

# WATERFRONT ORDINANCE

## FOR THE NORTHPORT VILLAGE CORPORATION

### Section 1. PURPOSE

The intent of this Waterfront Ordinance is to promote and maintain the public safety, well-being and convenience of the residents of and visitors to the Northport Village Corporation by establishing clear and fair rules and regulations for village-owned Waterfront properties and facilities.

### Section 2. AUTHORITY

This Ordinance has been proposed for adoption in accordance with the Maine P&S Laws 1915, ch. 136 as amended; 30-A M.R.S.A. §6302; 30-A M.R.S.A. §3009; which empower the municipal officers (Board of Overseers) with the exclusive right to enact ordinances with regard to use of the Waterfront (as defined below).

### Section 3. DEFINITIONS

- 3.1. **“Bayview Park Beach”**: The Waterfront area at the bottom of Bayview Park.
- 3.2. **“Boat Float”**: The float attached to the south side of the Wharf and accessible by ramp from the Wharf.
- 3.3. **“Cradle Park”**: The Village-owned property on and abutting Grove Street between Pleasant Street and Clinton Avenue, including the area traditionally known as “Cradle Row.”
- 3.4. **“Dinghy”**: A small, non-sailing rowboat or inflatable boat commonly used to transport people and supplies to and from a moored boat and not more than ten (10) feet in length nor five and one-half (5.5) feet in width.
- 3.5. **“Fishing”**: The searching for, catching, taking, or harvesting of fish or other marine life, or the attempt to search for, catch, take, or harvest fish or other marine life. Fishing shall include, but not necessarily be limited to, the traditional activity of using a fishing rod and also the use of a trap in an attempt to catch, for example, crabs or lobster.
- 3.6. **“Floats”**: The Boat Float, the Swim Float and any Out Float.
- 3.7. **“Out Float”**: Any Village-owned float not attached to the Wharf and for the use of Dinghies.
- 3.8. **“Parking Ordinance”**: The then-current parking ordinance adopted by the Northport Village Corporation.
- 3.9. **“Ruggles Park Beach”**: The Waterfront area immediately north of the Wharf, including the area traditionally known as the “north shore.”
- 3.10. **“Small Watercraft”**: Kayaks, canoes, paddle boards, rowboats, inflatable boats, Dinghies, and similar watercraft not exceeding twenty (20) feet in length.

- 3.11. **“Swim Float”**: The float attached to the north side of the Wharf and accessible by ramp from the Wharf.
- 3.12. **“Vehicle”**: Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway or waterway, excepting devices moved exclusively by human power or used exclusively upon stationary rails or tracks. For the purpose of this Ordinance, Vehicles shall include trailers of every kind and boat cradles.
- 3.13. **“Village”**: Northport Village Corporation.
- 3.14. **“Waterfront”**: Any and all areas at the shorefront owned by the Northport Village Corporation, including, but not limited to, Ruggles Park Beach, Bayview Park Beach, the Wharf, and the Floats.
- 3.15. **“Wharf”**: The structure at the end of the causeway at the bottom of Ruggles Park, sometimes referred to as the dock, which is used for, among other things, the loading and unloading of Vehicles from the Boat Float.
- 3.16. **“Wharf Ladder”**: The ladder affixed to the front face of the Wharf.

**Section 4. WHARFMASTER**

The Wharfmaster is the person appointed by the President of Northport Village Corporation as recommended by the Board of Overseers to serve as the principal in charge of managing certain activities on the Waterfront and in Cradle Park consistent with the instructions and direction of the Board of Overseers, including working with the Village Agent and law enforcement officers to ensure compliance with this Ordinance. The Wharfmaster may have assistants, and these assistants shall be permitted to exercise the authority granted to the Wharfmaster, unless such delegation of authority is prohibited by a specific provision of this Ordinance. [The Waterfront Safety Committee/Wharfmaster will be reviewing the Ordinance to determine if there are instances where ONLY the Wharfmaster should have authority.] A list of those assistants must be on file with the Village. Questions about use of the Waterfront and Cradle Park may be directed to the Wharfmaster by calling the Village office at 207-338-0751.

**Section 5. HARBORMASTER**

- 5.1. The Harbormaster is appointed by the Town of Northport selectpersons pursuant to the Town of Northport Harbor Ordinance.
- 5.2. The Harbormaster is responsible for all mooring and marine activities in the waters adjacent to the Waterfront.
- 5.3. Moorings require a permit and are available at the Northport Town Office.
- 5.4. For more information on mooring permits or the Town of Northport Harbor Ordinance, contact the Town at 207-338-3819 or visit the Town’s website ([www.northportmaine.org](http://www.northportmaine.org)).

## **Section 6. WATERFRONT**

- 6.1. Parking: Trailers and boat cradles are “Vehicles” for the purpose of both this Ordinance and the Parking Ordinance and are, therefore, subject to the Parking Ordinance. The Wharfmaster shall be responsible for enforcing the parking provisions in Cradle Park in cooperation with the Village Agent and law enforcement officers.
- 6.2. Swimming: Swimming is permitted from Wharf as designated by signage and this Ordinance and from all Waterfront areas unless specifically restricted by signage, the lifeguard, the Village Agent, or law enforcement officers.
- 6.3. Trash: Each person using the Waterfront shall remove and properly dispose of their own refuse and trash.
- 6.4. Dogs: Unleashed dogs and other animals are prohibited from the Wharf. Dogs leashed and under the control of their owner are permitted. The presence of dogs on the Waterfront is subject to the Northport Village Corporation Dog Ordinance, which provides that dog owners are responsible to pick up and dispose of their dog’s excrement deposited on the land of others and/or public land and ways. Disposal shall be in appropriate receptacles. Violators shall be subject to a fine imposed by the Village Overseers of \$25.00 per incident.
- 6.5. Behavior: Running, pushing, shoving, or roughhousing is prohibited on the Wharf. Unsafe behavior on the Waterfront is prohibited.
- 6.6. Floats: All Floats will generally be in the water from about Memorial Day weekend (late May) through Columbus Day (early October). Any Float may be pulled out or moved to a mooring at the discretion of the Wharfmaster or Village Agent due to weather conditions or for other reasons.
- 6.7. Assumption of Risk: All users of the Waterfront do so at their own risk. Permitted storage is at the owner's risk, The Northport Village Corporation assumes no responsibility for damage, loss, or theft of any personal property stored in this area, or for the offensive, tortious, or criminal acts of third parties.

## **Section 7. WHARF**

- 7.1. Hours: The Wharf is closed between 11 PM and 6 AM except to boat owners and Northport Village residents requiring use of the Boat Float.
- 7.2. Alcohol and Drugs: Public use of alcohol and drugs is prohibited by law in accordance with the statutes of the State of Maine.
- 7.3. Fishing: Fishing is permitted on the south (Boat Float) side of the Wharf (south of the Wharf Ladder) and from the Boat Float as further limited herein. Fishing is not permitted on Saturdays, Sundays, or holidays during July and August between the hours of 11 AM and 5 PM, provided, however, that, during inclement weather, permission may be given by the lifeguard or the Wharfmaster to fish during those hours. Vehicles entering the fishing area or landing on the Boat Float have right of way over fishing activities. Fishing is never permitted on the Swim

Float or north of the Wharf Ladder. Casting is subject to the approval of the lifeguard or Wharfmaster. Fish bait must be kept in a container and confined to the fishing area. Individuals Fishing must comply with the trash removal requirements of Section 6.3.

- 7.4. Lifeguard: The Village generally hires one or more lifeguards for duty on the Wharf during the summer. The lifeguard has authority over activities on the Wharf, including activities on and around the Swim Float and Boat Float.
- 7.5. Swimming: Swimming from the Wharf is permitted only from the Swim Float and from the front of the Wharf north of and including the Wharf Ladder. Swimming under the Wharf is prohibited.
- 7.6. Jumping and Diving: Jumping or diving off the Wharf is permitted only from the Swim Float and from the front of the Wharf north of the Wharf Ladder, and only at times approved by the lifeguard. Jumping or diving from any other portion of the Wharf is strictly prohibited.
- 7.7. Miscellaneous Vehicles: Bicycles, motorcycles, motor scooters, scooters, skateboards, roller blades, motor vehicles, etc. are prohibited on the Wharf. Miscellaneous vehicles other than cars, trucks and trailers may be left on the side of the causeway for such time as the vehicle's owner is using the Waterfront in a manner so as not to interfere with pedestrian or emergency vehicle access. In accordance with the Parking Ordinance, other Vehicles may be parked in front of and on the causeway to the Wharf for the purpose of loading or unloading for a period not exceeding fifteen (15) minutes. Wheelchairs and strollers are permitted on the Wharf.
- 7.8. Waterskiing: Water-skiers may not take off or land at any Float. Waterskiing is prohibited within the anchorage, including the Wharf approach and swimming areas.

## **Section 8. FLOATS**

### **8.1. Boat Float**

- 8.1.1 Small Watercraft Prohibition: No Small Watercraft other than Dinghies shall be tied to the Boat Float other than on a temporary basis not exceeding fifteen (15) minutes.
- 8.1.2 Permit Required: Pursuant to Section 11, permits are required for all Dinghies using the Boat Float on other than on a temporary basis not exceeding fifteen (15) minutes.
- 8.1.3 Power Limits: Dinghies tied to the Boat Float overnight may not have an outboard motor greater than nine and nine-tenths (9.9) horsepower.
- 8.1.4 Time Limits: No Dinghy shall be tied to the Boat Float unused for more than forty-eight (48) hours. Dinghies left for longer than forty-eight (48) hours shall be moved to an Out Float or to another location and the Dinghy's owner may lose the privilege of using the Boat Float for overnight storage.
- 8.1.5 Bailing: Dinghies left at the Boat Float must be bailed out as soon as possible but within no more than forty-eight (48) hours after a rain storm.

- 8.1.6 No Surface Storage: No Dinghies may be stored on the deck of the Boat Float, provided, however, that the Wharfmaster may grant a revocable exception to a Dinghy owner on a temporary basis for good reason.
- 8.1.7 Use of Out Float: At the discretion of the Wharfmaster, Dinghies may be moved to an Out Float or to the shore.
- 8.1.8 Safety: Dinghies must be in a good and serviceable condition and may not display protrusions. Dinghies with outboard motors must have their outboards in a down position or with a prop cover to avoid damaging other Dinghies.
- 8.1.9 No Guarantee: The granting of a mooring permit by the Town of Northport or a Small Watercraft Permit by the Village does not confer any guarantee of capacity to accommodate a Vehicle owner's Dinghy at the Boat Float.
- 8.1.10 Usage Limitation: The Wharfmaster (but not any assistants to the Wharfmaster) and Village Agent are authorized to establish reasonable capacity restrictions on the Boat Float, and, together with the lifeguard and law enforcement officers, have authority to enforce those established capacity limits.
- 8.1.11 Common-Use Dinghy: A common-use Dinghy is provided by the Northport Village Corporation for short-term use (not to exceed twenty (20) minutes) to access any Out Float or a moored Vehicle.
- 8.1.12 Front Reserved: The outer front of the Boat Float (the east-facing side parallel with the front of the Wharf) is restricted to short-term (not to exceed ten (10) minutes) landing, loading and unloading, and may not be used for Dinghy tie-ups other than on such short-term basis. At the discretion of the lifeguard or Wharfmaster, Vehicles and Small Watercraft may use the outer front of the Boat Float for maintenance and repair for short periods of time (less than one (1) hour). These Vehicles and Small Watercraft shall not be left unattended. When underway, Vehicle operators must avoid the designated swim areas and always be on the lookout for swimmers, Small Watercraft, and other Vehicles.
- 8.1.13 Swimming Prohibited: Swimming, jumping, and diving from the Boat Float is prohibited.

## 8.2. Out Floats

- 8.2.1 Small Watercraft Prohibition: No Small Watercraft other than Dinghies shall be tied to any Out Float other than on a temporary basis not exceeding fifteen (15) minutes.
- 8.2.2 Permit Required: Pursuant to Section 11, permits are required for all Dinghies using any Out Float on other than on a temporary basis not exceeding fifteen (15) minutes.
- 8.2.3 Power Limits: Dinghies tied to an Out Float overnight may not have an outboard motor exceeding twenty-five (25) horsepower.

- 8.2.4 Bailing: Dinghies left at any Out Float must be bailed out as soon as possible but within no more than forty-eight (48) hours after a rain storm.
- 8.2.5 No Surface Storage: No Dinghies may be stored on the deck of any Out Float, provided, however, that the Wharfmaster may grant a revocable exception to a Dinghy owner on a temporary basis for good reason.
- 8.2.6 No Guarantee: The granting of a mooring permit by the Town of Northport or a Small Watercraft permit by the Village does not confer any guarantee of capacity to accommodate a Vehicle owner's Dinghy at any Out Float. The lifeguard, Wharfmaster, Village Agent, or law enforcement officers are authorized to establish reasonable capacity restrictions on any Out Float.
- 8.2.7 Safety: Dinghies must be in a good and serviceable condition and may not display protrusions. Dinghies with outboard motors must have their outboards in a down position or with a prop cover to avoid damaging other Dinghies.
- 8.2.8 Swimming Prohibited: Swimming, jumping and diving from any Out Float is prohibited.

### 8.3. Swim Float

- 8.3.1 Only swimming, jumping and diving is permitted from the Swim Float.
- 8.3.2 No Fishing is permitted from the Swim Float.
- 8.3.3 No tie-up or landing of any vessel is permitted at the Swim Float unless approved by the Wharfmaster or lifeguard.

## **Section 9. RUGGLES PARK BEACH**

9.1. Swimming: Swimming is permitted in this area

### 9.2. Small Watercraft Storage

- 9.2.1. Small Watercraft may be seasonally stored on the Ruggles Park Beach seawall and embankment, in rows, on the north side of the boat ramp.
- 9.2.2. Small Watercraft resting on the beach must be stored with bows up on the seawall to minimize using the limited beach area available at high tide.
- 9.2.3. Small sailboats may be stored on the north end of this area at the discretion of the Wharfmaster.
- 9.2.4. All stored vessels must be removed annually by November 30<sup>th</sup> or such earlier date as may be determined by the Northport Village Corporation or its designee.

## **Section 10. CRADLE PARK**

### **10.1 Boat, Trailer and Cradle Storage:**

- 10.1.1. Wharfmaster Discretion: Boat and trailer storage is permitted solely at the discretion of the Wharfmaster, and not at the discretion of any assistants to the Wharfmaster.
- 10.1.2. Off-Season Storage: Storage of Small Watercraft and other Vehicles as permitted by the Wharfmaster is permitted between Labor Day and June 30, subject to availability of space. The Wharfmaster shall have the authority to apply reasonable limits on storage capacity, and the provisions of the Parking Ordinance shall also apply.
- 10.1.3. In-Season Storage: With the exception of Northport Yacht Club vessels, no storage of boats, trailers or cradles is permitted between July 1 and Labor Day.
- 10.1.4. Owner Accepts Risk: Storage is at the owner's risk, The Northport Village Corporation assumes no responsibility for damage, loss, or theft of any personal property stored in this area, or for the offensive, tortious, or criminal acts of third parties.
- 10.1.5. Owner Information: Owner's name and phone number must be clearly visible on and boat, trailer, or cradle stored on Village Property.

10.2 Other Vehicles: Parking of Vehicles in the Village, including on Village property, is governed by the Parking Ordinance. Except as permitted in Section 10.1.3, boats, trailers and cradles may not be parked in Cradle Park between July 1 and Labor Day. Other non-commercial Vehicles may be parked this area, on a space-available basis, for a period not exceeding fourteen (14) days, provided that no vehicle longer than nineteen (19) feet nor wider than seven (7) feet shall be permitted to park in Cradle Park without the permission of the Board of Overseers or the Village Agent. For Vehicles parked in Cradle Park overnight, the owner's name and phone number must be plainly visible. No unlicensed or unregistered Vehicles shall be parked on Village property. The Board of Overseers, Village Agent, and Wharfmaster shall have the authority to apply reasonable limits on Vehicle parking. Vehicles shall be parked so as to maximize the space available for other vehicles to be parked in Cradle Park.

## **Section 11. PERMITS**

All Small Watercraft stored on Village property, including at the Waterfront, are required to display a Village permit and to be conspicuously marked with the owner's name and phone number. Permits are available at the Village Office at 813 Shore Road, Northport, ME. The telephone number for the Village Office is 207 338-0715. At times, permits may be made available through other sources authorized by the Board of Overseers, or online. The current Small Watercraft Registration Form is included as Exhibit A to this Ordinance.

## **Section 12. EMERGENCY REMOVAL**

Any Small Watercraft or Vehicle stored or parked on Village property, or using Village property, in a place or manner prohibited by this Ordinance is hereby declared to be in violation of this ordinance and a threat to public safety or an obstruction in the public way. The lifeguard, Wharfmaster, law

enforcement officers, or the Village Agent may cause the removal, at the owner's expense, of any Small Watercraft or Vehicle in violation of this Ordinance which is an obstruction in the public way or is posing a threat to public safety.

### **Section 13. ENFORCEMENT**

- 13.1. It shall be the duty of the lifeguard, Wharfmaster, law enforcement officers, and the Village Agent, acting in accordance with instructions by the Board of Overseers, to enforce this Ordinance.
- 13.2. Without limiting or modifying the enforcement obligations provided for in the Parking Ordinance, and in furtherance of their enforcement obligation, the lifeguard, Wharfmaster, law enforcement officers, and the Village Agent shall be permitted to, but not obligated to:
  - 13.2.1. Issue written or verbal warnings to individuals who fail to comply with the provisions of this Ordinance or appropriately notice Small Watercraft or Vehicles stored, parked or used in violation of this Ordinance; provided, however, that, for personal conduct infractions, a verbal warning shall be given for the first instance of prohibited conduct. For any subsequent infractions, a written warning may be given.
  - 13.2.2. Written notice (with a tag or document or by some other method) owners of Small Watercraft or Vehicles stored, parked or used in violation of the provisions of this Ordinance that such Small Watercraft or Vehicle is subject to removal or impound, and the owner is subject to a fine, if the non-compliance is not remedied within the time period specified in the notice. An impound fee will be charged and must be paid when the impounded Small Watercraft or Vehicle is recovered by the owner.
  - 13.2.3. Remove non-compliant people, Small Watercraft, or Vehicles from Village property, including the impounding of Small Watercraft and Vehicles.
- 13.3. All written enforcement actions shall be reported to the Village Clerk on a monthly basis by the person or persons issuing the written enforcement action. The Village Clerk will compile a report of all written enforcement actions under this Ordinance in advance of each monthly meeting of the Board of Overseers. It shall be the responsibility of the person or persons issuing the written enforcement action to include sufficient facts and other information to allow the Board of Overseers to gain a thorough understanding of the action, along with an indication of the penalty that is provided for under this Ordinance.
- 13.4. The Board of Overseers and the Village Agent shall have the authority to provide revocable enforcement waivers related only to parking and storage in Cradle Park under circumstances deemed appropriate, in the reasonable discretion of the Board of Overseers or the Village Agent, for a period not to exceed thirty (30) days.

### **Section 14. PENALTIES**

- 14.1 Violators of the provisions of this Ordinance may forfeit their right of enjoyment of the Waterfront area. After receiving two (2) written notices for violation of this Ordinance related to the same or similar conduct, a violator shall forfeit his or her right to enjoyment of the



Waterfront area. The violator may seek redress by appearing before the Board of Overseers to request reconsideration of this forfeiture. A violator may also be cited under this Ordinance.

- 14.2. The penalty for any violation of this Ordinance which is also a violation of the Parking Ordinance shall be subject to the penalties provided for in the Parking Ordinance, without duplication.
- 14.3. The operator or owner of any Small Watercraft or Vehicle charged with a violation of this Ordinance involving any Small Watercraft or Vehicle may waive all court action by the payment of a waiver fee of twenty-five dollars (\$25.00) per day of infraction at the Village Office prior to the expiration of the thirty (30) day period following the issuance of a citation pursuant to Section 13.2.4, provided that the waiver fee shall increase to fifty dollars (\$50.00) per day of infraction for the second similar offense and shall increase to one hundred dollars (\$100.00) per day of infraction for the third and subsequent similar events.
- 14.4. A person charged with a violation of this Ordinance related to personal conduct rather than any Small Watercraft or Vehicle may waive all court action by the payment of a waiver fee of twenty-five dollars (\$25.00) per infraction at the Village Office prior to the expiration of the thirty (30) day period following the issuance of a citation, provided that the waiver fee shall increase to fifty dollars (\$50.00) per infraction for the second similar offense and shall increase to one hundred dollars (\$100.00) per infraction for the third and subsequent similar events.
- 14.5. In addition to sections of this Ordinance which specifically allow for removal and/or impounding of Small Watercraft and Vehicles, the Wharfmaster, Village Agent, or other civil authority may have removed and/or impounded any Small Watercraft or Vehicle parked, stored, or used in violation of this Ordinance at the expense of the owner of such Small Watercraft or Vehicle and without the Village being liable for any damage caused by such removal when that Small Watercraft or Vehicle is parked or stored in a fire lane, blocking a fire hydrant, parked so as to obstruct pedestrian traffic or parked in such a manner as to create a traffic hazard.
- 14.6. Any owner or operator of any Vehicle charged with five (5) or more violations of any of the regulations set forth in this Ordinance in any consecutive thirty (30) day period may be required to forfeit the court waiver fees, and be ordered to appear in court. Any person summoned to District Court for a violation and found guilty of the alleged violation may be required to pay for court costs in addition to the fine for the violation.

## **Section 15. EVIDENCE**

No person shall allow any Vehicle or Small Watercraft owned or registered in his or her name to be utilized, parked or stored in violation of the provisions of this Ordinance. The fact that a Vehicle or Small Watercraft is unlawfully utilized, parked or stored shall be prima facie evidence of the unlawful use, parking or storage of such Vehicle or Small Watercraft by the person in whose name the Vehicle or Small Watercraft is registered. (M.R.S.A. 30-A, §3009).

**Section 16. NO LIABILITY**

Use, parking, and storage of Vehicles and Small Watercraft on Village property shall be at the owner's risk. The Village bears no liability for any damage to property whether caused by weather, accident, or vandalism.

**Section 17. REPEAL OF PRIOR ORDINANCES**

Any and all prior ordinances or parts thereof or written policies or procedures heretofore adopted by the Board of Overseers which are in conflict with the provisions of this Ordinance shall be repealed as of the effective date of this Ordinance.

**Section 18. VALIDITY AND SEVERABILITY**

Should any section(s) or provision(s) of this Ordinance be declared by the courts to be invalid or non-enforceable, such decision shall not invalidate any other section or provision of this Ordinance.

**Section 19. ADOPTION**

This Ordinance shall become effective \_\_\_\_\_, 2021.

Attest:

Maureen Einstein, Clerk

Northport Village Corporation

Enacted \_\_\_\_\_, by vote of Board of Overseers of the Northport Village Corporation.