulation or ordinance.
- E. To operate a vessel at a speed greater than headway speed while within Stonington Harbor or within a marina or an approved anchorage except while actively fishing. For this section, headway speed means the minimum speed necessary to maintain steerage and control of the watercraft while the watercraft is moving.
- F. To operate a watercraft in prolonged circling, informal racing, wake jumping or other types of continued and repeated activities that harass another person.
- G. To tow a person or persons on water-skis, surfboards, aquaplanes or similar devices within Stonington Harbor.
- H. For transient vessels/watercraft to moor at locations other than those specifically designated by the Harbormaster for their use.
- I. To use the Fish Pier without a permit or in violation of the provisions of this Ordinance or the Fish Pier Regulations.
- J. To use the Public Landings, Boat Ramps or other Town property in violations of the provisions of this Ordinance or regulations adopted by the Board of Selectmen.

X. Penalty/Enforcement

The provisions of this ordinance shall be enforced by state, county or local law enforcement as well as the Harbormaster and the Board of Selectmen of the Town of Stonington. Personnel, services, and equipment of any other federal or state agency may be utilized for enforcement of this ordinance. An officer having vested authority shall, pursuant to authority provided by law and with or without warrant or other process, arrest or summons any person if he/she has reasonable cause to believe such person has committed an act as prohibited by this ordinance.

XI. Fines and Other Penalties

Failure to comply with or violation of any of the provisions of this ordinance will result in a fine of not less than fifty dollars (\$50.00) nor more than two hundred fifty dollars (\$250.00) to be recovered in District Court, Ellsworth, plus all court costs and attorneys' fees. The District Court may enter restraining orders or prohibitions and/or minimum fines of \$50.00 and maximum fines of \$250.00 in each instance. In addition, failure to comply with the Harbormaster's lawful orders may result in the removal of vessels from the Public Landing at the owners/operator's expense.

XII. Definitions

- A. Stonington Harbor. Stonington Harbor is bounded to the east by the eastern end of Dow Ledge to a point on the land known as Ames Brook and to the west by the Monument Blinker to a point on the land known as Billings Diesel and Marine Boat Storage Shed. A straight line drawn from the monument blinker to the eastern end of Dow Ledge defines the Southern boundary.
- B. Stonington Waters. Stonington Waters as described in this ordinance shall include all waters within the Stonington Town Limits except Stonington harbor.
- C. Commercial Fishing Vessel. A commercial fishing vessel is a vessel used to harvest marine resources.
- D. Commercial Vessel. A commercial vessel is any vessel used to produce income.
- E. Pleasure Vessel. A Pleasure vessel is any vessel used for activities which do not produce a significant portion of the vessel-user's/owners income.
- F. Riparian Owner. A riparian owner is any person who owns shore property (upland) in Stonington.
- G. Guest Mooring/Rental Mooring. A Guest Mooring/Rental Mooring is a mooring used by vessels not owned by the mooring equipment owner.
- H. Houseboats. A building constructed on a raft, barge or hull that is used primarily for single or multifamily habitation; if used for transportation, this use is secondary.
- I. Floating business. A building constructed on a raft, barge or hull that is represented as a place of business, including but not limited to waterborne hotels, restaurants, marinas or marina-related businesses.
- J. Buyers Floats. Floats or rafted set of floats for buying seafood like lobsters, which may or may not have a building or structure on them to support the businesses activities.
- K. Fishermen Floats. Floats or rafted set of floats utilized by fishermen for various uses for storing gear typical of the fishing industry.

XIII. Reserve Funds

A. Harbor Management Reserve Fund. A Harbor Management Reserve Fund is hereby established. All fees and penalties collected under this ordinance and all boat excise tax collected in Stonington are hereby appropriated to this reserve fund to be used as authorized by the Selectmen with recommendations from the Harbor Committee for the operation, maintenance and improvement of Stonington Harbor and Stonington Waters. No additional action by Town Meeting is needed in order for the Selectmen to use these fees and penalties, provided they comply with all relevant provisions of state law.

B. Fish Pier Reserve Fund. In accordance with 30-A M.R.S.A. Section 5801 and this Ordinance, the "Fish Pier Reserve Fund" is hereby established. Fees and fines collected under this Ordinance shall be deposited in the reserve fund and may be used as authorized by the Board of Selectmen and recommendations from the Harbor Committee for capital improvements, management, operation and maintenance of the Fish Pier. Donations to the Fish Pier will be deposited to the Reserve Fund. No additional action by Town Meeting shall be required for the Selectmen and the Harbor Committee to appropriate or disburse funds from the reserve fund so created provided such actions conform with the provisions of Title 30-A M.R.S.A. Section 5802.

XIV. Severability

In the event that any section, subsection, or portion of this ordinance shall be declared, by any court having jurisdiction, to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or portion of this ordinance.

XV. Ordinance Repeal

By adoption of this Ordinance, the following Ordinances of the Town of Stonington are hereby repealed:

- A. Stonington Commercial Fish Pier Ordinance
- B. Stonington Public Landing Ordinance