

TOWN OF VINALHAVEN
Harbor Ordinance

SECTION 1: JURISDICTIONS

The rules and regulations of the Vinalhaven Harbor Ordinance shall apply to activities occurring on the shores of Vinalhaven. Sections 5, 7, 8, and 9 shall apply only to activities occurring within or directly affecting the area within Vinalhaven Harbor as defined by Section 4.

SECTION 2: HARBOR COMMITTEE

The Board of Selectmen shall appoint a committee of five (5) individuals and two (2) alternates, all of whom are Vinalhaven, voting residents. The Committee shall plan the development of and establish policy for the Vinalhaven harbor area, recommend rules and regulations for use of the harbor, and review the activities of the Harbor Master. They will meet periodically with the Board of Selectmen.

Each member shall be appointed by the Board of Selectmen in the following manner: One (1) member shall be appointed for a one (1) year term, two (2) members shall be appointed for a two (2) year term and two (2) members shall be appointed for a three (3) year term. Subsequently, all members will be appointed for three (3) year terms.

Committee decisions shall be made by vote of the majority of members present and voting. A majority of the members appointed to the committee shall constitute a quorum.

The Selectmen are ultimately responsible for the above responsibilities, and in the absence of a functioning harbor committee, will assume the above responsibilities.

SECTION 3: HARBOR MASTER

3.1 Appointment The Harbor Master shall be appointed by the Board of Selectmen, with consideration of the recommendation of the Harbor Committee.

3.2 Duties

- 3.2.1 To enforce the Harbor rules and regulations as described in this ordinance
- 3.2.2 To assign temporary and permanent mooring locations within Vinalhaven Harbor.
- 3.2.3 To remove or cause to be removed obstructions to navigation within Vinalhaven Harbor.
- 3.2.4 To supervise use of the Town Wharf, Dock, Float, or Launch and shall be responsible for the neat and orderly use of the Town Wharf, Dock, Float, or Launch.
- 3.2.5 To perform other such duties as described in the Harbor Master's job description.
- 3.2.6 To provide advice to the Harbor Committee and report to said Committee on a quarterly basis.

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- 3.3 **Term.** The Harbor Master shall serve at the pleasure of the Board of Selectmen for a one (1) year term.
- 3.4 **Compensation** The Harbor Master's compensation shall be set by the Board of Selectmen.

SECTION 4: DEFINITIONS

Abandoned. An abandoned vessel is one which is the subject either of an unauthorized berthing complaint or complaint for unauthorized mooring at a public or private pier or mooring whose owner cannot be contacted within a period of 24 hours from the time of the complaint.

Commercial Fishing Vessel. A commercial fishing vessel is a vessel used to harvest marine resources which provides a major portion of the vessel user's income.

Commercial Passenger Vessel. A commercial passenger vessel is a vessel which is licensed by the U.S. Coast Guard to carry passengers.

Commercial Vessel. A commercial vessel is any vessel not used as a commercial passenger vessel which is used in activities which produce a significant portion of the vessel user's income.

Derelict Vessel. A derelict vessel is a vessel which has one or more of the following characteristics:

- (i) The vessel is required to be registered with any federal or state governmental agency, but is not so registered;
- (ii) The vessel's owner, operator or custodian cannot be located nor identified;
- (iii) The vessel is a motor-powered vessel which does not have a working engine;
- (iv) The vessel does not have operable and effective bilge pumps;
- (v) The vessel has not been in operation for 60 or more consecutive days;
or
- (vi) The vessel is sinking and its owner cannot be contacted within a period of 24 hours from the time it is observed sinking.

Ferry Wharf. The ferry wharf is the wharf that is adjacent to the ferry terminal

Fish Plant Wharf. The fish plant Wharf is on the property that is owned by the Town of Vinalhaven, Map 17, Lots 1, 2, & 3A at the site of the former processing plant.

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Float. A platform resting on the surface of the water

Float Moorings. Floats that are used for business or recreation, not secured to the shore but held in place by mooring/moorings

Moorings Field. The area located within Carver's Harbor from a line beginning at the ferry terminal pen to Potato Island then easterly to the Lane's Island Bridge, then along the northern shores of the harbor to the ferry terminal, see Appendix B

Non-residential Vessel for Pleasure. A non-residential vessel for pleasure is any vessel belonging to a person neither renting nor owning real residential property in Vinalhaven.

Parking Lot Wharf. The parking lot wharf is on the property that is owned by the Town of Vinalhaven, Map 18, Lot 59, located across the street from the IGA.

Part-time Commercial Fishing Vessel. A part-time commercial fishing vessel is a vessel used to harvest marine resources which provides less than half of the vessel user's income.

Pier. A permanent walkway oriented perpendicular to the shore to access the water.

Pleasure Vessel. A pleasure vessel is any vessel used for activities which do not produce a significant portion of the vessel user's income.

Residential Vessel. A residential vessel is any vessel belonging to a person owning or renting real residential property in Vinalhaven and who uses the property for his home for a substantial part of the year.

Take Out Station. A take out station is the space assigned to lobster dealers for operations on the Fish Plant Wharf.

Vinalhaven Harbor. All of the area inside a line from Powder House Island to Norton's Point; the area to include Carver's Harbor and Sand's Cove, and Indian Creek from Lanes Island Bridge to the outer mouth of the Creek.

Wharf. A permanent structure oriented parallel to the shore to provide working and storage space with access to water craft.

Wharfage Fee. A fee charged for offload of product, based on volume.

SECTION 5: SPEED RESTRICTIONS

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- 5.1 The speed limit for this area shall be five (5) knots for all types of watercraft.
- 5.2 Appropriate signs shall be erected and maintained by the Harbor Master.

SECTION 6: ABANDONED and DERELICT BOATS, VESSELS, WRECKS, ETC.

- 6.1 No person shall cause to be abandoned any boat, vessel, hulk, barge, float, lobster car or raft on the shores of or in the harbors of the Town of Vinalhaven.
- 6.2 The Harbor Master on complaint or upon his own complaint, shall order the last owner of record of any abandoned boat, vessel, hulk, barge, float, lobster car or raft to remove the same within a specified reasonable period of time; and upon his failure to do so, he shall cause its removal or disposal at the cost of said owner.
- 6.3 Disposal of the boat, vessel, hulk, barge, float, lobster car, or raft shall be done so after reasonable notice of such disposal.

SECTION 7: MOORINGS

- 7.1 **Applications.** Applications for moorings shall be submitted to the Harbor Master by the applicant.
- 7.2 **Mooring Fees.**
 - 7.2.1 The selectmen shall set mooring fees.
 - 7.2.2 Moorings fees shall be appropriated to the Harbor Reserve.
- 7.3 **New Mooring assignment priorities.** Assignments for the privilege of maintaining a mooring in Vinalhaven Harbor shall be made in the order received according to the following ordered priorities:
 - 1. Fulltime commercial fishing vessel
 - 2. Part-time commercial fishing vessel
 - 3. Commercial Vessel
 - 4. Pleasure Vessel
 - 5. Guest Mooring/Rental Mooring
 - 6. Lobster Cars/FloatsWhenever practicable, request of riparian owners for moorings adjacent to their uplands shall be honored.
- 7.4 **Residential Vessels and Floating Businesses.** Residential vessels 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 Vinalhaven considers that the placement of houseboats and floating businesses in tidal waters as a low priority use of any coastal water body. Houseboats and floating

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businesses shall be assigned moorings in limited numbers and in specific areas designated by the Harbor Master.

- 7.5 **Assignment of Location.** On approval of an application, the Harbor Master shall mark a suitable location for the applicant vessel. The Harbor Master 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 Harbor Master. Initial placement and any relocation of moorings must be approved by the Harbor Master. Any change in the size of boat moored at a location must be approved by the Harbor Master.
- 7.6 **Waiting List Procedure.** The Harbor Master 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. 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.
- 7.7 **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 Harbor Master, the Harbor Master 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 the sum of \$100 for either of those services rendered and the necessary expenses.
- 7.8 **Rentals.** Mooring assignments may not be rented unless the provision for rental was approved by the Harbor Master in the original mooring application. In accordance with federal laws, all rental moorings or moorings that are use 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 Harbor Master.
- 7.9 **Transfers.** Mooring assignments may be transferred by the holder, but the Harbor Master must be notified of the transfer.
- 7.10 **Mooring Locations.** Mooring locations not used in the preceding year may be reassigned.

SECTION 8: PERMITS REQUIRED FOR FISH PLANT WHARF

- 8.1 The Selectmen shall set permit fees.
- 8.1.1 The fees shall be appropriated to the Harbor Reserve.
- 8.2 Permits can be obtained on request at the town office on a first come, first serve basis and renewed annually.
- 8.3 Permits will be issued, and must be displayed on the appropriate vehicle, for parking at the Fish Plant Wharf (9.3.3), punt tie up at the Fish Plant

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- Wharf (9.3.4), and seafood dealers operating on the Fish Plant Wharf (section 10).
- 8.4 No company or individual shall be allowed to receive a permit or conduct business on the Vinalhaven Fishing Wharf if there are current or past debts in arrears to the Town for services received. This includes debts the Town has taken on for the removal of equipment or trash, etc., for which a company or individual was notified in advance and given the opportunity to take action to correct the situation or to pay outstanding debt.
- 8.5 There shall be no parking within the first 40 feet of the wharf face. This area shall be used for loading/unloading and short-term storage, as specified in Section 9.3, of lobster traps and equipment.

SECTION 9: TOWN FLOATS AND WHARVES

- 9.1 **General**
- 9.1.1 No traps or fishing gear on Town floats.
- 9.1.2 No boats to be left unattended on front side of float, with no boats to exceed 16' in length on sides or back, tied in such a manner as not to impede access to float front.
- 9.1.3 A time limit of two (2) hours during a twenty-four (24) hour period is allowed for tie up at town wharves, unless other arrangements are made and previously approved by the Harbor Master.
- 9.1.4 Punt tie up permits-only punts with a permit are allowed to tie up for periods in excess of 2 hours. They will be issued on a first come, first served basis and will be for the time period that floats can be left safely in the harbor, or a maximum of the period January 1 to December 31 of the calendar year.
- 9.1.5 Town ladders will be inspected bi-monthly at the town wharves and floats by the Harbor Master. Necessary repairs will be reported to the Town Manager.
- 9.1.6 Town wharves and floats to be used at own risk.
- 9.1.7 Appropriate signs for tie-up time limits, speed limits, and trap and equipment limits will be posted in clearly visible locations and monitored by the Harbor Master.
- 9.1.8 No trash shall be left improperly disposed of on town wharves or floats.
- 9.1.9 No seafood dealers shall operate from any wharf other than the Fish Plant Wharf.
- 9.1.10 All boats using Town floats need to be registered with the Town of Vinalhaven, other Municipality or State.
- 9.1.11 No trailers shall be left longer than 48 hours in the parking lots/wharves identified herein Section 9.
- 9.2 **Ferry Wharf**
- 9.2.1 No lobster traps or equipment are to be unloaded on this float and wharf.

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9.2.2 Punt tie-up- There will be limited number of punt tie-up permits available for this wharf/float available to commercial fishing license holders or residents of Vinalhaven's outer islands.

9.3 **Fish Plant Wharf**

9.3.1 A time limit of 48 hours is allowed for lobster traps and equipment and any other items that are unloaded on this wharf.

9.3.2 Hoisting – Manual hoists are available for use by anyone on a first come, first serve basis

9.3.3 Parking- There shall be a 48-hour limit on parking vehicles at the wharf. For those looking to park for an extended period of time, they can obtain a permit from the Town Office. Permits will be issued on a first come, first served basis and are renewable annually.

9.3.4 Punt tie up – Only punts with a permit are allowed to tie up at the Fish Plant Wharf Float. A person possessing a current commercial fishing license, a commercial fishing industry license, or working for a company that supports the fishing industry may obtain a punt tie up permit for a dedicated spot by applying at the Town Office. They will be issued on a first come, first serve basis and will be for the time period that floats can be left safely in the harbor, or a maximum of the period January 1 to December 31 of the calendar year.

9.4 **Parking Lot Wharf**

9.4.1 From September 16 until May 14, a time limit of 48 hours is allowed for lobster traps and equipment that is unloaded on the downtown wharf.

9.4.2 Punt tie-up- there will be limited number of punt tie-up permits available for this wharf/float available to commercial fishing license holders.

9.4.3 Between May 15 and September 15, only loading/unloading of traps and equipment will be allowed.

SECTION 10: SEAFOOD DEALERS OPERATING ON FISH PLANT WHARF

10.1 The Selectmen shall set permit and wharfage fees.

10.2 The Selectmen have the right to limit the number of permits issued to seafood dealers.

10.3 A seafood dealer shall be allowed to obtain a permit to conduct business on a regular basis for the sole purpose of offload and onload of product and supplies.

10.4 The permit allows shared use of a takeout station and one dealer vehicle access. It does not allow bait coolers or other parking privileges.

10.5 The takeout station area of the pier shall be cleaned after each use by the dealer's employee(s).

10.6 The permit is for the period January 1 to December 31 of the calendar year.

10.7 The permit fee does not include the product itself. A wharfage fee will be charged for the product, billable based on the pounds shown on the

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dealer's bill of lading. The dealer will present the bill of lading to the Town for billing.

- 10.8 Each dealer shall provide a certificate of commercial general liability insurance in an amount of \$1,000,000 dollars and shall list the Town of Vinalhaven as an additional insured. If the dealer owns any vehicles then the dealer will provide the Town with a certificate of Auto Liability in the amount of \$1,000,000.

SECTION 11: PROHIBITED ACTS

The following are violations of this ordinance:

- 11.1 To refuse to conform to any Harbor regulation or ordinance.
11.2 To refuse to obey a lawful order of the Harbormaster.
11.3 To operate a vessel in the waters of Vinalhaven harbor so as to endanger persons or property.
11.4 To actively fish/tend lobster gear or other similar traps within the mooring field.
11.5 To abandon any boat, vessel, hulk, barge, float, lobster car or raft on the shores of any part of the Town of Vinalhaven.
11.6 To abandon lobster, crab, and shellfish cars or crates within the waters of the Town of Vinalhaven.
11.7 To park a motor vehicle so as to block or restrict access to a Town Landing/Boat Launch.
11.8 To place or tend to lobster gear in the mooring filed.

SECTION 12: PENALTY

Penalties for violation of the Vinalhaven Harbor Ordinance are included on the fee schedule as set by the Selectmen. Any violation of the above sections shall be considered a misdemeanor and punishable by a fine not exceeding the amount on the fee schedule for each offense. Each day the violation is permitted to exist beyond the limits above described, shall be considered a separate offense. Fines shall be levied by the Harbor Master, payable to the Town of Vinalhaven. Unpaid fines shall be collected through Rockland District Court.

SECTION 13: SEPARABILITY

If any provision or clause of this Ordinance or application thereof to any person, persons or circumstances is held invalid, such invalidity shall not offset other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end provisions of this Ordinance are declared to be separable.

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Amended May 13, 2019, Effective May 15, 2019.

Amended August 26, 2020

All heretofore enacted ordinances regulating the Harbor enacted by the Town of Vinalhaven are repealed upon enactment of this ordinance.